



DEPARTMENT OF THE ARMY
ASSISTANT SECRETARY CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON, DC 20310-0108

26 OCT 2018

MEMORANDUM FOR COMMANDING GENERAL U.S. ARMY CORPS OF
ENGINEERS

SUBJECT: Interim Guidance for Comprehensive Everglades Restoration Plan, Central and Southern Florida, Everglades Agricultural Area, Florida

1. References.

- a. Assistant Secretary of the Army for Civil Works (ASA(CW)) memorandum, subject: Guidance for Completing Environmental Compliance for the Everglades Agricultural Area Reservoir Project, dated September 10, 2018.
- b. Review Assessment of South Florida Water Management District's Central Everglades Planning Project, Section 203 Post Authorization Change Report, Integrated Feasibility Study and Draft Environmental Impact Statement, dated March 2018, amended May 2018.
- c. Assistant Secretary of the Army for Civil Works memorandum, subject: Comprehensive Everglades Restoration Plan, Water Quality Improvements, Policy Determination, dated November 30, 2007.

2. Subject to section 1308(b) of the same statute, section 1308(a) of the Water Resources Development Act of 2018 (WRDA 18) authorizes the Secretary to carry out the project for ecosystem restoration, Central and Southern Florida, Everglades Agricultural Area, Florida in accordance with section 601 of the Water Resources Development Act of 2000, as recommended in the addendum to the Central Everglades Planning Project Post Authorization Change Report, Feasibility Study and Draft Environmental Impact Statement prepared by the South Florida Water Management District (SFWMD) and dated May 2018, with such modifications as the Secretary considers appropriate. In accordance with Section 1308(b), the project may only be constructed after the Secretary prepares a report that addresses the concerns, recommendations, and conditions identified in the ASA(CW) Review Assessment (ref. 1.b.). The purpose of this memorandum is to provide interim guidance on preparing the report required under Section 1308(b).

3. In coordination with the Office of the ASA(CW), Headquarters U.S. Army Corps of Engineers (HQUSACE), and the South Atlantic Division, the Jacksonville District (District) shall identify and obtain funding needed to conduct Preconstruction Engineering and Design (PED) in FY 2019. Once funding to conduct PED has been obtained, the District will ensure there is an agreement in place with the SFWMD, as

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appropriate to complete PED. As a part of PED, the District will develop a document that will serve as the report required under Section 1308(b). The document format will be developed in consultation with the Office of the ASA(CW). In developing this report, the District shall consider and incorporate the data and analysis developed by the SFWMD, as appropriate, and shall take the following actions:

- a. Conduct an analysis of the reasonable alternatives for the project, in accordance with the National Environmental Policy Act (NEPA). In accordance with Section 1308(c), the District shall consult with SFWMD on any proposed project modifications.
- b. Ensure environmental compliance with all applicable Federal laws and Corps policy, to include NEPA, based upon the Corps' recommended plan. Consult with Federal and State Agencies, Tribes, and interested stakeholders.
- c. Conduct a potential failure modes & life loss consequences analysis, to include validation and certification in accordance with Corps policy (ER 1110-2-1156). This analysis will identify potential structural and non-structural measures and alternatives to address identified potential failure modes.
- d. Validate the water quality benefits and the water quality improvement effectiveness and efficiency. In accordance with the Review Assessment, the Dynamic Model for Everglades Stormwater Treatment Areas used in SFWMD's Feasibility Study should be calibrated and certified for use, unless the Corps chooses to use a different tool for evaluating project outputs.
- e.. Ensure compliance with current Army policy governing water quality improvements and cost-sharing for CERP projects contained in reference c. For features where inflows do not currently meet water quality standards, evaluate any features designed both to help achieve existing water quality requirements and provide additional restoration benefits after such water quality requirements are attained.
- f. Ensure compliance with the Comprehensive Everglades Restoration Plan (CERP) Programmatic Regulations found at 33 C.F.R. Section 385. Conduct a system evaluation within the Central Everglades Planning Project, which includes consideration of downstream impacts.
- g. Conduct a climate change analysis per ER 1100-2-8162 and ECB 2016-25.
- h. Update project design and cost estimates after the District's technical and environmental analysis has been completed. Final cost estimates must undergo review and certification in accordance with Corps policy by the USACE Cost Engineering DX.

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i. Ensure the final decision document and/or NEPA document undergoes State & Agency Review in accordance with the 1944 Flood Control Act, as amended.

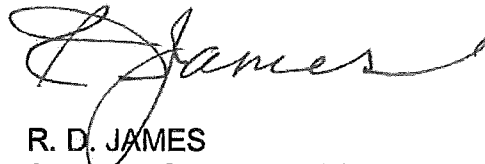
j. Resolve additional concerns identified as unresolved in Final OASACW/HQUSACE Assessment statements found in Section V of reference b.

4. Within 30 days of receiving this guidance, the District shall provide the ASA-CW a Preliminary Project Management Plan (to include scope, schedule and budget) for completing the analysis and modeling effort described above. The District will determine if the 90-day time period prescribed in Section 1308 of WRDA 18 is reasonable. If 90-days is not adequate, the District will prepare a timeline for effectively and efficiently completing the necessary analysis and environmental compliance work, and prepare Congressional notifications.

5. In completing the analysis discussed above, the District is to prepare reports that are appropriate for concisely addressing the analysis or modeling discussed above. The District should seek to complete the reports in the most efficient and effective manner. This is not a pre-authorization feasibility study and as such should not be constrained by Feasibility planning processes and procedures applicable to studies that have not yet received congressional authorization.

6. This guidance will be updated and revised, as needed, by the ASA(CW) during PED.

7. Questions regarding this guidance may be directed to Gib Owen, Office of the Assistant Secretary of the Army for Civil Works at gib.a.owen.civ@mail.mil or 703-695-4641.



R. D. JAMES
Assistant Secretary of the Army
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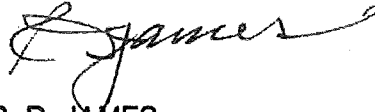
MEMORANDUM FOR COMMANDING GENERAL OF THE U.S. ARMY CORPS OF ENGINEERS

SUBJECT: Guidance for Completing Environmental Compliance for the Everglades Agricultural Area Reservoir Project

1. **Purpose:** The purpose of this memorandum is to provide guidance for completing environmental compliance and other planning activities for the Section 203 report entitled Central Everglades Planning Project, Section 203 Integrated Feasibility Study and draft Environmental Impact Statement (EAA 203) and the potential Everglades Agricultural Area Reservoir (EAAR) Project.
2. **Background:** The South Florida Water Management District (SFWMD) submitted a study under Section 203 of the Water Resources Development Act of 1986, as amended, entitled Central Everglades Planning Project, Section 203 Integrated Feasibility Study and Draft Environmental Impact Statement (EAA 203) to the Office of the Assistant Secretary of the Army for Civil Works (OASA(CW)) on March 26, 2018. OASA(CW) conducted a concurrent review of the report with the Headquarters, U.S. Army Corps of Engineers for the purpose of determining project feasibility. In my Review Assessment of SFWMD's Section 203 study, I determined that SFWMD's proposed project is feasible from an engineering and construction viewpoint, however, I identified significant technical, policy, and legal concerns and provided recommendations concerning the plan and conditions required for implementation. I coordinated my Review Assessment with the Office of Management and Budget and delivered it to Congress on July 11, 2018. The proposed EAAR Project is pending Congressional action.
3. **Guidance:**
 - a. All ongoing environmental compliance efforts, including consultations with agencies and Tribes, related to the EAA 203 shall be paused in an orderly and efficient manner.
 - b. Upon Congressional authorization of the EAAR project and funds being identified for Preconstruction, Engineering, and Design (PED), environmental compliance and planning activities (including those actions contained within my Review Assessment) will be conducted at that time. Planning and environmental compliance activities will be executed in accordance with Corps policy.

c. Should Congress authorize the EAAR project, I will issue additional guidance detailing what additional actions and decision documents will be required prior to initiation of Construction.

4. Questions regarding this guidance may be directed to Gib Owen, Office of the Assistant Secretary of the Army for Civil Works at gib.a.owen.civ@mail.mil or 703-695-4641.

A handwritten signature in black ink, appearing to read "R. D. James". The signature is fluid and cursive, with a long horizontal stroke at the end.

R. D. JAMES
Assistant Secretary of the Army
(Civil Works)

