

Comprehensive Everglades Restoration Plan Assurance of Project Benefits Agreement

January 9, 2002

Whereas, the Everglades ecological system is unique in the world and one of the Nation's great treasures;

Whereas, the Central and Southern Florida Project as originally authorized in 1948 has had unintended consequences on the Everglades and the South Florida Ecosystem;

Whereas, the Water Resources Development Act of 1992 authorized a Comprehensive Review Study (Restudy) of the Central and Southern Florida Project;

Whereas, as required by the Water Resources Development Act of 1996, the Restudy was submitted to the Congress of the United States on July 1, 1999;

Whereas, the Restudy, renamed the Comprehensive Everglades Restoration Plan, was authorized by the Congress in the Water Resources Development Act of 2000;

Whereas, the Comprehensive Everglades Restoration Plan (the "Plan") will restore, preserve, and protect the more than 2.4 million acres of the Everglades and the South Florida Ecosystem;

Whereas, implementation of the Plan will require a collaborative effort among Federal and State partners, and the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida, acting under Federal and State law, to achieve the shared goal of restoration of the Everglades and the South Florida Ecosystem;

Whereas, as the ecosystem is restored, all interests seek a level of assurance that they will receive the anticipated benefits from the Plan;

Whereas, the Federal interest in restoration flows largely from the substantial Federal resources in the ecosystem, including Everglades National Park and other National Parks, National Wildlife Refuges, and National Marine Sanctuaries, which com-

prise a significant portion of the natural system;

Whereas, in recognition of this interest, the Congress established that the overarching objective of the Plan is the restoration, preservation, and protection of the South Florida Ecosystem, while providing for other water-related needs of the region, including water supply and flood protection;

Whereas, section 601(h)(2) of the Water Resources Development Act of 2000 (the "Act"), requires that the President of the United States and the Governor of Florida enter into a binding agreement that ensures that water from the Comprehensive Everglades Restoration Plan will be made available for the restoration of the natural system;

Whereas, section 601(h)(3) of the Act further requires that the Secretary of the Army, with the concurrence of the Governor and the Secretary of the Interior, and in consultation with the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida, the Administrator of the Environmental Protection Agency, the Secretary of Commerce, and other Federal, State, and local agencies, promulgate programmatic regulations to ensure that the goals and the purposes of the Plan are achieved;

Whereas, section 601(h)(4)(A)(iii) of the Act requires that a Project Implementation Report (PIR) identify the amount of water to be reserved or allocated for the natural system under State law;

Whereas, section 601(h)(4)(B)(ii) of the Act requires that the Secretary of the Army shall not execute a Project Cooperation Agreement until any reservation or allocation of water for the natural system identified in the PIR is executed under State law;