DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

05 MAR 2002

CECC-G/CECW-PM

MEMORANDUM FOR Commander, South Atlantic Division (CESAD-CM-CM)

SUBJECT: Water Resources Development Act (WRDA) of 2000 Implementation Guidance, Comprehensive Everglades Restoration Plan (CERP), Relationship of WRDA 1999 Project Authorization to CERP

1. The following is implementation guidance regarding Relationship of WRDA 1999 Project Authorization to CERP. This issue is identified in the "CERP Implementation Guidance Status" from SAJ as issue SAJ #22.

2. Section 101 (a)(16) of WRDA 1999 (P.L. 106-53) (Attachment 1) authorized construction of two projects, Lake Okeechobee Aquifer Storage and Recovery (ASR) and Hillsboro ASR. Although these two projects were authorized as separate projects and were considered separate from the Central and Southern Florida Project, they are integral and necessary elements of CERP as authorized in Title VI of WRDA 2000. With the prior concurrence of HQUSACE, design activities for these two projects are included in the CERP design agreement with South Florida Water Management District (SFWMD) and are proceeding.

3. As stated, the design of these projects is covered under the design agreement already executed with the SFWMD. Consequently, the non-Federal sponsor should be afforded credit for work-in-kind for the design portion of these projects. The provisions of Section 601(e)(5)(B) of WRDA 2000 allow for work-in-kind credits for all projects within the scope of "the Plan", which in turn is further defined in Section 601(a)(4) of WRDA 2000. The Lake Okeechobee and Hillsboro ASR projects are in fact included within the definition of the Plan. Therefore, work-in-kind credits may be afforded for these two projects under the same rules relating to all other CERP projects. These projects may be integrated into the proposed Master Agreement for Local Cooperation that is currently under negotiation with the SFWMD.

4. The same analysis does not apply to cost sharing for Operation, Maintenance, Repair, Replacement & Rehabilitation (OMRR&R) costs. Under the provisions of Section 101(a)((16) of WRDA 2000, the non-Federal sponsor is required to provide for OMRR&R at 100 percent non-Federal cost. The language in section 601(e)(4) that provide for 50 percent Federal cost sharing in OMRR&R costs only relates to projects specifically authorized by Congress in Section 601 of WRDA 2000. Accordingly, this language does not reach back to the Okeechobee and Hillsboro ASR projects. Therefore, unless further authorization is obtained from Congress to revise the cost sharing formula for OMRR&R, the non-Federal sponsor is required to perform OMRR&R on these two projects at 100 percent non-Federal expense.

5. If you have further questions, please call Howard Goldman (CECC-G) at 202-761-8544.

FOR THE COMMANDER:

Raleigh H. Leef

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RALEIGH H. LEEF
Acting Chief, Planning and Policy Division
Directorate of Civil Works

Section 101 (a)(16) HILLSBORO AND OKEECHOBEE AQUIFER, FLORIDA

(16) The project for aquifer storage and recovery described in the Corps of Engineers Central and Southern Florida Water Supply Study, Florida, dated April 1989, and in House Document 369, dated July 30, 1968, at a total cost of $27,000,000, with an estimated Federal cost $13,500,000 and an estimated non-Federal cost of $13,500,000.