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21ST DISTRICT, FLORIDA

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

FOREIGN AFFAIRS
COMMITTEE

Congress of the United States
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March 5, 2024

Colonel James Booth
Jacksonville District Commander
U.S. Army Corps of Engineers
701 San Marco Boulevard
Jacksonville, FL 32207-8175

To Colonel Booth:

I am writing to bring your immediate attention to significant concerns regarding the Army Corps' failure to comply with Section 8215 of the *Water Resources Development Act of 2022* (WRDA 22), also known as the *Northern Estuaries Restoration Plan (NERP)*. As you should know, an interim report on progress under this law was due to Congress by December 23, 2023. When my staff first inquired about the status of the interim report on January 8, 2024, the request was dismissed and my staff was told that the Army Corps had not made any progress toward compliance with this law. Since then, I am not aware of any further progress made toward completing this report. This nonchalant delinquency in complying with the law is unacceptable and represents a blatant disregard for congressional directive.

Section 8215 of WRDA 22 clearly states "*The Secretary shall develop, in cooperation with the non-Federal sponsors of the Central and Southern Florida project and any relevant Federal, State, and Tribal agencies, a proposed comprehensive plan for the purpose of restoring, preserving, and protecting the northern estuaries.*" This law provides zero ambiguity that the Army Corps must be developing this comprehensive plan and submitting interim reports.

To remind you, under NERP, the U.S. Army Corps of Engineers is required to develop a plan for new infrastructure to stop harmful discharges to the northern estuaries and improve water quality for Lake Okeechobee, the Caloosahatchee Estuary, Charlotte Harbor, the Indian River Lagoon, the Lake Worth Lagoon and the St. Lucie Estuary. Other objectives include restoring natural water flows and hydrological conditions, enhancing habitats, native vegetation and keystone species, and the dredging of nutrient-filled muck from Lake Okeechobee.

The overall goal of Comprehensive Everglades Restoration Plan (CERP) is to restore America's Everglades, but it was never intended to completely eliminate harmful discharges to the northern estuaries. CERP projects are expected to eliminate only two-thirds of discharges to the St. Lucie Estuary, whereas NERP would work to eliminate the remaining discharges not stopped by the completion of CERP projects.

Please respond no later than March 12, 2024 with an update on when the Army Corps will be in compliance with this law. Additionally, I ask for responses to the following questions:

- Under what authority and for what purpose has the Army Corps decided to ignore a mandate passed by Congress and signed into law by the President of the United States?
- Has any outreach been made to the State of Florida, the South Florida Water Management District, or other relevant federal, state, and tribal agencies with the intent of attempting to comply with this law? If so, please provide copies of the correspondence and the dates on which the correspondence took place.
- Has any communication taken place between the Jacksonville District and the Army Corps' headquarters in either Washington, D.C. or Atlanta regarding this law? If so, please provide copies of the correspondence and the dates on which the correspondence took place.
- Has the Jacksonville District, or the Army Corps' headquarters in either Washington, D.C. or Atlanta, issued a legal opinion or memo regarding the Army Corps' requirements under this law? If so, please provide the opinion and/or memo along with the date on which it was issued.
- If the Army Corps is choosing to continue to willfully ignore the law, please explain what additional actions the Army Corps believes are needed in order to execute Section 8215 of the *Water Resources Development Act of 2022*.

Please respond no later than March 12, 2024. Our Treasure Coast community is currently being decimated by discharges from Lake Okeechobee that you initiated, so time is of the essence. Thank you for your immediate attention on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brian Mast', with a stylized flourish extending to the right.

Brian Mast
Member of Congress