

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2008 _____

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT URGING THE SECRETARY OF THE ARMY TO IMMEDIATELY BEGIN THE PROCESS OF REVISING THE PROGRAMMATIC REGULATIONS FOR THE IMPLEMENTATION OF THE COMPREHENSIVE EVERGLADES RESTORATION PLAN

WHEREAS, the Water Resources Advisory Commission (WRAC) is an advisory body to the South Florida Water Management District (SFWMD) Governing Board and the South Florida Ecosystem Restoration Task Force, and is a forum for improving public participation and decision-making on water resource issues in south and central Florida;

WHEREAS, the WRAC advises the Governing Board on issues that impact the implementation of the Comprehensive Everglades Restoration Plan (CERP), which was authorized in the Water Resources Development Act of 2000 (WRDA) ;

WHEREAS, Section 601 (h)(3) of WRDA required the development of programmatic regulations that establish a process for the implementation of CERP, to ensure the protection of the natural system consistent with the goals and purposes of the Plan;

WHEREAS, the Programmatic Regulations for the Implementation of CERP (Programmatic Regulations) were promulgated by the Department of the Army in November 2003 (33 CFR Part 385) with the concurrence of the Secretary of the Interior and the Governor of Florida;

WHEREAS, the Programmatic Regulations were intended to facilitate the consistent implementation of CERP projects by establishing project level criteria and programmatic guidance for the CERP as a whole;

WHEREAS, Section 385.6 of the Programmatic Regulations, “Review of Programmatic Regulations,” states; “The Secretary of the Army shall review, and if necessary revise, the regulations of this part at least every five years. In addition, the Secretary of the Army may review and revise the regulations of this part whenever the Secretary believes that such review and revision is necessary to attain the goals and purposes of the Plan.”;

WHEREAS, for the past 5 years, the requirements and/or the interpretation of the Programmatic Regulations have not had the effect of facilitating implementation but instead have created additional process that has impacted the U.S Army Corps of Engineers ability to complete Project Implementation Reports in an effective and timely manner, thereby making attainment of the goals and purposes of the Plan impracticable;

WHEREAS, meeting the requirements of the Programmatic Regulations has resulted in significant expenditure of funds and resources by the SFWMD, the State of Florida and the Federal Government beyond which were anticipated when CERP was authorized;

WHEREAS, the delays in the implementation of the plan have resulted in increased costs, including but not limited to, construction and pre-construction land management far exceeding the original estimates of CERP;

WHEREAS, the SFWMD’s sources of revenue for CERP implementation are being constrained by current economic conditions; and

WHEREAS, delays in implementation of CERP projects have decreased the anticipated rate of progress towards restoration of the natural system, which is continuing to deteriorate;

WHEREAS the U.S. Army Corps of Engineers has expressed its intent to begin the process for review of the Programmatic Regulations with publication of a notice of intent in the Federal Register by June, 30, 2008; and

WHEREAS WRAC, after discussion and having reached consensus, recommended that the Governing Board of SFWMD adopt said resolution;

BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. the Governing Board of the South Florida Water Management District urges the Secretary of the Army to immediately revise and simplify the Programmatic Regulations with the goal of streamlining the process for formulation of CERP components so that they can be more timely and competitive.

Section 2. The District Clerk is hereby authorized and directed to furnish a copy of this resolution to all essential parties, including the Secretary of the Army, Secretary of the Interior, Governor of the State of Florida, and Colonel in command of the Army Corps of Engineers charged with implementing the Comprehensive Everglades Restoration Plan.

Section 3. This resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this __ day of _____, 2008.

Approved as to form:

SOUTH FLORIDA WATER MANAGEMENT DISTRICT,
BY ITS GOVERNING BOARD

BY: _____

Office of Counsel

By: _____

Chairperson

ATTEST:

District Clerk