In accordance with the Endangered Species Act, the U.S. Army Corps of Engineers (Corps) has been consulting with the U.S. Fish and Wildlife Service (Service) to assess effects of the Corps’ water management operations in the southern part of the Everglades on the endangered Cape Sable seaside sparrow. During this consultation, the Service determined that current conditions within the sparrow’s habitat threaten its survival. The Corps’ responsibility is to manage its water management system in compliance with the Endangered Species Act, while the Service’s responsibility is to protect and enhance species and their habitats, which includes the endangered Cape Sable seaside sparrow.

The Corps has been coordinating closely with the Service to determine what measures the Corps can take within its given authorities to improve the sparrow’s habitat and ensure the Corps is able to operate its water management system in compliance with the Endangered Species Act, while also meeting the needs of the multiple congressionally-authorized purposes of the Central and Southern Florida (C&SF) project. The C&SF project purposes include providing flood control; water supply for municipal, industrial and agricultural purposes; prevention of saltwater intrusion; water supply for Everglades National Park; and preservation of fish and wildlife.

**OPERATIONS BACKGROUND**

The Everglades Restoration Transition Plan (ERTP) is the operational plan that establishes how federal water control structures are operated in the southern portion of the system to meet the Corps’ responsibilities for flood control and to minimize adverse effects to threatened and endangered species. As part of this plan, certain structures will be operated during certain times of year in order to meet the Corps’ project purposes in a manner that promotes conditions suitable for sparrow nesting in Everglades National Park.

ERTP provides greater flexibility to store and release water in Water Conservation Area -3A, and as a result increases operational flexibility in the system and improves conditions for multiple species inhabiting the area.

Moving more water through Everglades National Park into Florida Bay is part of the overall plan for restoring the Everglades. ERTP helps to improve conditions for the sparrow and other threatened species as restoration work progresses.

Ultimately, the completion of Everglades restoration projects, such as the Modified Water Deliveries and C-111 South Dade projects, will enable operations to be refined further as part of the Combined Operational Plan, which will provide the optimal balance between restoration and operational benefits for the southern Everglades.

**BIOLOGICAL OPINION**

The Biological Opinion is a regulatory document that states the opinion of the Service as to whether a federal action is likely to jeopardize the continued existence of listed species. The Service issued the new Biological Opinion for the Everglades Restoration Transition Plan on July 22, 2016.

The Biological Opinion recommends operational modifications and an expedited schedule for ongoing restoration initiatives in the southern Everglades to aid in improving suitable nesting habitat for the sparrow. The Corps will implement these actions within the Corps’ authority and federal laws and regulations.

Despite these positive actions, much more work is needed to place this species on a positive trajectory toward recovery. Successful recovery of the sparrow requires continued collaborative efforts among federal, tribal and state partnering agencies.

Additional conservation actions by others identified in the Biological Opinion includes habitat management, research on population trends, improved information on genetics, captive breeding and translocation, and additional real estate and construction actions.

The Corps will continue to work with the Service to identify other habitat improvement initiatives that can be enacted by partners and stakeholders to aid in this important effort.
OPERATIONAL MODIFICATIONS

Subject to applicable laws and regulations, the Corps will implement additional seasonal closures to outlet structures in Water Conservation Area -3A (WCA-3A), with the flexibility to open under high-water conditions between October and November.

The Corps will also implement adjustments in operations in the South Dade Conveyance System that will enable additional flows to Biscayne Bay during the dry season. It will also enable increased flow toward eastern Everglades National Park, and as a result extend hydroperiods during the early dry season.

The modified operations for WCA-3A involves the closure of the following structures from October 1 – July 15:

- **S-12 A**: closed for 1 additional month (with flexibility to operate as needed)
- **S-12 B**: closed for 3 additional months (with flexibility to operate as needed)
- **S-343 A**: closed for 1 additional month
- **S-343 B**: closed for 1 additional month
- **S-344**: closed for 1 additional month

Modeling has demonstrated that modified operations for these structures and the water management operations by the Corps, in general, contribute in just a small, but important way toward improving conditions for this species.

EXPEDITED RESTORATION INITIATIVES

The Corps is currently working to construct critical infrastructure in the southern Everglades as expeditiously as possible.

This infrastructure is being constructed as part of ongoing Everglades restoration projects, such as the Modified Water Deliveries and C-111 South Dade projects.

These projects will help restore flows to Everglades National Park and Florida Bay and will provide additional operational flexibility that will benefit the many species that call the Everglades home.

PATH FORWARD

The Corps continues to make progress, in coordination with partnering agencies, to move restoration efforts and operational modifications forward that will ultimately provide beneficial conditions to the many species that call the Everglades home. The Corps’ efforts are consistent with its given authorities.

Successful recovery of the sparrow requires continued collaborative efforts among federal, tribal and state partnering agencies. The Corps, within its authorities, will continue to work with the Service to find other helpful initiatives which could be enacted by partners and stakeholders to aid in this important effort.

Additional conservation actions by others identified in the Biological Opinion includes habitat management, research on population trends, improved information on genetics, captive breeding and translocation, and additional real estate and construction actions.