PROJECT ASSURANCES

The District's Take

What Project Assurances mean – Each restoration project culminates in a Project Implementation Report (PIR). The PIR must identify the water made available by the project for the natural system and other water related needs, including agricultural, municipal, industrial and tribal. Once the water has been identified it is protected through the District's reservation or allocation authorities.

Actual Law

(1) IN GENERAL.—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.

The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, the improvement of the environment of the South Florida Ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(2) AGREEMENT.— (A) IN GENERAL.—In order to ensure that water generated by the Plan will be made available for the restoration of the natural system, no appropriations, except for any pilot project described in subsection (b)(2)(B), shall be made for the construction of a project contained in the Plan until the President and the Governor enter into a binding agreement under which the State shall ensure, by regulation or other appropriate means, that water made available by each project in the Plan shall not be permitted for a consumptive use or otherwise made unavailable by the State until such time as sufficient reservations of water for the restoration of the natural system are made under State law in accordance with the project implementation report for that project and consistent with the Plan.

In CERP Chapter What Savings Clause means - The project that the District is planning or developing cannot adversely affect flood protection or existing legal uses of water (including agricultural, municipal, industrial, tribal). All changes must meet the standard established in WRDA 2000.

SAVINGS CLAUSE

The District's Take

What Savings Clause means - The project that the District is planning or developing cannot adversely affect flood protection or existing legal uses of water (including agricultural, municipal, industrial, tribal). All changes must meet the standard established in WRDA 2000 (December 11, 2000).

Actual Law

(A) NO ELIMINATION OR TRANSFER.—Until a new source of water supply of comparable quantity and quality as that available on the date of enactment of this Act is available to replace the water to be lost as a result of implementation of the Plan, the Secretary and the nonFederal sponsor shall not eliminate or transfer existing legal sources of water, including those for— (i) an agricultural or urban water supply; (ii) allocation or entitlement to the Seminole Indian Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e); (iii) the Miccosukee Tribe of Indians of Florida; (iv) water supply for Everglades National Park; or (v) water supply for fish and wildlife.

(B) MAINTENANCE OF FLOOD PROTECTION.— Implementation of the Plan shall not reduce levels of service for flood protection that are— VerDate 11-MAY-2000 13:41 Mar 02, 2001 Jkt 089139 PO 00541 Frm 00120 Fmt 6580 Sfmt 6581 E:\PUBLAW\PUBL541.106 apps13 PsN: PUBL541 PUBLIC LAW 106–541—DEC. 11, 2000 114 STAT. 2691 (i) in existence on the date of enactment of this Act; and (ii) in accordance with applicable law.

(C) NO EFFECT ON TRIBAL COMPACT.—Nothing in this section amends, alters, prevents, or otherwise abrogates rights of the Seminole Indian Tribe of Florida under the compact among the Seminole Tribe of Florida, the State, and the South Florida Water Management District, defining the scope and use of water rights of the Seminole Tribe of Florida, as codified by section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e).