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(i), Dispute Resolution Process/Report

1. The following is implementation guidance regarding the Dispute Resolution Process/ Report under CERP, Section 601(i) of WRDA 2000. This issue is identified in the "CERP Implementation Guidance Status" from SAJ as issue SAJ #17.

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

3. The district has already assembled a vertical team comprising SAJ, SAD, HQUSACE and ASA(CW)/Army General Counsel. Consequently, SAJ has successfully negotiated a draft Agreement with the State of Florida and the South Florida Water Management District (SFWMD). Informal briefings were held with all of the principal parties to the Agreement. The SFWMD has officially approved the agreement at a recent Governing Board meeting. As it appears that no further revisions are required to the Agreement, SAJ should make plans for the parties to sign the Agreement either through normal signing channels or at a signing ceremony. The SAJ should coordinate any plans for a signing ceremony with SAD and HQUSACE. The SAJ should also advise SAD and HQUSACE whether any other non-Federal sponsors for the CERP other than SFWMD have any interest in entering into a similar agreement with the State of Florida and the Army. In accordance with the provisions of WRDA 2000, the Army may not approve a Project Implementation Report until this agreement is signed.

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

FOR THE COMMANDER:

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

Encl

TITLE VI--COMPREHENSIVE EVERGLADES RESTORATION

SECTION 601(i) DISPUTE RESOLUTION-

(1) IN GENERAL- The Secretary and the Governor shall within 180 days from the date of enactment of this Act develop an agreement for resolving disputes between the Corps of Engineers and the State associated with the implementation of the Plan. Such agreement shall establish a mechanism for the timely and efficient resolution of disputes, including--

(A) a preference for the resolution of disputes between the Jacksonville District of the Corps of Engineers and the South Florida Water Management District;

(B) a mechanism for the Jacksonville District of the Corps of Engineers or the South Florida Water Management District to initiate the dispute resolution process for unresolved issues;

(C) the establishment of appropriate timeframes and intermediate steps for the elevation of disputes to the Governor and the Secretary; and

(D) a mechanism for the final resolution of disputes, within 180 days from the date that the dispute resolution process is initiated under subparagraph (B).

(2) CONDITION FOR REPORT APPROVAL- The Secretary shall not approve a project implementation report under this section until the agreement established under this subsection has been executed.

(3) NO EFFECT ON LAW- Nothing in the agreement established under this subsection shall alter or amend any existing Federal or State law, or the responsibility of any party to the agreement to comply with any Federal or State law.