

# **COMPLETE STATEMENT OF**

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Under Secretary of the Army &  
ACTING ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS**

**DEPARTMENT OF THE ARMY**

**BEFORE THE**

**ENVIRONMENT AND PUBLIC WORKS COMMITTEE  
UNITED STATES SENATE**

**SEPTEMBER 13, 2002**

Mr. Chairman, Members of the Committee, I am Les Brownlee, Under Secretary of the Army and Acting Assistant Secretary of the Army for Civil Works. I am pleased to be here today and to have the opportunity to speak to you concerning one of the most innovative, challenging, and significant environmental restoration projects ever undertaken. With the passage of the Water Resources Development Act of 2000, Congress authorized the comprehensive restoration of America's Everglades. The Administration views this effort as vitally important and places a high priority on its implementation. We are working cooperatively together with the Department of the Interior, our colleagues from other Federal agencies, and with our non-Federal partners to ensure success.

## **Background**

The history of water in South Florida is long and complex. The wetlands ecosystem is one of the most unique and important in the world; however, after years of being impacted by human activity it desperately needs our help. Just over fifty years ago, Congress authorized the Central and Southern Florida Project. It was prompted by and set out to protect against the devastation and loss of life caused by the horrific storms and frequent flooding which at times afflict this area of our country. In carrying out the purposes of that legislation, there was an unintended and harmful impact on the natural ecosystem. The Army Corps of Engineers was directed by Congress in 1996 to develop a plan to restore the natural system while maintaining the flood protection and water supply to the human population. That plan was submitted to Congress in 1999.

As you know, the Comprehensive Everglades Restoration Plan (CERP) was approved by Congress in the Water Resources Development Act of 2000 (WRDA 2000) as a “conceptual framework” to guide the efforts of the Army Corps of Engineers and its partners. It is a technically sound plan developed by scores of the Nation’s best Everglades scientists and engineers, with the goal of “getting the water right”. The CERP, which will be implemented over the next 30 years, will:

- \* Improve the health of over 2.4 million acres of the South Florida ecosystem, including the Everglades National Park;
- \* Improve the health of Lake Okeechobee;
- \* Virtually eliminate damaging freshwater releases to the estuaries;
- \* Improve water deliveries to Florida and Biscayne Bays;
- \* Enhance water supply and maintain flood protection; and
- \* Protect water quality.

The CERP is the largest environmental restoration program ever undertaken, certainly in the United States and most likely in the world. It is a complex plan of interrelated projects capturing and delivering fresh water to the natural system. As a result of previously authorized projects focusing mainly on flood control, this water is currently being shunted quickly and deliberately to the sea without being used. Once captured, the majority of this unused water will be redirected and allowed to flow more naturally through the historic watershed which created the vast and amazingly vital natural ecosystem known as the Everglades. The remainder of this “new” water may be used to benefit the human population of South Florida, enhancing water supplies for cities and farmers and alleviating pressure on the natural system.

Improving the quantity, quality, timing, and distribution of water in South Florida, while maintaining the current water supplies and level of flood protection, is a staggering task. The Department of the Army through the Army Corps of Engineers is working diligently to maintain the cooperation and consensus that will be necessary to implement this program.

## **Implementation**

Toward that end, WRDA 2000, not only adopted the CERP as the framework for implementing restoration, it added several provisions to guide the conduct of the program. As required by statute, the President and the Governor of Florida signed an agreement to ensure that the State would not allow consumptive use of water made available by projects under the Plan until such

time as requirements for the sufficient reservations of water for the restoration of the natural system were codified under State law. In addition, I have recently signed with the Governor, a Dispute Resolution Agreement as required by statute, which will be used to resolve any disputes which may arise with the State over implementation of the Plan.

While we do have a signed Dispute Resolution Agreement, I am happy to report that our working relationship with the State of Florida is very strong and cooperative. This relationship along with our other partners such as the Seminole and Miccosukee Tribes and the Department of the Interior, U.S. Environmental Protection Agency, and other agencies will be essential to the success of the program. Discussions with these stakeholders and several other groups were extremely important in the recent proposal of the Programmatic Regulations which are required under the statute.

The Programmatic Regulations establish processes and procedures that will guide the Army Corps of Engineers and its partners in the implementation of CERP. The Administration is committed to finalizing these regulations as soon as possible after the close of the public comment period on the proposal. The current draft of these regulations is the result of exhaustive discussions with the many concerned parties interested in the CERP program. We believe that we have struck a balance between the interests and have created a process which will allow the Corps to move forward and adapt to challenges as they arise. These regulations are currently in the public comment period, which will end October 1<sup>st</sup> of this year. One Public Meeting was held this week in Florida on September 10<sup>th</sup> and a second will convene September 19<sup>th</sup>. We will further refine the regulations based on the comments received and finalize the language for codification.

In creating the requirement for these regulations, Congress recognized the need for flexibility in implementing such a complex program, which relies on scientific and engineering expertise that is still evolving. Environmental restoration is a relatively new concept and the Army does not pretend to have all the answers. Through “the principles of adaptive management” and by seeking input from many sources, the Army Corps will constantly evaluate, refine, and adjust the Plan to meet its goals.

### **Addressing Uncertainty**

In order to achieve the objectives of the Plan, several innovative techniques will be required to capture the water currently being diverted directly to the sea. This is not a simple process of dumping water into the natural system. It must be delivered at the correct times and in the correct amounts and be of acceptable quality in order to support the natural functions of the ecosystem. This means large capacities of water will have to be stored until the proper time for delivery. Storage of water is no easy feat given the porous

geology of South Florida. There are several pilot projects which will test new technologies aimed at achieving this requirement.

As information is developed regarding these innovative technologies and assessments are made of the projects as they come on line, refinements will be made to the program. Assisting the Corps with these assessments will be the Restoration Coordination and Verification or RECOVER Team. This is an interagency team in which the Department of the Interior, State of Florida, and Tribes are full members. This group will provide input for adaptive management of the Plan and assist in the development of the “interim goals” under the Programmatic Regulations. These interim goals will be used to assess progress of the restoration efforts.

The science to be used in both establishing and assessing restoration of the natural system is also cutting edge. The Corps has engaged the services of the National Academy of Sciences (NAS) to review ongoing activities related to the aquifer storage and recovery (ASR) features. The NAS Committee on Restoration of the Greater Everglades Ecosystem (CROGEE) recently initiated a technical review of the draft project management plan for the Aquifer Storage and Recovery Regional Study prepared by the Army Corps of Engineers and the South Florida Water Management District. The CROGEE is evaluating the project management plan with respect to the adequacy of the proposed scientific methods to address key issues raised in the CROGEE’s February 2001 ASR report and other issues previously raised by issue teams and the South Florida Ecosystem Restoration Task Force Working Group.

### **Initial Projects**

Although we are at the very beginning of this long journey, I thought that at this point it might be useful to give you just a brief status on the initial ten projects which have already been authorized by the Water Resources Development Act (WRDA) 2000 legislation.

**C-44 Basin Storage Reservoir** [§601(b)(2)(c)(i)] - This project has been combined with the C-23, C-24, and C-25 component along with additional features detailed in the Indian River Lagoon – South Feasibility Study. The Division Engineers Notice will be signed in September 2002. It is expected that the features contained in the Indian River Lagoon – South Feasibility report will be ready for authorization as part of the next WRDA.

**Everglades Agricultural Area Storage Reservoirs - Phase 1** [§601(b)(2)(c)(ii)] – This project is scheduled to have a Division Engineers Notice in January 2004.

**Site 1 Impoundment** [§601(b)(2)(c)(iii)] – This project is being pursued under the name Hillsboro Site 1 Impoundment project and is scheduled to have a Division Engineers Notice in February 2004.

**Water Conservation Area 3A/3B Levee Seepage Management**

[§601(b)(2)(c)(iv)] – This project has been combined with the C-11 Impoundment and Stormwater Treatment Area and C-9 Impoundment and Stormwater Treatment Area components and being pursued under the project name of “Broward County WPA.” The Division Engineers Notice is scheduled for February 2004.

**C-11 Impoundment and Stormwater Treatment Area** [§601(b)(2)(c)(v)] – This project has been combined with the Water Conservation Area 3A/3B Levee Seepage Management and C-9 Impoundment and Stormwater Treatment Area components and being pursued under the project name of “Broward County WPA.” The Division Engineers Notice is scheduled for February 2004.

**C-9 Impoundment and Stormwater Treatment Area** [§601(b)(2)(c)(vi)] – This project has been combined with the Water Conservation Area 3A/3B Levee Seepage Management and C-11 Impoundment and Stormwater Treatment Area components and being pursued under the project name of “Broward County WPA.” The Division Engineers Notice is scheduled for February 2004.

**Taylor Creek/Nubbin Slough Storage and Treatment Area** [§601(b)(2)(c)(vii)] – This project has been combined with the North of Lake Okeechobee Storage Reservoir, Lake Okeechobee Watershed Water Quality Treatment Facilities, Lake Okeechobee Tributary Sediment Dredging components and being pursued under the project name of “Lake Okeechobee Watershed.” The Division Engineers Notice for this project is scheduled for May 2006.

**Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal Within Water Conservation Area 3** [§601(b)(2)(c)(viii)] – This project has been combined with the Eastern Tamiami Trail, Canal & Levee Modification in WCA 3, and North New River Improvements components and being pursued under the project name of “WCA 3 Decomp and Sheetflow Enhancement – Part 1.” The Division Engineers Notice is scheduled for January 2006.

**North New River Improvements** [§601(b)(2)(c)(ix)] – This project has been combined with the Eastern Tamiami Trail, Canal & Levee Modification in WCA 3, and North New River Improvements components and being pursued under the project name of “WCA 3 Decomp and Sheetflow Enhancement – Part 1.” The Division Engineers Notice is scheduled for January 2006.

**C-111 Spreader Canal** [§601(b)(2)(c)(x)] – This project is scheduled to have a Division Engineers Notice in December 2005.

As you can see we have only just begun this process. We are already learning important lessons about the complex interdependence of the individual projects which make up this plan. Perhaps the most significant first step toward

actual implementation of the CERP is a project which was authorized outside of the CERP legislation. Congress authorized the Modified Water Deliveries (MWD) to Everglades National Park in 1989 as part of the Everglades National Park Protection and Expansion Act. WRDA 2000 actually requires that the Modified Water Deliveries provisions be implemented prior to the implementation of several CERP projects. As a result of litigation stemming from specific provisions in the authorizing legislation, the completion of MWD is currently on hold.

[JW1]

## **Conclusion**

It is important to recognize that there are many questions associated with the CERP program. New technologies, engineering, and science are being explored. The interests and concerns of the stakeholders involved are as diverse as the population of South Florida itself. Maintaining and restoring one of the most diverse and thriving ecosystems in the world is a daunting challenge in and of itself. It when that ecosystem must reside next door to a diverse and thriving human population the complexity of the challenge is compounded exponentially.

The Army and this Administration are committed to working within this diverse culture and to saving one of America's most precious natural wonders. Despite all the questions that can be raised concerning this effort, we remain committed to moving forward. To wait will only exacerbate the degradation of the Everglades and make its restoration more difficult to achieve. The work that has been completed thus far is a solid foundation for proceeding. The flexibility, which is built into the CERP, allows us to meet the challenges presented by these questions and to answer them. The coalition supporting this effort is capable, resourceful, and committed. With a commitment to the long journey ahead and a recognition of the resources that will be required, we will be successful.

Mr. Chairman, that concludes my statement. Again, I appreciate the opportunity to testify today before the Committee. I would be pleased to answer any questions you or other Members of the Committee may have.