

The Federal Civil Works Program and the Restoration of Lake Okeechobee

- Budgeting and Funding
- Policy Issues
- Planning and Analytical Challenges

Eric L. Bush, USACE, Jacksonville District

Eric.L.Bush@usace.army.mil

904-232-1517

Federal Civil Works Projects

- Herbert Hoover Dike Rehabilitation
- Lake O Operations (LORS 2008)
- CERP (Lake O Watershed)
 - 4 Structural Components + 1 Operational Component in 1999 Restudy Plan (Yellow Book)
 - Lake O Regional ASR
 - ASR Pilot Project
 - Other CERP Projects
- Taylor Creek/Nubbin Slough Critical Project (WRDA 1996)
- Requests for Modifications of Projects
 - Local economic development

USACE Participation

- i.e., *“How the Federal Government funds the Corps to do work on and around Lake Okeechobee”*
 - Planning and Design (CERP)
 - Construction (HHD Rehab)
 - O&M (LORS)
- Governed by
 - Congressional Authority
 - Army Regulations and Policies
 - Budgeting and Funding
 - Cost-share Agreements
 - Annual Appropriations

Budgeting and Funding

- Only for Authorized Projects/Activities!
- 2-Year Budget Development Cycle
 - 2012 Jacksonville budget just submitted for review
 - Rankings based on benefits
 - Intense competition w/in USACE Nationwide
 - Civil Works Funding “stable”
- President’s Budget for next FY (February)
- House/Senate/Conference
- Annual Appropriations



Q: Why is this important for Lake O?

A1: HHD Rehab and O&M are authorized, and are budgeted for.

A2: CERP Planning (preparation of Lake O Watershed PIR) is authorized

- But has not been a priority in 2010 or 2011 Work Plans
 - Water Quality Cost-Sharing Policy Issue
 - Estimated Project Cost (> \$2B)

A3: Federal restoration projects benefitting Lake O not yet authorized

Herbert Hoover Dike Rehabilitation



- USACE top priority is protection of public health and safety
- Construction underway, current schedule calls for full completion in 2025; ~ **\$1.8B**
 - FY09: \$77M
 - FY10: \$123M
 - FY11*: \$105M
- MRR, Reaches 2 and 3 in preparation (2011)
 - Justify “rehab system”, including landside features

* *Proposed budget*



Taylor Creek STA WRDA 1996 “Critical Project”



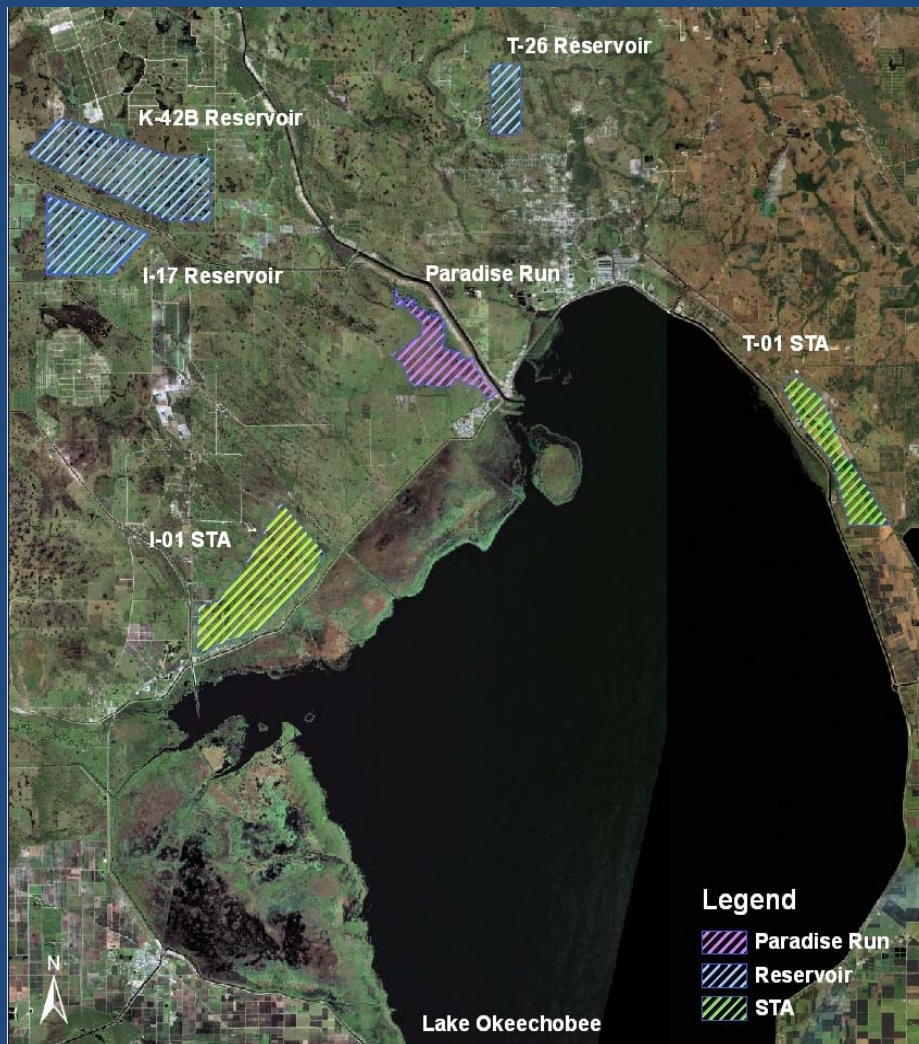
Operations and Maintenance

- How modifications to operations plans are funded
 - LORS 2008
 - 3-year effort
 - Controversial
- Expensive
 - Modeling and analysis
 - Model Certification and Peer Review
 - Extensive Outreach and Communication
- Future backlog of deferred O&M
 - CERP O&M is cost-shared per WRDA 2000
 - More internal competition for O&M funds

Planning Efforts

- Project Implementation Reports required to request Congressional authorization for CERP projects
 - Feasibility “+” level of detail
- Planning for CERP funded as a “Design” effort with Construction (C) funds
- Major ‘restoration’ components to benefit Lake O still in early planning phase
 - Lake O Watershed PIR: >\$2.0B
 - Enormous justification challenge

Lake Okeechobee Watershed Project Tentatively Selected Plan



- 273 K ac-ft above-ground storage
- 12,000 acres of STA
- 3,730 acres wetland restoration
- 74 tonnes/yr P reduction

Planning Issues

Water Quality

- 1996 Water Resources Development Act
 - 528(e)(2)(B)(i): *“if the Secretary determines that a project feature to improve water quality is essential to Everglades restoration, the non-Federal cost-share shall be 50 percent.”*
- 1999 Restudy Plan (Yellow Book)
 - *“For the purpose of analyzing Federal participation in water quality features, it is assumed that the Clean Water Act and State Water Quality Standards are being met for the existing use classification.”* (Yellow Book, p. 9-63.)
 - Where water quality standards \neq restoration, Federal government may cost-share in additional water quality improvement.
 - Question: What is effect of establishing a TMDL?

Planning Issues

Water Quality, cont.

- ASA-CW Woodley November 2007 Memorandum, Subject: CERP Water Quality Improvements Policy Determination
 - *“It is expressly against Federal policy to recommend for implementation projects or features that would result in treating or otherwise abating pollution problems caused by other parties. . . .”*
 - *“However. . . the Corps may recommend to Congress in a PIR that it be given statutory authority to build and cost share water quality features to both help achieve water quality requirements and provide additional restoration benefits critical to the successful implementation of CERP.”*

Other Planning Issues

- Analytical Challenges
 - Spatial extent of Lake O and watershed (8,700 sq. miles)
 - Predictive Models
 - Water Quality
 - Ecosystem Restoration Benefits
 - New Model Certification and Peer Review Requirements
- Incremental Justification Requirements
 - CERP Programmatic Regulations (2003)
 - CERP plans formulated based on System Benefits
 - Justified as “Next-Added Increment”
 - Programmatic Regulations being revised

What's Next?

- Continuing to budget for rehabbing HHD
 - Competition for funding stiffening
 - At some point, risk will be reduced and funding will not be justified
- Operations will continue to be a challenge: no major fixes in near-term

What's Next?, cont.

- Needs: more storage and water quality treatment
 - Lake O Watershed PIR
 - No firm schedule to complete
 - SFWMD's "River of Grass" planning efforts
 - Storage feature and additional water quality treatment in EAA
 - Policy and legal challenges for Federal participation
 - Longer-term solution
- Authorization required (>2 years)
 - Funding will be a tremendous challenge

Questions?

