

1 **COMPREHENSIVE EVERGLADES RESTORATION PLAN (PLAN)**
2 **AGREEMENT ESTABLISHING INTERIM TARGETS**

3
4 **DRAFT: REVISED 1/23/06**

5
6 This Interim Targets Agreement is entered into this _____ day of _____, 2006, by
7 and amongst the Department of the Army, represented by the Secretary of the Army, and the
8 Governor of the State of Florida.
9

10 WHEREAS, the State of Florida and the Federal Government are committed to a continuing
11 partnership to achieve the restoration, preservation, and protection of the South Florida
12 ecosystem while providing for other water-related needs of the region, including water supply
13 and flood protection;
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15 WHEREAS, section 601(h)(3)(A) of Water Resources Development Act of 2000 (WRDA
16 2000) requires the Secretary of the Army with the concurrence of the Governor of Florida and
17 the Secretary of the Interior, to promulgate programmatic regulations to ensure that the goals
18 and purposes of the Plan are achieved;
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20 WHEREAS, the programmatic regulations were promulgated by the Secretary of the Army
21 with the concurrence of the Governor of Florida and the Secretary of the Interior on
22 November 12, 2003;
23

24 WHEREAS, Section 385.39 of the programmatic regulations establishes a process for
25 evaluating progress towards providing for the other water related needs of the region,
26 including water supply and flood protection, provided for in the Plan by the establishment of
27 interim targets;
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29 WHEREAS, section 385.39 (a) of the programmatic regulations states that the purpose of the
30 interim targets is to provide a means by which the progress towards providing for other water
31 related needs may be evaluated throughout the Plan implementation process;
32

33 WHEREAS, section 385.39(b) of the programmatic regulations requires that the Restoration
34 Coordination and Verification (RECOVER) team develop recommendations for interim
35 targets and provide the recommendations for interim targets to the Army Corps of Engineers
36 and the South Florida Water Management District for their consideration;
37

38 WHEREAS, section 385.39 (b) of the programmatic regulations requires RECOVER's
39 interim targets recommendations to use the Master Implementation Sequencing Plan as the
40 basis for predicting the performance at a given time and reflect the incremental
41 accomplishment of the expected performance level of the Plan and to identify improvements
42 in quantity, quality, timing and distribution of water in five year increments that begin in
43 2005, with the targets reflecting the results expected to be achieved in 2010 and for each five
44 year increment thereafter;
45

46 WHEREAS, section 385.39(b) of the programmatic regulations requires that RECOVER,
47 when developing their recommendations for interim targets, consider indicators including, but
48 not limited to, the frequency of water restrictions in the Lower East Coast Service Areas at

1 each time increment; the frequency of water restrictions in the Lake Okeechobee Service Area
2 at the time of each increment; the frequency of meeting salt water intrusion protection criteria
3 for the Lower East Coast Service Area at each time increment; and the frequency of water
4 shortage restrictions on lands covered under the Water Rights Compact Among the Seminole
5 Tribe of Florida, the State of Florida, and the South Florida Water Management District at
6 each time increment.

7
8 WHEREAS, the section 385.39(c) of programmatic regulations specify that the interim targets
9 are intended to facilitate inter-agency planning, monitoring, and assessment throughout the
10 implementation process;

11
12 WHEREAS, RECOVER provided its recommendations for interim targets for the Plan, along
13 with associated documentation and appendices to provide greater detail on the interim targets,
14 to the Corps of Engineers and the South Florida Water Management District in a document
15 entitled "RECOVER Team's Recommendations for Interim Goals and Interim Targets for the
16 Comprehensive Everglades Restoration Plan" on February 17, 2005 ("RECOVER
17 Recommendations");

18
19 WHEREAS, section 385.39(c) of the programmatic regulations require that the Secretary of
20 the Army and the Governor shall establish final interim targets in consultation with the
21 Department of the Interior, the Environmental Protection Agency, the Department of
22 Commerce, the Miccosukee Tribe of Indians of Florida, the Seminole Tribe of Florida, the
23 Florida Department of Environmental Protection and other Federal, State, and local agencies,
24 and the South Florida Ecosystem Restoration Task Force and such consultation has been
25 completed;

26
27 WHEREAS, a notice of availability of the proposed interim targets was provided in the
28 Federal Register on _____ (DATE) for the purpose of seeking public comments and this
29 public comment has been considered;

30
31 WHEREAS, Sections 385.38 and 385.39 of the programmatic regulations require that the
32 interim goals and the interim targets be consistent with each other; and

33
34 WHEREAS, Section 385.39 of the programmatic regulations requires that the Secretary of the
35 Army and the Secretary of the Interior jointly submit to Congress a report on the
36 implementation of the Plan that will include the progress towards achieving the interim
37 targets; and

38
39 WHEREAS, the Interim Targets established under this Agreement reflect the Plan
40 implementation schedule of the Central and Southern Florida Project Comprehensive Review
41 Study, April 1999 (Restudy) that is based on cost sharing by the Corps of Engineers and by
42 the Non-Federal Sponsor of Plan projects on a 50/50 basis (Plan Projects) and assumes the
43 implementation of planning and design, execution of Project Cooperation Agreements, and
44 completion of construction in accordance with the 1999 Plan implementation schedule;

45
46 WHEREAS, the Interim Targets as set forth in this Agreement are based on predictions of the
47 performance of Plan Projects based on the 1999 Plan, which will change through time;

1 WHEREAS, Interim Targets are predicated on the assumption that future rainfall trends will
2 fall within the range represented by the 31 year period of historic rainfall (1965-1996) used by
3 RECOVER in developing its recommendations for interim targets;

4
5 WHEREAS, this Agreement does not impact decisions by the State regarding the sequencing,
6 scheduling, design, construction, or operation of a project implemented by the State of Florida
7 or the South Florida Water Management District in advance of executing a Project
8 Cooperation Agreement with the Army Corps of Engineers for such project;

9
10 WHEREAS, the Interim Targets do not constitute standards or schedules enforceable in court,
11 nor shall they be used in any other manner not expressly authorized in the Programmatic
12 Regulations or WRDA 2000;

13
14 WHEREAS, the State of Florida through the South Florida Water Management District has
15 agreed to proceed with its projects consistent with WRDA 2000 and applicable State and
16 Federal law.

17
18 NOW THEREFORE, TO EFFECTUATE THIS AGREEMENT,

19
20 A. The Secretary of the Army and the Governor of Florida, agree:

- 21
- 22 • To sequence and schedule Plan projects as appropriate to achieve the interim goals and
23 interim targets to the extent practical given (1) funding, technical, or other constraints,
24 and (2) the assumptions on which the 1999 Plan implementation schedule are based.
25
 - 26 • That pursuant to Section 385.20 (e)(1)(vii) of the Programmatic Regulations,
27 RECOVER shall assess, no less than every five years from the date of this Agreement,
28 the progress toward achieving the interim targets established by this Agreement, or
29 any revisions thereto, and shall provide the results of this assessment to the signatories
30 to this Agreement.
31
 - 32 • RECOVER should continue to develop its recommendations, as described in the
33 February 17, 2005 document “RECOVER Team’s Recommendations for Interim
34 Goals and Interim Targets for the Comprehensive Everglades Restoration Plan,” and
35 refine and develop for consideration by the signatories to this Agreement, the
36 appropriate set of interim targets. These recommendations should be provided to the
37 signatories to this Agreement commensurate with RECOVER’s assessment of the
38 progress toward achieving the Interim Targets established by this Agreement.
39
 - 40 • The Interim Targets will be modified as a priority initiative to reflect new information
41 (including an approved MISP and CERP Updates) resulting from changed or
42 unforeseen circumstances, new scientific and technical information, new or updated
43 modeling, information developed through the assessment principles contained in the
44 Plan, and future authorized changes to the Plan integrated into the implementation of
45 the Plan.
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- 1 • That the parties to this Agreement will review the Interim Targets at least once every
2 five years after the date of this Agreement, to determine if the interim targets should
3 be revised.

4 The following are the interim targets. Each indicator is underlined and each interim target
5 is bulleted:

6 .
7 1. Water Supply
8

- 9 • *Decrease the Long Term Frequency of Water Shortages in the Lower East Coast
10 Service Area Due to Regional System Conditions*

11
12 2010 – Long term average frequency of water shortages less than or equal to one
13 year in four

14
15 2015 – Long term average frequency of water shortages less than or equal to one
16 year in six

17
18 2050 – Long term average frequency of water shortages less than or equal to one
19 year in ten

- 20
21
22 • *Decrease the Long Term Frequency of Water Shortages in the Lake Okeechobee
23 Service Area Due to Regional System Conditions*

24
25 2010 – Long term average frequency of water shortages less than or equal to one
26 year in three

27
28 2015 – Long term average frequency of water shortages less than or equal to one
29 year in four

30
31 2050 – Long term average frequency of water shortages less than or equal to one
32 year in eight

33
34 2. Saltwater Intrusion in the Biscayne Aquifer
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- 36 • *Protect the Biscayne Aquifer from Saltwater Intrusion in Palm Beach, Broward
37 and North Miami-Dade Counties*

38
39 2010 – Maintain protection of the aquifer during severe drought

40 2015 – Maintain protection of the aquifer during severe drought

41 2050 – Maintain protection of the aquifer during severe drought

- 42
43 • *Protect the Biscayne Aquifer from Saltwater Intrusion in South Miami-Dade
44 County*

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46 2010 –Improve the ability to protect the aquifer during severe drought

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2015 –Maintain protection of the aquifer during severe drought
2050 – Maintain protection of the aquifer during severe drought

This Agreement shall become effective when signed by the Parties.

BY:

SECRETARY OF THE ARMY

Date: _____

GOVERNOR OF THE STATE OF FLORIDA

Date: _____