August 4, 2011

Melissa Meeker  
Executive Director  
South Florida Water Management District  
3301 Gun Club Road  
West Palm Beach, FL 33146

South Florida Water Management District Governing Board  
Joe Collins, Chair  
3301 Gun Club Road  
West Palm Beach, FL 33146

RE: Pending Water Reservation Rulemaking and Everglades Restoration

Dear Executive Director Meeker and Governing Board Members:

The Everglades Coalition is an alliance of 54 local, state and national conservation organizations working together to assure America’s Everglades are protected and restored for future generations. It has come to our attention that in the upcoming months the Governing Board will be considering the future of rulemaking to protect the Caloosahatchee estuary, Kissimmee River, and Biscayne Bay. We write to highlight the importance of the development and implementation of these rules for Everglades restoration projects and ask for written clarification of a rulemaking timeline.

These rules are required for the South Florida Water Management District’s (SFWMD) cost share agreements with the federal partner, the United States Army Corps of Engineers (ACOE) to legally commit to fund and construct restoration projects. For Comprehensive Everglades Restoration Plan (CERP) projects to move forward, the SFWMD is required to set aside or "reserve" the new water produced to meet restoration needs. This protection of water ensures that taxpayer money is not wasted building a project that produces and delivers insufficient water. The water reservation must occur prior to the SFWMD executing an agreement to construct these projects with the ACOE, consistent with 373.470 (3)(c), Florida Statutes.
The proposed Caloosahatchee Water Reservation and Biscayne Bay Restricted Area Allocation Rule\(^1\) are linked to the C-43 Reservoir project and the Biscayne Bay Coastal Wetlands project, respectively. These two projects were specifically listed in the SFWMD FY 2012 Budget draft to move forward. The proposed Kissimmee Water Reservation reserves water for Kissimmee River restoration, a project that has the similar authorization process as CERP and has been progressing for some time.

We understand that it has been trying for everyone to watch the budget reduction process at the SFWMD with the necessity to re-prioritize fundamental water management responsibilities. We hope you will understand our urgent request that you make rulemaking for water reservations a top priority. The Everglades system cannot afford delay. The success of the Kissimmee River restoration and the efforts put into the planning and land acquisitions needed for the C-43 reservoir and Biscayne Bay Coastal Wetlands projects are providing a sense of momentum that is long overdue for restoration progress. Timely action by the SFWMD to complete water reservation rulemaking will add impetus to Congressional action to fund construction that will then allow the SFWMD to claim the credits it has accrued with the ACOE and recoup its expenditures.

Could you please supply us with a written clarification of the timeline for the rulemaking process for these three crucial rules? Thank you for your attention to this matter. Please don’t hesitate to contact us or any of our member organizations on this vital issue.

Sincerely,

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\(^{1}\) A Biscayne Bay Water Reservation rule could more comprehensively protect the Bay’s freshwater resources and should also be further explored.