



**DEPARTMENT OF THE ARMY**  
**JACKSONVILLE DISTRICT CORPS OF ENGINEERS**  
701 San Marco Boulevard  
JACKSONVILLE, FLORIDA 32207-8175

REPLY TO

**PROPOSED FINDING OF NO SIGNIFICANT IMPACT**

**2019 PLANNED DEVIATION TO THE WATER CONTROL PLAN FOR LAKE  
OKEECHOBEE AND EVERGLADES AGRICULTURAL AREA (LORS 2008)**

**GLADES, HENDRY, MARTIN, OKEECHOBEE, AND PALM BEACH COUNTIES**

I have reviewed the Environmental Assessment (EA) for the proposed action. Operations within the project area are currently governed by the water control plan for Lake Okeechobee and the Everglades Agricultural Area (also known as the Lake Okeechobee Regulation Schedule (LORS 2008)). The U.S. Army Corps of Engineers, Jacksonville District (Corps) is initiating a planned deviation from LORS 2008 in anticipation of and following freshwater harmful algae blooms (HABs) with the goal of reducing the risk to public health and safety associated with HABs. The water management operational criteria described in the water control plan establish the allowable quantity, timing, and duration of releases from Lake Okeechobee to the Water Conservation Areas (WCAs) and to tide (estuaries). Water management decisions utilize LORS 2008 Parts A through D for guidance on releases from Lake Okeechobee. Information from Part A and Part B is utilized to compare the lake elevation and the corresponding band and sub-band, respectively. Information from Part C and Part D is utilized to establish the recommended releases to the WCAs and the recommended releases to tide (estuaries). The planned deviation will allow the Corps to alter the timing and volume of Lake Okeechobee releases to the WCAs, east, and/or west to allow for greater flexibility with water management decisions when HABs are present, forecasted, or have occurred within the last 12 months in Lake Okeechobee, the St. Lucie or Caloosahatchee estuaries or the system of canals that connect them.

The planned deviation will allow the flexibility to make slightly larger releases east and west than LORS 2008 Part D (establishes allowable Lake Okeechobee releases to tide (estuaries)) calls for and make releases south when LORS Part C (establishes allowable Lake Okeechobee releases to the WCAs) does not recommend releases within the Beneficial Use Sub-Band, Base Flow Sub-Band, Low Sub-Band, and the Intermediate Sub-Band. The cumulative volume of water released under the planned deviation will be tracked against the volume held back that would have been released under LORS 2008. The objective will be to reach a net zero balance such that the total volume released between 1 February and 31 January each year is unchanged from the releases that would have taken place under the existing schedule.

The planned deviation would be implemented as soon as possible, but action may not be taken immediately and would depend upon the conditions set forth in the operational strategy. This deviation will be in effect for a minimum duration of one year. The Corps Water Management Section's assessment of hydrometeorological conditions and stakeholder or agency input may suspend or discontinue the planned deviation due to impacts greater than expected/discussed within this EA. This deviation may be terminated at any time. Reevaluation of and possible extension of the planned deviation will occur after year one of implementation via memorandum to the South Atlantic Division Commander. Water bank summary information as well as any unexpected effects or challenges encountered during implementation will be evaluated in the memorandum. The planned deviation may extend until LORS 2008 is replaced by a new water control plan (Lake Okeechobee System Operation Manual (LOSOM)) anticipated in 2022. Implementation of the proposed action would be consistent with conditions outlined in the operational strategy.

This Finding incorporates by reference all discussions and conclusions contained in the EA enclosed hereto. Based on information analyzed in the EA, reflecting pertinent information obtained from agencies having jurisdiction by law and/or special expertise, I conclude that the proposed action will not significantly affect the quality of the human environment and does not require an Environmental Impact Statement. Reasons for this conclusion are in summary:

a. The proposed action is in full compliance with the Endangered Species Act and the Fish and Wildlife Coordination Act. The proposed action would not adversely affect protected species. The Corps has determined that the proposed action will have no effect on federally listed threatened and endangered species under the purview of the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS). Correspondence dated July 10, 2019 was provided to USFWS and the NMFS requesting concurrence on species determinations as a result of the proposed action. The Corps' made a no effect determination for all listed species in the project area. USFWS and NMFS responded on July 15, 2019, noting that the Corps is not required to seek concurrence on "no effect" determinations. The Corps agrees to maintain open and cooperative communication with USFWS, NMFS and the Florida Fish and Wildlife Conservation Commission during operations.

b. The Corps has determined that the proposed action is consistent to the maximum extent practicable with the enforceable policies of Florida's approved Coastal Zone Management Program.

c. The scope and nature of the proposed action has no potential to affect historic properties. As such it is in compliance with the National Historic Preservation Act and consideration given under the National Environmental Policy Act. The Corps has determined there is no potential to affect historic properties eligible or potentially eligible for listing in the National Register of Historic Places.

d. The proposed action will not adversely affect water quality and will be in compliance with the Clean Water Act.

e. The proposed action will maintain the congressionally authorized project purposes including flood control, water supply, navigation, fish and wildlife enhancement, and recreation.

f. The Corps completed this EA in accordance with 33 C.F.R. 230.1 to 230.26 to address the Federal action of the planned deviation to the water control plan. The Proposed FONSI and EA will be circulated for a 14 day public review. The Corps may generate supplemental NEPA as necessary to discuss and disclose any additional effects to the human environment that may not have been addressed within this EA.

In view of the above and the attached EA, and after consideration of comments received on the project, I conclude that the proposed action would not result in a significant effect on the human environment. This Proposed FONSI incorporates by reference all discussions and conclusions contained in the EA enclosed herewith.

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Diana M. Holland  
Major General, U.S. Army  
Commanding

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Date