

Regulatory Team Success Criteria Sub-group Evaluation

Instructions: Enter the answers to the questions listed below in summary form on the following table. Use the "enter" key to add additional lines in each category, as needed.

1. Overall Program Description:
 - a. Program name
 - b. What problem was the program intended to solve?
 - c. Did the program establish goals? (e.g. water resource sustainability, future water supply, existing legal use protection) If so, describe the program goals.
 - d. Describe the program's approach (i.e. "tools" to be used) to fix the problem. (e.g. Water resource development projects, water supply development projects, regulatory components, operational, water shortage plan, etc.)
 - e. Describe performance measures, if any, established to gauge success in achieving the program goals?
 - f. Were there time tables, interim milestones, and deadlines established for achieving the program goals? If so, describe.

2. How does the program address existing legal user rights?
 - a. How were existing uses considered? (E.g. actual permitted, permitted, projected uses? Cutbacks proposed? Source shifts? Before or after permit renewal?)
 - b. Did the program include recovery/restoration/prevention components that affected among existing legal users? If so, how were they apportioned among the existing legal uses?
 - c. Did the program establish waivers, variances or other forms of relief for hardship cases? If so, what was the nature of the relief provided by the program?
 - d. Does the program provide funding to implement changes to existing legal uses?

3. How does the program provide for future / new uses?
 - a. Does the program provide for future / new uses? If so, how were future uses addressed (e.g. optimization, efficiency, preferred sources, alternative sources, water resource development projects)
 - b. Does the program provide funding for future / new water supply projects?

4. How does the program achieve resource sustainability?
 - a. Is sustainability achieved through regulatory components? If so, explain and include any integration with other programs.
 - b. Is sustainability achieved through water resource development / restoration projects? If so, explain.
 - c. Did the Legislature specifically address the program sustainability? (E.g.: provide for "trade-offs," program components, funding, reporting)

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- d. Did the program provide for adaptive management? If so, what adaptive management procedures were included in this program?

1. Overall program description

a. Program Name: Northern Everglades Payment for Environmental Services (NE-PES)/ aka Dispersed Water Management/ originally from Florida Ranchlands Environmental Services Program (FRESP) pilot program

b. Target Problem: Last century, there were large scale man-made changes to the hydrology and land use of the Northern Everglades, Lake Okeechobee and St. Lucie and Caloosahatchee estuaries. As a result, excess nutrient-laden water moves quickly from the Northern Everglades landscape to Lake Okeechobee. When Lake Okeechobee water levels rise to certain levels, nutrient-filled fresh water is released out of the lake through canals to the St. Lucie and Caloosahatchee estuaries, in turn harming these natural systems. Meanwhile, cow-calf ranches in the Northern Everglades are experiencing economic pressure to intensify agricultural production or transform into urban development, which would result in higher nutrient loads to Lake Okeechobee.

c. Program Goals: Improve water quality, wildlife habitat, provide carbon sequestration, and hydrologic flow while preserving the integrity of working ranchlands.

d. Program Tools: An incentive program in the Northern Everglades with landowners and land managers to pay for the storage and cleaning of water on working ranchlands. The original FRESP program tailored different Water Management Alternatives for individual users, which included combinations of flashboard riser, weirs, constructing or improving earthen berms or impoundments, rehydrating wetlands, diverting surface runoff to onsite storage, and other improvements to help reduce seepage from lands. Under NE-PES, SFWMD evaluated and funded RFPs by a series of criteria, including by not limited to an estimate of volume of water that can be retained and P retention potential using tools provided by the agency, the requested level of payments, and the proposed ways in which the service provision would be documented. The parties agree on a contract that sets a constant annual service payment over the life of the contract.

e. Performance Measures: For NE-PES, this is currently under development by SFWMD. District is now performing a comprehensive assessment of storage needs north of the Lake at a sub-watershed level which will be more beneficial than measuring flows to the Lake and the St Lucie and Caloosahatchee Estuaries.

For monitoring and compliance, SFWMD contracted with a third party “field team” to verify contract compliance for the eight water retention service contracts awarded under the first solicitation. The field team installs monitoring equipment at each WMA site makes monthly site visits; operates and maintains the equipment; collects, manages and analyzes data from the sites; and prepares reports. The field team conducts monthly site visits to verify that structures are bolted at the contracted elevation, downloads water stage and rainfall data, and checks on the condition of the WMA. During these site visits, the rancher provides a form that verifies that the WMA site has been operated and maintained as specified in the contract. After collecting and transferring the data to an electronic format, the field team processes the data through a standard QA/QC procedure, ensuring that stage inside the WMA varies logically with rainfall and pumped water inputs.

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| f. Timetables/deadlines: Contracts with landowners under NE-PES are for 10 years |
| 2. How does the program address existing legal user rights? |
| a. Treatment of Existing & Proposed Uses: This is a voluntary program with contractual rights |
| b. Recovery/Restoration/Prevention: N/A |
| c. Relief Mechanisms: N/A |
| d. Funding: For NE-PES, payment is generally on a fixed rate over the course of the 10 year contract. For FRESP, payment is provided on an annual basis if documentation shows services were provided |
| 3. How does the program provide for future/new uses? |
| a. Provision for New/Future Uses: N/A |
| b. Funding: State legislative appropriations, SFWMD Ad Valorem and reserves |
| 4. How does the program achieve resource sustainability? |
| a. Regulatory Components: Under development for NE-PES FRESP projects were based on fixed-length contracts, and the land owners wanted some assurance that they could return the land to its pre-existing condition after the contract period ends. Regulatory agencies were engaged up-front to assure this kind of post-contract flexibility. First, FRESP negotiated a Nationwide 27 Permit (Section 404 of the Clean Water Act) and a Memorandum of Understanding between FDEP, |

SFWMD, and FDACS, that would allow ranchers to return their lands to the pre-WMA wetland conditions after contracts expired. Second, FRESP obtained a letter of concurrence on the Nationwide 27 Permit from the USFWS.

b. Water Resource Development/Restoration: This program helps fund wetland rehydration and water retention ponds that provide good habitat for wildlife in the Northern Everglades. It may also help reduce nutrients and flashes of water flowing into Lake Okeechobee, which will help the Lake and Everglades ecosystem at large

c. Legislative Intent: Derived from Northern Everglades and Estuaries Protection Program

“It is the intent of the Legislature that the coordinating agencies encourage and support the development of creative public-private partnerships and programs, including opportunities for water storage and quality improvement on private lands and water quality credit trading, to facilitate or further the restoration of the surface water resources of the Lake Okeechobee watershed, the Caloosahatchee River watershed, and the St. Lucie River watershed, consistent with s. [403.067](#).” 373.4595(1)(n), Florida Statutes.

“In the development and administration of the Lake Okeechobee Watershed Protection Program, the coordinating agencies shall maximize opportunities provided by federal cost-sharing programs and opportunities for partnerships with the private sector.” 373.4595(3), Florida Statutes.

“Projects that make use of private lands, or lands held in trust for Indian tribes, to reduce nutrient loadings or concentrations within a basin by one or more of the following methods: restoring the natural hydrology of the basin, restoring wildlife habitat or impacted wetlands, reducing peak flows after storm events, increasing aquifer recharge, or protecting range and timberland from conversion to development, are eligible for grants available under this section from the coordinating agencies. For projects of otherwise equal priority, special funding priority will be given to those projects that make best use of the methods outlined above that involve public-private partnerships or that obtain federal match money.” 373.4595(3)(c)(5), Florida Statutes.

d. Adaptive Management: As these projects are monitored, WMA may be tweaked to advance the most effective methods for storage and reduction of nutrients. Note that SFWMD is currently evaluating this program in an Inspector General’s report to be released this November, which will likely have some new recommendations for the program.