

RECOMMENDATION OF THE WATER RESOURCES ADVISORY COMMISSION TO THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT ASKING THE GOVERNING BOARD TO ADOPT A RESOLUTION 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, one of WRACs responsibilities is to advise 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;

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);

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 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 have 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 land acquisition and conservation costs far exceeding the original estimates of CERP; and

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

BE IT RECOMMENDED BY WRAC THAT:

Section 1. the Water Resources Advisory Commission (WRAC) recommends that the Governing Board of the South Florida Water Management District adopt a resolution urging the Secretary of the Army to immediately revise and simplify the Programmatic Regulations for the implementation of the Comprehensive Everglades Restoration Plan with the goal of achieving a more streamlined and efficient process.

Section 2. This recommendation shall take effect immediately upon adoption.

RECOMMENDED this _____ day of _____, 2008.

WATER RESOURCES ADVISORY COMMISSION, BY
ITS BOARD

By: _____
Chair Person