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1 INTERGOVERNMENTAL AGREEMENT
2 AMONG
3 THE UNITED STATES DEPARTMENT OF THE ARMY,
4 THE UNITED STATES DEPARTMENT OF THE INTERIOR,
5 AND THE STATE OF FLORIDA
6 ESTABLISHING
7 INTERIM RESTORATION GOALS
8 FOR
9 THE COMPREHENSIVE EVERGLADES RESTORATION PLAN
10

11 *DRAFT: 09/13/06*
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14 **A. INTRODUCTION AND PURPOSE**
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16 The State of Florida and the Federal Government are committed to a continuing partnership to
17 achieve the restoration, preservation, and protection of the South Florida ecosystem while
18 providing for other water-related needs of the region, including water supply and flood protection.
19 This partnership is reflected in section 601 of the Water Resources Development Act of 2000
20 (WRDA 2000) authorizing the Comprehensive Everglades Restoration Plan (Plan); the
21 Programmatic Regulations for the Comprehensive Everglades Restoration Plan at 33 C.F.R. Part
22 385 issued by the Secretary of the Army, with the concurrence of the Governor of Florida and the
23 Secretary of the Interior, providing for the implementation of the Plan; and the Comprehensive
24 Everglades Restoration Plan - Assurance of Project Benefits Agreement signed by the President of
25 the United States and the Governor of Florida. The State of Florida, the U.S. Army Corps of
26 Engineers and the U.S. Department of the Interior continued the partnership in establishment of
27 the Acceler8 Program, where the State agreed to fund expedited implementation of several
28 components included in the Plan and the Federal agencies agreed to expedite Federal processes
29 necessary for early implementation. The State of Florida, through the South Florida Water
30 Management District, also agreed to proceed with its Acceler8 Program components consistent
31 with WRDA 2000 and applicable State and Federal law. To further this partnership, consistent
32 with Section 601 of WRDA 2000 and Part 385 of the Programmatic Regulations, the State of
33 Florida, the U.S. Department of the Interior and the U.S. Army Corps of Engineers execute this
34 Agreement to establish interim goals for the Plan.
35

36 The purpose of the interim goals is to provide a means by which the restoration success of the Plan
37 may be evaluated at specific intervals of time by agency managers, the State, and Congress
38 throughout the overall planning and implementation process for the Plan. The interim goals will
39 also facilitate adaptive management of the Plan to allow the Corps of Engineers and its non-
40 Federal sponsors opportunities to make adjustments to projects in the Plan, including
41 recommending changes to the Plan, if actual project performance toward restoration goals and
42 purposes of the Plan is less than anticipated.
43

44 **B. BACKGROUND**
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46 Section 385.38 of the programmatic regulations requires the Secretary of the Interior, the
47 Secretary of the Army, and the Governor of Florida, in consultation with the Environmental
48 Protection Agency, the Department of Commerce, the Miccosukee Tribe of Indians of Florida, the

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1 Seminole Tribe of Florida, other Federal, State, and local agencies, and the South Florida
2 Ecosystem Restoration Task Force, and after consideration of public comment, to develop and
3 execute an agreement to establish interim restoration goals for evaluating the restoration success
4 of the Plan. Section 385.39 of the programmatic regulations requires the Secretary of the Army
5 and the Governor of Florida to establish interim targets for evaluating progress towards other
6 water related needs of the region and requires that the interim goals and interim targets be
7 consistent with each other.

8
9 Consistent with the programmatic regulations, the Restoration Coordination and Verification
10 (RECOVER) team, using the best science and information available at the time (2003), developed
11 recommendations for interim goals and interim targets and provided these recommendations to the
12 Army Corps of Engineers, the Department of the Interior and the South Florida Water
13 Management District for their consideration prior to executing this Agreement (a separate interim
14 targets agreement will be executed by the State of Florida and the Army Corps of Engineers). The
15 RECOVER recommendations for interim goals for the Plan, along with associated documentation
16 and appendices to provide greater detail on the interim goals, including the assumptions and
17 limitations of the recommended interim goals, are contained in a document entitled “RECOVER
18 Team’s Recommendations for Interim Goals and Interim Targets for the Comprehensive
19 Everglades Restoration Plan” dated February 17, 2005 (RECOVER Recommendations). The
20 RECOVER Recommendations organize the interim goals by ecosystem indicator within specified
21 regions of the Everglades. The RECOVER Recommendations will be used as a technical
22 reference, along with new science, modeling and technical information, for use in planning
23 projects, interpreting future CERP performance, and guiding the adaptive management process.
24 The RECOVER report also provides additional detailed information and explanation for indicator
25 use and interim goals predictions.

26
27 The signatories to this Agreement note that the RECOVER Recommendations are based upon
28 certain assumptions. These assumptions include information developed using the hydrologic
29 model utilized to formulate the Plan, as well as the Plan schedule that was submitted to the
30 Congress in the Army Corps of Engineer’s April 1999 Central and Southern Florida Project
31 Comprehensive Review Study. The RECOVER Recommendations also assumed that projects
32 contained in the Plan would be fully funded and constructed consistent with the original Plan
33 schedule.

34
35 As noted in the RECOVER Recommendations, there are some current limitations on the
36 recommended interim goal performance predictions because of uncertainties with the models and
37 science at the time they were developed, as well as the fact that existing models were unable to
38 predict any interim goals for certain indicator conditions. Because of this and the fact that certain
39 assumptions since the Plan was authorized in WRDA 2000 have changed, the signatories to this
40 Agreement support as a high priority the continued development and refinement of the
41 recommended indicators and interim goals contained within the RECOVER Recommendations
42 consistent with the requirements of the programmatic regulations. Accordingly, in adopting the
43 recommended suite of indicators and interim goals outlined in Section D of this Agreement, the
44 signatories to this Agreement expect that RECOVER will continue to refine its recommendations
45 for indicators and interim goals, develop predictive measures for interim goals for certain indicator
46 conditions that presently lack predictive measures, and develop incremental performance
47 predictions for the interim goals. The signatories to this Agreement agree that the best available
48 information and changes in assumptions since the Plan was first authorized in WRDA 2000, and

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1 the current version of the Master Implementation Sequencing Schedule (MISP) shall be utilized in
2 developing incremental performance predictions for the initial suite of interim goals that are
3 identified in Section D and adopted by the signatories to this Agreement. Future modifications of
4 interim goals identified in Section D to include incremental performance predictions shall be made
5 by amendment to this Agreement.

6 7 **C. Duties**

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9 For the reasons stated above, the Parties agree as follows:

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11 1. The Secretary of the Army and the Governor of Florida will:

12
13 a. Sequence and schedule Plan Projects as appropriate to achieve the interim goals and interim
14 targets identified in this Agreement and in the Agreement on Interim Targets to the extent
15 practical given (1) funding, technical, or other constraints, and (2) the assumptions on which
16 the 1999 Plan implementation schedule are based.

17
18 2. The Secretary of the Army, Secretary of the Interior and Governor of the State of Florida agree
19 to streamline permit and agency review processes and to assign appropriate staffing levels to
20 provide timely decisions on permit applications and expedite agency reviews.

21
22
23 3. The Secretary of the Army, the Secretary of the Interior, and the Governor of the State of
24 Florida agree that:

25
26 a. Pursuant to 33 C.F.R. § 385.20 (e)(1)(v) RECOVER shall assess
27 progress toward achieving the interim goals established by this Agreement. RECOVER
28 shall make the assessment no less than every five years from the date of this Agreement, or
29 any revisions thereto, and shall provide the results of this assessment to the signatories to
30 this Agreement.

31
32 b. RECOVER shall continue to refine and develop its recommendations, as described in the
33 February 17, 2005 document “RECOVER Team’s Recommendations for Interim Goals and
34 Interim Targets for the Comprehensive Everglades Restoration Plan,” and refine and develop
35 for consideration by the signatories to this Agreement, the appropriate set of indicators and
36 interim goals reflecting regional hydrologic performance targets, improvements in water
37 quality and anticipated ecological responses, for areas affected by the implementation of the
38 Plan. These recommendations should be provided to the signatories to this Agreement
39 commensurate with RECOVER’s assessment of the progress toward achieving the interim
40 goals established by this Agreement.

41
42 c. The interim goals will be modified through amendment of this Agreement, in consideration
43 of RECOVER assessments and recommendations, to reflect any new information related to
44 Plan implementation, including revised hydrologic models, project schedules, new scientific
45 and technical information, information developed through assessment and adaptive
46 management, and future authorized changes to the Plan integrated into the implementation of
47 the Plan.

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d. The Secretary of the Army, the Secretary of the Interior, and the Governor will review the Interim Goals Agreement at least once every five years after the date of the Interim Goals Agreement, to determine if the interim goals should be revised.

D. Interim Goals

Listed below is the list of the indicators (underlined) and qualitative interim goal statements (bulleted items in italics) that shall be refined by RECOVER as described in this Agreement:

1. Northern Estuaries Region

1.1 American Oysters in Northern Estuaries

- *Increase the areal coverage of American oysters in the Caloosahatchee, St. Lucie and Loxahatchee Estuaries, and the Lake Worth Lagoon*

1.2 Submerged Aquatic Vegetation in Northern Estuaries

- *Increase the areal coverage and improve the functionality of submerged aquatic vegetation in the northern estuaries*

1.3 Flows to the Northern Estuaries

- *Reduce high volume flows (monthly average flows in excess of 2,800 cfs) to the Caloosahatchee Estuary and low volume flows (monthly flows from October to July below 450 cfs)*
- *Reduce high volume flows (monthly average flows in excess of 2,000 cfs) to the St. Lucie Estuary and low volume flows (monthly flows below 350 cfs)*
- *Reduce high volume flows (flows in excess of 500 cfs daily over a 7-day moving average) to the Lake Worth Lagoon*

2. Lake Okeechobee Region

2.1 Lake Okeechobee Phosphorus

- *Reduce phosphorus concentrations in Lake Okeechobee*

2.2 Water Levels in Lake Okeechobee

- *Reduce the frequency of harmful high stages above 17 feet*
- *Reduce the frequency of harmful low stages below 11 feet*

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- *Restore natural spring recession events*

2.3 Lake Okeechobee Algal Blooms

- *Reduce the frequency of algal blooms in Lake Okeechobee*

2.4 Lake Okeechobee Aquatic Vegetation

- *Increase the areal coverage of aquatic vegetation in Lake Okeechobee*

3. Everglades Region

3.1 Water Volume

- *Distribute water across the ecosystem in a manner that reflects natural conditions while providing for other water-related needs of the region*

3.2 Sheet Flow

- *Establish more historic magnitudes and directions of sheetflow in the natural areas of the Everglades*

3.3 Hydropattern

- *Restore the natural timing and pattern of inundation throughout the ecological communities of South Florida, including sawgrass plains, ridge and slough and marl marshes*

3.4 System-Wide Spatial Extent of Natural Habitat

- *Increase spatial extent of natural habitat*

3.5 Everglades Total Phosphorus

- *Achieve a water column phosphorus concentrations of 10 micrograms per liter in the Everglades*

3.6 Periphyton Mat Cover, Structure and Composition

- *Restore periphyton mat cover, structure and composition that were characteristic of the spatially distinct hydroperiods (short and long hydroperiods) and low nutrient conditions in the greater Everglades wetland communities*

3.7 Ridge and Slough Pattern

- *Restore the historical ridge and slough landscape directionality and pattern*

3.8 Everglades Tree Islands

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- 1
- 2 • *Improve tree island health and maintain healthy tree islands*
- 3
- 4

5 3.9 Aquatic Fauna Regional Populations in Everglades Wetlands

6

- 7 • *Increase the abundance of fish to levels that approximate those predicted for pre-*
- 8 *drainage conditions*
- 9

10 3.10 American Alligator

11

- 12 • *Restore more natural numbers and distribution patterns for alligators across South*
- 13 *Florida’s major freshwater and estuarine landscapes*
- 14

15 3.11 System-Wide Wading Bird Nesting Pattern

16

- 17 • *Increase the total number of nesting pairs in the Everglades*
- 18
- 19 • *Increase the percentage of wading bird pairs nesting in estuarine locations*
- 20
- 21 • *Increase the frequency of super colony events*
- 22
- 23 • *Establish conditions that encourage wood storks to initiate nesting earlier in winter*

24 3.12 Snail Kite

- 25 • *Increase the areal extent of suitable foraging habitat for snail kites*

26 3.13 Flows to Northern Boundaries of the Water Conservation Areas

- 27 • *Provide More Natural Surface Water Flows to the Northern Boundaries of the*
- 28 *Water Conservation Areas*

29 3.14 Flows to Everglades National Park

- 30 • *Provide More Natural Surface Water Flows to Everglades National Park*

31 **4. Southern Estuaries Region**

32 4.1 Salinity Patterns in Florida Bay and Biscayne Bay

33

- 34 • *Reduce the intensity, duration, frequency and spatial extent of high salinity events,*
- 35 *reestablish low salinity conditions in mainland nearshore areas, and reduce the*
- 36 *frequency of and rapidity of salinity fluctuations resulting from pulse releases of*
- 37 *fresh water from canals*

38 4.2 Sub-merged Aquatic Vegetation in Southern Estuaries

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- *Re-establish a diverse seagrass community with moderate plant densities and more natural seasonality, and increase the percentage of Florida Bay having suitable habitat for seagrass growth*

4.3 Juvenile Shrimp Densities in Florida Bay and Biscayne Bay

- *Increase densities of juvenile shrimp within the various basins of Florida Bay and Biscayne Bay*

4.4 American Crocodile

- *Increase the frequency of salinities less than 20 parts per thousand in Florida Bay to foster optimal growth and survival of juvenile crocodiles.*

4.5 Florida Bay Algal Blooms

- *Minimize the magnitude, duration and spatial extent of algal blooms in Florida Bay*

4.6 Freshwater Flows to Florida Bay

- *Increase freshwater flows to Florida Bay*

4.7 Freshwater Flows to Biscayne Bay

- *Increase freshwater flows to Biscayne Bay*

5. System-wide Water Volume

5.1 Quantity of Freshwater Lost to Tide

- *Reduce the Quantity of Freshwater Lost to Tide*

6. Predicted Plan Capability

The following provides a qualitative interim goal statement for surface water storage capacity, stormwater treatment areas and wetland/natural areas restoration, along with incremental performance predictions for the end of 2010 and 2015 based on the best available information regarding: 1) project costs; 2) future Federal and State budgets for the Plan; and 3) schedules for completion of Project Implementation Reports, obtaining project authorizations, and executing Project Cooperation Agreements.

- Provide increased surface water storage capacity
 - 2010 - 60,000 acre-feet
 - 2015 - 430,000 acre-feet
- Provide increased water quality treatment capacity through additional STAs
 - 2010 - 5,000 acres of additional STA
 - 2015 - 10,000 acres of additional STA

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- Increase spatial extent of wetlands/natural areas
 - 2010 - 15,000 acres of restored or enhanced wetlands/natural areas
 - 2015 - 70,000 acres of restored or enhanced wetlands/natural areas

E. Term, Third Party Rights and Applicability

1. This Agreement shall become effective when signed by all Parties and shall remain in effect until modified by the Parties pursuant to the terms of this Agreement.
2. This Agreement shall not confer any benefit or right upon third parties and shall be used solely by the signatories to this Agreement for the purposes described in this Agreement, Section 601 of WRDA-2000 and the programmatic regulations.
3. This Agreement does not affect decisions by the State regarding the sequencing, scheduling, design, construction, or operation of a project implemented by the State of Florida or the South Florida Water Management District in advance of executing a Project Cooperation Agreement with the Army Corps of Engineers for such project.

BY:

SECRETARY OF THE ARMY

Date: _____

SECRETARY OF THE INTERIOR

Date: _____

GOVERNOR OF FLORIDA

Date: _____