

the journey to restore
America's
Everglades



Programmatic Regulations Review

WRAC
February 5, 2009



Programmatic Regulations

Establish Processes -

- To ensure that the goals and purposes of the Plan are achieved
- To ensure that new information, including information developed through the principles of adaptive management, is integrated into the implementation of the Plan
- To ensure protection of the natural system, including establishment of interim goals by which restoration success of the Plan may be evaluated throughout implementation process



Federal Register

Wednesday,
November 12, 2003

Part II

Department of
Defense

Department of the Army, Corps of
Engineers

33 CFR Part 385
Programmatic Regulations for the
Comprehensive Everglades Restoration
Plan; Final Rule

Current Programmatic Regulations

- Developed by interagency team with extensive input from stakeholders
- Utilized formal Federal rule-making process
- Promulgated by Secretary of the Army on November 12, 2003 with concurrence of Secretary of the Interior and the Governor of Florida
- Regulations became effective on December 12, 2003 as Title 33 Part 385 of Code of Federal Regulations

Programmatic Regulations Review

- Review of programmatic regulations required by WRDA 2000 at least every five years
- Review process described in current programmatic regulations
- Proposed revisions must be undertaken through Federal rule-making process
- Revised regulations will require concurrence of Secretary of the Interior and Governor before promulgation by the Secretary of the Army

Public Scoping Process for Review

- Federal Register notice to initiate review on May 20
 - 90-day comment period
 - Public was invited to provide scoping comments on review effort
 - Issues concerning programmatic regulations
 - Items in the regulations that should be reviewed
 - Suggestions to improve the regulations
- Comments received from 9 individuals and 18 groups
 - 10 environmental groups co-signed one letter
- Prepared summary of comments received

Analysis of Public Comments

- Streamline process, particularly PIRs
- Effect of River of Grass acquisition
- Integrated Delivery Schedule/MISP
- Guidance Memoranda – complete? Incorporate?
- Next-added increment/project justification
- Interim Goals
- Assurances – identification of water and savings clause
- Incremental adaptive restoration/adaptive management
- Role of RECOVER
- Role of DOI
- Recreational needs
- Stakeholder involvement
- Treatment of State restoration projects

ProRegs Review Process

- Team formed to review and revise regulations
- Team initial focus on key areas
 - Plan formulation and evaluation
 - Streamlining implementation process
 - Assurances – water identification and savings clause
 - RECOVER and adaptive management
- Team developing concepts before drafting revisions
- Opportunities for stakeholder engagement throughout process
- Revised rule will be a complete document, instead of amendments

Schedule for Review

- Federal Register Notice of review: May 20
- Complete public scoping: August 22
- Complete initial draft of regulations: December 2009
- Initiate Federal rule-making process: January 2010
- Promulgate final revised rule: July 2010

Thank You!

