

Programmatic Regulations

Working Group Briefing

September 25, 2001

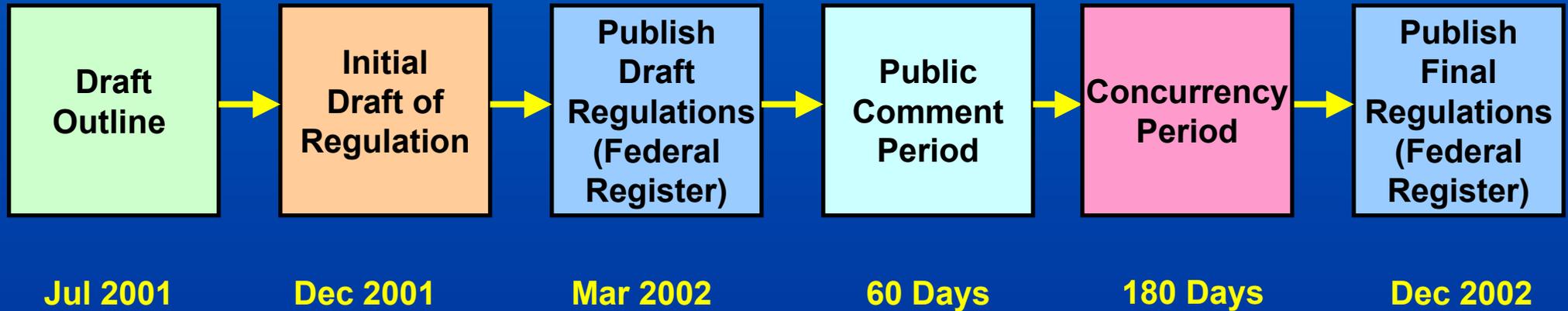


COMPREHENSIVE EVERGLADES
RESTORATION PLAN

Topics

- Current Status
- Overview of Draft Outline
- Agreement between President and Governor
- Next Steps

Programmatic Regulations Development Process



Coordination and Outreach

- Two rounds of meetings with agencies and stakeholders completed
- Second public workshop next week
- Meetings with Miccosukee and Seminole Tribes held
- Briefings for SFWMD Governing Board and Water Resources Advisory Commission
- Briefings for South Florida Ecosystem Restoration Working Group

Initial Meetings - Key Issues Raised

- Amount of “substance” in regulations
- Interim goals
- State reservation process - mechanism and linkages with programmatic regulations
- Reservations versus actual availability of water

Where Are We Now?

- Programmatic Regulations web page operational
- Draft outline of regulation prepared
- Second round of meetings nearing completion
- WRAC subcommittee formed - October 9 meeting

www.evergladesplan.org/pm/progr_regs/index.htm

The screenshot shows a Microsoft Internet Explorer browser window. The title bar reads "Programmatic Regulations - Microsoft Internet Explorer provided by U.S. Army Corps Of Engineers". The address bar shows the URL "http://www.evergladesplan.org/pm/progr_regs/index.htm". The page content includes a navigation menu with links like "Home", "What's Hot", "Calendar", "Publications", "Team Member Area", "Site Search", "Site Map", "Links", and "Contact Us". The main heading is "Programmatic Regulations". A section titled "What Are Programmatic Regulations?" contains a paragraph explaining Section 601(h) of the Water Resources Development Act of 2000. To the right, a list of links is provided, including "Water Resources Development Act (WRDA) of 2000, Assurances", "Process for Developing Programmatic Regulations", "Guiding Principles, Draft, 15 May 2001", "New ! Draft Outline, 17 Aug 2001", "Public Workshops", "Submit comments regarding Programmatic regulations", and "Frequently Asked Questions".

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The Plan To Restore America's Everglades

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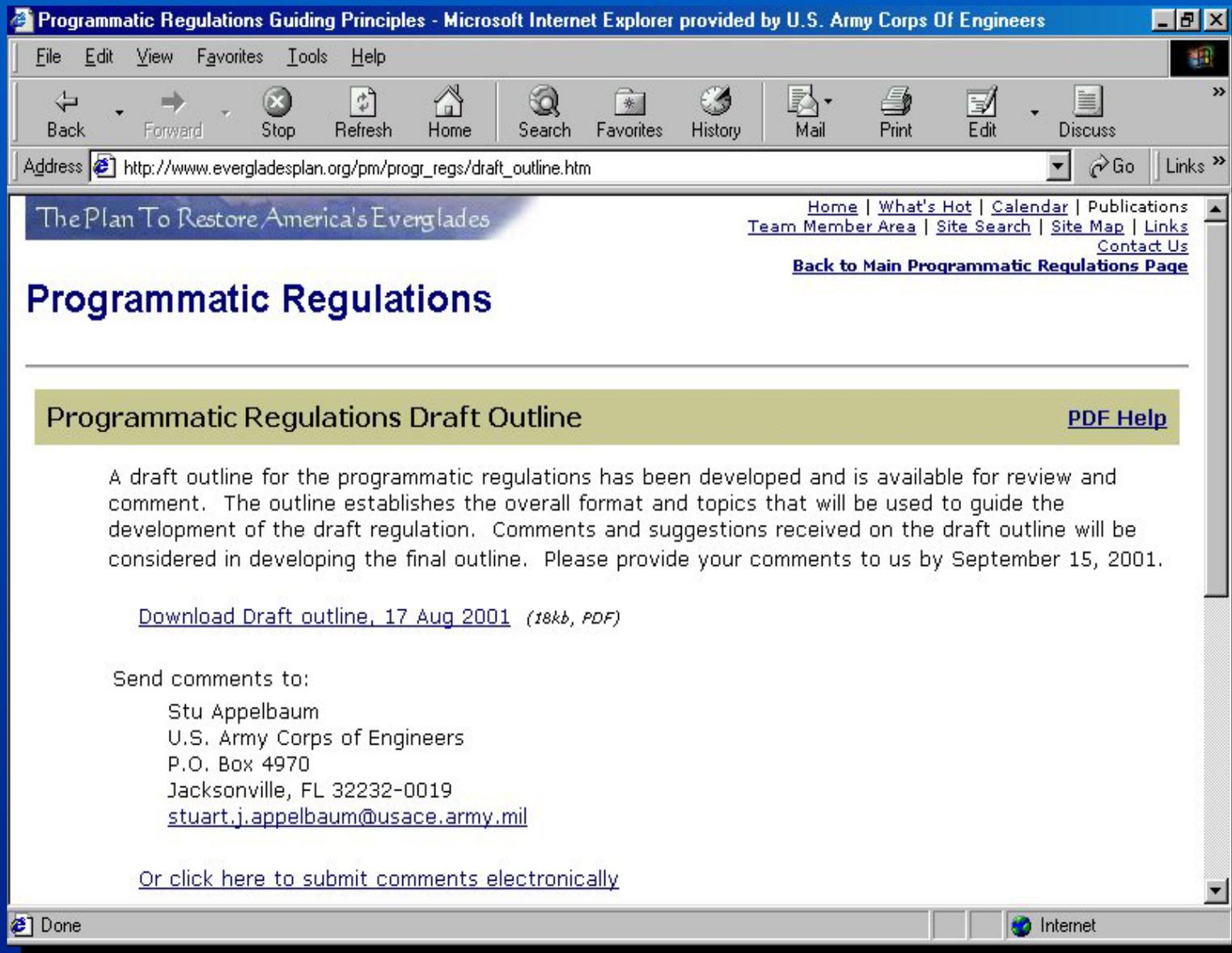
Programmatic Regulations

What Are Programmatic Regulations?

▶ Section 601(h) of the Water Resources Development Act of 2000 states that the overarching purpose of the Comprehensive Plan is the restoration, preservation, and protection of the south Florida ecosystem while providing for the other water-related needs of the region, including water supply and flood protection. This [sub-section](#), entitled "Assurances of Project Benefits" directs that the Plan be implemented to achieve and maintain the benefits to the natural system and human environment described in the Plan. As part of these assurances, Section 601(h) requires that the Secretary of the Army promulgate programmatic regulations to ensure that the goals and purposes of the Comprehensive Plan are achieved. Section 601 (h) requires that these programmatic regulations be developed within two years of the date of

- ▶ [Water Resources Development Act \(WRDA\) of 2000, Assurances](#)
- ▶ [Process for Developing Programmatic Regulations](#)
- ▶ [Guiding Principles, Draft, 15 May 2001](#)
- ▶ **New !** [Draft Outline, 17 Aug 2001](#)
- ▶ [Public Workshops](#)
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Internet



Programmatic Regulations

Programmatic Regulations Draft Outline [PDF Help](#)

A draft outline for the programmatic regulations has been developed and is available for review and comment. The outline establishes the overall format and topics that will be used to guide the development of the draft regulation. Comments and suggestions received on the draft outline will be considered in developing the final outline. Please provide your comments to us by September 15, 2001.

[Download Draft outline, 17 Aug 2001 \(18kb, PDF\)](#)

Send comments to:
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[Or click here to submit comments electronically](#)

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Programmatic Regulations Comment Form

Use the form below to provide comments on the Programmatic Regulations.

First Name: * **Last Name: *** * denotes mandatory fields

Street Address: *

City: * **State: *** **Zip Code: *** **Country**

Email Address: **Telephone Number:** --

Please type your comment here:

Done Internet

Content of Regulations

Establish a Process -

- For development of project implementation reports, project cooperation agreements, and operating manuals that **ensure that goals and objectives of the Plan are achieved**
- To ensure that **new information** from changed or unforeseen circumstances, new scientific or technical information or information developed through adaptive management, or future authorized changes to the Plan are **integrated into the implementation of the Plan**
- To ensure the protection of the natural system consistent with the goals and purposes of the Plan, including the **establishment of interim goals to provide a means to evaluate success of the Plan**

Overview of Draft Outline

- Preamble
- Part I - Purpose and Scope
- Part II - CERP Implementation Process
- Part III - Incorporating New Information into the Plan
- Part IV - Ensuring Protection of the Natural System Consistent with the Goals and Purposes of the Plan
- Appendices

Part I - Purpose and Scope

- Purpose of Programmatic Regulations
- Goals and Purposes of CERP
- Applicability of Programmatic Regulations
- Concurrency Statement (for Final Regulation)
- Limitation on Applicability of Programmatic Regulations (per Sec. 601(h)(3)(c)(ii))
- Definitions

Part II - CERP Implementation Process

- Overview of CERP
- Project Implementation Reports
- Project Cooperation Agreements
- Operating Manuals

Part III - Incorporating New Information into the Plan

- Adaptive Assessment Program
- Revisions to the Comprehensive Plan

Part IV - Ensuring Protection of the Natural System Consistent with the Goals and Purposes of the Plan

- Ensuring Achievement of Project Benefits
- Assurances to Existing Users
- Interim Goals
- Review of Programmatic Regulations

Processes/Procedures Under Development

- PIR formulation and evaluation procedure
- System-level project evaluation protocol
- Process for developing operating manuals
- Adaptive assessment protocol
- Comprehensive Plan revisions protocol
- Procedure for quantifying water to be made available by projects
- Procedure for identifying water to be reserved for the natural system
- Process for developing interim goals

Ecological Response



Hydrologic Response



Operations



Construction



Design



Planning



Performance

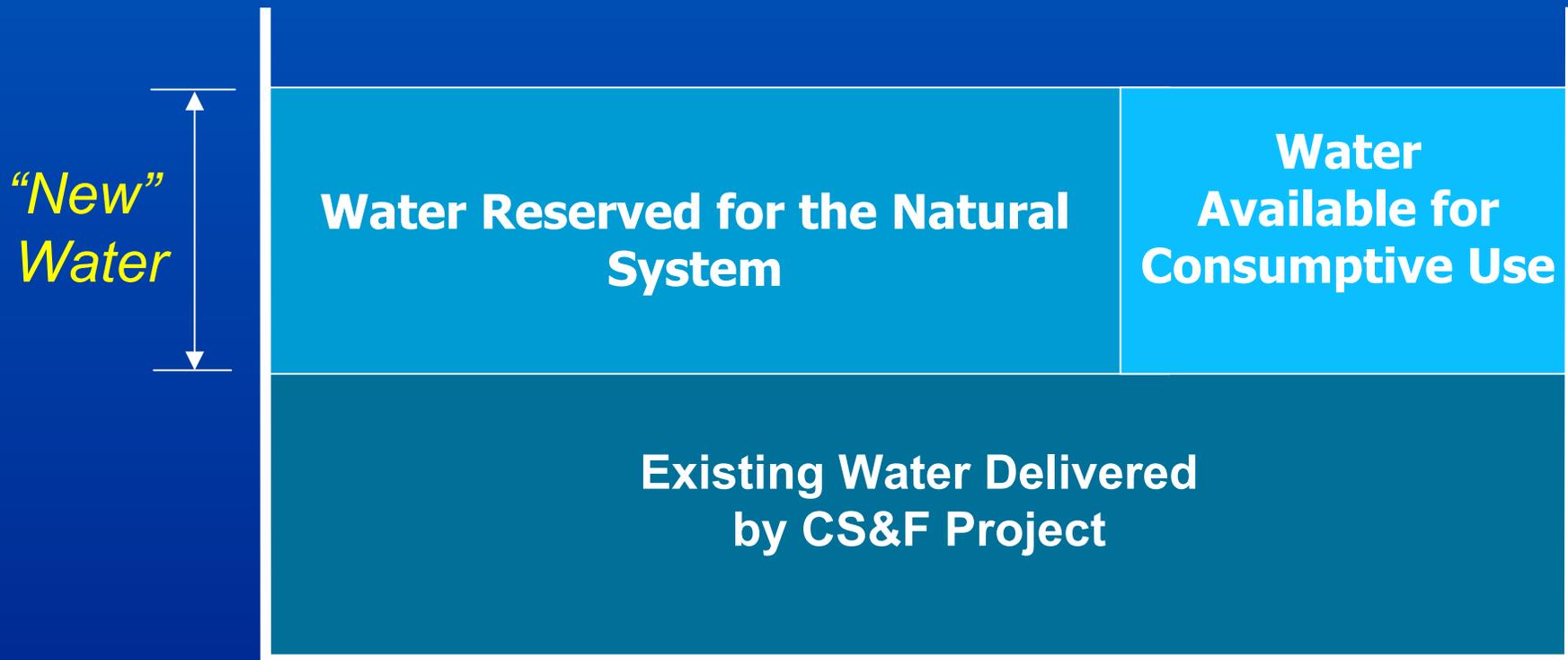


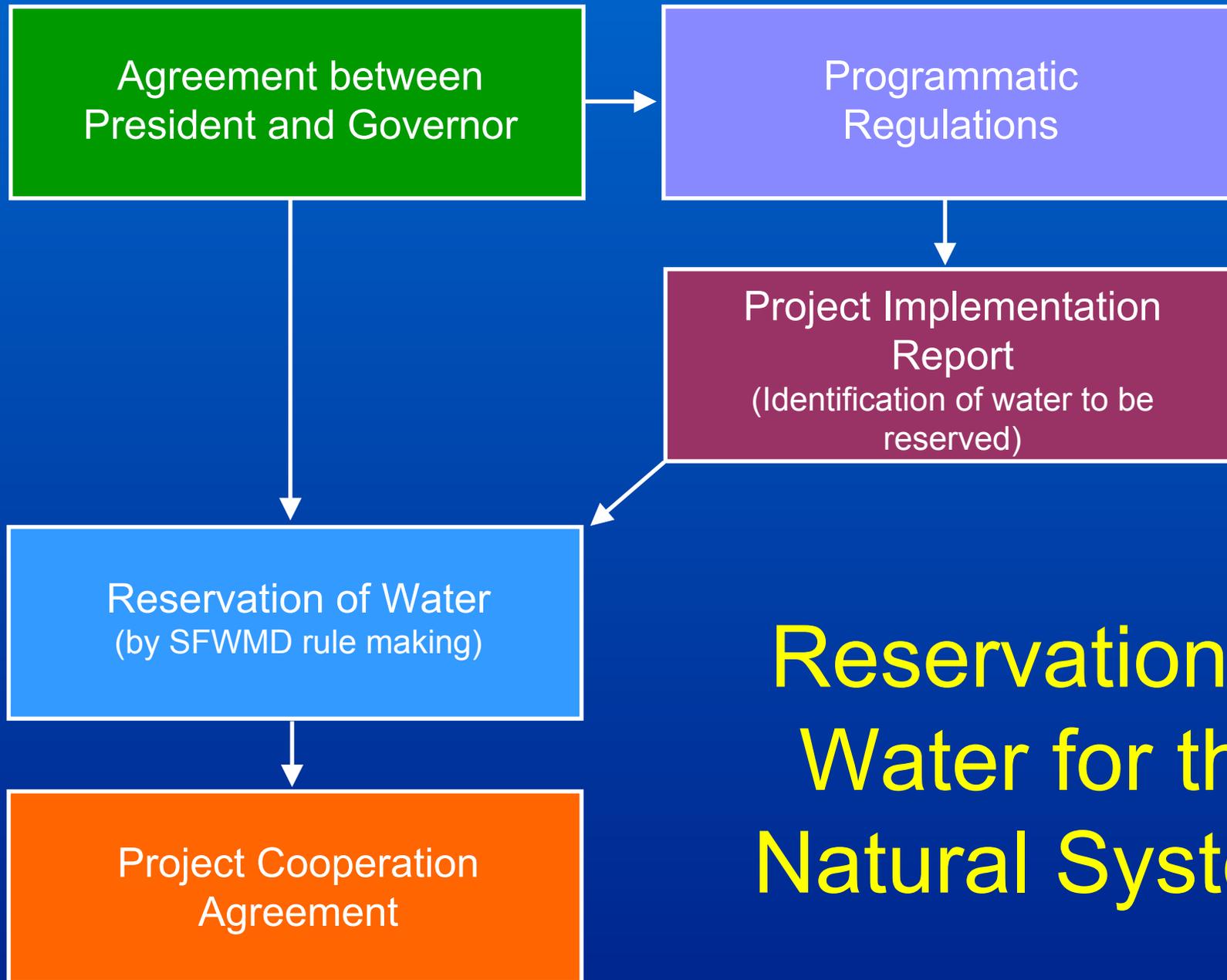
Progress



Interim Goals

Identifying Water Made Available by CERP





Reservation of Water for the Natural System

Agreement between President and Governor

Section 601(h)(2) requires:

“... **binding agreement** under which the **State shall ensure**, by regulation or other appropriate means, that **water made available** by each project in the Plan **shall not be permitted for a consumptive use or otherwise made unavailable** by the **State** until such time as **sufficient reservations of water for the restoration of the natural system** are made under State law in accordance with the project implementation report for the project and consistent with the Plan.”

Status of Agreement

- Discussions underway between Army and Governor's Office on agreement
- State to prepare initial draft of agreement

Next Steps

- Review/revise development process
- Finalize outline of regulation
- Complete development of draft processes and procedures
- Complete preliminary draft of regulation - December



Thank you

Questions?