



February 20, 2002

Mr. Stu Applebaum  
U.S. Army Corps of Engineers  
Jacksonville District  
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Charles G. Pattison, AICP  
*Executive Director*

RE: Comments on Programmatic Regulations Draft of December, 2001, for CERP

Dear Mr. Applebaum:

1000 Friends of Florida writes to provide comments on this initial draft of the Comprehensive Everglades Restoration Plan (CERP) Programmatic Regulations. We are a 501(c)(3) non profit membership organization dedicated to the fair and effective implementation of Florida's growth management laws, and have been participating in CERP issues through our membership on the South Florida Water Management District's (SFWMD) Water Resources Advisory Commission (WRAC). We participated in the development of the WRAC comments already submitted, and wish to add the below points of emphasis.

We appreciate the effort made in developing this first draft, and believe there is room for improvement. First, we have received and reviewed the comments submitted on February 4, 2002, by a group of our colleagues on the WRAC, to the SFWMD Board of Directors regarding this draft. We concur with these careful and thoughtful comments submitted by Audubon of Florida, Environmental And Land Use Law Center, National Audubon Society, National Parks Conservation Association, National Wildlife Federation, Natural Resources Defense Council, The Everglades Foundation, The Everglades Trust, and World Wildlife Fund. All of these comments present a very sound basis for preparing the next draft of the Programmatic Regulations. We believe these suggestions would substantially improve the regulations and trust that they will be carefully considered for inclusion as proposed.

Our second comment focuses on Public Outreach, Sec. 385.16. We note more than ten (10) instances where terms like "... as appropriate", "... to the extent appropriate", and "... shall consider" are used. These terms are unnecessary modifiers to various important public outreach requirements that simply need to be deleted. These qualifiers undo what is otherwise good language for ensuring that citizen comments and input are adequately considered. We also feel it is most important to refer to the already adopted Public Outreach Plan as well as the Economic and Social Equity Plan we understand have been previously prepared regarding CERP implementation.

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The third and final point we wish to address concerns Sec. 385.17, Environmental and Economic Equity. Under item (a), Goals, unlimited discretion is given to the District Engineer to determine the "...extent" to which environmental and economic equity activities are carried out. This is completely inappropriate and needs to be removed. There are adequate protections to ensure that appropriate adaptive management considerations necessary for this purpose can be reserved to the mutual judgment of the Corps of Engineers and the non-Federal sponsor. Providing the District Engineer with a de facto veto will undermine the critical need to provide for social equity considerations as CERP is implemented.

Thank you for considering these comments. We look forward to commenting on the next draft at the appropriate time.

Sincerely,



Charles G. Pattison, AICP  
Executive Director

cc: Trudi Williams, SFWMD Chair  
Mike Collins, SFWMD  
Julio Fanjul, WRAC  
Nathaniel P. Reed