

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2  
3 RESOLUTION NO. 2007 238

4  
5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA  
6 WATER MANAGEMENT DISTRICT CLARIFYING STATE ASSURANCES  
7 OF PROJECT BENEFITS FOR CERP-RELATED ACCELER8 PROJECTS;  
8 PROVIDING AN EFFECTIVE DATE  
9

10 WHEREAS, in 2000, the U.S. Congress, in collaboration with the State  
11 of Florida passed legislation to restore America's Everglades with the multi-  
12 decade, \$7.9 billion Comprehensive Everglades Restoration Plan (CERP) and  
13 which envisioned a 50-50 cost share for the projects with the non-federal  
14 sponsor; and  
15

16 WHEREAS, as the largest environmental restoration project in the  
17 nation's history, the CERP is reviving the habitat for more than 60 threatened  
18 and endangered species as well as providing water for other water-related  
19 needs; and  
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21 WHEREAS, the State of Florida and the South Florida Water  
22 Management District entered into a Memorandum of Agreement on October  
23 14, 2004 to accelerate environmental restoration through early design and  
24 construction of eight Everglades restoration projects identified by the U.S.  
25 Congress as priorities; and  
26

27 WHEREAS, the State of Florida and the South Florida Water  
28 Management District has invested approximately \$757 million, which includes  
29 approximately \$173 million of federal funding, to acquire 99 percent of the land  
30 needed to complete the Acceler8 initiative; and  
31

32 WHEREAS, by issuing Certificates of Participation -- a funding  
33 technique never before utilized for environmental restoration -- the South  
34 Florida Water Management District generated \$572 million to begin building  
35 the fast-tracked Acceler8 projects; and  
36

37 WHEREAS, when complete, the suite of Acceler8 projects will construct  
38 25,000 acres of treatment marsh, restore 70,000 acres of wetlands and  
39 provide 425,000 acre-feet of water storage; and

40 WHEREAS, construction of five of the eight Acceler8 projects is under  
41 way; and

42 WHEREAS, Congress has not passed a Water Resources  
43 Development Act since 2000 or fully authorized any Project Implementation  
44 Reports, as required under the Comprehensive Everglades Restoration Plan;  
45 and

1  
2           **WHEREAS**, the Project Implementation Reports for the CERP projects  
3 which have related Acceler8 projects are awaiting completion by the federal  
4 partners and ultimately full authorization by the Congress; and  
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6           **WHEREAS**, in the absence of a Water Resources Development Act  
7 authorizing the federal agencies to build projects, the State of Florida, in  
8 collaboration with the federal government, took creative steps to construct  
9 restoration projects, maintain progress and achieve ecological returns earlier;  
10 and  
11

12           **WHEREAS**, stakeholders have expressed a strong desire for the South  
13 Florida Water Management District to maintain consistency with the federal  
14 process outlined in the Water Resources Development Act of 2000 when  
15 constructing the CERP-related Acceler8 projects, including the development of  
16 Project Implementation Reports; and  
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18           **WHEREAS**, the South Florida Water Management District remains  
19 committed to restoring the Everglades consistent with the Comprehensive  
20 Everglades Restoration Plan; **now therefore**

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22           **BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH**  
23 **FLORIDA WATER MANAGEMENT DISTRICT:**  
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25           **Section 1.** The Governing Board of the South Florida Water Management  
26 District hereby provides the following Assurances of Project Benefits for the  
27 CERP related Acceler8 projects:  
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- 29           A. The priority of operations for each Acceler8 project is to achieve  
30 environmental benefits consistent with the intent of the CERP;  
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32           B. The quantity, timing, and distribution of water made available for the natural  
33 system for each Acceler8 project will be identified;  
34  
35           C. The water made available for the natural system by each Acceler8 project  
36 will be protected under the reservation or allocation authority set forth in FI.  
37 Stat. Ch 373;  
38  
39           D. The water made available for other water related needs for each Acceler8  
40 project will be identified;  
41  
42           E. Allocation of water for other water related needs will not take place until  
43 the water made available for the natural system is protected and the  
44 Governing Board certifies that water for other water related needs is available;  
45

1 F. Development of the operating plan for each Acceler8 project will be  
2 undertaken consistent with the identification of water for the natural system  
3 and the identification of water for other water related needs;  
4

5 G. Public involvement in the development of the operational plan for each  
6 Acceler8 project will occur on a regular basis;  
7

8 H. Prior to operation of each Acceler8 project, notice of rule development  
9 in accordance with Fl Stat. Sec. 120 will be published in the Florida  
10 Administrative Weekly to protect the new water made available for the natural  
11 system;  
12

13 I. Reasonable assurances will be provided and documented that the  
14 quantity of water for existing legal users will not be diminished by each  
15 Acceler8 project;  
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17 J. Reasonable assurances will be provided and documented that the  
18 quantity of water for the Seminole Tribe of Florida, under the compact among  
19 the Seminole Tribe of Florida, the State and the South Florida Water  
20 Management District, defining the scope and use of the Tribe's water rights,  
21 will not be diminished by each Acceler8 project;  
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23 K. Existing levels of service for flood protection will not be diminished  
24 outside the geographic area of the project by each Acceler8 project and will be  
25 documented accordingly;  
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27 L. Water management practices for the Acceler8 projects will continue to  
28 be adapted to meet the needs of the natural system;  
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30 M. Once Congress authorizes a Project Implementation Report for a  
31 Comprehensive Everglades Restoration Plan project, which encompasses an  
32 Acceler8 project, any previously existing protection of natural system water for  
33 an Acceler8 project will be reviewed and modified where necessary to be  
34 consistent with the identification of water for the natural system in the Project  
35 Implementation Report and will be protected using the State's reservation or  
36 allocation authority. Such modifications will occur prior to signature of a Project  
37 Cooperation Agreement; and  
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39 N. Once a Project Cooperation Agreement for a Comprehensive  
40 Everglades Restoration Plan Project is signed, which encompasses an  
41 Acceler8 project, the operation plan for the Acceler8 project will be modified  
42 where necessary to be consistent with the reservation or allocation of water  
43 adopted prior to signature of the Project Cooperation Agreement for that  
44 project.  
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1 **Section 2.**

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3 A. Nothing in this resolution shall be interpreted to amend, alter, prevent,  
4 or otherwise abrogate existing rights under state and federal law.

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6 B. This resolution shall take effect immediately upon adoption.  
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9 **PASSED and ADOPTED** this 11 day of July, 2007.

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11 SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING  
12 BOARD

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16 By: \_\_\_\_\_



17 Chair

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24 ATTEST:

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28  
29 Jackie McGarty  
District Clerk

Approved as to form:

By:

Beth C. Lewis