



DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF ENGINEERS  
WASHINGTON, D.C. 20314-1000

CECW-SAD (1105-2-10a)

JAN 30 2012

SUBJECT: C-111 Spreader Canal Western Project, Comprehensive Everglades Restoration Plan, Central and Southern Florida Project, Miami-Dade County, Florida.

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on ecosystem restoration improvements for the C-111 Spreader Canal Western Project, located in Miami-Dade County, Florida. It is accompanied by the reports of the Jacksonville District Engineer and South Atlantic Division Engineer. These reports are in response to Section 601 of the Water Resources Development Act (WRDA) of 2000, which authorized the Comprehensive Everglades Restoration Plan (CERP) as a framework for modifications and operational changes to the Central and Southern Florida Project that are needed to restore, preserve, and protect the South Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection. WRDA 2000 identified specific requirements for implementing components of the CERP, including the development of a decision document known as a Project Implementation Report (PIR). The requirements of a PIR are addressed in this report and are subject to review and approval by the Secretary of the Army. Preconstruction engineering and design activities for this project will be continued under the CERP Design Agreement.

2. The proposed C-111 Spreader Canal project was conditionally authorized by Section 601(b)(2)(C)(x) of WRDA 2000, but is not being recommended for implementation under that authority. The proposed C-111 Spreader Canal project was split into Western and Eastern Projects. Due to changes in scope and intended restoration area, the C-111 Spreader Canal Western project will be recommended for new specific Congressional authorization consistent with WRDA 2000, Section 601(d), Authorization of Future Projects. The Western Project focuses on the restoration of flows to Florida Bay via Taylor Slough as well as the restoration of the Southern Glades and Model Lands. Due to numerous uncertainties associated with the actual spreader canal feature, a spreader canal design test will be implemented to gain information that will guide planning efforts for the Eastern Project. The Eastern Project will address the restoration of the remainder of the project area through such features as a spreader canal, backfilling of the C-111 Canal, etc. It is expected that the Eastern Project will also seek authorization under 601(d). The reporting officers determined that the original authority for the C-111 Spreader Canal Project contained 601(b)(2)(C)(x) of WRDA 2000 is no longer needed. As such, the reporting officers recommend that C-111 Spreader Canal authorized in 601(b)(2)(C)(x) of WRDA 2000 be deauthorized.

3. Although cost sharing of the ecosystem restoration features for this project is governed by Section 601 of WRDA 2000, as amended, cost sharing of the recreation features is governed by Section 103 of the WRDA 1986, as amended. In particular, in accordance with Section 103(j) of WRDA 1986, 100 percent of the cost of operation, maintenance, repair, replacement and rehabilitation (OMRR&R) of the recreation features is the non-Federal sponsor's responsibility. In

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addition, section 601(e)(5)(B) of WRDA 2000, as amended, governs credit for non-Federal sponsor design and construction work on the ecosystem restoration features of the project, whereas section 221(a)(4) of the Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b(a)(4)), governs credit for non-Federal sponsor design and construction work on the recreation features of the project.

4. The final PIR with integrated Environmental Impact Statement (EIS) recommends a project that contributes significantly to all of the ecological goals and objectives of the CERP: (1) increasing the spatial extent of natural areas; (2) improving habitat function and quality; and (3) improving native plant and animal abundance and diversity. In addition, it contributes to the economic values and social well being of the project area by providing recreational opportunities. Scientists have established that a mosaic of uplands, freshwater marsh, deep water sloughs, and estuarine habitats supporting a diverse community of fish and wildlife was one of the defining characteristics of the pre-drainage Everglades ecosystem. Currently in south Florida, habitat function and quality has significantly declined in remaining natural system areas due to water management projects and practices, resulting in a loss of suitable nesting, foraging, and fisheries habitat and a decline in native species diversity and abundance. The PIR confirms information in the CERP and provides project-level evaluation of costs and benefits associated with construction and operations of this ecosystem restoration project which will reverse the damaging trends and increase freshwater retention in Everglades National Park, restoring a natural deepwater slough and the surrounding freshwater marsh habitat. Water levels across the project area will be increased, boosting species abundance and diversity while providing suitable nesting and foraging areas for wading birds. Florida Bay and its estuaries will benefit from decreased salinity levels and improved health of the fisheries habitat. Overall, approximately 252,000 acres of wetlands and coastal habitat will benefit from the project. The South Florida Water Management District (SFWMD), the non-Federal sponsor, has begun land acquisition and construction of the project through its expedited construction program. As such, the C-111 Spreader Canal Western project can be implemented quickly, substantially advancing the realization of project benefits in an area that has been degraded by past water management practices.

5. The reporting officers recommend a plan for ecosystem restoration and recreation. The recommended C-111 Spreader Canal Western project would improve the ecological function of Everglades National Park by creating a hydraulic ridge that will reduce drainage of the area by the C-111 Canal. The Recommended Plan, Alternative 2DS, will consist of two above-ground detention areas, the approximately 590-acre Frog Pond Detention Area and an approximately 50-acre Aerojet Canal, which will serve to create a continuous and protective hydraulic ridge along the eastern boundary of Everglades National Park. Five additional features will be included that are intended to raise water levels in the eastern portion of the project area and restore wetlands in the Southern Glades and Model Lands. Major features of the detention areas include the construction of external levees and one approximately 225-cubic feet per second pump station for each detention area. The five additional features will include the following: incremental operational changes at existing structure S-18C; one new operable structure in the lower C-111 Canal; ten plugs in the C-110 Canal; operational changes at existing structure S-20; and, one plug in the existing L-31E Canal (near inoperable structure S-20A). Recreation components consist of a trailhead with parking, traffic controls, a shade shelter with interpretive board, and approximately 6.8 miles of multi-use levee trails atop impoundment levees. Restoration-compatible recreation includes hiking, biking, fishing, nature study, bird watching, state-managed hunts and equestrian use.

6. The cost of the initially authorized C-111 Spreader Canal component of the CERP, escalated to October 2011 (FY 12) price levels, is \$143,540,000. The total first cost of the Recommended Plan

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from the final PIR/EIS, based upon October 2011 price levels, is estimated at \$165,098,000. Total first cost for the ecosystem restoration features is estimated to be \$164,832,000 and for recreation is estimated to be \$266,000. The proposed project costs have increased primarily due to the fact that the project has increased in scope to address ecological problems in Everglades National Park and Florida Bay as identified by the public and stakeholders.

7. In accordance with the cost-sharing requirements of Section 601(e) of the WRDA 2000, as amended, the Federal cost of the Recommended Plan is \$82,549,000 and the non-Federal cost is \$82,549,000. The estimated lands, easements, right-of-way, and relocation (LERRs) costs for the recommended plan are \$68,451,000. LERRs valued at approximately \$18,610,000 are already owned by the State of Florida. Based on October 2011 price levels, a 40-year period of economic evaluation and a 4.0 percent discount rate, the equivalent annual cost of the proposed project is estimated at \$10,268,000, which includes OMRR&R, interest and amortization. The estimated annual costs for ecosystem restoration OMRR&R, including project monitoring costs, vegetation management, and endangered species monitoring, are \$1,468,000. The estimated annual OMRR&R costs for recreation are \$25,000. The project monitoring period is five years except for endangered species monitoring, which is 10 years. Any costs associated with project monitoring beyond 10 years after completion of construction of the Project (or a component of the Project) shall be a non-Federal responsibility.

8. As a component of the CERP program, the interagency/interdisciplinary scientific and technical team, formed to ensure that system-wide goals are met, will participate in the annual monitoring to assess system-wide changes. In accordance with Sections 601(e)(4) and 601(e)(5)(D) of WRDA 2000, as amended, OMRR&R costs and adaptive assessment and monitoring costs for ecosystem restoration will be shared equally between the Federal Government and the non-Federal sponsor. The Project Monitoring Plan was developed assuming that major, ongoing monitoring programs that are not funded by the Project would continue to supply data relevant to the Project. The Project Monitoring Plan shall not include items that are already required to be monitored by another Federal agency or other entity as part of their regular responsibilities or required by law. Should any of these monitoring programs (e.g. coastal water quality and seagrass monitoring) be discontinued or significantly curtailed, then monitoring priorities and funding options may be re-evaluated to ensure proper Project evaluation. In accordance with Section 103(j) of the WRDA 1986, as amended, OMRR&R costs related to recreation features will be funded 100 percent by the non-Federal sponsor.

9. To ensure that an effective ecosystem restoration plan was recommended, cost effectiveness/incremental cost analysis techniques were used to evaluate alternative restoration plans. These techniques determined the selected alternative plan to be cost effective and incrementally justified. The hydraulic model and ecological model utilized to estimate the ecological outputs that were used in the economic analysis were both peer-reviewed and certified for use in the project. The plan recommended for implementation is the National Ecosystem Restoration (NER) plan, supports the Incremental Adaptive Restoration principles established by the National Research Council, and was prepared in a collaborative environment. The recommended plan provides benefits by: (1) restoring the quantity, timing, and distribution of water delivered to Florida Bay via Taylor Slough; (2) improving hydroperiods and hydropatterns in the Southern Glades and Model Lands; and, (3) restoring coastal zone salinities in Florida Bay and its tributaries.

10. In accordance with the WRDA 2000 Section 601(f)(2), individual CERP projects may be justified by the environmental benefits derived by the South Florida ecosystem. Similarly, Section

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385.9(a) of the CERP Programmatic Regulations (33 CFR Part 385) requires that individual projects shall be formulated, evaluated, and justified based on their ability to contribute to the goals and purposes of the CERP and on their ability to provide benefits that justify costs on a next-added increment basis. Due to the project location at the terminus of the Everglades system, the C-111 Spreader Canal Western project does not depend on any other CERP or non-CERP projects to achieve the estimated ecological benefits. As such, the Next-Added Increment (NAI) is equivalent to the total, System-Wide benefits that were calculated for the proposed project. The Recommended Plan will produce an average annual increase of 8,271 habitat units per year at an annual cost of \$10,268,000. In coordination with Fish and Wildlife Service, this project could benefit threatened and endangered species and migratory birds. The average annual cost per average annual habitat unit is \$1,240. Based on restoration first cost, the cost per acre benefited is approximately \$654 per acre. Based on these parameters, the C-111 Spreader Canal Western project is justified by the environmental benefits derived by the South Florida ecosystem. The recreation first cost of the recommended plan is \$266,000. The average annual cost for recreation is \$39,000 and the average annual recreation benefits are \$122,000, providing a benefit cost ratio of 3.1 to 1.

11. Of the 12,176 acres of land identified for the Project, approximately 611 acres were provided as items of local cooperation for existing Federal projects and will be used for construction of C-111 Spreader Canal Western Project. Approximately 11,565 acres of land are predicted to be impacted by the Recommended Plan: Approximately 9,688 acres will be provided in fee and have already been purchased by the non-Federal sponsor. Approximately 146 acres of impacted lands will be provided under a supplemental agreement with the State of Florida and Miami-Dade County. Approximately 955 acres will be provided by perpetual flowage/conservation easements by the Florida Power and Light Company. The planning level model predicted that the remaining 776 acres of privately-owned land identified for the Project may be affected by operation of the Project, as indicated in the PIR. WRDA 2000 requires that implementation of the CERP shall not reduce existing levels of service for flood protection. The SFWMD is constructing the majority of the project under its State expedited construction program and as part of its independent effort to implement the Project, the SFWMD will monitor the impacts of the current construction and continually adjust operations to ensure the protection of privately-owned lands. If SFWMD is able to provide new information that these operations provide anticipated ecological benefits without reducing existing levels of service for flood protection for the 776 acres, the Corps will consider this information and accordingly document any changes to its takings analysis and the continued compliance with the statutory requirements regarding maintenance of level of service for flood protection. The reassessment of effects on existing levels of service for flood protection will utilize a method similar to the original method of determination. Like the analysis in the PIR, the reassessment will be conducted in a manner consistent with the CERP Programmatic Regulations and guidance. In addition, the takings analysis will be similarly reassessed. Any reassessment done will be completed prior to the execution of a Project Partnership Agreement (PPA). The new information must document that operational adjustments implemented to avoid a reduction of the level of service for flood protection on a particular property or properties can also provide the anticipated ecological benefits. After the documentation is complete, then those operations may be made permanent and incorporated into the Final Project Operating Manual of the Federally-authorized project. Otherwise, the non-Federal sponsor will acquire the necessary interests in the lands, and will provide real estate certification of those lands to the Corps.

12. In accordance with the Corps Engineering Circular on review of decision documents, all technical, engineering, and scientific work underwent an open, dynamic, and vigorous review

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process to ensure technical quality. This included Agency Technical Review (ATR), and Independent External Peer Review (IEPR), and a Corps Headquarters policy and legal review. All concerns of the ATR have been addressed and incorporated into the final report. The IEPR was completed by Battelle Memorial Institute, a non-profit science and technology organization with experience in establishing and administering peer review panels for the Corps. A total of 23 comments were documented. The comments of high significance were related to current and future conditions, assessment of secondary effects and climatic cycles, and technical sections of the document such as Real Estate and Modeling. In response, sections in the PIR/EIS and appendices were expanded to include additional information. The final IEPR Report was completed in October 2009, and certification from the IEPR Panel was issued 25 November 2009.

13. The Final PIR/EIS was published for State and Agency Review on 4 February 2011. The majority of the comments received were favorable and in support of the project. A letter from the Florida Department of Agriculture and Consumer Services (FDACS), dated 10 March 2011, stated a concern that the proposed project would result in negative impacts to privately-owned agricultural lands in the vicinity of the project. Specifically, the concern was that a rise in groundwater elevations would result in root zone flooding that would be detrimental to crops. The FDACS also expressed concern that any adverse impacts identified after project implementation would be based upon criteria not specified in the Final PIR. In a 29 July 2011 reply letter, the Corps responded to these concerns by describing the monitoring being conducted by the SFWMD as part of its expedited construction program and the Corps' consideration of additional information to reassess the takings analysis and whether the project will reduce the existing levels of service for flood protection on the 776 acres, or a portion thereof, as described previously in Paragraph 11. The final PIR was revised to clarify this position.

14. Section 601(e)(5)(B) of WRDA 2000, as amended by Section 6004 of the WRDA 2007, authorizes credit toward the non-Federal share for non-Federal design and construction work completed during the period of design or construction, subject to execution of the design or project partnership agreement and subject to a determination by the Secretary that the work is integral to the project. As part of its initiative for early implementation of certain CERP projects, the non-Federal sponsor has stated that it is constructing the C-111 Spreader Canal Western project consistent with the PIR, in advance of Congressional authorization and the signing of a project partnership agreement. As such, a separate EIS has been completed and a Department of the Army permit has been issued to the non-Federal sponsor for expedited construction of this project, and construction of the project has already begun by the State of Florida. As required by the February 2008 Implementation Guidance for Section 6004 of WRDA 2007 – CERP Work In-Kind Credits, the non-Federal sponsor entered into a Pre-Partnership Credit Agreement for the C-111 Spreader Canal Western Project on 13 August 2009. The reporting officers believe that it is in the public interest for this Project to be implemented expeditiously due to the early restoration of Federal lands in Everglades National Park and ecological benefits to the wetlands and estuaries in other portions of the South Florida ecosystem. Therefore, the reporting officers recommend that the non-Federal sponsor be credited for all reasonable, allowable, necessary, auditable, and allocable costs applicable to the C-111 Spreader Canal Western project as may be authorized by law including those incurred prior to the execution of a PPA, subject to authorization of the Project by law, a determination by the Assistant Secretary of the Army (Civil Works) or his/her designee that the In-kind work is integral to the authorized CERP Project, that the costs are reasonable, allowable, necessary, auditable, and allocable, and that the In-kind work has been implemented in accordance with government standards and applicable Federal and state laws.

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15. The non-Federal Sponsor and the U.S. Department of the Army entered into an agreement known as the Master Agreement Between the Department of the Army and South Florida Water Management District for Cooperation in Constructing and Operating, Maintaining, Repairing, Replacing and Rehabilitating Projects Authorized to be Undertaken Pursuant to the Comprehensive Everglades Restoration Plan dated 13 August 2009 (hereinafter "Master Agreement"). The Master Agreement sets forth the terms of participation in the construction and OMRR&R of projects under CERP that will apply to any future project for which the non-Federal sponsor and the Government have entered into a PPA. The uniform terms of the Master Agreement will be incorporated by reference into the C-111 Spreader Canal Western Project PPA.

16. Credits for non-Federal design and construction will be evaluated in accordance with the terms of the Master Agreement. All documentation provided by the non-Federal sponsor will be thoroughly reviewed by the Corps to determine reasonable, allowable, necessary, auditable, and allocable costs. Upon completion of this review, a financial audit will be conducted prior to granting final credit. Coordination between the Corps and the Sponsor will occur throughout design and construction via the Corps' Regulatory process. The credit afforded to the non-Federal sponsor will be limited to the lesser of the following: (1) actual costs that are reasonable, allowable, necessary, auditable, and allocable to the Project; or (2) the Corps estimate of the cost of the work allocable to the Project had the Corps performed the work. The non-Federal sponsor intends to implement this work using its own funds and would not use funds originating from other Federal sources unless the Federal granting agency verifies in writing that the expenditure of such funds is expressly authorized by statute and in accordance with Section 601 (e)(3) of WRDA 2000 as amended and the Master Agreement.

17. Washington level review indicates that the plan recommended by the reporting officers is environmentally justified, technically sound, cost effective, and socially acceptable. The plan conforms to essential elements of the U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies and complies with other administration and legislative policies and guidelines. The views of interested parties, including Federal, state and local agencies have been considered.

18. The Project complies with the following requirements of the WRDA 2000, as amended:

a. Project Implementation Report (PIR). The requirements of a PIR as defined by Section 601(h)(4)(A).

b. Reservation or Allocation of Water for the Natural System. Sections 601(h)(4)(A)(iii)(IV) and (V) require identification of the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system and the amount of water to be reserved or allocated for the natural system. In accordance with the regulations, an analysis was conducted to identify water dedicated and managed for the natural system. Accordingly, the non-Federal sponsor will protect the water that was identified as necessary to achieve the benefits of the Project, using water reservation or allocation authority under Florida law.

c. Elimination or Transfer of Existing Legal Sources of Water. Section 601(h)(5)(A) states that existing legal sources of water shall not be eliminated or transferred until a new source

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of water supply of comparable quantity and quality is available to replace the water to be lost as a result of the CERP. An analysis of project effects on existing legal sources of water was conducted and it was determined that implementation of the C-111 Spreader Canal Western project will not result in a transfer or elimination of existing legal sources of water.

d. Maintenance of Flood Protection. Section 601 (h)(5)(B) states that the Plan shall not reduce levels of service for flood protection that are in existence on the date of enactment of WRDA 2000 (December 2000) and in accordance with applicable law. Potential flooding effects as a result of the proposed project were analyzed and the results indicated that the proposed project would have an adverse impact on the level of service for flood protection in the project area. The analysis identified 776 acres of privately-owned lands that may be impacted as a result of the operation of the proposed project. Total impacted lands, including the 776 acres identified above, were approximately 11,565 acres. As such, the non-Federal sponsor will provide the 11,565 acres of lands either in fee, perpetual flowage easements, or by supplemental agreements, and will be responsible for those real estate interests as a project cost. Under the specific circumstances detailed in paragraph 11, the non-Federal sponsor may not be required to provide an interest in all or part of the 776 acres of privately-owned lands identified.

19. I generally concur with the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend that the plan described herein for ecosystem restoration and recreation be authorized for implementation as a Federal Project, with such modifications as in the discretion of the Chief of Engineers may be advisable, and subject to cost-sharing, financing, and other applicable requirements of Section 601 of WRDA 2000, as amended. In addition, I recommend that the non-Federal sponsor be authorized to receive credit for work accomplished prior to execution of a PPA for this Project, in accordance with the terms described in paragraphs 14 and 16 of this report.

Further, this recommendation is subject to the non-Federal sponsor agreeing to comply with all applicable Federal laws and the following items of local cooperation:

- a. Provide 50 percent of total project costs consistent with the provisions of Section 601(e) of the WRDA 2000, as amended, including authority to perform design and construction of project features consistent with Federal law and regulation.
- b. Provide all lands, easements, and rights-of-way, including suitable borrow and dredged or excavated material disposal areas, and perform or assure the performance of all relocations that the Government and the non-Federal sponsor jointly determine to be necessary for the construction and OMRR&R of the Project and valuation will be in accordance with the Master Agreement.
- c. Shall not use the ecosystem restoration features or lands, easements, and rights-of-way required for such features as a wetlands bank or mitigation credit for any other non-CERP projects.
- d. Give the Government a right to enter, at reasonable times and in a reasonable manner, upon land that the non-Federal sponsor owns or controls for access to the Project for the

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purpose of inspection, and, if necessary, for the purpose of completing, operating, maintaining, repairing, replacing, or rehabilitating the Project.

e. Assume responsibility for operating, maintaining, repairing, replacing, and rehabilitating the Project or completed functional portions of the Project in a manner compatible with the Project's authorized purposes and in accordance with applicable Federal and State laws and specific directions prescribed in the OMRR&R manuals and any subsequent amendments thereto. Notwithstanding Section 528(e)(3) of WRDA 1996 (110 Stat. 3770), the non-Federal sponsor shall be responsible for 50 percent of the cost of OMRR&R activities authorized under this section.

f. The non-Federal sponsor shall operate, maintain, repair, replace and rehabilitate the recreational features of the Project and is responsible for 100 percent of the costs.

g. Keep the recreation features, and access roads, parking areas, and other associated public use facilities, open and available to all on equal terms.

h. Unless otherwise provided for in the statutory authorization for this Project, comply with Section 221 of PL 91-611, Flood Control Act of 1970, as amended, and Section 103 of the WRDA of 1986, PL 99-662, as amended which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until the non-Federal sponsor has entered into a written agreement to furnish its required cooperation for the Project or separable element.

i. Hold and save the Government free from all damages arising from the construction, OMRR&R of the Project, and any project-related betterments, except for damages due to the fault or negligence of the Government or the Government's contractors.

j. Keep and maintain books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to the Project to the extent and in such detail as will properly reflect total project costs and comply with the provisions of the CERP Master Agreement between the Department of Army and the South Florida Water Management District for Cooperation in Constructing and Operating, Maintaining, Repairing, Replacing, and Rehabilitating Projects Authorized to be Undertaken Pursuant to the Comprehensive Everglades Restoration Plan, executed on 13 August 2009, including Article XI Maintenance of Records and Audit.

k. Perform, or cause to be performed, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC 9601-9675, that may exist in, on, or under lands, easements or rights-of-way necessary for the construction and operation and maintenance (O&M) of the Project; except that the non-Federal sponsor shall not perform such investigations on lands, easements, or rights-of-way that the Government determines to be subject to the navigation servitude without prior specific written direction by the Government.

l. Assume complete financial responsibility for all necessary cleanup and response costs of any CERCLA regulated materials located in, on or under lands, easements, or right-of-ways

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necessary for the construction and OMRR&R.

m. As between the Government and the non-Federal sponsor, the non-Federal sponsor shall be considered the operator of the Project for the purposes of CERCLA liability. To the maximum extent practicable, the non-Federal sponsor shall OMRR&R the Project in a manner that will not cause liability to arise under CERCLA.

n. Prevent obstructions of and encroachments on the Project (including prescribing and enforcing regulations to prevent such obstruction or encroachments) which might reduce ecosystem restoration benefits, hinder O&M, or interfere with the Project's proper function, such as any new developments on Project lands or the addition of facilities which would degrade the benefits of the Project.

o. Comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, PL 91-646, as amended by the title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (PL 100-17), and Uniform Regulations contained in 49 CFR part 24, in acquiring lands, easements, and rights-of-way, and performing relocations for construction, O&M of the Project, and inform all affected persons of applicable benefits, policies, and procedures in connection with said act.

p. Comply with all applicable Federal and State laws and regulations, including, but not limited to, Section 601 of the Civil Rights Act of 1964, PL 88-352, and Department of Defense Directive 5500.11 issued pursuant thereto, as well as Army Regulation 600-7, entitled, "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army," and all applicable Federal labor standards and requirements including, but not limited to, 40 U.S.C. 3141-3148 and 40 U.S.C. 3701-3708 (revising, codifying and enacting without substantive change the provisions of the Davis-Bacon Act [formerly 40 U.S.C. 276a et seq.], the Contract Work Hours and Safety Standards Act [formerly 40 U.S.C. 327 et seq.] and the Copeland Anti-Kickback Act [formerly 40 U.S.C. 276c]).

q. Comply with Section 106 of the National Historic Preservation Act in completion of all consultation with Florida's State Historic Preservation Office and, as necessary, the Advisory Council on Historic Preservation prior to construction as part of the Pre-construction Engineering and Design phase of the Project.

r. Provide 50 percent of that portion of total cultural resource preservation mitigation and data recovery costs attributable to the Project that are in excess of one percent of the total amount authorized to be appropriated for the Project.

s. Do not use Federal funds to meet the non-Federal sponsor's share of total project costs unless the Federal granting agency verifies in writing that the expenditure of such funds is expressly authorized and in accordance with Section 601(e)(3) of WRDA 2000.

t. The non-Federal sponsor agrees to participate in and comply with applicable Federal floodplain management and flood insurance programs consistent with its statutory authority.

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(1) Not less than once each year the non-Federal sponsor shall inform affected interests of the extent of protection afforded by the Project.

(2) The non-Federal sponsor shall publicize flood plain information in the area concerned and shall provide this information to zoning and other regulatory agencies for their use in preventing unwise future development in the flood plain and in adopting such regulations as may be necessary to prevent unwise future development and to ensure compatibility with protection levels provided by the Project.

(3) The non-Federal sponsor shall comply with Section 402 of WRDA 1986, as amended (33 U.S.C. 701b-12), which requires a non-Federal interest to have prepared, within one year after the date of signing a project partnership agreement for the Project, a floodplain management plan. The plan shall be designed to reduce the impacts of future flood events in the project area, including but not limited to, addressing those measures to be undertaken by non-Federal interests to preserve the level of flood protection provided by the Project. As required by Section 402, as amended, the non-Federal interest shall implement such plan not later than one year after completion of construction of the Project. The non-Federal sponsor shall provide an information copy of the plan to the Government upon its preparation.

(4) The non-Federal sponsor shall prescribe and enforce regulations to prevent obstruction of or encroachment on the Project or on the lands, easements, and rights-of-way determined by the Government to be required for the construction, operation, maintenance, repair, replacement, and rehabilitation of the Project, that could reduce the level of protection the Project affords, hinder operation or maintenance of the Project, or interfere with the Project's proper function.

u. The non-Federal Sponsor shall execute under State law the reservation or allocation of water for the natural system as identified in the PIR for this authorized CERP Project as required by Sections 601(h)(4)(B)(ii) of WRDA 2000 and the non-Federal Sponsor shall provide information to the Government regarding such execution. In compliance with 33 CFR 385, the District Engineer will verify such reservation or allocation in writing. Any change to such reservation or allocation of water shall require an amendment to the PPA after the District Engineer verifies in writing in compliance with 33 CFR 385 that the revised reservation or allocation continues to provide for an appropriate quantity, timing, and distribution of water dedicated and managed for the natural system after considering any changed circumstances or new information since completion of the PIR for the authorized CERP Project.

20. The recommendation contained herein reflects the information available at this time and current Departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program or the perspective of higher review levels within the executive branch. Consequently, the recommendation

SUBJECT: C-111 Spreader Canal Western Project. Comprehensive Everglades Restoration Plan, Central and Southern Florida Project, Miami-Dade County, Florida.

may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding.



**MERDITH W.B. TEMPLE**  
Major General, USA  
Acting Chief of Engineers