

**Congress of the United States**  
**Washington, DC 20515**

December 13, 2018

The Honorable R.D. James  
Assistant Secretary of the Army—Civil Works  
Department of the Army  
108 Army Pentagon  
Washington, D.C. 20310-0108

Dear Secretary James:

We strongly urge your attention to our concerns regarding an unacceptable proposal by the U.S. Army Corps of Engineers to significantly extend the Section 203 review process and potentially seek a second, modified authorization for the Central Everglades Planning Project (CEPP) Post Authorization Change Report (PACR).

As you are aware, the concept for feasibility studies conducted by non-federal interests was created under Sec. 203 of the Water Resources Development Act of 1986 (P.L. 99-662). The CEPP PACR Feasibility Study and Draft Environmental Impact Statement, as prepared by the South Florida Water Management District, is the first and only such study to be determined feasible by the Assistant Secretary of the Army for Civil Works and authorized by Congress. Management of this first review will set critical precedents for future Sec. 203 projects. It is critical that the procedures established now are efficient and respect the intent of Congress both with respect to the overall purpose of Sec. 203 feasibility studies, and the specific authorization for the design and construction of the Everglades Agricultural Area Storage Reservoir project within CEPP (Sec. 1308, P.L. 115-270).

On July 11, 2018, you submitted a letter to the Senate Environment and Public Works Committee and the House Transportation and Infrastructure Committee determining that this project was “feasible from an engineering and construction viewpoint,” but also noting “significant technical, policy and legal concerns,” which could “be addressed through an evaluation/validation effort in the next project phase, subject to authorization by Congress.” In deference to your judgment, Congress authorized this project and directed that construction should commence “only after the Secretary prepares a report that addresses concerns, recommendations, and conditions identified by the Secretary,” allowing 90 days for completion of that report, which is due to the Committees of jurisdiction no later than January 18, 2019.

The law is clear that upon quick and efficient completion of your report, in coordination with the non-federal interest, no further Congressional authorization is required or warranted to begin construction of this vital Everglades restoration project. Instead, following submission of the report to Congress, the Corps should immediately proceed to working with the South Florida Water Management District to enter into a Project Partnership Agreement and begin the preconstruction engineering and design phase of the EAA Storage Reservoir Project, subject to

the availability of appropriations. The concerns and recommendations highlighted in your report may meaningfully be addressed by the Corps, in cooperation with the South Florida Water Management District, during the preconstruction engineering and design phase, as has been typical procedure for all other Everglades restoration projects to date. It is wholly inappropriate for the Corps to abuse the reporting requirement included in the CEPP PACR authorization for the purpose of relitigating the feasibility study for a congressionally authorized project, especially when such efforts will undoubtedly compel the Corps to seek a second, modified project authorization.

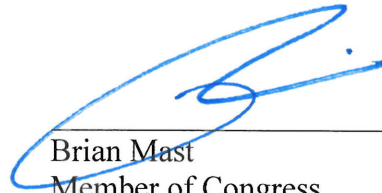
Congress created the concept of Sec. 203 feasibility studies over 30 years ago to allow non-federal interests to expedite authorization and subsequently, construction, of critical water resources projects, while also reducing federal costs and the demands on an overburdened Corps. For Sec. 203 feasibility studies to serve as a meaningful option for non-federal interests in the future as Congress intended, the Corps cannot be allowed to waste valuable time and scarce taxpayer resources duplicating feasibility study efforts for projects that Congress has already authorized. We respectfully request your direct intervention to restrain the Corps bureaucracy from further devaluing the Sec. 203 process and unnecessarily delaying the design and construction of a vital Everglades restoration project.

Sincerely,



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Marco Rubio  
U.S. Senator



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Brian Mast  
Member of Congress

CC: LTG Todd T. Semonite  
Commanding General and Chief of Engineers  
Headquarters  
U.S. Army Corps of Engineers  
441 G Street NW  
Washington, D.C. 20314-1000

BG Diana M. Holland  
Commander  
South Atlantic Division  
U.S. Army Corps of Engineers  
60 Forsyth Street SW, Room 10M15  
Atlanta, GA 30303-8801

COL Andrew Kelly  
District Commander  
Jacksonville District  
U.S. Army Corps of Engineers  
701 San Marco Boulevard  
Jacksonville, FL 32207-8175