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Recent Developments in Everglades Restoration

Overview

What Is the Everglades? The Everglades is a unique network of subtropical wetlands in South Florida. Due in part to federal water supply and flood control projects (as well as agricultural and urban runoff), the ecosystem was degraded and was approximately half its historical size by the end of the 20th century. The ecosystem is home to a number of unique species, including 67 species listed under the Endangered Species Act (16 U.S.C. §§1531 et. seq.).

What Is CERP? The Comprehensive Everglades Restoration Plan (CERP) was approved by Congress in the Water Resources Development Act of 2000 (WRDA 2000; P.L. 106-541). It is a framework under which the federal government, with the State of Florida, is attempting to restore the Everglades and improve the timing, distribution, and quality of the water flowing south from Lake Okeechobee to the Everglades. Under CERP, the federal government, through the U.S. Army Corps of Engineers (USACE) and the Department of the Interior (DOI), is required to fund half the costs of restoration, with the State of Florida contributing the other half. Several tribal and local agencies also are involved in restoration. Originally, CERP was to include 60 projects that would be completed over 30 years at a cost of $8.2 billion (in 2000 dollars). Subsequent reports to Congress projected that CERP would take approximately 50 years since its authorization to implement at a total cost of $23.2 billion (in FY2020 dollars). As of FY2020, the federal government has spent more than $1.7 billion, and the State of Florida has spent an estimated $4.5 billion on CERP in nominal dollars (although much of this state funding is not yet officially credited for Florida's share of the cost).

> CERP is expected to cost $23.2 billion (FY2020 dollars) and take 50 years to complete.

Outside of CERP, complementary efforts to restore the Everglades (most of which predate CERP) are ongoing. The federal government has spent more than $3.5 billion on these efforts, collectively referred to as *non-CERP projects*.

CERP Projects Must Be Authorized by Congress

WRDA 2000 approved CERP and the process for its implementation. The law also authorized several pilot projects. Subsequent projects require study by USACE and congressional authorization before they can receive federal appropriations for construction, including credit or reimbursement for nonfederal work undertaken in advance. Several laws subsequent to WRDA 2000 authorized projects contemplated under CERP. Some projects received appropriations and are under construction. Studies for other CERP projects are in progress (see).

Table 1. Status of Recent CERP USACE Projects

Project Name	Construction Authorization	Status
Site 1 Impoundment	WRDA 2007	Phase I completed Phase II on hold
Picayune Strand	WRDA 2007	Under construction
Indian River Lagoon-South	WRDA 2007	Under construction
C-43 West Storage Basin	WRRDA 2014	Under construction
C-111 Spreader Canal	WRRDA 2014	Phase I completed Phase 2 in planning
Broward County Water Preserve Areas	WRRDA 2014	Under construction
Biscayne Bay Coastal Wetlands	WRRDA 2014	Under construction
Central Everglades Planning Project (CEPP)	WRDA 2016	Under construction
Everglades Agricultural Area Reservoir Storage	WRDA 2018	Awaiting federal construction
Loxahatchee River Watershed Project	WRDA 2020	Awaiting construction
Lake Okeechobee Watershed Project	n/a	Study in progress
Western Everglades Restoration Project	n/a	Study in progress
Biscayne Bay SE Everglades	n/a	Study in progress
Southern Everglades	n/a	Study in progress

Source: Congressional Research Service based on the 2015 – 2020 Report to Congress and enacted legislation.

Note: WRDA = Water Resources and Development Act. n/a = not applicable. WRDA 2007, WRDA 2016, WRDA 2018, and WRDA 2020 are P.L. 110-114, P.L. 114-322, P.L. 115-270, and Division AA of P.L. 116-260, respectively. WRRDA 2014 = Water Resources Reform and Development Act of 2014 (P.L. 113-121).

Recent Authorizations

Central Everglades Planning Project. The Central Everglades Planning Project (CEPP) is a CERP restoration project that Congress authorized in the Water Resources Development Act of 2016 (P.L. 114-322). CEPP prioritizes

restoration projects (e.g., CEPP South, CEPP North, and CEPP New Water) in the central portion of the Everglades and aims to address issues associated with the quantity, quality, timing, and distribution of freshwater flows south of Lake Okeechobee into the central Everglades and Everglades National Park. Congress designated CEPP as a *new start* for FY2020 and provided appropriations to begin construction on the CEPP South sub-project. A new start designation is given to selected project authorizations out of a limited number that Congress specifies in appropriations bills. An authorized project needs a new start construction designation to receive appropriations for construction. Once designated, the project can receive appropriations annually.

Everglades Agricultural Area Reservoir Storage Project. The Water Resources Development Act of 2018 (WRDA 2018; Title I of P.L. 115-270) authorized the Everglades Agricultural Area Reservoir Storage Project (EAA Storage), which nonfederal sponsors proposed as an addendum to CEPP. EAA Storage aims to provide approximately 350,000 acre-feet of storage for water flows coming from Lake Okeechobee and a stormwater treatment area (i.e., a wetland area that removes excess nutrients from runoff to improve water quality). USACE interpreted the EAA Storage authorization in WRDA 2018 to require a new start designation for appropriations. The agency asserted that EAA Storage was not authorized as part of CEPP and therefore must be designated as a separate new start for construction appropriations. This has led some stakeholders to express concern that competition between other ecosystem restoration authorizations for a new start designation could delay construction of EAA Storage.

WRDA 2020. The Water Resources Development Act of 2020 (WRDA 2020; Division AA of P.L. 116-260) authorized the Loxahatchee River Watershed Restoration Project (CERP) for construction, modifications to the Caloosahatchee River West Basin Storage Reservoir (CERP) and Canal 111 South Dade Project (non-CERP), and a study at Shingle Creek and Kissimmee River (non-CERP). To avoid needing a new start designation for EAA Storage, WRDA 2020 combined CEPP and EAA Storage into one project with total authorization of $4.4 billion. WRDA 2020 also authorized USACE to enter into an agreement for nonfederal sponsors to pursue construction of one CERP project on their own. Although WRDA 2020 deauthorized the Big Cypress Water Conservation Plan, the law prohibited CERP projects from inclusion in its deauthorization mechanisms.

Congressional Interest

Congress has focused on (1) authorizing and funding Everglades restoration projects and (2) oversight of project implementation and impacts on water flows.

Appropriations. According to the 2018 Seventh Biennial Review of Everglades Restoration, funding is a key constraint on the rate of restoration progress. The federal appropriations process dictates the timing and level of funding, which affect project implementation and completion. The Administration's FY2021 request for USACE CERP and non-CERP projects was greater than FY2020 enacted levels and for DOI was lower than FY2020 enacted levels (see **Table 2**). DOI conducts science to support restoration, as well as manages and restores wildlife habitat in the ecosystem. Congress provided the Administration's request of $260.1 million for USACE Everglades restoration projects in FY2021. USACE also may direct additional funding provided by Congress to these activities when the agency develops its work plan. Specific totals and the breakdown for CERP and non-CERP projects will be available upon release of the FY2021 work plan.

Table 2. Federal Funding of Everglades Restoration

Agency	Project	FY2019	FY2020	2021 Request
USACE	CERP	$97.2	$238.8	$249.7
USACE	Non-CERP	$13.7	$10.1	$10.4
DOI	CERP	$7.8	$8.1	$7.8
DOI	Non-CERP	$55.9	$55.9	$45.8

Source: South Florida Ecosystem Restoration Task Force, 2020.

Notes: Funding is in millions of dollars and FY2021 funding breakdown is not yet available. DOI = Department of the Interior; USACE = U.S. Army Corps of Engineers; CERP = Comprehensive Everglades Restoration Plan

Herbert Hoover Dike/Lake Okeechobee. Repairs to Herbert Hoover Dike (HH Dike) are not categorized as Everglades restoration but are considered by many observers to be essential to broader restoration efforts in the Greater Everglades ecosystem. Since 2007, USACE has conducted repairs on HH Dike to address structural issues associated with the dike. USACE also regulates water storage and discharges from Lake Okeechobee. Repairs required USACE to alter discharge regulations and increased discharges from the lake during high-water events. This contributed to an excess flow of nutrient-rich water through canals to the St. Lucie and Caloosahatchee estuaries, which exacerbated harmful algal blooms and increased sediment in the estuaries and surrounding coastlines. According to USACE, repairs of HH Dike aim to increase Lake Okeechobee's capacity to store water and regulate discharges and could reduce negative environmental effects. However, until these repairs are complete, discharges may negatively affect the health of coastal ecosystems. Some stakeholders have proposed to accelerate repairs by increasing funding for the project. In addition to annual appropriations, this project received $514 million in FY2018 supplemental funding.

As of 2020, USACE anticipates dike repairs to be completed by 2022, resulting in new discharge regulations to be issued under the Lake Okeechobee System Operating Manual. Section 1106 of WRDA 2018 directed USACE to expedite the update of the Lake Okeechobee regulation schedule to coincide with completion of HH Dike, and consider all relevant aspects of CERP, including projects not yet constructed (e.g., EAA Storage) in its operating procedures. WRDA 2020 provided further direction to USACE on water management efforts within Lake Okeechobee and authorized a harmful algal bloom demonstration program with the lake as a focus area.

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