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

REPLY TO
ATTENTION OF:

CECC-G/CECW-PM

05 MAR 2002

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

SUBJECT: WRDA 2000 Implementation Guidance, Comprehensive Everglades Restoration Plan (CERP), Section 601(h)(4), Specific Project Assurances

1. The following is implementation guidance regarding Specific Project Assurances under CERP, Section 601 (h)(4). This issue is identified in the "CERP Implementation Guidance Status" from SAJ as issue SAJ #15.

2. The text of relevant portions from Title VI of WRDA 2000 is attached.

3. The District must develop procedures and process for assuring that each existing and future Project Implementation Reports comply with subsections 601(h)(4)(A)(iii)(I), (II), (III), (IV), (V), (VI), (VII), and (VIII) of WRDA 2000. In addition, all projects must be developed to comply with the Economic and Environmental Principals and Guidelines for Water and Related Land Resources Implementation Studies, and Army Corps of Engineers policies. The District should work with the project sponsors and the Florida Department of Environmental Protection through the various Project Delivery Teams to develop and incorporate these requirements into each Project Implementation Report, PCA, and operating manual. The District must also to revise the Master Program Management Plan to be consistent with these provisions and ensure that project delivery teams for ongoing Feasibility Studies and Project Implementation Reports incorporate these provisions.

4. As agreed to at recent meetings between SAJ, SAD, HQUSACE, Army General Counsel and South Florida Water Management District, the District should continue on a course to develop a Master Agreement for Local Cooperation for CERP projects. This will enable the rapid execution of Project Cooperation Agreements for specific projects, as these individual projects become ready for construction or implementation.

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

FOR THE COMMANDER:

Raleigh H Leaf
for JAMES F. JOHNSON
Chief, Planning and Policy Division
Directorate of Civil Works

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TITLE VI--COMPREHENSIVE EVERGLADES RESTORATION

SECTION 601 (h)(4) PROJECT-SPECIFIC ASSURANCES-

(A) PROJECT IMPLEMENTATION REPORTS-

(i) IN GENERAL- The Secretary and the non-Federal sponsor shall develop project implementation reports in accordance with section 10.3.1 of the Plan.
(ii) COORDINATION- In developing a project implementation report, the Secretary and the non-Federal sponsor shall coordinate with appropriate Federal, State, tribal, and local governments.
(iii) REQUIREMENTS- A project implementation report shall--

(I) be consistent with the Plan and the programmatic regulations promulgated under paragraph (3);
(II) describe how each of the requirements stated in paragraph (3)(B) is satisfied;
(III) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
(IV) identify the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system;
(V) identify the amount of water to be reserved or allocated for the natural system necessary to implement, under State law, subclauses (IV) and (VI);
(VI) comply with applicable water quality standards and applicable water quality permitting requirements under subsection (b)(2)(A)(ii);
(VII) be based on the best available science; and
(VIII) include an analysis concerning the cost-effectiveness and engineering feasibility of the project.

(B) PROJECT COOPERATION AGREEMENTS-

(i) IN GENERAL- The Secretary and the non-Federal sponsor shall execute project cooperation agreements in accordance with section 10 of the Plan.
(ii) CONDITION- The Secretary shall not execute a project cooperation agreement until any reservation or allocation of water for the natural system identified in the project implementation report is executed under State law.

(C) OPERATING MANUALS-

(i) IN GENERAL- The Secretary and the non-Federal sponsor shall develop and issue, for each project or group of projects, an operating manual that is consistent with the water reservation or allocation for the natural system described in the project implementation report and the project cooperation agreement for the project or group of projects.
(ii) MODIFICATIONS- Any significant modification by the Secretary and the non-Federal sponsor to an operating manual after the operating manual is issued shall only be carried out subject to notice and opportunity for public comment.