

CECW-SAD

SUBJECT: Civil Works Review Board (CWRB), Broward County Water Preserve Areas, Final Project Implementation Report and Environmental Impact Statement, March 2007

MEMORANDUM FOR RECORD

19 June 2007

SUBJECT: Civil Works Review Board (CWRB), Broward County Water Preserve Areas, Florida, Comprehensive Everglades Restoration Plan (CERP)

Date of CWRB: 12 April 2007

CWRB Members: MG Johnson (DCG, Chair), MG Riley (DCW), Gary Loew (CECW-PI), Tom Waters (CECW-P), and Ed Hecker (NWD RIT Leader)

Key Participants:

HQUSACE: CWRB Members, M.K. Miles (Acting Chief, SAD RIT), Office of Water Project Review (OWPR) (Colosimo, Furry, Gallihugh, Fitzsimmons, Ware, Chin, Groska), Office of Counsel (Steffen) & SAD RIT (Hardesty, Klosterman, Valentin-Meyer), CECW-P (Sherman, Leaf).

SAD: BG Joe Schroedel, James Dalton, Wilbert Paynes, and Mike Magley

SAJ: Colonel Paul Grosskruger, Dennis Duke, Stuart Appelbaum, Mike Rogalski, Joe Redican, and Rob Tucker

Office of the Assistant Secretary of the Army (Civil Works) (OASA(CW)): Doug Lamont

OMB: Did not participate

DOI: Terrence "Rock" Salt

Sponsor Representative: Ken Ammon, Deputy Executive Director, South Florida Water Management District (SFWMD) and Dewey Worth (SFWMD)

OWPR Recommendation: Approval of the project implementation report and environmental impact statement for release for State and Agency review subject to resolution of policy issues involving including discussions of the North New River project and cost-effectiveness in the Final PIR.

CWRB Decision Made: Approval of release of the report for State and Agency review subject to report revisions including inclusion of North New River project discussion and cost-effectiveness presentation.

Vote: Unanimous.

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Key Issues/Questions Raised by the CWRB:

1. Recommended Plan: Questions were raised by several CWRB members about the functionality of all three projects and whether one feature could be built without the other. SAJ indicated that all three components, i.e. C-9 Impoundment/STA; C-11 Impoundment/STA; and the Water Conservation Area (WCA) 3A/3B Seepage Management Area, are interconnected, both surface and subsurface, and they are inseparable. Gary Loew asked about funding for the project and if limited funding is provided what component/feature would be constructed initially. SAJ explained that this project will be implemented as one “super project” since all three components are needed to avoid violations of the “savings clause” (from WRDA 2000). Gary Loew stated that decision makers both within the Administration and Congress need to understand this large project, its interconnectivity and funding requirements.
2. Recreation Component. OASA(CW) - Doug Lamont asked whether the proposed recreational features, including nature trails, canoe launches, boardwalks, land bridges, information kiosks, parking, and sanitation amounting to \$2,230,000 were authorized in WRDA 2000. Jacksonville District is requesting authorization from the Congress for these features which will be cost shared 50 – 50 with the non-Federal sponsor.
3. Deauthorization. The Jacksonville District is recommending deauthorization of C-9, C-11 and WCA 3A/3B Seepage Management Area as separable projects and re-authorize as one project with three features. CWRB members asked for clarification and reasons for this recommendation. Jacksonville District explained that all three components function together as one system and without one of the components the project would not produce benefits to the ecosystem. In addition, due to the cost increase in lands and levee/embankment superiority cost for the construction has increased and the new total cost of the project exceeds the Section 902 (WRDA 1986) amount. OWPR – Review Manager John Furry asked the Jacksonville District to provide more explanation and clarification on the authorization and deauthorization of projects in the Final Report.
4. Cost Increase. OASA(CW) – Doug Lamont explained that the ASA(CW) has expressed concerns about cost estimate increases on Corps projects especially in the CERP program and whether the estimated have been through independent technical review (ITR). Jacksonville District indicated that an ITR of the M-CACES estimate was performed by the Wilmington District and that Walla Walla District (Center of Expertise on Cost Engineering) is doing a review of the project costs concurrent with State and Agency 3-day review period. Dennis Duke commented that all CERP projects will from this day forth be reviewed by the Walla Walla District. Any changes which result from Walla Walla’s review (if any) will be reflected in the Final Report. Mr. Ken Ammon, SFWMD, also mentioned that several architect-engineer firms employed on the State’s ACCELER8 program have also reviewed the cost estimates. Since lands for this project are 95 percent purchased, Mr. Ammon felt comfortable of the cost of lands included in the estimate and the sponsor believes the construction estimate is accurate.

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5. Cost Effectiveness. OWPR – John Furry discussed that the Final PIR lacks rationale that each of the various water control and water conveyance features are necessary and that each one is scaled appropriately, i.e. most cost effective means of providing the recommended level of outputs. Much of the information on cost effectiveness analysis is not in the PIR main report but it is contained in the report appendices. Information from the appendices that presents the rationale or analyses as basis for concluding each significant feature is needed and appropriately scaled needs to be included in the Main Report of the PIR. Jacksonville District will revise the main report and resubmit the revised Main Report to OWPR by 4 May 07. This concern is resolved.

6. Section 404 Existing Mitigation Sites. OWPR – John Furry explained that four existing mitigation sites are located within the BCWPA project site that cannot be completely avoided. They must be replaced to offset loss of benefits they would attribute to the system. Jacksonville District has recommended a compensatory mitigation plan to replace the permitted Section 404 mitigation site. Environmental benefits of the plan slightly exceed those required to offset the impacts to the existing mitigation sites. This concern is resolved.

7. North New River Segment. The PIR recommends implementing a portion of the authorized North New River Improvement Project (WRDA 2000 – Section 601), but does not adequately describe the authorized plan, the portion to be implemented herein, and the future of the remaining project. OWPR recommended and the CWRB agrees that the authorized status of the North New River Canal feature must be acknowledged and thoroughly described in the final PIR.

8. Sponsor Credit. The SFWMD may proceed with design and construction under the State of Florida's "ACCELER8 Program" and may seek legislation for the Congress to receive credit for any work performed in advance of execution of a project cooperation agreement. The recommendations section of the report has been revised to reflect support for authorization of sponsor credits, subject to a determination by the ASA(CW) that the work is integral to the project, done to appropriate standards, and costs are reasonable. OWPR stated that this issue is resolved.

9. SAD Commander Remarks. BG Schroedel spoke about his involvement in the quarterly Quality Review Board (QRB) meeting with the SFWMD, FLDEP, DOI, ENP, and the Corps. He mentioned that the QRB is developing an integrated delivery schedule for all projects in the South Florida Everglades Ecosystem Restoration program including schedules for delivery of products to reach the goal of "Restore Sheet Flow by 2020". MG Johnson cautioned that the schedule must include realistic dates.

10. DOI Remarks. Mr. Terrence "Rock" Salt representing the Department of the Interior provided comments to the CWRB on behalf of Secretary Dick Kempthorne. DOI's top three priorities are (1) completing construction of Modified Water Deliveries to Everglades National Park project; (2) BCWPA, Site 1 Impoundment projects, and seepage management along Water Conservation Area 3B; and (3) more storage and water quality improvements north of Lake

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Okeechobee. Several questions ensued about water quality treatment, nutrient removal by STAs, and best management practices in the Kissimmee River Basin effect on nutrient loadings to Lake Okeechobee. Mr. Ken Ammon summarized the State's program, whereby \$1 billion has been invested in the construction of 45,000 acres of STAs. Mr. Salt asked the CWRB for support of the BCWPA project and DOI will assist in helping the Corps advance CERP project construction.

Attachments:

1. Jacksonville District Commander Colonel Paul Grosskruger, CWRB Presentation.
2. SFWMD, Mr. Ken Ammon, CWRB Presentation
3. South Atlantic Division Commander, BG Joseph Schroedel, Presentation (Not Briefed)
4. Office of Water Project Review, Mr. John Furry, CWRB Presentation.
5. Project Summary
6. DE Transmittal Letter
7. Proposed Chief of Engineers Report.