



United States Department of the Interior
NATIONAL PARK SERVICE



South Florida Ecosystem Office
950 N. Krome Avenue 3rd Floor
Homestead, Florida 33030-4443

In Reply Refer to:

August 8, 2008

To: Dan Kimball, Superintendent
Everglades National Park

Copy to: Office the Director, Everglades Restoration Initiatives
Office of the Secretary, Department of the Interior
Attention: Joan Lawrence

From: Carol Mitchell, Deputy Director
South Florida Natural Resources Center
Everglades National Park

This memorandum provides comments from the South Florida Natural Resources Center on the programmatic regulations for the Comprehensive Everglades Restoration Plan. These comments are in response to the Federal Register notice of May 20, 2008 initiating the required 5 year review of the Programmatic Regulations, and soliciting scoping comments.

I. Science in the Restoration Process – RECOVER. Section 385.20

- a. The natural resource management agencies in South Florida--DOI and FDEP-- should have a concurrence and management role in RECOVER that is equal in status to that of the USACOE and the SFWMD., including planning, evaluation and assessment activities as defined in the Programmatic Regulations. The decision-making body in RECOVER should include then, the four agencies: USACOE, SFWMD, DOI, and FDEP, each of whom should appoint a RECOVER Program Manager. The leadership group of RECOVER, as currently composed, would act to assist the Program Managers.
- b. There is a need for independent scientific review at a more detailed, faster turn-around level than that provided by the National Academy. The charge of the National Academy is to “review the Plan’s progress toward achieving the natural system restoration goals of the Plan.” (385.22) During project planning, science issues arise that delay project formulation. Providing guidance to RECOVER that formally establishes external peer review processes for these science issues could assist in resolving dilemmas for the decision makers.

II. COE Planning Process: provide guidance that allows either reformulation of what is considered to be a “project”, or allows joint planning of separate projects. Section 385.26

- a. The COE planning process needs to be modified such that the results of planning of one project can be used in other related projects, without the restriction of requiring authorization.
- b. Modifications need to be made to the requirement of the Next Added Increment.
- c. If neither of these modifications can be made, the projects need to be reformulated in groups, following an incremental adaptive restoration concept, that allows the grouped projects to produce an ecosystem restoration response.

III. Interim Goals. Section 385.38

- a. The language defining the Interim Goals should be clarified. Currently the language permits at least two interpretations: 1) that the Interim Goals measure progress toward implementation of D13R, and 2) that the Interim Goals reflect a desired restoration goal, and are a means to measure progress and adapt the Plan to meet the desired restoration goals. The SFNRC suggests that by taking the second definition and clarifying the language that defines the Interim Goals as desired restoration conditions, there is a better chance of achieving a successful outcome for restoration.

IV. Stakeholder Input (Public Outreach) 385.18

- a. The Programmatic Regulations provide for public outreach and comment by the public at planning meetings. However, there is not a mechanism to distinguish between the general public, and public stakeholder groups that have a greater interest in the projects being planned and executed. The process for involving interested stakeholders in the design and development of CERP projects, and modifications to the Plan, should be clarified in the Programmatic Regulations. Currently, as stakeholder groups have limited direct input, there is a greater probability for formal resistance (i.e. legal challenge) to formulated plans.
