

APPENDIX B

PERTINENT CORRESPONDENCE

PLANNED TEMPORARY DEVIATION 1981 LAKE KISSIMMEE, CRYPRESS, AND HATCHINEHA (KCH)

INTERIM REGULATION SCHEDULE

OSCEOLA AND POLK COUNTIES, FLORIDA

Nasuti, Melissa A CIV USARMY CESAJ (USA)

From: Nasuti, Melissa A CIV USARMY CESAJ (USA)
Sent: Friday, February 7, 2020 9:00 AM
To: adam_gelber@ios.doi.gov
Cc: LoSchiavo, Andrew J CIV USARMY CESAJ (USA); Alejandro, Luis Alberto CIV USARMY CESAJ (US); Dunn, Angela E CIV USARMY CESAJ (USA); Piscetta, Madeline M CIV USARMY CESAJ (USA); Raulerson, Stephanie J CIV USARMY CESAJ (US)
Subject: Planned Temporary Deviation to 1981 KHC Interim Regulation Schedule

Good Morning,

The 1992 Kissimmee River Restoration (KRR) Final Integrated Feasibility Report and Environmental Impact Statement (EIS) addressed restoration efforts in both the Upper Basin and Lower Basin of the Kissimmee River watershed, but focused mainly on the Lower Basin. Further analysis of the Upper Basin was included in the 1996 Kissimmee River Headwaters Revitalization Project (HRP) Integrated Project Modification Report and Supplement to the Final EIS. Together, the components outlined in the HRP and in the KRR Feasibility Report and EIS are known as the Kissimmee River Restoration (KRR) Project. The KRR Project was authorized under Section 101(8) of Water Resources Development Act (WRDA) 1992, P.L. 102-580. The KRR is sponsored by the Corps and the South Florida Water Management District (SFWMD). After extensive planning, construction for environmental restoration began in 1999. The project is close to completion. Remaining construction includes Kissimmee River backfill and U-69 weir completion. Lake Kissimmee, Hatchineha, and Cypress are regulated by a single structure, S-65, located at the outlet of Lake Kissimmee. S-65 is a spillway located at the head of the C-38 canal (i.e. the Kissimmee River). The lakes are currently regulated between elevations 48.5 and 52.5 feet NGVD according to the seasonally varying schedule.

The intent of the planned temporary deviation is to limit Lake Kissimmee releases to no more than 1,000 cubic feet per second (cfs) until 1 June in order to facilitate KRR construction in Reach 2, which is located south of S-65. This is necessary because flows greater than 1,000 cfs as measured at S-65 cause water to rise out of the Kissimmee River bank, and prevents the contractor from working at the construction site. The planned temporary deviation will provide operational flexibility to the SFWMD, increasing the likelihood of providing flows within the optimum range for Corps construction.

Over the past three years, construction has been halted when flows from Lake Kissimmee through S-65 are required when the lake stage approaches Zone A of the schedule in order to provide lake storage for flood control purposes in preparation for the wet season. The planned temporary deviation would provide the SFWMD more flexibility to manage flows in Zone B in accordance with project purposes while avoiding impacts to construction. Ultimately, the deviation would provide a 50% chance of avoiding the need to increase flows above 1000 cfs. The deviation would still allow for a recession to the summer low pool entirely in Zone B, but reduce the low stage requirement to 51 feet NGVD instead of 49 feet NGVD. The deviation would also provide the SFWMD the flexibility to begin the recession at any elevation below 52.5 feet NGVD and would allow the SFWMD to maintain discharges from Lake Kissimmee at or less than 1,000 cfs. There would be no change to the S-65 Zone release guidance at water levels above Zone A flood control releases.

Recession rates to meet fish and wildlife needs would be below the maximum rates of 0.5 feet per month and approximately be lower than 0.25 feet per month. Standard fish and wildlife recommendations for dry season operations dated 2015 would be followed to provide guidance on how to minimize adverse effects of reversals on Everglade snail kite nesting and wading bird foraging.

The planned deviation would alter the timing and volume of S-65 releases to the lower basin of the Kissimmee River. Under the current 1981 Lake Kissimmee, Hatchineha and Cypress Interim Regulation Schedule, all lakes in the Kissimmee Chain of Lakes are drawn down to their lowest pools around June 1 of each year to provide critical flood storage in

preparation for the rainy season. The planned temporary deviation would not provide this typical draw down but would allow Lake Kissimmee to go up to its peak rainy season stage. The deviation would be in effect until June 1. The Corps Water Management Section's assessment of hydrometeorological conditions and stakeholder or agency input may suspend or discontinue the deviation due to impacts greater than expected/discussed within the EA. Termination of the deviation may be implemented at any time. The decision making-making process would include frequent coordination calls with trust resource agencies to inform changes in Lake KCH management. A draft of the operational strategy will be provided when available.

The Corps is preparing an EA and Proposed FONSI that is expected to be posted for public notification and a comment period of 15 days. Please provide feedback at your earliest convenience to Melissa Nasuti at 904-232-1368 or at Melissa.A.Nasuti@usace.army.mil. Comments by February 11, 2020 would be appreciated.

Melissa Nasuti
Planning and Policy Division
U.S. Army Corps of Engineers
904-232-1368

Nasuti, Melissa A CIV USARMY CESAJ (USA)

From: Nasuti, Melissa A CIV USARMY CESAJ (USA)
Sent: Friday, February 7, 2020 8:43 AM
To: Elliott, Rebecca
Cc: LoSchiavo, Andrew J CIV USARMY CESAJ (USA); Alejandro, Luis Alberto CIV USARMY CESAJ (US); Dunn, Angela E CIV USARMY CESAJ (USA); Piscetta, Madeline M CIV USARMY CESAJ (USA); Raulerson, Stephanie J CIV USARMY CESAJ (US)
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Over the past three years, construction has been halted when flows from Lake Kissimmee through S-65 are required when the lake stage approaches Zone A of the schedule in order to provide lake storage for flood control purposes in preparation for the wet season. The planned temporary deviation would provide the SFWMD more flexibility to manage flows in Zone B in accordance with project purposes while avoiding impacts to construction. Ultimately, the deviation would provide a 50% chance of avoiding the need to increase flows above 1000 cfs. The deviation would still allow for a recession to the summer low pool entirely in Zone B, but reduce the low stage requirement to 51 feet NGVD instead of 49 feet NGVD. The deviation would also provide the SFWMD the flexibility to begin the recession at any elevation below 52.5 feet NGVD and would allow the SFWMD to maintain discharges from Lake Kissimmee at or less than 1,000 cfs. There would be no change to the S-65 Zone release guidance at water levels above Zone A flood control releases.

Recession rates to meet fish and wildlife needs would be below the maximum rates of 0.5 feet per month and approximately be lower than 0.25 feet per month. Standard fish and wildlife recommendations for dry season operations dated 2015 would be followed to provide guidance on how to minimize adverse effects of reversals on Everglade snail kite nesting and wading bird foraging.

The planned deviation would alter the timing and volume of S-65 releases to the lower basin of the Kissimmee River. Under the current 1981 Lake Kissimmee, Hatchineha and Cypress Interim Regulation Schedule, all lakes in the Kissimmee Chain of Lakes are drawn down to their lowest pools around June 1 of each year to provide critical flood storage in

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Nasuti, Melissa A CIV USARMY CESAJ (USA)

From: Nasuti, Melissa A CIV USARMY CESAJ (USA)
Sent: Friday, February 7, 2020 8:39 AM
To: Smith, Ed; Jordan.Tedio@dep.state.fl.us
Cc: LoSchiavo, Andrew J CIV USARMY CESAJ (USA); Alejandro, Luis Alberto CIV USARMY CESAJ (US); Dunn, Angela E CIV USARMY CESAJ (USA); Piscetta, Madeline M CIV USARMY CESAJ (USA); Raulerson, Stephanie J CIV USARMY CESAJ (US)
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Over the past three years, construction has been halted when flows from Lake Kissimmee through S-65 are required when the lake stage approaches Zone A of the schedule in order to provide lake storage for flood control purposes in preparation for the wet season. The planned temporary deviation would provide the SFWMD more flexibility to manage flows in Zone B in accordance with project purposes while avoiding impacts to construction. Ultimately, the deviation would provide a 50% chance of avoiding the need to increase flows above 1000 cfs. The deviation would still allow for a recession to the summer low pool entirely in Zone B, but reduce the low stage requirement to 51 feet NGVD instead of 49 feet NGVD. The deviation would also provide the SFWMD the flexibility to begin the recession at any elevation below 52.5 feet NGVD and would allow the SFWMD to maintain discharges from Lake Kissimmee at or less than 1,000 cfs. There would be no change to the S-65 Zone release guidance at water levels above Zone A flood control releases.

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Nasuti, Melissa A CIV USARMY CESAJ (USA)

From: Nasuti, Melissa A CIV USARMY CESAJ (USA)
Sent: Friday, February 7, 2020 8:41 AM
To: Erskine, James; 'Beck, Tyler'
Cc: LoSchiavo, Andrew J CIV USARMY CESAJ (USA); Alejandro, Luis Alberto CIV USARMY CESAJ (US); Dunn, Angela E CIV USARMY CESAJ (USA); Piscetta, Madeline M CIV USARMY CESAJ (USA); Raulerson, Stephanie J CIV USARMY CESAJ (US)
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Over the past three years, construction has been halted when flows from Lake Kissimmee through S-65 are required when the lake stage approaches Zone A of the schedule in order to provide lake storage for flood control purposes in preparation for the wet season. The planned temporary deviation would provide the SFWMD more flexibility to manage flows in Zone B in accordance with project purposes while avoiding impacts to construction. Ultimately, the deviation would provide a 50% chance of avoiding the need to increase flows above 1000 cfs. The deviation would still allow for a recession to the summer low pool entirely in Zone B, but reduce the low stage requirement to 51 feet NGVD instead of 49 feet NGVD. The deviation would also provide the SFWMD the flexibility to begin the recession at any elevation below 52.5 feet NGVD and would allow the SFWMD to maintain discharges from Lake Kissimmee at or less than 1,000 cfs. There would be no change to the S-65 Zone release guidance at water levels above Zone A flood control releases.

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preparation for the rainy season. The planned temporary deviation would not provide this typical draw down but would allow Lake Kissimmee to go up to its peak rainy season stage. The deviation would be in effect until June 1. The Corps Water Management Section's assessment of hydrometeorological conditions and stakeholder or agency input may suspend or discontinue the deviation due to impacts greater than expected/discussed within the EA. Termination of the deviation may be implemented at any time. The decision making-making process would include frequent coordination calls with trust resource agencies to inform changes in Lake KCH management. A draft of the operational strategy will be provided when available.

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Nasuti, Melissa A CIV USARMY CESAJ (USA)

From: Nasuti, Melissa A CIV USARMY CESAJ (USA)
Sent: Friday, February 7, 2020 9:20 AM
To: Progulske, Donald; Breen, Timothy; heather_tipton@fws.gov
Cc: LoSchiavo, Andrew J CIV USARMY CESAJ (USA); Alejandro, Luis Alberto CIV USARMY CESAJ (US); Dunn, Angela E CIV USARMY CESAJ (USA); Piscetta, Madeline M CIV USARMY CESAJ (USA); Raulerson, Stephanie J CIV USARMY CESAJ (US); adam_gelber@ios.doi.gov
Subject: Planned Temporary Deviation to 1981 KHC Interim Regulation Schedule
Attachments: 2020_KRR_Planned_Deviation_USFWS_Final.pdf

Good Morning,

Please reference the attached with respect to correspondence on the proposed planned temporary deviation to the 1981 KHC Interim Regulation Schedule. The Corps is preparing an EA and Proposed FONSI that is expected to be posted for public notification and a comment period of 15 days. The Corps specifically requests your written concurrence on our species effects determinations (attached) by February 11, 2020. A draft of the operational strategy will be provided when available.

Thanks

Melissa Nasuti

Planning and Policy Division

U.S. Army Corps of Engineers

904-232-1368

Friday, February 7, 2020

Planned Temporary Deviation to 1981 Lake Kissimmee, Hatchineha and Cypress (KHC) Interim Regulation Schedule

To: Bob Progulske, Tim Breen Heather Tipton

The U.S. Army Corps of Engineers, Jacksonville District (Corps) is preparing a National Environmental Policy Act (NEPA) Environmental Assessment (EA) and Proposed Finding of No Significant Impact (FONSI) associated with a planned temporary deviation to the 1981 Lake Kissimmee, Hatchineha and Cypress (KHC) Interim Regulation Schedule by raising the low summer pool elevation from 49.0 to 51.0 feet, National Geodetic Vertical Datum of 1929 (NGVD) in order to better facilitate construction along the Kissimmee River this spring.

The 1992 Kissimmee River Restoration (KRR) Final Integrated Feasibility Report and Environmental Impact Statement (EIS) addressed restoration efforts in both the Upper Basin and Lower Basin of the Kissimmee River watershed, but focused mainly on the Lower Basin. Further analysis of the Upper Basin was included in the 1996 Kissimmee River Headwaters Revitalization Project (HRP) Integrated Project Modification Report and Supplement to the Final EIS. Together, the components outlined in the HRP and in the KRR Feasibility Report and EIS are known as the Kissimmee River Restoration (KRR) Project. The KRR Project was authorized under Section 101(8) of Water Resources Development Act (WRDA) 1992, P.L. 102-580. The KRR is sponsored by the Corps and the South Florida Water Management District (SFWMD). After extensive planning, construction for environmental restoration began in 1999. The project is close to completion. Remaining construction includes Kissimmee River backfill and U-69 weir completion. Lake Kissimmee, Hatchineha, and Cypress are regulated by a single structure, S-65, located at the outlet of Lake Kissimmee. S-65 is a spillway located at the head of the C-38 canal (*i.e.* the Kissimmee River). The lakes are currently regulated between elevations 48.5 and 52.5 feet NGVD according to the seasonally varying schedule.

The intent of the planned temporary deviation is to limit Lake Kissimmee releases to no more than 1,000 cubic feet per second (cfs) until 1 June in order to facilitate KRR construction in Reach 2, which is located south of S-65. This is necessary because flows greater than 1,000 cfs as measured at S-65 cause water to rise out of the Kissimmee River bank, and prevents the contractor from working at the construction site. The planned temporary deviation will provide operational flexibility to the SFWMD, increasing the likelihood of providing flows within the optimum range for Corps construction.

Over the past three years, construction has been halted when flows from Lake Kissimmee through S-65 are required when the lake stage approaches Zone A of the schedule in order to provide lake storage for flood control purposes in preparation for the wet season. The planned temporary deviation would provide the SFWMD more flexibility to manage flows in Zone B in accordance with project purposes while avoiding impacts to construction. Ultimately, the deviation would provide a 50% chance of avoiding the need to increase flows above 1000 cfs.

The planned deviation would alter the timing and volume of S-65 releases to the lower basin of the Kissimmee River. Under the current 1981 Lake Kissimmee, Hatchineha and Cypress Interim Regulation Schedule, all lakes in the Kissimmee Chain of Lakes are drawn down to their lowest pools around June 1 of each year to provide critical flood storage in preparation for the rainy season. The planned temporary deviation would not provide this typical draw down but would allow Lake Kissimmee to go up to its peak rainy season stage. The deviation would be in effect until June 1.

Friday, February 7, 2020

The Corps Water Management Section's assessment of hydrometeorological conditions and stakeholder or agency input may suspend or discontinue the deviation due to impacts greater than expected/discussed within the EA. Termination of the deviation may be implemented at any time. The decision making-making process would include frequent coordination calls with trust resource agencies to inform changes in Lake KCH management. A draft of the operational strategy will be provided when available.

The Corps acknowledges the potential usage and occurrence of threatened and endangered species and/or critical habitat within the project area. The Corps is requesting expedited consultation under the Endangered Species Act of 1973, as amended. The Corps has made the following species effects determinations as related to the species identified in the table below. Justification for the respective effects determinations is summarized below.

Table 1. Federal threatened (Th), endangered (E), and candidate species (C) known to occur in Osceola and Polk Counties, Florida.

Scientific Name	Common Name	Federal Status	MANLAA	No Effect
Amphibians				
<i>Notophthalmus perstriatus</i>	Striped newt	C		X
Reptiles				
<i>Drymarchon couperi</i>	Eastern indigo snake	Th		X
<i>Eumeces egregius lividus</i>	Bluetail mole skink	Th		X
<i>Gopherus polyphemus</i>	Gopher tortoise	C		X
<i>Neoseps reynoldsi</i>	Sand skink	Th		X
Birds				
<i>Ammodramus savannarum floridanus</i>	Florida grasshopper sparrow	E		X
<i>Apelocoma coerulescens</i>	Florida scrub-jay	Th		X
<i>Grus americana</i>	Whooping crane	E *		X
<i>Mycteria americana</i>	Wood stork	Th	X	
<i>Picoides borealis</i>	Red-cockaded woodpecker	E		X
<i>Caracara cheriway</i>	Crested caracara	Th		X
<i>Rostrhamus sociabilis plumbeus</i>	Everglade snail kite	E	X	
Insects				
<i>Cicindela highlandensis</i>	Highlands tiger beetle	C		X
Mammals				
<i>Eumops floridanus</i>	Florida bonneted bat	E		X
<i>Puma concolor coryi</i>	Florida panther	E		X
<i>Trichechus manatus</i>	West Indian manatee	Th		X
Plants				
<i>Conradina brevi/olia</i>	Short-leaved rosemary	E		X
<i>Dicerandra frutescens</i>	Scrub mint	E		X
<i>Hypericum cumulicola</i>	Highlands scrub hypericum	E		X
<i>Liatris ohliiwerae</i>	Scrub blazingstar	E		X
<i>Paronychia chartacea</i>	Papery whitlow-wort	Th		X
<i>Folwala lewtonii</i>	Lewton's polygala	E		X
<i>Polygonella basiramia</i>	Wireweed	E		X
<i>Polygonella myriophylla</i>	Sandlace	E		X
<i>Prunus geniculata</i>	Scrub plum	E		X

Friday, February 7, 2020

Scientific Name	Common Name	Federal Status	MANLAA	No Effect
<i>Bonamia grandiflora</i>	Florida bonamia	Th		X
<i>Chionanthus pygmaeus</i>	Pygmy fringe-tree	E		X
<i>Clitoria fragrans</i>	Pigeon wings	Th		X
<i>Deeringothamnus</i>	Beautiful pawpaw	E		X
<i>Eriogonum longifolium</i> var.	Scrub buckwheat	Th		X
<i>Eryngium cuneifolium</i>	Snakeroot	E		X
<i>Nolina brittoniana</i>	Britton's beargrass	E		X
<i>Warea amplexifolia</i>	Wide-leaf warea	E		X
<i>Warea carteri</i>	Carter's mustard	E		X
<i>Lupinus aridorum</i>	Scrub lupine	E		X
<i>Dicerandra christmanii</i>	Garrett's mint	E		X
<i>Ziziphus celata</i>	Florida ziziphus	E		X
<i>Crotalaria avonensis</i>	Avon Park harebells	E		X
<i>Cladonia perforate</i>	Fl. perorate cladonia lichen	E		X

Notes: * = Experimental population; E = endangered; Th = threatened; C = candidate species

Everglade Snail Kite and Wood Stork:

Wood storks are known to forage within the KCOL Upper Basin and the Kissimmee River floodplain habitat downstream. Lakes Kissimmee, Hatchineha, Cypress and Tiger are within the core foraging areas of several wood stork nesting colonies. Everglades snail kites are known to nest along Lake Kissimmee.

Recession rates to meet fish and wildlife needs would be below the maximum rates of 0.5 feet per month and approximately be lower than 0.25 feet per month. Standard fish and wildlife recommendations for dry season operations dated 2015 would be followed to provide guidance on how to minimize adverse effects of reversals on Everglade snail kite nesting and wading bird foraging. The deviation would still allow for a recession to the summer low pool entirely in Zone B, but reduce the low stage requirement to 51 feet NGVD instead of 49 feet NGVD. The deviation would also provide the SFWMD the flexibility to begin the recession at any elevation below 52.5 feet NGVD and would allow the SFWMD to maintain discharges from Lake Kissimmee at or less than 1,000 cfs. There would be no change to the S-65 Zone release guidance at water levels above Zone A flood control releases.

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Nasuti, Melissa A CIV USARMY CESAJ (USA)

From: Nasuti, Melissa A CIV USARMY CESAJ (USA)
Sent: Friday, February 7, 2020 8:52 AM
To: Duncan, Gene; 'KevinD@miccosukeetribe.com'; Craig V
Cc: LoSchiavo, Andrew J CIV USARMY CESAJ (USA); Dunn, Angela E CIV USARMY CESAJ (USA); Piscetta, Madeline M CIV USARMY CESAJ (USA); Raulerson, Stephanie J CIV USARMY CESAJ (US); Alejandro, Luis Alberto CIV USARMY CESAJ (US)
Subject: Planned Temporary Deviation to 1981 KHC Interim Regulation Schedule

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The 1992 Kissimmee River Restoration (KRR) Final Integrated Feasibility Report and Environmental Impact Statement (EIS) addressed restoration efforts in both the Upper Basin and Lower Basin of the Kissimmee River watershed, but focused mainly on the Lower Basin. Further analysis of the Upper Basin was included in the 1996 Kissimmee River Headwaters Revitalization Project (HRP) Integrated Project Modification Report and Supplement to the Final EIS. Together, the components outlined in the HRP and in the KRR Feasibility Report and EIS are known as the Kissimmee River Restoration (KRR) Project. The KRR Project was authorized under Section 101(8) of Water Resources Development Act (WRDA) 1992, P.L. 102-580. The KRR is sponsored by the Corps and the South Florida Water Management District (SFWMD). After extensive planning, construction for environmental restoration began in 1999. The project is close to completion. Remaining construction includes Kissimmee River backfill and U-69 weir completion. Lake Kissimmee, Hatchineha, and Cypress are regulated by a single structure, S-65, located at the outlet of Lake Kissimmee. S-65 is a spillway located at the head of the C-38 canal (i.e. the Kissimmee River). The lakes are currently regulated between elevations 48.5 and 52.5 feet NGVD according to the seasonally varying schedule.

The intent of the planned temporary deviation is to limit Lake Kissimmee releases to no more than 1,000 cubic feet per second (cfs) until 1 June in order to facilitate KRR construction in Reach 2, which is located south of S-65. This is necessary because flows greater than 1,000 cfs as measured at S-65 cause water to rise out of the Kissimmee River bank, and prevents the contractor from working at the construction site. The planned temporary deviation will provide operational flexibility to the SFWMD, increasing the likelihood of providing flows within the optimum range for Corps construction.

Over the past three years, construction has been halted when flows from Lake Kissimmee through S-65 are required when the lake stage approaches Zone A of the schedule in order to provide lake storage for flood control purposes in preparation for the wet season. The planned temporary deviation would provide the SFWMD more flexibility to manage flows in Zone B in accordance with project purposes while avoiding impacts to construction. Ultimately, the deviation would provide a 50% chance of avoiding the need to increase flows above 1000 cfs. The deviation would still allow for a recession to the summer low pool entirely in Zone B, but reduce the low stage requirement to 51 feet NGVD instead of 49 feet NGVD. The deviation would also provide the SFWMD the flexibility to begin the recession at any elevation below 52.5 feet NGVD and would allow the SFWMD to maintain discharges from Lake Kissimmee at or less than 1,000 cfs. There would be no change to the S-65 Zone release guidance at water levels above Zone A flood control releases.

Recession rates to meet fish and wildlife needs would be below the maximum rates of 0.5 feet per month and approximately be lower than 0.25 feet per month. Standard fish and wildlife recommendations for dry season operations dated 2015 would be followed to provide guidance on how to minimize adverse effects of reversals on Everglade snail kite nesting and wading bird foraging.

The planned deviation would alter the timing and volume of S-65 releases to the lower basin of the Kissimmee River. Under the current 1981 Lake Kissimmee, Hatchineha and Cypress Interim Regulation Schedule, all lakes in the Kissimmee Chain of Lakes are drawn down to their lowest pools around June 1 of each year to provide critical flood storage in

preparation for the rainy season. The planned temporary deviation would not provide this typical draw down but would allow Lake Kissimmee to go up to its peak rainy season stage. The deviation would be in effect until June 1. The Corps Water Management Section's assessment of hydrometeorological conditions and stakeholder or agency input may suspend or discontinue the deviation due to impacts greater than expected/discussed within the EA. Termination of the deviation may be implemented at any time. The decision making-making process would include frequent coordination calls with trust resource agencies to inform changes in Lake KCH management. A draft of the operational strategy will be provided when available.

The Corps is preparing an EA and Proposed FONSI that is expected to be posted for public notification and a comment period of 15 days. Please provide feedback at your earliest convenience to Melissa Nasuti at 904-232-1368 or at Melissa.A.Nasuti@usace.army.mil. Comments by February 11, 2020 would be appreciated.

Melissa Nasuti
Planning and Policy Division
U.S. Army Corps of Engineers
904-232-1368

Nasuti, Melissa A CIV USARMY CESAJ (USA)

From: Nasuti, Melissa A CIV USARMY CESAJ (USA)
Sent: Friday, February 7, 2020 8:50 AM
To: Kirkland, Suelynn; sbousqu@sfwmd.gov
Cc: LoSchiavo, Andrew J CIV USARMY CESAJ (USA); Alejandro, Luis Alberto CIV USARMY CESAJ (US); Dunn, Angela E CIV USARMY CESAJ (USA); Piscetta, Madeline M CIV USARMY CESAJ (USA); Raulerson, Stephanie J CIV USARMY CESAJ (US)
Subject: Planned Temporary Deviation to 1981 KHC Interim Regulation Schedule

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Over the past three years, construction has been halted when flows from Lake Kissimmee through S-65 are required when the lake stage approaches Zone A of the schedule in order to provide lake storage for flood control purposes in preparation for the wet season. The planned temporary deviation would provide the SFWMD more flexibility to manage flows in Zone B in accordance with project purposes while avoiding impacts to construction. Ultimately, the deviation would provide a 50% chance of avoiding the need to increase flows above 1000 cfs. The deviation would still allow for a recession to the summer low pool entirely in Zone B, but reduce the low stage requirement to 51 feet NGVD instead of 49 feet NGVD. The deviation would also provide the SFWMD the flexibility to begin the recession at any elevation below 52.5 feet NGVD and would allow the SFWMD to maintain discharges from Lake Kissimmee at or less than 1,000 cfs. There would be no change to the S-65 Zone release guidance at water levels above Zone A flood control releases.

Recession rates to meet fish and wildlife needs would be below the maximum rates of 0.5 feet per month and approximately be lower than 0.25 feet per month. Standard fish and wildlife recommendations for dry season operations dated 2015 would be followed to provide guidance on how to minimize adverse effects of reversals on Everglade snail kite nesting and wading bird foraging.

The planned deviation would alter the timing and volume of S-65 releases to the lower basin of the Kissimmee River. Under the current 1981 Lake Kissimmee, Hatchineha and Cypress Interim Regulation Schedule, all lakes in the Kissimmee Chain of Lakes are drawn down to their lowest pools around June 1 of each year to provide critical flood storage in

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Melissa Nasuti
Planning and Policy Division
U.S. Army Corps of Engineers
904-232-1368

Nasuti, Melissa A CIV USARMY CESAJ (USA)

From: Nasuti, Melissa A CIV USARMY CESAJ (USA)
Sent: Friday, February 7, 2020 8:35 AM
To: Chris.Stahl@dep.state.fl.us; State.Clearinghouse@dep.state.fl.us
Cc: LoSchiavo, Andrew J CIV USARMY CESAJ (USA); Alejandro, Luis Alberto CIV USARMY CESAJ (US); Dunn, Angela E CIV USARMY CESAJ (USA); Piscetta, Madeline M CIV USARMY CESAJ (USA); Raulerson, Stephanie J CIV USARMY CESAJ (US)
Subject: Planned Temporary Deviation to 1981 KHC Interim Regulation Schedule

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Over the past three years, construction has been halted when flows from Lake Kissimmee through S-65 are required when the lake stage approaches Zone A of the schedule in order to provide lake storage for flood control purposes in preparation for the wet season. The planned temporary deviation would provide the SFWMD more flexibility to manage flows in Zone B in accordance with project purposes while avoiding impacts to construction. Ultimately, the deviation would provide a 50% chance of avoiding the need to increase flows above 1000 cfs. The deviation would still allow for a recession to the summer low pool entirely in Zone B, but reduce the low stage requirement to 51 feet NGVD instead of 49 feet NGVD. The deviation would also provide the SFWMD the flexibility to begin the recession at any elevation below 52.5 feet NGVD and would allow the SFWMD to maintain discharges from Lake Kissimmee at or less than 1,000 cfs. There would be no change to the S-65 Zone release guidance at water levels above Zone A flood control releases.

Recession rates to meet fish and wildlife needs would be below the maximum rates of 0.5 feet per month and approximately be lower than 0.25 feet per month. Standard fish and wildlife recommendations for dry season operations dated 2015 would be followed to provide guidance on how to minimize adverse effects of reversals on Everglade snail kite nesting and wading bird foraging.

The planned deviation would alter the timing and volume of S-65 releases to the lower basin of the Kissimmee River. Under the current 1981 Lake Kissimmee, Hatchineha and Cypress Interim Regulation Schedule, all lakes in the Kissimmee Chain of Lakes are drawn down to their lowest pools around June 1 of each year to provide critical flood storage in

preparation for the rainy season. The planned temporary deviation would not provide this typical draw down but would allow Lake Kissimmee to go up to its peak rainy season stage. The deviation would be in effect until June 1. The Corps Water Management Section's assessment of hydrometeorological conditions and stakeholder or agency input may suspend or discontinue the deviation due to impacts greater than expected/discussed within the EA. Termination of the deviation may be implemented at any time. The decision making-making process would include frequent coordination calls with trust resource agencies to inform changes in Lake KCH management. A draft of the operational strategy will be provided when available.

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Melissa Nasuti
Planning and Policy Division
U.S. Army Corps of Engineers
904-232-1368

Nasuti, Melissa A CIV USARMY CESAJ (USA)

From: Nasuti, Melissa A CIV USARMY CESAJ (USA)
Sent: Friday, February 7, 2020 8:54 AM
To: Backhouse, Paul; StacyMyers@semtribe.com; Anne Mullins Seminoles
Cc: LoSchiavo, Andrew J CIV USARMY CESAJ (USA); Alejandro, Luis Alberto CIV USARMY CESAJ (US); Dunn, Angela E CIV USARMY CESAJ (USA); Piscetta, Madeline M CIV USARMY CESAJ (USA); Raulerson, Stephanie J CIV USARMY CESAJ (US)
Subject: Planned Temporary Deviation to 1981 KHC Interim Regulation Schedule

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Over the past three years, construction has been halted when flows from Lake Kissimmee through S-65 are required when the lake stage approaches Zone A of the schedule in order to provide lake storage for flood control purposes in preparation for the wet season. The planned temporary deviation would provide the SFWMD more flexibility to manage flows in Zone B in accordance with project purposes while avoiding impacts to construction. Ultimately, the deviation would provide a 50% chance of avoiding the need to increase flows above 1000 cfs. The deviation would still allow for a recession to the summer low pool entirely in Zone B, but reduce the low stage requirement to 51 feet NGVD instead of 49 feet NGVD. The deviation would also provide the SFWMD the flexibility to begin the recession at any elevation below 52.5 feet NGVD and would allow the SFWMD to maintain discharges from Lake Kissimmee at or less than 1,000 cfs. There would be no change to the S-65 Zone release guidance at water levels above Zone A flood control releases.

Recession rates to meet fish and wildlife needs would be below the maximum rates of 0.5 feet per month and approximately be lower than 0.25 feet per month. Standard fish and wildlife recommendations for dry season operations dated 2015 would be followed to provide guidance on how to minimize adverse effects of reversals on Everglade snail kite nesting and wading bird foraging.

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preparation for the rainy season. The planned temporary deviation would not provide this typical draw down but would allow Lake Kissimmee to go up to its peak rainy season stage. The deviation would be in effect until June 1. The Corps Water Management Section's assessment of hydrometeorological conditions and stakeholder or agency input may suspend or discontinue the deviation due to impacts greater than expected/discussed within the EA. Termination of the deviation may be implemented at any time. The decision making-making process would include frequent coordination calls with trust resource agencies to inform changes in Lake KCH management. A draft of the operational strategy will be provided when available.

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Melissa Nasuti
Planning and Policy Division
U.S. Army Corps of Engineers
904-232-1368

Nasuti, Melissa A CIV USARMY CESAJ (USA)

From: Nasuti, Melissa A CIV USARMY CESAJ (USA)
Sent: Friday, February 7, 2020 8:33 AM
To: Jamie Higgins EPA; Harper, Cecelia
Cc: LoSchiavo, Andrew J CIV USARMY CESAJ (USA); Alejandro, Luis Alberto CIV USARMY CESAJ (US); Dunn, Angela E CIV USARMY CESAJ (USA); Piscetta, Madeline M CIV USARMY CESAJ (USA); Raulerson, Stephanie J CIV USARMY CESAJ (US)
Subject: Planned Temporary Deviation to 1981 KHC Interim Regulation Schedule

Good Morning,

The U.S. Army Corps of Engineers, Jacksonville District (Corps) is preparing a National Environmental Policy Act (NEPA) Environmental Assessment (EA) and Proposed Finding of No Significant Impact (FONSI) associated with a planned temporary deviation to the 1981 Lake Kissimmee, Hatchineha and Cypress (KHC) Interim Regulation Schedule by raising the low summer pool elevation from 49.0 to 51.0 feet, National Geodetic Vertical Datum of 1929 (NGVD) in order to better facilitate construction along the Kissimmee River this spring.

The 1992 Kissimmee River Restoration (KRR) Final Integrated Feasibility Report and Environmental Impact Statement (EIS) addressed restoration efforts in both the Upper Basin and Lower Basin of the Kissimmee River watershed, but focused mainly on the Lower Basin. Further analysis of the Upper Basin was included in the 1996 Kissimmee River Headwaters Revitalization Project (HRP) Integrated Project Modification Report and Supplement to the Final EIS. Together, the components outlined in the HRP and in the KRR Feasibility Report and EIS are known as the Kissimmee River Restoration (KRR) Project. The KRR Project was authorized under Section 101(8) of Water Resources Development Act (WRDA) 1992, P.L. 102-580. The KRR is sponsored by the Corps and the South Florida Water Management District (SFWMD). After extensive planning, construction for environmental restoration began in 1999. The project is close to completion. Remaining construction includes Kissimmee River backfill and U-69 weir completion. Lake Kissimmee, Hatchineha, and Cypress are regulated by a single structure, S-65, located at the outlet of Lake Kissimmee. S-65 is a spillway located at the head of the C-38 canal (i.e. the Kissimmee River). The lakes are currently regulated between elevations 48.5 and 52.5 feet NGVD according to the seasonally varying schedule.

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Over the past three years, construction has been halted when flows from Lake Kissimmee through S-65 are required when the lake stage approaches Zone A of the schedule in order to provide lake storage for flood control purposes in preparation for the wet season. The planned temporary deviation would provide the SFWMD more flexibility to manage flows in Zone B in accordance with project purposes while avoiding impacts to construction. Ultimately, the deviation would provide a 50% chance of avoiding the need to increase flows above 1000 cfs. The deviation would still allow for a recession to the summer low pool entirely in Zone B, but reduce the low stage requirement to 51 feet NGVD instead of 49 feet NGVD. The deviation would also provide the SFWMD the flexibility to begin the recession at any elevation below 52.5 feet NGVD and would allow the SFWMD to maintain discharges from Lake Kissimmee at or less than 1,000 cfs. There would be no change to the S-65 Zone release guidance at water levels above Zone A flood control releases.

Recession rates to meet fish and wildlife needs would be below the maximum rates of 0.5 feet per month and approximately be lower than 0.25 feet per month. Standard fish and wildlife recommendations for dry season

operations dated 2015 would be followed to provide guidance on how to minimize adverse effects of reversals on Everglade snail kite nesting and wading bird foraging.

The planned deviation would alter the timing and volume of S-65 releases to the lower basin of the Kissimmee River. Under the current 1981 Lake Kissimmee, Hatchineha and Cypress Interim Regulation Schedule, all lakes in the Kissimmee Chain of Lakes are drawn down to their lowest pools around June 1 of each year to provide critical flood storage in preparation for the rainy season. The planned temporary deviation would not provide this typical draw down but would allow Lake Kissimmee to go up to its peak rainy season stage. The deviation would be in effect until June 1. The Corps Water Management Section's assessment of hydrometeorological conditions and stakeholder or agency input may suspend or discontinue the deviation due to impacts greater than expected/discussed within the EA. Termination of the deviation may be implemented at any time. The decision making-making process would include frequent coordination calls with trust resource agencies to inform changes in Lake KCH management. A draft of the operational strategy will be provided when available.

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Melissa Nasuti
Planning and Policy Division
U.S. Army Corps of Engineers
904-232-1368

Nasuti, Melissa A CIV USARMY CESAJ (USA)

From: Kirkland, Suelynn <skirklan@sfwmd.gov>
Sent: Friday, February 7, 2020 11:23 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (USA); Bousquin, Steve; Water Managers; Mitnik, John
Cc: LoSchiavo, Andrew J CIV USARMY CESAJ (USA); Alejandro, Luis Alberto CIV USARMY CESAJ (US); Dunn, Angela E CIV USARMY CESAJ (USA); Piscetta, Madeline M CIV USARMY CESAJ (USA); Raulerson, Stephanie J CIV USARMY CESAJ (US)
Subject: [Non-DoD Source] RE: Planned Temporary Deviation to 1981 KHC Interim Regulation Schedule

Melissa,

Thanks for your email. I do a question on your paragraph about the Fish and Wildlife recession rates, copied here for reference: "Recession rates to meet fish and wildlife needs would be below the maximum rates of 0.5 feet per month and approximately be lower than 0.25 feet per month. Standard fish and wildlife recommendations for dry season operations dated 2015 would be followed to provide guidance on how to minimize adverse effects of reversals on Everglade snail kite nesting and wading bird foraging."

The second sentence in this paragraph indicates that standard recommendations for dry season operations from 2015 would be followed for guidance on how to minimize effects of reversals. Is this operation also limited by the no more than 1,000 cfs from Lake Kissimmee to facilitate construction? Unless the risk of a reversal would potentially result in flows more than 1,000 cfs, I recommend adding the following to the very end of the second sentence "... subject to the construction constraint and deviation intent of limiting Lake Kissimmee releases to no more than 1,000 cubic feet per second (cfs) until 1 June."

We look forward to having an opportunity to review the draft operational strategy when it becomes available.

Thanks
Suelynn

-----Original Message-----

From: Nasuti, Melissa A CIV USARMY CESAJ (USA) <Melissa.A.Nasuti@usace.army.mil>
Sent: Friday, February 7, 2020 8:50 AM
To: Kirkland, Suelynn <skirklan@sfwmd.gov>; Bousquin, Steve <sbousqu@sfwmd.gov>
Cc: Andrew LoSchiavo <Andrew.J.Loschiavo@usace.army.mil>; Luis A. Alejandro <Luis.A.Alejandro@usace.army.mil>; Dunn, Angela E CIV USARMY CESAJ (USA) <Angela.E.Dunn@usace.army.mil>; Piscetta, Madeline M CIV USARMY CESAJ (USA) <Madeline.M.Piscetta@usace.army.mil>; Stephanie J. Raulerson <Stephanie.J.Raulerson@usace.army.mil>
Subject: Planned Temporary Deviation to 1981 KHC Interim Regulation Schedule

[Please remember, this is an external email]

Good Morning,

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Melissa Nasuti
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U.S. Army Corps of Engineers
904-232-1368

Nasuti, Melissa A CIV USARMY CESAJ (USA)

From: Mitnik, John <jmitnik@sfwmd.gov>
Sent: Friday, February 7, 2020 12:40 PM
To: Kirkland, Suelynn; Nasuti, Melissa A CIV USARMY CESAJ (USA); Bousquin, Steve; Borocharner, Laureen A CIV USARMY CESAJ (USA)
Cc: LoSchiavo, Andrew J CIV USARMY CESAJ (USA); Alejandro, Luis Alberto CIV USARMY CESAJ (US); Dunn, Angela E CIV USARMY CESAJ (USA); Piscetta, Madeline M CIV USARMY CESAJ (USA); Raulerson, Stephanie J CIV USARMY CESAJ (US)
Subject: [Non-DoD Source] Re: Planned Temporary Deviation to 1981 KHC Interim Regulation Schedule

I think including flexibility above the regulation schedule line would also be helpful to achieve the operational intent of the deviation. The current schedules requires that once you go into zone A by more than 0.5 ft then water levels need to get back to schedule within 15 days. Relieving this requirement will help keep flows below your required 1000 cfs. We can discuss further if you like.

Get Outlook for iOS <Blocked<https://aka.ms/o0ukef>> _____

From: Kirkland, Suelynn <skirklan@sfwmd.gov>
Sent: Friday, February 7, 2020 11:22 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (USA); Bousquin, Steve; Water Managers; Mitnik, John
Cc: Andrew LoSchiavo; Luis A. Alejandro; Dunn, Angela E CIV USARMY CESAJ (USA); Piscetta, Madeline M CIV USARMY CESAJ (USA); Stephanie J. Raulerson
Subject: RE: Planned Temporary Deviation to 1981 KHC Interim Regulation Schedule

Melissa,

Thanks for your email. I do a question on your paragraph about the Fish and Wildlife recession rates, copied here for reference: "Recession rates to meet fish and wildlife needs would be below the maximum rates of 0.5 feet per month and approximately be lower than 0.25 feet per month. Standard fish and wildlife recommendations for dry season operations dated 2015 would be followed to provide guidance on how to minimize adverse effects of reversals on Everglade snail kite nesting and wading bird foraging."

The second sentence in this paragraph indicates that standard recommendations for dry season operations from 2015 would be followed for guidance on how to minimize effects of reversals. Is this operation also limited by the no more than 1,000 cfs from Lake Kissimmee to facilitate construction? Unless the risk of a reversal would potentially result in flows more than 1,000 cfs, I recommend adding the following to the very end of the second sentence "... subject to the construction constraint and deviation intent of limiting Lake Kissimmee releases to no more than 1,000 cubic feet per second (cfs) until 1 June."

We look forward to having an opportunity to review the draft operational strategy when it becomes available.

Thanks
Suelynn

-----Original Message-----

From: Nasuti, Melissa A CIV USARMY CESAJ (USA) <Melissa.A.Nasuti@usace.army.mil>
Sent: Friday, February 7, 2020 8:50 AM
To: Kirkland, Suelynn <skirklan@sfwmd.gov>; Bousquin, Steve <sbousqu@sfwmd.gov>

Cc: Andrew LoSchiavo <Andrew.J.Loschiavo@usace.army.mil>; Luis A. Alejandro <Luis.A.Alejandro@usace.army.mil>; Dunn, Angela E CIV USARMY CESAJ (USA) <Angela.E.Dunn@usace.army.mil>; Piscetta, Madeline M CIV USARMY CESAJ (USA) <Madeline.M.Piscetta@usace.army.mil>; Stephanie J. Raulerson <Stephanie.J.Raulerson@usace.army.mil>
Subject: Planned Temporary Deviation to 1981 KHC Interim Regulation Schedule

[Please remember, this is an external email]

Good Morning,

The 1992 Kissimmee River Restoration (KRR) Final Integrated Feasibility Report and Environmental Impact Statement (EIS) addressed restoration efforts in both the Upper Basin and Lower Basin of the Kissimmee River watershed, but focused mainly on the Lower Basin. Further analysis of the Upper Basin was included in the 1996 Kissimmee River Headwaters Revitalization Project (HRP) Integrated Project Modification Report and Supplement to the Final EIS. Together, the components outlined in the HRP and in the KRR Feasibility Report and EIS are known as the Kissimmee River Restoration (KRR) Project. The KRR Project was authorized under Section 101(8) of Water Resources Development Act (WRDA) 1992, P.L. 102-580. The KRR is sponsored by the Corps and the South Florida Water Management District (SFWMD). After extensive planning, construction for environmental restoration began in 1999. The project is close to completion. Remaining construction includes Kissimmee River backfill and U-69 weir completion. Lake Kissimmee, Hatchineha, and Cypress are regulated by a single structure, S-65, located at the outlet of Lake Kissimmee. S-65 is a spillway located at the head of the C-38 canal (i.e. the Kissimmee River). The lakes are currently regulated between elevations 48.5 and 52.5 feet NGVD according to the seasonally varying schedule.

The intent of the planned temporary deviation is to limit Lake Kissimmee releases to no more than 1,000 cubic feet per second (cfs) until 1 June in order to facilitate KRR construction in Reach 2, which is located south of S-65. This is necessary because flows greater than 1,000 cfs as measured at S-65 cause water to rise out of the Kissimmee River bank, and prevents the contractor from working at the construction site. The planned temporary deviation will provide operational flexibility to the SFWMD, increasing the likelihood of providing flows within the optimum range for Corps construction.

Over the past three years, construction has been halted when flows from Lake Kissimmee through S-65 are required when the lake stage approaches Zone A of the schedule in order to provide lake storage for flood control purposes in preparation for the wet season. The planned temporary deviation would provide the SFWMD more flexibility to manage flows in Zone B in accordance with project purposes while avoiding impacts to construction. Ultimately, the deviation would provide a 50% chance of avoiding the need to increase flows above 1000 cfs. The deviation would still allow for a recession to the summer low pool entirely in Zone B, but reduce the low stage requirement to 51 feet NGVD instead of 49 feet NGVD. The deviation would also provide the SFWMD the flexibility to begin the recession at any elevation below 52.5 feet NGVD and would allow the SFWMD to maintain discharges from Lake Kissimmee at or less than 1,000 cfs. There would be no change to the S-65 Zone release guidance at water levels above Zone A flood control releases.

Recession rates to meet fish and wildlife needs would be below the maximum rates of 0.5 feet per month and approximately be lower than 0.25 feet per month. Standard fish and wildlife recommendations for dry season operations dated 2015 would be followed to provide guidance on how to minimize adverse effects of reversals on Everglade snail kite nesting and wading bird foraging.

The planned deviation would alter the timing and volume of S-65 releases to the lower basin of the Kissimmee River. Under the current 1981 Lake Kissimmee, Hatchineha and Cypress Interim Regulation Schedule, all lakes in the Kissimmee Chain of Lakes are drawn down to their lowest pools around June 1 of each year to provide critical flood storage in preparation for the rainy season. The planned temporary deviation would not provide this typical draw down but would allow Lake Kissimmee to go up to its peak rainy season stage. The deviation would be in effect until June 1. The Corps Water Management Section's assessment of hydrometeorological conditions and stakeholder or agency input may suspend or discontinue the deviation due to impacts greater than expected/discussed within the EA. Termination of the

deviation may be implemented at any time. The decision making-making process would include frequent coordination calls with trust resource agencies to inform changes in Lake KCH management. A draft of the operational strategy will be provided when available.

The Corps is preparing an EA and Proposed FONSI that is expected to be posted for public notification and a comment period of 15 days. Please provide feedback at your earliest convenience to Melissa Nasuti at 904-232-1368 or at Melissa.A.Nasuti@usace.army.mil. Comments by February 11, 2020 would be appreciated.

Melissa Nasuti
Planning and Policy Division
U.S. Army Corps of Engineers
904-232-1368

From: [Tipton, Heather](#)
To: [Nasuti, Melissa A CIV USARMY CESAJ \(USA\)](#); [Progulske, Donald](#); [Breen, Timothy](#)
Cc: [LoSchiavo, Andrew J CIV USARMY CESAJ \(USA\)](#); [Alejandro, Luis Alberto CIV USARMY CESAJ \(US\)](#); [Dunn, Angela E CIV USARMY CESAJ \(USA\)](#); [Piscetta, Madeline M CIV USARMY CESAJ \(USA\)](#); [Raulerson, Stephanie J CIV USARMY CESAJ \(US\)](#); [Gelber, Adam R](#)
Subject: [Non-DoD Source] Re: Planned Temporary Deviation to 1981 KHC Interim Regulation Schedule
Date: Wednesday, February 12, 2020 4:31:33 PM

Hi Melissa,

Thank you for your continued coordination concerning dry season water level management in the KCOL. Per our recent discussions during interagency calls related to this matter, the Service supports the proposed deviation in order to accomplish KRR construction goals while ensuring that lake water levels are managed in a way to avoid impacts to listed species, especially nesting snail kites. The proposed deviation includes raising the low pool stage from 49.0 ft to 51.0 ft NGVD - this stage change is not expected to adversely affect kites and may benefit nesting kites by providing increased nesting and foraging opportunities (as more habitat will be inundated at greater depths). In addition, the proposed deviation would allow for a more gradual recession rate to be implemented (compared to the existing regulation schedule) which is also expected to benefit nesting kites. However, as discussed during our January 30 teleconference, the additional flexibility allowed under the proposed deviation and related restrictions to S-65 operations have the potential to result in undesirable reversals on Lake Kissimmee (e.g., during/after storm events, if S-65 operations are restricted to stay below 1000 cfs) that could adversely affect nesting kites. The degree of any adverse effects to nesting kites would be largely dependent on the timing and amount of the reversal as well as individual nest attributes (e.g., nesting substrate, height above water). Based on our previous discussions and per the document attached to your February 7 email, it is the Service's understanding that the Corps is committed to frequent coordination with our staff to proactively respond to such events to ensure operations do not result in adverse impacts to snail kites or other listed species. Therefore, the Service concurs with your determination of "may affect, not likely to adversely affect" for the Everglade snail kite and wood stork.

If you have any questions, please let me know. We look forward to our continued dry season coordination.

Thanks,
Heather

Heather Tipton

U.S. Fish and Wildlife Service|South Florida Ecological Services Office
1339 20th Street|Vero Beach, Florida 32960
772.469.4263|heather_tipton@fws.gov <mailto:heather_tipton@fws.gov>

From: Nasuti, Melissa A CIV USARMY CESAJ (USA) <Melissa.A.Nasuti@usace.army.mil>
Sent: Friday, February 7, 2020 8:19 AM
To: Progulske, Donald <Donald_Progulske@fws.gov>; Breen, Timothy <timothy_breen@fws.gov>; Tipton, Heather <heather_tipton@fws.gov>
Cc: LoSchiavo, Andrew J CIV USARMY CESAJ (USA) <Andrew.J.Loschiavo@usace.army.mil>; Alejandro, Luis Alberto CIV USARMY CESAJ (US) <Luis.A.Alejandro@usace.army.mil>; Dunn, Angela E CIV USARMY CESAJ (USA) <Angela.E.Dunn@usace.army.mil>; Piscetta, Madeline M CIV USARMY CESAJ (USA) <Madeline.M.Piscetta@usace.army.mil>; Raulerson, Stephanie J CIV USARMY CESAJ (US) <Stephanie.J.Raulerson@usace.army.mil>; Gelber, Adam R <adam_gelber@ios.doi.gov>
Subject: [EXTERNAL] Planned Temporary Deviation to 1981 KHC Interim Regulation Schedule

Good Morning,

Please reference the attached with respect to correspondence on the proposed planned temporary deviation to the 1981 KHC Interim Regulation Schedule. The Corps is preparing an EA and Proposed FONSI that is expected to be posted for public notification and a comment period of 15 days. The Corps specifically requests your written concurrence on our species effects determinations (attached) by February 11, 2020. A draft of the operational strategy will be provided when available.

Thanks

Melissa Nasuti

Planning and Policy Division

U.S. Army Corps of Engineers

904-232-1368

From: [Nasuti, Melissa A CIV USARMY CESAJ \(USA\)](mailto:Melissa.A.Nasuti@usace.army.mil)
To: [LoSchiavo, Andrew J CIV USARMY CESAJ \(USA\)](mailto:LoSchiavo, Andrew J CIV USARMY CESAJ (USA)); [Piscetta, Madeline M CIV USARMY CESAJ \(USA\)](mailto:Piscetta, Madeline M CIV USARMY CESAJ (USA))
Subject: FW: [Non-DoD Source] FW: Planned Temporary Deviation to 1981 KHC Interim Regulation Schedule
Date: Friday, February 14, 2020 5:50:49 PM

FYI

Sent with BlackBerry Work
(www.blackberry.com)

From: Cambeiro, Ed <Ed.Cambeiro@dep.state.fl.us <<mailto:Ed.Cambeiro@dep.state.fl.us>> >
Date: Friday, Feb 14, 2020, 5:07 PM
To: Nasuti, Melissa A CIV USARMY CESAJ (USA) <Melissa.A.Nasuti@usace.army.mil <<mailto:Melissa.A.Nasuti@usace.army.mil>> >
Cc: Barfield, Natalie <Natalie.Barfield@FloridaDEP.gov <<mailto:Natalie.Barfield@FloridaDEP.gov>> >, Tedio, Jordan <Jordan.Tedio@dep.state.fl.us <<mailto:Jordan.Tedio@dep.state.fl.us>> >, Smith, Ed <edward.c.smith@dep.state.fl.us <<mailto:edward.c.smith@dep.state.fl.us>> >
Subject: [Non-DoD Source] FW: Planned Temporary Deviation to 1981 KHC Interim Regulation Schedule

Good afternoon, Ms. Nasuti:

Please see our comments below in response to the subject-referenced review request.

1. The intent of the subject deviation to limit Lake Kissimmee releases at S-65 to no more than 1,000 cfs until June 1 is required for the Corps to complete construction for the KRR Project in 2020. In addition to ongoing construction to backfill the C-38 canal in Reach 2, the Corps has other contractors currently working to repair backfilled areas in Reach 3 and to finish S-69 U-shaped Weir installation and canal backfill. Continued progress during the current dry season is critical for meeting the target deadline.
2. As of today, 2-11-2020, the stage of Lake Kissimmee is 51.68 ft. NGVD which is 0.32 ft. below the regulation schedule. Depending on rainfall, the proposed deviation may result in less lake storage for flood control purposes. However, the overall risk to flood protection is minimized by no change to the S-65 Zone release guidance at water levels above Zone A flood control releases.
3. The proposed deviation would be in effect until June 1 which is past the typical start of the wet season from mid- to late May. If hydrometeorological conditions cause impacts greater than expected/discussed within the EA, the deviation could be terminated at any time.

Overall, we support this temporary planned deviation assuming the FONSI is adequately documented.

Thank you for the opportunity to review. Please contact us if you have any questions or concerns.

Ed Cambeiro, FCCM

Permit Lead/Clearinghouse Coord.
Water Policy & Ecosystem Restoration

Dept of Environmental Protection

3900 Commonwealth Blvd, MS 24

Tallahassee, Florida 32399-3000

5-3176 / 850-245-3176

Ed.Cambeiro@FloridaDEP.gov <<mailto:Ed.Cambeiro@FloridaDEP.gov>>

FloridaDEP.gov/Eco-Pro

From: Nasuti, Melissa A CIV USARMY CESAJ (USA) <Melissa.A.Nasuti@usace.army.mil>
<<mailto:Melissa.A.Nasuti@usace.army.mil>> >
Sent: Friday, February 7, 2020 8:39:10 AM
To: Smith, Edward C. <Edward.C.Smith@dep.state.fl.us> <<mailto:Edward.C.Smith@dep.state.fl.us>> >; Tedio, Jordan <Jordan.Tedio@dep.state.fl.us> <<mailto:Jordan.Tedio@dep.state.fl.us>> >
Cc: LoSchiavo, Andrew J CIV USARMY CESAJ (USA) <Andrew.J.Loschiavo@usace.army.mil> <<mailto:Andrew.J.Loschiavo@usace.army.mil>> >; Alejandro, Luis Alberto CIV USARMY CESAJ (US) <Luis.A.Alejandro@usace.army.mil> <<mailto:Luis.A.Alejandro@usace.army.mil>> >; Dunn, Angela E CIV USARMY CESAJ (USA) <Angela.E.Dunn@usace.army.mil> <<mailto:Angela.E.Dunn@usace.army.mil>> >; Piscetta, Madeline M CIV USARMY CESAJ (USA) <Madeline.M.Piscetta@usace.army.mil> <<mailto:Madeline.M.Piscetta@usace.army.mil>> >; Raulerson, Stephanie J CIV USARMY CESAJ (US) <Stephanie.J.Raulerson@usace.army.mil> <<mailto:Stephanie.J.Raulerson@usace.army.mil>> >
Subject: Planned Temporary Deviation to 1981 KHC Interim Regulation Schedule

Good Morning,

The 1992 Kissimmee River Restoration (KRR) Final Integrated Feasibility Report and Environmental Impact Statement (EIS) addressed restoration efforts in both the Upper Basin and Lower Basin of the Kissimmee River watershed, but focused mainly on the Lower Basin. Further analysis of the Upper Basin was included in the 1996 Kissimmee River Headwaters Revitalization Project (HRP) Integrated Project Modification Report and Supplement to the Final EIS. Together, the components outlined in the HRP and in the KRR Feasibility Report and EIS are known as the Kissimmee River Restoration (KRR) Project. The KRR Project was authorized under Section 101(8) of Water Resources Development Act (WRDA) 1992, P.L. 102-580. The KRR is sponsored by the Corps and the South Florida Water Management District (SFWMD). After extensive planning, construction for environmental restoration began in 1999. The project is close to completion. Remaining construction includes Kissimmee River

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Over the past three years, construction has been halted when flows from Lake Kissimmee through S-65 are required when the lake stage approaches Zone A of the schedule in order to provide lake storage for flood control purposes in preparation for the wet season. The planned temporary deviation would provide the SFWMD more flexibility to manage flows in Zone B in accordance with project purposes while avoiding impacts to construction. Ultimately, the deviation would provide a 50% chance of avoiding the need to increase flows above 1000 cfs. The deviation would still allow for a recession to the summer low pool entirely in Zone B, but reduce the low stage requirement to 51 feet NGVD instead of 49 feet NGVD. The deviation would also provide the SFWMD the flexibility to begin the recession at any elevation below 52.5 feet NGVD and would allow the SFWMD to maintain discharges from Lake Kissimmee at or less than 1,000 cfs. There would be no change to the S-65 Zone release guidance at water levels above Zone A flood control releases.

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The Corps is preparing an EA and Proposed FONSI that is expected to be posted for public notification and a comment period of 15 days. Please provide feedback at your earliest convenience to Melissa Nasuti at 904-232-1368 or at Melissa.A.Nasuti@usace.army.mil <<mailto:Melissa.A.Nasuti@usace.army.mil>> . Comments by February 11, 2020 would be appreciated.

Melissa Nasuti
Planning and Policy Division
U.S. Army Corps of Engineers
904-232-1368