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Everglades Restoration: Recent Developments and Legislation

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), it has been degraded and is approximately half its historical size. The ecosystem is home to a number of unique species, including 67 species on the Federal Endangered or Threatened Species lists.

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 expand water supplies by improving the timing, distribution, and quality of the water flowing south from Lake Okeechobee to the Everglades, among other things. Under CERP, the federal government (through the U.S. Army Corps of Engineers and the Department of the Interior [DOI]) is required to fund half of the costs for restoration, with an array of state, tribal, and local agencies paying the other half. Originally, CERP was expected to include 60 projects that would be completed over a 30-year horizon at a cost of \$10 billion. More recent estimates have projected that the project will take approximately 50 years to implement, at a total cost of \$13.5 billion. To date, federal and state governments have spent more than \$1.2 billion on CERP.

Everglades restoration under CERP was approved in 2000 and is expected to take 50 years to complete.

Outside of CERP, complementary efforts to restore the Everglades (most of which predate CERP) are also ongoing. These efforts, collectively referred to as *non-CERP projects*, have cost more than \$3 billion.

Everglades Restoration Projects Must Be Authorized by Congress

Although WRDA 2000 approved the overall CERP plan and process and authorized several pilot projects, most CERP construction projects require additional study by the Corps and congressional authorization of construction before they can receive federal appropriations, including credit or reimbursement for nonfederal work undertaken in advance. The Water Resources Development Act of 2007 (WRDA 2007; P.L. 110-114) authorized three CERP construction projects, all of which are currently under way. Other CERP studies are complete and awaiting congressional construction authorization.

Recent Developments

WRRDA 2014 Authorizations

The Water Resources Reform and Development Act of 2014 (WRRDA 2014; P.L. 113-121), enacted in June 2014, authorized four CERP projects with completed feasibility studies, but the bill did not authorize one project (the Central Everglades Planning Project, or CEPP) because the project was still under study at the time (see **Table 1**). As of 2016, CEPP is the only Everglades restoration project with a completed study that is awaiting authorization.

Table 1. Status of Recently Studied CERP Projects

Project Name	Authorization	Status
Site 1 Impoundment	WRDA 2007	Under Construction
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	Under Construction
Broward County Water Preserve Areas	WRRDA 2014	Under Construction
Biscayne Bay Coastal Wetlands	WRRDA 2014	Under Construction
Central Everglades Planning Project	Awaiting Authorization	Study Complete
Loxahatchee River Watershed Project	Awaiting Authorization	Study in Progress
Big Cypress/L-28 Interceptor	Awaiting Authorization	Study Initiated (FY2016)
Lake Okeechobee Watershed Project	Awaiting Authorization	Study in Progress (FY2016)

Source: Congressional Research Service based on U.S. Army Corps of Engineers data.

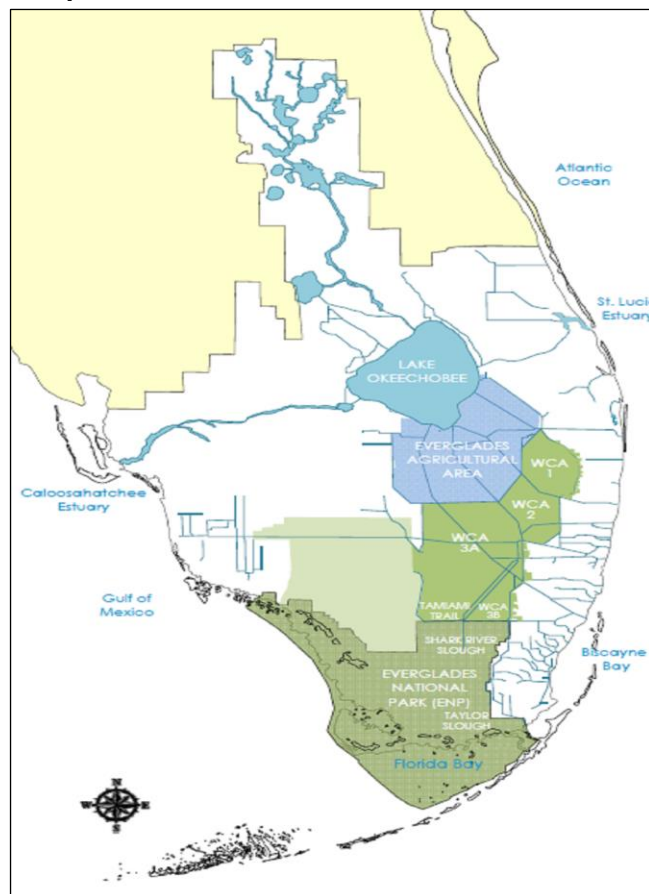
Note: WRRDA 2014 = Water Resources Reform and Development Act of 2014 (P.L. 113-121).

Authorization of the Central Everglades Planning Project

CEPP (project area shown below in **Figure 1**) is an Everglades restoration study under the CERP framework that was initiated in 2011 by the Corps and DOI, with the State of Florida. It was initiated due to a perceived need to prioritize restoration projects in this portion of the ecosystem to enhance the prospects for Everglades

restoration overall. It recommends a suite of restoration projects in the central Everglades that would be part of the broader CERP program aiming to address problems associated with the timing and distribution of freshwater flows in the central Everglades. Due to a number of factors, study of CEPP was not finalized by the Corps until after enactment of WRRDA 2014, thus the project has yet to be authorized for construction.

Figure 1. Central Everglades Planning Project (CEPP) Study Area



Source: U.S. Army Corps of Engineers.

Note: Shaded portions indicate CEPP study area.

Congressional Interest

With the enactment of WRRDA 2014 and uncertain prospects for water resources authorizing legislation in the 114th Congress, attention has focused on appropriations for recent Everglades authorizations and the status of CEPP.

Appropriations. Since enactment of WRRDA 2014, appropriations for Everglades restoration have increased. In enacted appropriations for FY2016, Congress provided the Corps with \$124 million for Everglades restoration, including \$86 million for CERP activities. DOI received \$64 million for Everglades restoration, including \$8 million for CERP. Total restoration funding for both agencies (\$188 million) was \$58 million more than the FY2015 enacted amount (which preceded enactment of the WRRDA 2014 authorizations). The President's budget request for FY2017 proposed \$169 million for Everglades restoration, including \$83 million for Corps and DOI work under CERP.

CEPP and New Authorizations. Some have raised concerns about two factors that could slow progress on new Everglades restoration projects: 1) the potential for earmark moratoriums to complicate geographically specific project authorizations in the Everglades and 2) the lack of a clear path forward for future water resource development authorization legislation. Supporters of Everglades restoration worry that these developments will slow consideration of the next generation of Everglades restoration projects for authorization. Absent authorization for these projects, federal work on Everglades restoration could slow if ongoing projects wind down and the Corps is unable to expend funds and match prior state expenditures. Such a scenario would potentially delay CERP relative to the current expected timeline.

In the 114th Congress, companion bills S. 2481 and H.R. 4436 would amend the CERP authorization in WRDA 2000 to authorize the Corps to construct any project or group of projects that was included in the CERP plan and has a completed project implementation report (PIR). This provision would appear to authorize for construction not only CEPP but also any future Everglades restoration projects that were included under CERP and have a completed PIR.

Historically, it has been unusual for Congress to authorize any Corps water resource projects in stand-alone legislation rather than as part of a water resources development act (which typically authorizes many projects). Proponents of S. 2481 argue that the unique and urgent circumstances of Everglades restoration, which has been widely supported by Congress, warrant a project delivery process that provides for predictable progress on recommended projects going forward.

If the aforementioned legislation is not enacted, CEPP potentially could be approved by the traditional authorization process for water resources projects or through a new processes established in WRRDA 2014. However, the prospects for either of these processes in the 114th Congress are unclear.

Lake Okeechobee/Herbert Hoover Dike. A separate bill, H.R. 4667, would direct the Corps to expedite ongoing repairs to Herbert Hoover Dike and would provide an additional \$800 million in funding for the project. Although this project is not usually characterized as Everglades restoration, some connect the two because they both relate to ecosystem health in Florida. Interest in the project stems from the fact that increased storage in Lake Okeechobee (as will result from the repairs) will decrease the need to release large amounts of runoff from the lake to the east (St. Lucie River) and west (Caloosahatchee River). These releases may in some cases harm estuarine ecosystems.

For more information, see CRS Report R42007, *Everglades Restoration: Federal Funding and Implementation Progress*, by Charles V. Stern.

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