



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

November 16, 2016

Ms. Cynthia K. Dohner
Regional Director, Southeast Region
U.S. Fish and Wildlife Service
Department of the Interior
1875 Century Boulevard NE, Suite 400
Atlanta, GA 30345

Dear Ms. Dohner:

On August 11 of this year, the South Florida Water Management District notified the U.S. Fish and Wildlife Service (Service) that the Service is in breach of the 2002 agreement that allows USFWS to operate the Loxahatchee National Wildlife Refuge in Water Conservation Area-1 -- District-owned land. The District's issuance of this formal Notice of Default was preceded by more than a year of public and private discussion with the Service regarding the infestation of exotic, invasive lygodium within the Refuge. This is the same issue that obstructed renewal of the original, 1951 agreement between the District and the Service in 2001. The District entered into the 2002 agreement when the Service promised to meet performance measures controlling exotics and to use its best efforts to obtain adequate appropriations to support the performance of its obligations.

On numerous occasions over the past year, the Service indicated that it will not meet its contractual lygodium control obligation within the Refuge. More troubling is that the Service's budget requests to Congress indicate that the agency has not sought appropriations to correct course. Last year, while the Service asked Congress to increase the agency's overall discretionary spending by \$55 million, it is clear that none of those additional funds are to be applied to decrease invasive infestation in the Refuge. The attached Service budget justification indicates the agency's intent to maintain uncontrolled exotics infestation at a staggering 97% of impacted lands.

These actions prompted the District's Governing Board to unanimously seek an end to the status quo of performance failures without corrective action. As of the date of this correspondence, however, the Service has not proposed a plan of action to remedy its failures to comply with the 2002 agreement. Recent media reporting even suggests the Service is not working to develop such a plan.

It remains unclear why the Service would choose not to seek the funding necessary to support its performance obligations. Moreover, it remains unclear whether the Service intends to not seek adequate appropriations next fiscal year. This lack of transparency

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in the agency's budgeting process is concerning. A cooperative partnership should include open communication and meaningful dialogue related to all financial obstacles and budgeting requests.

The Governing Board should have information that clarifies the Service's past and proposed efforts to meet its obligations, so that the Board can make informed decisions in the public interest on the status of the 2002 agreement. The District requests that the Service provide documentation demonstrating your efforts to establish a funding source within its proposed budget FY 2017 and FY 2018. In addition, if the Service has a plan of action to decrease invasive lygodium infestation in the Refuge, the District requests receipt of that proposal as well.

We appreciate your prompt response by December 30, 2016.

Sincerely,



Brian J. Accardo
General Counsel

BJA/rb

Attachment

Refuges - Combined Program Change and Overview Table

Performance Goal	2012/Actual	2013/Actual	2014/Actual	2015/Actual	2016/Target	2017/PB	Change from 2016 Target to 2017/PB
1.0.1 - Number of NWRS riparian (stream/shoreline) miles achieving desired conditions (GPRA)	310,030	310,369	310,365	310,363	310,233	310,233	0
2.0.1 - # of NWRS wetland, upland, and coastal/marine acres achieving desired condition (GPRA)	140,232,660	140,741,380	140,232,307	145,791,353	140,001,101	140,010,859	9,758
11.1.1 - % of NWRS baseline acres infested with invasive plant species that are controlled (GPRA)	3.9% (94,868 of 2,409,758)	2.2% (57,032 of 2,558,619)	2.2% (52,839 of 2,399,819)	2.7% (59,696 of 2,245,244)	2.6% (61,200 of 2,337,279)	2.6% (61,200 of 2,337,279)	0.0%
12.1.1 - % of invasive animal species populations that are controlled (GPRA)	16% (297 of 1,847)	8% (154 of 1,900)	7% (118 of 1,701)	7% (127 of 1,699)	8% (135 of 1,745)	8% (135 of 1,745)	0%
9.3.7 - Number of Inventory and Monitoring Plans completed and approved in the current fiscal year.	NA	NA	8	23	45	45	0
9.3.8 - Number of protocols approved for use in the current fiscal year.	NA	NA	9	6	10	25	15
Comments:	The Service has been making steady strides in the development and approval of I&M protocols since the adoption of the revised I&M Policy and Survey Protocol Handbook into policy on January 9, 2014, as we continue to extend training to staff. The increase in the estimated number of approved protocols in FY17 relative to FY16 is a direct reflection of efficiencies gained through our experience.						
CSF 13.1 - Percent of archaeological sites and historic structures on FWS inventory in good condition	19% (3,267 of 17,185)	22% (3,783 of 17,444)	22% (3,800 of 17,520)	22% (3,911 of 17,675)	22% (3,914 of 17,692)	23% (3,923 of 17,326)	1%
15.2.2 - % of NWRs/WMDs that have quality hunting programs, where hunting is compatible	80% (292 of 365)	82% (297 of 364)	81% (296 of 364)	83% (301 of 364)	84% (304 of 364)	84% (307 of 365)	1%
15.2.4 - % of NWRs/WMDs that have quality fishing programs, where fishing is compatible	64% (221 of 345)	74% (224 of 303)	76% (229 of 303)	76% (231 of 303)	77% (232 of 303)	77% (233 of 304)	0%
15.2.6 - % of NWRs/WMDs that have quality wildlife observation programs, where wildlife observation is compatible	78% (363 of 466)	78% (367 of 470)	78% (365 of 468)	78% (369 of 473)	78% (369 of 474)	78% (369 of 474)	0%
15.2.8 - % of NWRs/WMDs that have quality environmental education programs, where interpretation is compatible	76% (301 of 394)	74% (292 of 392)	75% (292 of 387)	73% (291 of 397)	75% (293 of 393)	74% (293 of 395)	0%
15.2.10 - % of NWRs/WMDs with quality interpretative programs that adequately interpret key resources and issues, where interpretation is compatible	73% (320 of 437)	72% (311 of 434)	73% (312 of 430)	73% (312 of 430)	75% (320 of 427)	75% (320 of 428)	0%
15.2.23 - Total # of visitors to NWRS - annual	47,059,171	47,465,286	46,912,041	48,477,661	46,694,807	49,000,000	2,305,193
52.1.1 - # of volunteer hours are annually contributed to NWRS	1,594,235	1,462,025	1,415,809	1,416,622	1,260,242	1,300,000	39,758
Comments:	Based on historic trends						