

## SEMINOLE TRIBE OF FLORIDA

### COMMENTS ON DRAFT PROGRAMMATIC REGULATIONS DATED AUGUST 2, 2002 – ISSUE FOR DISCUSSION BY THE SOUTH FLORIDA ECOSYSTEM RESTORATION TASK FORCE

**Issue: The Programmatic Regulations need to assign the Task Force the role of oversight body to ensure that the alternative selected for each project meets the design goals envisioned in the Comprehensive Everglades Restoration Plan.**

The current draft of the Programmatic Regulations provides for a more defined role for the Task Force. The Tribe believes that the Task Force should be given the role of evaluating the proposed alternatives for each project to review whether the design goals envisioned in the Restudy (now CERP) are being met. If the goals are not met, any changes must be justified through the PIR and Adaptive Management process. It is the Tribe's opinion that it is important that high-level review by policymakers be performed on each project so that the Corps and the South Florida Water Management District make any trade offs in the alternatives public and debated prior to final selection. This process should help reduce the potential for litigation over the selected alternative. Bringing in the Task Force can help avoid potential misspending of limited funds. The Tribe is bringing this issue to the Task Force for discussion at the next Task Force meeting. The Tribe recommends that the Programmatic Regulations be amended as follows to add a new section preceding Section 385.21 stating the following:

#### **385.21- Review of Project Alternatives**

**The Corps of Engineers and the Non-Federal Sponsor shall provide the Task Force with the opportunity to review the proposed alternative or alternatives for each Project after the alternatives have been prepared by the Project Delivery Team and evaluated by RECOVER in accordance with Section 385.20(f) and in accordance with the language developed in the guidance memo on alternative selection under Section 385.26(b)(iv) and (c). The purpose of this review is for the Task Force to evaluate whether the design goals for each Project set forth in the Comprehensive Everglades Restoration Plan are being met in the proposed alternative or alternatives. This review will be conducted prior to final selection by the Corps and the Non Federal sponsor of the alternative for the Project that will be the subject of a Project Implementation Report.**