



Updated December 27, 2023

Recent Developments in Everglades Restoration

Overview

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

What Is CERP? Congress approved the Comprehensive Everglades Restoration Plan (CERP) in the Water Resources Development Act of 2000 (WRDA 2000; P.L. 106-541). CERP is a framework under which the federal government and the State of Florida are 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 USACE and the Department of the Interior (DOI), is to fund half the costs of restoration; the State of Florida is to contribute the other half. Tribes and local agencies also are involved in the restoration effort. Originally, CERP was to include 60 projects to be completed over 30 years at a cost of \$8.2 billion in FY2000 dollars (equivalent to \$12.0 billion in FY2020 dollars). Subsequent reports to Congress projected CERP would take approximately 50 years from its authorization to implement at a total cost of \$23.2 billion (in FY2020 dollars) due to inflation, changes in project scope and schedule, and new project authorizations. Through FY2023, the federal government and the State of Florida have each spent \$2.6 billion (nominal dollars) on CERP construction projects, according to cost-share transparency reporting.

Separate from CERP, USACE has performed actions complementary to restoring the Everglades (most of which predate CERP). For example, after 22 years of constructing the lower Kissimmee River Restoration Project, USACE completed the project in July 2021. The federal government has spent around \$1.0 billion (nominal dollars) on these *non-CERP construction projects*.

CERP Projects Face Authorization by Congress

WRDA 2000 approved CERP and its implementation process and authorized several pilot projects. The process requires that USACE produce a project implementation report and obtain congressional project authorization before a project can receive federal appropriations for construction, including credit or reimbursement for nonfederal work undertaken in advance. Subsequent laws authorized projects planned under CERP. Some projects

received appropriations and are under construction. Other CERP project studies are in progress (see **Table 1**).

Table 1. Status of CERP USACE Projects in FY2023

Project Name	Construction Auth. Year	Status
Site 1 Impoundment	2007	Phase I completed
Picayune Strand Restoration Project	2007	Under construction
Indian River Lagoon	2007 and 2022	Under construction
C-43 West Storage Basin Reservoir	2014 and 2020	Under construction
C-111 Spreader Canal Western Project	2014	Completed and part of Biscayne Bay Project study
Broward County Water Preserve Areas	2014	Under construction
Biscayne Bay Coastal Wetlands Project	2014	Under construction
Central Everglades Planning Project	2016 and 2020	Under construction
Everglades Agricultural Area Reservoir	2018 and 2020	Under construction
Loxahatchee River Watershed Restoration Project	2020	Awaiting construction
Lake Okeechobee Watershed Restoration Project	Not Applicable	Study in progress for two phases
Western Everglades Restoration Project	Not Applicable	Study in progress
Biscayne Bay and Southern Everglades Ecosystem Restoration	Not Applicable	Study in progress
Southern Everglades	Not Applicable	Study in progress
Lake Okeechobee Component A Storage Reservoir	Not Applicable	Nonfederal-led study in progress

Sources: South Florida Ecosystem Restoration Task Force, 2022 *Biennial Report*; USACE factsheets, work plans, and spend plans; and enacted legislation.

Note: Auth. = Authorization; CERP = Comprehensive Everglades Restoration Plan; USACE = U.S. Army Corps of Engineers.

Recent WRDA Authorizations

WRDA 2020. WRDA 2020 (P.L. 116-260, Division AA) authorized two CERP projects—construction of the Loxahatchee River Watershed Restoration Project and modifications to the C-43 West Storage Basin Reservoir. The law authorized two non-CERP activities—Canal 111 South Dade Project and a study at Shingle Creek and Kissimmee River. It also authorized USACE to enter into an agreement for a nonfederal sponsor to pursue construction of one CERP project on its own. Further, the law combined the Central Everglades Planning Project (CEPP) and Everglades Agricultural Area Reservoir (EAA Reservoir) into one project. CEPP includes three components—CEPP South, CEPP North, and CEPP New Water—in the central portion of the Everglades. Collectively, they are to address issues associated with the quantity, quality, timing, and distribution of freshwater flows south of Lake Okeechobee into the Everglades Protection Area (e.g., central Everglades and Everglades National Park). EAA Reservoir aims to store and treat around 350,000 acre-feet of water from Lake Okeechobee before it enters CEPP and the Everglades Protection Area.

WRDA 2022. WRDA 2022 (P.L. 117-263, Title LXXXI, Division H) increased the authorization of appropriations for Indian River Lagoon. The act required an update for authorizing committees on CERP, the Lake Okeechobee System Operating Manual, and other Everglades activities. It also required future accounting updates to CERP nonfederal sponsors and altered calculations and the payment timeline for CERP nonfederal cash contributions. Further, the act authorized efforts outside of CERP, which included a comprehensive plan for restoring, preserving, and protecting the Everglades' northern estuaries and a study of resiliency improvements to existing projects in central and southern Florida.

Recent Federal Funding

The timing and level of federal and nonfederal funding affect USACE implementation and completion of authorized projects. DOI implements CERP by conducting restoration science and managing and restoring wildlife habitat in the ecosystem. **Table 2** lists FY2022 and FY2023 annual appropriations and the FY2024 budget request for USACE and DOI CERP and non-CERP activities. In addition, USACE allocated \$1.1 billion in FY2022 to Everglades restoration activities out of supplemental funding Congress provided in the Infrastructure Investment and Jobs Act (P.L. 117-58) for USACE aquatic ecosystem restoration.

Table 2. Everglades Restoration: FY2022 and FY2023 Annual Appropriations and FY2024 Budget Request

Agency	Activity Type	FY2022 Approp.	FY2023 Approp.	FY2024 Request
USACE	CERP	\$352.3	\$451.3	\$416.6
USACE	Non-CERP	\$6.6	\$11.7	\$11.3
DOI	CERP	\$8.2	\$8.3	\$8.5
DOI	Non-CERP	\$56.7	\$58.3	\$62.1

Source: South Florida Ecosystem Restoration Task Force, *FY2024 Cross Cut Budget*.

Notes: Funding is in millions of dollars. DOI = Department of the Interior.

Selected Issues for Congress

As noted in **Table 1**, USACE and the State of Florida are conducting studies that may result in project implementation reports or similar reports in time for the 118th Congress to consider for authorization in a WRDA (e.g., a WRDA 2024). For instance, in 2024, USACE anticipates completing, and the Chief of Engineers recommending, a report covering the wetlands restoration component of the Lake Okeechobee Watershed Restoration Project. (The aquifer storage and recharge portion of the project remains under scientific review.) In 2024, USACE also is anticipating the Chief of Engineers to recommend the Western Everglades Restoration Project for construction authorization. However, at a November 2023 Everglades Task Force meeting, public comment included concerns regarding the current, tentatively selected plan for this project. In addition, the State of Florida initiated a nonfederal study for the Lake Okeechobee Component A Storage Reservoir conducted under the authority of Section 203 of WRDA 2000, as amended (33 U.S.C. §2231). The Assistant Secretary of the Army for Civil Works (ASACW) must evaluate the study following its submission (projected for early 2024) to determine whether to recommend to Congress construction authorization, including any conditions. Congress may consider recommendations from the Chief of Engineers and the ASACW and stakeholder feedback on whether to authorize these CERP projects for construction.

The federal Clean Water Act (33 U.S.C. §§1251-1388) requires states to establish water quality standards to support designated uses of waterways. The standards are reviewed and require approval by the U.S. Environmental Protection Agency. The act also establishes a permit program for discharges of pollutants from wastewater and stormwater into receiving waters of the United States. Compliance with water quality standards in the Everglades Protection Area has been the subject of ongoing lawsuits. In 2012, the State of Florida developed the Restoration Strategies Regional Water Quality Plan. The state's plan is to expand existing stormwater treatment area (STA) acreage and additional infrastructure improvements to meet the water quality-based effluent limit for phosphorus into the Everglades Protection Area. The State of Florida anticipates the plan's projects to be constructed and operational by 2025. Assessment of effluent limit attainment for these efforts is required to begin in 2026. The timing of attainment may affect implementation progress for CEPP North and the EAA Reservoir. The report of the USACE Chief of Engineers specified, and the ASACW reaffirmed in 2022, that no federal investment in CEPP North infrastructure can occur until the effluent limit is met. The State of Florida currently is proceeding with CEPP North construction prior to an attainment determination. In addition, until the plan's STAs comply with the effluent limit, USACE intends to limit EAA Reservoir operations to store, and ultimately release, only

the amount of water that can be treated to satisfy all applicable water quality standards.

Anna E. Normand, Specialist in Natural Resources Policy
Pervaze A. Sheikh, Specialist in Natural Resources Policy
IF11336

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.