

MEMORANDUM

TO: Governing Board Members

FROM: Chip Merriam, Deputy Executive Director, Water Resources

DATE: March 24, 2008

SUBJECT: Authorize publication of a notice of rule development in the Florida Administrative Weekly to adopt a new rule chapter, 40E-10, F.A.C., regarding Reservations and Allocations of Water for the Natural System, and to amend Chapters 40E-2, 40E-20, 40E-21, and 40E-22, F.A.C., to protect water identified for the natural system in the Indian River Lagoon South Project Implementation Report dated March 2004

Background: The South Florida Water Management District (“District”) and the U.S. Army Corps of Engineers (“Corps”) are implementing the Comprehensive Everglades Restoration Plan (“CERP”). The Indian River Lagoon – South is a CERP project which was authorized by Congress in the Water Resources Development Act of 2007. In order for the District and the Corps to enter into a Project Cooperation Agreement to construct this project, the District is required to use its reservation or allocation authority to protect the natural system water made available and identified in the Project Implementation Report for the project. In this case, the District has selected to use its reservation authority to protect this water. In addition, the District has agreed to use its reservation authority to protect the existing water in the system prior to project implementation that is beneficial for the protection of fish and wildlife.

The Governing Board previously authorized publication of a notice of rule development in July, 2007, to develop a reservation of water for this project. The purpose of this request for authorization to publish is to specify the rules which may be affected and to adopt a new rule chapter.

How this helps meet the District’s 10 Year Strategic Plan: The Strategic Plan states that one of the District’s strategies is to complete Project Implementation Reports and continue moving forward with implementation of the CERP. The proposed resolution furthers this strategy by undertaking the necessary step of protecting water for the natural system. This will enable the Indian River Lagoon-South project to continue moving towards construction.

Funding Source: Ad valorem taxes for staff time and for any necessary peer review.

This Board item impacts what areas of the District, both resource areas and geography: The Water Resources Department, the Everglades Restoration

Resource Area, and the Office of Counsel will be responsible for implementing this process. The impacted geographic area is the Upper East Coast region of the District.

What concerns could this Board item raise? A concern could be raised about the timing of construction since appropriation of federal dollars is still needed to enter into a Project Cooperation Agreement for the project. However, it is anticipated that funding will occur in the 2010 budget. The water reservation is needed before the Project Cooperation Agreement can be signed, making it appropriate to move forward at this time.

Why should the Governing Board approve this item? The Governing Board should approve this item to protect the natural system water and to continue moving the Indian River Lagoon- South, a CERP project, towards construction.