



# SOUTH FLORIDA WATER MANAGEMENT DISTRICT

081808 DRAFT

August 18, 2008

Stuart J. Appelbaum  
Chief, Planning Division  
U.S. Army Corps of Engineers  
Jacksonville District  
P.O. Box 4970  
Jacksonville, Florida 32223-0019

Dear Mr. Appelbaum:

**Subject: Notice of Initiation of Rule Review for the Programmatic Regulations for the Implementation of the Comprehensive Everglades Restoration Plan ("CERP") dated May 20, 2008**

On behalf of the South Florida Water Management District (SFWMD), I am submitting our preliminary comments on the Rule Review for the Programmatic Regulations for the Implementation of the CERP. As you are aware, on July 30, 2008, the SFWMD requested that the U.S. Army Corps of Engineers (Corps) extend the scoping deadline for an additional 90 days from August 18, 2008 to November 18, 2008 due to the *River of Grass* land acquisition. This acquisition requires an unanticipated commitment of key SFWMD staff, including myself, to the negotiation process.

Discussions with your staff indicate that the Corps would like to move forward expeditiously with revisions to the Programmatic Regulations and would prefer to close the scoping deadline on August 18<sup>th</sup> as set forth in the Federal Register notice. In support of this request, SFWMD is submitting preliminary comments at this time with the understanding that detailed comments on the Programmatic Regulations will be provided once the *River of Grass* acquisition process concludes, and that though the scoping deadline is closed, it does not preclude additional items being incorporated into the scope for further comment. The SFWMD recognizes that as the local sponsor for projects comprising the CERP, we play an integral role in developing and executing the requirements of the Programmatic Regulations, and that ample opportunity to address our concerns will occur as part of the revision process.

The SFWMD has been heavily involved in meeting the requirements of the Programmatic Regulations, having worked closely with the Corps on CERP projects, and has significant concerns with them. This results from lessons learned over the past five years in working to develop Project Implementation

CERP projects. In particular, we believe that the following issues should be addressed as part of the revision process:

#### Project Formulation and Project Implementation Report (PIR) development

Inclusion of language specifying that established goals and planning objectives for each CERP project that are used to identify the selected alternative plan must also be the primary consideration when conducting the savings clause analysis and identifying the water made available by each CERP project;

Reconsideration of the requirement that the identification of the selected alternative plan for each CERP project be justified on a next added increment basis as set forth in Section 385.26(b);

Establishment of an alternative methodology for analysis of project benefits, to replace the requirement to use the Habitat Unit analysis, with a process that focuses on the hydrologic improvements provided by a project followed by a narrative description of ecological benefits along with a discussion of the project's contribution to achieving the system-wide benefits of the Comprehensive Everglades Restoration Plan approved by Congress in WRDA-2000; and

Clarification as to the level of design detail required to be included in each PIR.

#### Project Assurances

Reconsideration of the use of the Pre-CERP baseline analysis as established in Section 385.35; and

Simplification of the Savings Clause analysis and Identification of Water analysis as set forth in Sections 385.35-37 based on lessons learned and in the requirement for developing Guidance Memoranda on these topics as set forth in Section 385.5.

#### RECOVER

Establish a more effective process for incorporating science into assessment, evaluation, planning and integration activities as described in Section 385.20.

#### Project Delivery Teams

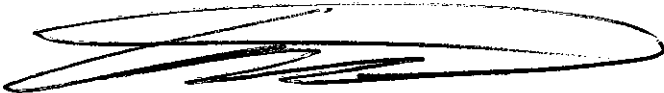
Reconsideration of the Project Delivery Teams composition and role as set forth in Section 385.17.

Interim Goals and Interim Targets

Clarify the role of Interim Goals to conform to the requirements of Section 601(h)(3)(c) of the Water Resources Development Act of 2000 and reconsider the role of Interim Targets to be consistent with any revisions to the role of the Interim Goals.

Thank you for the opportunity to submit these preliminary comments. We look forward to working with the Federal government and the interested stakeholders to streamline and simplify the Programmatic Regulations and move CERP implementation forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth G. Ammon". The signature is written in a cursive style and is positioned above the typed name.

Kenneth G. Ammon, P.E.  
Deputy Executive Director  
Everglades Restoration Resource Area  
South Florida Water Management District

KGA/bcl

cc: Colonel Paul L. Grosskrueger, USACOE  
Greg Knecht, FDEP  
Rock Salt, Department of the Interior  
Carol A. Wehle, SFWMD

Stuart J. Appelbaum  
August 18, 2008  
Page 4

bcc: Joan Lawrence, Department of Interior  
Kim Taplin, USACOE  
Tom Teets, SFWMD  
Paul Warner, SFWMD