

Draft Comments on CERP Guidance Memorandum 1 thru 6

Submitted by:

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Introduction page 4, Fig.1, “Framework for assuring Goals and Purposes of The Plan are Achieved”, include in the Evaluation Box “Interim targets”

GM #1

1-3 line 3-7 not clear on terms, water “dedicated” for the natural system verses water “reserved or allocated”. Are there different volumes of water dedicated, reserved or allocated and are these separate processes for making that determination.

Use of the terms “goals and purposes” or “goals and objectives” or “goals and targets” are used interchangeably. If these terms mean the same they should be consistent throughout all GM’s, if they do not mean the same then some explanation is required.

1-9 line 5-8, this is not clear on the intent of how water will be dedicated and managed for the natural system as apposed to water reserved or allocated this is either one process or two separate evaluations with different volumes of water.

1-14 line 38-41 include targets in the text, identify the Goals and Targets as defined in the plan, state project goals and targets.

1-20 39-44 Definition of water reclamation and reuse are terms that are used and defined differently by the Florida Department of Environmental Protection, mainly in regard to a level of water treatment, not redirection. Need to clarify the use of these terms or use of such redirection definitions only in the Corps planning process.

1-21 line 40-42 the project teams will discuss the consequences of trade-offs and the relative importance of each goal or objective affected. Is this a prioritization of goals and objectives? Have there been criteria established for determining which goal or objective is more important than another.

1-25 line 4 who or what is the Project Team, is it the Project Delivery Teams? Regional Project Teams? Or a new group?

3-2 lines 7-10 Does the term “existing” mean as of Dec 2000 or at the time of project implementation?

- 3-2 line 19 Need to define “water available” and how it will be quantified, this is not demands met criteria but total water available in a water basin.
- 3-4 line 2 what type of different analysis is implied and where is there guidance or explanation to do this analysis.

Line 10 the loss of benefits caused by a CERP project, it is not clear what you are comparing the CERP project to, the pre-CERP baseline or the existing conditions baseline

General comment, why is there a separation of how intervening non-CERP projects are projects are treated. Natural systems project benefits have savings clause protection while water supply project benefits do not? Implementation of CERP projects should not have any adverse effect on existing conditions.

- 3-5 How does demands met criteria equate to quantifying the amount of water available under the definition of Existing Legal Sources? “Existing Legal Sources is the quantity and quality of **water available** within a water basin (including seepage surface water, direct rainfall and groundwater” (3.4 line 19-23, Definition of Existing Legal Sources). Regional Water Availability as of Dec 2000 on a basin by basin evaluation would be a better quantification of water available under the definition of Existing Legal Sources
- 3-7 line 43 levels of performance for flood protection are and should be the levels in effect or established as of Dec 2000 and not performance of the system. The adverse effects of flood protection or lack of meeting established levels of flood protection in the system as of Dec 2000 should not be preserved as evaluating criteria, CERP projects should not reduce existing levels of flood protection that are in existence on the date of enactment or in accordance with applicable law. There is no mention of preserving non-performance of the system.
- 3-8 line 29-31 What is the rationale for not including evaluation criteria for existing legal sources and flood protection as performance measures to compare or rank plans, select alternatives or measure project benefits
- 3-9 General comment there is a general inconsistency regarding pre-CERP baseline conditions. Natural systems baseline criteria are established as what is designed or what is required by law and not actual performance. Water supply and flood protection are defined as performance as of Dec 2000 and not as designed or permitted or required. This double standard must be resolved to ensure proper evaluation of project benefits.

3-9 line 21-24 Comparable, the term “not necessary exact” to define comparable is vague and provides no guidance or direction, who will make this call, project teams? Comparable is intended to mean replace with an equitable quantity and quality of water.

Possible language: To replace water with Comparable quantity and quality acceptable for its intended use.

3-10 line 24-31, the actions described includes combing projects or scheduling projects together to avoid a saving clause violation by a project. This reliance on other projects, although making sense in the long term, clouds the project by project evaluation with regard to project specific benefits, adverse effects, economic analysis or cost benefit analysis of separate projects. How will benefits be realized or performance measures be utilized on each project of there is an interdependence on another project or mulitable projects. The project specific evaluation and the next added increment process is straight forward until the interdependence of projects is needed to offset adverse effects of one or more projects. Additional detail or guidance on this action is need.

3-13 line 21-26 This section 3.11.4 and section 3.10.2 page 3-8 seem in conflict 3.10 indicates that evaluation criteria for savings clause and flood protection should not be used as performance measures to rank or evaluate projects, 3.11 recommends preliminary screening analysis be preformed on each alternative to determine potential effect on legal sources and flood protection

3-15

3-22 Attachments 3A,3B,3C, Examples of the effect of CERP projects and intervening non CERP projects regarding legal sources, flood protection and Everglades National Park and Fish and wildlife. Why is existing legal sources and flood protection treated differently than natural systems with regards to benefits of intervening non CERP projects. Attachments A and B indicate that there is no prohibition of CERP projects reducing benefits of intervening non-CERP for existing legal sources or flood protection after the date on enactment. Attachment C states specifically that no plan project (CERP) will reduce benefits by an intervening non-CERP project for the natural environment. Rewrite these attachments to reflect equity in the analysis of different intervening non-CERP projects and the effect of implementing CERP projects.

4-2 line 13-14 how and by what process will part of the water identified for natural systems are protected under Federal law. Sentence structure is not clear.

line 30 The reservation of water will only include a portion of the water identified for natural systems. The existing text lends itself to imply that all the water identified in the PIR will be reserved.

Line 42 change the word past to part

4-13 line 6-7 the water identified in the PIR is specific to the water produced by the project and not the existing water in the C&SF Project. The amount required to be reserved by the Programmatic Regulations is that beneficial water for the natural system produced by the specific project. Where is the requirement that existing non-CERP beneficial water, identified through the PIR project specific process, required to be reserved prior to initiating a Project Cooperation Agreement?

4-33 line 34 to show improvements to the other water related needs, change the third bullet to Water to meet projected reasonable-beneficial uses.

4-47 line 19 Is it the intent that all new water produced by a project will be reserved by the State for natural systems? Previous guidance text describes a multi-stage process in the PIR , identify project water, reserve a specified amount required for natural systems, and identify water available for other water related needs.