

Feb 13, 2002

DRAFT PROGRAMMATIC REGS DISCUSSION
SFWMD GOV BOARD WORKSHOP

The good news is that the WRAC inputs to the Governing Board were excellent; very inclusive of many of the concerns in the conservation community. Included call for development of a water budget, for definitions of Adaptive Assessment, Adaptive Management, and even cost-effectiveness. Hint: To define the latter, a prerequisite is to define “effectiveness.”

Stu Appelbaum’s presentation included a list of Stake Holder’s Issues, that did not include what seems the primary issue: A definition or characterization of restoration. This was the primary subject of the Task Force meeting.

The [WRAC] call for a definition of “restoration” has yet to include any focus on the originally stated CERP goals and objectives, per Table 5-1, so that was the focus of the DRAFT EAC verbal and written inputs to the Governing Board., as follows.

Categorization of progress by the “red, yellow, green” indicators came up again. While these are nice for public consumption as an understanding, the development of color categorization requires judgement unless it is backed up by specific measurable categories. In system standards it would go roughly something like this:

Red: Below defined threshold of performance that begins to make a difference (example: P less than or equal to 18 ppb +/- 2; Ref: Everglades Consolidated report.)
Yellow: Above threshold, but below objective. (e.g. P = 11 – 18 ppb)
Green: Meets Objective or Standard: P = 10 ppb or Less to Goal: Less than P = 10 ppb

Goal in this sense is something that is desired, but may not be achievable, sometimes referred to “stretch goals”. Everglades Consolidated Report, chapter three, provides what is called traceability.

EAC COMMENTS TO GOVERNING BOARD, SFWMD, 13 Feb 02

SUBJ: DRAFT Programmatic Regulations

Opening Joke [relative to SFWMD abbreviation of “Pro Regs” – first thing that came to mind: “Prophylactic Regs” – with emphasis on birth prevention.

Formally approved Conceptual Everglades Restoration Plan (CERP) Goals & Objectives per the “Yellow Book” – Page 5-21, Section 5.5, attached, provides a characterization of

Everglades restoration. This is the only characterization that has been through the entire NEPA/WRDA process.

These should be the focus and vision, and the central organizing theme, however, they have been under-considered since their issue with the 4000 page CERP in April, 99. [Following system standards previously discussed there is a lot that can be done in defining the ecosystem requirements and specifications in codifiable terms.]

Absent such an approach, the result is process dysfunction and more process to handle same. [Thus arises programmatic regs].

For focus and vision per the formally approved Goals & Objectives, look to the formally approved goals and objectives. Goals and Objectives were mentioned more than once in Stu Appelbaum's presentation; however goals and objectives in the presentation were never defined.

We must have a distinct characterization of "restoration". This is it. If the approved goals and objectives remain invisible, what does this say for integrity of process.

On the subject of "Accountability" – the CERP goals and objectives in table 5-1 summarize agency accountability to Congress and the Public.

Phil Parsons and others called for a balanced approach. Inspection of the Goals & Objectives on one sheet of paper (present as an overhead) reveals balance that all can understand.

SUMMARY STATEMENT: The officially approved goals and objectives encapsulate virtually every statement that was made in this workshop. [Still displayed on projector]

The attached written Draft Programmatic Regs comments, and letter to Chair, Task Force, also attached, is germane. These are expanded on below.

Thank you for your consideration in this matter.

Respectfully Submitted,
John Arthur Marshall
Chair, EAC

----- attachment --- written inputs to Gov Board (+) -----

DRAFT PROGRAMMATIC REGULATIONS CRITIQUE –
Environmental Action Committee (EAC)

SUMMARY: A strong definitions set is needed to move the CERP from a concept to an executable plan, one that includes an empirical approach to adaptive assessment &

management. The present definitions set is confusing, and inconsistent with the English language.

OBSERVATION: The need for *programmatic regulations* is driven by the lack of a strategic plan, or systems plan, as recommended by the GAO, (Congress) and outlined in system standards and Army Doctrine; Such an approach would establish a definitions set.

RECOMMENDATION (again): The Corps of Engineers, et al, use as guidelines, definitions in System Standards widely accepted by the Dept of Defense (DoD) and the Commercial Sector, and employ the Research, Development, Test & Evaluation (RDT&E) paradigm. The present process remains internalized v. externalized, i.e., preference is for reinventing the wheel, rather than following extant system development standards and guidelines, and official CERP goals & objectives. This is very expensive!

GENERAL COMMENTS:

Strongly concur with the WRAC Comments, with the exception of failing to cite the original CERP goals and objectives, listed in CERP Section 5.5, Table 5-1.

Programmatic Regs are incomplete without the "Assurance of Project Benefits Agreement" and therefore should include them, not make the reader think they have the whole story when they do not. In particular the affirmations are crucial and should be included and not referenced. They are important because they talk about the reservations. In particular, there should be wording in programmatic regs which states that water identified in the PIR's shall be in addition to existing waters already available to the natural system, and in no way in lieu of or replacing the natural system waters.

DEFINITIONS COMMENTS:

Assessment means the process whereby the actual performance of implemented projects are measured and interpreted based on information obtained by system-wide monitoring.

Add after monitoring... "monitoring, relative to established baselines, goals & objectives (targets) and established standards (also a target). Note: *Assessment & Evaluation* are essentially synonymous.

RATIONALE: Performance is a measurement of progress relative to some specified performance requirement, in context of an established baseline, goal, objective, target or standard. The existing definition does not provide a basis for adaptive assessment and management. The modified definition establishes a basis for adaptive assessment and management.

Adaptive Management means Where is this definition? (?Executing continuous process improvement by using a feedback loop based on performance data compared to

goals, objectives & standards; also known as *applied optimal control*, in system engineering, and [total] quality management by GAO)

"Component" needs definition

Coordination means the formal exchange of information and views, by letter, report, meeting, or other prescribed means between COE and another agency.

Why is coordination limited to COE? What about SFWMD local sponsor?
Coordination in REcoVER?

Evaluation means the process whereby the performance of plans and designs relative to desire objectives is forecast through predictive modeling. Alternative:

Evaluation means the process whereby (the measure of relative) performance is determined by analysis of actual performance data relative to established baselines, targets, goals, objectives, and standards.¹

RATIONALE: The existing definition is overly restrictive to modeling, when both monitoring and modeling data should be considered in that order. The definition is also inconsistent with "evaluation" and "evaluate" used in the rest of the Programmatic Regs text, vis-à-vis, page 23, line 35; page 26, line 45; page 41, line 15; and page 46, line 42.

"Future without Plan" There should be a mandated process to document all the sources and uses of water in the current "Future without Plan" condition. This should include documenting all existing reservations and consumptive use permits, both with the average annual use, projected use, and maximum allowable use.

"Natural system" should explicitly include lagoons and offshore regions of ocean.

"Non-Federal sponsor" is confusing. Need to enumerate who is the non-federal sponsor - we know it is mostly SFWMD except for a couple of projects. Say exactly which ones.

New Water means water that is made available by a project of the plan. If CERP (purpose) is about restoration, preservation & protection, then it is mainly about water restored (diverted from tide, which was a diversion from the historic system in the first place), preserved and protected. Change "new water" to "restored water" except in the case of newly created water!

¹ A deficiency of the present process is the failure to establish clearly delineated baselines, targets, goals, objectives and standards, especially at the system level. The exception is the Phosphorus (P) standard where the default or widely accepted standard is P =10 ppb. *Army Continuous Process Improvement Guide* shows how to measure.

New water ought to refer to water obtained by desalinization, etc. Considering the greater Everglades Ecosystem, there is actually no new water, only restoring water as it use to be in the historic Everglades Ecosystem.

"Outreach" should also include seeking public input, and giving due consideration of same, not just informing public.

Performance measure means an indicator and its target. Alternative:

Performance measure is a measure of performance, usually taken to obtain progress relative to an established target = (goal, objective, standard).

RATIONALE: It is confusing to have a word defined to mean multiple "things." It has been the ultimate confusion factor in CERP to use performance measure as a synonym for target, goal, objective, standard or whatever. If this is the case, what is an actual performance measure that does not meet, the target, goal, objective, standard, etc? A target is not a performance measure per se; a target is an expected level of performance; In system standards the target is the specified performance requirement, or specification. It appears that Army doctrine such as *Guide to Perf Specs* would be a great sub for "Regs".

"Reservation of Water" should include protection of biota in addition to fish & wildlife

Restoration: The word restoration is used, however, it is never defined. It is absolutely essential that it be defined in order for sentences such as: RECOVER shall, as appropriate develop performance specifications (targets) for evaluating and assessing the Plan in achieving its system-wide purposes goals and objectives which include restoration of the natural system..." We must define restoration.

Target means a measure of change by the indicator that is expected or desired during and following the implementation of the CERP. Alternative:

Target means a specified baseline goal, objective, or standard (such as P = 10 ppb), that is to be compared to actual data (from monitoring or modeling), to determine performance . Target is not in and of itself a measure of change; that is determined by the ratio of the baseline, at Time = zero, to conditions at time = T1, T2...TN, etc. A mathematical measure of change is given by a differential equation = the calculus, aka "delta". The definition as it stands is double-speak. Per CROGEE, more specificity needed!

"Water made available" should also include changes in operational procedures.

Water Shortage Plan only addresses minimizing adverse economic, social, and health related impacts, but does not address minimizing the adverse effects on the natural system.

#385.4 Goals and Purposes of the Conceptual Everglades Restoration Plan [CERP]

Goals and Purposes appear confused with Goals & Objectives of CERP. It seems every time a new document appears, the original Goals & Objectives are re-written, and have become a moving target. In other words “Programmatic Regs” appears to have been written with scant reference to any previous formal document or precedent. *Purposes*, above, appears in the title, but not in the text. For consistency and integrity, (1) *Purpose*; and (2) *Goals & Objectives*; would better read:

(1) The purpose of CERP is the restoration, preservation, and protection of the South Florida ecosystem (Greater Everglades Ecosystem? Note: NRC - Spatial extent baseline sorely needed!)

(2) The NEPA/WRDA established goals & objectives are listed on page 5-21, Table 5-1; Progress here, and interim goals, would appear to be the report(s) Congress would expect, since these are the Goals and Objectives of the “Yellow Book” passed to, and approved by Congress and marketed to the public. The Yellow Book, Table 5-1 reads as follows:

GOALS & OBJECTIVES FOR THE C&SF RESTUDY [CERP]

GOAL 1: Enhance Ecological Values; Objectives:

- **Increase the total spatial extent of natural areas² [1.1]**
- **Improve habitat and functional quality [1.2]**
- **Improve native plant & animal species abundance & diversity [1.3]**

GOAL 2: Enhance Economic Values & Social Well-Being; Objectives:

- **Increase availability of fresh water (agriculture, municipal and industrial)³ [2.1]**
 ↔ ASR
- **Reduce flood damages (agricultural and urban)⁴ [2.2] ↔ ASR**
- **Provide recreational and navigation opportunities [2.3]**
- **Protect cultural & archeological resources & values [2.4]**

Respectfully Submitted,

**John Arthur Marshall,
Chair, EAC**

² Spatial Extent Data Base per NRC Recommendation, is sorely needed to track progress in achieving objective 1.1.

³ Objective 2.1 for the environment, implied, will be covered in programmatic regulations; Well, not exactly.

⁴ Ditto, “shared adversity” applies; this is not the end of a critique of programmatic regs, only a summary.

