



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

August 20, 2008

Colonel Paul Grosskruger
U.S. Army Corps of Engineers
701 San Marco Blvd.
Jacksonville, FL 32207

Dear Colonel Grosskruger:

The Department of the Interior (Department) has reviewed the notice of initiation of rule review regarding the programmatic regulations (Pro Regs) for the Comprehensive Everglades Restoration Plan (CERP or the Plan) as required by section 601 (h)(3)(E) of the Water Resources Development Act of 2000 set out in the Federal Register. The programmatic regulations have helped sustain the broad restoration vision of the CERP by emphasizing a system-wide perspective, adaptive management and consistency in project planning. We appreciate the opportunity to provide comments on this important review and will be actively participating in the review process.

The Plan is proceeding at a slower pace than originally envisioned, caused in part by delays in project authorization and funding. However, the project planning process and particularly project formulation is taking longer than most stakeholders believe is necessary. We believe that it is essential to review the planning process as currently required by the Pro Regs to ensure that the required processes are necessary for developing the best plan and if they should be modified to better reflect our current understanding of the system, the various restoration partnerships, and the input from the National Academy of Sciences and others on the overall restoration program. We believe that these improvements can be accomplished with a simpler set of regulations.

We also believe it is particularly important to review new developments since the original promulgation of the programmatic regulations. As indicated above, the National Academy of Science published its initial report on the CERP process in 2006 and will publish its second report this fall. In its 2006 report, the academy introduced the concept of Incremental Adaptive Restoration (IAR) as a way to augment the existing adaptive management effort and achieve restoration benefits sooner. The IAR concept envisions "learning objectives" to deal with critical uncertainties and recommends that learning objectives be included as a specific part of the project purpose and planning process.

The Department believes that the Restoration, Coordination, and Verification (RECOVER) scientific and technical team is essential to our success, but the RECOVER sections of the Pro Regs need to be reviewed. A particular proposal is that the Department of the Interior, along with other natural resource agencies, be given a stronger leadership role on RECOVER.

We believe RECOVER has taken on responsibilities not envisioned earlier and this rule review provides an opportunity to incorporate important lessons learned. An enhanced formal leadership role by the key beneficiaries of the restoration projects would be a valuable improvement.

Finally, the Department recommends the following specific areas for review:

- Simplification and improvement of the analyses utilized in the planning process (§385.9, §385.26, §385.30, §385.31, §385.32, and §385.38):
 - Examine the assumptions and processes utilized to formulate, evaluate, and justify alternatives and projects to determine if there are more appropriate assumptions and analyses
 - Improve guidance to evaluate the performance of each project component
 - Consider options for conducting system-wide or regional formulation
 - Explore better incorporation of interim goals into the planning process
- Clarify direction as to important aspects of the planning process:
 - Clarify guidance as to the draft operating manual contained in the PIR (§385.28)
 - Clarify guidance as to the incorporation of Adaptive Management (§385.9, §385.31, §385.32, and §385.35) and Incremental Adaptive Restoration (§385.3 and §385.31) into the project planning process
- Review the structure and responsibilities of RECOVER (§385.20, §385.26, §385.30, §385.31, §385.38, §385.39, and §385.40):
 - Review the effectiveness and appropriateness of the present structure of RECOVER
 - Clarify RECOVER's responsibilities in the planning process, both at the project and system level
 - As mentioned above, explore a stronger leadership role for the natural resource management agencies in South Florida, the Department and FDEP, in RECOVER program management and implementation, especially assessment
- Provide clearer direction on the development and purpose of interim goals (§385.9, §385.30, §385.31, §385.38, and §385.40) and interim targets (§385.9, §385.30, and §385.31, §385.38, §385.39, and §385.40):
 - Clarify the purpose of the Interim Goals and Interim Targets
 - Clarify the process for improving the plan by incorporating a desired future condition (restoration goal) and the means to adapt the Plan to meet the desired restoration goals

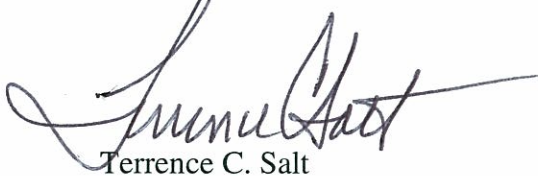
In addition to a review of the federal Programmatic Regulations, recent meetings indicate that improvements for the Project Delivery Teams would be a significant benefit. The USACE should consider new guidance to the PDTs, including, but not limited to:

- Providing guidance and policy direction at project inception, with timely review to consider revised direction and guidance throughout the planning process.

- Consider a revised structure of the PDTs

I have attached separate comments from the US Fish and Wildlife Service and the National Park Service. The Department looks forward to working with your staff, the SFWMD and the State in preparation of this important rule review.

Sincerely,

A handwritten signature in black ink, appearing to read "Terrence C. Salt". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Terrence C. Salt
Director of Everglades Restoration Initiatives