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Sustainable South Florida

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**Governor's Commission for a
Sustainable South Florida**

**Report on the January 25, 1999 Draft
Implementation Plan of the C&SF
Project Restudy**

March 3, 1999

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The Governor's Commission for a
Sustainable South Florida

March 19, 1999

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The Honorable Jeb Bush
Governor, State of Florida
The Capitol, Room 1501
Tallahassee, Florida 32399-0001

Dear Governor Bush:

On January 27, 1999 I sent you the *Restudy Plan Report* of the Governor's Commission for a Sustainable South Florida which contained 61 recommendation aimed at ensuring a full range of state, stakeholder and citizen input into the development of the Comprehensive Plan for the C&SF Project Restudy due to Congress on July 1, 1999. At that time, I noted that we would also soon be providing you and the Restudy process-related agencies with additional recommendations concerning the Draft Restudy Implementation Plan issued on January 25, 1999, and recommendation concerning funding for this effort.

I am pleased to provide you with the Commission's *Report on the Draft Implementation Plan of the C&SF Project Restudy*, which was unanimously adopted our meeting on March 2-3, 1999. It is my hope that these recommendations will be assistance to you in your effort to ensure a sustainable South Florida.

As always, the Commission stands ready to assist you in resolving this and other contentious issues involving the sustainability of South Florida.

Sincerely,

Richard A. Pettigrew
Chairman

Enclosure

- C\ The Honorable Frank Brogan, Lt. Governor
- J. Allison DeFoor, II, Everglades Policy Coordinator, Office of the Governor
- South Florida Legislative Delegation
- South Florida Water Management District Governing Board
- South Florida Ecosystem Restoration Task Force

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IMPLEMENTATION REPORT RECOMMENDATIONS

A. Aquifer Management and Protection Plan

Two aquifers are predominant in the South Florida region: the surficial aquifer (Biscayne Aquifer) and the brackish Upper Floridan Aquifer (located 1,000 feet below ground). These aquifers currently provide numerous functions for the natural and built environments. Among other natural system benefits, aquifers transport vast quantities of freshwater necessary to sustain complex ecosystems such as Biscayne and Florida Bays, as well as thousands of acres of coastal and estuarine wetlands. In addition, this distribution of freshwater helps sustain urban wetlands and prevent saltwater intrusion from creeping inland and destroying the delicate salinity balances of these freshwater-dependent ecosystems.

Because of its relative location just below the surface, the Biscayne Aquifer is highly dependent on rainwater to "recharge" its water levels. A large portion of this recharge occurs from water that permeates through the soil into the aquifer. Wetlands can provide some recharge capability and a water cleansing function that minimizes the transfer of some pollutants into adjacent water bodies. With the loss of over 2 million acres of wetlands in the South Florida region and the development over many of its recharge areas, the Biscayne Aquifer has lost a significant portion of its water recharge capability and has become more susceptible to water quality problems. This loss becomes even more significant because the Biscayne Aquifer functions as the primary water supply source for urban and agricultural users in Southeast Florida. Just like freshwater wetlands, the urban wellfields that draw from this aquifer are susceptible to salt water intrusion.

Due to the anticipated increase in demand for urban water supplies, utilities are turning to the Upper Floridan Aquifer as an additional source of water. Like the Biscayne Aquifer, the Upper Floridan relies on groundwater recharge. The recharge for the Upper Floridan Aquifer, however, occurs in Central Florida and flows slowly through South Florida becoming increasingly brackish. The Upper Floridan Aquifer is also susceptible to salt water intrusion. The brackish water taken from this aquifer must first be treated to meet water quality standards for potable water. The future reliance on the Upper Floridan as a water supply source will continue to increase.

The Restudy seeks to expand the use and reliance on aquifers, particularly the Upper Floridan. Specifically, the Restudy proposes to capture and store some of the water currently lost to tide through Aquifer Storage and Recovery (ASR) technology. This water storage would augment both urban and agricultural water supply needs, as well as help provide Everglades restoration benefits. Additionally, the U.S. Army Corps of Engineers (Corps) and the South Florida Water Management District (SFWMD) are exploring the possibility of creating an artesian well(s) from the Upper Floridan that would help restore more natural freshwater flows into Biscayne Bay. This concept differs from ASR in that the artesian well would not contain a water storage component. Instead, the well would allow brackish water from the aquifer to migrate naturally to the

surface and, following modest water quality treatment, be distributed in a sheetflow towards the Bay.

Both the use of ASR technology as proposed in the Restudy and the potential use of artesian wells in Miami-Dade County rely on the absence of serious water quality complications. In light of the amount of wastewater injected underground, concern by some exists that this practice could result in the contamination of the Upper Floridan Aquifer and the region's water supply. Such an event could also jeopardize and/or greatly increase the cost of restoration efforts if the contamination penetrated ASR wells used to supply suitable water to the Everglades ecosystem. Contaminated water would have to undergo additional, costly treatment to satisfy water quality standards for its use as potable water and/or in restoration efforts. The Florida Department of Environmental Protection (DEP), the U.S. Environmental Protection Agency (EPA), and the SFWMD share in the responsibility to protect the aquifers.

A concern also exists that the multiple uses of the aquifers be sustainable and compatible. Ensuring that permitted uses of the aquifers for water supplies does not adversely affect the ability of ASR wells associated with the Restudy to operate as intended is essential. Considering the high degree of dependence on aquifers by both the natural and built environments, and in light of the potential interdependencies between current and proposed uses and practices, a comprehensive approach to the management of these vital resources is essential.

RECOMMENDATIONS

1. The SFWMD and DEP, in conjunction with EPA and the Corps, should develop an Aquifer Management and Protection Plan for the Floridan Aquifer. This plan should consider existing and proposed ASR facilities, existing permitted withdrawals for water supplies, potential artesian wells to support Biscayne Bay, and potential contamination from treated wastewater discharged through deep well injection.
2. A risk assessment should be undertaken to scientifically determine the potential for environmental and/or human health impacts of wastewater disposal methods available for use in South Florida. The assessment should establish the risks of those methods in order to provide critical information to both utility operators and regulators on how disposal operations should be managed and regulated. The study should be initiated by EPA with the full partnership of DEP, municipal deep well operators, and other stakeholders.

B. The Southeast Florida Coastal Zone

To the east of the urbanized coastal ridge targeted for revitalization and redevelopment by Eastward Ho!, lies a sensitive coastal zone where increased development is not appropriate. From the ocean dunes to the edges of the Intracoastal Waterway, the need for hurricane evacuation and the presence of fragile coastal

resources, create continuing conflict with the pressure for more development. Florida's Growth Management Act and the State Comprehensive Plan contain numerous specific policies to discourage development in these coastal areas.

The land use decisions in this coastal strip will be decided by a variety of local jurisdictions, from small towns and major cities to counties. While those land use decisions will remain primarily local, their cumulative impacts will be regional. Since Eastward Ho! seeks to provide incentives for development to locate in the urban corridor, there should be an analysis to make sure that regional, state or federal agencies are not providing incentives to locate in inappropriate areas east of the corridor.

That analysis can also review the policies and regulations currently used by coastal communities in order to determine their effectiveness in preserving the coastal environment and minimizing exposure of life and property to destruction during coastal storms. We have heard from Broward County and from the City of Hollywood that tools for effective development review are critical to local efforts.

RECOMMENDATIONS

3. The South Florida Ecosystem Restoration Working Group (Working Group), working with local governments, should organize a review of regional, state and federal actions which might subsidize urban development of the Category I Evacuation Zone in Southeast Florida.
4. The Working Group, working with local governments, should collect and analyze local ordinances on stormwater management, habitat protection, coastal wetlands and hurricane evacuation and make a report on the effective tools available to local governments.
5. The Working Group, working with local governments, should identify planning, regulatory, fiscal and management strategies that will encourage a majority of future development specifically into the area between the environmentally sensitive coastal areas that are vulnerable to hurricanes and the western Everglades-related wetlands and farmlands.
6. The SFWMD should develop a regional tool for optimizing water routing throughout the District. This optimization model should be flexible enough to incorporate infrastructure changes that will occur as a result of the Restudy Plan implementation. The optimization model should be used to maximize the efficiency and utilization of regional hydrological infrastructure and to aid in the restorative management of South Florida's ecosystem.

C. Implementation of Other Restoration Projects

In its *Interim Report on the C&SF Project Restudy* (August 11, 1998), the Commission recommended the need to coordinate proposed and on-going restoration

projects (e.g. the Kissimmee River restoration, the Modified Water Deliveries Project, the C-111 Project, and the C-51 Project) with the implementation of the Restudy. This coordination is essential, for these projects were assumed to be in place in the initial Restudy alternative model runs, the basis for the Implementation Plan.

The Implementation Plan for the Restudy includes funding assumptions that are the basis for the Restudy implementation sequence. Specifically, the Corps and the SFWMD assume in the draft Implementation Plan that an aggregate of \$400 million/year will be allocated from State and federal sources to implement the Restudy. The funding requirements for the other proposed and on-going restoration projects must be sufficiently integrated with the funding requirements of the Restudy to assure the validity of the funding assumptions contained in the Implementation Plan.

RECOMMENDATIONS

7. There are proposed and on-going restoration projects that are necessary for the success of the Restudy but are not technically part of the Restudy Plan. The \$400 million/year for the Restudy does not provide funding for these projects. The Corps and the SFWMD should identify the additional funding needs for these other restoration projects and integrate them with the funding requirements of the Restudy.
8. Extension of authorization and funding for Critical Projects must continue to be an important element above and beyond the Restudy, because the Restudy's implementation will take several years.

D. Concerns Regarding the Implementation Plan and Process

Stakeholders have expressed numerous concerns regarding the development of "guiding principles" and their incorporation into the Implementation Plan. According to stakeholder concerns, the Implementation Plan should include, at least, the following:

- project costs;
- the types of pilot projects necessary to resolve the uncertainty questions about particular Restudy elements;
- an understanding of the linkages between projects and the interdependencies among projects;
- the assurance that the sequencing of project implementation maintains a balance of benefits throughout the region;
- the coordination of the schedule for the timely completion of other restoration projects which affect the Restudy;
- a process to ensure federal and State initiatives are consistent and concurrent with one another;
- assurances to water users, including the natural system, as outlined in the Commission's *Restudy Plan Report* of January 20, 1999;

- the criteria used to justify Congressional approval for selected projects prior to the completion of their Project Implementation Report (PIR);
- the process by which flood control, one of the major purposes of the C&SF Project, will be addressed;
- opportunities for improved flood protection; and
- opportunities for adaptive management throughout the construction of the Restudy.

The Commission believes that the initial draft Implementation Plan already exhibits many of these important features. The successful incorporation of the remaining guidelines into the design and execution of the Implementation Plan will build continued stakeholder support for the Restudy and will assure that its implementation will be cost-efficient, coordinated, and balanced.

RECOMMENDATIONS

9. The Corps and the SFWMD should continue to integrate the above guidelines within the Implementation Plan to maximize stakeholder support for the Restudy and assure its efficient, coordinated, and balanced execution.
10. Consistent with adaptive management, the Southwest Feasibility Study should be completed and results evaluated prior to funding implementation of their construction components.

E. Assurance Language in the Implementation Plan

The draft Implementation Plan references a portion of the consensus assurance language regarding the preservation of current levels of service (water supply and flood protection) for urban and agricultural interests during the construction and implementation of the Restudy as outlined in the Commission's *Restudy Plan Report* of January 20, 1999. However, the Commission also developed a host of additional urban, agricultural, and natural system assurances which were not included in the Implementation Plan. The excerpt following the recommendation from the Commission's *Restudy Plan Report* (pp. 53-63) reflects the entirety of assurance language to water users, including the natural system:

RECOMMENDATION

11. The Corps should incorporate into the Implementation Plan the entirety of the consensus assurance language contained in the Commission's *Restudy Plan Report* of January 20, 1999.

ASSURANCES TO WATER USERS

Assurances are needed for existing legal users during the period of plan implementation. It is an important principle that has helped gain consensus for the

Restudy that human users will not suffer from the environmental restoration provided by the Restudy. At the same time, assurances are needed that, once restored, South Florida's natural environment will not again be negatively impacted by water management activities. Getting "from here to there" is a challenge. The implementation plan will be the key to assuring predictability and fairness in the process.

Protecting Current Levels of Service (Water Supply and Flood Protection) during the Transition from the Old to the New C&SF Project

The goal of a sustainable South Florida is to have a healthy Everglades ecosystem that can coexist with a vibrant economy and quality communities. The current C&SF Project has generally provided most urban and agricultural water users with a level of water supply and flood protection adequate to satisfy their needs. In fact, if properly managed, enough water exists within the South Florida system to meet restoration and future water supply needs for the region. However, past water management activities in South Florida, geared predominantly toward satisfying urban and agricultural demands, have often ignored the many needs of the natural system (GCSSF, 1995; transmittal letter to Governor Chiles, p. 2). Specifically, water managers of the C&SF Project historically discharged vast amounts of water to tide to satisfy their mandate to provide flood protection for South Florida residents, oftentimes adversely impacting the region's estuarine communities.

The Commission recommended that in the Restudy, the SFWMD and the Corps should ensure that the redesign of the system allows for a resilient and healthy natural system (GCSSF, 1995; p. 51) and ensure an adequate water supply and flood protection for urban, natural, and agricultural needs (GCSSF, 1996a; p.14). In response to the need to restore South Florida's ecosystem, and in light of the expected future increase of urban and agricultural water demands, the Restudy aims to capture a large percentage of water wasted to tide or lost through evapotranspiration for use by both the built and natural systems. In order to maximize water storage, the Restudy intends to use a variety of technologies located throughout the South Florida region so that no one single area bears a disproportionate share of the storage burden. This direction reinforces the Commission's recommendation that water storage must be achieved in all areas of the South Florida system using every practical option (GCSSF, 1996a; p. 25).

However, concerns have been expressed that a water user would be forced to rely on a new water storage technology before that technology is capable of fully providing a water supply source or that existing supplies would otherwise be transferred or limited, and that the user would thereby experience a loss of their current legal water supply level of service. Any widespread use of a new technology certainly has potential limitations; however, the Restudy should address technical uncertainties prior to project authorization and resolve them before implementation in the new C&SF Project. With the addition of increased water storage capabilities, water managers will likely shift many current water users to different water sources.

Additionally, stakeholders are concerned that a preservation of the current level of service for legal uses would not encompass all the urban uses, some of which are not incorporated in the term "legal" and covered by permit. Specifically, an adequate water supply is needed to address urban environmental preservation efforts as well as water level maintenance to reduce the impact of salt water intrusion.

The Commission believes that in connection with the Restudy, the SFWMD should not transfer existing legal water users from their present sources of supply of water to alternative sources until the new sources can reliably supply the existing legal uses. The SFWMD should implement full use of the capabilities of the new sources, as they become available, while continuing to provide legal water users as needed from current sources. It is the Commission's intent that existing legal water users be protected from the potential loss of existing levels of service resulting from the implementation of the Restudy, to the extent permitted by law.

The Commission also recognizes that the SFWMD cannot transfer the Seminole Tribe of Florida from its current sources of water supply without first obtaining the Tribe's consent. This condition exists pursuant to the Seminole Tribe's Water Rights Compact, authorized by Federal (P.L. 100-228) and State Law (Section 285.165, F.S.).

However, the issues surrounding the development of specific assurances to water users are exceedingly complex and will require substantial additional effort to resolve.

RECOMMENDATION

- *The SFWMD and the Corps should work with all stakeholders to develop appropriate water user assurances to be incorporated as part of the Restudy authorizations. These water user assurances should be based on the following principles:*
 - A. *Physical or operational modifications to the C&SF Project by the federal government or the SFWMD will not interfere with existing legal uses and will not adversely impact existing levels of service for flood management or water use, consistent with State and federal law.*
 - B. *Environmental and other water supply initiatives contained in the Restudy shall be implemented through appropriate State (Chapter 373 F.S.) processes.*
 - C. *In its role as local sponsor for the Restudy, the SFWMD will comply with its responsibilities under State water law (Chapter 373 F.S.).*
 - D. *Existing Chapter 373 F.S. authority for the SFWMD to manage and protect the water resources shall be preserved.*

Balancing the Benefits between Stakeholders in the Implementation of the Comprehensive Plan

Given the fact that the recommended Comprehensive Plan must represent a balance of interests, it is important that the implementation of the Comprehensive Plan reinforce that

balance. With a project this size, implementation will take ten to twenty years and occur in phases. Although the entire project, once completed, must provide the full range of agricultural, environmental, and water supply benefits as envisioned during the development of the Restudy, there is a risk that the implementation of the plan will unduly benefit or burden certain stakeholders compared to others. A basic principle of the implementation should be that each phase implemented must continually reflect the balance of interests that make up the entire Comprehensive Plan. For instance, while the individual components of the plan will be multi-purpose, they may provide more benefits to a particular stakeholder group over another. It is important that each phase of implementation include components that provide a balance of benefits to different stakeholders to further the broad-based consensus that has supported the development of the Comprehensive Plan.

RECOMMENDATIONS

- Subject to the principles of adaptive management, there should be an implementation plan that clearly outlines the timing, order, and anticipated benefits of the C&SF Project modifications.
- The SFWMD and the Corps should design the implementation plan so as to maintain the balance of benefits across all users and the natural system, to the extent permitted by law, and to assure a sustainable South Florida ecosystem, including the natural systems existing in the urban areas where consistent with ecosystem restoration goals. Initial implementation should be directed to projects that ensure benefits consistent with WRDA 1996 and the Commission's Conceptual Plan.

The Initial Authorization Increment for the Restudy

The federal process requires that before the Corps can construct any components contained in the recommended Comprehensive Plan for the Restudy, it must first obtain Congressional authorization and, subsequently, funding. Lacking either of these two requirements, a project and/or its components will not be constructed.

A Congressional authorization for a project is oftentimes mistaken for the final procedural requirement prior to construction. However, detailed planning and design will continue even after authorization. NEPA requirements must be met prior to construction. Only after the completion of the detailed design and planning, with the necessary technical and economic analyses, can the Corps obtain funding from Congress. The Corps determines when the appropriate levels of detailed planning and supporting analyses justify its request for appropriations. If Congress appropriates funding for the authorized project and/or its components, the remaining procedural step prior to construction is the signing of a Project Cooperation Agreement (PCA) with the local sponsor.

The State Legislature has authorized the SFWMD to be the local sponsor for various Corps projects. In the case of the Restudy, the Florida Legislature should also

have a role to protect the State's interests at a level equivalent to Congress by giving statutory approval. This consideration by both the Florida Legislature and Congress is essential if the Restudy and Everglades restoration is to succeed.

The Army is considering the following general strategy for securing the initial authorization increment from Congress for the Restudy:

- An endorsement of the recommended Comprehensive Plan as the framework and guide for the Restudy.*
- A program authorization for Restudy components/separable elements for which the federal cost share is up to \$35 million (\$70 million total project with State cost share).*
- A request for specific authorization of an initial set of components/separable elements with project costs greater than \$70 million.*

The specific initial authorization increment will be developed in time to be included in WRDA 2000. It is important that the Corps and the SFWMD seek input through a broad stakeholder consensus process prior to submitting the proposed authorizations to the Governor, the Legislature, and Congress.

The proposed components of the Comprehensive Plan contain differing levels of detailed design and the required technical and economic analyses. Specifically, many of the water storage features rely heavily on technologies which are unproven for the scale at which the Corps and the SFWMD envision their use. The uncertainty surrounding these technologies can be addressed through the development and implementation of pilot projects. The timely construction and use of these pilots should resolve many of the uncertainties about the widespread use of these technologies. Pilot projects should have specific Congressional authorization and Legislative approval.

By creating a process that fully involves the Governor and the Florida Legislature, as well as the President and Congress, full advantage can be taken of the current opportunity to restore the Everglades ecosystem and provide for water supply and flood protection needs in a fair and cost-effective manner. This opportunity, including the 50/50 federal/State cost sharing, represents the best hope for realizing a restored Everglades and providing for water supply and flood protection needs.

RECOMMENDATIONS

- The Governor, Florida Legislature, the President, and Congress should support the recommended Comprehensive Plan as the framework and guide for the Restudy.*
- The initial authorization increment should include a request for specific authorization of the listed pilot projects whose expeditious funding, construction, and implementation is a critical step in determining the feasibility of proposed technologies and providing assurance to water users.*

- *The initial authorization increment should be reviewed through a consensual stakeholder process and transmitted to the Governor and Florida Legislature for action on those elements of the implementation plan for which the SFWMD is the local sponsor. Any review, modification, endorsement or other action by the State with respect to the initial authorization increment should be addressed in the appropriate WRDA.*
- *The components from the Restudy that are not authorized in the initial authorization increment or fall within the program authorization will be considered for authorization following a similar process as described above as the more detailed engineering analyses for these components are completed.*

Land Acquisition

Throughout the history of project implementations by the Corps, the local sponsor of a particular project has been required to provide all lands, easements, rights of way, and relocations needed for a project. In fulfilling this responsibility, the local sponsor procures land in a manner consistent with its required protocols. Further, the local sponsor must comply with the provisions of P.L. 91-646 during land acquisition efforts for any lands incorporated in the federal project. In essence, the law requires the local sponsor to pay fair market value for needed lands and to provide relocation assistance for displaced property owners. This approach signifies the cosmopolitan practice throughout the 50 states. Just as the local sponsor is responsible for land acquisition, the Corps holds the responsibility for construction of project components.

In Florida, property owners are guaranteed "full" compensation if their property is taken in public ownership. The only exception to this practice has been the recent decision to employ Federal condemnation protocols in the implementation of the Kissimmee River restoration efforts. This exception remains the anomaly for Florida. With respect to Everglades restoration efforts and the Restudy, the Commission recognizes that land acquisition costs may be higher as a result of employing State condemnation protocols and may increase the funding share of its federal partners. Never the less, in instances where State monies are used for land procurement in the absence of willing sellers, the Florida Constitution requires that property owners receive full compensation.

In light of the understanding that State condemnation protocols may heighten land acquisition costs, the Commission also recognizes the State's funding commitment and responsibility to its federal partner in the event of cost overruns for project construction. Each partner's financial responsibilities, in part, depends on the legal and procedural processes of the other. Historically, only 5% of land acquisition efforts by the SFWMD has required State condemnation protocols.

The Commission has continually advocated that it is preferable to acquire lands needed for restoration efforts from willing sellers. Further, the Commission has unanimously recommended that all lands identified as essential to restoration efforts be

expeditiously procured to prevent the foreclosure of future restoration options. The Commission affirms these positions. In light of these recommendations, all lands necessary for projects will be obtained prior to the project's construction. When lands acquired from willing sellers are not immediately needed, the SFWMD should use the maximum flexibility to allow the best interim use of those lands consistent with State law.

RECOMMENDATIONS

- *State and federal land acquisition programs should continue to acquire lands needed in the Restudy from willing sellers.*
- *Land acquisition necessary for the Restudy implementation and contemplated for the 50/50 State and federal cost share, as defined in WRDA 1996, should be acquired by the SFWMD in accordance with national Corps policy, which in the case of the Restudy would be undertaken through State condemnation protocols, in the absence of willing sellers.*
- *When specific project components are approved, eminent domain should be authorized under State law to acquire needed lands not available from willing sellers.*
- *The SFWMD and other State agencies purchasing land in the Restudy should expeditiously develop land management plans for the transition period of lands procured for restoration to allow the maximum beneficial use consistent with State law. These plans should prevent degradation of the properties, such as an invasion of exotic species and dumping of solid waste, whose occurrence would be inconsistent with the ultimate planned use of the property.*

Common Sense Regulatory Approach

State and federal laws allow significant flexibility in permitting process. In 1996, the Florida Legislature passed legislation that created a new alternative permitting process called Ecosystem Management Agreements (EM). The EM agreements are designed to give multiple agencies the ability to provide regulatory flexibility to applicants in exchange for a net ecosystem benefit. The net ecosystem benefit is defined as an environmental result that is better than that required by the traditional regulatory process. All standards must still be met. The State has several EM agreements underway statewide.

Federal regulators are also trying to apply more flexible regulations as an outgrowth of the President's reinventing government initiative. Rigid adherence to traditional rules may produce results that are damaging to restoration efforts. For example, the Corps built pump station 332-D in 1997 to provide flood control and restoration benefits for west Miami-Dade County. To date, this pump has not operated as a result of the inability to secure the necessary State/federal regulatory permits.

It is important for all the regulating agencies to assist the Corps and the SFWMD in the planning and design of the Restudy components. Early involvement by these regulatory agencies can ensure that the projects are designed and constructed in ways that are consistent with State and federal regulations. It is also important for the regulating agencies to have a conceptual buy-in of the Comprehensive Plan for the Restudy while still maintaining their authority and jurisdiction as required by both federal and State law. This approach would still allow the agencies to execute their individual permits, but there would be a clearly defined common set of objectives outlined up front to assure that the restoration stays on track.

RECOMMENDATIONS

- *During the implementation of the Restudy, State and federal regulators should aggressively use their existing waiver and temporary operating permit authorities, when use of such waivers and permits can be demonstrated to have no significant negative environmental consequences.*
- *Regulatory agencies should commit to Ecosystem Management Agreements for the Restudy and each of its components that would outline common principles and desired outcomes that all agencies can support.*
- *Federal, State, regional, and local planning efforts need to be integrated. Restudy component sequencing efforts need to be integrated with regional and local government agency efforts to ensure that there are no conflicts of interest concerning resource allocation, construction schedules, and/or long term planning efforts.*

Water Supply for Natural Systems

Concerns have been raised about long term protection of the Everglades ecosystem. According to WRDA 1996, the C&SF Project is to be rebuilt "for the purpose of restoring, preserving, and protecting the South Florida ecosystem" and "to provide for all the water-related needs of the region, including flood control, the enhancement of water supplies, and other objectives served by the C&SF Project."

Environmental benefits achieved by the Restudy must not be lost to future water demands. When project implementation is complete, there must be ways to protect the natural environment so that the gains of the Restudy are not lost and the natural systems, on which South Florida depends, remain sustainable.

A proactive approach which includes early identification of future environmental water supplies and ways to protect those supplies under Chapter 373 F.S. will minimize future conflict. Reservations for protection of fish and wildlife or public health and safety can be adopted early in the process and conditioned on completion and testing of components to assure that replacement sources for existing users are on line and dependable. The SFWMD should use all available tools, consistent with Florida Statutes,

to plan for a fair and predictable transition and long term protection of water resources for the natural and human systems.

Apart from the more general goals of the Restudy, there are specific expectations on the part of the joint sponsors - the State and the federal government. The more discussion that goes into an early agreement on expected outcomes, the less conflict there will be throughout the project construction and operation.

RECOMMENDATIONS

- *The SFWMD should use the tools in Chapter 373 F.S. to protect water supplies necessary for a sustainable Everglades ecosystem. This should include early planning and adoption of reservations. These reservations for the natural system should be conditioned on providing a replacement water source for existing legal users which are consistent with the public interest. Such replacement sources should be determined to be on line and dependable before users are required to transfer.*
- *The SFWMD should expeditiously develop a "recovery plan" that identifies timely alternative water supply sources for existing legal water users. The recovery plan should consist of water supply sources that can reliably supply existing uses and whose development will not result in a loss of current levels of service, to the extent permitted by law. To assure that long term goals are met, the State and federal governments should agree on specific benefits to water users, including the natural system, that will be maintained during the recovery.*
- *In the short term, the Restudy should minimize adverse effects of implementation on critical and/or imperiled habitats and populations of State and federally listed threatened and/or endangered species. In the long term, the Restudy should contribute to the recovery of threatened species and their habitats.*

Contingency Plans

Select components in the recommended Restudy plan have associated with them varying levels of technical and cost uncertainty. These uncertainties can be viewed as a question of whether an uncertain component will achieve the desired level of performance within the estimated cost. If a component fails to achieve the desired level of performance, the feasibility of implementing an alternative component along with or as a replacement to the uncertain component will need to be considered to assure that the recommended plan meets its stated objective of ecosystem restoration, flood control, water supply, and other benefits. The time and effort needed to plan for contingencies is inextricably linked to the level of risk in any of the recommended components. As more information is gained through such things as pilot projects, the contingency planning effort will either decrease or increase, depending upon the results of the pilot studies. The Commission believes that the following guidelines should be followed in developing contingency plans for the Restudy:

- *Pilot projects should first be initiated for the uncertain components to determine their effectiveness. Pilot projects should begin as early as possible, should be designed and constructed based upon the best technical information, and should include aquifer storage and recovery, seepage management, lake belt technology, and water reuse.*
- *Contingency plans to replace or enhance the performance of the component should rely on proven technologies, if results from the pilot projects prove that the uncertain technologies will either not be viable or will not perform as anticipated.*
- *Contingency plans should not have unintended consequences on the natural system, create severe local economic impacts, or interfere with plan implementation.*
- *Contingency plans should be compatible with the overall recommended plan and with the goals and objectives contained within the plan.*
- *Where water storage plans fail to achieve their desired level of performance, the shortfall should be made up by other storage alternatives.*
- *Alternatives considered in contingency planning should be cost-effective and 50/50 State and federal cost shared.*

RECOMMENDATIONS

- *The Corps and the SFWMD should develop timely contingency plans that incorporate the above guidelines.*
- *The Corps and the SFWMD should continue to use the principles of adaptive management in the development of contingency plans with broad involvement of the public.*

Protecting Urban Natural Systems and Water Levels

Water supply for the urban environment is connected to water supply for the Everglades and other natural areas targeted for restoration and preservation under the Restudy.

It is essential that the Restudy projects proposed to restore and preserve the environment of the Everglades do not reduce the availability of water to such an extent in urban areas that the maintenance of water levels and the preservation of natural areas becomes physically or economically infeasible.

The successful restoration of Everglades functions is dependent not only upon the establishment of correct hydropatterns within the remaining Everglades, but also upon the preservation and expansion of wetlands, including those within urban natural areas that once formed the eastern Everglades. Some of the westernmost of these areas have been incorporated in the Restudy as components of the WPAs. However, the on-going preservation efforts of local governments have acquired hundreds of millions of dollars worth of additional natural areas for protection both inside and outside of the WPA footprint.

Water supplies for these urban wetlands are not covered by existing permits or reservations and are therefore, not adequately protected. Efforts are underway at both the SFWMD and the local level to preserve these vital areas and assure their continuing function as natural areas and in ecosystem restoration.

Detailed design for the Restudy, in particular the detailed modeling associated with the WPA Feasibility Study, will make possible plans to protect these urban wetlands from damage and to assure maximum integration with Restudy components.

RECOMMENDATIONS

- The SFWMD and the Corps should acknowledge the important role of urban natural areas as an integral part in the restoration of a functional Everglades system. As a part of the implementation plan, the SFWMD and the Corps should develop an assurance methodology in conjunction with the detailed design and modeling processes, such as the WPA Feasibility Study, to provide the availability of a water supply adequate for urban natural systems and water level maintenance during both implementation and long term operations.*
- Expand and accelerate implementation of the WPAs. Accelerate the acquisition of all lands within the WPA footprint to restore hydrologic functions in the Everglades ecosystem, and ensure hydrologic connectivity within the WPA footprint. The WPA Feasibility Study process should be given a high priority. The WPA concept should be expanded into other SFWMD planning areas such as the Upper East Coast.*
- The Restudy should assure that the ecological functions of the Pennsuco wetlands are preserved and enhanced.*

Coordination with Public Service Providers

Care needs to be taken to continue to balance the competing public interests that exist in the area of the Restudy.

RECOMMENDATION

- The implementation process should recognize the importance of existing and planned infrastructure and public services to the on-going quality of life and economic well being of South Florida. The implementation activities should provide processes for early coordination with public service providers to ensure that safe, reliable, and cost effective services continue to be provided. The processes should include protections for property rights as provided by State law.*

F. Measuring Progress of the Restudy

Since the development of this previous language, stakeholder concerns have also been expressed about the need for the Implementation Plan to provide assurances that steady and measurable progress will be made toward ecosystem restoration across the implementation period. The establishment or outlining of appropriate, measurable criteria for evaluating ecosystem benefits during the Restudy implementation process would address these concerns.

RECOMMENDATIONS

12. The Implementation Plan should establish or outline a process by which interim goals will be established to provide a means by which the restoration success of the Comprehensive Plan may be evaluated throughout the implementation process. These interim goals should be expressed in terms of target restoration standards and should be reached by specific points in the implementation process. Restoration standards should be quantitative and measurable. The development of these interim goals should be coordinated with the agencies represented on the South Florida Ecosystem Restoration Task Force and Working Group. Progress toward these goals should be incorporated in biennial reports to Congress and the Florida Legislature.
13. The Restudy Implementation Plan established "red-flag" criteria which designated hydrologic performance worse than the 2010 base scenario. The Commission recommends that a similar type of assessment be conducted to evaluate performance relative to ecological restoration goals, establishing "red-flag" criteria as defined by quantitative and measurable interim goals.

G. Staffing Requirements During Implementation of the Restudy

Successful implementation of the Restudy will require the combined and coordinated efforts of local, regional, State, and federal agencies. It is imperative that restoration of the Everglades ecosystem and the construction of the Restudy be completed on time and on budget. One of the potentially overlooked but essential factors to assure the timely completion of the Restudy is an adequate staff at all agency levels. A lack of the necessary staff could result in unnecessary and costly delays in the completion of the Restudy.

The Commission recognizes that the draft Implementation Plan outlines certain timeframes that will require increased staffing and times that will require less staffing. Local, regional, State, and federal agencies must review the Draft Implementation Plan and ensure that they provide an adequate staffing level to efficiently and cost-effectively implement the Restudy.

RECOMMENDATION

14. Local, regional, State, and federal agencies should ensure that adequate staff is available to meet the deadlines for the construction and operation of the Restudy as outlined in the draft Implementation Plan.

H. Scientific Peer Review of the Restudy

The draft Comprehensive Plan for the C&SF Project Restudy is the result of a science-based approach since its inception in 1992. Over the last six years, scientists from local, State, regional, and federal agencies, Native American Tribes, private industry, environmental organizations, and a host of other stakeholders have worked together to craft this current Restudy Plan. Certainly, additional input and review of the Restudy Plan by the scientific community should be encouraged. Such input can only aid in the overall success of the Restudy. However, additional peer review should not delay the Restudy's transmittal to Congress this July.

Despite the progress made to date, the Commission recognizes that additional detailed design and planning must continue for many of the Restudy components prior to their authorization, funding, and implementation. Science should be the foundation for these continued planning, engineering, and design efforts. New information developed through this science-based process and independent peer reviews should be considered and, where appropriate, incorporated into the Restudy through an on-going adaptive management approach. Such a process will ensure that those implementing the Restudy will be afforded the latest scientific information as they undergo future detailed planning and design of project components.

RECOMMENDATION

15. An on-going independent scientific review process should be established to ensure the technical soundness of the Comprehensive Plan for the Restudy. The establishment of this process should not interfere with the Corps' July 1, 1999 deadline to submit the Restudy Comprehensive Plan to Congress or the initiation of the listed pilot projects proposed in the initial authorization.

I. Flood Protection

The main focus of the Restudy is to improve the environmental performance of the system, while providing for the other project purposes; flood control, urban and agricultural water supply. When reviewing the Implementation Plan, it is important to be able to determine how the Corps will address each specified purpose when designing and operating the components. It is not clear in the current version of the Plan how flood control will be considered or addressed in the future planning/design efforts. The lack of site-specific information, absence of detailed engineering evaluations and the limitations of the models used to develop the Comprehensive Plan precluded the review of potential

impacts to flood protection caused by the Plan. These same limitations also prevented a review of opportunities to enhance flood protection consistent with Restudy goals.

RECOMMENDATIONS

16. The Commission recommends that the Project Implementation Reports (PIR) for specific Comprehensive Plan components include a detailed review of flood protection issues in areas affected by each component. There may be cases where flood protection benefits can be obtained without compromising the restoration performance of the Plan. In other cases, such benefits may actually even enhance restoration benefits. The Corps should include the enhancement of flood protection in areas with known flooding problems as a design objective in each PIR. This includes the reduction of agricultural losses associated with high water tables, damage to natural areas from high water events, as well as traditional damages caused by surface flooding.
17. The concept of shared adversity was adopted by the Commission in its *Initial Report* in October, 1995. The Corps and the SFWMD must develop contingency plans to prevent the natural areas from being destroyed by continual flooding.
18. The Corps and the SFWMD should begin the design and construction of all water storage project features at the earliest possible opportunity to maximize the hydrological buffer capacity of the entire system. Furthermore, where storage features are not possible due to other constraints (e.g. mining constraints in the Lake Belt region), design and preliminary construction of seepage management components should be considered.

J. Water Quality Integration Within the Implementation Plan

Concerns have been expressed consistently throughout the development of the Restudy Comprehensive Plan and Implementation Plan that there has not been a convincing strategy for integrating water quality treatment into the design of projects that will provide hydroperiod and other project benefits. In addition, there is a concern that the federal government has not evidenced a financial commitment to support water quality treatment for restoration flows even though this was authorized by WRDA 1996. The Implementation Plan includes a separate, rather than integrated feasibility study for water quality. There are no time frames or descriptions adequate to assure all interests that the separate water quality feasibility study will be completed in time to influence the design and integrate water quality into all project modifications to achieve the most cost-effective benefits.

The federal parties seem concerned that the State and State interests will not seek to determine private and public accountability for water quality and will avoid State responsibility for a fair share of the burden if the federal government provides funding. While these concerns are legitimate, the most cost-effective, integrated solutions should be identified while accountability issues are resolved and financial responsibility agreed

to. Financial responsibility should be allocated consistently and equitably in all basins and the allocation of that responsibility should be achieved without delay in implementation of the Restudy.

RECOMMENDATIONS

19. Water quality analysis and treatment design should be integrated into the Restudy Implementation Plan so that all flows from the C&SF Project into the Everglades and other natural systems meet the water quality standards in place at the time that project modifications are implemented. In addition, water treatment facilities should be designed to accommodate potential build-on technologies that may further treat the water. All Project modifications should be designed to meet these requirements upon completion of construction and not based on further treatment after operation of the initial component begins.
20. The Restudy Implementation Plan should include a process for addressing issues of water quality funding and include equitable and consistent principles for allocation of responsibility between State and federal parties. Funding issues should not impede or delay an integrated assessment of water quality and quantity. The design of project modifications should address both needs.
21. The Corps and the SFWMD should complete the evaluation to minimize backpumping into Water Conservation Area 3A via the S-9 pump station.
22. Wherever feasible, the Corps and the SFWMD should begin design and construction of all Stormwater Treatment Areas (STA) at the earliest possible opportunity.
23. The Corps and the SFWMD should expeditiously evaluate the effectiveness of treating urban stormwater runoff with STA technology.

K. Early Integration of Regulatory Requirements

It is important for all the regulating and land and wildlife management agencies to assist the Corps and the SFWMD in the planning and design of the Restudy components. Early involvement by these agencies and appropriate responses by the Corps and the SFWMD can ensure that the projects are designed and constructed in ways that are consistent with State and federal regulations. While still maintaining their authority and jurisdiction as required by both federal and State law, it is critical that these agencies provide: (1) conceptual buy-in, (2) guidance that can be applied in the design process, and (3) to the extent possible, assurances that projects, once built, can be operated. This will still allow the agencies to administer their individual permits, but it will substantially contribute to the timely construction and use of the Restudy's components, thus assuring that the restoration stays on track.

RECOMMENDATIONS

24. The Corps and the SFWMD, in cooperation with all federal, Tribal, State and local regulatory, land and wildlife management agencies, should develop a process that includes conceptual buy-in, guidance applicable to design and, to the extent possible, assurances from these agencies during its planning review that projects can be built as planned and operated when completed.
25. Federal, State, and local regulatory agencies and local representatives of federal and State agencies (e.g., Department of the Interior and Florida Game and Freshwater Fish Commission or successor agency) that have been tasked with wildlife management within the geographic extent of C&SF Restudy activities should be included in decision-making processes throughout implementation of the Restudy to ensure that federal and State managed lands are more completely represented by those agencies that have been tasked with their management and protection.

L. Project Timing in the Implementation Plan

Taylor Creek/Nubbin Slough

Restoration of water quality and the ecological conditions in Lake Okeechobee are central and critical elements in the Restudy Plan to restore the South Florida ecosystem. The first important step in restoring water quality conditions in Lake Okeechobee is the expeditious construction of the Taylor Creek/Nubbin Slough water quality treatment and storage facility. Taylor Creek/Nubbin Slough has been identified as a phosphorous loading "hot spot" and the construction and operation of this facility will result in an approximately 70 ton/year reduction in the phosphorous load to the Lake.

Protection and restoration of Lake Okeechobee water quality is also critical to the long-term use of its water in the proposed ASR wells surrounding the Lake.

RECOMMENDATION

26. The Corps and the SFWMD should accelerate the authorization and construction of the Taylor Creek/Nubbin Slough water quality treatment and storage facility by including it in the proposed initial authorization increment.

Water Preserve Area Authorization

The Water Preserve Area (WPAs) project involves acquisition of land parcels located along the eastern side of the Everglades Protection Area in western St. Lucie, Martin, Palm Beach, Broward, and Miami-Dade Counties. Most of the lands in this project area are undeveloped, including a considerable amount of wetland habitat. While current land uses include very low intensity development, pastureland, and limestone mining, much of the lands are under extreme development pressure.

These lands are an integral part of the Everglades restoration plans being developed under the C&SF Project Comprehensive Review Study: Comprehensive Plan and Water Preserve Areas. The WPAs will consist of a series of surface-water areas that are interconnected and managed as a system of marshlands, impoundments, reservoirs, water quality treatment areas, and/or aquifer recharge basins. Restoration benefits include improved water supply for restoring hydropatterns of the Everglades, improved water quality, and preservation of wetland habitat.

Intense development pressures in the western portions of Miami-Dade, Broward, and Palm Beach counties, in particular, on lands suitable for inclusion in the WPAs are resulting in lost opportunities and flexibility in the configuration and implementation of this concept. It is critical that land acquisition in these project areas be completed as quickly as possible before target parcels are developed or permitted for development.

RECOMMENDATION

27. As many of the WPA projects as possible should be authorized within WRDA 2000. The PIRs for the remaining WPA projects not included in the initial authorization should be completed as quickly as possible so that these projects can receive early subsequent authorization.

Kissimmee Storage

Lake Okeechobee is the "receiving waters" for the stormwater flows and natural discharges from Orlando and the Kissimmee Chain of Lakes. These waters carry pollutants and sediments that contribute to the lake's eutrophication. Water storage capacity north of the lake would allow for detention of water during wet periods for subsequent use during dry periods. It would also shorten the duration and frequency of high water levels, thus contributing to a reduction of large discharges to downstream estuaries and reduced stress on the lake's littoral ecosystem. The North of the Lake Storage component is scheduled for initial action in July 2008 and for completion in June of 2019.

RECOMMENDATION

28. The Corps and the SFWMD should accelerate construction of a least a portion of the North of the Lake Storage component prior to 2008.

St. Lucie Estuary Basin Storage

The Indian River Lagoon Feasibility Study will be completed in 2001 and will include detailed planning for the local storage component which affects the St. Lucie Estuary. This component includes storage on the C-23, C-24, C-25 Canals and the North and South Forks of the St. Lucie River. Authorization is scheduled for WRDA 2002 in the draft Implementation Plan.

Though this component receives early authorization and has strong community backing along with local funding for land acquisition, the draft Implementation Plan does not show any construction until 2007. The Corps has indicated that it might be possible to separate out a smaller portion of this very large component and program it for initial construction in 2004.

RECOMMENDATION

29. The Corps and the SFWMD should accelerate construction of at least a portion of the St. Lucie Basin Storage component by scheduling initial construction in 2004.

M. Authorization of the Everglades Agricultural Area (EAA) Storage Component

The draft Implementation Plan outlines an authorization process that, in most cases, would require the completion of a Project Implementation Report (PIR) prior to Congressional authorization. The usual procedure for federal water resource projects requires a detailed feasibility study prior to authorization. However, the Plan recommends an initial authorization in WRDA 2000 for a billion dollars of project components. In the case of these initial component authorizations, the draft Plan will serve as the feasibility study and the PIRs will not be completed until after authorization.

Government acquisition of the Talisman properties is set to close in April 1999. The acquisition includes a number of land trades to consolidate the public ownership in the southern section of the EAA. The contracts also call for farming to continue on all the properties through the 2005 harvest. The Implementation Plan indicates construction of the EAA Storage component would begin in 2007.

Those stakeholders and agencies that support the early authorization of the EAA Storage component believe that efforts to ensure the earliest possible use of that land for water management and restoration purposes should be undertaken. For them, an authorization in WRDA 2000 is essential. In part, the absence of a WRDA 1998, and the realization that Congress could again fail to pass future WRDAs, fuels this desire for early authorization. There is also the belief that the public has paid a significant amount of money for these lands and it is entitled to seek the earliest possible benefits from the Talisman deal. Further, supporters argue that the lands necessary to implement the EAA Storage component will only include the publicly-owned Talisman lands and will not require additional privately-owned acreage. Finally, storage in the EAA is a key component in the Restudy and some believe its inclusion for early authorization is necessary to demonstrate the Corps' commitment to meet ecosystem restoration objectives sooner rather than later. Advocates agree that the necessary detailed planning and design and public participation must occur during the subsequent development of the PIR and the agreements set forth in the Talisman contract must be honored.

While most EAA landowners eventually agreed to the Talisman acquisition and land trade package, they have never accepted the Restudy's conceptual modeling as a basis for a 60,000 acre combination of local storage and Lake Okeechobee surge area in

the EAA. Landowners were given assurances that all necessary engineering, economic, and environmental evaluations would be completed prior to approval of project construction. In the absence of any detailed analyses having been performed for the EAA Storage component, EAA landowners are adamantly opposed to its inclusion in a WRDA 2000 authorization.

It is essential that this issue be resolved through a consensus approach to ensure the entirety of the initial authorization increment and the previous accomplishments of all the stakeholders are not embroiled and jeopardized in this dispute. Furthermore, the successful resolution must represent a win-win for both parties.

RECOMMENDATION

30. The first 50,000 acres of Talisman/EAA storage should be authorized in WRDA 2000 and on line by 2007.

N. Land Acquisition

Many of the Restudy components will require some degree of land acquisition for their implementation. As outlined in the Implementation Plan, federal credit for procurement of lands for a particular component will occur following Congressional authorization. Normally, where there is uncertainty about the location or the amount of land needed, the local sponsor will not proceed with acquisition until after Congressional authorization. Except for the initial set of authorizations proposed for WRDA 2000, all authorizations will occur after the completion of the Project Implementation Report (PIR) for the components in question. The PIR will outline advanced planning, engineering and design and real estate analyses and should include all analyses as required by the National Environmental Policy Act (NEPA). WRDA 1996 provides that Corps credit for land acquisition necessary to implement Restudy components can be granted after authorization for lands owned or acquired by the local sponsor prior to authorization.

In all areas of the Restudy where local land acquisition will be needed, there should be a continuing effort to build local consensus. This should include a process for making current information available locally and for integrating local concerns into design and scheduling of the project.

In some agricultural areas (especially the EAA) early acquisition may disrupt production and processing with negative effects on the local economy. In these areas, completion of a PIR for each component, prior to further land acquisition, will be critical to building local support by demonstrating that the need for land acquisition is documented by detailed design.

In other areas where community support is strong and detailed planning is more advanced (for example, the St. Lucie Estuary components), federal agencies and the SFWMD may be presented opportunities to buy lands necessary for the Restudy from willing sellers. Some lands within the WPA footprint face intense development pressures

and could be lost by the time a PIR is completed. In certain areas of the WPA it may be necessary to use condemnation prior to component authorization.

A final issue is the question of the use of acquired lands after acquisition. Where continued agricultural use is feasible prior to the start of construction or restoration, it should be provided for at the time of acquisition. Where acquisition of surplus property is necessary to acquire key parcels, a method of selling off or surplusing excess land must be provided. This must be carefully crafted to meet specific circumstances. In some cases the local sponsor (SFWMD) will be using lands acquired with P2000 funding through the Save Our Rivers (SOR) and CARL (Conservation and Recreation Lands) programs for Restudy components. In these cases, the remainder of the land should be protected as environmentally endangered land. In other cases, P2000 funding may be used to acquire agricultural lands with little or no environmental value for specific use for structural components of the Restudy. In these cases provision should be made at the time of acquisition for selling land that will not be needed for the Restudy.

RECOMMENDATIONS

31. In the EAA and in other agricultural areas where it has been established that negative impacts of early land acquisition will occur:
 - a. Land acquisition should be preceded by a completed PIR and there should be a high probability that the project will be authorized, and thus little risk that the local sponsor will not be reimbursed with the federal share of the project.
 - b. All purchases should be from willing sellers prior to Congressional authorization.
 - c. Leaseback arrangements to continue agricultural use until the land is necessary for construction should be negotiated as part of the purchase whenever possible.
32. In other areas such as the St. Lucie Estuary, where negative impacts of early acquisition have not been established, and where planning is sufficiently advanced to identify key parcels, federal agencies and the SFWMD should proceed with acquisitions from willing sellers prior to completion of a PIR or authorization. The need for these acquisitions must be carefully documented.
33. All PIR's should be accelerated to generate adequate information for public acceptance of acquisition.
34. The SFWMD should work with the Governor's Office and local governments on condemnation within the Water Preserve Area Footprint. A process should be adopted to define the area where condemnation is necessary and appropriate and to allow its use in these areas prior to authorization.

35. Where P2000 funding is used by the local sponsor for acquisition of Restudy lands and the project has been acquired for environmental values, current State criteria should be used to assure that the land acquired will be appropriately protected. Where P2000 funds are used to acquire lands for structural components of the Restudy that would not qualify for endangered lands status, provisions should be made prior to purchase to make it possible to resell lands that are not needed.
36. There should be an on-going process to build community consensus that understands and supports Restudy land acquisition, especially in the areas where concerns have been raised. This process must include considering and responding to local concerns.

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