



Florida Department of Environmental Protection  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399



South Florida Water Management District  
3301 Gun Club Road  
West Palm Beach, Florida 33406

April 5, 2010

Mr. Terry Breyman  
Council on Environmental Quality  
722 Jackson Place NW  
Washington, D.C. 20503

**Re: Proposed National Objectives, Principles and Standards for Water and Related Resource Implementation Studies dated December 3, 2009 ("Principles and Standards Document")**

Dear Mr. Breyman:

We are writing on behalf of the Florida Department of Environmental Protection (FDEP) and the South Florida Water Management District (SFWMD) to provide the Council on Environmental Quality with comments on the draft Principles and Objectives Document. FDEP and SFWMD support this effort to update the 1983 Economic and Environmental Principles and Guidelines for Water and Related Land Resource Implementation Studies and to develop uniform planning standards for the development of water resources to apply to all Federal agencies. In particular, FDEP and SFWMD offer perspectives on the federal government's planning for restoration initiatives.

To assist the Council on Environmental Quality with the context for our comments, we provide you with the following background information about our organizations. FDEP is the lead agency in Florida state government for environmental management and stewardship whose mission includes protecting air, water, and land. The agency is divided into three primary areas: Regulatory Programs, Land and Recreation and Planning and Management. Specific agency endeavors include improving air quality, restoring and protecting the water quality in springs, lakes, rivers and coastal waters, conserving environmentally-sensitive lands and providing citizens and visitors with recreational opportunities. In addition, FDEP has oversight authority for Florida's five water management districts. SFWMD is a regional governmental agency that oversees the water resources in the southern half of the state, covering 16 counties from Orlando to the Florida Keys and serving a population of 7.5 million residents. The agency is responsible for managing and protecting water resources of South Florida by balancing and improving water quality, flood control, natural systems and water supply. A key priority initiative for FDEP and SFWMD is the restoration of America's Everglades – the largest environmental restoration project in the nation's history. SFWMD serves as the local sponsor with the U.S. Army Corps of Engineers (Corps) for implementation of the Comprehensive Everglades Restoration Plan (CERP), a multi-billion dollar initiative to restore the South Florida ecosystem. To date, the State had spent approximately 2.4 billion dollars and the Federal Government has spent 760 million dollar on CERP implementation. FDEP and SFWMD staff are involved on a daily basis in the intricacies

Mr. Terry Breyman

April 5, 2010

Page 2

of the Federal planning process due to the complexities associated with implementing the multi- decade, multi- project undertaking that is the CERP. We offer these comments based on over fifteen years of experience in working with the USACE to bring CERP projects through the planning phase to the construction phase since the original authorization of the Comprehensive Review Study in the Water Resources Development Act of 1992.

### **Proposed National Objectives for Water Resources Planning**

FDEP and SFWMD support the concept of one national objective that seeks to balance the objectives of economic sustainability and environmental sustainability as is set forth in Paragraph 3 of the National Objectives. This balance is consistent with major federal restoration initiatives such as the CERP, which recognizes the importance of restoring, preserving and protecting the South Florida ecosystem while providing for other water related needs of the region, such as water supply and flood protection. See Sec. 601 (b)(1)(a) of the Water Resources Development Act of 2000.

### **Chapter 1 (Planning Principles) and Chapter II (Planning Standards)**

FDEP and SFWMD have the following comments on the Planning Principles found in Chapter 1 and the associated Planning Standards found in Chapter II:

***Planning Principle 1.B and Planning Standard 2.B. – Account for Ecosystem Services:*** We suggest that there be clear guidance developed for establishing limits on undertaking this type of accounting given the uncertainty associated with these types of accounting efforts. Developing the necessary baseline information in systems where multiple types of ecosystems are affected will be extremely data intensive, time consuming, and expensive. Our experience has been that there is little agreement on the value of ecosystem services for different habitat types, and the nature of quantifying how alternatives affect different ecosystem types requires subjective judgments that make differentiating between alternative plans in a meaningful way extremely difficult if not impossible.

In addition, we refer you to the National Research Council Report, "Valuing Ecosystem Services: Towards Better Environmental Decisionmaking," where the Committee on Assessing and Valuing the Services of Aquatic and Related Terrestrial Ecosystems recognizes:

"Although much is known about the services provided by aquatic ecosystems and methods for valuing changes in these services exist, the committee believes that there are still major gaps in knowledge that limit our ability to incorporate adequately the value of ecosystem services into policy evaluations." See p. 258.

Until such gaps are filled by additional research, it will be difficult for federal planners to adequately incorporate ecosystem services into policy evaluations. Overall, we believe

that clear guidance will be necessary so that accounting for ecosystem services does not substantially increase project cost or create substantial additional effort for federal planners.

***Planning Principle 1.H and Planning Standard 2.H – Account for Significant Effects and Mitigate Unavoidable Adverse Impacts to Natural Ecosystems:*** We suggest that this planning principle and standard be modified to classify restoration projects separately from other types of water resource development projects. Restoration projects oftentimes provide system wide benefits far beyond the direct or secondary impacts associated with the construction of the restoration project features, requiring a different approach to mitigation. Guidance needs to be developed regarding application of a system wide approach versus a project by project approach, in particular since Planning Principle Number 1.D. requires utilization of watershed and ecosystem based approaches.

***Planning Principle 1.M and Planning Standard 2.M – Collaborate Implementation Study Activities Broadly:*** We suggest that additional parameters on what constitutes collaboration and participation be included in this principle and standard. As an example, it appears that the interpretation of appropriate application of the Federal Advisory Committee Act has created hesitancy on behalf of the Corps in the CERP context to create a more open and free flow of interchange between the interested public and all federal and state agencies responsible for the planning efforts. Our experience with the exchange of information between federal planners and stakeholders is that there is a one way communication with the stakeholder providing comment and the federal planners receiving comment without having the ability to discuss and exchange views about the information provided. This has lead to unsatisfactory and incomplete interaction with the interested public in the planning process, resulting in the inability to build the relationships needed to reach an understanding on a path forward for a particular issue. In many cases, the interested public has local knowledge and expertise which could help federal agencies create more acceptable alternatives with greater benefits to the affected citizens.

***Proposed New Planning Principle and Standard: Reduce Federal Interagency and Intragency Conflicts:*** We suggest that a planning principle and standard be developed in addition to the standard on collaboration to specifically require federal agencies to work together to resolve inconsistencies in their missions, and to identify necessary changes to rules and policies that constrain the agencies during the planning process. We recognized that there are many examples of interagency conflicts, such as the mandates of the Fish and Wildlife Service with regard to individual endangered species protection and the mandates of the Corps to undertake restoration on an ecosystem wide basis. Interagency conflicts also occur due to differing agency approaches to applying laws of general application, such as the National Environmental Policy Act.

Mr. Terry Breyman

April 5, 2010

Page 4

An example of intragency conflict in the restoration context is the differing interpretations of the Corps Civil Works and Regulatory programs regarding mitigation for wetlands impacts associated with the implementation of restoration projects. We offer our experience in the CERP context as an example of why it is imperative that each federal agency have a holistic and integrated approach for planning water resource projects.

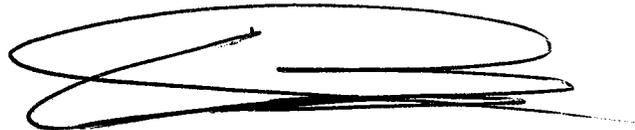
The Corps Clean Water Act Section 404 permitting process requires that impacts to waters of the United States, including wetlands, be avoided and minimized as well as mitigated for. Throughout the CERP process it has been recognized that the restoration efforts will provide system wide benefits far beyond any direct or secondary impacts associated with the specific construction projects of CERP. As a result, Corps civil works planning staff have documented the "self mitigating" nature of the CERP project components. In order to expedite CERP project benefits, the State moved forward to construct certain CERP components under its own authorities and in full participation with the Corps until such time as federal CERP project funding was forthcoming. Under this scenario where the State took the lead in restoration, Corps regulatory staff asserted their jurisdiction and ultimately determined mitigation is required on a project by project basis focusing on localized impact, in contrast to the Civil Works system wide approach. The result has been a substantial increase in monitoring requirements and additional mitigation to fulfill permit conditions increasing the cost of restoration. The Corps civil works and regulatory programs should be integrated so that restoration projects which restore critical wetland habitat should be evaluated the same whether in the civil works or regulatory contexts.

We appreciate the opportunity to comment on the Principles and Standards document, and look forward to working with the Council on Environmental Quality and the Federal agencies as the development of the Principles and Standards proceeds. If you have any questions, please contact Ernie Marks, Environmental Administrator, Restoration Planning and Permitting Section, [Ernest.Marks@dep.state.fl.us](mailto:Ernest.Marks@dep.state.fl.us), and Tom Teets, Director of Policy and Coordination Department, Everglades Restoration and Capital Projects, [tteets@sfwmd.gov](mailto:tteets@sfwmd.gov)

Sincerely,



Greg Knecht  
Director  
Office of Ecosystems Projects  
Florida Department of Environmental Protection



Kenneth G. Ammon, P.E.  
Deputy Executive Director  
Everglades Restoration and Capital Projects  
South Florida Water Management District

Mr. Terry Breyman  
April 5, 2010  
Page 5

c: Beth Lewis, SFWMD  
Ernie Marks, FDEP  
Tom Teets, SFWMD  
Carol Ann Wehle, SFWMD