

WRDA Authorizations

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WRDA AUTHORIZATIONS

The Site 1 Impoundment Project was authorized by Section 601 of WRDA 2000, which states, in part:

(b) Comprehensive Everglades Restoration Plan -

(1) APPROVAL -

(A) IN GENERAL. —Except as modified by this section, the Plan is approved 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. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, and the improvement of the environment of the South Florida ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(2) SPECIFIC AUTHORIZATIONS -

(C) INITIAL PROJECTS. —The following projects are authorized for implementation, after review and approval by the Secretary, subject to the conditions stated in subparagraph (D), at a total cost of \$1,100,918,000, with an estimated Federal cost of \$550,459,000 and an estimated non-Federal cost of \$550,459,000:

(iii) Site 1 Impoundment, at a total cost of \$38,535,000, with an estimated Federal cost of \$19,267,500 and an estimated non-Federal cost of \$19,267,500.

(D) CONDITIONS.—

(i) PROJECT IMPLEMENTATION REPORTS. —Before implementation of a project described in any of clauses (i) through (x) of subparagraph (C), the Secretary shall review and approve for the project a project implementation report prepared in accordance with subsections (f) and (h).

(ii) SUBMISSION OF REPORT. —The Secretary shall submit to the Committee on Transportation and Infra-structure of the House of Representatives and the Committee on Environment and Public Works of the Senate the project implementation report required by sub-sections (f) and (h) for each project under this paragraph (including all relevant data and information on all costs).

(iii) FUNDING CONTINGENT ON APPROVAL. —No appropriation shall be made to construct any project under this paragraph if the project implementation report for the project has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives

and the Committee on Environment and Public Works of the Senate.

(E) MAXIMUM COST OF PROJECTS- Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to each project feature authorized under this subsection.

Section 601(h)(1) of WRDA 2000 provides:

“IN GENERAL - The overarching objective of the Plan is the restoration, preservation, and protection of the South Florida Ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, the improvement of the environment of the South Florida Ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.”

Section 601(h)(4) of WRDA 2000 further requires that PIRs document:

(4) PROJECT-SPECIFIC ASSURANCES-

(A) PROJECT IMPLEMENTATION REPORTS-

(i) IN GENERAL- The Secretary and the non-Federal sponsor shall develop project implementation reports in accordance with section 10.3.1 of the Plan.

(ii) COORDINATION- In developing a project implementation report, the Secretary and the non-Federal sponsor shall coordinate with appropriate Federal, State, tribal, and local governments.

(iii) REQUIREMENTS- A project implementation report shall—
(I) be consistent with the Plan and the programmatic regulations promulgated under paragraph (3);

(II) describe how each of the requirements stated in paragraph (3)(B) is satisfied;

(III) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(IV) identify the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system;

(V) identify the amount of water to be reserved or allocated for the natural system necessary to implement, under State law, subclauses (IV) and (VI);

(VI) comply with applicable water quality standards and applicable water quality permitting requirements under subsection (b)(2)(A)(ii);

(VII) be based on the best available science; and

(VIII) include an analysis concerning the cost-effectiveness and engineering feasibility of the project.

Section 601(h)(5) of WRDA 2000 states:

(A) NO ELIMINATION OR TRANSFER. – Until a new source of water supply of comparable quantity and quality as that available on the date of enactment of this Act is available to replace the water to be lost as a result of implementation of the Plan, the Secretary and the non-Federal sponsor shall not eliminate or transfer existing legal sources of water, including those for –

- (i) an agricultural or urban water supply;*
- (ii) allocation or entitlement to the Seminole Indian Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e);*
- (iii) the Miccosukee Tribe of Indians of Florida;*
- (iv) water supply for Everglades National Park; or*
- (v) water supply for fish and wildlife.*

(B) MAINTENANCE OF FLOOD PROTECTION. – Implementation of the Plan shall not reduce levels of service for flood protection that are –

- (i) in existence on the date of enactment of this Act; and*
- (ii) in accordance with applicable law.*

(C) NO EFFECT ON TRIBAL COMPACT. – Nothing in this section amends, alters, prevents, or otherwise abrogates rights of the Seminole Indian Tribe of Florida under the compact among the Seminole Tribe of Florida, the State, and the South Florida Water Management District, defining the scope and use of water rights of the Seminole Tribe of Florida, as codified in section 7 of the Seminole Indian Land Claims Act of 1987 (25 U.S.C. 1772e).

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