



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

August 18, 2022

Mr. Drew Bartlett
Executive Director
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, Florida 33406

Dear Mr. Bartlett:

This is in response to your letters, dated September 20, 2021 and April 25, 2022, concerning the implementation of the Central Everglades Planning Project (CEPP) North Phase. In your letters, you expressed questions regarding the timing of a Validation Study for the CEPP North Phase and the subsequent processing of a Project Partnership Agreement (PPA) for the CEPP North Phase.

Our agencies have made significant progress to accelerate Everglades restoration, and this Administration is committed to achieving restoration goals. We are looking forward to continuing and strengthening our steadfast partnership with the South Florida Water Management District as we invest \$1.1 billion from the Infrastructure Investment and Jobs Act (IIJA) into the South Florida Ecosystem Restoration Program (SFERP) in addition to the \$350 million secured in Fiscal Year 2022 appropriations. The President's FY 2023 budget request of \$407 million for SFERP will also maintain the momentum we currently have in the restoration effort.

As a result of my visits to South Florida and the briefings I've had with you and the Jacksonville District, I understand the importance of CEPP to the Comprehensive Everglades Restoration Plan (CERP) and am committed to ensuring that the Everglades Agricultural Area Phase, the South Phase, and the New Water Phase are expeditiously implemented. However, in reviewing the request for a PPA for CEPP North, our attorneys determined that pursuant to the congressional authorization for this project, the Federal government lacks the authority at this time to move forward in signing a PPA. The CEPP Chief's Report, the basis for the project's authorization, states that all features of the State Restoration Strategies must be completed and meet water quality standards prior to initiating construction of most CEPP Project features. Also, the Chief's Report and the CEPP Project Implementation Report, in particular, identify the A-1 Flow Equalization Basin and Restoration Strategies as being required prior to implementation of the WCA-3A distribution features under the CEPP North Phase to ensure adequate water quality treatment of inflows. These project dependencies, ensuring project sequencing so that CEPP does not interfere with or supersede the State's water quality compliance requirements, are part of, and integrated with, the CEPP authorization. Notwithstanding the significant water quality improvements that have been secured to date, the period is not yet complete to determine Restoration Strategies' compliance with the requirements of all applicable permits, the 2012 State Consent Orders, and the 1992 Federal Consent Decree.

As established by the CEPP authorization enacted by Congress, once those steps have occurred, the U.S. Army Corps of Engineers (Corps) will be prepared to process a PPA for the CEPP North Phase.

Nonetheless, you identify important ecological benefits to implementing CEPP North features expeditiously, and our ongoing support for this project means we are committed to working with SFWMD through the Section 408 process to allow SFWMD to initiate construction of the CEPP North Phase as a State project. It is my understanding that SFWMD and the Corps have already executed a Pre-Partnership Credit Agreement (PPCA) to allow SFWMD to preserve CERP cost-share crediting opportunities for work completed on the CEPP North Phase.

I am also reviewing the current cost-share crediting requirements being applied by the Corps to determine whether we might be able to provide provisional credit to SFWMD's cost-share in a manner that provides you appropriate flexibility and accounts for construction carried out by your agency under a 408 permit. Both the House and Senate versions of WRDA 2022 contain provisions to confirm flexibility in this area (sections 316 and 355 respectively). The Administration supports the intent of these provisions and encourages Congress to reconcile these different versions to provide the necessary and appropriate flexibility in cost-share accounting to ensure that all CERP projects move forward as expeditiously as possible.

Thank you for your support and partnership in restoring the Everglades. As noted earlier, the resources allocated to the SFERP pursuant to the IIJA and the President's budget requests in Fiscal Years 2022 and 2023 demonstrate our strong commitment to this comprehensive restoration and resilience program. You have my commitment that the Army will continue to do everything we can within our existing authorities and appropriations to advance our collective restoration goals.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael L. Connor", with a long horizontal flourish extending to the right.

Michael L. Connor
Assistant Secretary of the Army
(Civil Works)