APPENDIX D

PERTINENT CORRESPONDENCE

D.1: NATIONAL ENVIRONMENTAL POLICY ACT CORRESPONDENCE

D.2: ENDANGERED SPECIES ACT COMPLIANCE

D.3: NATIONAL HISTORIC PRESERVATION ACT COMPLIANCE

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APPENDIX D.1 NATIONAL ENVIRONMENTAL POLICY ACT CORRESPONDENCE

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D.1 Pertinent Correspondence

This appendix contains pertinent correspondence related to the Combined Operational Plan (COP) and the National Environmental Policy Act (NEPA). A brief description of pertinent correspondence is provided below. Copies of the correspondence, as well as comment response tables generated to address comments received, follow.

Notice of Intent (NOI) to Prepare an Environmental Impact Statement

- September 8, 2017: NOI Federal Register (FR) (Volume 82, Number 173)

NEPA Cooperating Agency Letters

- September 22, 2017: Invitation Cooperating Agency South Florida Water Management District (SFWMD)
- September 22, 2017: Invitation Cooperating Agency Everglades National Park (ENP)
- September 22, 2017: Invitation Cooperating Agency U.S. Fish and Wildlife Service (USFWS)
- October 13, 2017: Invitation Cooperating Agency Miccosukee Tribe of Indians of Florida
- October 13, 2017: Invitation Cooperating Agency Seminole Tribe of Florida
- October 13, 2017: Invitation Cooperating Agency Seminole Nation of Oklahoma
- October 20, 2017: Acceptance Cooperating Agency Letter SFWMD
- November 01, 2017: Acceptance Cooperating Agency Letter ENP

Government to Government Coordination Letters

- September 22, 2017: Miccosukee Tribe of Indians of Florida
- September 22, 2017: Seminole Tribe of Florida
- September 22, 2017: Seminole Nation of Oklahoma

NEPA Scoping Letters and Responses

- September 22, 2017: NEPA Scoping Letter
- U.S. Army Corps of Engineers (USACE) NEPA Scoping Comment Response Matrix (**Table D.1-1**)
- NEPA Scoping Letters Received

Additional Correspondence

- February 28, 2018: Everglades Law Center, National Parks Conservation Association (NPCA), Everglades Foundation, Audubon Florida Comments on COP Round 1 Alternatives
- April 5, 2018: Everglades Law Center, NPCA, Everglades Foundation, and Audubon Florida Comments on COP Round 1 Alternatives and USACE Response dated May 10, 2018
- August 14, 2018: Everglades Foundation Comments on COP Alternatives

- September 5, 2018: SFWMD Comments on Water Quality Concerns and USACE Response dated October 4, 2018
- September 7, 2018: SFWMD Comments on Water Quality Concerns and USACE Response dated October 17, 2018
- December 13, 2018: Audubon Florida, Bonefish & Tarpon Trust, Captains for Clean Water, Everglades Law Center, Everglades Foundation, Florida Bay Forever, and NPCA Comments on COP Round 2 Alternatives
- March 25, 2019: Audubon Florida, Bonefish & Tarpon Trust, Captains for Clean Water, Everglades Law Center, Everglades Foundation, Florida Bay Forever, and NPCA Comments on COP Round 3 Alternative and Extreme High Water Action Line
- March 25, 2019: Everglades Foundation Comments on COP Round 3 Alternative and Extreme High Water Action Line
- March 25, 2019: Florida Department of Agriculture and Consumer Services (FDACS) Comments on COP Round 3 Alternative and Extreme High Water Action Line
- March 26, 2019: Florida Fish and Wildlife Conservation Commission (FWC) Comments on COP Round 3 Alternative and Extreme High Water Action Line
- USACE COP Round 3 Alternative Comment Response Matrix (**Table D.1-2**)
- June 12, 2019: Audubon Florida, Everglades Foundation, and NPCA Comments on COP Alternative Q
- June 12, 2019: Everglades Foundation Comments on COP Alternative Q
- June 12, 2019: FDACS Comments on COP Alternative Q
- June 13, 2019: FWC Commission Comments on COP Alternative Q
- USACE COP Alternative Q Comment Response Matrix (**Table D.1-3**)
- June 27, 2019: Seminole Tribe of Florida Comments on COP Alternative Q+
- July 1, 2019: FDACS Comments on COP Alternative Q+
- July 1, 2019: Everglades Foundation Comments on COP Alternative Q+
- USACE COP Alternative Q+ Comment Response Matrix (**Table D.1-4**)
- July 23, 2019: Everglades Law Center on COP Alternative Q+

Draft Environmental Impact Statement (EIS) Notice of Availability (NOA)

- January 31, 2020: NOA FR (Volume 85, Number 21)
- January 31, 2020: NOA Draft EIS to General Public
- January 31, 2020: NOA Draft EIS to Florida State Clearinghouse
- January 31, 2020: NOA to Miccosukee Tribe of Indians of Florida
- January 31, 2020: NOA to Seminole Tribe of Florida
- January 31, 2020: NOA to Seminole Nation of Oklahoma

Comments Received Draft EIS

- USACE Draft EIS Comment Response Matrices (**Table D.1-5**, **Table D.1-6**, **Table D.1-7**, **Table D.1-8**)
- Draft EIS NEPA Public Meeting Transcripts (February 18, 2020, West Palm Beach, Florida; February 19, Islamorada, Florida; February 20, 2020 Cutler Bay, Florida)
- Draft EIS Comments Received
- April 28, 2020: USACE Response to Miccosukee Tribe of Indians of Florida Comments on Draft EIS

Final EIS NOA

- July 2, 2020: NOA FR (Volume 85, Number 128)
- July 2, 2020: NOA Final EIS to General Public
- July 2, 2020: NOA Final EIS to Florida State Clearinghouse
- July 2, 2020, 2020: NOA to Miccosukee Tribe of Indians of Florida
- July 2, 2020: NOA to Seminole Tribe of Florida
- July 2, 2020: NOA to Seminole Nation of Oklahoma
- July 2, 2020: NOA to Thlopthlocco Tribal Town

Comments Received Final EIS

- USACE Final EIS Comment Response Matrix (**Table D.1-9**)
- USACE EIS Comments Received

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APPENDIX D.1 NATIONAL ENVIRONMENTAL POLICY ACT CORRESPONDENCE

NOTICE OF INTENT TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT

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production by the nonprofit agencies listed:

Products

NSN(s)—Product Name(s):
8920–01–E62–5585—Rice, Brown, Parboiled, Long Grain, CS/Four (4) Five (5) Pound Bags
8920–01–E62–5586—Rice, Brown, Parboiled, Long Grain, CS/Two (2) Ten (10) Pound Bags
Mandatory for: 100% of the requirement of the Department of Defense
Mandatory Source(s) of Supply: VisionCorps, Lancaster, PA
Contracting Activity: Defense Logistics Agency Troop Support
Distribution: C-List

NSN(s)—Product Name(s):
5940–01–089–7066—Adapter, Battery Terminal, Negative Post, E
5940–01–520–6775—Adapter, Battery Terminal, Positive Post, E
Mandatory Source(s) of Supply: Eastern Carolina Vocational Center, Inc., Greenville, NC
Mandatory for: 100% of the requirement of the Department of Defense
Contracting Activity: Defense Logistics Agency Land and Maritime
Distribution: C-List

Deletion

The following products and services are proposed for deletion from the Procurement List

Product

NSN(s)—Product Name(s): 2910–00–740–9419—Strap, Fuel Tan
Mandatory Source(s) of Supply: Employment Source, Inc., Fayetteville, NC
Contracting Activity: Defense Logistics Agency Land and Maritime

NSN(s)—Product Name(s):
8410–01–414–6979—Shirt, Tuck-in, Army, Women's, Short Sleeved, Green, 4 Regula
8410–01–414–6980—Shirt, Tuck-in, Army, Women's, Short Sleeved, Green, 6 Regula
8410–01–414–6981—Shirt, Tuck-in, Army, Women's, Short Sleeved, Green, 8 Regula
8410–01–414–7023—Shirt, Tuck-in, Army, Women's, Short Sleeved, Green, 10 Regula
8410–01–414–7105—Shirt, Tuck-in, Army, Women's, Short Sleeved, Green, 12 Regula
8410–01–414–7113—Shirt, Tuck-in, Army, Women's, Short Sleeved, Green, 14 Regula
8410–01–414–7116—Shirt, Tuck-in, Army, Women's, Short Sleeved, Green, 16 Regula
8410–01–414–7118—Shirt, Tuck-in, Army, Women's, Short Sleeved, Green, 18 Regula
8410–01–414–7120—Shirt, Tuck-in, Army, Women's, Short Sleeved, Green, 20 Regula
8410–01–414–7186—Shirt, Tuck-in, Army, Women's, Short Sleeved, Green, 22 Regula
8410–01–414–7232—Shirt, Tuck-in, Army, Women's, Short Sleeved, Green, 24 Regula
8410–01–414–7233—Shirt, Tuck-in, Army, Women's, Short Sleeved, Green, 26 Regula
Mandatory Source(s) of Supply: Middle Georgia Diversified Industries, Inc., Dublin, GA
Contracting Activity: Defense Logistics Agency Troop Support

NSN(s)—Product Name(s): 1670–00–805–3522—Strap Set, Webbin
Mandatory Source(s) of Supply: Huntsville Rehabilitation Foundation, Huntsville, AL
Contracting Activity: Defense Logistics Agency Aviation

NSN(s)—Product Name(s):
8465–00–001–6487—Belt, Individual Equipment, Olive Drab, Larg
8465–00–001–6488—Belt, Individual Equipment, LC–1, Olive Drab, Mediu
8465–01–120–0674—Belt, Individual Equipment, USN/USA, LC–2, Olive Drab, Mediu
8465–01–120–0675—Belt, Individual Equipment, Olive Drab, Larg
Mandatory Source(s) of Supply: Mississippi Industries for the Blind, Jackson, MS
Contracting Activity: Defense Logistics Agency Troop Support

Service

Service Type: Grounds Maintenance Servic
Mandatory for: Pennington Memorial U.S. Army Reserve Center: 2164 Harding Highway East, Marion, OH
Mandatory Source(s) of Supply: MARCA Industries, Inc., Marion, OH
Contracting Activity: Dept of the Army, W6QM MICC Ft McCoy (RC)
Service Type: Mail and Messenger Servic
Mandatory for: Headquarters, Naval Facilities Engineering Command (NAVFACENGCOM), Washington, DC
Mandatory Source(s) of Supply: ServiceSource, Inc., Oakton, VA
Contracting Activity: Dept of the Navy, U.S. Fleet Forces Command

Service Type: Mailroom Operation Service
Mandatory for: Food and Drug Administration, 5100 Paint Branch Parkway, College Park, MD
Mandatory Source(s) of Supply: Linden Resources, Inc., Arlington, VA
Contracting Activity: Dept of Health And Human Services/Food and Drug Administration

Service Type: Mess Attendant Servic
Mandatory for: Willow Grove Naval Air Station Joint Reserve Base: Liberty Dining Hall, Horsham, PA
Mandatory Source(s) of Supply: Occupational Training Center of Burlington County, Burlington, NJ
Contracting Activity: Dept of tThe Navy, U.S. Fleet Forces Command

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2017–19082 Filed 9–7–17; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare an Environmental Impact Statement for the Combined Operational Plan, Broward, Miami-Dade Counties, Florida

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent.

SUMMARY: The Jacksonville District, U.S. Army Corps of Engineers (Corps) is beginning preparation of a National Environmental Policy Act (NEPA) assessment for the Combined Operational Plan (COP). The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries to Everglades National Park (MWD) and Canal 111 (C–111) South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern Florida (C&SF) Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation.

ADDRESSES: U.S. Army Corps of Engineers, Planning and Policy Division, Environmental Branch, P.O. Box 4970, Jacksonville, FL 32232–0019.

FOR FURTHER INFORMATION CONTACT: Melissa Nasuti at 904–232–1368 or email at *melissa.a.nasuti@usace.army.mil.*

SUPPLEMENTARY INFORMATION:

a. The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C–111 South Dade Projects in Miami Dade County, Florida. Development of the COP will be informed by a series of operational field tests previously conducted under the authority of the MWD Project that include incremental increases in water delivered from Water Conservation Area 3 (WCA 3) to Everglades National Park (ENP). Information gained from water management actions taken by the Corps in response to unseasonable high water levels within the WCAs in 2016 and 2017 will also be utilized to inform development of the COP.

b. Implementation of the COP is anticipated to increase the availability of water deliveries from WCA 3A to ENP through Northeast Shark River Slough and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP.

c. Water management operating criteria defined during development of the COP will be incorporated into the 2012 WCAs, ENP, and ENP to South Dade Conveyance system Water Control Plan following completion of NEPA.

d. A scoping letter will be used to invite comments from Federal, State, and local agencies, affected Indian tribes, and other interested private organizations and individuals.

e. All alternative plans will be reviewed under provisions of appropriate laws and regulations, including the Endangered Species Act, Fish and Wildlife Coordination Act, Clean Water Act, and Farmland Protection Policy Act.

f. The Draft Environmental Impact Assessment is expected to be available for public review in 2019.

Dated: August 22, 2017.

Gina Paduano Ralph,

Chief, Environmental Branch.

[FR Doc. 2017–19065 Filed 9–7–17; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army, U.S. Army Corps of Engineers

Notice of Intent To Prepare an Integrated Environmental Impact Statement for the Lower Columbia River Federal Navigation Channel Maintenance Plan

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The Portland District, U.S. Army Corps of Engineers (Corps) intends to prepare an integrated Environmental Impact Statement (EIS) and Federal Navigation Channel (FNC) Maintenance Plan, hereafter referred to as the Plan. The purpose of this Plan is to ensure the continued maintenance of the 43-foot deep Lower Columbia River FNC for the next 20 years. The Port of Longview, Port of Kalama, Port of Woodland, Port of Vancouver, and the Port of Portland (collectively the Sponsor Ports) are non-federal sponsors of the project, who will have Oregon and Washington State permitting requirements to execute on the Plan. The Corps will serve as the lead federal agency for purposes of the National Environmental Policy Act (NEPA). The Sponsor Ports will serve as cooperating agencies for purposes of NEPA. The Washington ports' activities in support of the proposed project will be subject to environmental review under chapter 43.21C Revised Code of Washington (RCW), the Washington State Environmental Policy Act (SEPA). The Washington Sponsor Ports will be co-lead agencies under SEPA, and the Port of Longview will serve as the nominal SEPA lead agency for purposes of SEPA compliance. To satisfy the requirements of NEPA and SEPA, the Corps and Sponsor Ports will be jointly preparing an integrated EIS for the Plan.

DATES: Written comments for consideration in the development of the scope of the joint NEPA/SEPA EIS are due to the addresses below no later than Thursday, November 16, 2017. Comments may also be made at the public scoping meetings listed in this notice. Additional information related to the public scoping process will be provided through advertisements placed in regional newspapers of general circulation, Public Notice, and on the project Web site at *www.nwp.usace.army.mil/lcrchannelmaintenance.*

ADDRESSES: Mailed comments may be sent to: U.S. Army Corps of Engineers, Portland District, P.O. Box 2946, Attn: CENWP–PM–E, Portland, Oregon 97208–2946. Email comments to: *ColumbiaNavChannel@usace.army.mil.* All written comments and materials received, including names and addresses, will become part of the administrative record and may be released to the public.

FOR FURTHER INFORMATION CONTACT: For questions regarding the Plan, the EIS, or special accommodations for scoping process participation, please contact Kate Wells, Environmental Resources Specialist; Attn: CENWP–PM–E, P.O. Box 2946, Portland, Oregon 97208–2946; (503) 808–4664; *ColumbiaNavChannel@usace.army.mil.*

SUPPLEMENTARY INFORMATION:

Project Background. The Lower Columbia River FNC project includes a main channel that is 43 feet deep and generally 600 feet wide, and extends upstream of the Mouth of Columbia River, River Mile (RM) 3 to Vancouver, WA, RM 105.5. The FNC also extends into lower Oregon Slough and includes vessel turning basins at Astoria in Oregon and Longview, Kalama, and Vancouver in Washington. The FNC is maintained using a combination of dredging and hydraulic control works (pile dikes). Advanced maintenance dredging is currently approved up to 5 feet below authorized depth (−48 feet) and up to 100 feet outside the authorized channel width. For the past several years, dredging 6 to 8 million cubic yards of localized sand shoals has been required annually to provide reliable service for deep-draft navigation. The Corps' policy requires all federally maintained navigation projects to demonstrate that there is sufficient dredged material placement capacity for a minimum of 20 years. An updated Plan for the Lower Columbia River FNC is needed now because the existing dredged material placement network is nearing capacity and, if insufficient capacity exists, navigation maintenance dredging may be negatively affected. Non-federal project sponsors for the Lower Columbia River FNC include the Port of Portland individually and as representative of the Port of St. Helens in Oregon, and the Port of Longview, the Port of Kalama, the Port of Woodland, and the Port of Vancouver in Washington. These ports are stakeholders in the channel depth maintenance of the Columbia River. Maintenance of the channel depth is necessary for the ports' and other channel users' continued industrial economic development and trade promotion. In 2015, the Lower Columbia River FNC was used to transport nearly 55 million tons of cargo valued at $22 billion. Vessels drafting the full authorized channel depth of 43 feet carried approximately 11 million tons of export shipments worth nearly $3 billion in 2015. Tonnage amounts refer to Corps Waterborne Commerce Statistics Center (WCSC) data for the Columbia & Lower Willamette Rivers below Vancouver, WA, and Portland, OR, Waterway as processed by the Corps Channel Portfolio Tool (CPT). Cargo values are estimated by the CPT based on the WCSC tonnage amounts multiplied by national average commodity unit price ($ per ton) data derived from USA Trade Online (*https://usatrade.census.gov/*).

Proposed Project. The Corps will develop the subject Plan in accordance with the procedures for a dredged material management plan in Engineering Regulation 1105–2–100, which governs Corps project formulation, evaluation, and implementation. As a dredged material management plan, it will ensure warranted and environmentally acceptable maintenance of the 43-foot Lower Columbia River FNC for the next 20 years. Specifically, the Plan will be designed to facilitate efficient management of dredged material, accounting for variability of shoaling processes, to provide a reliable channel for deep-draft navigation. The Plan will describe the results of investigations and analyses used to make determinations as to current and forecasted dredging needs and material placement capacity, potential additional

APPENDIX D.1 NATIONAL ENVIRONMENTAL POLICY ACT CORRESPONDENCE

NATIONAL ENVIRONMENTAL POLICY ACT COOPERATING AGENCY LETTERS

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

REPLY TO
ATTENTION OF

Planning and Policy Division
Environmental Branch

SEP 22 2017

Ernie Marks, Executive Director
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, Florida 33406

Dear Director Marks,

In accordance with regulations pertaining to the National Environmental Policy Act (NEPA) (Title 40 of the Code of Federal Regulations, part 1501.6), I am formally inviting the South Florida Water Management District to become a cooperating agency for the development of the Combined Operational Plan (COP). The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries (MWD) to Everglades National Park (ENP) and Canal 111 (C-111) South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern Florida (C&SF) Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation. The Jacksonville District, U.S. Army Corps of Engineers (Corps) is beginning the NEPA process that will include development of an Environmental Impact Statement (EIS).

The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County (Figure 1). Development of the COP will be informed by a series of operational field tests previously conducted under the authority of the MWD Project that include relaxation of the Gage-3273 (G-3273) constraint and raising the maximum operating limit in the L-29 Canal up to 8.5 feet National Geodetic Vertical Datum of 1929 (*i.e.* Increment 1, Increment 1.1 and Increment 1.2, and Increment 2). Information gained from water management actions taken by the Corps in response to unseasonable high water levels within the Water Conservation Areas (WCAs) in 2016 and 2017 will also be utilized to inform development of the COP. Implementation of the COP is anticipated to increase the availability of water deliveries from WCA 3A to ENP through Northeast Shark River Slough and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP.

Water management operating criteria defined during development of the COP will be incorporated into the 2012 WCAs, ENP, and ENP to South Dade Conveyance System Water Control Plan following completion of NEPA. Development of the COP is also being pursued

to address the mandated Reasonable and Prudent Alternative of the July 22, 2016 Everglades Restoration Transition Plan Biological Opinion which requires the Corps to proceed as scheduled, and as allowable by law, for completing NEPA analysis for the COP in 2019.

Cooperating agency status involves actions and responsibilities that are more involved than a commenting or permitting agency. In the case of the COP, we believe that cooperating agencies shall assist Corps authors in developing language for the EIS, reviewing and providing edits to draft language and providing comments on those sections of the document where an agency has either regulatory authority or specialized expertise (CEQ Regulations §1051.6(a)2). This review and editing process will take place earlier than the typical review and comment associated with an EIS. If you choose not to become a cooperating agency, we will continue to coordinate as we have done in the past.

The formulation of the project alternatives will be in accordance with Engineer Regulation ER 1105-2-100 and will fully consider a range of environmental, economic and social factors. Your participation as a cooperating agency will help us fully consider the views, needs and benefits of competing interests. For additional information on becoming a cooperating agency, please see the enclosed "Rights and Responsibilities of Lead and Cooperating Agencies" (Forty Most Asked Questions Concerning CEQ's NEPA Regulations, Council on Environmental Quality, 1981). The complete list of Forty FAQs can be found at https://energy.gov/nepa/downloads/forty-most-asked-questions-concerning-ceqs-national-environmental-policy-act.

We would appreciate a response to this invitation to become a cooperating agency (as described above) within 30 days of the date of this letter. If you have any questions, please contact Melissa Nasuti at (904) 232-1368 or via email at melissa.a.nasuti@usace.army.mil.

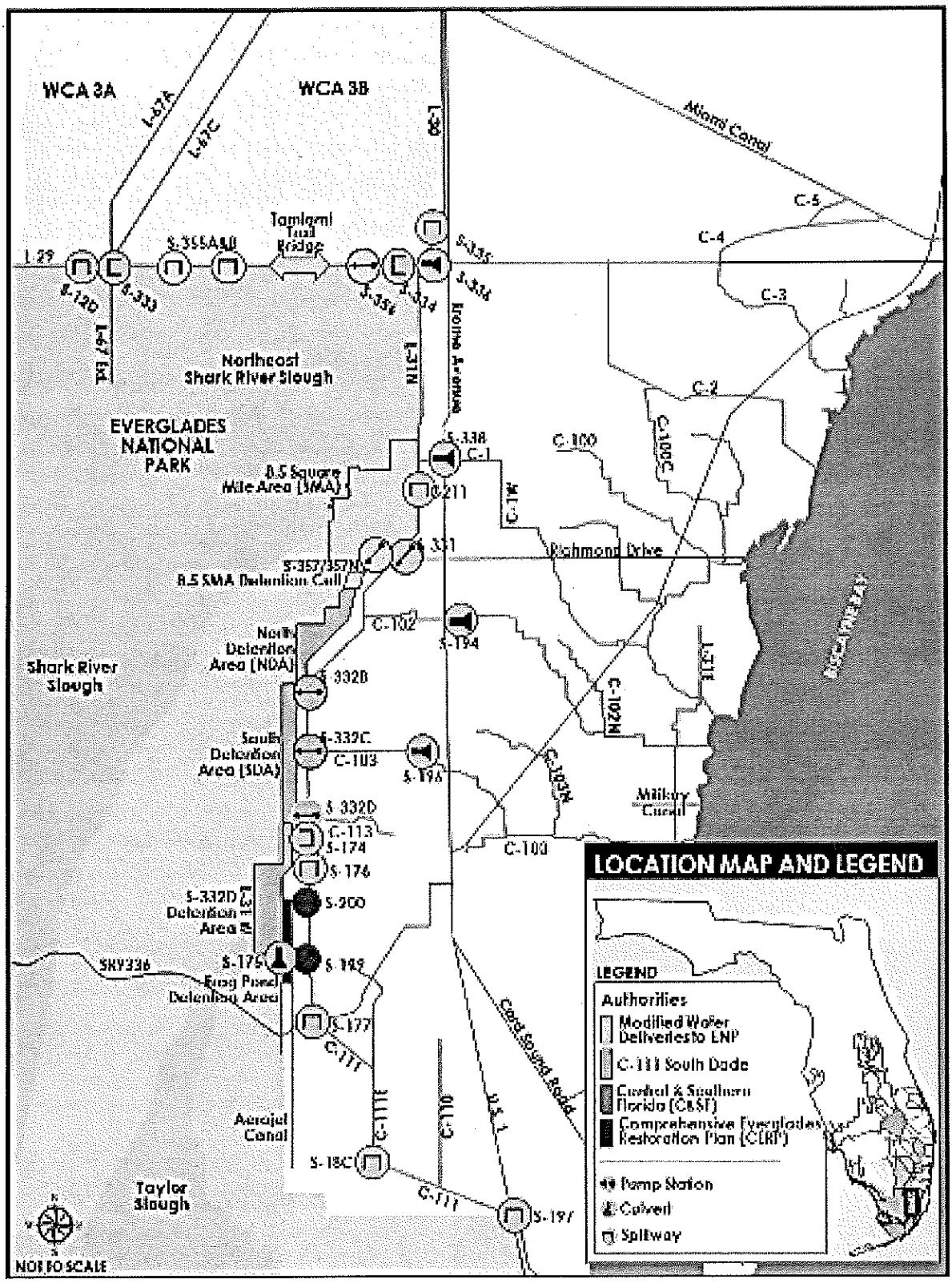
Sincerely,

Gina Paduano Ralph, Ph.D.
Chief, Environmental Branch

Enclosure

cc:

Matt Morrison, South Florida Water Management, Chief Office of Federal Policy and Coordination, 3301 Gun Club Road, West Palm Beach, Florida 33406


WCA 3A
WCA 3B
L-67A
L-67C
L-29
S-355A&B
Tamiami Trail Bridge
S-333
S-334
S-335
S-336
S-120
L-67 Ext
L-31N
Northeast Shark River Slough
EVERGLADES NATIONAL PARK
Miami Canal
C-5
C-4
C-3
C-2
C-100
C-100C
S-338
C-1
C-211
C-1W
8.5 Square Mile Area (SMA)
S-331
Richmond Drive
S-357/357N
8.5 SMA Detention Cell
C-102
S-194
North Detention Area (NDA)
Shark River Slough
S-332B
C-102N
L-31E
South Detention Area (SDA)
S-332C
C-103
S-196
C-103N
Milky Canal
S-332D
C-113
S-174
S-176
C-100
S-332D Detention Area
S-200
L-31E
SRY336
S-175
S-199
Frog Pond Detention Area
S-177
C-111
Card Sound Road
U.S. 1
Aerojet Canal
C-111E
C-110
S-18C
C-111
S-197
Taylor Slough
NOT TO SCALE
LOCATION MAP AND LEGEND
LEGEND
Authorities
Modified Water Deliveries to ENP
C-111 South Dade
Central & Southern Florida (C&SF)
Comprehensive Everglades Restoration Plan (CERP)
Pump Station
Culvert
Spillway

A. While a trivial violation of the regulations would not give rise to an independent cause of action, such a cause of action would arise from a substantial violation of the regulations. Section 1500.3.

13. **Use of Scoping Before Notice of Intent to Prepare EIS.** Can the scoping process be used in connection with preparation of an **environmental assessment,** i.e., before both the decision to proceed with an EIS and publication of a notice of intent?

A. Yes. Scoping can be a useful tool for discovering alternatives to a proposal, or significant impacts that may have been overlooked. In cases where an environmental assessment is being prepared to help an agency decide whether to prepare an EIS, useful information might result from early participation by other agencies and the public in a scoping process.

The regulations state that the scoping process is to be preceded by a Notice of Intent (NOI) to prepare an EIS. But that is only the minimum requirement. Scoping may be initiated earlier, as long as there is appropriate public notice and enough information available on the proposal so that the public and relevant agencies can participate effectively.

However, scoping that is done before the assessment, and in aid of its preparation, cannot substitute for the normal scoping process after publication of the NOI, unless the earlier public notice stated clearly that this possibility was under consideration, and the NOI expressly provides that written comments on the scope of alternatives and impacts will still be considered.

14a. **Rights and Responsibilities of Lead and Cooperating Agencies.** What are the respective rights and responsibilities of lead and cooperating agencies? What letters and memoranda must be prepared?

A. After a lead agency has been designated (Sec. 1501.5), that agency has the responsibility to solicit cooperation from other federal agencies that have jurisdiction by law or special expertise on any environmental issue that should be addressed in the EIS being prepared. Where appropriate, the lead agency should seek the cooperation of state or local agencies of similar qualifications. When the proposal may affect an Indian reservation, the agency should consult with the Indian tribe. Section 1508.5. The request for cooperation should come at the earliest possible time in the NEPA process.

After discussions with the candidate cooperating agencies, the lead agency and the cooperating agencies are to determine by letter or by memorandum which agencies will undertake cooperating responsibilities. To the extent possible at this stage, responsibilities for specific issues should be assigned. The allocation of responsibilities will be completed during scoping. Section 1501.7(a)(4).

Cooperating agencies must assume responsibility for the development of information and the preparation of environmental analyses at the request of the lead agency. Section 1501.6(b)(3). Cooperating agencies are now required by Section 1501.6 to devote staff resources that were normally primarily used to critique or comment on the Draft EIS after its preparation, much earlier in the NEPA process -- primarily at the scoping and Draft EIS preparation stages. If a cooperating agency determines that its resource limitations preclude any involvement, or the

degree of involvement (amount of work) requested by the lead agency, it must so inform the lead agency in writing and submit a copy of this correspondence to the Council. Section 1501.6(c).

In other words, the potential cooperating agency must decide early if it is able to devote any of its resources to a particular proposal. For this reason the regulation states that an agency may reply to a request for cooperation that "other program commitments preclude any involvement or the degree of involvement requested in the action that is the subject of the environmental impact statement." (Emphasis added). The regulation refers to the "action," rather than to the EIS, to clarify that the agency is taking itself out of all phases of the federal action, not just draft EIS preparation. This means that the agency has determined that it cannot be involved in the later stages of EIS review and comment, as well as decisionmaking on the proposed action. For this reason, cooperating agencies with jurisdiction by law (those which have permitting or other approval authority) cannot opt out entirely of the duty to cooperate on the EIS. See also Question 15, relating specifically to the responsibility of EPA.

14b. How are **disputes resolved between lead and cooperating agencies** concerning the scope and level of detail of analysis and the quality of data in impact statements?

A. Such disputes are resolved by the agencies themselves. A lead agency, of course, has the ultimate responsibility for the content of an EIS. But it is supposed to use the environmental analysis and recommendations of cooperating agencies with jurisdiction by law or special expertise to the maximum extent possible, consistent with its own responsibilities as lead agency. Section 1501.6(a)(2).

If the lead agency leaves out a significant issue or ignores the advice and expertise of the cooperating agency, the EIS may be found later to be inadequate. Similarly, where cooperating agencies have their own decisions to make and they intend to adopt the environmental impact statement and base their decisions on it, one document should include all of the information necessary for the decisions by the cooperating agencies. Otherwise they may be forced to duplicate the EIS process by issuing a new, more complete EIS or Supplemental EIS, even though the original EIS could have sufficed if it had been properly done at the outset. Thus, both lead and cooperating agencies have a stake in producing a document of good quality. Cooperating agencies also have a duty to participate fully in the scoping process to ensure that the appropriate range of issues is determined early in the EIS process.

Because the EIS is not the Record of Decision, but instead constitutes the information and analysis on which to base a decision, disagreements about conclusions to be drawn from the EIS need not inhibit agencies from issuing a joint document, or adopting another agency's EIS, if the analysis is adequate. Thus, if each agency has its own "preferred alternative," both can be identified in the EIS. Similarly, a cooperating agency with jurisdiction by law may determine in its own ROD that alternative A is the environmentally preferable action, even though the lead agency has decided in its separate ROD that Alternative B is environmentally preferable.

14c. What are the specific responsibilities of federal and state **cooperating agencies to review draft EISs**?

A. Cooperating agencies (i.e., agencies with jurisdiction by law or special expertise) and agencies that are authorized to develop or enforce environmental standards, must comment on environmental impact statements within their jurisdiction, expertise or authority. Sections 1503.2, 1508.5. If a cooperating agency is satisfied that its views are adequately reflected in the environmental impact statement, it should simply comment accordingly. Conversely, if the cooperating agency determines that a draft EIS is incomplete, inadequate or inaccurate, or it has other comments, it should promptly make such comments, conforming to the requirements of specificity in section 1503.3.

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

Planning and Policy Division
Environmental Branch

SEP 22 2017

Pedro Ramos, Superintendent
Everglades and Dry Tortugas National Parks
40001 State Road 9336
Homestead, Florida 33034

Dear Mr. Ramos,

In accordance with regulations pertaining to the National Environmental Policy Act (NEPA) (Title 40 of the Code of Federal Regulations, part 1501.6), I am formally inviting Everglades National Park (ENP) to become a cooperating agency for the development of the Combined Operational Plan (COP). The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries (MWD) to ENP and Canal 111 (C-111) South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern Florida (C&SF) Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation. The Jacksonville District, U.S. Army Corps of Engineers (Corps) is beginning the NEPA process that will include development of an Environmental Impact Statement (EIS).

The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County (Figure 1). Development of the COP will be informed by a series of operational field tests previously conducted under the authority of the MWD Project that include relaxation of the Gage-3273 (G-3273) constraint and raising the maximum operating limit in the L-29 Canal up to 8.5 feet National Geodetic Vertical Datum of 1929 (*i.e.* Increment 1, Increment 1.1 and Increment 1.2, and Increment 2). Information gained from water management actions taken by the Corps in response to unseasonable high water levels within the Water Conservation Areas (WCAs) in 2016 and 2017 will also be utilized to inform development of the COP. Implementation of the COP is anticipated to increase the availability of water deliveries from WCA 3A to ENP through Northeast Shark River Slough and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP.

Water management operating criteria defined during development of the COP will be incorporated into the 2012 WCAs, ENP, and ENP to South Dade Conveyance System Water Control Plan following completion of NEPA. Development of the COP is also being pursued to address the mandated Reasonable and Prudent Alternative of the July 22, 2016 Everglades Restoration Transition Plan Biological Opinion which requires the Corps to

proceed as scheduled, and as allowable by law, for completing NEPA analysis for the COP in 2019.

Cooperating agency status involves actions and responsibilities that are more involved than a commenting or permitting agency. In the case of the COP, we believe that cooperating agencies shall assist Corps authors in developing language for the EIS, reviewing and providing edits to draft language and providing comments on those sections of the document where an agency has either regulatory authority or specialized expertise (CEQ Regulations §1051.6(a)2). This review and editing process will take place earlier than the typical review and comment associated with an EIS. If you choose not to become a cooperating agency, we will continue to coordinate as we have done in the past.

The formulation of the project alternatives will be in accordance with Engineer Regulation ER 1105-2-100 and will fully consider a range of environmental, economic and social factors. Your participation as a cooperating agency will help us fully consider the views, needs and benefits of competing interests. For additional information on becoming a cooperating agency, please see the enclosed "Rights and Responsibilities of Lead and Cooperating Agencies" (Forty Most Asked Questions Concerning CEQ's NEPA Regulations, Council on Environmental Quality, 1981). The complete list of Forty FAQs can be found at https://energy.gov/nepa/downloads/forty-most-asked-questions-concerning-ceqs-national-environmental-policy-act.

We would appreciate a response to this invitation to become a cooperating agency (as described above) within 30 days of the date of this letter. If you have any questions, please contact Melissa Nasuti at (904) 232-1368 or via email at melissa.a.nasuti@usace.army.mil.

Sincerely,

Gina Paduano Ralph, Ph.D.
Chief, Environmental Branch

Enclosure

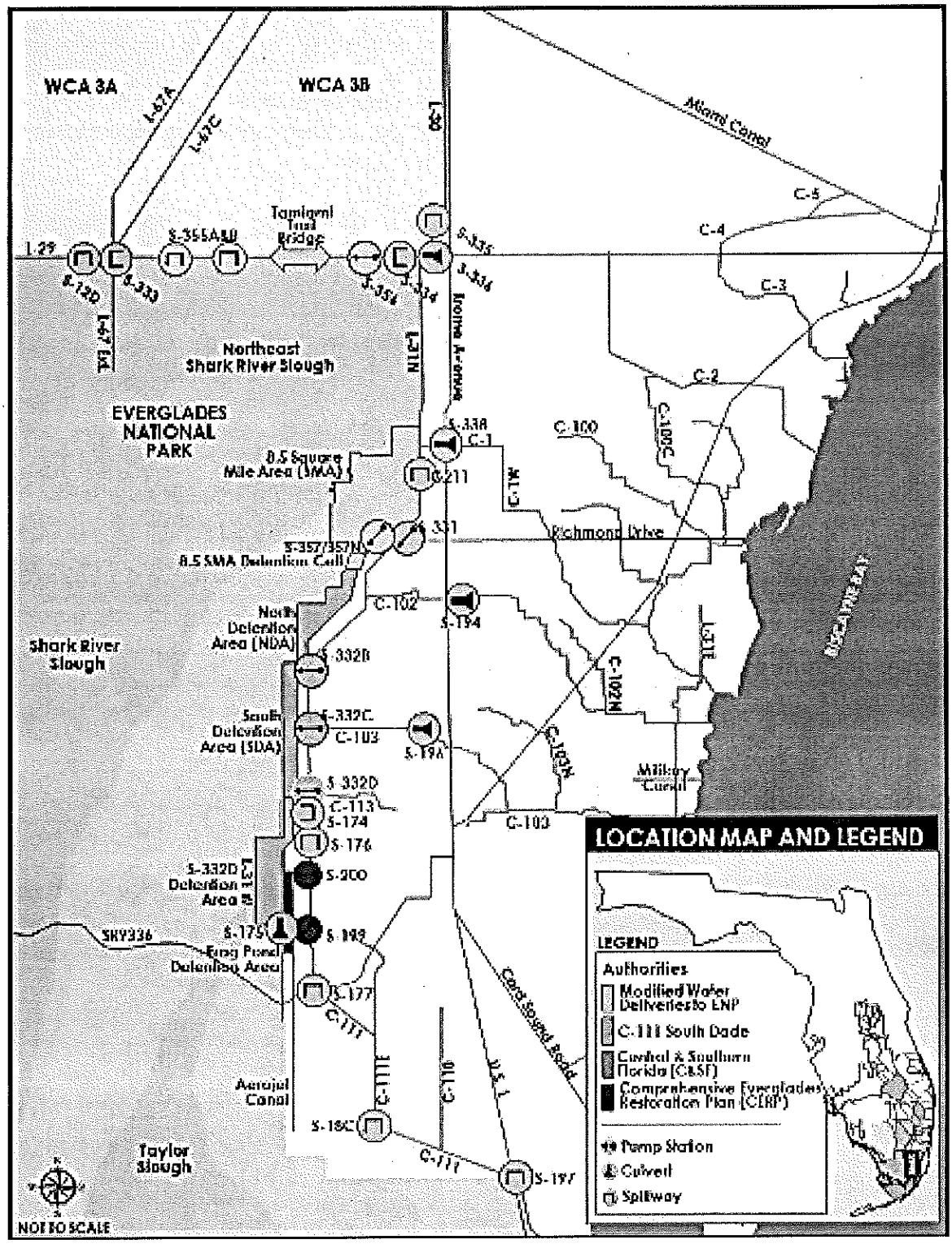

Figure 1. Project Area

A. While a trivial violation of the regulations would not give rise to an independent cause of action, such a cause of action would arise from a substantial violation of the regulations. Section 1500.3.

13. **Use of Scoping Before Notice of Intent to Prepare EIS.** Can the scoping process be used in connection with preparation of an **environmental assessment,** i.e., before both the decision to proceed with an EIS and publication of a notice of intent?

A. Yes. Scoping can be a useful tool for discovering alternatives to a proposal, or significant impacts that may have been overlooked. In cases where an environmental assessment is being prepared to help an agency decide whether to prepare an EIS, useful information might result from early participation by other agencies and the public in a scoping process.

The regulations state that the scoping process is to be preceded by a Notice of Intent (NOI) to prepare an EIS. But that is only the minimum requirement. Scoping may be initiated earlier, as long as there is appropriate public notice and enough information available on the proposal so that the public and relevant agencies can participate effectively.

However, scoping that is done before the assessment, and in aid of its preparation, cannot substitute for the normal scoping process after publication of the NOI, unless the earlier public notice stated clearly that this possibility was under consideration, and the NOI expressly provides that written comments on the scope of alternatives and impacts will still be considered.

14a. **Rights and Responsibilities of Lead and Cooperating Agencies.** What are the respective rights and responsibilities of lead and cooperating agencies? What letters and memoranda must be prepared?

A. After a lead agency has been designated (Sec. 1501.5), that agency has the responsibility to solicit cooperation from other federal agencies that have jurisdiction by law or special expertise on any environmental issue that should be addressed in the EIS being prepared. Where appropriate, the lead agency should seek the cooperation of state or local agencies of similar qualifications. When the proposal may affect an Indian reservation, the agency should consult with the Indian tribe. Section 1508.5. The request for cooperation should come at the earliest possible time in the NEPA process.

After discussions with the candidate cooperating agencies, the lead agency and the cooperating agencies are to determine by letter or by memorandum which agencies will undertake cooperating responsibilities. To the extent possible at this stage, responsibilities for specific issues should be assigned. The allocation of responsibilities will be completed during scoping. Section 1501.7(a)(4).

Cooperating agencies must assume responsibility for the development of information and the preparation of environmental analyses at the request of the lead agency. Section 1501.6(b)(3). Cooperating agencies are now required by Section 1501.6 to devote staff resources that were normally primarily used to critique or comment on the Draft EIS after its preparation, much earlier in the NEPA process -- primarily at the scoping and Draft EIS preparation stages. If a cooperating agency determines that its resource limitations preclude any involvement, or the

degree of involvement (amount of work) requested by the lead agency, it must so inform the lead agency in writing and submit a copy of this correspondence to the Council. Section 1501.6(c).

In other words, the potential cooperating agency must decide early if it is able to devote any of its resources to a particular proposal. For this reason the regulation states that an agency may reply to a request for cooperation that "other program commitments preclude any involvement or the degree of involvement requested in the action that is the subject of the environmental impact statement." (Emphasis added). The regulation refers to the "action," rather than to the EIS, to clarify that the agency is taking itself out of all phases of the federal action, not just draft EIS preparation. This means that the agency has determined that it cannot be involved in the later stages of EIS review and comment, as well as decisionmaking on the proposed action. For this reason, cooperating agencies with jurisdiction by law (those which have permitting or other approval authority) cannot opt out entirely of the duty to cooperate on the EIS. See also Question 15, relating specifically to the responsibility of EPA.

14b. How are **disputes resolved between lead and cooperating agencies** concerning the scope and level of detail of analysis and the quality of data in impact statements?

A. Such disputes are resolved by the agencies themselves. A lead agency, of course, has the ultimate responsibility for the content of an EIS. But it is supposed to use the environmental analysis and recommendations of cooperating agencies with jurisdiction by law or special expertise to the maximum extent possible, consistent with its own responsibilities as lead agency. Section 1501.6(a)(2).

If the lead agency leaves out a significant issue or ignores the advice and expertise of the cooperating agency, the EIS may be found later to be inadequate. Similarly, where cooperating agencies have their own decisions to make and they intend to adopt the environmental impact statement and base their decisions on it, one document should include all of the information necessary for the decisions by the cooperating agencies. Otherwise they may be forced to duplicate the EIS process by issuing a new, more complete EIS or Supplemental EIS, even though the original EIS could have sufficed if it had been properly done at the outset. Thus, both lead and cooperating agencies have a stake in producing a document of good quality. Cooperating agencies also have a duty to participate fully in the scoping process to ensure that the appropriate range of issues is determined early in the EIS process.

Because the EIS is not the Record of Decision, but instead constitutes the information and analysis on which to base a decision, disagreements about conclusions to be drawn from the EIS need not inhibit agencies from issuing a joint document, or adopting another agency's EIS, if the analysis is adequate. Thus, if each agency has its own "preferred alternative," both can be identified in the EIS. Similarly, a cooperating agency with jurisdiction by law may determine in its own ROD that alternative A is the environmentally preferable action, even though the lead agency has decided in its separate ROD that Alternative B is environmentally preferable.

14c. What are the specific responsibilities of federal and state **cooperating agencies to review draft EISs**?

A. Cooperating agencies (i.e., agencies with jurisdiction by law or special expertise) and agencies that are authorized to develop or enforce environmental standards, must comment on environmental impact statements within their jurisdiction, expertise or authority. Sections 1503.2, 1508.5. If a cooperating agency is satisfied that its views are adequately reflected in the environmental impact statement, it should simply comment accordingly. Conversely, if the cooperating agency determines that a draft EIS is incomplete, inadequate or inaccurate, or it has other comments, it should promptly make such comments, conforming to the requirements of specificity in section 1503.3.

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A. Yes. EPA has an obligation under Section 309 of the Clean Air Act to review and comment in writing on the environmental impact of any matter relating to the authority of the Administrator contained in proposed legislation, federal construction projects, other federal actions requiring EISs, and new regulations. 42 U.S.C. Sec. 7609. This obligation is independent of its role as a cooperating agency under the NEPA regulations.

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

Planning and Policy Division
Environmental Branch

SEP 22 2017

Mr. Larry Williams, Field Supervisor
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, FL 32960

Dear Mr. Williams,

In accordance with regulations pertaining to the National Environmental Policy Act (NEPA) (Title 40 of the Code of Federal Regulations, part 1501.6), I am formally inviting the U.S. Fish and Wildlife Service to become a cooperating agency for the development of the Combined Operational Plan (COP). The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries (MWD) to Everglades National Park (ENP) and Canal 111 (C-111) South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern Florida (C&SF) Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation. The Jacksonville District, U.S. Army Corps of Engineers (Corps) is beginning the NEPA process that will include development of an Environmental Impact Statement (EIS).

The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County (Figure 1). Development of the COP will be informed by a series of operational field tests previously conducted under the authority of the MWD Project that include relaxation of the Gage-3273 (G-3273) constraint and raising the maximum operating limit in the L-29 Canal up to 8.5 feet National Geodetic Vertical Datum of 1929 (*i.e.* Increment 1, Increment 1.1 and Increment 1.2, and Increment 2). Information gained from water management actions taken by the Corps in response to unseasonable high water levels within the Water Conservation Areas (WCAs) in 2016 and 2017 will also be utilized to inform development of the COP. Implementation of the COP is anticipated to increase the availability of water deliveries from WCA 3A to ENP through Northeast Shark River Slough and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP.

Water management operating criteria defined during development of the COP will be incorporated into the 2012 WCAs, ENP, and ENP to South Dade Conveyance System Water Control Plan following completion of NEPA. Development of the COP is also being pursued to address the mandated Reasonable and Prudent Alternative of the July 22, 2016 Everglades Restoration Transition Plan Biological Opinion which requires the Corps to

proceed as scheduled, and as allowable by law, for completing NEPA analysis for the COP in 2019.

Cooperating agency status involves actions and responsibilities that are more involved than a commenting or permitting agency. In the case of the COP, we believe that cooperating agencies shall assist Corps authors in developing language for the EIS, reviewing and providing edits to draft language and providing comments on those sections of the document where an agency has either regulatory authority or specialized expertise (CEQ Regulations §1051.6(a)2). This review and editing process will take place earlier than the typical review and comment associated with an EIS. If you choose not to become a cooperating agency, we will continue to coordinate as we have done in the past.

The formulation of the project alternatives will be in accordance with Engineer Regulation ER 1105-2-100 and will fully consider a range of environmental, economic and social factors. Your participation as a cooperating agency will help us fully consider the views, needs and benefits of competing interests. For additional information on becoming a cooperating agency, please see the enclosed "Rights and Responsibilities of Lead and Cooperating Agencies" (Forty Most Asked Questions Concerning CEQ's NEPA Regulations, Council on Environmental Quality, 1981). The complete list of Forty FAQs can be found at https://energy.gov/nepa/downloads/forty-most-asked-questions-concerning-ceqs-national-environmental-policy-act.

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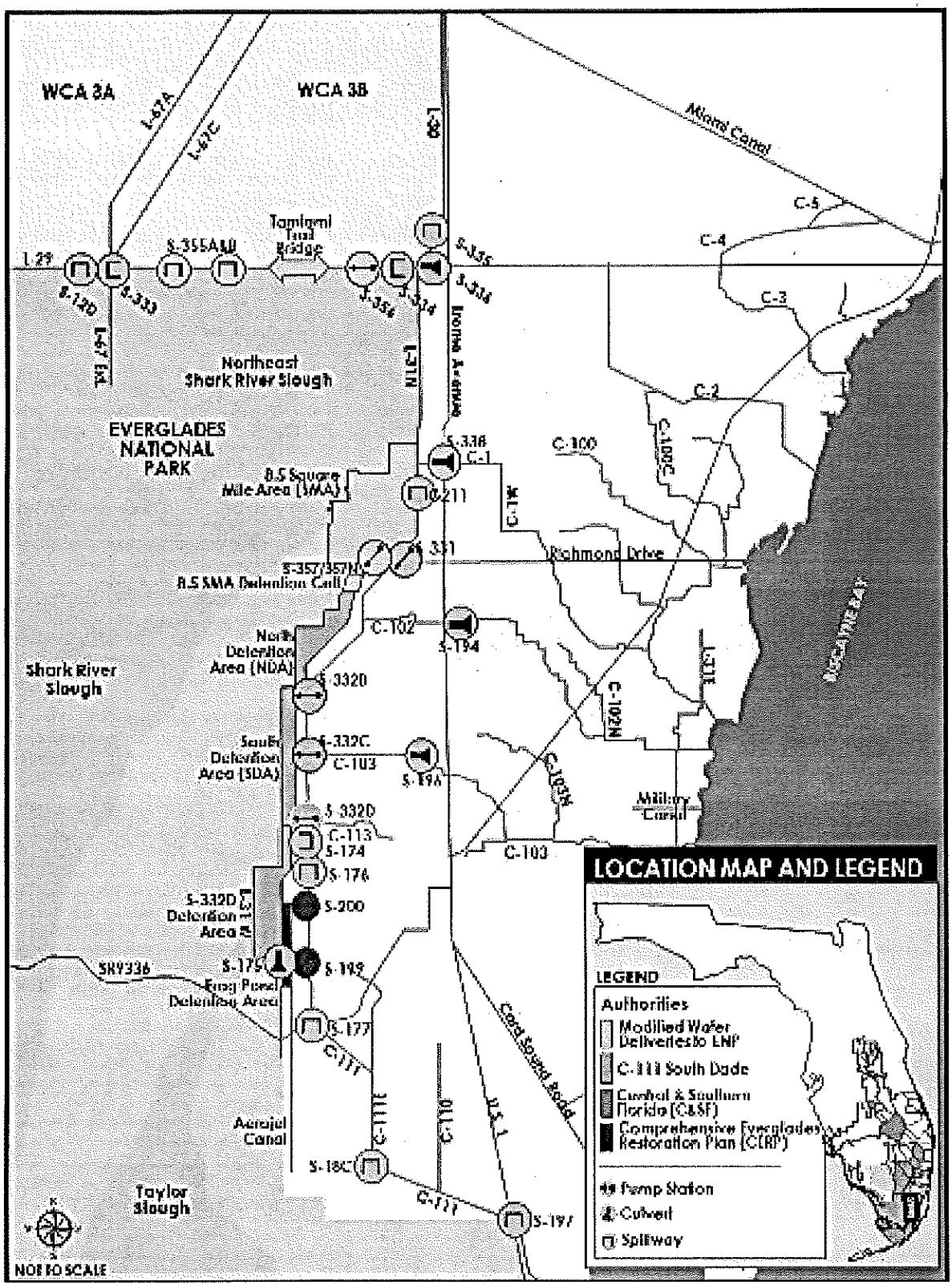
Gina Paduano Ralph, Ph.D.
Chief, Environmental Branch

Enclosure


WCA 3A
WCA 3B
L-67A
L-67C
L-29
L-67 Ext.
S-120
S-333
S-355A&B
Tamiami Trail Bridge
S-356
S-334
S-335
L-31N
Northeast Shark River Slough
EVERGLADES NATIONAL PARK
8.5 Square Mile Area (SMA)
S-357/357N
8.5 SMA Detention Cell
Shark River Slough
Detention Area (NDA)
S-332C
C-103
S-332D
C-113
S-174
S-176
S-332D Detention Area
S-200
S-175
S-199
SRY336
Frog Pond Detention Area
S-177
C-111
Aerojet Canal
S-18C
Taylor Slough
NOT TO SCALE
Miami Canal
C-5
C-4
C-3
C-2
C-100
C-100C
C-1
C-11
S-338
S-211
S-331
Richmond Drive
C-102
S-194
C-102N
C-102S
S-196
Military Canal
C-103
Card Sound Road
U.S. 1
C-110
S-197
LOCATION MAP AND LEGEND
LEGEND
Authorities
Modified Water Deliveries to ENP
C-111 South Dade
Central & Southern Florida (C&SF)
Comprehensive Everglades Restoration Plan (CERP)
Pump Station
Culvert
Spillway

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

REPLY TO
ATTENTION OF

OCT 13 2017

Planning and Policy Division
Environmental Branch

The Honorable Billy Cypress
Chairman, Miccosukee Tribe of Indians of Florida
Post Office Box 440021, Tamiami Station
Miami, FL 33144

Dear Chairman Cypress,

In accordance with regulations pertaining to the National Environmental Policy Act (NEPA) (40 CFR 1501.6), I am formally inviting the Miccosukee Tribe of Indians of Florida to become a cooperating agency for the development of the Combined Operational Plan (COP). The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries (MWD) to Everglades National Park (ENP) and Canal 111 (C-111) South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern (C&SF) Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation. The Corps is beginning the NEPA process that will include development of an Environmental Impact Statement (EIS). The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County (Figure 1). Implementation of the COP is anticipated to improve water deliveries from Water Conservation Area 3A to ENP through Northeast Shark River Slough and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP.

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Sincerely,

Pamela M. Wilson
for Jason A. Kirk, P.E.
Colonel, U.S. Army
District Commander

Enclosure

cc:

Fred Dayhoff, NAGPRA Representative, Consultant to Miccosukee Tribe, HC 61 SR 68 Old Loop Road, Ochopee, FL 34141
Kevin Donaldson, Real Estate Services, Miccosukee Tribe of Indians of Florida, P.O. Box 440021, Tamiami Station, Miami, FL 33144
Gene Duncan, Director Water Resources Department, Miccosukee Tribe of Indians of Florida, P.O. Box 440021, Tamiami Station, Miami, FL 33144

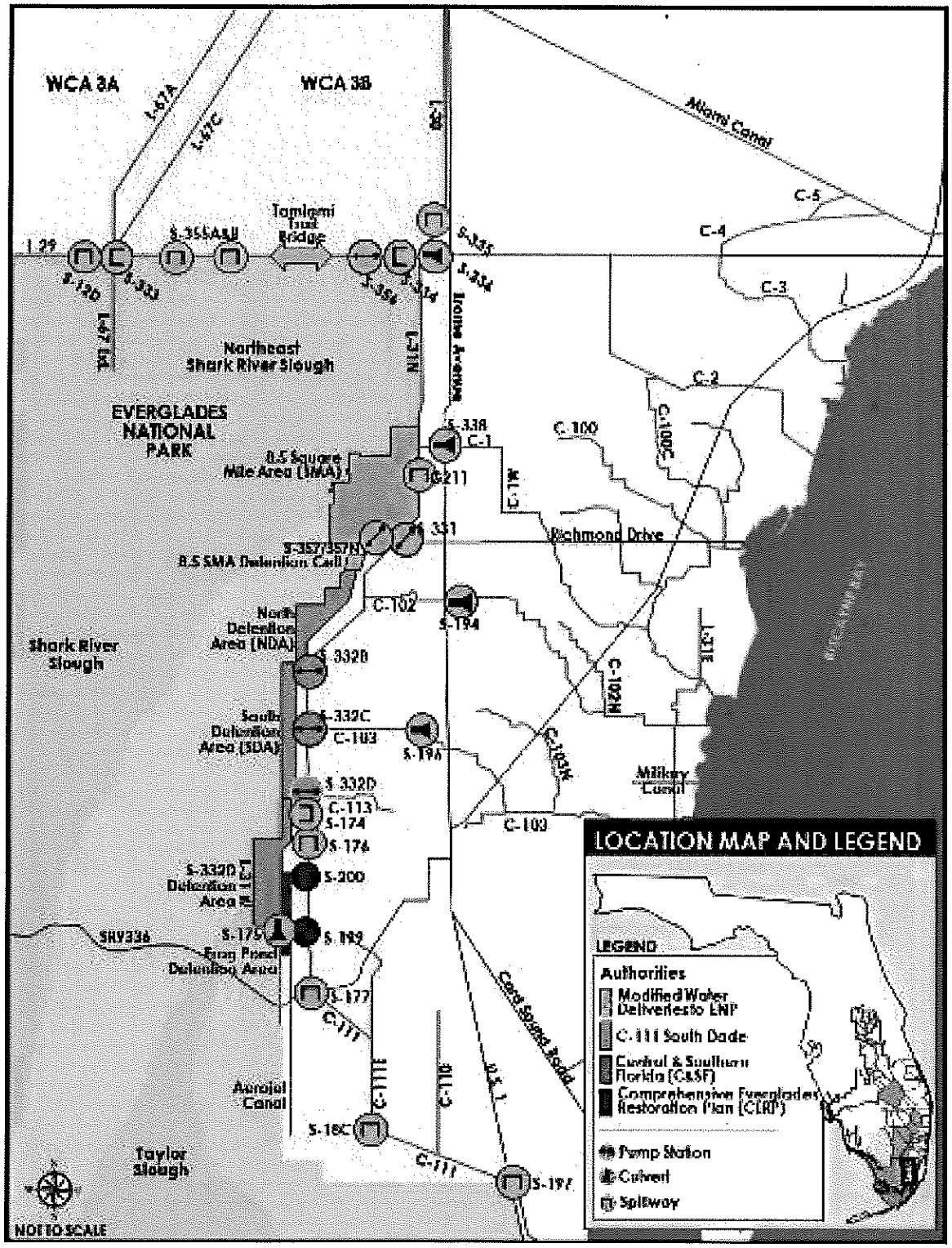

Figure 1. Project Area

A. While a trivial violation of the regulations would not give rise to an independent cause of action, such a cause of action would arise from a substantial violation of the regulations. Section 1500.3.

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A. Yes. Scoping can be a useful tool for discovering alternatives to a proposal, or significant impacts that may have been overlooked. In cases where an environmental assessment is being prepared to help an agency decide whether to prepare an EIS, useful information might result from early participation by other agencies and the public in a scoping process.

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After discussions with the candidate cooperating agencies, the lead agency and the cooperating agencies are to determine by letter or by memorandum which agencies will undertake cooperating responsibilities. To the extent possible at this stage, responsibilities for specific issues should be assigned. The allocation of responsibilities will be completed during scoping. Section 1501.7(a)(4).

Cooperating agencies must assume responsibility for the development of information and the preparation of environmental analyses at the request of the lead agency. Section 1501.6(b)(3). Cooperating agencies are now required by Section 1501.6 to devote staff resources that were normally primarily used to critique or comment on the Draft EIS after its preparation, much earlier in the NEPA process -- primarily at the scoping and Draft EIS preparation stages. If a cooperating agency determines that its resource limitations preclude any involvement, or the

degree of involvement (amount of work) requested by the lead agency, it must so inform the lead agency in writing and submit a copy of this correspondence to the Council. Section 1501.6(c).

In other words, the potential cooperating agency must decide early if it is able to devote any of its resources to a particular proposal. For this reason the regulation states that an agency may reply to a request for cooperation that "other program commitments preclude any involvement or the degree of involvement requested in the action that is the subject of the environmental impact statement." (Emphasis added). The regulation refers to the "action," rather than to the EIS, to clarify that the agency is taking itself out of all phases of the federal action, not just draft EIS preparation. This means that the agency has determined that it cannot be involved in the later stages of EIS review and comment, as well as decisionmaking on the proposed action. For this reason, cooperating agencies with jurisdiction by law (those which have permitting or other approval authority) cannot opt out entirely of the duty to cooperate on the EIS. See also Question 15, relating specifically to the responsibility of EPA.

14b. How are **disputes resolved between lead and cooperating agencies** concerning the scope and level of detail of analysis and the quality of data in impact statements?

A. Such disputes are resolved by the agencies themselves. A lead agency, of course, has the ultimate responsibility for the content of an EIS. But it is supposed to use the environmental analysis and recommendations of cooperating agencies with jurisdiction by law or special expertise to the maximum extent possible, consistent with its own responsibilities as lead agency. Section 1501.6(a)(2).

If the lead agency leaves out a significant issue or ignores the advice and expertise of the cooperating agency, the EIS may be found later to be inadequate. Similarly, where cooperating agencies have their own decisions to make and they intend to adopt the environmental impact statement and base their decisions on it, one document should include all of the information necessary for the decisions by the cooperating agencies. Otherwise they may be forced to duplicate the EIS process by issuing a new, more complete EIS or Supplemental EIS, even though the original EIS could have sufficed if it had been properly done at the outset. Thus, both lead and cooperating agencies have a stake in producing a document of good quality. Cooperating agencies also have a duty to participate fully in the scoping process to ensure that the appropriate range of issues is determined early in the EIS process.

Because the EIS is not the Record of Decision, but instead constitutes the information and analysis on which to base a decision, disagreements about conclusions to be drawn from the EIS need not inhibit agencies from issuing a joint document, or adopting another agency's EIS, if the analysis is adequate. Thus, if each agency has its own "preferred alternative," both can be identified in the EIS. Similarly, a cooperating agency with jurisdiction by law may determine in its own ROD that alternative A is the environmentally preferable action, even though the lead agency has decided in its separate ROD that Alternative B is environmentally preferable.

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A. Cooperating agencies (i.e., agencies with jurisdiction by law or special expertise) and agencies that are authorized to develop or enforce environmental standards, must comment on environmental impact statements within their jurisdiction, expertise or authority. Sections 1503.2, 1508.5. If a cooperating agency is satisfied that its views are adequately reflected in the environmental impact statement, it should simply comment accordingly. Conversely, if the cooperating agency determines that a draft EIS is incomplete, inadequate or inaccurate, or it has other comments, it should promptly make such comments, conforming to the requirements of specificity in section 1503.3.

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A. A lead agency has the responsibility to respond to all substantive comments raising significant issues regarding a draft EIS. Section 1503.4. However, cooperating agencies are generally under an obligation to raise issues or otherwise participate in the EIS process during scoping and EIS preparation if they reasonably can do so. In practical terms, if a cooperating agency fails to cooperate at the outset, such as during scoping, it will find that its comments at a later stage will not be as persuasive to the lead agency.

15. **Commenting Responsibilities of EPA.** Are EPA's responsibilities to review and comment on the environmental effects of agency proposals under **Section 309 of the Clean Air Act** independent of its responsibility as a cooperating agency?

A. Yes. EPA has an obligation under Section 309 of the Clean Air Act to review and comment in writing on the environmental impact of any matter relating to the authority of the Administrator contained in proposed legislation, federal construction projects, other federal actions requiring EISs, and new regulations. 42 U.S.C. Sec. 7609. This obligation is independent of its role as a cooperating agency under the NEPA regulations.

16. **Third Party Contracts.** What is meant by the term "third party contracts" in connection with the preparation of an EIS? See Section 1506.5(c). When can "third party contracts" be used?

A. As used by EPA and other agencies, the term "third party contract" refers to the preparation of EISs by contractors paid by the applicant. In the case of an EIS for a National Pollution Discharge Elimination System (NPDES) permit, the applicant, aware in the early planning stages of the proposed project of the need for an EIS, contracts directly with a consulting firm for its preparation. See 40 C.F.R. 6.604(g). The "third party" is EPA which, under Section 1506.5(c), must select the consulting firm, even though the applicant pays for the cost of preparing the EIS. The consulting firm is responsible to EPA for preparing an EIS that meets the requirements of the NEPA regulations and EPA's NEPA procedures. It is in the applicant's interest that the EIS comply with the law so that EPA can take prompt action on the NPDES permit application. The "third party contract" method under EPA's NEPA procedures is purely voluntary, though most applicants have found it helpful in expediting compliance with NEPA.

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

REPLY TO
ATTENTION OF

OCT 13 2017

Planning and Policy Division
Environmental Branch

The Honorable Marcellus Osceola Jr.
Chairman, Seminole Tribe of Florida
6300 Stirling Road
Hollywood, FL 33024

Dear Chairman Osceola,

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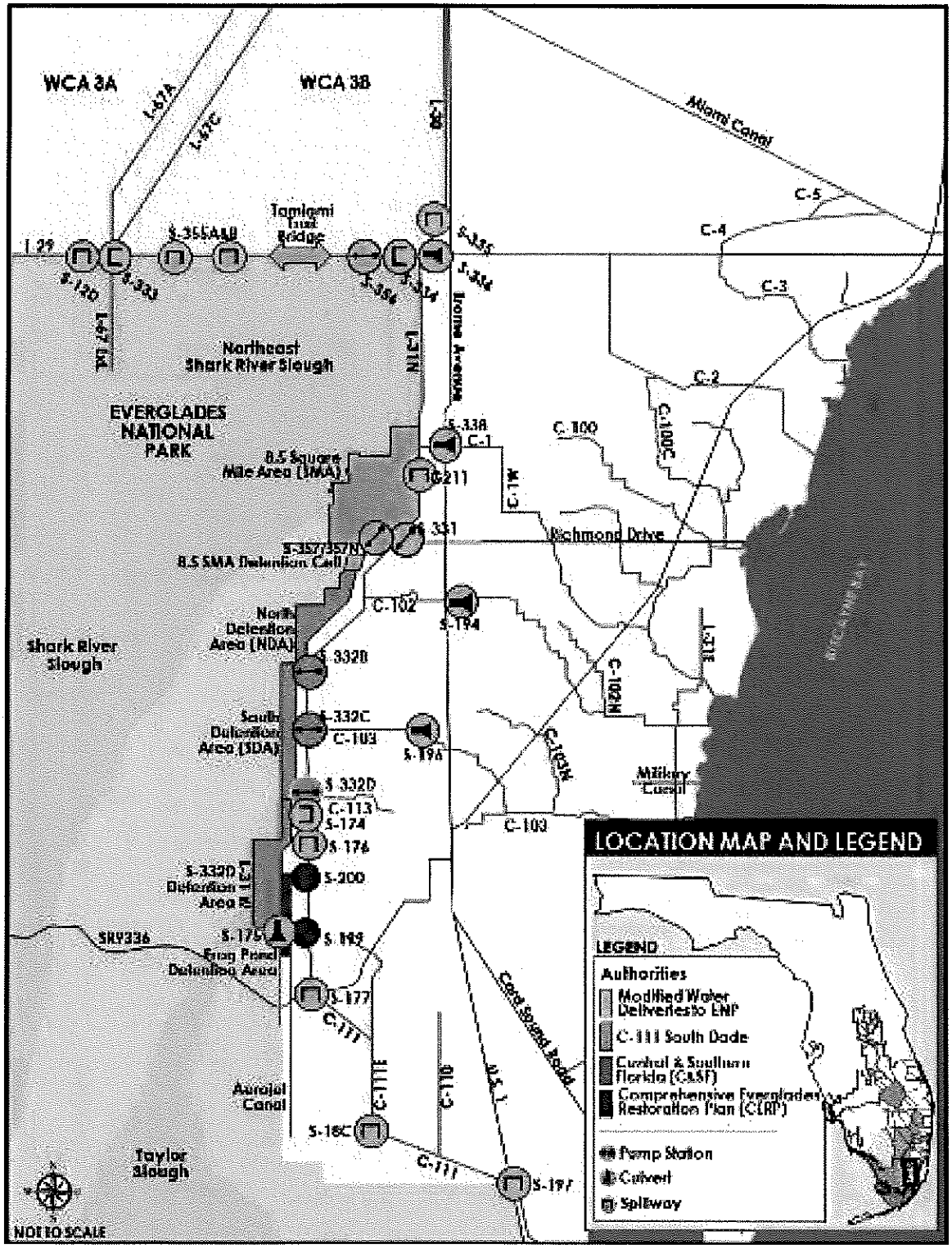
Jennifer M. Wilson
for Jason A. Kirk, P.E.
Colonel, U.S. Army
District Commander

Enclosure

cc:

Dr. Paul N. Backhouse, Ph.D., Seminole Tribe of Florida, Tribal Historic Preservation Officer, Ah Tah Thi Ki Museum, 30290 Josie Billie Hwy, PMB 1004, Clewiston, Florida 33440
Cherise Maples, Director, Environmental Resource Management, Seminole Tribe of Florida, 6300 Stirling Road, Hollywood, FL 33024
Manuel Tiger, Big Cypress General Council Office, Seminole Tribe of Florida, Council Representative, 31000 Josie Billie Highway, Clewiston, FL 33440
Joe Frank, Big Cypress Board Representative, Seminole Tribe of Florida, Inc., Big Cypress Board Office, 31000 Josie Billie Hwy., Clewiston, FL 33440
Jim Shore, General Counsel, Seminole Tribe of Florida, 6300 Stirling Road, Hollywood, FL 33024
Michelle Diffenderfer, Lewis, Longman and Walker, 515 N Flagler Drive, Suite 1500, West Palm Beach, FL 33401
Patricia Power, Bose Public Affairs Group, 2000 M Street, N.W., Suite 520, Washington, D.C. 20036
Stephen A. Walker, Lewis, Longman and Walker, 515 North Flagler Drive, Suite 1500, West Palm Beach, FL 33401



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

REPLY TO
ATTENTION OF

OCT 13 2017

Planning and Policy Division
Environmental Branch

The Honorable Leonard Harjo
Chairman, Seminole Nation of Oklahoma
P.O. Box 1498
Wewoka, OK 74884

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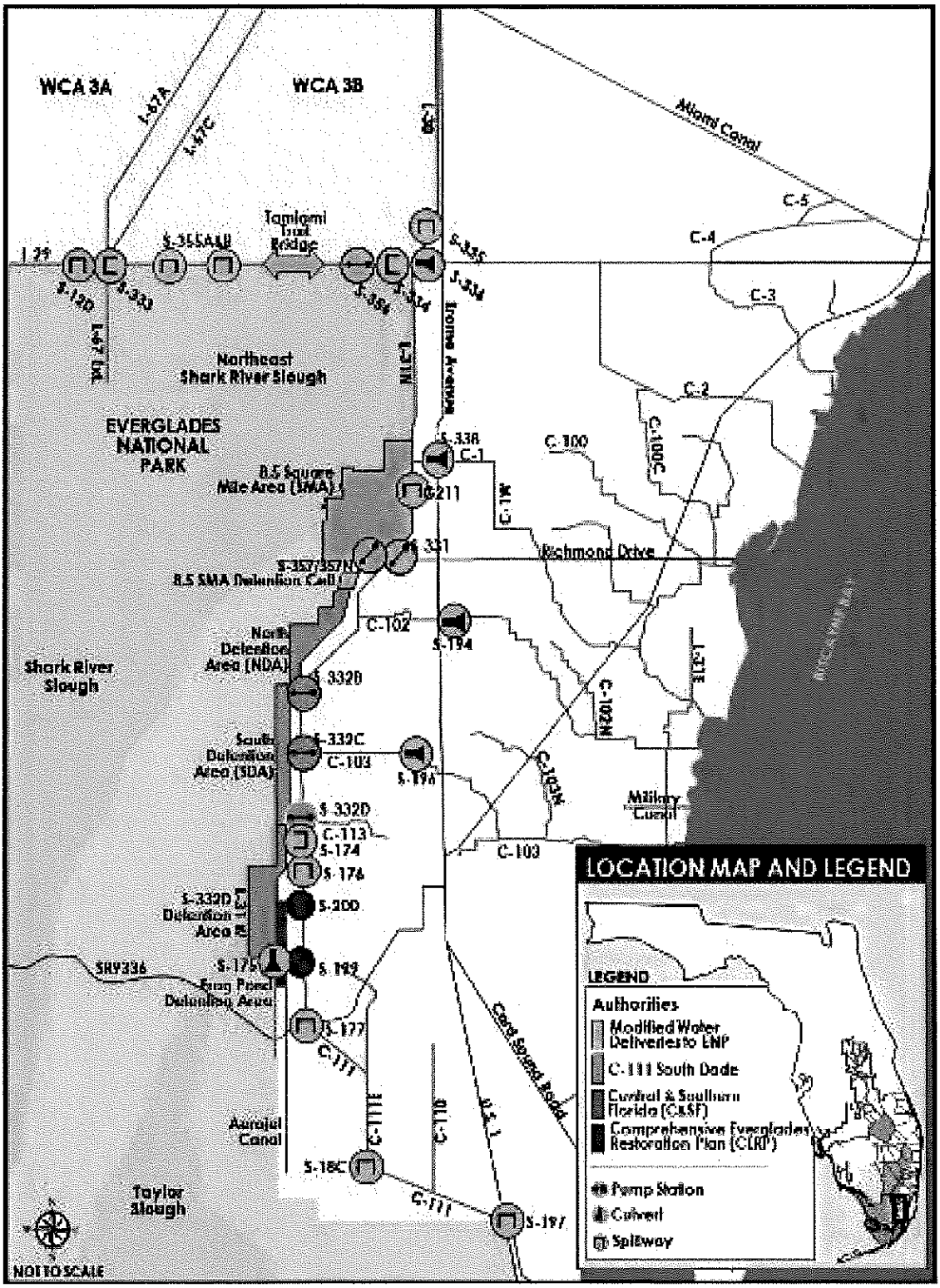
Sincerely,

Tonika M. Wilson
for Jason A. Kirk, P.E.
Colonel, U.S. Army
District Commander

Enclosure

cc:

Mr. Theodore Isham, Seminole Nation of Oklahoma, Tribal Historic Preservation P.O. Box 1498, Seminole, OK 74868
Mr. Mickey Douglas, Seminole Nation of Oklahoma, Director Environmental Protection Office, P.O. Box 1498, Wewoka, OK 74884



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However, scoping that is done before the assessment, and in aid of its preparation, cannot substitute for the normal scoping process after publication of the NOI, unless the earlier public notice stated clearly that this possibility was under consideration, and the NOI expressly provides that written comments on the scope of alternatives and impacts will still be considered.

14a. **Rights and Responsibilities of Lead and Cooperating Agencies.** What are the respective rights and responsibilities of lead and cooperating agencies? What letters and memoranda must be prepared?

A. After a lead agency has been designated (Sec. 1501.5), that agency has the responsibility to solicit cooperation from other federal agencies that have jurisdiction by law or special expertise on any environmental issue that should be addressed in the EIS being prepared. Where appropriate, the lead agency should seek the cooperation of state or local agencies of similar qualifications. When the proposal may affect an Indian reservation, the agency should consult with the Indian tribe. Section 1508.5. The request for cooperation should come at the earliest possible time in the NEPA process.

After discussions with the candidate cooperating agencies, the lead agency and the cooperating agencies are to determine by letter or by memorandum which agencies will undertake cooperating responsibilities. To the extent possible at this stage, responsibilities for specific issues should be assigned. The allocation of responsibilities will be completed during scoping. Section 1501.7(a)(4).

Cooperating agencies must assume responsibility for the development of information and the preparation of environmental analyses at the request of the lead agency. Section 1501.6(b)(3). Cooperating agencies are now required by Section 1501.6 to devote staff resources that were normally primarily used to critique or comment on the Draft EIS after its preparation, much earlier in the NEPA process -- primarily at the scoping and Draft EIS preparation stages. If a cooperating agency determines that its resource limitations preclude any involvement, or the

degree of involvement (amount of work) requested by the lead agency, it must so inform the lead agency in writing and submit a copy of this correspondence to the Council. Section 1501.6(c).

In other words, the potential cooperating agency must decide early if it is able to devote any of its resources to a particular proposal. For this reason the regulation states that an agency may reply to a request for cooperation that "other program commitments preclude any involvement or the degree of involvement requested in the action that is the subject of the environmental impact statement." (Emphasis added). The regulation refers to the "action," rather than to the EIS, to clarify that the agency is taking itself out of all phases of the federal action, not just draft EIS preparation. This means that the agency has determined that it cannot be involved in the later stages of EIS review and comment, as well as decisionmaking on the proposed action. For this reason, cooperating agencies with jurisdiction by law (those which have permitting or other approval authority) cannot opt out entirely of the duty to cooperate on the EIS. See also Question 15, relating specifically to the responsibility of EPA.

14b. How are **disputes resolved between lead and cooperating agencies** concerning the scope and level of detail of analysis and the quality of data in impact statements?

A. Such disputes are resolved by the agencies themselves. A lead agency, of course, has the ultimate responsibility for the content of an EIS. But it is supposed to use the environmental analysis and recommendations of cooperating agencies with jurisdiction by law or special expertise to the maximum extent possible, consistent with its own responsibilities as lead agency. Section 1501.6(a)(2).

If the lead agency leaves out a significant issue or ignores the advice and expertise of the cooperating agency, the EIS may be found later to be inadequate. Similarly, where cooperating agencies have their own decisions to make and they intend to adopt the environmental impact statement and base their decisions on it, one document should include all of the information necessary for the decisions by the cooperating agencies. Otherwise they may be forced to duplicate the EIS process by issuing a new, more complete EIS or Supplemental EIS, even though the original EIS could have sufficed if it had been properly done at the outset. Thus, both lead and cooperating agencies have a stake in producing a document of good quality. Cooperating agencies also have a duty to participate fully in the scoping process to ensure that the appropriate range of issues is determined early in the EIS process.

Because the EIS is not the Record of Decision, but instead constitutes the information and analysis on which to base a decision, disagreements about conclusions to be drawn from the EIS need not inhibit agencies from issuing a joint document, or adopting another agency's EIS, if the analysis is adequate. Thus, if each agency has its own "preferred alternative," both can be identified in the EIS. Similarly, a cooperating agency with jurisdiction by law may determine in its own ROD that alternative A is the environmentally preferable action, even though the lead agency has decided in its separate ROD that Alternative B is environmentally preferable.

14c. What are the specific responsibilities of federal and state **cooperating agencies to review draft EISs**?

A. Cooperating agencies (i.e., agencies with jurisdiction by law or special expertise) and agencies that are authorized to develop or enforce environmental standards, must comment on environmental impact statements within their jurisdiction, expertise or authority. Sections 1503.2, 1508.5. If a cooperating agency is satisfied that its views are adequately reflected in the environmental impact statement, it should simply comment accordingly. Conversely, if the cooperating agency determines that a draft EIS is incomplete, inadequate or inaccurate, or it has other comments, it should promptly make such comments, conforming to the requirements of specificity in section 1503.3.

14d. How is the lead agency to treat the comments of another agency with jurisdiction by law or special expertise which has **failed or refused to cooperate or participate in scoping or EIS preparation**?

A. A lead agency has the responsibility to respond to all substantive comments raising significant issues regarding a draft EIS. Section 1503.4. However, cooperating agencies are generally under an obligation to raise issues or otherwise participate in the EIS process during scoping and EIS preparation if they reasonably can do so. In practical terms, if a cooperating agency fails to cooperate at the outset, such as during scoping, it will find that its comments at a later stage will not be as persuasive to the lead agency.

15. **Commenting Responsibilities of EPA.** Are EPA's responsibilities to review and comment on the environmental effects of agency proposals under **Section 309 of the Clean Air Act** independent of its responsibility as a cooperating agency?

A. Yes. EPA has an obligation under Section 309 of the Clean Air Act to review and comment in writing on the environmental impact of any matter relating to the authority of the Administrator contained in proposed legislation, federal construction projects, other federal actions requiring EISs, and new regulations. 42 U.S.C. Sec. 7609. This obligation is independent of its role as a cooperating agency under the NEPA regulations.

16. **Third Party Contracts.** What is meant by the term "third party contracts" in connection with the preparation of an EIS? See Section 1506.5(c). When can "third party contracts" be used?

A. As used by EPA and other agencies, the term "third party contract" refers to the preparation of EISs by contractors paid by the applicant. In the case of an EIS for a National Pollution Discharge Elimination System (NPDES) permit, the applicant, aware in the early planning stages of the proposed project of the need for an EIS, contracts directly with a consulting firm for its preparation. See 40 C.F.R. 6.604(g). The "third party" is EPA which, under Section 1506.5(c), must select the consulting firm, even though the applicant pays for the cost of preparing the EIS. The consulting firm is responsible to EPA for preparing an EIS that meets the requirements of the NEPA regulations and EPA's NEPA procedures. It is in the applicant's interest that the EIS comply with the law so that EPA can take prompt action on the NPDES permit application. The "third party contract" method under EPA's NEPA procedures is purely voluntary, though most applicants have found it helpful in expediting compliance with NEPA.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

October 20, 2017

Gina Paduano Ralph, Ph.D.
Chief, Environmental Branch
U.S. Army Corps of Engineers
701 San Marco Boulevard
Jacksonville, FL 32207-8175

Subject: Request to become a Cooperating Agency for the development of the Combined Operating Plan

Dear Ms. Ralph:

Thank you for inviting the South Florida Water Management District (District) to become a Cooperating Agency for the development of the Combined Operating Plan. Given our interest in defining operations for the C-111 South Dade and Modified Water Deliveries to Everglades National Park Projects, I accept your offer. The District is prepared to fulfill this new obligation and provide resources necessary to develop information and help prepare the environmental analyses for the Environmental Impact Statement.

If you have questions or require additional information, please contact Brenda Mills at (561) 682-6536 or via email at bmills@sfwmd.gov.

Sincerely,

Ernie Marks
Executive Director

EM/hk

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

United States Department of the Interior
NATIONAL PARK SERVICE

Everglades and Dry Tortugas National Parks
40001 State Road 9336
Homestead, Florida 33034

In Reply refer to: L54

NOV 01 2017

Dr. Gina Ralph
Chief, Environmental Branch
Jacksonville District Corps of Engineers
Department of the Army
701 San Marco BLVD
Jacksonville, Florida 32207-8175

Dear Dr. Ralph:

We accept your invitation to become a cooperating agency for the development of the Combined Operational Plan (COP). The National Park Service is deeply invested in ensuring that the appropriate operational strategy is used to deliver the anticipated environmental benefits that the Modified Water Deliveries (MWD) and C-111 South Dade Project were developed to enable.

Our acceptance of the role of cooperating agency stems from both jurisdiction by law (40 C.F.R. § 1508.15) and special expertise (40 C.F.R. § 1508.26) criteria identified by CEQ in their January 30, 2002 memorandum that addressed the subject of "Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act."

(available here: https://www.energy.gov/sites/prod/files/nepapub/nepa_documents/RedDont/G-CEQ-CoopAgenciesImplem.pdf).

The NPS is the source of funds for the Modified Water Deliveries Project and we have special expertise in defining and quantifying environmental benefits for regional scale projects focused on restoration of the Everglades ecosystem.

Thanks for inviting us and we look forward to enthusiastically participating in a rigorous, concise, and consequential planning process that will deliver the Combined Operational Plan. We anticipate that this plan will improve water management in the Water Conservation Areas, Everglades National Park, and the South Dade Conveyance System.

Sincerely,

Pedro M. Ramos
Superintendent

APPENDIX D.1 NATIONAL ENVIRONMENTAL POLICY ACT CORRESPONDENCE

GOVERNMENT TO GOVERNMENT COORDINATION LETTERS

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

REPLY TO
ATTENTION OF

Planning and Policy Division
Environmental Branch

SEP 22 2017

The Honorable Billy Cypress
Chairman, Miccosukee Tribe of Indians of Florida
Post Office Box 440021, Tamiami Station
Miami, FL 33144

Dear Chairman Cypress,

I would like to formally invite you and/or your representative to participate on the Project Delivery Team (PDT) for the Combined Operational Plan (COP) and via this letter I am formally initiating Government-to-Government consultation between the Miccosukee Tribe of Indians of Florida and the Jacksonville District, U.S. Army Corps of Engineers (Corps). The Corps is beginning preparation of a National Environmental Policy Act (NEPA) assessment for the COP. The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries (MWD) to Everglades National Park (ENP) and Canal 111 (C-111) South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern (C&SF) Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation.

The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County (Figure 1). Development of the COP will be informed by a series of operational field tests previously conducted under the authority of the MWD Project that include relaxation of the Gage-3273 (G-3273) constraint and raising the maximum operating limit in the L-29 Canal up to 8.5 feet National Geodetic Vertical Datum of 1929 (i.e. Increment 1, Increment 1.1 and Increment 1.2, and Increment 2). Information gained from water management actions taken by the Corps in response to unseasonable high water levels within the Water Conservation Areas (WCAs) in 2016 and 2017 will also be utilized to inform development of the COP. Implementation of the COP is anticipated to improve water deliveries from WCA 3A to ENP through Northeast Shark River Slough and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP.

Water management operating criteria defined during development of the COP will be incorporated into the 2012 WCAs, ENP, and ENP to South Dade Conveyance System Water Control Plan following completion of NEPA. Development of the COP is also being pursued to address the mandated Reasonable and Prudent Alternative of the July 22, 2016 Everglades Restoration Transition Plan Biological Opinion which requires the Corps to proceed as scheduled, and as allowable by law, for completing NEPA analysis for the COP in 2019.

We intend to pursue an open and public process and recognize the obligations that the Corps has to the Miccosukee Tribe of Indians of Florida including consultation under NEPA and Section 106 of the National Historic Preservation Act (NHPA). Pursuant to Executive Order 13175, Section 106 of the NHPA (16 USC 470f) and its implementing regulations (36 CFR 800), and in consideration of the Corps' Trust Responsibilities, I would like to invite the Miccosukee Tribe of Indians of Florida to participate in Government-to-Government consultation and initiate coordination with the appropriate Tribal representative regarding potential effects to cultural resources as part of our obligation for continued coordination. Additionally, the Corps invites you or your designated staff to participate on the PDT that will be conducting the technical analyses and evaluations in support of COP. If you elect, please identify the appropriate Tribal member(s) or person(s) who could represent the Tribe on the PDT. We would also appreciate a response identifying any comments you may have within 30 days of the date of this letter. If you have any questions regarding this proposed action, please feel free to contact me or you may contact Mrs. Melissa Nasuti at (904) 232-1368 or melissa.a.nasuti@usace.army.mil.

Sincerely,

Jason A. Kirk, P.E.
Colonel, U.S. Army
District Commander

Enclosure

cc:
Fred Dayhoff, NAGPRA Representative, Consultant to Miccosukee Tribe of Indians of Florida, HC 61 SR 68 Old Loop Road, Ochopee, FL 34141
Kevin Donaldson, Real Estate Services, Miccosukee Tribe of Indians of Florida, P.O. Box 440021, Tamiami Station, Miami, FL 33144
Gene Duncan, Director Water Resources Department, Miccosukee Tribe of Indians of Florida, P.O. Box 440021, Tamiami Station, Miami, FL 33144

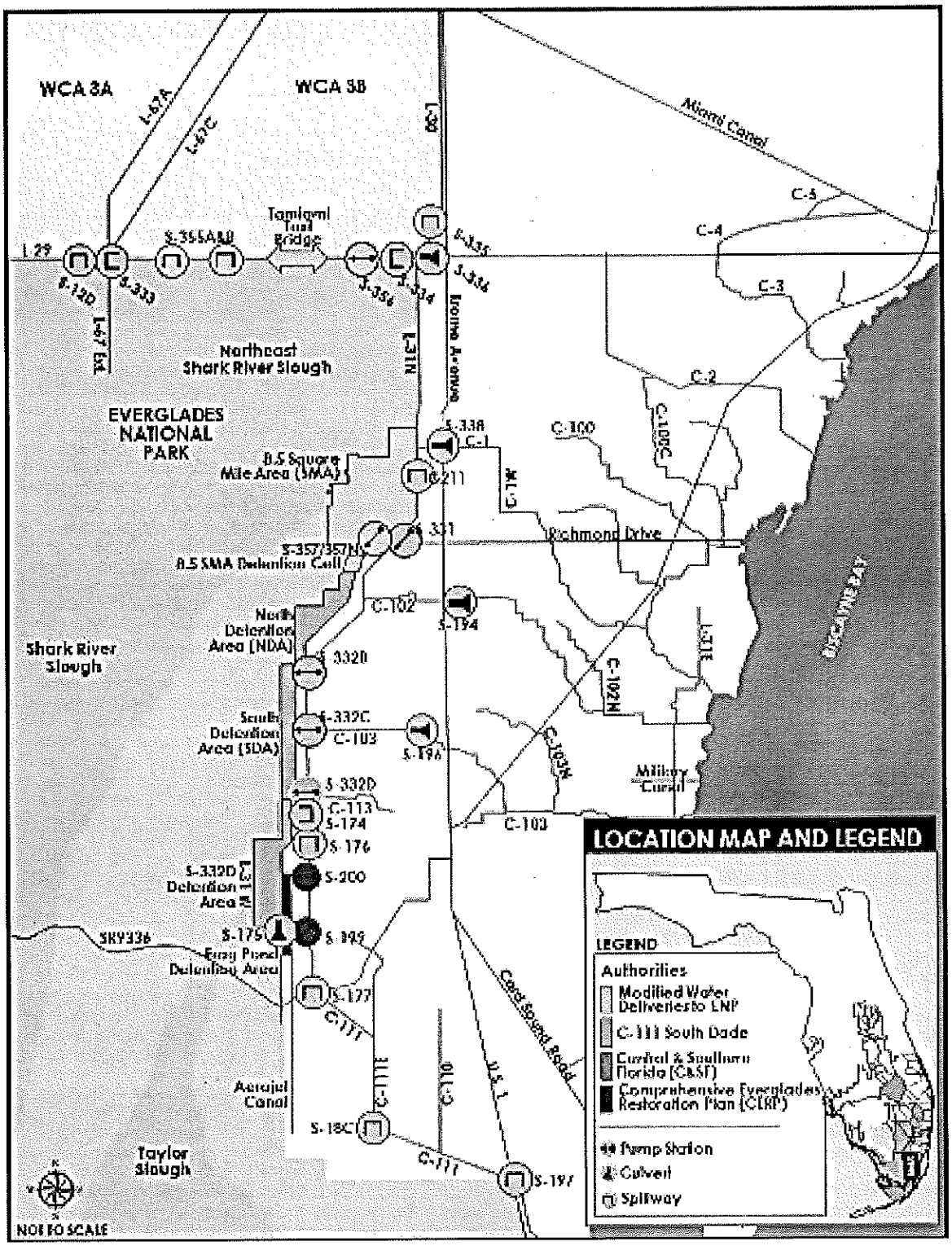

Figure 1. Project Area

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

REPLY TO
ATTENTION OF

SEP 2 2 2017

Planning and Policy Division
Environmental Branch

The Honorable Marcellus Osceola Jr.
Chairman, Seminole Tribe of Florida
6300 Stirling Road
Hollywood, FL 33024

Dear Chairman Osceola,

I would like to formally invite you and/or your representative to participate on the Project Delivery Team (PDT) for the Combined Operational Plan (COP) and via this letter I am formally initiating Government-to-Government consultation between the Seminole Tribe of Florida and the Jacksonville District, U.S. Army Corps of Engineers (Corps). The Corps is beginning preparation of a National Environmental Policy Act (NEPA) assessment for the COP. The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries (MWD) to Everglades National Park (ENP) and Canal 111 (C-111) South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern (C&SF) Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation.

The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County (Figure 1). Development of the COP will be informed by a series of operational field tests previously conducted under the authority of the MWD Project that include relaxation of the Gage-3273 (G-3273) constraint and raising the maximum operating limit in the L-29 Canal up to 8.5 feet National Geodetic Vertical Datum of 1929 (i.e. Increment 1, Increment 1.1 and Increment 1.2, and Increment 2). Information gained from water management actions taken by the Corps in response to unseasonable high water levels within the Water Conservation Areas (WCAs) in 2016 and 2017 will also be utilized to inform development of the COP. Implementation of the COP is anticipated to improve water deliveries from WCA 3A to ENP through Northeast Shark River Slough and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP.

Water management operating criteria defined during development of the COP will be incorporated into the 2012 WCAs, ENP, and ENP to South Dade Conveyance System Water Control Plan following completion of NEPA. Development of the COP is also being pursued to address the mandated Reasonable and Prudent Alternative of the July 22, 2016 Everglades Restoration Transition Plan Biological Opinion which requires the Corps to proceed as scheduled, and as allowable by law, for completing NEPA analysis for the COP in 2019.

We intend to pursue an open and public process and recognize the obligations that the Corps has to the Seminole Tribe of Florida including consultation under NEPA and Section 106 of the National Historic Preservation Act (NHPA). Pursuant to Executive Order 13175, Section 106 of the NHPA (16 USC 470f) and its implementing regulations (36 CFR 800), and in consideration of the Corps' Trust Responsibilities and the Burial Resources Agreement with the Seminole Tribe of Florida, I would like to invite the Seminole Tribe of Florida to participate in Government-to-Government consultation and initiate coordination with the Tribal Historic Preservation Office regarding potential effects to cultural resources as part of our obligation for continued coordination. Additionally, the Corps invites you or your designated staff to participate on the PDT that will be conducting the technical analyses and evaluations in support of COP. If you elect, please identify the appropriate Tribal member(s) or person(s) who could represent the Tribe on the PDT. We would also appreciate a response identifying any comments you may have within 30 days of the date of this letter. If you have any questions regarding this proposed action, please feel free to contact me or you may contact Mrs. Melissa Nasuti at (904) 232-1368 or melissa.a.nasuti@usace.army.mil.

Sincerely,

Jason A. Kirk, P.E.
Colonel, U.S. Army
District Commander

Enclosure

cc:
Dr. Paul N. Backhouse, Ph.D., Seminole Tribe of Florida, Tribal Historic Preservation Officer, Ah Tah Thi Ki Museum, 30290 Josie Billie Hwy, PMB 1004, Clewiston, FL 33440
Cherise Maples, Director, Environmental Resource Management, Seminole Tribe of Florida, 6300 Stirling Road, Hollywood, FL 33024
Manuel Tiger, Big Cypress General Council Office, Seminole Tribe of Florida, Council Representative, 31000 Josie Billie Highway, Clewiston, FL 33440

Joe Frank, Big Cypress Board Representative, Seminole Tribe of Florida, Inc., Big Cypress Board Office, 31000 Josie Billie Hwy., Clewiston, FL 33440
Jim Shore, General Counsel, Seminole Tribe of Florida, 6300 Stirling Road, Hollywood, FL 33024
Michelle Diffenderfer, Lewis, Longman and Walker, 515 N Flagler Drive, Suite 1500, West Palm Beach, FL 33401
Patricia Power, Bose Public Affairs Group, 2000 M Street, N.W., Suite 520, Washington, D.C. 20036
Stephen A. Walker, Lewis, Longman and Walker, 515 North Flagler Drive, Suite 1500, West Palm Beach, FL 33401

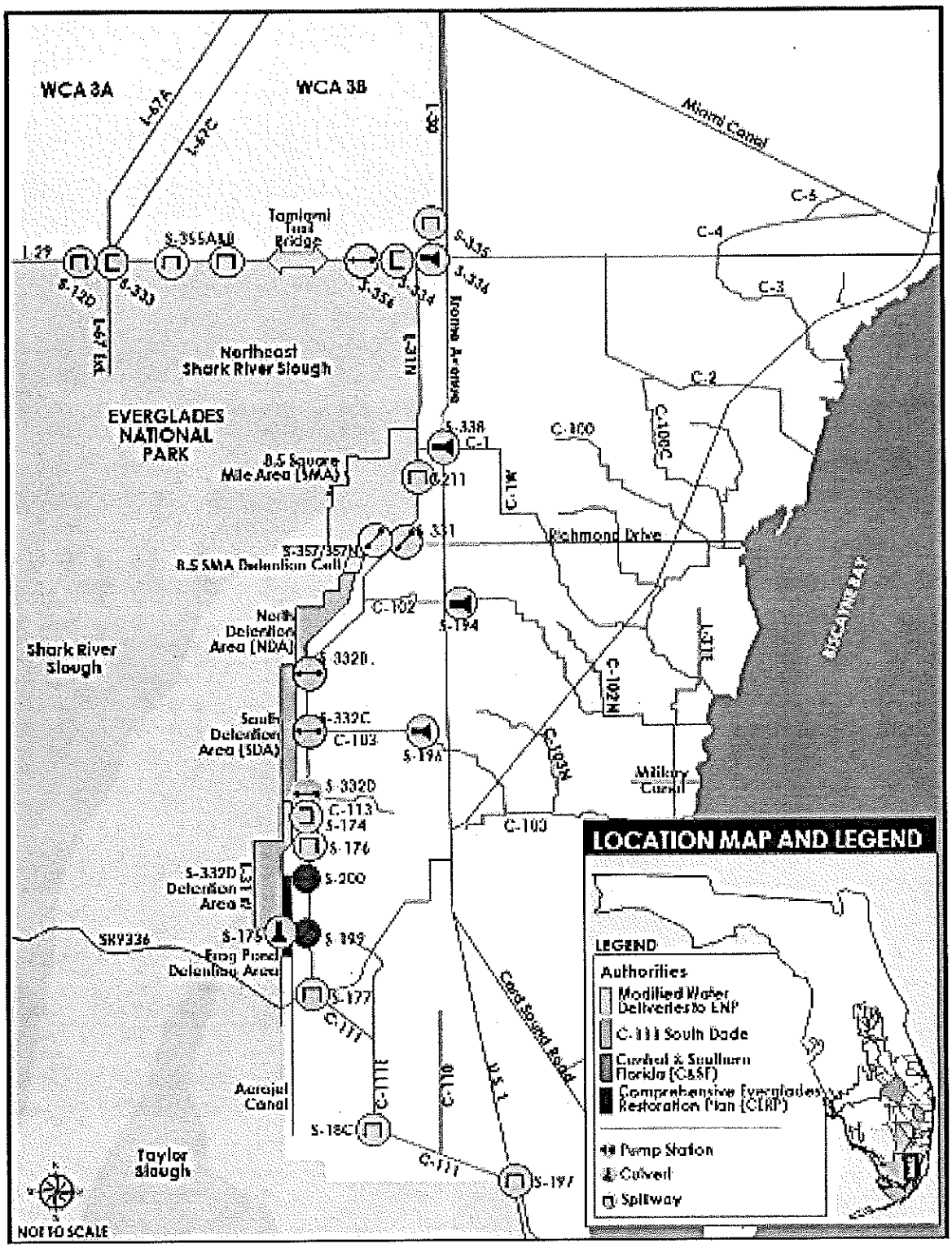

Figure 1. Project Area

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

REPLY TO
ATTENTION OF

Planning and Policy Division
Environmental Branch

SEP 22 2017

The Honorable Leonard Harjo
Chairman, Seminole Nation of Oklahoma
P.O. Box 1498
Wewoka, OK 74884

Dear Chairman Harjo,

I would like to formally invite you and/or your representative to participate on the Project Delivery Team (PDT) for the Combined Operational Plan (COP) and via this letter I am formally initiating Government-to-Government consultation between the Seminole Nation of Oklahoma and the Jacksonville District, U.S. Army Corps of Engineers (Corps). The Corps is beginning preparation of a National Environmental Policy Act (NEPA) assessment for the COP. The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries (MWD) to Everglades National Park (ENP) and Canal 111 (C-111) South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern (C&SF) Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation.

The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County (Figure 1). Development of the COP will be informed by a series of operational field tests previously conducted under the authority of the MWD Project that include relaxation of the Gage-3273 (G-3273) constraint and raising the maximum operating limit in the L-29 Canal up to 8.5 feet National Geodetic Vertical Datum of 1929 (*i.e.* Increment 1, Increment 1.1 and Increment 1.2, and Increment 2). Information gained from water management actions taken by the Corps in response to unseasonable high water levels within the Water Conservation Areas (WCAs) in 2016 and 2017 will also be utilized to inform development of the COP. Implementation of the COP is anticipated to improve water deliveries from WCA 3A to ENP through Northeast Shark River Slough and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP.

Water management operating criteria defined during development of the COP will be incorporated into the 2012 WCAs, ENP, and ENP to South Dade Conveyance

System Water Control Plan following completion of NEPA. Development of the COP is also being pursued to address the mandated Reasonable and Prudent Alternative of the July 22, 2016 Everglades Restoration Transition Plan Biological Opinion which requires the Corps to proceed as scheduled, and as allowable by law, for completing NEPA analysis for the COP in 2019.

We intend to pursue an open and public process and recognize the obligations that the Corps has to the Seminole Nation of Oklahoma including consultation under NEPA and Section 106 of the National Historic Preservation Act (NHPA). Pursuant to Executive Order 13175, Section 106 of the NHPA (16 USC 470f) and its implementing regulations (36 CFR 800), and in consideration of the Corps' Trust Responsibilities, I would like to invite the Seminole Nation of Oklahoma to participate in Government-to-Government consultation and initiate coordination with the Tribal Historic Preservation Office regarding potential effects to cultural resources as part of our obligation for continued coordination. Additionally, the Corps invites you or your designated staff to participate on the PDT that will be conducting the technical analyses and evaluations in support of COP. If you elect, please identify the appropriate Tribal member(s) or person(s) who could represent the Tribe on the PDT. We would also appreciate a response identifying any comments you may have within 30 days of the date of this letter. If you have any questions regarding this proposed action, please feel free to contact me or you may contact Mrs. Melissa Nasuti at (904) 232-1368 or melissa.a.nasuti@usace.army.mil.

Sincerely,

Jason A. Kirk, P.E.
Colonel, U.S. Army
District Commander

Enclosure

cc:

Mr. Theodore Isham, Seminole Nation of Oklahoma, Tribal Historic Preservation P.O. Box 1498, Seminole, OK 74868
Mr. Mickey Douglas, Seminole Nation of Oklahoma, Director Environmental Protection Office, P.O. Box 1498, Wewoka, OK 74884

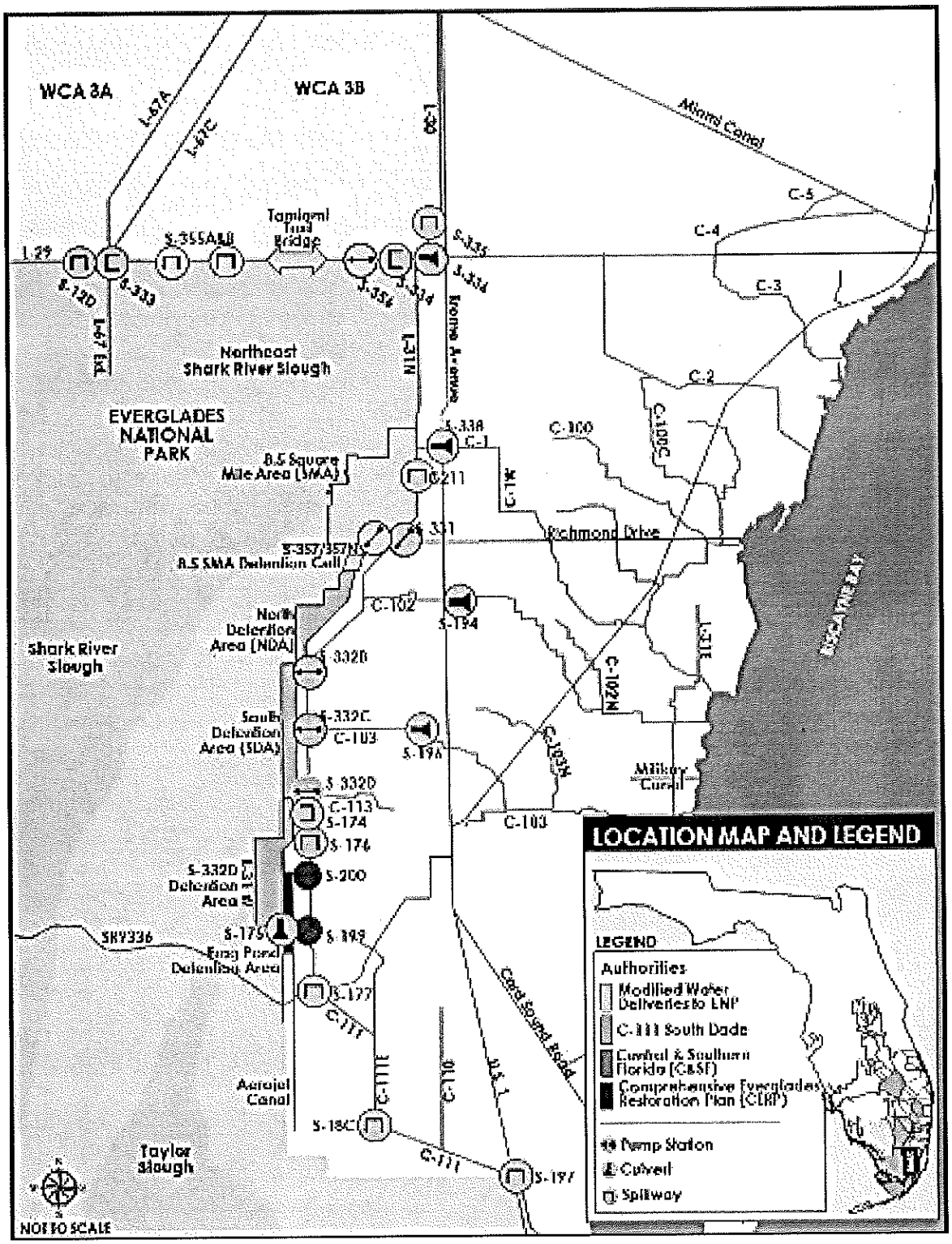

Figure 1. Project Area

APPENDIX D.1 NATIONAL ENVIRONMENTAL POLICY ACT CORRESPONDENCE

NATIONAL ENVIRONMENTAL POLICY ACT SCOPING LETTERS AND RESPONSES

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

Planning Division
Environmental Branch

SEP 22 2017

To Whom It May Concern:

The Jacksonville District, U.S. Army Corps of Engineers (Corps) is beginning preparation of a National Environmental Policy Act (NEPA) assessment for the Combined Operational Plan (COP). The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries (MWD) to Everglades National Park (ENP) and Canal 111 (C-111) South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern Florida (C&SF) Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation.

The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County (Figure 1). Development of the COP will be informed by a series of operational field tests previously conducted under the authority of the MWD Project that include relaxation of the Gage-3273 (G-3273) constraint and raising the maximum operating limit in the L-29 Canal up to 8.5 feet National Geodetic Vertical Datum of 1929 (*i.e.* Increment 1, Increment 1.1 and Increment 1.2, and Increment 2). Information gained from water management actions taken by the Corps in response to unseasonable high water levels within the Water Conservation Areas (WCAs) in 2016 and 2017 will also be utilized to inform development of the COP. Implementation of the COP is anticipated to increase the availability of water deliveries from WCA 3A to ENP through Northeast Shark River Slough and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP.

Water management operating criteria defined during development of the COP will be incorporated into the 2012 WCAs, ENP, and ENP to South Dade Conveyance System Water Control Plan following completion of NEPA. Development of the COP is also being pursued to address the mandated Reasonable and Prudent Alternative of the July 22, 2016 Everglades Restoration Transition Plan Biological Opinion which

requires the Corps to proceed as scheduled, and as allowable by law, for completing NEPA analysis for the COP in 2019.

We invite the participation of Federal and State agencies, Native American Tribes, local agencies, interested parties and individuals in providing comments and identifying any issues or concerns. Please share this notice with any interested party. Send any comments you may have to the attention of Melissa Nasuti (904-232-1368) at the letter head address or email melissa.a.nasuti@usace.army.mil no later than 30 days from the date of this letter. All individuals who respond with comments will be included in future mailings. Others may be added to the mailing list by making a written request (postcard) to the same address or by email.

Sincerely,

Gina Paduano Ralph, Ph.D.
Chief, Environmental Branch

Enclosure

Figure 1. Project Area

Table D.1-1. Combined operational plan (COP) National Environmental Policy Act (NEPA) comment response matrix. A NEPA scoping letter dated September 22, 2017 was used to invite comments from federal, state, and local agencies, affected indian tribes, and other interested private organizations and individuals. Scoping comments were accepted through October 21, 2017. A notice of intent to prepare an Environmentallimpact Statement for COP was published in the Federal Register (FR volume 82, number 173) September 8, 2017. The following matrix has been prepared in response to the comments received from the september 22, 2017 NEPA scoping letter.

COMMENTER	AGENCY/PUBLIC COMMENT	U.S. ARMY CORPS OF ENGINEERS (USACE) RESPONSE
FEDERAL AGENCY		
UNITED STATES ENVIRONMETAL PROTECTION AGENCY (EPA)		
Comment Date: October 23, 2017		
EPA - 1	**Water Quality:** The EPA recommends the USACE consult with the Florida Department of Environmental Protection (FDEP) to determine each alternative's potential impacts to waterbodies listed on the 303(d) list of impaired waterbodies. The EPA also recommends any water quality impacts be disclosed within the NEPA document. Additionally, the EPA recommends the USACE coordinate with FDEP to ensure compliance with all applicable Clean Water Act (CWA) water quality standards.	Thank you for your comment. The Corps will coordinate and consult with the FDEP in order to obtain water quality certification.
EPA - 2	Tribal Coordination: For NEPA disclosure, the EPA recommends the USACE include feedback and input provided by the tribes within the NEPA document. Additionally, the EPA works closely with both the Miccosukee Tribe of Florida and the Seminole Tribe of Florida on environmental matters and is committed to working with other federal partners to prioritize the Tribes' water quality and water management concerns. EPA encourages consultation and coordination with the Tribes at all levels of decision-making.	The Corps intends to pursue an open and public process and recognizes the obligations that the Corps has to the Miccosukee Tribe of Indians of Florida, the Seminole Tribe of Florida, and the Seminole Nation of Oklahoma. Pursuant to Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) and in consideration of the Corp's Trust Responsibilities, the Miccosukee Tribe of Indians of Florida, the Seminole Tribe of Florida, and the Seminole Nation of Oklahoma have been asked to participate in Government-to-Government consultation via correspondence dated September 22, 2017, as part of the Corps obligation for coordination under COP. Each of the above listed Tribes were asked at the beginning of the planning process to become cooperating agencies under NEPA for COP via correspondence dated October 13, 2017. Potential impacts to historic sites and traditional cultural properties and practices will be assessed as part of the NEPA and the National Historic Preservation Act process. Each COP alternative will be designed and analyzed to consider the plan that best meets the overall project objectives while minimizing adverse impacts.
EPA - 3	Environmental Justice: The EPA recommends the USACE consider the proposed project's impacts to low income, minority populations as described in "Executive Order 12898 -Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (February 16, 1994). The EPA recommends the USACE disclose any impacts to low income-minority communities in the NEPA document.	Environmental justice will be assessed as part of the NEPA process. Each COP alternative will be designed and analyzed to consider the plan that best meets the overall project objectives while identifying and addressing any disproportionate adverse effects to minority, low income or tribal populations.
NATIVE AMERICAN TRIBES		
SEMINOLE TRIBE OF FLORIDA		
Comment Date: October 13, 2017		
SEMINOLE TRIBE OF FLORIDA - 1	Thank you for contacting the Seminole Tribe of Florida – Tribal Historic Preservation Office (STOF-THPO) regarding the Combined Operational Plan Modified Water Deliveries and C-111 South Dade Projects, Miami-Dade County, FL. The proposed undertaking area does fall within the STOF Area of Interest. Please continue to consult with us as the COP and the associated NEPA documents are developed. Regarding the offer to participate on the	Thank you for your comment. The Corps will continue to coordinate consideration of the Corps' Trust Responsibilities. Please refer to response to comment EPA-2 above.

COMMENTER	AGENCY/PUBLIC COMMENT	U.S. ARMY CORPS OF ENGINEERS (USACE) RESPONSE
	Project Delivery Team, I will forward that on to the appropriate person. Thank you and feel free to contact us with any questions or concerns.	
STATE AGENCY		
FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (FDACS)		
Comment Date: October 20, 2017		
FDACS - 1	The Florida Department of Agriculture and Consumer Services (FDACS) appreciated the opportunity to provide scoping comments on the development of a Combined Operational Plan (COP) which is being undertaken to define operations for the constructed features of the Modified Water Deliveries (MWD) to Everglades National Park (ENP) and Canal (C-111) South Dade Projects while maintaining the congressionally authorized purposes for the Central and Southern Florida (C&SF) Project. Our comments focus on aspects of the COP that will impact private agricultural lands and agricultural operations. In general, the COP should maintain storm event flood protection capacity lands in local basins adjacent to ENP and provide the same level of service for consumptive water uses.	The 1994 C-111 GRR planning condition represents the minimum level of flood damage reduction defined by the 1994 C-111 GRR recommended plan (ALT 6A). Alternative modeling under COP may provide improved levels of flood damage reduction above those found under ALT 6A, consistent with the identified planning considerations. COP performance for flood protection will be evaluated against the 1994 C-111 South Dade GRR Base Condition. This base condition includes the 1994 C-111 GRR Recommended Plan (ALT 6A) and 1992 MWD GDM recommended plan, which included the 1992 mitigation plan for the 8.5 SMA. The base condition assumes that authorized 1992 MWD GDM and the 1994 C-111 GRR structural features are in place. The 1994 C-111 South Dade GRR Base Condition will be applied to determine if minimum authorized level of "flood protection" is impacted by alternatives. Existing consumptive use permits for water supply will be maintained with implementation of the COP.
FDACS - 2	The routine diversion of water from Water Conservation Area 3A (WCA-3A) to the C-111 Basin must end with the completion of Modified Water Delivery Project, which was one of the design assumptions when the C-111 GRR was approved. S-334 and S-331 are not authorized for WCA 3A flood releases and should not be included in the COP to achieve the sharp reductions in L-29 stages required by the DOT contract even when the WCA 3A stage is high. The goal of COP should be eliminating Column 2 operations and WCA 3 A high water discharges into the South Dade Conveyance System (SDCS) barring emergency operations.	According to the 1994 C-111 GRR (Section 7.10), consistent with the original design of the South Dade County Flood control features and subsequent modifications to the system, the design of all GRR alternatives utilized S-173/S-331 as a divide structure between L-31N canal and C-111 canal under flood conditions. During normal (non-flood) periods, however, a potential for the structural features of both projects to be operated for mutual benefits was identified. A portion of the water to be returned to Northeast Shark River Slough (NESRS) via S-356 as a part of the MWD Project could be discharged southward under some conditions. Such discharges could be made only when there would be no potential increase in flood risk in the C-111 basin. The C-111 GRR (Section 6.18.1) stated, "The Modified Water Deliveries to Everglades National Park Project may permit a restoration of the historic link between the waters of the two project areas, to the benefit of the wide-ranging species that used both basins in historic times. During non-flood conditions, excess seepage water from Shark River Slough collected in L-31 N borrow canal could be passed to the C-111 system for enhanced hydrologic restoration of Taylor Slough." Operating studies were planned to include an evaluation of the need for, and availability of, supplemental water supplies for the C-111 basin. COP will consider and evaluate alternatives which eliminate Column 2 operations and WCA 3 A high water discharges into the South Dade Conveyance System (SDCS). The COP selected plan will be the alternative which best achieves the project objectives while adhering to the project constraints.
FDACS - 3	The COP should not use S-331 to convey flood waters from the 8.5 Square Mile Area (8.5 SMA) into the SDCS if the current 8.5 SMA flood mitigation project is not adequate to provide the flood protection needed. If the project requires additional work to meet performance standards, that should be identified by Increment 2 so the use of S-331 to alleviate flooding in the 8.5 SMA is not incorporated into the COP.	COP will consider and evaluate alternatives which rely primarily of the S-357 pump station to provide flood mitigation to the 8.5 SMA. However, limited use of S-331 may be necessary to provide flood mitigation to the 8.5 SMA eastern areas and assist S-357 in maintaining flood mitigation for the 8.5 SMA when S-357 operational capacity is limited. The COP selected plan will be the alternative which best achieves the project objectives while adhering to the project constraints.

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FDACS - 4	Distribution of water during wet periods should concentrate on maximizing deliveries of water Northeast Shark River Slough (NESRS). Evaluation of the performance of proposed operation should be undertaken using the data now available. Data collected during emergency operations deviation indicates pumping at S-356 does not seem to increase the stage in the L-29 Canal when the canal is above 8.2 feet. This means that with an L-29 constraint of 8.5, the use of S-356 will not necessarily reduce the flow from WCA-3A into NESRS and adding the flow from S-356 may provide a significant benefit to the Park. This is something we should verify as the deviation operations continue since it could provide very useful information in setting the future operating protocols for S-356.	Concur. Consistent with previous field test increments, Increment 2 incorporated the described use of the S-356 structure and will test this proposal. Concurrent with the development of the COP, the Increment 2 operations will be evaluated along with modeling results to determine the most effective use of the S-356 pump station under COP conditions.
FLORIDA DEPARTMENT OF TRANSPORATION (FDOT)		
Comment Date: October 20, 2017		
FDOT - 1	Thank you for providing notice of NEPA study initiation for the Combined Operational Plan for the constructed features of the Modified Waters Delivery Plan. The Florida Department of Transportation is interested in remaining on the mailing list for future notifications regarding this effort. Please continue to forward this information to my attention with cc: to Jason Watts, Director, and Office of Environmental Management at the same address below.	Thank you for your comment. The Corps will continue to coordinate with the FDOT throughout the planning process for COP.
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP)		
Comment Date: October 18, 2017		
FDEP - 1	The Jacksonville District, U.S. Army Corps of Engineers (Corps) issued the subject Scoping Notice to gather comments and concerns that will be addressed in a National Environmental Policy Act (NEPA) document for the Combined Operation Plan (COP). The purpose of COP is to define operations for constructed components of the Modified Water Deliveries (MWD) to Everglades National Park (ENP) and the Canal 111 (C-111) South Dade projects, while maintaining the Congressionally-authorized multiple purposes of the Central and Southern (C&SF) Project to include flood control; water supply for agricultural irrigation; municipalities, and industry; regional ground water control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation. A bulleted list of objective outlined by the Corps for COP include the following: 1. Improve water deliveries (timing, location, volume) into ENP and take steps to restore natural hydrologic condition in ENP given current C&SF infrastructure expected to be completed by the time of implementation, to the extent practical by: a. Changing schedule of water deliveries so that it fluctuated in consonance with local meteorological condition, including providing	Thank you for your comment. The Corps will continue to coordinate with the FDEP throughout the planning process of COP. The bulleted list of objectives outlined by the Corps for COP has been subsequently updated to be consistent with language previously stated in the authorizing documents for the MWD and C-111 South Dade Projects. A bulleted list of objectives is provided below. <u>Objectives</u>: 1. Improve water deliveries (timing, location, volume) into ENP and take steps to restore natural hydrologic conditions in ENP given current C&SF infrastructure and features expected to be completed by the time of implementation, to the extent practicable by a. Changing schedule of water deliveries so that it fluctuates in consonance with local meteorological conditions, including providing for long term and annual variation in ecosystem conditions in the Everglades (Timing) (P.L. 101-229, Section 101b) b. Restoring NESRS as a functioning component of the Everglades hydrologic system (Location) (P.L. 101-229, Section 101b) c. Adjusting the magnitude of water discharged to ENP to minimize effects of too much or too little water (Volume) (1992 MWD GDM, Section 44) 2. Maximize progress toward restoring historic hydrologic conditions in the Taylor Slough[1], Rocky Glades, & eastern Panhandle of ENP. 3. Protect the intrinsic ecological values associated with WCA-3A and ENP.

COMMENTER	AGENCY/PUBLIC COMMENT	U.S. ARMY CORPS OF ENGINEERS (USACE) RESPONSE
	for long term and annual variation in ecosystem conditions in the Everglades (Timing). b. Restoring NESRS as a functioning component of the Everglades hydrologic system (Location). c. Adjusting the magnitude of water discharge to ENP to minimize efforts of too much or too little water (Volume). 2. Maximize progress toward restoring historic hydrologic conditions in the Taylor Slough, Rocky Glades, & eastern Panhandle of ENP. 3. Protect the intrinsic ecological values associated with WCA-3A and ENP. 4. Minimize the damaging* freshwater flows to Manatee Bay/Barnes Sound through the S197 structure and increase flows through Taylor slough and coastal creeks. 5. Include consideration of cultural values and tribal interests & concerns within EVA-3A and ENP. 6. Explore opportunities for enhancing the recovery of federally and state listed species under the Endangered Species Act, consistent with the restoration objectives, the USACE's authorities for MWD and C-111 projects and operational considerations. 7. Explore objectives to enhance opportunity for flood control and mitigation. The Florida Department of Environmental Protection (Department) appreciated the opportunity to comment, and understand that the substantive details of the operating plan will be addressed in the forthcoming NEPA document, the Department previously provided comments to the Corps on the Cop Scoping Notice on July 7, 2011.	4. Minimize the damaging freshwater flows to Manatee Bay/Barnes Sound through the S197 structure and increase flows through Taylor Slough and coastal creeks (1994 C-111 GRR, Section 5.2) 5. Include consideration of cultural values and tribal interests & concerns within WCA-3A and ENP. Previously identified objectives "6" and "7" within the provided comment have now been captured under planning considerations.
FDEP - 2	The Department recognizes COP as a critical step towards completing the MWD and C-111 projects. Both the MWD and the C-111 Projects that need to be fully operational to continue the progress towards restoration of the Everglades system. The Department recommends expediting the completion of the MWD and C-111 Projects which includes COP, so that components of the Comprehensive Everglades Restoration Plan (CERP) projects can move forward in the near term as envisioned by the State of Florida's Senate Bill 10, as well as expedited projects under Central Evergaldes Project (CEPP) such as the S-333N and Old Tamiami Trail removal.	Many of the MWD and C-111 South Dade Project features have been built and/or are nearing completion including the required infrastructure identified within prior NEPA documentation (*i.e.* February 2017 Increment 1.1 and 1.2 EA and FONSI) to raise the maximum operating limit of the L-29 Canal beyond the constraint of 7.5 feet, NGVD per the 2012 Water Control Plan. Acquisition of required real estate interests and any associated improvements for the private ownership along Tamiami Trail, including receipt of Tamiami Trail Bridge and roadway channel and flowage easements from the FDOT, has also been completed. The Corps anticipates utilizing lessons learned from the 2016 and 2017 planned and temporary deviations as well as the MWD Project operational field tests (*i.e.* Increment 1, 1.1, 1.2 and 2) in the development of COP. The Corps is working as expeditiously as possible to complete planning efforts related to COP and the completion of associated NEPA documentation in 2019 to include the Final EIS and ROD.
FDEP - 3	The Department recommends that a comprehensive hydrological evaluation be conducted to ensure that the projects can be operated to meet the goals identified in the Everglades National Park Protection and Expansion Act. The evaluation should include components for the South Dade C&SF Flood protection, high water conditions in Water Conservation Areas (WCA) 2 and 3, and flood mitigation for the 8.5 Square Mile Area (SMA).	The COP study will result in a comprehensive integrated water control plan for the operation of the water management infrastructure associated with the MWD and C-111SD Projects. The COP will include regional hydrologic modeling in order to balance the ecological restoration objectives of the MWD and C-111SD projects while demonstrating compliance with the project constraints. This will include flood mitigation requirements to prevent potential project-induced flood damages in the 8.5 SMA and to maintain the level of flood damage reduction associated with the 1994 C-111 GRR-EIS Recommended Plan.

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		Development of the COP will be informed by the MWD Increment 1, Increment 1.1 and 1.2, and Increment 2 field tests. Data collected in accordance with the Increment 2 monitoring plan developed in consultation with the FDOT will help to inform L-29 Canal operations to be developed for COP. Field Test operations updates and action items will be discussed on a weekly basis between water managers from USACE and SFWMD, as well as ENP when needed, to provide collective interpretation of results and evaluate implementation of Field Test operations relative to the Increment 2 goals, objectives, and constraints. USACE, SFWMD, and ENP water managers, along with FDEP, will continue to meet monthly to discuss the collected data and the results of preliminary analyses, as well as system conditions and Field Test operations; additional technical staff from these agencies who are involved in the Increment 2 monitoring and data assessment efforts will also participate in the monthly coordination meetings, as needed. Results from these weekly and monthly coordination meetings, including preliminary recommendations from water managers to incrementally modify the operational strategy (within the covered NEPA EA scope), will be further discussed with the PDT during regularly-scheduled interagency meetings to occur four times per year.
FDEP - 4	The Department recommends that COP be developed to have operation that are responsive to events to avoid, minimize or eliminate the need State issued Emergency Orders for High Water Conditions in the WCAs and the Ninth Amended Emergency Order for the C-111 South Dade Project.	Operational flexibility was included within the November 2017 Increment 2 EA and Proposed FONSI to allow for a rapid response to extreme high water levels in WCA 3A as a result of the numerous emergency and planned temporary deviations conducted in 2016 and 2017. It is the intent of the Corps to include operational flexibility as appropriate during plan formulation efforts for COP to prevent the need for expedited and/or emergency actions in the future.
FDEP - 5	There is a need to evaluate COP on a broader and more comprehensive scale while meeting the original objectives of both the MWD and C-111 South Dade Projects. This evaluation should consider the assessment of COP alternatives in consideration of ongoing and future State and Federal restoration efforts. The broader more comprehensive evaluation should include reevaluating inflows and outflows of WCA 3, and consideration of features that have been constructed by Federal and State parties under separate authorizations such as the Tamiami Trail Next Steps Phase I project and C-111 CERP project.	COP will define water management operations for WCA 3A and WCA 3B outlets, structures in the L-31N and C-111 Basins constructed as part of the C&SF Project and the recently constructed components of the MWD and C-111 South Dade Projects. The project team is currently reviewing baseline assumptions for the purpose of conducting hydrologic modeling to inform alternative evaluations. The existing condition is intended to represent conditions assumed in place at the time of implementation of the COP Water Control Plan in 2019. This base condition will include the following: (1) MWD Increment 1.1 and 1.2; (2) existing C&SF project infrastructure and Regulation Schedules (including 2008 LORS); (3) MWD Tamiami Trail Modifications 1-Mile Bridge and Raised Roadway; (4) Tamiami Trail Next Steps 2.6 Mile Western Bridge; (5) full construction of C-111 South Dade to include Contracts 8, 8A and 9; (6) 8.5 SMA project features to include C-358 and S-357N; (7) Miami-Dade Limestone Products Association (MD-LPA) 5-mile Seepage Cutoff wall along L-31 North; (8) current permitted operations for the SFWMD C-111 Spreader Canal project components (includes G-737 and S-199/S-200 at expanded 300 cfs each); and (9) the expanded capacity at S-333 completed by SFWMD (component of the Central Everglades Planning Project). Potential operational changes considered during plan formulation efforts during COP will take these projects into account as operational criteria and/or constructed infrastructure will be accounted for in the baseline. Changes to the 2012 Water Control Plan will need to subsequently occur as additional components of CERP are implemented. Regulation schedule changes for WCA-1 and WCA-2 will not be included in the COP, but changes may be included in the COP alternative modeling (e.g. sensitivity run prior to the TSP) in order to ensure sufficient flexibility is included in the COP Water Control Plan to accommodate a future WCA-1 and WCA-2A Regulation Schedule study.
FDEP - 6	The Department notes that the Corps identified objectives for the development of COP that may have excluded previous identified objectives. The Department also noted that the Corps lists project constraints including the Everglades Restoration Transition Plan (ERTP) WCA-3A Regulation Schedule. The Department understanding is that COP would be developed to replace ERTP and the that ERTP was meant to be an interim transition plan, and not a constraint that would be carried forward into COP.	Maintaining Zone A of the WCA 3A Regulation Schedule to not exceed the 1960 WCA 3A 9.5 to 10.5 feet NGVD Regulation Schedule is currently identified as a project constraint; however additional relevant information resulting from the WCA Regional Flood Routing Analysis Study (Baseline and Modification Modeling, or BAMM) will be incorporated into planning efforts once the analysis is available in early 2018. Modifications to the WCA 3A Regulation Schedule below Zone A may be included within the scope of COP pending results of BAMM. Operational modifications proposed under COP will be incorporated into the 2012 Water Control Plan and supersede those identified under ERTP if operational modifications are proposed. Input will be sought from the PDT during alternative development for the COP EIS. Please see response to comment FDEP-1 with regard to the current bulleted list of objectives outlined by the Corps for COP. This list has been

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		subsequently updated to be consistent with language previously stated in the authorizing documents for the MWD and C-111 South Dade Projects.
FDEP - 7	The department is particularly concerned about the newly identified objective (1c) of "Adjusting the magnitude of water discharged to ENP to minimize efforts of too much or too little water (Volume)" as this objective may be used to limit restoration flows to ENP for flood protection purposes. The Department suggests that a more appropriate objective is to maintain the current level of flood protection while maximizing ecologically beneficial flows from WCA-3 and through ENP's Shark River and Taylor Sloughs to Florida Bay. One goal of the authorized project was to construct and operate a flood mitigation project for the 8.5 SMA to ensure that restorative flows to ENP's Shark River Slough would not result in diminished or increased flood protection. The Department requests that the Corps conduct an evaluation of historical conditions compared to post mitigation condition for 8.5 SMA to develop an operation plan that maintains pre-mitigation flood control while allowing periodic event driven extreme flows through SRS. The Department is concerned that the level of flood protection for 8.5 SMA has been enhanced despite the construction of the mitigation features which results in damaging high-water stages in WCA-3. The 8.5 SMA project was authorized to provide flood mitigation and COP evaluation needs to be comprehensive in evaluating that the projects is able to provide the required flood mitigation without restricting Everglades restoration flows to ENP.	The 1983 Base Condition identifies the level of flood mitigation for the 8.5 SMA that will be maintained in the COP process; Base 1983 represents the conditions in the 8.5 SMA before MWD was implemented, consistent with the requirements set forth in the 8.5 SMA 2000 GRR Record of Decision. The MWD field test increments were developed based on extensive evaluation of historical operations data, which have been detailed in the corresponding Environmental Assessment reports. The monitoring plans for surface water hydrology and groundwater hydrology for the MWD Incremental Field Tests (refer to Annex 2 of the Increment 2 Monitoring Plan Appendix C) will continue to provide data to assess performance of the 8.5 SMA project components, including S357 and S-357N (pending construction completion), to maintain the surface water and groundwater levels within the project areas of the 8.5 SMA, between the L-357W Levee and the L-31N Levee at the same levels as existed prior to the implementation of any MWD Project components. As included in the original Increment 1 Operational Strategy, Increment 1.1/1.2 and Increment 2 will also implement a testing protocol to assist in defining operating criteria for the new 8.5 SMA S-357N water control structure following completion of construction (currently anticipated in February 2018). Please see response to comment FDEP-1 with regard to the current bulleted list of objectives outlined by the Corps for COP. This list has been subsequently updated to be consistent with language previously stated in the authorizing documents for the MWD and C-111 South Dade Projects.
FDEP - 8	The Department requests that continued attention to water quality is a critical part of COP formulation, and that specific actions to maintain water quality must be implemented as part of the development of COP. The concerns expressed by the Department in previous correspondence focused on the potential for exceedances of the State's phosphorous criterion due to increased flows into Shark River Slough. Other water quality issues must also be addressed during the development of COP, including the uncertainty surrounding the quantity and quality of water to be released to the Everglades Protection Area (EPA). This concern needs to be carefully evaluated in planning for COP including structure operation criterion and water velocity management that could re-suspend sediments (for example: slow opening of S-333 after extended closure).	Thank you for your comment. Water quality is being tracked and evaluated during the ongoing testing phases currently being conducted under the authority of the MWD Project (*i.e.* Increment 1, 1.1, 1.2 and 2). Information gained from the MWD Project operational field test swill be incorporated into COP operations. The Corps agrees that initial operations during the transition from dry season conditions to wet season conditions needs to be carefully managed to address potential resuspension of sediments if the operational conditions allow this to be considered in the operations. In extreme weather events, human health and safety concerns take precedence.
FDEP - 9	Regulatory Authorization: The implementation of COP will modify the operations of water management structure within the Southern Everglades and the South Miami Dade Area. Surface water management, which includes operation, is regulated by the Department under Chapters 373 and 403, Florida Statues. Any modification to the existing system may require a permit prior to implementation. The Department strongly recommends that the Corps initiate discussions with the Department early in the planning process to ensure regulatory concerns are appropriately addressed. As mentioned earlier the Department has issued multiple emergency orders to manage the	Thank you for your comment. The Corps will continue to coordinate with the FDEP to ensure all regulatory concerns are appropriately considered. The Corps agrees that working closely with the FDEP through this process is essential.

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	high water operation deviations of the ECAs and L-29 Canal System. The Department trusts that the development of COP will fully evaluate and address all operating conditions of this project and that the need for unplanned emergency deviations will not continue to be part of the future operating procedures.	
FDEP - 10	The Florida Department of Environmental Protection (Department) appreciates the opportunity to comment, and understand that the substantive details of the project will be addressed in the forthcoming NEPA document. Department staff looks forward to continued participation throughout the planning process. The department would like to reiterate its commitment to the restoration of the Greater Everglades ecosystem and "getting the water right."	Thank you for your comment. The Corps will continue to coordinate with the FDEP throughout the planning process for COP and encourages the FDEP to continue to attend scheduled PDT meetings for this effort. Information will be distributed to Federal and state agencies as well as stakeholders and interested parties of the public through that forum.
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISION (FWC)		
Comment Date: October 24, 2017		
FWC - 1	FWC staff has reviewed the table of state listed species in the project area that was provided in the letter dated September 26, 2017, from USACE to U.S. Fish and Wildlife Service. The FWC staff has compared the information provided by USACE to the "Florida's Imperiled Species Management Plan" (2016), and has provided a list of state threatened (ST) wildlife consistent with the most recent version of the Imperiled Species Management Plan. Mammals Everglades mink (Mustela vison evergladensis, ST) Birds Black skimmer (Rynchops niger, ST} Least tern (Sterna antillarium, ST) White-crowned pigeon (Patagioenas leucocephalus, ST) Little blue heron (Egretta caerulea, ST) Tricolored heron (Egretta tricolor, ST) Reddish egret (Egretta rufescens, ST) Roseate spoonbill (Plata/ea ajaja, ST} Florida sandhill crane (Antigone canadensis pratensis , ST) Southeastern American kestrel (Falco sparverius paulus, ST) A complete copy of the Florida's Imperiled Species Management Plan (2016) can be downloaded from the MyFWC.com website at http://myfwc.com/media/4 l 33 l67/floridas-imperiled-species-management -plan-20 16- 2026 .pdf	Thank you for the updated list of state listed species that have the potential to occur within the project area. This information will be incorporated into the EIS. All practicable means to avoid or minimize potential negative environmental effects to fish and wildlife resources will be incorporated into the proposed action.
FWC - 2	High-water Management Strategy	The Corps recognizes the potential effects of high water stages on fish and wildlife resources within the project area. The project team is currently in the initial stages of planning. The project team will utilize performance measures (*i.e.* depth, distribution, duration of surface flooding etc.) to evaluate alternative plans with regard to potential effects to fish and wildlife

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	The FWC has fish and wildlife and land management responsibilities for the EWMA and has found that hydrology, water depth, and duration of standing water are very important components of wildlife and habitat protection. The FWC has developed a position paper entitled Hydrologic Requirements for the Everglades and Francis S. Taylor Wildlife Management Area dated November 20, 2013 (enclosed). This paper provides biologically based guidance for managing water levels in the Everglades to ensure restoration of fish and wildlife populations, habitat, and diversity so that the goals of the Comprehensive Everglades Restoration Plan (CERP) may be fully realized. FWC staff recommends that the USACE fully incorporates information gained from the emergency and planned temporary deviations that were implemented by USACE in response to extreme high-water conditions in the EWMA. Further, staff recommends that the USACE relies on the biologically based guidance provided in FWC's position paper to develop high-water management strategies that are consistent with this guidance, provides relief for wildlife during periods of extreme high-water, and minimizes recreational impacts.	resources. These performance measures will be developed in conjunction with the PDT. Additional detailed information on performance measures will be provided as plan formulation efforts for COP continue. The provided information will be reviewed and applied as appropriate. All practicable means to avoid or minimize potential negative environmental effects to fish and wildlife resources will be incorporated into the proposed action. The Corps anticipates utilizing lessons learned from the 2016 and 2017 planned and temporary deviations as well as the MWD Project operational field tests (*i.e.* Increment 1, 1.1, 1.2 and 2) in the development of COP.
FWC - 3	Regulation Schedules for WCA-3B and WCA-2A The EWMA includes WCA-2, WCA-2B, WCA-3A, and WCA-3B. WCA-3B contains highly significant natural resources, managed for natural vegetative communities, wildlife and aquatic species, and recreational uses. WCA-3B supports some of the least impacted tree islands remaining in the Everglades ridge and slough landscape and the maintenance of ecologically compatible water levels is important for the wildlife and ecology. FWC staff supports the development of a regulation schedule for WCA-3B that maintains the ecological quality and supports continued recreational uses. The COP bulleted document that was distributed to the PDT acknowledges that the USACE is considering the inclusion of WCA-2 in the COP effort. FWC staff supports incorporating WCA-2A regulation schedule revisions that improve the quantity, timing, and distribution of water to promote more natural patterns of inundation.	COP WCA-3A Regulation Schedule updates will be developed based on existing inflows from WCA-1 and WCA-2A; with limited data available for cultural resources within WCA 1 and WCA 2A and requirements for Tribal consultation, updates to the regulation schedules cannot be completed within the 2016 BO timeline for COP. Changes to the WCA 1 and/or WCA 2A Regulation Schedules may be included in the COP alternative modeling (e.g. sensitivity run prior to the TSP) in order to ensure sufficient flexibility is included in the COP Water Control Plan to accommodate a future WCA-1 and WCA-2A Regulation Schedule study. No additional inflows to WCA 3B will be included under the COP, consistent with modifications to the MWD Project concurrent with development of the Central Everglades Planning Project.
FWC - 4	Expedite Current Projects and Plan for Future Project Components The COP is a critical step towards developing a water control plan that makes full use of the available infrastructure and resources constructed under MWD, CERP, Tamiami Trail Next Steps (TTNS), Central Everglades Project Plan (CEPP), and other Everglades restoration programs.	COP will define water management operations for WCA 3A and WCA 3B outlets, structures in the L-31N and C-111 Basins constructed as part of the C&SF Project and the recently constructed components of the MWD and C-111 South Dade Projects. The project team is currently reviewing baseline assumptions for the purpose of conducting hydrologic modeling to inform alternative evaluations. The existing condition is intended to represent conditions assumed in place at the time of implementation of the COP Water Control Plan in 2019. This base condition will include the following: (1) MWD Increment 1.1 and 1.2; (2) existing C&SF project infrastructure and Regulation Schedules (including 2008 LORS); (3) MWD Tamiami Trail Modifications 1-Mile Bridge and Raised Roadway; (4) Tamiami Trail Next Steps 2.6 Mile Western Bridge; (5) full construction

COMMENTER	AGENCY/PUBLIC COMMENT	U.S. ARMY CORPS OF ENGINEERS (USACE) RESPONSE
	FWC staff recommends utilizing all available resources to expedite the MWD and C-111 projects, including the COP to gain full project benefits as soon as practicable. Expediting the remaining components of MWD and the C-111 projects will facilitate raising the L-29 canal constraint up to the 8.5 feet National Geodetic Vertical Datum (NGVD) and hasten the potential benefits of project implementation. FWC staff also recommends that the COP operations strategy not omit or constrain the role of infrastructure projects scheduled for near-term completion. Project components such as the TTNS 2.6-mile bridge, S-333N, the removal of Old Tamiami Trail, and other restoration features will provide great benefits to preventing and managing high-water conditions in the EWMA.	of C-111 South Dade to include Contracts 8, 8A and 9; (6) 8.5 SMA project features to include C-358 and S-357N; (7) Miami-Dade Limestone Products Association (MD-LPA) 5-mile Seepage Cutoff wall along L-31 North; and (8) current permitted operations for the SFWMD C-111 Spreader Canal project components (includes G-737 and S-199/S-200 at expanded 300 cfs each); and the (9) the expanded capacity at S-333 completed by SFWMD (component of the Central Everglades Planning Project). Potential operational changes considered during plan formulation efforts during COP will take these projects into account as operational criteria and/or constructed infrastructure will be accounted for in the baseline. Changes to the 2012 Water Control Plan will need to subsequently occur as additional components of CERP are implemented. The Corps is working as expeditiously as possible to complete planning efforts related to COP and the completion of associated NEPA documentation in 2019 to include the Final EIS and ROD.
FWC - 5	L-29 Canal Constraint FWC staff continues to support the development of a water control plan that raises the maximum operational limit of the L-29 canal and maximizes ecologically beneficial flows from the EWMA through Northeast Shark River Slough and Taylor Slough to Florida Bay. FWC staff recommends that the COP alleviate all constraints on the L-29 canal stage up to the 8.5 feet National Geodetic Vertical Datum (NGVD) to facilitate maximum sustained discharges from the EWMA to Northeast Shark River Slough and on to Florida Bay. An operational plan that maximizes opportunities to deliver water from the EWMA will help prevent high-water conditions from developing and support high- water management strategies that minimize potential impacts to area wildlife, their habitat, and recreational uses.	One of the objectives of COP is to improve water deliveries into ENP and take the necessary steps to restore natural hydrologic conditions in ENP given current C&SF infrastructure and features. Under the MWD Project Increment 2 Field Test, the November 2017 EA and Proposed FONSI recognized that under the Preferred Alternative (Alternative B), the L-29 Canal would be operated to ensure the stability and safety of Tamiami Trail (U.S. 41) between S-333 and S-334, in accordance with the September 25, 2008 Tamiami Trail Modifications Contract between the Government and the FDOT and subsequent coordination that took place during formulation efforts for Increment 2. Under the Increment 2 Field Test, the L-29 Canal inflow structures (S-333, S-355A/B, and S-356) will be operated with the intention of limiting event durations with L-29 Canal stages above 8.5 feet, NGVD to a target maximum duration of 72 hours. For each water year (May through April), the L-29 Canal inflow structures will be managed to limit the cumulative duration of L-29 Canal stages above 8.3 feet, NGVD to a maximum of 90 days, and the conditions of the Tamiami Trail roadway sub-base and roadway will be continuously monitored. Continued L-29 structure inflows which result in cumulative durations with L-29 Canal stages above 8.3 feet, NGVD for longer than 90 days will require written approval from the FDOT, given evaluation of the monitoring data by FDOT. A separate alternative (Alternative C) that excludes operational constraints identified for the L-29 Canal (*i.e.* limited duration of L-29 Canal stages near 8.5 feet, NGVD to a maximum period of 90 days) was carried forward through the environmental effects analysis in the instance that written approval from FDOT is provided and L-29 Canal constraints are able to be removed for 8.5 SMA flood mitigation during implementation of Increment 2. It is the intent of the Corps to incorporate lessons learned from the above mentioned monitoring data under implementation of Increment 2 and/or new information from future hydrologic modeling conducted during plan formulation efforts for COP to inform potential operational constraints on the maximum stage operating limit in the L-29 Canal. This information is needed to conclusively demonstrate the capability of the completed MWD Project components (including S-357N) to maintain flood mitigation requirements for 8.5 SMA under the raised L-29 Canal maximum operating limit of up to 8.5 feet, NGVD.
SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD)		
Comment Date: October 20, 2017		

COMMENTER	AGENCY/PUBLIC COMMENT	U.S. ARMY CORPS OF ENGINEERS (USACE) RESPONSE
SFWMD - 1	The Jacksonville District, U.S. Army Corps of Engineers (USACE) issued the subject Scoping Notice to gather comments and concerns that will be addressed in a National Environmental Policy Act (NEPA) document for the Combined Operational Plan (COP). The purpose of COP is to define operations for constructed components of the Modified Water Deliveries (MWD) to Everglades National Park (ENP) and the Canal 111 (C-111) South Dade projects, while maintaining the Congressionally-authorized multiple purposes of the Central and Southern (C&SF) Project to include flood control; water supply for agricultural irrigation, municipalities, and industry; regional ground water control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation. A bulleted list of objectives outlined by the USACE for COP includes the following: 1. Improve water deliveries (timing, location, volume) into ENP and take steps to restore natural hydrologic conditions in ENP given current C&SF infrastructure or infrastructure expected to be completed by the time of implementation, to the extent practicable by: a. Changing schedule of water deliveries so that it fluctuates in consonance with local meteorological conditions, including providing for long term and annual variation in ecosystem conditions in the Everglades (Timing). b. Restoring NESRS as a functioning component of the Everglades hydrologic system (Location). c. Adjusting the magnitude of water discharged to ENP to minimize effects of too much or too little water (Volume). 2. Maximize progress toward restoring historic hydrologic conditions in the Taylor Slough, Rocky Glades, & eastern Panhandle of ENP. 3. Protect the intrinsic ecological values associated with WCA 3A and ENP. 4. Minimize the damaging freshwater flows to Manatee Bay/Barnes Sound through the S197 structure and increase flows through Taylor slough and coastal creeks. 5. Include consideration of cultural values and tribal interests and concerns within WCA 3A and ENP. 6. Explore opportunities for enhancing the recovery of federally and state listed species under the Endangered Species Act, consistent with the restoration objectives, the USACE's authorities for MWD and C-111 projects and operational considerations. 7. Explore objectives to enhance opportunity for flood control and mitigation.	Thank you for your comment. Please see response to comment FDEP-1 with regard to the current bulleted list of objectives outlined by the Corps for COP. This list has been subsequently updated to be consistent with language previously stated in the authorizing documents for the MWD and C-111 South Dade Projects.

COMMENTER	AGENCY/PUBLIC COMMENT	U.S. ARMY CORPS OF ENGINEERS (USACE) RESPONSE
	The South Florida Water Management District (District) appreciates the opportunity to comment, and understands that the substantive details of the operating plan will be addressed in the forthcoming NEPA document.	
SFWMD - 2	The pre-storm QPF criteria in the FDOT agreement with the USACE specifies stage limits in the L-29 Canal which reduces flows to NESRS. New groundwater wells and soil moisture sensors will be installed soon to understand the effects of water in the L-29 Canal to the Tamiami Trail Subbase. Analysis of monitoring data will support revision of the FDOT-USACE agreement. The revised USACE-FDOT agreement needs to have clear and actionable criteria to operate the L-29 Canal. In addition, the resulting changes to the water control plan need to balance the goal of conveying water from WCA 3A to ENP and ensuring the South Dade Conveyance System can continue to provide flood protection to privately owned land in the L-31N and C-111 Basins.	Please see response to FWC-5 above. It is the intent of the Corps to incorporate lessons learned from monitoring data conducted under implementation of Increment 2 and/or new information from future hydrologic modeling conducted during plan formulation efforts for COP to inform potential operational constraints on the maximum stage operating limit in the L-29 Canal. This information is needed to conclusively demonstrate the capability of the completed MWD Project components (including S-357N) to maintain flood mitigation requirements for 8.5 SMA under the raised L-29 Canal maximum operating limit of up to 8.5 feet, NGVD. Following installation of the new groundwater wells and evaluation of the data, the Corps will coordinate with FDOT to update the requirements of the Relocation Agreement, if supported by the data. The project team is currently in the initial stages of planning and has identified planning objectives and constraints. Planning objectives describe what the project is intended to accomplish. A constraint is a restriction that limits the extent of the planning process. Alternative plans will be formulated to meet project objectives while avoiding violations of project constraints. Implementation of COP is anticipated to increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP while maintaining the authorized purposes of the C&SF Project to include the MWD Project, C-111 South Dade Project and CERP. Planning constraints have been identified to include, but are not limited to, maintaining the level of flood damage reduction associated with the 1994 C-111 GRR Recommended Plan and maintaining required flood mitigation for 8.5 SMA.
SFWMD - 3	COP is the opportunity to eliminate Column 2 operations. Column 2 operations were an interim solution developed during IOP prior to construction of the detention areas and are archaic. Instead of Column 2, the District's South Dade Study recommended seasonal operations for the S-332B and S-332C pump stations identifying a range to maintain the L-31N Canal and allow the transition from the dry to wet season and from wet to dry season conditions. The seasonal operations were shown to be beneficial to prolonging hydroperiods during the dry season in the ENP and support agricultural production which begins at the end of the wet season. The District is very interested in including seasonal operations in the alternative development. These are a valid and proven operating strategy to replace Column 2 operations.	Concur that the intent in COP is to eliminate Column 2 operations. With each incremental testing operational strategy, the Corps has made systematic adjustments that allow for the reduction of Column 2 flows as additional construction features have been brought online. During the development of COP, the Corps will continue to incorporate new operational strategies to achieve the project goals of delivering more water to NESRS while maintaining an adequate level of flood mitigation for the adjacent 8.5 SMA properties. COP will consider and evaluate alternatives which eliminate Column 2 operations and WCA 3 A high water discharges into the South Dade Conveyance System (SDCS). The COP selected plan will be the alternative which best achieves the project objectives while adhering to the project constraints. Refer also to the response to FDACS-2.
SFWMD - 4	There is a need to evaluate COP on a broader and more comprehensive scale while meeting the original objectives of both the MWD and C-111 South Dade Projects. COP alternative evaluation should consider ongoing and future State and Federal restoration efforts. The broader more comprehensive evaluation should include re-evaluating inflows and outflows of WCA 3 and features that have been or will be constructed by Federal and State agencies such as the Tamiami Trail Next Steps Phase I project, Old Tamiami Trail Removal, S333N, Biscayne Bay Coastal Wetlands. The evaluation should include components for the South Dade C&SF flood protection, conditions in Water Conservation Areas (WCA) 1, 2 and 3, and flood mitigation for the 8.5 Square Mile Area (SMA), L-31N and C-111 Basins.	COP WCA-3A Regulation Schedule updates will be developed based on existing inflows from WCA-1 and WCA-2A; with limited data available for cultural resources within WCA 1 and WCA 2A and requirements for Tribal consultation, updates to the regulation schedules cannot be completed within the 2016 B.O. timeline for COP. Regulation schedule changes for WCA-1 and WCA-2 will not be included in the COP, however, COP modeling will include sensitivity runs in order to ensure sufficient flexibility is included in the COP Water Control Plan to accommodate a future WCA-1 and WCA-2A Regulation Schedule study.

COMMENTER	AGENCY/PUBLIC COMMENT	U.S. ARMY CORPS OF ENGINEERS (USACE) RESPONSE
	Current regulation schedules for WCA 1 and WCA 2A have known shortcomings resulting in documented impacts to the observed system and shown in planning studies over the last several years. In WCA 1, a range of hydrologic stage conditions are needed to sustain a healthy landscape, but prolonged high water conditions risk transport of higher nutrient and high hardness water into the marsh interior, which would otherwise optimally remain a low-nutrient, soft water environment. In WCA-2A significant loss of habitats including a 90% reduction in the aerial extent of tree islands, a loss of ridge and slough microtopography, and a lack of good foraging and breeding habitat for wading birds have been observed. Since WCA 1 and WCA 2A are centrally located in the South Florida water management system, a number of upstream and downstream considerations should also be made. In both cases, upstream projects including the District's Restoration Strategies program will result in changed inflow timing relative to those assumed when the current WCA regulation schedules were developed. Additionally, the regulatory decisions associated with WCA-1 and WCA-2A will directly influence the ability for downstream systems (WCA 3A or WCA-3B) to achieve desired outcomes. For example, attempts in the last several years to meet the current WCA-2A regulation schedule have produced large dry season reversals downstream in WCA-3A during critical periods in the wading bird breeding season.	
SFWMD - 5	One goal of the authorized MWD project was to construct and operate a flood mitigation project for the 8.5 SMA to ensure that restorative flows to ENP's Shark River Slough would not result in diminished or increased flood protection. To this end, the USACE needs to ensure evaluation of 8.5 SMA mitigation features during the NEPA analysis accurately reflects future performance and adjustments to the COP does not compromise maximizing flows from WCA 3 to ENP. In addition, structural modifications to 8.5 SMA mitigation features should be identified and implemented if providing flood mitigation to 8.5 SMA constrains the stages or flows in NESRS. This same is true for evaluating the performance of the newly constructed C-111 South Dade features, their operation, which may not begin until 2018 wet season, and the need for potential modification of its features. To this end, the USACE needs to ensure evaluation of the C-111 detention areas during the NEPA analysis accurately reflects future performance of COP and does not compromise maximizing flows from WCA 3 to ENP.	The 1983 Base Condition identifies the level of flood mitigation for the 8.5 SMA that will be maintained in the COP process; Base 1983 represents the conditions in the 8.5 SMA before MWD was implemented, consistent with the requirements set forth in the 8.5 SMA 2000 GRR Record of Decision. The MWD field test increments were developed based on extensive evaluation of historical operations data, which have been detailed in the corresponding Environmental Assessment reports. The monitoring plans for surface water hydrology and groundwater hydrology for the MWD Incremental Field Tests (refer to Annex 2 of the Increment 2 Monitoring Plan Appendix C) will continue to provide data to assess performance of the 8.5 SMA project components, including S357 and S-357N (pending construction completion), to maintain the surface water and groundwater levels within the project areas of the 8.5 SMA, between the L-357W Levee and the L-31N Levee at the same levels as existed prior to the implementation of any MWD Project components. As included in the original Increment 1 Operational Strategy, Increment 1.1/1.2 and Increment 2 will also implement a testing protocol to assist in defining operating criteria for the new 8.5 SMA S-357N water control structure following completion of construction (currently anticipated in February 2018). The COP will establish an operational plan for the completed infrastructure of the MWD and C-111 South Dade projects. If supported by the project schedule, evaluation of structural modifications within 8.5 SMA may also be conducted concurrent with development of the COP; these evaluations may be supported by hydrologic modeling conducted by the ENP and SFWMD, independent of the COP process.
SFWMD - 6	The District recommends that COP includes operations responsive to unforeseen meteorological conditions to avoid, minimize or eliminate the need State issued Emergency Orders for High Water Conditions. This will	Operational flexibility was included within the November 2017 Increment 2 EA and Proposed FONSI to allow for a rapid response to extreme high water levels in WCA 3A as a result of the numerous emergency and planned temporary deviations

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	reduce the frequency of high water emergency orders and subsequent operation adjustments not covered in the water control manual.	conducted in 2016 and 2017. It is the intent of the Corps to include operational flexibility as appropriate during plan formulation efforts for COP to prevent the need for expedited and/or emergency actions in the future.
SFWMD - 7	It in the interest of the District and FDEP to ensure operations are in place to achieve the objectives of the CERP projects. The CERP Biscayne Bay Coastal Wetlands Project - Phase 1 is nearly complete and planning for Phase 2 will begin soon. This is the opportune time to consider directing flows to enhance salinities in Biscayne Bay. Although the coastal water control structures are not part of this water control plan, the divide structures are included.	Potential environmental effects to Biscayne Bay will be evaluated within the NEPA document as this area is adjacent to those structures considered under COP. COP will define operations for the completed features of the MWD and C-111 South Dade Projects, and as stated does not include the coastal water control structures associated with the Biscayne Bay Coastal Wetlands Project. Opportunities to adjust operations in the SDCS to enable additional flows to Biscayne Bay during the dry season may be explored if compatible with the identified project objectives and constraints, as previously considered with the 2015-2016 SFWMD South Dade Investigation and the Increment 1.1 and 1.2 field test.
PUBLIC (ENVIRONMENTAL STAKEHOLDERS AND PRIVATE CITIZENS)		
REEF ENVIRONMENTAL EDUCATION FOUNDATION (REEF)		
Comment Date: October 11, 2017		
LAD ATKINS (REEF) - 1	The lifestyle and economy of the Florida Keys are intrinsically linked to the health of the Everglades National Park and Florida Bay. Clean water to sustain the ecosystem is key. Restoration projects to benefit Everglades National Park and the Florida Keys have been under construction for many years, paid for by significant taxpayer investment. Now, writing an operations plan for how to use these projects is the critical next step. This is the time to achieve the ecosystem benefits we desperately need in the Keys. Please ensure that protecting the waters of the Southern Everglades and Florida Bay is the top priority for operating restoration projects in South Miami-Dade! These projects include the Modified Water Deliveries (MWD), C-111 South Dade, and C-111 Spreader Canal projects, which will be guided by the Combined Operation Plan (COP) currently under construction by the U.S. Army Corps of Engineers and other state and federal agencies. As a member of the Florida Keys community, responsible operation of these projects to maximize restoration benefits for the Everglades and Florida Bay is important to me.	Thank you for your comment. Implementation of COP is anticipated to increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. The Corps is committed to implementing COP in order to continue progress in Everglades restoration. Implementation of the Proposed Action is anticipated January 2020 following completion of the necessary NEPA documentation including the Final EIS and ROD.
NATIONAL PARKS CONSERVATION ASSOCIATION (NPCA)		
Comment Date: October 20, 2017		
NPCA - 1	The National Parks Conservation Association (NPCA) has long supported efforts to restore Everglades National Park (ENP) and Florida Bay. We have re-	Thank you for your comment. Implementation of COP is anticipated to increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. The Corps is committed to implementing COP in order to continue progress in Everglades restoration.

COMMENTER	AGENCY/PUBLIC COMMENT	U.S. ARMY CORPS OF ENGINEERS (USACE) RESPONSE
	mained actively involved in the planning processes for Modified Water Deliveries (MWD) to ENP, C-111 Spreader Canal, and the C-111 South Dade Project. After decades of work, it is finally time to flip the "on" switch and operate these plans to the maximum benefit of the ecosystem. Executing the Combined Operations Plan (COP) will bring restoration planning into on-the-ground reality. NPCA asserts that the COP must utilize restoration infrastructure to the maximum ecological benefit of Everglades National Park and Florida Bay. As the scoping of COP moves forward, we urge the agencies to ensure that the charter mission of ecosystem restoration remain the primary focus and goal of your cumulative efforts.	Implementation of the Proposed Action is anticipated in January 2020 following completion of the necessary NEPA documentation including the Final EIS and ROD.
NPCA - 2	Specifically, the COP must ensure that key operational targets outlined in the original project documents are met, including: eliminated use of the S-197 structure and associated harmful discharges, increased canal stages of the C-111 at S-18C, and increased water to restoration levels in ENP and Florida Bay. COP must also set the stage for additional restoration benefits to come with projects that are currently in the works. These include construction of the Central Everglades Plan (CEPP), particularly CEPP South components, additional bridging of Tamiami Trail, and the Everglades Agricultural Area (EAA) Reservoir. Together, these projects will create a network of restoration infrastructure for ENP and Florida Bay. The U.S. Department of the Interior has invested millions of taxpayer dollars for the direct benefits to ENP that must now be achieved. ENP is the anchor of the federal interest in the South Dade system. We must get the water right and make good on the investment that has been funded by Americans for the national park that is owned and valued by all.	A stated goal of the 1994 C-111 South Dade GRR and EIS includes the reduction of damaging freshwater discharges to Manatee Bay and Barnes Sound while maintaining flood protection to agricultural lands east of the C-111 Canal. Goals also include the extension of hydroperiods within the ENP Eastern Panhandle, and the promotion of additional overland flows across the ENP Eastern Panhandle towards northeast Florida Bay. Implementation of COP is anticipated to increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP by defining operations for the completed components of the MWD and C-111 South Dade Projects. Implementation of the MWD operational field tests (*i.e.* Increment 1, 1.1, 1.2 and 2) included operational criteria that increased the potential for additional low volume releases at S-197. This additional operational flexibility was included within the MWD operational field tests due to uncertainty resulting from increased stages in NESRS and the potential for increased seepage to the L-31N Canal south of S-331. It is the intent of the Corps to re-evaluate operational criteria previously defined for this structure during COP. The SFWMD has implemented features of the C-111 Spreader Canal Western Project under the State Expedited Construction program (i.e. Accelerate Everglades Restoration Project [Acceler8]) for the purpose of expediting design and construction of a number of critical restoration projects consistent with the CERP. A Department of Army permit (SAJ-2005-9856 [IP-AAZ]) was issued to the SFWMD on October 14, 2009 for the construction and operation of the project. Initial construction of the C-111 Spreader Canal Western Project was completed in January 2012 with completion of the Frog Pond Detention Area, partial Aerojet Canal features, plugs in the C-110 Canal, and a plug at S-20A. Construction of the remaining two southern weirs along the Aerojet Canal began in November 2014 and was completed in early 2015. Construction of a new water control structure in the lower C-111 Canal (i.e. S-198, which would be located south of S-18C) and incremental increases in the open/close stage triggers at S-18C have not yet been implemented. The SFWMD initiated operation of the C-111 Spreader Canal Western Project constructed components in June 2012, in accordance with the Project Operating Manual (POM) developed with the PIR. At the request of SFWMD, a revised POM was approved in June 2016. Steps will be taken in the future to incorporate the project into the federally authorized C&SF Project once the project's consistency with the 2014 WRRDA authorized project has been documented and approved by the Corps, and a Project Partnership Agreement (PPA) between the Corps and SFWMD has been executed. Pending execution of the PPA, operation of the C-111 Spreader Canal Western Project is not included as part of the 2012 WCAs, ENP, and ENP to SDCS Water Control Plan (hereafter referred to as the 2012 Water Control Plan) (USACE 2012c) or within the scope of COP. The SFWMD will continue to operate their expedited C-111 Spreader Canal Western Project. Consistent with the requirements of the February 2017 re-issued C-111 Spreader Canal regulatory permit from the Corps, the SFWMD is

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		continuing to assess south Miami-Dade water conditions and existing operations, including those of the C-111 Spreader Canal Project, on a quarterly basis for a minimum of five years to ensure project features are constructed and operated not to adversely affect adjacent lands outside and within the C-111 Spreader Canal Western Project boundary with regards to water quantity, water quality, and/or flooding. The purpose of the assessment and quarterly reports are to ensure the SFWMD has the best available information to determine what operational system changes, if any, are necessary to avoid adverse water levels on adjacent lands. It is presently anticipated that additional information generated from the ongoing SFWMD monitoring within the C-111 Spreader Canal Western Project area will be considered during development of the COP.
Bonefish & Tarpon Trust		
Comment Date: October 20, 2017		
ROSS BOUCEK (BTT) - 1	My name is Ross Boucek, Florida Keys Initiative Manager of the Bonefish & Tarpon Trust (BTT), and I am submitting this letter on behalf of BTT. BTT appreciates the opportunity to provide our perspective on Everglades restoration, particularly in terms of how we will operate projects in the Southern Everglades. Restoration projects to improve the conditions of the Southern Everglades and Florida Bay, including Modified Waters Deliveries (ModWaters), C-111 South Dade, and C- 111 Spreader Canal, have been in the works for decades. Now it is finally time to turn these projects on, executing the Combined Operations Plan (COP), and maximize the ecological benefits they provide to Everglades National Park and Florida Bay. BTT is a 20 year old science-based conservation organization that is focused on improving management of coastal fisheries and the habitats upon which the fisheries depend. Though our focus is on the fish species that comprise the flats fishery – Bonefish, Tarpon, Permit, and even Snook – our science and conservation work also applies to other coastal species and fisheries. Indeed, we regularly collaborate with state and federal resource management agencies, sharing our data to help improve management. We are also an angler-based organization in that we engage and represent the tens of thousands of people who participate in and rely upon the recreational fisheries for their livelihood. The epicenter of the failure to enact Everglades restoration is Florida Bay. Florida Bay's ongoing collapse arises from failure to deliver adequate quantities of clean freshwater to the Bay via the Everglades in the appropriate locations at appropriate times. It is bitterly ironic that a similar crisis in the Bay – 30 years ago – provided much of the impetus for federal and state restoration authorization in 1988 (the East Everglades Act) and later in 2000 with the Comprehensive Everglades Restoration Plan (CERP). Despite years of study and planning, and expenditure of millions of dollars of public funds, Florida Bay is likely worse today than in 1985. This state of affairs is unacceptable and BTT urges you to develop a COP that accelerates actions to restore the Bay before it passes an ecological tipping point from which it may never recover.	A stated goal of the 1994 C-111 South Dade GRR and EIS includes the reduction of damaging freshwater discharges to Manatee Bay and Barnes Sound while maintaining flood protection to agricultural lands east of the C-111 Canal. Goals also include the extension of hydroperiods within the ENP Eastern Panhandle, and the promotion of additional overland flows across the ENP Eastern Panhandle towards northeast Florida Bay. Implementation of COP is anticipated to increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP by defining operations for the completed components of the MWD and C-111 South Dade Projects. The project team is currently in the initial stages of planning. The project team will utilize performance measures (*i.e.* depth, distribution, duration of surface flooding etc.) to evaluate alternative plans with regard to potential effects to fish and wildlife resources within WCA 3, ENP and Florida Bay. At this time, a performance measure has been previously developed for Florida Bay that evaluates potential changes in salinity as a result of stage in the upstream marsh. In addition, the project team has initially identified the desire to utilize other available tools to evaluate potential environmental effects to Florida Bay including the use of a suitability model for seagrass and spotted juvenile sea trout. These tools as well as output from the regional hydrologic modeling will be used in the alternative effects evaluation in documenting potential effects on Florida Bay. The Corps concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay and is committed to implementing COP in order to continue progress in Everglades restoration. The Corps intends to pursue an open and public process during COP planning efforts, engaging Members of the public will be able to attend regularly scheduled PDT team meetings and continue to provide public comment through that forum. Public meetings are also anticipated to be held prior to release of the Draft EIS. Information on the project to include announcement for PDT meetings can be obtained from the following website: http://www.saj.usace.army.mil/Missions/Environmental/Ecosystem-Restoration/G-3273-and-S-356-Pump-Station-Field-Test/

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	We are concerned that Everglades restoration inadequately considers coastal fish and habitats in water management plans. Too often, water budgets are presented as annual totals and reduction in nutrients. From a fish and habitat perspective, changes in the timing, amount, and location of freshwater flows are just as important as reduction in nutrient load. Indeed, even if pristine freshwater was being discharged from Lake Okeechobee into the rivers, the ecological damage would be same. In other words, restoration must aim to restore the spatial and temporal patterns of freshwater flows into South Florida estuaries as well as address the nutrient load issues. Our comments are also presented from multiple perspectives. In the 1980's BTT's Vice Chairman, Bill Horn, served as Assistant Secretary of the Interior for Fish, Wildlife and Parks and was engaged in negotiations to provide more timely water flows to the Bay via Taylor Slough as well as the work that produced the Modified Water Deliveries authorization in 1988. In 2007-2010 our Vice Chairman had the honor of serving two terms on the Committee on Independent Scientific Review of Everglades Restoration Progress, contributing to the 2008 and 2010 Biennial Review reports. And for 40 years, Bill has avidly fished the Florida Keys and Florida Bay in pursuit of bonefish and tarpon. It is extremely frustrating that 30 years after we learned of the need for better water management in South Florida, it still hasn't occurred at a scale sufficient to keep Florida Bay, the Caloosahatchee River, and the St. Lucie River healthy let alone restored. As anglers, policy makers and scientists, it has been devastating to watch fisheries collapse when all knowledgeable observers know what needs to be done to restore water quality in the Bay. Florida Bay was once home to a robust bonefish fishery. Bonefish is a highly prized sport fish which is stalked in clear shallow waters, and released unharmed after an exciting catch. Following the Bay's mid-80's crisis, the bonefish population began to slide, the decline accelerating in 1999. The population hasn't recovered. Tarpon and Snook have also suffered from the lack of Everglades restoration. These species rely upon the entire habitat mosaic of South Florida – from backwater mangrove swamps to mangrove shorelines, seagrass beds, and sandy beaches. This demonstrates how Florida Bay's ecological decline has impacted Tarpon, also a catch and release species. From Cape Sable and Flamingo south to Rabbit Key Basin and Buchanan Bank, big migratory Tarpon (Megalops Atlanticus) filter into the Bay every spring as part of the spawning run to the Atlantic waters off the Keys. Anglers and guides pursue the silver kings and routinely catch fish topping 100 pounds on fly rods. After the	

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	problems of the mid-80's, tarpon largely abandoned the Sandy Key Basin, which was a historic hot spot for the big silver fish, and similar abandonment is occurring in other locations. Inland, the tarpon use heavily Whitewater Bay and the Shark River complex. These Everglades waters host the full spectrum of Megalops Atlanticus from one pound juveniles to 150 pound matriarchs. Long term changes in water flows and salinity levels in these waters could put at risk the greatest remaining juvenile tarpon habitat in all of Florida. As you might guess from our descriptions, the flats fishery is economically important. In the Florida Keys, the flats fishery has an annual economic impact of $465 million. The flats fishery is the major component of the recreational fishery in the Everglades region, which is worth nearly $1 billion annually. Restoration is essential to bringing these fish populations back to their historic levels. It is widely recognized that failure to significantly increase freshwater flows to the Bay via Shark River and Taylor Slough is the primary cause of the Florida Bay crisis. The lack of water coming through the entire Everglades system creates hyper saline conditions that are death to a variety of important seagrasses. Large scale die offs of these grasses release excessive nutrients spurring algal blooms turning usually clear waters a sick pea soup green. Increased turbidity kills more grass, releasing more nutrients creating a death spiral. Vast swaths of previously healthy seagrass beds are now barren reaches of mud and silt, and recent observations show that these barren bottoms are eroding in some locations. Demise of the grass kills the benthic organisms that live their depriving forage fish of their food source. The loss of the forage fish causes the predatory game fish to leave too. It is an ecological and economic calamity. The COP must utilize restoration infrastructure to maximize ecological benefits to Everglades National Park and Florida Bay. As the scoping of COP continues, we urge the agencies to ensure that the founding mission of ecosystem restoration is the primary focus and goal of your efforts. We also ask that members of the Florida Keys community, who will be directly impacted by the potential impacts of these projects and the benefits they provide to Florida Bay, be fully engaged in the COP planning process.	
EVERGLADES COALITION (EC)		
Comment Date: October 20, 2017		
MARK PERRY & MICHAEL J. BALDWIN (EC) - 1	On behalf of its 61 member organizations committed to the protection and restoration of America's Everglades, the Everglades Coalition submits these comments on the scoping assessment for the Combined Operational Plan	A stated goal of the 1994 C-111 South Dade GRR and EIS includes the reduction of damaging freshwater discharges to Manatee Bay and Barnes Sound while maintaining flood protection to agricultural lands east of the C-111 Canal. Goals also include the extension of hydroperiods within the ENP Eastern Panhandle, and the promotion of additional overland flows across the ENP Eastern Panhandle towards northeast Florida Bay. Implementation of COP is anticipated to increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the

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	(COP), to define operations for the constructed features of the Modified Water Deliveries (MWD) to Everglades National Park (ENP), C-111 Spreader Canal, and C-111 South Dade Projects. We understand that the COP will result in a comprehensive, integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 projects. The Everglades Coalition and its member organizations have long advocated for the planning, funding, and construction of these critical projects to advance ecological restoration of the Southern Everglades and Florida Bay. MWD is a project initiated and funded by the National Park Service with the primary intention to benefit ENP, with ancillary goals for South Dade agriculture. The C-111 Spreader Canal and South Dade Projects seek to further correct the damage inflicted to Florida Bay and ENP by the C&SF Flood Control Project by reestablishing the hydrologic flow between Taylor Slough and Shark River Slough. Just like MDW, these projects keep the water in the natural areas and away from South Dade. We appreciate the work by state and federal agencies that has resulted in the restoration infrastructure that is on the ground today and look forward to remaining engaged stakeholders through the COP planning process. Finalizing the COP will be the realization of decades of work and millions of dollars in taxpayer investment by the American people to benefit Everglades National Park and Florida Bay. As such, maximizing ecological benefits to the Southern Everglades must be the primary focus of the COP. Specifically, the final plan should: 1. Eliminate the use of the S-197, as identified in the project documents. 2. Increase the canal stages of the C-111 at S-18C, as stated in the project documents. 3. Achieve restoration of water levels in ENP and Florida Bay, as stated in project documents. 4. Set the stage for more water deliveries to ENP and Florida Bay in anticipation of the Central Everglades Plan (CEPP), as planned in CERP. 5. Work to reduce harmful discharges to Barnes Sound and Manatee Bay. With a completed network of restoration and flood control infrastructure in place, the COP can outline a plan to move away from damaging emergency operations that continue to harm the Greater Everglades ecosystem. Instead, we can rely on the restoration infrastructure that has long been planned to	Rocky Glades, and the eastern panhandle of ENP by defining operations for the completed components of the MWD and C-111 South Dade Projects. Implementation of the MWD operational field tests (*i.e.* Increment 1, 1.1, 1.2 and 2) included operational criteria that increased the potential for additional low volume releases at S-197. This additional operational flexibility was included within the MWD operational field tests due to uncertainty resulting from increased stages in NESRS and the potential for increased seepage to the L-31N Canal south of S-331. It is the intent of the Corps to re-evaluate operational criteria previously defined for this structure during COP. The SFWMD has implemented features of the C-111 Spreader Canal Western Project under the State Expedited Construction program (i.e. Accelerate Everglades Restoration Project [Acceler8]) for the purpose of expediting design and construction of a number of critical restoration projects consistent with the CERP. A Department of Army permit (SAJ-2005-9856 [IP-AAZ]) was issued to the SFWMD on October 14, 2009 for the construction and operation of the project. Initial construction of the C-111 Spreader Canal Western Project was completed in January 2012 with completion of the Frog Pond Detention Area, partial Aerojet Canal features, plugs in the C-110 Canal, and a plug at S-20A. Construction of the remaining two southern weirs along the Aerojet Canal began in November 2014 and was completed in early 2015. Construction of a new water control structure in the lower C-111 Canal (i.e. S-198, which would be located south of S-18C) and incremental increases in the open/close stage triggers at S-18C have not yet been implemented. The SFWMD initiated operation of the C-111 Spreader Canal Western Project constructed components in June 2012, in accordance with the Project Operating Manual (POM) developed with the PIR. At the request of SFWMD, a revised POM was approved in June 2016. Steps will be taken in the future to incorporate the project into the federally authorized C&SF Project once the project's consistency with the 2014 WRRDA authorized project has been documented and approved by the Corps, and a Project Partnership Agreement (PPA) between the Corps and SFWMD has been executed. Pending execution of the PPA, operation of the C-111 Spreader Canal Western Project is not included as part of the 2012 WCAs, ENP, and ENP to SDCS Water Control Plan (hereafter referred to as the 2012 Water Control Plan) (USACE 2012c) or within the scope of COP. The SFWMD will continue to operate their expedited C-111 Spreader Canal Western Project. Consistent with the requirements of the February 2017 re-issued C-111 Spreader Canal regulatory permit from the Corps, the SFWMD is continuing to assess south Miami-Dade water conditions and existing operations, including those of the C-111 Spreader Canal Project, on a quarterly basis for a minimum of five years to ensure project features are constructed and operated not to adversely affect adjacent lands outside and within the C-111 Spreader Canal Western Project boundary with regards to water quantity, water quality, and/or flooding. The purpose of the assessment and quarterly reports are to ensure the SFWMD has the best available information to determine what operational system changes, if any, are necessary to avoid adverse water levels on adjacent lands. It is presently anticipated that additional information generated from the ongoing SFWMD monitoring within the C-111 Spreader Canal Western Project area will be considered during development of the COP.

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	move water in a way that is both beneficial to the natural system and protective of stakeholders in Miami-Dade County. We look forward to remaining engaged through the COP planning process and appreciate the opportunity to provide comments on the scope of this effort. Thank you for your consideration.	
LAKE WORTH WATERKEEPER (LWWK)		
Comment Date: October 21, 2017		
REINALDO DIAZ, J.D. (LWWK) - 1	We write in response to the public comment request regarding the COP for the MWD and C-111 SD Projects. Simply stated: Everglades' restoration is a concern for the entire state. A healthy Everglades has long reaching effects felt throughout its surrounding areas. Our health, lifestyle, and tourism industry all benefit from a healthy Everglades. Tourism is clearly a major driver of our GDP. In 2014, over 97 million people visited our state bringing $82 billion with them (1). $4.9 billion was collected as sales tax. *Id*. 1,145,800 Floridians were employed in the tourism industry. *Id*. Here in Palm Beach County, tourism is among our major industries bringing in $7 billion and supporting 60,000 plus tourism related jobs(2). And it's no secret that the vast majority of these tourists come here for our beaches. Despite this, it seems that decisions are being made with little to no consideration for our community's dependence on this industry. Through the Water Resource Development Act (WRDA) of 2000's *savings clause* big agriculture (predominantly big sugar) is given the highest priority in water management (3). Water contaminated with bacteria, and harmful algae promoting nutrients is pumped into Lake Okeechobee to protect the massive monoculture farms. But eventually, this water moves through our community and reaches our beaches. Bringing unsightly dark brown and dirty water that turns tourists off of our beaches, prevents them from scuba diving our reefs, or ruins their fishing day. • 1 VISIT FLORIDA: TOURISM FAST FACTS, https://www.visitflorida.org/about-us/what-we-do/tourism-fast-facts/ (last visited Oct. 20, 2017). • 2 PBC TOURIST DEVELOPMENT COUNCIL: ABOUT US, http://discover.pbcgov.org/touristdevelopment/Pages/default.aspx (last visited Oct. 20, 2017). • 3 Water Resources Development Act of 2000 Section 601(h) (5) Savings Clause. Our water is a way of life. Much like how agriculture is engrained into the culture of the interior communities: boating, diving, fishing, surfing, etc.	Thank you for your comment. The Corps recognizes that tourism is a major driver to the Florida economy and HAB events are not desirable for tourism. The estuaries/beaches major source of nutrients and fresh water is from local runoff over the long term. Lake Okeechobee, while contributing a portion of the nutrient loading to the estuaries, has one of the lowest average nutrient concentration averages for the sources to the estuaries. The Corps agrees that reducing nutrient loading and freshwater pulses (which Lake Okeechobee contributes to) to the estuaries would help reduce HAB potential and works closely with the State and local government agencies to best manage the system under current constraints. Having a greater storage capacity for fresh water storage throughout the system will give the water managers more options to better manage high freshwater discharges to the estuaries from Lake Okeechobee. One of the main items needed is greater storage capacity, which is expected to improve as many projects come on like. High continuous freshwater discharges to the estuaries from all sources increase risk of HAB events. Extreme rainfall events leave few options if all storage areas are full as happened during the 2017 and 2016 WY. Recent study conducted by Martin County involved sampling for conservative tracers, within the St Lucie estuary, associated with sanity waste (i.e. septic tanks) during suspension of Lake O flows to the estuary. It was determined that the conservative tracers associated with sanitary wastes came from local runoff not Lake Okeechobee. The Corps is working closing with State and Federal Agencies to find better coping strategies to minimize HAB risk. While the Corps is concerned with water quality issues, it does not have the authority to control or reduce nutrient inputs to Lake Okeechobee or nutrient discharges from local runoff.

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	defines the culture of the coastal communities. This is the lifestyle that we like to share with tourists. But it is severely compromised by dirty water. Our health is impacted when exposed to the bacteria and harmful algae brought by this dirty water. Many of the contaminants associated with farm runoff have been linked to degenerative diseases and even death. For example, cyanobacteria thrives on the nutrients in the water that is pumped into Lake Okeechobee. When its overabundance reaches a bloom, cyanobacteria kills wildlife, most notoriously with massive fish kills. In addition, cyanobacteria produce a number of cyanotoxins, leading to serious immediate health concerns that require water closures. Cyanobacteria can also produce beta-Methylamino-L-alanine (BMAA), a substance that is a suspected causal link to a number of serious neurodegenerative diseases including Alzheimer's, Armyotrophic Lateral Sclerosis (ALS), and Parkinson's disease(4). This is hardly the environment we want to sell to our community. Residents and tourists alike come here for clean, clear beaches. So we are asking the USACE to consider our needs in this water management plan. Let us be clear, this is by no means an attack on the interior communities surrounding Lake Okeechobee that depend on the agriculture industry. Rather, we are asking to have the coastal community's needs considered fairly and balanced with the needs of the agricultural community. If the priority that is given to big agriculture is a matter of current convoluted policy, then we need to have a dialogue to begin the change of this policy. There is no reason to maintain the status quo if it does not benefit the state's interest. For too long big agriculture has been given top priority in water management at the expense of the surrounding communities. A balance needs to be found, to safeguard our health, lifestyle, and industry.	
FLORIDA KEYS FISHING GUIDES ASSOCIATION INC. (FKFG)		
Comment Date: October 17, 2017		
CAPT. STEVE FRIEDMAN, COMMODOR (FKFG) - 1	Everglades National Park and Florida Bay are incredible environmental and economic resources for those of us who live and work in the beautiful Florida Keys. For years, the health of the Southern Everglades and Florida Bay have been in decline, impacting the coral reef ecosystems and fish populations that sustain our fishing, diving, and other water based businesses – the backbone of Monroe County's $2.7 billion tourism economy. Restoration projects to improve the conditions of the Southern Everglades and Florida Bay have been planned for decades. Now, the Combined Operational Plan (COP) will see guidelines for how the agencies operate the projects that will restore Everglades National Park, including the Modified	Thank you for your comment. Implementation of COP is anticipated to increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. The Corps is committed to implementing COP in order to continue progress in Everglades restoration. Implementation of the Proposed Action is anticipated in 2019 following completion of the necessary NEPA documentation including the Final EIS and ROD. Please refer to comment BTT-1 for information related to potential tools the Corps will utilize to evaluate potential effects to Florida Bay. The Corps concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay.

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	Water Deliveries (MWD), C-111 South Dade, and C-111 Spreader Canal projects. We understand that the Army Corps and its partner agencies are accepting public comment on the scope of this operations plan. As fishing guides and members of the Florida Keys community, we strongly assert that restoration projects must maximize ecological benefits to Everglades National Park and Florida Bay. We live and work in the heart of the ecosystem and understand firsthand the damage that has been done. Our fisheries, wildlife and important habitats continue to be plagued by lack of freshwater flow. The hyper-salinity events and seagrass die-offs are too much for this ecosystem to handle. We must give it a chance to come back. Now is the time to complete these projects. Florida Bay desperately needs more freshwater. Americans have invested millions of taxpayer dollars in projects to restore Evergaldes National Park, which is a unique piece of our national heritage that we all own and treasure. We must ensure that all restoration infrastructure is used to protect and restore the Everglades.	
PRIVATE CITIZENS		
Comment Date: October 19, 2017		
BRIAN O'NEILL _ 1	Please stop killing the Estuaries for price supported sugar now. This may in fact end up being a huge RICO case. The Corps of Engineers has an ethical responsibility to RESTORE the River or Grass as expressed by Amendment 1!	There have been several state and federal efforts implemented or being implemented that improve the timing and distribution of water throughout the system. Currently, both state and federal projects are in various phases of implementation, including construction, design, and planning. The system is constantly being improved with every project that is completed. COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County. Many of the MWD and C-111 South Dade Project features have been built and/or are nearing completion. Water management operating criteria defined during development of COP will be incorporated into the 2012 WCAs, ENP and ENP to SDCS Control Plan following completion of NEPA. The 2012 Water Control Plan guides operations for associated C&SF infrastructure in south Florida. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. Storage south of the lake currently being considered under the State of Florida's Senate Bill 10, in combination with (1) new storage north of the Lake (being developed as part of LOWP; (2) storage reservoirs being constructed east of the lake (C-44 Reservoir and other reservoirs and STAs associated with the approved Indian River Lagoon-South Project) and west of the lake (C-43 Reservoir); and (3) completion of additional infrastructure to allow flow south of the lake under the CEPP, will serve to restore a more natural system wide hydrology within the entire Everglades ecosystem as envisioned by CERP. Benefits to the Northern Estuaries will be achieved through the continued implementation of these projects.
Comment Date: October 19, 2017		
DONNA J. LUCAS - 1	The Everglades itself is at the very least as important as the people living in south Florida on borrowed swamp. South Florida needs more land? Take it	Programs are in place in the watershed that are specifically focused on water quality such as the FDEP's Basin Management Action Plans and the SFWMD's Lake Okeechobee Protection Program which serves as the overarching water quality restoration plans for the Northern Estuaries including Lake Okeechobee. The creation of storage north of Lake Okeechobee,

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	from the sea Atlantic not the fragile gulf of Florida, almost always nature will win eventually especially water. The Dutch do this excellently. The Lake Okeechobee is really artificial now with its dams and earthen mounds. Engineers can solve the pollution problem was a plan in conjunction with the sugar plantations. The sugar needs to recycle all their water. Laden with algae this could be a source of energy to resell whomever funds it. The clean water resold or for irrigation. We build sewage treatment plants everywhere recycling poo poo into drinking water should be very easy especially if the algae diverted produces energy. This is done in many places. Only clean water back south to the people and glades. The lake is excess water from hurricanes and of course now the folks populating south Florida. Over flow needs to return to the Everglades, gulf of Florida, and people of south Florida clean. Not uncleaned to the Atlantic and her shores. The Army Corps of Engineers is looking at the whole of Florida for a master plan even if plan designs specifically are bid for private firms. The least bureaucracy, EPA, everyone knows the rules, South Florida Water, South West Water, The Army Corps of Engineers, and good private firms. Corp of Engineers doing a master State plan not the details, as much as, the ideals. All the other just need to follow with design with proposals and then have the water districts offer contracts for bid. We do not need. Committee of legislators to collaborate on the designs, they are not smart enough to understand or be taught and slow any progress. We have the brightest engineers in Florida, environmental and civil design, private and public. This state is already so environmentally minded. With few polluting companies. The sugar company pays corporate taxes evens out export, it has to be profitable for them too, a way for energy. Thank you for considering recycling of sugar water.	currently being proposed under the LOWP, if authorized and appropriated, will positively affect the quality of freshwater released to the estuaries which may result in improved salinity and reduced nutrient loading to estuarine waters.
Comment Date: October 19, 2017		
JON ROBERTSON - 1	I live in Stuart Florida and would like to see the USACE prioritize human safety by increasing the outflow capability south of the lake into the STAs and future reservoir, including removing barriers that currently restrict the capability of sending water south. In 2013, 2016 and this year the large rain events caused unnatural discharges to the east and west coasts. With a larger capacity to hold water in the lake and more storage north and south of the lake these damaging discharges would be largely decreased and increase safety for residents in the Glades, Martin county and Lee county by reducing the polluted water discharging to the coasts.	There have been several state and federal efforts implemented or being implemented that improve the timing and distribution of water throughout the system. Currently, both state and federal projects are in various phases of implementation, including construction, design, and planning. The system is constantly being improved with every project that is completed. COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County. Many of the MWD and C-111 South Dade Project features have been built and/or are nearing completion. Water management operating criteria defined during development of COP will be incorporated into the 2012 WCAs, ENP and ENP to SDCS Control Plan following completion of NEPA. The 2012 Water Control Plan guides operations for associated C&SF infrastructure in south Florida. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP.

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		Storage south of the lake currently being considered under the State of Florida's Senate Bill 10, in combination with (1) new storage north of the Lake (being developed as part of LOWP; (2) storage reservoirs being constructed east of the lake (C-44 Reservoir and other reservoirs and STAs associated with the approved Indian River Lagoon-South Project) and west of the lake (C-43 Reservoir); and (3) completion of additional infrastructure to allow flow south of the lake under the CEPP, will serve to restore a more natural system wide hydrology within the entire Everglades ecosystem as envisioned by CERP. Benefits to the Northern Estuaries will be achieved through the continued implementation of these projects.
Comment Date: October 19, 2017		
SANDY BLAIR - 1	It is beyond my comprehension how the water system has been allowed to deteriorate to the point it is. Polluted water from Lake Okeechobee is destroying the livelihoods of commercial fisherman, fishing guides, those who depend on tourists visiting our once-but-no-longer pristine beaches and waterways. The sugar industry has contaminated the course of action for too long. It is time to stop pandering to a business whose very existence is a detriment to the health of the nation – the first thing doctors tell overweight patients… CUT OUT THE SWEETS i.e. SUGAR. There is something wrong with this picture. Just do what is necessary to protect the people and the economy of the state. SEND THE WATER SOUTH.	There have been several state and federal efforts implemented or being implemented that improve the timing and distribution of water throughout the system. Currently, both state and federal projects are in various phases of implementation, including construction, design, and planning. The system is constantly being improved with every project that is completed. COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County. Many of the MWD and C-111 South Dade Project features have been built and/or are nearing completion. Water management operating criteria defined during development of COP will be incorporated into the 2012 WCAs, ENP and ENP to SDCS Control Plan following completion of NEPA. The 2012 Water Control Plan guides operations for associated C&SF infrastructure in south Florida. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. Storage south of the lake currently being considered under the State of Florida's Senate Bill 10, in combination with (1) new storage north of the Lake (being developed as part of LOWP; (2) storage reservoirs being constructed east of the lake (C-44 Reservoir and other reservoirs and STAs associated with the approved Indian River Lagoon-South Project) and west of the lake (C-43 Reservoir); and (3) completion of additional infrastructure to allow flow south of the lake under the CEPP, will serve to restore a more natural system wide hydrology within the entire Everglades ecosystem as envisioned by CERP. Benefits to the Northern Estuaries will be achieved through the continued implementation of these projects.
Comment Date: October 20, 2017		
BARBARA BRENNAN - 1	I request that the Corps prioritize the impact of discharges from Lake Okeechobee on the health and safety of residents of riverside communities, the health of Florida's waters, and the renewal of the Everglades as it plans COP.	Thank you for your comment. Health and human safety is a priority for the Corps in all Federal actions pursued including daily operations of Lake Okeechobee and the operation of the C&SF Project.
Comments Date: October 20, 2017		
CHARLES WIGHTMAN - 1	Please see the antiquated rules governing the watershed of Florida and the EEA get updated to today's times and populations of people in Florida. It is time to place the top priorities of water management for the benefit and protection of the people and the natural resources of the state of Florida and not for BIG SUGAR & THE EEA.	Thank you for your comment. Health and human safety is a priority for the Corps in all Federal actions pursued including daily operations of Lake Okeechobee and the operation of the C&SF Project. COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County. Many of the MWD and C-111 South Dade Project features have been built and/or are nearing completion. Water management operating criteria defined during development of COP will be incorporated into the 2012 WCAs, ENP and ENP to SDCS Control Plan following completion of NEPA. The 2012 Water Control Plan guides operations for associated C&SF infrastructure in south Florida. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP.

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Comment Date: October 20, 2017		
DOUG KILPATRICK, LOWER KEYS GUIDES ASSOCIATION - 1	The Lower Key Guides Association is comprised of over 150 members, many of whom make a living by practicing catch and release methods of fishing in and around the boundaries of Evergaldes national Park. It is our understanding that there is currently a comment period in which the Army Corps and its affiliates are accepting public comment on the COP guidelines for restoration efforts, including Modified Water Deliveries, C-111 Spreader Canal and C-111 South Dade projects. We understand too well the economic impact of reduction in fish population's ad habitat. The ongoing ecological issues in the Park, including the lack of fresh water flow and seagrass die-offs, cause economic losses to not only our membership but to the entire Florida economy. We urge you to understand the negative economic impacts we have felt recently, and look toward their solution, with an infrastructural restoration that is used to restore the ENP.	Thank you for your comment. Implementation of COP is anticipated to increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. The Corps is committed to implementing COP in order to continue progress in Everglades restoration. Implementation of the Proposed Action is anticipated in 2019 following completion of the necessary NEPA documentation including the Final EIS and ROD. Please refer to comment BTT-1 for information related to potential tools the Corps will utilize to evaluate potential effects to Florida Bay. The Corps concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay.
Comment Date: October 20, 2017		
MARK HORWEDEL - 1	I am writing in support of the COP plan. While I understand some of the limitations the Corps operates under, I am appealing to your collective conscience in helping Florida's citizens throw-off the suppression of public interests by a handful of sugar moguls and corrupt politicians who have permitted the destruction of our waterways to go unchecked for decades. I own a property in Martin County which is baring the full brunt of pollution from Okeechobee runoff. It's shocking to witness the mess that has been made of the Indian River Lagoon and the St. Lucie River, not to mention the destruction in wildlife that has occurred. Please accelerate your efforts to develop solutions that will spare out waterways from continues destruction, return the flow of the water south and sacrifice the demands of special interests for the public interest. Thanks in advance for your efforts to return Florida to Floridians.	There have been several state and federal efforts implemented or being implemented that improve the timing and distribution of water throughout the system. Currently, both state and federal projects are in various phases of implementation, including construction, design, and planning. The system is constantly being improved with every project that is completed. COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County. Many of the MWD and C-111 South Dade Project features have been built and/or are nearing completion. Water management operating criteria defined during development of COP will be incorporated into the 2012 WCAs, ENP and ENP to SDCS Control Plan following completion of NEPA. The 2012 Water Control Plan guides operations for associated C&SF infrastructure in south Florida. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. Storage south of the lake currently being considered under the State of Florida's Senate Bill 10, in combination with (1) new storage north of the Lake (being developed as part of LOWP; (2) storage reservoirs being constructed east of the lake (C-44 Reservoir and other reservoirs and STAs associated with the approved Indian River Lagoon-South Project) and west of the lake (C-43 Reservoir); and (3) completion of additional infrastructure to allow flow south of the lake under the CEPP, will serve to restore a more natural system wide hydrology within the entire Everglades ecosystem as envisioned by CERP. Benefits to the Northern Estuaries will be achieved through the continued implementation of these projects.
Comment Date: October 20, 2017		
LISA CARRUTHERS - 1	Please prioritize Lake Okeechobee's impact on the health and safety of glades residents and riverside communities as you plan COP. The known impacts of toxic algae must take priority over industry "wants". As a health care professional, I know that the cumulative effects of exposure to these toxins	Thank you for your comment. Health and human safety is a priority for the Corps in all Federal actions pursued including daily operations of Lake Okeechobee and the operation of the C&SF Project.

COMMENTER	AGENCY/PUBLIC COMMENT	U.S. ARMY CORPS OF ENGINEERS (USACE) RESPONSE
	will sky rocket, causing more illness and death in future years. The run off needs to be set south, as it was intended before the interference of money motivated businessmen and politicians.	
Comment Date: October 20, 2017		
LOUIS BROUILLARD - 1	Put me down as a voice for returning as much water possible to Florida Bay, and reducing the discharges to the coastal estuaries. Ps, I do not support deep injection wells north of the lake. Frankly the sugar baron's tails have wagged the dog too long.	The construction of deep injection wells north of Lake Okeechobee is outside the scope of this project. The COP defines operations for completed features of the MWD and C-111 South Dade Projects. The associated NEPA documentation to be completed in 2019 is an operational plan, not a feasibility report that is submitted to Congress for authorization and appropriations for construction. A stated goal of the 1994 C-111 South Dade GRR and EIS includes the reduction of damaging freshwater discharges to Manatee Bay and Barnes Sound while maintaining flood protection to agricultural lands east of the C-111 Canal. Goals also include the extension of hydroperiods within the ENP Eastern Panhandle, and the promotion of additional overland flows across the ENP Eastern Panhandle towards northeast Florida Bay. The Corps concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay and is committed to implementing COP in order to continue progress in Everglades restoration.
Comments Date: October 20, 2017		
MATTHEW JONES - 1	As a lifelong Florida citizen who grew up in Vero Beach along the Indian River Lagoon, and currently lives in Tampa, I support merging the Combined Operational Plan (COP) with the Lake Okeechobee Regulation Schedule (LORS). This is the best way for the Army Corps of Engineers to obtain a holistic understanding of how water moves throughout the entire South Florida system. It will take into account health and human safety as top priorities. I believe we have an opportunity to do for wetlands what Allan Savory has done for grasslands. I agree with the statement made by bullsugar.org in its October 19th article: "It's time to consider how much total drainage and water are available and manage it as a single, interconnected set of resources." Please enter my thoughts unto the public record regarding this issue.	Regulation schedule changes for Lake Okeechobee will not be included in the COP. The COP defines operations for completed features of the MWD and C-111 South Dade Projects. An updated Lake Okeechobee Regulation Schedule study will be completed to coincide with completion of the Herbert Hoover Dike (HHD) rehabilitation, which is currently scheduled for 2025. The Corps is working with the State of Florida to explore opportunities to accelerate implementation of HHD rehabilitation and the associated Lake Okeechobee Regulation Schedule study.
Comment Date: October 20, 2017		
ROSTY CARYK - 1	I am a resident of Florida and am very concerned about the unacceptable control the Sugar industry has over the water quality of waters of the US in Florida. Please to prioritize Lake Okeechobee's impact on the health and safety of glades residents and riverside communities as it plans COP.	Thank you for your comment. Health and human safety is a priority for the Corps in all Federal actions pursued including daily operations of Lake Okeechobee and the operation of the C&SF Project.
Comment Date: October 20, 2017		
TOM WALLS - 1	Please prioritize Lake Okeechobee's impact on the health and safety of glades residents and riverside communities as it plans COP. "It's time to change the priorities in this system and place health and human safety above all else. It's time to consider how much total drainage and water are available and manage it as a single, interconnected set of resources."	Thank you for your comment. Health and human safety is a priority for the Corps in all Federal actions pursued including daily operations of Lake Okeechobee and the operation of the C&SF Project.
Comment Date: October 20, 2017		

COMMENTER	AGENCY/PUBLIC COMMENT	U.S. ARMY CORPS OF ENGINEERS (USACE) RESPONSE
KATHLEEN MCELROY – 1	Prioritize Lake Okeechobee's impact on the health and safety of glades residents and riverside communities as it plans COP. Kathleen McElroy	Thank you for your comment. Health and human safety is a priority for the Corps in all Federal actions pursued including daily operations of Lake Okeechobee and the operation of the C&SF Project.
Comment Date: October 20, 2017		
MARY K VAN KLEUNEN - 1	I am writing regarding my concern for the water quality in the Atlantic and Gulf as a result of the discharges from Lake Okeechobee. This needs resolution, not more studies. I support the southern reservoir and anything the Corps can do to return the water flow to its natural state and allow the Everglades to once again become a filter. This is a quality of life issue (infections, unable to enjoy the state's natural resources), as well as a business issue (tourism, fishing industry).	Programs are in place in the watershed that are specifically focused on water quality such as the FDEP's Basin Management Action Plans and the SFWMD's Lake Okeechobee Protection Program which serves as the overarching water quality restoration plans for the Northern Estuaries including Lake Okeechobee. The creation of storage north of Lake Okeechobee, currently being proposed under the LOWP, if authorized and appropriated, will positively affect the quality of freshwater released to the estuaries which may result in improved salinity and reduced nutrient loading to estuarine waters. The continued implementation of projects under CERP will provide ancillary water quality benefits north and east and west of Lake Okeechobee as storage of water in reservoirs and the associated attenuation of peak flows resulting in increased residence time is expected to lead to a reduction in nutrients and sediments reaching Lake Okeechobee and the Northern Estuaries. Water management operating criteria defined during development of COP will be incorporated into the 2012 WCAs, ENP and ENP to SDCS Control Plan following completion of NEPA. The 2012 Water Control Plan guides operations for associated C&SF infrastructure in south Florida. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP.
Comment Date: October 21, 2017		
CHARLES GERBER - 1	The current conditions of our waters is Criminal!! The antiquated. Regulations that allows, back pumping, and dumping overages into our rivers needs to be updated considering our current understanding of health risks and flood conditions.... Big Sugar should not "trump" the people's needs and their health concerns. We have talked about this far too long. It is time for action! The water needs to be cleansed and flow south. The glades need it. "We the people "need it. I live on the river. The water prior to dumping was clear to the point I could see the bottom in 4-5'. Within. Hours of dumping. The water became muddy. And smelled heavy of fertilizer (not in my mind). I took friends toward the South Fork dam. Without mentioning they both said" what is that awful smell"? It didn't exist prior!!!! We all know the cause. Come on. Let's stop talking and start fixing. It doesn't require years of consideration. Big sugar should not be able to back pump. They too should feel the pain from water events!!!! Our tourist industry is in the crapper and it will eventually effect our property values as well. Change the World War II Permits Immediately they don't apply. Health issues are real. We can't even swim and fish are dying. Please look past the noise created by the self-serving arguments by big sugars lobbyists! Please help….	There have been several state and federal efforts implemented or being implemented that improve the timing and distribution of water throughout the system. Currently, both state and federal projects are in various phases of implementation, including construction, design, and planning. The system is constantly being improved with every project that is completed. COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County. Many of the MWD and C-111 South Dade Project features have been built and/or are nearing completion. Water management operating criteria defined during development of COP will be incorporated into the 2012 WCAs, ENP and ENP to SDCS Control Plan following completion of NEPA. The 2012 Water Control Plan guides operations for associated C&SF infrastructure in south Florida. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. Storage south of the lake currently being considered under the State of Florida's Senate Bill 10, in combination with (1) new storage north of the Lake (being developed as part of LOWP; (2) storage reservoirs being constructed east of the lake (C-44 Reservoir and other reservoirs and STAs associated with the approved Indian River Lagoon-South Project) and west of the lake (C-43 Reservoir); and (3) completion of additional infrastructure to allow flow south of the lake under the CEPP, will serve to restore a more natural system wide hydrology within the entire Everglades ecosystem as envisioned by CERP. Benefits to the Northern Estuaries will be achieved through the continued implementation of these projects.
Comment Date: October 21, 2017		

COMMENTER	AGENCY/PUBLIC COMMENT	U.S. ARMY CORPS OF ENGINEERS (USACE) RESPONSE
LAETITIA CINDRIC - 1	I really find it stupendously insulting that after the 20-30 years of trying to reroute water south to replenish the Everglades is now back to a stupid study by the USACE. Untold millions of tax dollars spent over and over and OVER AGAIN to study the same thing. And yet, the voters vote again and again and AGAIN to purchase the land from BIG SUGAR AND BIG AG and send the damn water south. And you don't do it. You hem and you haw and corporate money changes hands and nothing gets done. Nothing gets done and nothing gets done and Big Sugar just keeps rolling along. And the Everglades are close to death. And you have NOTHING. To show for your damn existence. Nothing ever changes and nothing ever happens to break the stalemate. Personally, I think you suck at your jobs. A bureaucratic quagmire. FIRST, DO NO HARM. We need water. We don't need more effing sugar subsidies. Incredible taxpayer waste. SEND THE ******* WATER SOUTH and stop ******* around with citizens and the environment. Get busy or get out.	There have been several state and federal efforts implemented or being implemented that improve the timing and distribution of water throughout the system. Currently, both state and federal projects are in various phases of implementation, including construction, design, and planning. The system is constantly being improved with every project that is completed. COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County. Many of the MWD and C-111 South Dade Project features have been built and/or are nearing completion. Water management operating criteria defined during development of COP will be incorporated into the 2012 WCAs, ENP and ENP to SDCS Control Plan following completion of NEPA. The 2012 Water Control Plan guides operations for associated C&SF infrastructure in south Florida. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. The purchasing of land within the EAA is outside the scope of COP. The Corps looks forward to working alongside the SFWMD to update the Integrated Delivery Schedule for implementation of Everglades restoration and determine the next steps in our collective restoration efforts. The passage of Senate Bill 10by the State of Florida requires a Post-Authorization Change Report (PACR) to reconfiguring the congressionally authorized Central Everglades Planning Project's A-2 Flowage Equalization Basin structure into a deep storage reservoir. Upon completion and identification of a recommended plan, the PACR would be transmitted to Congress for authorization. Once authorized by Congress, the Corps would be able to request construction funds for execution of a Project Partnership Agreement (PPA) and construction initiation. Storage south of the lake in combination with (1) new storage north of the Lake (being developed as part of the Lake Okeechobee Watershed Restoration Project (LOWP); (2) storage reservoirs being constructed east of the lake (C-44 Reservoir and other reservoirs and STAs associated with the approved Indian River Lagoon-South Project) and west of the lake (C-43 Reservoir); and (3) completion of additional infrastructure to allow flow south of the lake, will serve to restore a more natural system wide hydrology within the enter Everglades ecosystem as envisioned by CERP.
Comment Date: October 22, 2017		
PAULA TURNER - 1	Please prioritize Lake Okeechobee's Impact on the Health and safety of Glades residents and Riverside Communities as you Plan COP, not giving priority to the sugar industry. Consider the total drainage and Water is available and manage it as a single, interconnected resource or combine COP and LORS and manage drainage and lake levels together. Toxic Algae blooms are destroying our wildlife and rivers. Please help us with proper consideration. Thanks.	Thank you for your comment. Health and human safety is a priority for the Corps in all Federal actions pursued including daily operations of Lake Okeechobee and the operation of the C&SF Project. COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County. Many of the MWD and C-111 South Dade Project features have been built and/or are nearing completion. Water management operating criteria defined during development of COP will be incorporated into the 2012 WCAs, ENP and ENP to SDCS Control Plan following completion of NEPA. The 2012 Water Control Plan guides operations for associated C&SF infrastructure in south Florida. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. Programs are in place in the watershed that are specifically focused on water quality such as the FDEP's Basin Management Action Plans and the SFWMD's Lake Okeechobee Protection Program which serves as the overarching water quality restoration plans for the Northern Estuaries including Lake Okeechobee. The creation of storage north of Lake Okeechobee, currently being proposed under the LOWP, if authorized and appropriated, will positively affect the quality of freshwater released to the estuaries which may result in improved salinity and reduced nutrient loading to estuarine waters.

COMMENTER	AGENCY/PUBLIC COMMENT	U.S. ARMY CORPS OF ENGINEERS (USACE) RESPONSE
		Changes to LORS 2008 are outside the scope of COP. An updated Lake Okeechobee Regulation Schedule study will be completed to coincide with completion of the Herbert Hoover Dike (HHD) rehabilitation, which is currently scheduled for 2025. The Corps is working with the State of Florida to explore opportunities to accelerate implementation of HHD rehabilitation and the associated Lake Okeechobee Regulation Schedule study.
Comment Date: October 20, 2017		
ALLISON M. E., **BONNIE E. BARNES** **LAURA AND DON BROOKS** **DAVID DIMMEL** **CARLOS ESTAPE** **BETHANY FOWLER** **FRED HARTNER** **LAUREN L. HARTNER** **COLIN HOWE** **JIM SPENCER** **KEITH KROPF** **LOUIS LINDER** **ELENA M.F. MURATORI** **ROBERT W. MURRAY**	The lifestyle and economy of the Florida Keys are intrinsically linked to the health of ENP and Florida Bay. Clean water to sustain the ecosystem is key. Restoration projects to benefit ENP and the Florida Keys have been under construction for many years, paid for by significant taxpayer investment. Now, writing an operations plan for how to use these projects is the critical next step. This is the time to achieve the ecosystem benefits we desperately need in the keys. Please ensure that protecting the waters of the southern Everglades and Florida Bay is the top priority for operating restoration projects in south Miami-Dade! These projects include the Modified Water Deliveries (MWD), C-111 South Dade, and C-111 Spreader Canal Projects, which will be guided by the Combined Operation Plan (COP) currently under consideration by the U.S. Army Corps of Engineers and other state and federal agencies. As a member of the Florida keys community, responsible operation of these projects to maximize restoration benefits for the everglades and Florida Bay is important to me.	Thank you for your comment. Implementation of COP is anticipated to increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. The Corps is committed to implementing COP in order to continue progress in Everglades restoration. Implementation of the Proposed Action is anticipated in 2019 following completion of the necessary NEPA documentation including the Final EIS and ROD.

COMMENTER	AGENCY/PUBLIC COMMENT	U.S. ARMY CORPS OF ENGINEERS (USACE) RESPONSE
NADIA SPENCER **SIENNA PICHARD** **JACOB POELMA** **JAMES P. SCHMEISER** **BURMLEY TRUAX** **LISA MONGELIA**		
Comment Date: October 26, 2017		
ALICE NAGELE - 1	I just wanted to let you know, as an area citizen (West Palm Beach, FL), that I am for the usage of funds both to repair the H. Hoover Dike and for creating a means to move excess water away from our Indian River estuary system.	The purpose of COP is to define operations for the constructed features of the MWD to ENP and C-111 South Dade Projects. The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with these projects. Features of the MWD and C-111 South Dade Projects are located in Miami-Dade County, including portions of ENP and adjacent areas. Operations for water management within WCA 3A located in Broward County will also be considered. The Proposed Action does not include operational modifications to the current Lake Okeechobee Regulation Schedule (LORS 2008). Separate planning efforts are currently underway that will provide opportunities for better management of lake water levels and the reduction of high volume discharges to the Northern Estuaries. The Herbert Hoover Dike Dam Safety Modification Report (DSMR) and Record of Decision (ROD) was signed on August 30, 2016. A cutoff wall was determined to be the least costly, technically acceptable risk reduction measure for remediation of the HHD embankment in areas that have been identified as high risk due to internal erosion failure modes (erosion of the internal structure of the embankment due to seepage forces). Implementation of the DSMR risk reduction project is planned from 2019 through 2025 dependent on funding.
Comment Date: October 26, 2017		
DIANE GOLDBERG - 1	Please let me know when you will be starting the planning of the reservoir south of Lake Okeechobee to lessen the impacts on the St Lucie River, Indian River Lagoon and the Caloosahatchee. We support this plan and we need it as soon as possible.	The purchasing of land within the EAA is outside the scope of COP. The Corps looks forward to working alongside the SFWMD to update the Integrated Delivery Schedule for implementation of Everglades restoration and determine the next steps in our collective restoration efforts. The passage of Senate Bill 10 requires a Post-Authorization Change Report (PACR) to reconfigure the congressionally authorized Central Everglades Planning Project's A-2 Flowage Equalization Basin structure into a deep storage reservoir. Upon completion and identification of a recommended plan, the PACR would be transmitted to Congress for authorization. Once authorized by Congress, the Corps would be able to request construction funds for execution of a Project Partnership Agreement (PPA) and construction initiation. The Corps is currently working with the SFWMD to identify the necessary steps to complete a PACR for submission to the Assistant Secretary of the Army of Civil Works.

COMMENTER	AGENCY/PUBLIC COMMENT	U.S. ARMY CORPS OF ENGINEERS (USACE) RESPONSE
Comment Date: October 26, 2017		
KRIS PAGENKOPF - 1	The Combined Operational Plan (COP) will affect lake levels, the risk that people living below the dike face a deadly breach, and the risk that toxic algae blooms are discharged to riverside communities. I understand that the COP has to work within the 68-year-old Central and South Florida Plan, authorized by congress just after World War II. That was over 60 years ago, when Florida's population was less than 3 million (vs. 20 million today) and communities on the Caloosahatchee and St. Lucie rivers were 1/20th their current populations. We need an update of these authorizations. But antiquated statutes are only part of the reason today's management routinely puts people at risk. A bigger part is our accounting separately for the lake's capacity for water supply and drainage from the watersheds to its north and south, and refusing to accurately measure how much water and drainage everyone in the system needs and gets. The danger of this uncoordinated management is exposed by events like Hurricane Irma. It would be common sense to prioritize dike safety during the summer and fall by keeping lake levels low and stopping unnatural inflows. That would also reduce the chances of discharging toxic algae and its associated health risks to riverside communities. But today's management system isn't governed by common sense. Instead we allow a section of the federal Water Resource Development Act (2000) called the "savings clause" to prioritize the sugar industry's drainage needs, letting them pump excess rainfall (anything over 1") all summer long into the system south of the lake, and when that's full, into the lake itself--the back-pumping that raised lake levels this year even as fears of dike failure dominated headlines. Meanwhile the federal Lake Okeechobee Regulation Schedule (LORS) isn't required to account for the savings clause's influence on the system or to prevent the sugar industry's back-pumping into a rising lake. It's time to change the priorities in this system and place health and human safety above all else. It's time to consider how much total drainage and water are available and manage it as a single, interconnected set of resources. Maybe the COP and LORS could be combined, managing drainage and lake levels to prioritize the people in the system. I ask the Corps to prioritize Lake Okeechobee's impact on the health and safety of glades residents and riverside communities as it plans COP.	Changes to LORS 2008 are outside the scope of COP. The COP defines operations for completed features of the MWD and C-111 South Dade Projects. The associated NEPA documentation to be completed in 2019 is an operational plan, not a feasibility report that is submitted to Congress for authorization and appropriations for construction. The WRDA of 2000 requires CERP projects to identify water needed for the natural system to achieve CERP restoration goals and protect it from other potentially competing uses. At the same time, existing legal sources of water supply for municipal and agricultural needs must also be protected. In addition, CERP implementation cannot reduce existing levels of service for flood protection. WRDA 2000 requires the inclusion of "Savings Clause" analyses within each CERP PIR. Development of the COP is not a CERP component. An updated Lake Okeechobee Regulation Schedule study will be completed to coincide with completion of the Herbert Hoover Dike (HHD) rehabilitation, which is currently scheduled for 2025. The Corps is working with the State of Florida to explore opportunities to accelerate implementation of HHD rehabilitation and the associated Lake Okeechobee Regulation Schedule study. Storage south of the lake currently being considered under the State of Florida's Senate Bill 10, in combination with (1) new storage north of the Lake (being developed as part of LOWP; (2) storage reservoirs being constructed east of the lake (C-44 Reservoir and other reservoirs and STAs associated with the approved Indian River Lagoon-South Project) and west of the lake (C-43 Reservoir); and (3) completion of additional infrastructure to allow flow south of the lake under the CEPP, will serve to restore a more natural system wide hydrology within the entire Everglades ecosystem as envisioned by CERP.
Comment Date: October 26, 2017		
DON HIGG - 1	I am a taxpayer in the state of Florida and I want to go on record requesting that your department make it a high priority to insure that the plans you put	Thank you for your comment. Implementation of COP is anticipated to increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. The Corps is committed to implementing COP in order to continue progress in Everglades restoration.

COMMENTER	AGENCY/PUBLIC COMMENT	U.S. ARMY CORPS OF ENGINEERS (USACE) RESPONSE
	in place for future infrastructure moves water south into Everglades National Park and Florida Bay	Implementation of the Proposed Action is anticipated in 2019 following completion of the necessary NEPA documentation including the Final EIS and ROD.
Comment Date: October 26, 2017		
BRIAN O'NEIL - 1	Please wake up!	Thank you for your comment. Implementation of COP is anticipated to increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. The Corps is committed to implementing COP in order to continue progress in Everglades restoration. Implementation of the Proposed Action is anticipated in 2019 following completion of the necessary NEPA documentation including the Final EIS and ROD.
Comment Date: October 26, 2017		
LORA KNIGHT - 1	Please restore, as much as possible, the flow of water to our precious Everglades.	Thank you for your comment. Implementation of COP is anticipated to increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. The Corps is committed to implementing COP in order to continue progress in Everglades restoration. Implementation of the Proposed Action is anticipated in 2019 following completion of the necessary NEPA documentation including the Final EIS and ROD.
Comment Date: October 26, 2017		
JUSTIN LORCH - 1	I have lived most of my life along the St Lucie and Indian Rivers. I have watched what the discharges from Lake Okeechobee have done to these ecosystems in that time. I fear what the situations will be in the future. I am an avid recreational angler, it's been my passion for almost 30 years now. I now travel the entire state looking for areas to fish that even come close to the productivity I used to enjoy in the St Lucie and Indian Rivers around Stuart when I was younger. These ecosystem can be restored with the help of the Army Corps of Engineers. I feel that as fellow Engineers, you have a duty to help the policy makers understand how to more effectively manage a system that is: creating risk to life by threatening the Herbert Hoover dike by allowing the sugar industry to back pump excess water into the Lake even when the Lake is already dangerously high levels; introducing toxic and potentially dangerously polluted water into estuary systems on both coast, risk the health and safety of populations along those coasts from potentially hazardous runoffs, jeopardizing losing the Biscayne Aquifer by choking off its fresh water supply and risking salt water intrusion. The policies and strategies that govern the management of the Lake and drainage surrounding it were put into place long before we had a good understanding of the complexity of the systems we were interfering with. We must update these policies and regulations to be beneficial to everyone involved and to start to restore the environments affected by these water management policies. As a voting citizen, I can pressure my elected officials and occasionally install new ones, but our voice can easily be drowned out	There have been several state and federal efforts implemented or being implemented that improve the timing and distribution of water throughout the system. Currently, both state and federal projects are in various phases of implementation, including construction, design, and planning. The system is constantly being improved with every project that is completed. COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County. Many of the MWD and C-111 South Dade Project features have been built and/or are nearing completion. Water management operating criteria defined during development of COP will be incorporated into the 2012 WCAs, ENP and ENP to SDCS Control Plan following completion of NEPA. The 2012 Water Control Plan guides operations for associated C&SF infrastructure in south Florida. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. Storage south of the lake currently being considered under the State of Florida's Senate Bill 10, in combination with (1) new storage north of the Lake (being developed as part of LOWP; (2) storage reservoirs being constructed east of the lake (C-44 Reservoir and other reservoirs and STAs associated with the approved Indian River Lagoon-South Project) and west of the lake (C-43 Reservoir); and (3) completion of additional infrastructure to allow flow south of the lake under the CEPP, will serve to restore a more natural system wide hydrology within the entire Everglades ecosystem as envisioned by CERP. Benefits to the Northern Estuaries will be achieved through the continued implementation of these projects.

COMMENTER	AGENCY/PUBLIC COMMENT	U.S. ARMY CORPS OF ENGINEERS (USACE) RESPONSE
	by the money involved in Florida politics. Having the voice of the Army Corps of Engineers alongside ours would carry the weight needed to enact change. Thank you for taking the time to read this.	
WAYNE RALPH - 1	We moved to Cape Coral two years and three months ago from Oregon to retire, explore and boat in paradise. We assumed that nature here was being treated respectfully. We found its quite the opposite. Between the pollution pumped into lake O that pollutes our river systems and the locals here pumping their septic tanks into our canal systems, change is not going to happen anytime in the near future or ever as this trend appears. Florida has its natural beauty that struggles to survive despite the me first attitude of the existing residents and voting population that continues kicking the can down the road because they like it how it is. You know what they say, if you don't like it, move on. So we are. Adios and best wishes to you Florida.	There have been several state and federal efforts implemented or being implemented that improve the timing and distribution of water throughout the system. Currently, both state and federal projects are in various phases of implementation, including construction, design, and planning. The system is constantly being improved with every project that is completed. COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County. Many of the MWD and C-111 South Dade Project features have been built and/or are nearing completion. Water management operating criteria defined during development of COP will be incorporated into the 2012 WCAs, ENP and ENP to SDCS Control Plan following completion of NEPA. The 2012 Water Control Plan guides operations for associated C&SF infrastructure in south Florida. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. Storage south of the lake currently being considered under the State of Florida's Senate Bill 10, in combination with (1) new storage north of the Lake (being developed as part of LOWP; (2) storage reservoirs being constructed east of the lake (C-44 Reservoir and other reservoirs and STAs associated with the approved Indian River Lagoon-South Project) and west of the lake (C-43 Reservoir); and (3) completion of additional infrastructure to allow flow south of the lake under the CEPP, will serve to restore a more natural system wide hydrology within the entire Everglades ecosystem as envisioned by CERP. Benefits to the Northern Estuaries will be achieved through the continued implementation of these projects.
Comment Date: October 26, 2017		
MADGE ALLEN - 1	I'm a homeowner on Gulf of Mexico access, Alligator Slough in Cape Coral, Florida. We watch the water turn from blue to brown as dangerous, dirty water is released from Lake O, down the Caloosahatchee River. This whole economy is dependent on retirees and tourists; who is going to want to live or recreate here when the whole ecosystem is destroyed from toxic water releases! Please uphold the law and will of the voters, and get the water going south...which will naturally clean the water and restore the Everglades. We are watching and keeping track!	There have been several state and federal efforts implemented or being implemented that improve the timing and distribution of water throughout the system. Currently, both state and federal projects are in various phases of implementation, including construction, design, and planning. The system is constantly being improved with every project that is completed. COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County. Many of the MWD and C-111 South Dade Project features have been built and/or are nearing completion. Water management operating criteria defined during development of COP will be incorporated into the 2012 WCAs, ENP and ENP to SDCS Control Plan following completion of NEPA. The 2012 Water Control Plan guides operations for associated C&SF infrastructure in south Florida. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. Storage south of the lake currently being considered under the State of Florida's Senate Bill 10, in combination with (1) new storage north of the Lake (being developed as part of LOWP; (2) storage reservoirs being constructed east of the lake (C-44 Reservoir and other reservoirs and STAs associated with the approved Indian River Lagoon-South Project) and west of the lake (C-43 Reservoir); and (3) completion of additional infrastructure to allow flow south of the lake under the CEPP, will serve to restore a more natural system wide hydrology within the entire Everglades ecosystem as envisioned by CERP. Benefits to the Northern Estuaries will be achieved through the continued implementation of these projects.

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Comment Date: October 26, 2017		
KIRSTEN LOVETT - 1	I saw that "The COP, whatever it turns out to be, has to work within the 68-year-old Central and South Florida Plan, authorized by congress just after World War II. In other words, "Our hands are tied" by a federal decree from 68 years ago. In January Sen. Bob Graham called for an update of these authorizations, but antiquated statutes are only part of the reason today's management routinely puts people at risk. A bigger part is our accounting separately for the lake's capacity for water supply and drainage from the watersheds to its north and south, and refusing to accurately measure how much water and drainage everyone in the system needs and gets. The danger of this uncoordinated management is exposed by events like Hurricane Irma. It's time to change the priorities in this system and place health and human safety above all else. It's time to consider how much total drainage and water are available and manage it as a single, interconnected set of resources.	Thank you for your comment. Health and human safety is a priority for the Corps in all Federal actions pursued including daily operations of Lake Okeechobee and the operation of the C&SF Project.
Comment Date: October 26, 2017		
ED WILSON - 1	Please do what is right and for clean water in SW & SE FL, send water south, the sugar industry is holding everybody hostage. Did you know the sugar industry also gets federal subsidies from the farm bill, which means they never have a loss, even if the weather is bad and they lose crops they get paid, and even worse if they grow too much sugar our US government must buy it from them, so again they lose nothing. The price consumers and manufactures pay for sugar in the US is almost double that of world sugar. DO THE RIGHT THING SOONER THEN LATER	There have been several state and federal efforts implemented or being implemented that improve the timing and distribution of water throughout the system. Currently, both state and federal projects are in various phases of implementation, including construction, design, and planning. The system is constantly being improved with every project that is completed. COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County. Many of the MWD and C-111 South Dade Project features have been built and/or are nearing completion. Water management operating criteria defined during development of COP will be incorporated into the 2012 WCAs, ENP and ENP to SDCS Control Plan following completion of NEPA. The 2012 Water Control Plan guides operations for associated C&SF infrastructure in south Florida. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. Storage south of the lake currently being considered under the State of Florida's Senate Bill 10, in combination with (1) new storage north of the Lake (being developed as part of LOWP; (2) storage reservoirs being constructed east of the lake (C-44 Reservoir and other reservoirs and STAs associated with the approved Indian River Lagoon-South Project) and west of the lake (C-43 Reservoir); and (3) completion of additional infrastructure to allow flow south of the lake under the CEPP, will serve to restore a more natural system wide hydrology within the entire Everglades ecosystem as envisioned by CERP.
Comment Date: October 26, 2017		
MARK POTTER - 1	I just wanted to take the time to express my thoughts regarding CERP and the COP being discussed. I spent the first 20 years growing up in south Florida just a couple of miles from the Everglades. I have watched all of south Florida grow out of control since the 1970's. I left in 1978 and moved to Gainesville Florida. I am still very fond of the profoundly diverse environment the Everglades supports and appreciate the perils the continued demand on its	There have been several state and federal efforts implemented or being implemented that improve the timing and distribution of water throughout the system. Currently, both state and federal projects are in various phases of implementation, including construction, design, and planning. The system is constantly being improved with every project that is completed. COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County. Many of the MWD and C-111 South Dade Project features have been built and/or are nearing completion. Water management operating criteria

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	resources bring. The restoration of the natural watershed from the lake to the bay is empirical to the very survival of the habitat. I believe the science and studies which call for the construction of the reservoir south of the lake be the first priority. This accomplishes two things that are very important to the project and its goals. First reducing the lake water level will reduce the pressure on the aging berm and reduce the chance of a breach. Second it will allow a secondary source of natural detoxification of the water discharges of Lake Okeechobee to occur before entering the watershed. This along with more sustainable farming practices would combine to begin the process of natural restoration of the Everglades. I am sure I have said nothing that you have not already heard. I just needed to let someone know how I feel about this and the prolonged timeline it has taken just to get this far, very frustrating and disappointing. Thanks for listening.	defined during development of COP will be incorporated into the 2012 WCAs, ENP and ENP to SDCS Control Plan following completion of NEPA. The 2012 Water Control Plan guides operations for associated C&SF infrastructure in south Florida. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. Storage south of the lake currently being considered under the State of Florida's Senate Bill 10, in combination with (1) new storage north of the Lake (being developed as part of LOWP; (2) storage reservoirs being constructed east of the lake (C-44 Reservoir and other reservoirs and STAs associated with the approved Indian River Lagoon-South Project) and west of the lake (C-43 Reservoir); and (3) completion of additional infrastructure to allow flow south of the lake under the CEPP, will serve to restore a more natural system wide hydrology within the entire Everglades ecosystem as envisioned by CERP. The Corps is committed to implementing COP in order to continue progress in Everglades restoration. Implementation of the Proposed Action is anticipated in 2019 following completion of the necessary NEPA documentation including the Final EIS and ROD.
Comment Date: October 26, 2017		
MARGIE HANCOCK - 1	Clean water and safety depend you the Army Corps of Engineers! Please Save the Everglades!	Thank you for your comment. Implementation of COP is anticipated to increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. The Corps is committed to implementing COP in order to continue progress in Everglades restoration. Implementation of the Proposed Action is anticipated in 2019 following completion of the necessary NEPA documentation including the Final EIS and ROD.
Comment Date: October 26, 2017		
TED STEVENS - 1	Please, stop killing our Caloosahatchee, St. Lucie River and the Indian River lagoon, by these massive releases from lake Okeechobee. This is a problem over 50 years old and that seems excessive time even for the government to get a problem fixed. It's supposed to rain frogs during the rainy season in Florida! Until a dynamic southern storage reservoir and River of Grass flows to Florida Bay are complete, there will be no curing the problems for Okeechobee, the Caloosahatchee, St. Lucie and Florida Bay. As with all politicians and high profile public figures I am sure you will be careful not to let the buck stop with you!	There have been several state and federal efforts implemented or being implemented that improve the timing and distribution of water throughout the system. Currently, both state and federal projects are in various phases of implementation, including construction, design, and planning. The system is constantly being improved with every project that is completed. COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County. Many of the MWD and C-111 South Dade Project features have been built and/or are nearing completion. Water management operating criteria defined during development of COP will be incorporated into the 2012 WCAs, ENP and ENP to SDCS Control Plan following completion of NEPA. The 2012 Water Control Plan guides operations for associated C&SF infrastructure in south Florida. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. Storage south of the lake currently being considered under the State of Florida's Senate Bill 10, in combination with (1) new storage north of the Lake (being developed as part of LOWP; (2) storage reservoirs being constructed east of the lake (C-44 Reservoir and other reservoirs and STAs associated with the approved Indian River Lagoon-South Project) and west of the lake (C-43 Reservoir); and (3) completion of additional infrastructure to allow flow south of the lake under the CEPP, will serve to restore a more natural system wide hydrology within the entire Everglades ecosystem as envisioned by CERP. Benefits to the Northern Estuaries will be achieved through the continued implementation of these projects.
Comment Date: October 26, 2017		
CHERIE ZADLO - 1	I am writing to request your consideration and support to prioritize Lake Okeechobee's impact on the health and safety of residents, visitors and	Thank you for your comment. Health and human safety is a priority for the Corps in all Federal actions pursued including daily operations of Lake Okeechobee and the operation of the C&SF Project. COP will result in a comprehensive integrated

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	communities as the Army Corps of Engineers prepares its Combined Operational Plan. There is more evidence everyday linking toxic algae blooms produced by damaging fresh water flows to ALS, Parkinson's, Alzheimer's and liver diseases alone. It's time to restore human needs over the sugar industry. Please let me know how else I can assist the effort to move forward toward the rapid development and execution of a sound resolution.	water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County. Many of the MWD and C-111 South Dade Project features have been built and/or are nearing completion. Water management operating criteria defined during development of COP will be incorporated into the 2012 WCAs, ENP and ENP to SDCS Control Plan following completion of NEPA. The 2012 Water Control Plan guides operations for associated C&SF infrastructure in south Florida. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. Programs are in place in the watershed that are specifically focused on water quality such as the FDEP's Basin Management Action Plans and the SFWMD's Lake Okeechobee Protection Program which serves as the overarching water quality restoration plans for the Northern Estuaries including Lake Okeechobee. The creation of storage north of Lake Okeechobee, currently being proposed under the LOWP, if authorized and appropriated, will positively affect the quality of freshwater released to the estuaries which may result in improved salinity and reduced nutrient loading to estuarine waters.
Comment Date: October 26, 2017		
JAN PASHKE - 1	Please, quickly work on sending the water from Lake Okeechobee south to be cleaned, and then south from there into the Everglades, where it would naturally go! Even unpolluted water from Lake Okeechobee into the St. Lucie Estuary is harmful to the Estuary, because it disrupts the salinity of the water. Sending polluted water from Lake Okeechobee creates a nightmare! Please, please send the water south and stop releasing it into the St Lucie Estuary!	There have been several state and federal efforts implemented or being implemented that improve the timing and distribution of water throughout the system. Currently, both state and federal projects are in various phases of implementation, including construction, design, and planning. The system is constantly being improved with every project that is completed. COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County. Many of the MWD and C-111 South Dade Project features have been built and/or are nearing completion. Water management operating criteria defined during development of COP will be incorporated into the 2012 WCAs, ENP and ENP to SDCS Control Plan following completion of NEPA. The 2012 Water Control Plan guides operations for associated C&SF infrastructure in south Florida. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. Storage south of the lake currently being considered under the State of Florida's Senate Bill 10, in combination with (1) new storage north of the Lake (being developed as part of LOWP; (2) storage reservoirs being constructed east of the lake (C-44 Reservoir and other reservoirs and STAs associated with the approved Indian River Lagoon-South Project) and west of the lake (C-43 Reservoir); and (3) completion of additional infrastructure to allow flow south of the lake under the CEPP, will serve to restore a more natural system wide hydrology within the entire Everglades ecosystem as envisioned by CERP. Benefits to the Northern Estuaries will be achieved through the continued implementation of these projects.
NANCY R DEAN & ROBERT V DEAN - 1	We understand the need to strengthen the Hoover Dike; however, only additional water storage will save the Everglades.	There have been several state and federal efforts implemented or being implemented that improve the timing and distribution of water throughout the system. Currently, both state and federal projects are in various phases of implementation, including construction, design, and planning. The system is constantly being improved with every project that is completed. COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County. Many of the MWD and C-111 South Dade Project features have been built and/or are nearing completion. Water management operating criteria defined during development of COP will be incorporated into the 2012 WCAs, ENP and ENP to SDCS Control Plan following completion of NEPA. The 2012 Water Control Plan guides operations for associated C&SF infrastructure in south Florida. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP.

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Comment Date: October 26, 2017		
ARLENE DORAN - 1	Thank you for the opportunity to comment on this critical issue. I have been on the beach when the black discharge water has rolled in and it was awful. The tourists that were there were very unhappy too. They will not be returning. I have also seen the video of the toxic guacamole looking algae, and worry that I will see that too. The health and future of the estuaries of the Caloosahatchee and St. Lucie rivers and the Everglades is dependent on the decisions you are making now. Please make the changes necessary so that the threats of black water plumes and toxic algae are behind us.	There have been several state and federal efforts implemented or being implemented that improve the timing and distribution of water throughout the system. Currently, both state and federal projects are in various phases of implementation, including construction, design, and planning. The system is constantly being improved with every project that is completed. COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County. Many of the MWD and C-111 South Dade Project features have been built and/or are nearing completion. Water management operating criteria defined during development of COP will be incorporated into the 2012 WCAs, ENP and ENP to SDCS Control Plan following completion of NEPA. The 2012 Water Control Plan guides operations for associated C&SF infrastructure in south Florida. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. Storage south of the lake currently being considered under the State of Florida's Senate Bill 10, in combination with (1) new storage north of the Lake (being developed as part of LOWP; (2) storage reservoirs being constructed east of the lake (C-44 Reservoir and other reservoirs and STAs associated with the approved Indian River Lagoon-South Project) and west of the lake (C-43 Reservoir); and (3) completion of additional infrastructure to allow flow south of the lake under the CEPP, will serve to restore a more natural system wide hydrology within the entire Everglades ecosystem as envisioned by CERP. Benefits to the Northern Estuaries will be achieved through the continued implementation of these projects. Programs are in place in the watershed that are specifically focused on water quality such as the FDEP's Basin Management Action Plans and the SFWMD's Lake Okeechobee Protection Program which serves as the overarching water quality restoration plans for the Northern Estuaries including Lake Okeechobee. The creation of storage north of Lake Okeechobee, currently being proposed under the LOWP, if authorized and appropriated, will positively affect the quality of freshwater released to the estuaries which may result in improved salinity and reduced nutrient loading to estuarine waters.
Comment Date: October 26, 2017		
MORGAN S ROTHE - 1	I hope the ACOE will do everything it can to help the Everglades and Lake Okeechobee and the rivers that feed into it and out of Okeechobee by building a refurbished Hoover dike and a large enough reservoir to hold polluted water. Thank you for your service	There have been several state and federal efforts implemented or being implemented that improve the timing and distribution of water throughout the system. Currently, both state and federal projects are in various phases of implementation, including construction, design, and planning. The system is constantly being improved with every project that is completed. COP will result in a comprehensive integrated water control plan for the operation of water management

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		infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County. Many of the MWD and C-111 South Dade Project features have been built and/or are nearing completion. Water management operating criteria defined during development of COP will be incorporated into the 2012 WCAs, ENP and ENP to SDCS Control Plan following completion of NEPA. The 2012 Water Control Plan guides operations for associated C&SF infrastructure in south Florida. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. Storage south of the lake currently being considered under the State of Florida's Senate Bill 10, in combination with (1) new storage north of the Lake (being developed as part of LOWP; (2) storage reservoirs being constructed east of the lake (C-44 Reservoir and other reservoirs and STAs associated with the approved Indian River Lagoon-South Project) and west of the lake (C-43 Reservoir); and (3) completion of additional infrastructure to allow flow south of the lake under the CEPP, will serve to restore a more natural system wide hydrology within the entire Everglades ecosystem as envisioned by CERP. Benefits to the Northern Estuaries will be achieved through the continued implementation of these projects. Programs are in place in the watershed that are specifically focused on water quality such as the FDEP's Basin Management Action Plans and the SFWMD's Lake Okeechobee Protection Program which serves as the overarching water quality restoration plans for the Northern Estuaries including Lake Okeechobee. The creation of storage north of Lake Okeechobee, currently being proposed under the LOWP, if authorized and appropriated, will positively affect the quality of freshwater released to the estuaries which may result in improved salinity and reduced nutrient loading to estuarine waters. The Herbert Hoover Dike Dam Safety Modification Report (DSMR) and Record of Decision (ROD) was signed on August 30, 2016. A cutoff wall was determined to be the least costly, technically acceptable risk reduction measure for remediation of the HHD embankment in areas that have been identified as high risk due to internal erosion failure modes (erosion of the internal structure of the embankment due to seepage forces). Implementation of the DSMR risk reduction project is planned from 2019 through 2025 dependent on funding.
Comment Date: October 26, 2017		
KATHLEEN DEMPSEY - 1	We desperately need the reservoir to be provided south of Lake Okeechobee to preserve our state and save the dyke. At present the blue-green algae is a big problem, and it seems officials are not acting quickly. Let's get going, PLEASE!	There have been several state and federal efforts implemented or being implemented that improve the timing and distribution of water throughout the system. Currently, both state and federal projects are in various phases of implementation, including construction, design, and planning. The system is constantly being improved with every project that is completed. COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County. Many of the MWD and C-111 South Dade Project features have been built and/or are nearing completion. Water management operating criteria defined during development of COP will be incorporated into the 2012 WCAs, ENP and ENP to SDCS Control Plan following completion of NEPA. The 2012 Water Control Plan guides operations for associated C&SF infrastructure in south Florida. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. Storage south of the lake currently being considered under the State of Florida's Senate Bill 10, in combination with (1) new storage north of the Lake (being developed as part of LOWP; (2) storage reservoirs being constructed east of the lake (C-44 Reservoir and other reservoirs and STAs associated with the approved Indian River Lagoon-South Project) and west of the lake (C-43 Reservoir); and (3) completion of additional infrastructure to allow flow south of the lake under the CEPP, will serve

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		to restore a more natural system wide hydrology within the entire Everglades ecosystem as envisioned by CERP. Benefits to the Northern Estuaries will be achieved through the continued implementation of these projects. Programs are in place in the watershed that are specifically focused on water quality such as the FDEP's Basin Management Action Plans and the SFWMD's Lake Okeechobee Protection Program which serves as the overarching water quality restoration plans for the Northern Estuaries including Lake Okeechobee. The creation of storage north of Lake Okeechobee, currently being proposed under the LOWP, if authorized and appropriated, will positively affect the quality of freshwater released to the estuaries which may result in improved salinity and reduced nutrient loading to estuarine waters.
Comment Date: October 26, 2017		
SCOTT LOGAN - 1	Drainage is scarce in this system, and we already knew that heavy rain fills the lake faster than we can drain it. It would be common sense to prioritize dike safety during the summer and fall by keeping lake levels low and stopping unnatural inflows. That would also reduce the chances of discharging toxic algae and its associated health risks to riverside communities. But today's management system isn't governed by common sense. Instead we allow a section of the federal Water Resource Development Act (2000) called the "savings clause <Blockedhttp://d3n8a8pro7vhmx.cloudfront.net/bullsugar/mailings/1171/attachments/original/wrda_savings_clause.pdf?1508445650> " to prioritize the sugar industry's drainage needs, letting them pump excess rainfall (anything over 1") all summer long into the system south of the lake, and when that's full, into the lake itself--the back-pumping that raised lake levels this year even as fears of dike failure dominated headlines. Meanwhile the federal Lake Okeechobee Regulation Schedule (LORS) isn't required to account for the savings clause's influence on the system or to prevent the sugar industry's back-pumping into a rising lake--it just tells the Corps when to flush it into the rivers. Asked last month how the industry could get away with this, SFWMD's Ernie Marks replied honestly: They have a permit. Better, the sugar industry has--thanks to a disjointed, complicated, ancient collection of regulations--the highest priority in the system. That's why no matter how catastrophic a year Florida Bay or the Everglades or the Caloosahatchee or the St. Lucie have, the sugar industry thrives--since 1980 the crop has never had a bad year <Blockedhttp://www.bullsugar.org/sfwmd_okeechobee_phosphorus>. Meanwhile liver failure clusters pop up along the river, with neurological diseases and a host of serious illnesses that we're only just beginning to trace	Changes to LORS 2008 are outside the scope of COP. The COP defines operations for completed features of the MWD and C-111 South Dade Projects. The associated NEPA documentation to be completed in 2019 is an operational plan, not a feasibility report that is submitted to Congress for authorization and appropriations for construction. The WRDA of 2000 requires CERP projects to identify water needed for the natural system to achieve CERP restoration goals and protect it from other potentially competing uses. At the same time, existing legal sources of water supply for municipal and agricultural needs must also be protected. In addition, CERP implementation cannot reduce existing levels of service for flood protection. WRDA 2000 requires the inclusion of "Savings Clause" analyses within each CERP PIR. Development of the COP is not a CERP component. An updated Lake Okeechobee Regulation Schedule study will be completed to coincide with completion of the Herbert Hoover Dike (HHD) rehabilitation, which is currently scheduled for 2025. The Corps is working with the State of Florida to explore opportunities to accelerate implementation of HHD rehabilitation and the associated Lake Okeechobee Regulation Schedule study. Storage south of the lake currently being considered under the State of Florida's Senate Bill 10, in combination with (1) new storage north of the Lake (being developed as part of LOWP; (2) storage reservoirs being constructed east of the lake (C-44 Reservoir and other reservoirs and STAs associated with the approved Indian River Lagoon-South Project) and west of the lake (C-43 Reservoir); and (3) completion of additional infrastructure to allow flow south of the lake under the CEPP, will serve to restore a more natural system wide hydrology within the entire Everglades ecosystem as envisioned by CERP.

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	back to toxic Lake Okeechobee discharges. And residents living in the shadow of the dam wait for the next storm and the next evacuation order.	
Comment Date: October 27, 2017		
CARLA ANCHORS - 1	Now is the time for "Big Sugar" to give up it's hold on the land we need to create water holding areas for Lake O. They have been "King", for years and the need is great!!! DO NOT drill deep water wells or we will have MORE sinkholes all over.	The construction of deep injection wells north of Lake Okeechobee is outside the scope of this project. The COP defines operations for completed features of the MWD and C-111 South Dade Projects. Water management operating criteria defined during development of COP will be incorporated into the 2012 WCAs, ENP and ENP to SDCS Control Plan following completion of NEPA. The 2012 Water Control Plan guides operations for associated C&SF infrastructure in south Florida. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP.
Comment Date: October 27, 2017		
DA HELLER - 1	I regularly visit Florida to fish and enjoy the everglades and offshore areas. The catastrophic release of nutrient laden water from lake O. was a disaster that should never of happened and should not happen again. It was an environmental and economic disaster an perhaps only benefited the sugar industry. I strongly urge you to move forward and begin an in depth review and revision of water and drainage plans with a "must" criterion that new plans contribute to healthy everglades and off shore areas and eliminate the risk of future harmful release.	There have been several state and federal efforts implemented or being implemented that improve the timing and distribution of water throughout the system. Currently, both state and federal projects are in various phases of implementation, including construction, design, and planning. The system is constantly being improved with every project that is completed. COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects in Miami Dade County. Many of the MWD and C-111 South Dade Project features have been built and/or are nearing completion. Water management operating criteria defined during development of COP will be incorporated into the 2012 WCAs, ENP and ENP to SDCS Control Plan following completion of NEPA. The 2012 Water Control Plan guides operations for associated C&SF infrastructure in south Florida. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. Storage south of the lake currently being considered under the State of Florida's Senate Bill 10, in combination with (1) new storage north of the Lake (being developed as part of LOWP; (2) storage reservoirs being constructed east of the lake (C-44 Reservoir and other reservoirs and STAs associated with the approved Indian River Lagoon-South Project) and west of the lake (C-43 Reservoir); and (3) completion of additional infrastructure to allow flow south of the lake under the CEPP, will serve to restore a more natural system wide hydrology within the entire Everglades ecosystem as envisioned by CERP. Benefits to the Northern Estuaries will be achieved through the continued implementation of these projects. Programs are in place in the watershed that are specifically focused on water quality such as the FDEP's Basin Management Action Plans and the SFWMD's Lake Okeechobee Protection Program which serves as the overarching water quality restoration plans for the Northern Estuaries including Lake Okeechobee. The creation of storage north of Lake Okeechobee, currently being proposed under the LOWP, if authorized and appropriated, will positively affect the quality of freshwater released to the estuaries which may result in improved salinity and reduced nutrient loading to estuarine waters.
Comment Date: October 27, 2017		
SANDY TEGER – 1	There is no question in my mind, or that of my neighbors in Lee County, that health and human safety should rank number one in South Florida's water management system. This is clearly not the case today and must be changed.	Health and human safety is a priority for the Corps in all Federal actions pursued including daily operations of Lake Okeechobee and the operation of the C&SF Project. The COP defines operations for completed features of the MWD and C-111 South Dade Projects. The associated NEPA documentation to be completed in 2019 is an operational plan, not a feasibility report that is submitted to Congress for authorization and appropriations for construction. The WRDA of 2000 requires CERP projects to identify water needed for the natural system to achieve CERP restoration goals and protect it from other potentially competing uses. At the same time, existing legal sources of water supply for municipal and agricultural needs must

COMMENTER	AGENCY/PUBLIC COMMENT	U.S. ARMY CORPS OF ENGINEERS (USACE) RESPONSE
	It is unconscionable that we allow a section of the federal Water Resource Development Act (2000) to prioritize the sugar industry's drainage needs, letting them pump excess rainfall all summer long into the system south of the lake, and when that's full, into the lake itself. Meanwhile the federal Lake Okeechobee Regulation Schedule (LORS) isn't required to account for this influence on the system or to prevent the sugar industry's back-pumping into a rising lake--it just tells the Corps when to flush it into the rivers. The sugar industry has the highest priority in the system and that is just plain WRONG! There is no question that the health and safety of the people of Florida should and must be our number 1 priority.	also be protected. In addition, CERP implementation cannot reduce existing levels of service for flood protection. WRDA 2000 requires the inclusion of "Savings Clause" analyses within each CERP PIR. Development of the COP is not a CERP component. An updated Lake Okeechobee Regulation Schedule study will be completed to coincide with completion of the Herbert Hoover Dike (HHD) rehabilitation, which is currently scheduled for 2025. The Corps is working with the State of Florida to explore opportunities to accelerate implementation of HHD rehabilitation and the associated Lake Okeechobee Regulation Schedule study. Storage south of the lake currently being considered under the State of Florida's Senate Bill 10, in combination with (1) new storage north of the Lake (being developed as part of LOWP; (2) storage reservoirs being constructed east of the lake (C-44 Reservoir and other reservoirs and STAs associated with the approved Indian River Lagoon-South Project) and west of the lake (C-43 Reservoir); and (3) completion of additional infrastructure to allow flow south of the lake under the CEPP, will serve to restore a more natural system wide hydrology within the entire Everglades ecosystem as envisioned by CERP.
Comment Date: October 28, 2017		
BECKY GLASS – 1	Save the Lake and the people support changes to the water system.	Thank you for your comment.

Jacksonville District, US Army Corps of Engineers (USACE)
Combined Operations Plan (COP)
Supplemental NEPA
US Environmental Protection Agency (EPA) Scoping Comments
October 23, 2017

Water Quality: The EPA recommends the USACE consult with the Florida Department of Environmental Protection (FDEP) to determine each alternative's potential impacts to waterbodies listed on the 303(d) list of impaired waterbodies. The EPA also recommends any water quality impacts be disclosed within the NEPA document. Additionally, the EPA recommends the USACE coordinate with FDEP to ensure compliance with all applicable Clean Water Act (CWA) water quality standards.

Tribal Coordination: For NEPA disclosure, the EPA recommends the USACE include feedback and input provided by the tribes within the NEPA document. Additionally, the EPA works closely with both the Miccosukee Tribe of Florida and the Seminole Tribe of Florida on environmental matters and is committed to working with other federal partners to prioritize the Tribes' water quality and water management concerns. EPA encourages consultation and coordination with the Tribes at all levels of decision-making.

Environmental Justice: The EPA recommends the USACE consider the proposed project's impacts to low income, minority populations as described in "Executive Order 12898 -Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (February 16, 1994). The EPA recommends the USACE disclose any impacts to low income-minority communities in the NEPA document.

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Bradley Mueller <bradleymueller@semtribe.com>
Sent: Friday, October 13, 2017 1:08 PM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] Combined Operational Plan Modified Water Deliveries and C-111 South Dade Projects, Miami-Dade County, FL

October 13, 2017

Ms. Melissa Nasuti

Planning & Policy Division

Department of the Army, Jacksonville District Corps of Engineers

PO Box 4970

Jacksonville, FL 32232-0019

Phone: 904-232-1368

Email: Melissa.A.Nasuti@usace.army.mil <mailto:Melissa.A.Nasuti@usace.army.mil>

Subject: Combined Operational Plan Modified Water Deliveries and C-111 South Dade Projects, Miami-Dade County, FL

THPO Compliance Tracking Number: 0030098

Dear Ms. Nasuti,

Thank you for contacting the Seminole Tribe of Florida – Tribal Historic Preservation Office (STOF-THPO) regarding the Combined Operational Plan Modified Water Deliveries and C-111 South Dade Projects, Miami-Dade County, FL. The proposed undertaking area does fall within the STOF Area of Interest. Please continue to consult with us as the COP and the associated NEPA docuemtns ae developed. Regarding the offer to particpate on the Project Delivery Team, I will forward that on to the appropriate person. Thank you and feel free to contact us with any questions or concerns.

Respectfully,

Bradley M. Mueller, MA, Compliance Supervisor

STOF-THPO, Compliance Review Section

30290 Josie Billie Hwy, PMB 1004

Clewiston, FL 33440

Office: 863-983-6549 ext 12245

Email: bradleymueller@semtribe.com <mailto:bradleymueller@semtribe.com>

OFFICE OF AGRICULTURAL WATER POLICY
(850) 617-1700

THE MAYO BUILDING
407 SOUTH CALHOUN STREET
TALLAHASSEE, FLORIDA 32399-0800

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

COMMISSIONER ADAM H. PUTNAM

October 20, 2017

Ms. Melissa Nasuti
Department of the Army
Jacksonville District Corps of Engineers
701 San Marco Boulevard
Jacksonville, FL 32207-8175

RE: Combined Operational Plan (COP) Scoping Comments

Dear Ms. Nasuti

The Florida Department of Agriculture and Consumer Services (FDACS) appreciates the opportunity to provide scoping comments on the development of a Combined Operational Plan (COP) which is being undertaken to define operations for the constructed features of the Modified Water Deliveries (MWD) to Everglades national Park (ENP) and Canal 111 (C-111) South Dade Projects while maintaining the congressionally authorized purposes for the Central and Southern Florida (C&SF) Project. Our comments focus on aspects of the COP that will impact private agricultural lands and agricultural operations.

In general, the COP should maintain storm event flood protection capacity for private lands in local basins adjacent to Everglades National Park (ENP) and provide the same level of service for consumptive water uses.

The routine diversion of water from Water Conservation Area 3A (WCA-3A) to the C-111 Basin must end with the completion of the Modified Water Delivery Project, which was one of the design assumptions when the C-111 GRR was approved. S-334 and S-331 are not authorized for WCA 3A flood releases and should not be included in the COP to achieve the sharp reductions in L-29 stages required by the DOT contract even when the WCA 3A stage is high. The goal of COP should be eliminating Column 2 operations and WCA 3A high water discharges into the South Dade Conveyance System (SDCS) barring emergency operations.

The COP should not use S-331 to convey flood waters from the 8.5 Square Mile Area (8.5 SMA) into the SDCS if the current 8.5 SMA flood mitigation project is not adequate to provide the flood protection needed. If the project requires additional work to meet performance standards, that should be identified by Increment 2 so the use of S-331 to alleviate flooding in the 8.5 SMA is not incorporated into the COP.

Distribution of water during wet periods should concentrate on maximizing deliveries of water to Northeast Shark River Slough (NESRS). Evaluation of the performance of proposed operations should be undertaken using the data now available. Data collected during the current emergency operations deviation indicates pumping at S-356 does not seem to increase the stage in the L-29 Canal when the canal is above 8.2 feet. This means that with an L-29 constraint of 8.5, the use of S-356 will not necessarily reduce the flow from WCA-3A into NESRS and adding the flow from S-356 may provide a significant benefit to the Park. This is something we should verify as the deviation operations continue since it could provide very useful information in setting the future operating protocols for S-356.

Thank you for the opportunity to provide COP scoping comments. We look forward to continued progress for Modified Water Deliveries and working with our state and federal partners to improve system-wide capabilities and restoration success. If you have any questions regarding FDACS' comments, please contact Ray Scott at (850) 617-1716 or Rebecca Elliott at (561) 682-6040.

Sincerely,

Rebecca Elliott
Water Policy Liaison
Office of Agricultural Water Policy

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Kirby, Marjorie <Marjorie.Kirby@dot.state.fl.us>
Sent: Friday, October 20, 2017 3:47 PM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Cc: Watts, Jason; James, Steven C.; Salazar, Ricardo
Subject: [EXTERNAL] Combined Operational Plan - MWD
Attachments: MWD COP Sept 2017.pdf

Hello Ms. Nasuti – Thank you for providing notice of NEPA study initiation for the Combined Operational Plan for the constructed features of the Modified Waters Delivery Plan. The Florida Department of Transportation is interested in remaining on the mailing list for future notifications regarding this effort. Please continue to forward this information to my attention with cc: to Jason Watts, Director, Office of Environmental Management at the same address below. Thank you again - Margie

Marjorie Kirby

State Environmental Programs Administrator

Florida Department of Transportation

Office of Environmental Management

605 Suwannee Street, MS-37

Tallahassee, FL 32399

Tel: (850) 414-5209

FAX: (850) 414-4443

Memorandum

TO: Melissa Nasuti
United States Army Corps of Engineers

THROUGH: Edward C. Smith, Director
Office of Ecosystem Projects

FROM: Inger Hansen, Chad Kennedy and Frank Powell
Office of Ecosystem Projects

DATE: October 18, 2017

SUBJECT: Department of the Army, Jacksonville District Corps of Engineers — Scoping Notice – Combined Operations Plan (COP).

Background

The Jacksonville District, U.S. Army Corps of Engineers (Corps) issued the subject Scoping Notice to gather comments and concerns that will be addressed in a National Environmental Policy Act (NEPA) document for the Combined Operational Plan (COP). The purpose of COP is to define operations for constructed components of the Modified Water Deliveries (MWD) to Everglades National Park (ENP) and the Canal 111 (C-111) South Dade projects, while maintaining the Congressionally-authorized multiple purposes of the Central and Southern (C&SF) Project to include flood control; water supply for agricultural irrigation, municipalities, and industry; regional ground water control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation.

A bulleted list of objectives outlined by the Corps for COP include the following:

1. Improve water deliveries (timing, location, volume) into ENP and take steps to restore natural hydrologic conditions in ENP given current C&SF infrastructure or infrastructure expected to be completed by the time of implementation, to the extent practicable by:
   a. Changing schedule of water deliveries so that it fluctuates in consonance with local meteorological conditions, including providing for long term and annual variation in ecosystem conditions in the Everglades (Timing).
   b. Restoring NESRS as a functioning component of the Everglades hydrologic system (Location).
   c. Adjusting the magnitude of water discharged to ENP to minimize effects of too much or too little water (Volume).

2. Maximize progress toward restoring historic hydrologic conditions in the Taylor Slough, Rocky Glades, & eastern Panhandle of ENP.
3. Protect the intrinsic ecological values associated with WCA-3A and ENP.
4. Minimize the damaging* freshwater flows to Manatee Bay/Barnes Sound through the S197 structure and increase flows through Taylor slough and coastal creeks.
5. Include consideration of cultural values and tribal interests & concerns within WCA-3A and ENP.
6. Explore opportunities for enhancing the recovery of federally and state listed species under the Endangered Species Act, consistent with the restoration objectives, the USACE's authorities for MWD and C-111 projects and operational considerations.
7. Explore objectives to enhance opportunity for flood control and mitigation.

The Florida Department of Environmental Protection (Department) appreciates the opportunity to comment, and understands that the substantive details of the operating plan will be addressed in the forthcoming NEPA document, the Department previously provided comments to the Corps on the COP Scoping Notice on July 7, 2011.

Comments:

The Department recognizes COP as a critical step towards completing the MWD and C-111 projects. Both the MWD and the C-111 Projects that need to be fully operational to continue the progress towards restoration of the Everglades system. The Department recommends expediting the completion of the MWD and C-111 Projects which includes COP, so that components of the Comprehensive Everglades Restoration Plan (CERP) projects can move forward in the near term as envisioned by the State of Florida's Senate Bill 10, as well as expedited projects under Central Everglades Project (CEP) such as the S-333N and Old Tamiami Trail removal.

The Department recommends that a comprehensive hydrologic evaluation be conducted to ensure that the projects can be operated to meet the goals identified in the Everglades National Park Protection and Expansion Act. The evaluation should include components for the South Dade C&SF flood protection, high water conditions in Water Conservation Areas (WCA) 2 and 3, and flood mitigation for the 8.5 Square Mile Area (SMA).

The Department recommends that COP be developed to have operation that are responsive to events to avoid, minimize or eliminate the need State issued Emergency Orders for High Water Conditions in the WCAs and the Ninth Amended Emergency Order for the C-111 South Dade Project.

There is a need to evaluate COP on a broader and more comprehensive scale while meeting the original objectives of both the MWD and C-111 South Dade Projects. This evaluation should consider the assessment of COP alternatives in consideration of ongoing and future State and Federal restoration efforts. The broader more comprehensive evaluation should include re-evaluating inflows and outflows of WCA 3, and consideration of features that have been

constructed by Federal and State parties under separate authorizations such as the Tamiami Trail Next Steps Phase I project and C-111 CERP project.

The Department notes that the Corps identified objectives for the development of COP may have excluded previous identified objectives. The Department also noted that the Corps lists project constraints including the Everglades Restoration Transition Plan (ERTP) WCA-3A Regulation Schedule. The Department understanding is that COP would be developed to replace ERTP and the that ERTP was meant to be an interim transitional plan, and not a constraint that would be carried forward into COP.

The Department is particularly concerned about the newly identified objective (1c) of "Adjusting the magnitude of water discharged to ENP to minimize effects of too much or too little water (Volume)" as this objective may be used to limit restoration flows to ENP for flood protection purposes. The Department suggests that a more appropriate objective is to maintain the current level of flood protection while maximizing ecologically beneficial flows from WCA-3 and through ENP's Shark River and Taylor Sloughs to Florida Bay. One goal of the authorized project was to construct and operate a flood mitigation project for the 8.5 SMA to ensure that restorative flows to ENP's Shark River Slough would not result in diminished or increased flood protection. The Department request that the Corps conduct an evaluation of historical conditions compared to post mitigation conditions for 8.5 SMA to develop an operations plan that maintains pre- mitigation flood control while allowing periodic event driven extreme flows though SRS. The Department is concerned that the level of flood protection for 8.5 SMA has been enhanced despite the construction of the mitigation features which results in damaging high-water stages in WCA-3. The 8.5 SMA project was authorized to provide flood mitigation and COP evaluation needs to be comprehensive in evaluating that the projects is able to provide the required flood mitigation without restricting Everglades restoration flows to ENP.

The Department requests that continued attention to water quality is a critical part of COP formulation, and that specific actions to maintain water quality must be implemented as part of the development of COP. The concerns expressed by the Department in previous correspondence focused on the potential for exceedances of the State's phosphorus criterion due to increased flows into Shark River Slough. Other water quality issues must also be addressed during the development of COP, including the uncertainty surrounding the quantity and quality of water to be released to the Everglades Protection Area (EPA). This concern needs to be carefully evaluated in planning for COP including structure operation criterion and water velocity management that could resuspend sediments (for example: slow opening of S-333 after extended closure).

Regulatory Authorization:

The implementation of COP will modify the operations of water management structures within the Southern Everglades and the South Miami Dade Area. Surface water management, which includes operations, is regulated by the Department under Chapters 373 and 403, Florida Statues. Any modification to the existing system may require a permit prior to implementation. The

Department strongly recommends that the Corps initiate discussions with the Department early in the planning process to ensure regulatory concerns are appropriately addressed. As mentioned earlier, the Department has issued multiple emergency orders to manage the high water operation deviations of the WCAs and L-29 Canal System. The Department trusts that the development of COP will fully evaluate and address all operating conditions of this project and that the need for unplanned emergency deviations will not continue to be part of the future operating procedures.

The Florida Department of Environmental Protection (Department) appreciates the opportunity to comment, and understands that the substantive details of the project will be addressed in the forthcoming NEPA document. Department staff looks forward to continued participation throughout the planning process. The Department would like to reiterate its commitment to the restoration of the Greater Everglades ecosystem and "getting the water right." Should you have any questions on the comments provided, please do not hesitate to contact Ms. Inger Hansen at (561) 681-6709.

Electronic copies to:

Brenda Mills, SFWMD
Matthew Morrison, SFWMD
Donna George, USACE
Gina Ralph, USACE
Jed Redwine, NPS
Robert Johnson, NPS
Ed Smith, FDEP
Frank Powell, FDEP
Chad Kennedy, FDEP
Inger Hansen, FDEP
Aric Larson, FDEP
Rhapsodie Osborne, FDEP
Natalie Barfield, FDEP
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Jordan Pugh, FDEP

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MyFWC.com

October 24, 2017

Melissa Nasuti
U.S. Army Corps of Engineers, Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232-0019
Melissa.A.Nasuti@usace.army.mil

RE: U.S. Army Corps of Engineers (USACE) Scoping in Preparation for National Environmental Policy Act (NEPA) Assessment of the Combined Operational Plan (COP)

Dear Ms. Nasuti:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the above-referenced scoping solicitation, and provides the following technical comments in accordance with FWC's authorities under Chapter 379, Florida Statutes; Chapter 68, Florida Administrative Code; and Article 4, Section 9, Florida Constitution.

Project Description

The U.S. Army Corps of Engineers (USACE) is beginning preparation of the National Environmental Policy Act (NEPA) assessment for the Combined Operational Plan (COP). The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries (MWD) to Everglades National Park (ENP) and Canal 111 (C-111) South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern Florida (C&SF) Project to include flood control; water supply for agricultural irrigation, municipalities, and industry; regional groundwater control and prevention of saltwater intrusion; and enhancement of fish and wildlife and recreation.

The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure. The development of the COP will be informed by a series of previously conducted operational field tests. Additionally, the COP will incorporate information gained from water management actions taken by USACE in response to unseasonable high-water levels within the Everglades and Francis S. Taylor Wildlife Management Area (EWMA), which are comprised of Water Conservation Area (WCA) 2 and 3.

Potentially Affected State Listed Wildlife

FWC staff has reviewed the table of state listed species in the project area that was provided in the letter dated September 26, 2017, from USACE to U.S. Fish and Wildlife Service. The FWC staff has compared the information provided by USACE to the *"Florida's Imperiled Species Management Plan"* (2016), and has provided a list of state threatened (ST) wildlife consistent with the most recent version of the *Imperiled Species Management Plan.*

- Mammals
  - Everglades mink (*Mustela vison evergladensis*, ST)

- Birds
  - Black skimmer (*Rynchops niger,* ST)
  - Least tern (*Sterna antillarium*, ST)
  - White-crowned pigeon (*Patagioenas leucocephalus,* ST)
  - Little blue heron (E*gretta caerulea*, ST)
  - Tricolored heron (*Egretta tricolor*, ST)
  - Reddish egret (*Egretta rufescens*, ST)
  - Roseate spoonbill (*Platalea ajaja,* ST)
  - Florida sandhill crane (*Antigone canadensis pratensis,* ST)
  - Southeastern American kestrel (*Falco sparverius paulus,* ST)

A complete copy of the *Florida's Imperiled Species Management Plan* (2016) can be downloaded from the MyFWC.com website at http://myfwc.com/media/4133167/floridas-imperiled-species-management-plan-2016-2026.pdf.

Comments and Recommendations

Implementation of the COP is anticipated to increase the availability of water deliveries from WCA-3A to ENP through Northeast Shark River Slough and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. FWC staff recognizes the broad scope of COP and previously provided scoping comments on July 6, 2011. FWC staff appreciates being a partner in the development of the COP through the Project Delivery Team (PDT) process and looks forward to the ecosystem-wide ecological benefits to be achieved through project implementation.

High-water Management Strategy

The FWC has fish and wildlife and land management responsibilities for the EWMA and has found that hydrology, water depth, and duration of standing water are very important components of wildlife and habitat protection. The FWC has developed a position paper entitled *Hydrologic Requirements for the Everglades and Francis S. Taylor Wildlife Management Area* dated November 20, 2013 (enclosed). This paper provides biologically based guidance for managing water levels in the Everglades to ensure restoration of fish and wildlife populations, habitat, and diversity so that the goals of the Comprehensive Everglades Restoration Plan (CERP) may be fully realized.

FWC staff recommends that the USACE fully incorporates information gained from the emergency and planned temporary deviations that were implemented by USACE in response to extreme high-water conditions in the EWMA. Further, staff recommends that the USACE relies on the biologically based guidance provided in FWC's position paper to develop high-water management strategies that are consistent with this guidance, provides relief for wildlife during periods of extreme high-water, and minimizes recreational impacts.

Regulation Schedules for WCA-3B and WCA-2A

The EWMA includes WCA-2, WCA-2B, WCA-3A, and WCA-3B. WCA-3B contains highly significant natural resources, managed for natural vegetative communities, wildlife and aquatic species, and recreational uses. WCA-3B supports some of the least impacted tree islands remaining in the Everglades ridge and slough landscape and the maintenance of ecologically compatible water levels is important for the wildlife and ecology. FWC staff supports the development of a regulation schedule for WCA-3B that maintains the ecological quality and supports continued recreational uses.

The COP bulleted document that was distributed to the PDT acknowledges that the USACE is considering the inclusion of WCA-2 in the COP effort. FWC staff supports incorporating WCA-2A regulation schedule revisions that improve the quantity, timing, and distribution of water to promote more natural patterns of inundation.

Expedite Current Projects and Plan for Future Project Components

The COP is a critical step towards developing a water control plan that makes full use of the available infrastructure and resources constructed under MWD, CERP, Tamiami Trail Next Steps (TTNS), Central Everglades Project Plan (CEPP), and other Everglades restoration programs.

FWC staff recommends utilizing all available resources to expedite the MWD and C-111 projects, including the COP to gain full project benefits as soon as practicable. Expediting the remaining components of MWD and the C-111 projects will facilitate raising the L-29 canal constraint up to the 8.5 feet National Geodetic Vertical Datum (NGVD) and hasten the potential benefits of project implementation.

FWC staff also recommends that the COP operations strategy not omit or constrain the role of infrastructure projects scheduled for near-term completion. Project components such as the TTNS 2.6-mile bridge, S-333N, the removal of Old Tamiami Trail, and other restoration features will provide great benefits to preventing and managing high-water conditions in the EWMA.

L-29 Canal Constraint

FWC staff continues to support the development of a water control plan that raises the maximum operational limit of the L-29 canal and maximizes ecologically beneficial flows from the EWMA through Northeast Shark River Slough and Taylor Slough to Florida Bay. FWC staff recommends that the COP alleviate all constraints on the L-29 canal stage up to the 8.5 feet National Geodetic Vertical Datum (NGVD) to facilitate maximum sustained discharges from the EWMA to Northeast Shark River Slough and on to Florida Bay. An operational plan that maximizes opportunities to deliver water from the EWMA will help prevent high-water conditions from developing and support high-water management strategies that minimize potential impacts to area wildlife, their habitat, and recreational uses.

FWC staff appreciates the USACE's commitment to developing the COP in a timely manner for the benefits to the overall Everglades and fully supports the efforts. We

appreciate the opportunity to provide comments and recommendation early in the process, and offer our staff support to continue working with the USACE throughout the development of COP. If you have questions or would like to coordinate further on any of the recommendations contained within this letter, please contact me directly at (561) 625-5704 or by email at James.Erskine@MyFWC.com.

Sincerely,

James Erskine, Everglades Coordinator
Office of Executive Director

je/tt
ENV 1-5-2
Combined Operational Plan for the Southern Everglades_33930_102417
Enclosure

POSITION PAPER: HYDROLOGIC REQUIREMENTS FOR THE EVERGLADES AND FRANCIS S. TAYLOR WILDLIFE MANAGEMENT AREA FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

November 20, 2013

Purpose

A stated goal of the Comprehensive Everglades Restoration Plan (CERP) is "to capture fresh water that now flows unused to the ocean and the Gulf and redirect it to areas that need it most. Most of the water will be devoted to environmental restoration, reviving a dying ecosystem." The Florida Fish and Wildlife Conservation Commission (FWC) believes that guidelines currently being considered for management of water in and through this ecosystem may result in high and low water conditions that have an impact on fish and wildlife populations, habitat, and diversity, particularly certain state and federally listed imperiled species. Such outcomes would be inconsistent with the goal of reviving a dying ecosystem; however, modifications are feasible to insure water management guidelines are consistent with CERP goals. The purpose of this paper is to provide biologically based guidance for managing water levels in the Everglades to insure restoration of fish and wildlife populations, habitats, and diversity such that CERP goals can be fully realized.

Executive Summary

The FWC fully supports the stated goals of CERP. It is the position of the FWC that water levels in the Central Everglades should be managed in a manner that sustains and restores native fish and wildlife populations, habitat and diversity. To achieve this outcome FWC asserts that water levels in the Water Conservation Areas (WCAs) should not exceed two feet in depth at the height of the wet season with water recession and ascension rates not exceeding 0.25 feet per week. The FWC has revisited the regulation schedule recommended to the U.S. Army Corps of Engineers for WCA 3A by its predecessor agency, the Florida Game and Fresh Water Fish Commission in 1980, and has reviewed the U.S. Fish and Wildlife Service's draft *Multi-Species Transition Strategy for Water Conservation Area 3A* to form this position on a biologically based water management strategy. Together, these two proposals explicitly take into account the hydrologic tolerances and limitations of a variety of species and communities that are characteristic of the Everglades. Other sources supporting this position include research on the relationship of water levels and tree islands; apple snails; maximum foraging depths for wading birds (five of which are listed as a Species of Special Concern); and over three decades of telemetry data on movements of Florida panthers in the Everglades and Big Cypress region, which correlates effectively to depths that white-tailed deer can access. In addition, this position and findings in this paper have been informed by six decades of FWC staff experience in managing the Everglades and Francis S. Taylor Wildlife Management Area (EWMA).

Comprising Water Conservation Areas 2A, 2B, 3A, and 3B, the EWMA totals 671,831 acres or 82% of the Water Conservation Areas in south Florida and roughly 30% of the remaining Everglades landscape south of the Everglades Agricultural Area. We conclude the 1980

recommendation remains generally applicable and the draft *Multi-Species Transition Strategy for Water Conservation Area 3A*, with a few exceptions noted, recommends water depths that fall within reasonable ranges. In general, the FWC recommends optimal water depths no more than two feet during the height of the wet season (late October – early November) and close to ground level during the driest time of the year (late May – early June), as measured from the average slough elevation. Extreme high water resulting from prolonged rainfall, hurricanes, or tropical storms causing water levels to exceed two feet must not be allowed to persist longer than 60 days.

Introduction

The FWC is committed to supporting the Central Everglades Planning Project (CEPP) and working collaboratively with our partners. CEPP represents a water management plan for the Everglades that stems from and is central to the Comprehensive Everglades Restoration Plan (CERP). We intend for this document to serve as the foundation for the FWC's recommendations regarding the planning and implementation of CERP and CEPP. We acknowledge this document may need to be refined further as we work with other agencies, researchers, and stakeholders to evaluate subsequent CERP projects and other CEPP-related activities such as water regulation schedules that would affect the Everglades and Francis S. Taylor Wildlife Management Area (EWMA or Water Conservation Areas [WCAs] 2A, 2B, 3A, and 3B). It is our intent to make sure water management parameters provide for water depths and durations for this area that will sustain and restore resident fish and wildlife, including imperiled species.

There is a long history of research, biological observation and expertise associated with identifying water management parameters most suitable for wildlife. Staff review of two documents was central to the development of this position paper including the draft *USFWS Multi-Species Transition Strategy for Water Conservation Area 3A* (U.S. Fish and Wildlife Service [USFWS] 2010) and the regulation schedule recommended by the Florida Game and Fresh Water Fish Commission (GFC) in 1980 (Schortemeyer 1980). Both of these documents present a multi-species approach toward determining biologically based recommendations for managing water in the EWMA.

This paper provides guidelines based on historical information for maintaining fish and wildlife diversity and richness in the largest part of the EWMA: WCA 3A. Most of the research in the EWMA has focused on WCA 3A since it is the largest of the WCAs. This paper addresses water management aspects of Everglades restoration from a fish and wildlife diversity perspective and recommends general ranges of water depths for both the peak of the wet season (October into November) and the driest part of the dry season (May into June). Additionally, this paper describes how water levels managed outside of the desired range of conditions have impacted vegetation communities, wildlife diversity, and species richness, particularly for state- and federally listed species. The FWC's position statement references the experiences and reports the FWC and its predecessor agency, the GFC, have provided since the authorization of the Central and South Florida Project in 1948 and continuing into current CERP planning efforts.

Background

Because roughly half of the original extent of the Everglades has been lost to development and agriculture, today's water managers face a difficult task of routing the same amount of rain that historically fell through today's much-reduced system consisting of canals, levees, and impoundments while providing water supply, flood control, and conserving the remaining Everglades landscape for fish and wildlife. One of the greatest challenges for the Comprehensive Everglades Restoration Plan is to accomplish this three-pronged mission. The WCAs in this area are now subject to extremely high water levels for extended periods of time, particularly in the southern end of WCA 3A, when the capacity of the Central and South Florida Project is exceeded by periods of high rainfall. They are also subject to artificially low water levels, and particularly in the northern part of WCA 3A, during drought periods.

The FWC and GFC have six decades of experience in managing the large part of the Everglades landscape that is today referred to as WCAs 2A, 2B, 3A, and 3B. The Central and South Florida Project was authorized by Congress in 1948, and construction of its levee and canal system, including the WCAs, began in 1952 (Light and Dineen 1994). In 1952, WCAs 2 and 3 were designated as the EWMA with the GFC as the land management agency, and in 1953 the GFC began the Everglades Impoundment Investigation with funding from the Federal Aid in Fish and Wildlife Restoration Acts (Wallace 1960). The July 1953 annual report by Clay Gifford, GFC biologist, clearly recognized even then that a multi-species approach would be required (Gifford 1953). It also acknowledged the difficulty in developing the knowledge base necessary to link engineered hydrologic regimes with the ecological needs of a complex biological community.

The GFC continued to investigate, implement, and evaluate management approaches within the EWMA. In 1960 it issued a formal status report, *Recommended Program for Conservation Area 3* (Wallace 1960), outlining the expected impacts of constructing the proposed L-67 levee system. Later, and primarily as a result of a dramatic deer die off in the WCAs in the late 1960s, the Florida Chapter of the Wildlife Society appointed the Special Study Team on the Florida Everglades, a group of five national fish and wildlife biologists, to "evaluate the…wildlife situation in the Everglades…and suggest some possible courses of action." This team was assembled at the request of the Central and Southern Florida Flood Control District (predecessor of today's South Florida Water Management District), and with agreement by the GFC. Their 1970 report, *Everglades Water and Its Ecological Implications*, also recognized the need to address a suite of native species if the WCAs were to be successfully managed (Cornell et al. 1960). For deer management, it recommended that water levels not exceed two feet during the wet season and recede to a depth of six to eight inches in February, during fawning. In 1983, staff developed a deer-management approach that reduced the likelihood of catastrophic deer mortalities due to high water levels (GFC 1983).

A decade later, the GFC published its first set of comprehensive recommendations for managing water levels to support fish and wildlife in WCA 3A (Schortemeyer 1980). This report, *An Evaluation of Water Management for Optimum Wildlife Benefits in Conservation Area 3A*, recognized three hydrologic zones in WCA 3A: an area that was negatively affected by low water and peat fires, largely lying north of Alligator Alley; an area in central WCA 3A where the

sawgrass ridges, sloughs, and tree islands appeared to be relatively intact; and an area along eastern and southern WCA 3A that had suffered from prolonged high water levels. Based on an analysis of Everglades plant communities and selected wildlife species, Schortemeyer (1980) developed schedules for seven species or suites of species: the deer; the alligator, passerine birds, and the pig frog; the Everglade snail kite; wood stork; largemouth bass; diving ducks; and dabbling ducks. Recognizing that no one place would be optimal for all species, he summarized these recommendations in a proposed water regulation schedule that would allow water levels in the sawgrass community to peak at a depth of about 1.38 feet on November 1 and then gradually and steadily recede to a low of -0.05 feet by June 1. At that time, water levels would increase to the 1.38-foot depth at the beginning of November. This proposal was formally approved as a recommended schedule for WCA 3A by the GFC's Commissioners in May 1980.

The GFC continued to provide recommendations based on experience in the EWMA to water managers in the 1980s (Schortemeyer 1999), and in 1995 formed a team of biologists to participate in the interagency "Restudy" that developed CERP (approved in 2000). During that time, the GFC drew on its past experience, including its analysis of the effects of the extreme high-water event in 1994–1995 (Coughlin and Richards 1995, Guerra 1997), to influence the development of key performance measures used during the Restudy to evaluate alternative draft plans, particularly in WCAs 2 and 3. The GFC also gathered data from WCAs 3A and 3B in a field study that investigated the vegetative community structure and composition on the heads of tree islands from the three zones identified by Schortemeyer (1980), a fourth zone of hardwood hammocks in southwestern WCA 3A, and in WCA 3B. This study determined that both extreme high and extreme low water levels are predictors of tree and shrub species diversity on tree islands in the WCAs (Heisler et al. 2002). The information from this effort enabled the Restudy to refine its performance measures in key indicator regions in WCAs 3A and 3B. Anderson (2000) further analyzed the effects of hydrologic and topographic gradients on woody vegetation of tree islands in the dry zone of northern WCA 3A and the moderately wet zone in central WCA 3A. He concluded that the optimal hydrology to maintain the natural diversity of woody vegetation on tree islands in WCA 3A would involve fewer extreme high and low water events, and would include hydroperiods ranging from 80 to 90% inundation and average ponding depths of 0.78 to 1.41 feet. More recently, staff co-authored a report that concluded that canopy composition and structure of tree islands in WCAs 3A and 3B are strongly correlated with extremely wet and extremely dry conditions, as opposed to mean annual water levels (Wetzel et al. 2008).

The FWC has continued to contribute its knowledge and expertise after CERP was approved through contributions to the initial raising of the Tamiami Trail and into the development of the Everglades Restoration Transition Plan. Since the inception of the WCAs, FWC staff has built on its experience in managing WCAs 2 and 3 (with the exception of the portion of WCA 3A that is the Reservation of the Miccosukee Tribe of Indians of Florida), relying on field observations, field studies, and reports by other researchers (e.g, by the U.S. Geological Survey, South Florida Water Management District, and universities). An excellent summary of knowledge gained, particularly as related to high water levels, was presented as a PowerPoint presentation to the RECOVER team by FWC biologist Tim Towles in 2009 (Towles 2009).

Hydrology of the Everglades

The hydrology of the Everglades is driven by a pattern of high levels of precipitation in late May through October and a dry season between October and May (Cornwell et al. 1970, Duever et al. 1994). It is generally accepted that the predrainage system existed as a hydrologic unit that originated in the Kissimmee headwaters, meandered through the Kissimmee River and its oxbows and marshes, and then gathered into Lake Okeechobee. Lake Okeechobee would periodically overflow into the sawgrass plains immediately south of the lake in what is now the Everglades Agricultural Area, and traveled south via sheetflow in the ridge and slough system to Shark River Slough in today's Everglades National Park (Cornwell et al. 1970, Light and Dineen 1994). The scale of this system allowed for water level fluctuations that were attenuated by marsh vegetation.

Because roughly half of the original extent of the Everglades has been lost to development and agriculture (Davis and Ogden 1994), the capacity of the Central and South Florida Project is exceeded by periods of high rainfall, particularly in the southern part of WCA 3A, where water levels tend to pond. Conversely, artificially low water levels in the northern part of WCA 3A have caused damaging peat fires during drought periods.

Imperiled Species and their Relation to Water Depth in the EWMA

Florida panther

Water depths in western WCA 3A in particular are of significance to the Florida panther. This area lies within the eastern part of the panther's breeding range (Oronato et al. 2011). Consistent with this range estimate, telemetry data confirm that panthers consistently used the western part of WCA 3A before the year 2000. Since that time, however, in spite of the fact that panther populations have increased significantly, their use of this area has dropped dramatically, coinciding with deeper water levels persisting for longer durations and fewer deer (an important prey species). MacDonald-Beyers and Labisky (2005) studied the relationship between water levels in the Big Cypress prairies and radio-collared deer concluded that the depth at which deer movement is negatively affected is about 19.7 inches. Ensuring water levels in this historical panther breeding range can support a healthy deer herd will be critical not only to the conservation of panthers, but also to their recovery.

While panthers can and do use shallow wetlands, they rely on forested areas to stalk their prey and to rest. The tree islands and their associated thicker vegetation provide this type of habitat in western WCA 3A, but deeper water and a reduced amount of upland areas provided by tree islands would discourage panther use of this part of WCA 3A (Darrell Land, FWC, personal communication 2013). Water levels managed not to exceed a depth of two feet at the peak of the wet season and to near the ground surface at the peak of the dry season will be necessary for the panther to regain use of western WCA 3A.

Wading birds

To a large extent, the depth at which wading birds can forage is limited by the length of their bills. For the seven wading bird species (white ibis, snowy egret, little blue heron, tricolored heron, roseate spoonbill [all of which are Species of Special Concern], great egret, and great blue heron) that commonly forage in the Everglades, maximum depths at which they can forage range from about 6.3 inches to about 15.3 inches (Powell 1987). These depths need to be taken into account if the EWMA is to continue to provide foraging opportunities for these species. Recession rates are also an important factor to consider when managing wading birds. The FWC recommends recession rates averaging between 0.05 and 0.25 feet per week, with no water-level reversals, beginning in January and ending at the end of May. Water levels managed not to exceed a depth of two feet at the peak of the wet season and to near the surface at the peak of the dry season will be necessary for these species to nest and forage in the EWMA.

Everglade snail kite

Snail kites search for prey by sight, so they typically forage over relatively open wet prairie and sloughs. They capture apple snails within about four inches of the surface as the snails come to the surface to respire (Bennetts et al. 1994). Apple snails feed on the periphyton component of both wet prairies and sloughs (Browder et al. 1994). Wet prairies, as opposed to sloughs, appear to be an important area for apple snail production, particularly in areas dominated by maidencane (Karunaratne et al. 2006). Water depths greater than 1.6 feet during the peak apple snail breeding season result in fewer egg clusters and delayed egg laying that result in the next year a larger number of juvenile snails that are too small for snail kites. The main areas where snail kites nested historically were in the WCAs and Lake Okeechobee; however, in recent years, most

of the snail kite nesting effort has been at the northern extent of its range, in the Kissimmee Chain of Lakes. This northward shift is problematic in that colder weather at the start of the nesting season would delay nesting, resulting in poor nest success for that year (Z. Welch, FWC, personal communication). Water levels managed not to exceed a depth of two feet at the peak of the wet season and to near the ground surface at the peak of the dry season with ascension and recession rates not exceeding 0.25 feet per week will be necessary for snail kites to forage on apple snails in the EWMA. The science on snail kites and apple snails lead us to conclude that if water levels are not managed as prescribed above, snail kites will become further imperiled if not extirpated.

Draft *USFWS Multi-Species Transition Plan*
The USFWS (2010) recommends recommended ranges of water levels, specifically in WCA 3A, that would benefit the wood stork; Everglade snail kite and the kite's main prey species, the Florida apple snail; tree islands; and the wet prairie in southwestern WCA 3A. These individual species/community requirements were then blended to provide a multi-species approach to estimating appropriate water depths overall. This plan did not address limits to water depths for the stork, kite, or apple snail during the wet season, but instead focused on a maximum desirable depth during the pre-breeding season, starting on January 1. The following are their recommendations.

Wood stork: Water depths should peak in October and recede to about 1.16 to 2.03 feet in January. The recommended water level recession rate is about 0.84 inches per week. During the dry season (May), the minimum water depth should fall to between -0.34 and 0.52 feet.

Everglade snail kite: During the dry season (May), water levels should fall no lower than -0.34 and +0.52 feet in the southwestern part of WCA 3A.

Florida apple snail: Water depths for apple snails should reach 1.31 to 1.97 feet in January. The recession rate should be about 0.8 inches per week. During the dry season (May), the water depth should be no greater than 1.31 feet and no less than 0.33 feet), the depth at which apple snails quit moving. However, FWC staff recommends revisiting these water levels because they understand that Phil Darby, who collected the field data upon which this was based, disagrees with the USFWS' calculations, believing them to be too deep (Z. Welch, FWC, personal communication). Recession rates are important for managing for apple snails. The FWC recommends ascension rates no greater than 0.05 to 0.25 feet per week from the beginning of June to the beginning of October.

Taking into account these water depths, as well as ones estimated for tree islands and wet prairie, the USFWS (2010) developed a regulation schedule that peaked at a depth of about 2 feet.

Major Vegetation Communities in the EWMA and Their Importance to Fish and Wildlife

Three major vegetation communities occur in the EWMA: tree islands, sawgrass ridges and sloughs (collectively known as the ridge and slough system), and wet prairie. These communities support a wide variety of aquatic, wetland-dependent, and semi-terrestrial species,

including some that are listed for special protection by the State of Florida and the USFWS. Water levels managed not to exceed a depth of two feet at the peak of the wet season and to near the surface at the peak of the dry season will be necessary for the continued existence and recovery of these plant communities.

Tree islands: Tree islands are a unique structural component of the Everglades, providing habitat for wildlife species that require some component of upland habitat with trees or brush in an overall matrix of marsh. Tree islands may occur (in order of increasing height above the slough bottom) as willow strands, bayhead swamp forests, and tropical hardwood hammocks. The last of these may be found throughout the EWMA, but are more numerous in southwestern WCA 3A and southern WCA 3B. Willow strands, which may also contain other brushy species such as pond apple, provide colonial wading bird habitat (Rodgers et al. 1996), while the bayheads and tropical hardwood hammocks may be important for neotropical migrating passerine birds (Mitchell 2010, Gawlik and Rocque 1998). Alligators, turtles, and snakes lay their eggs on the dry parts of tree islands (Towles 2009).

Much attention has also been given to the higher tree islands as refugia for Everglades's wildlife species, such as deer, bobcats, marsh rabbits, raccoons, and other small mammals. During extremely high-water events, these terrestrial or semi-terrestrial species crowd onto what remains at or above water on tree islands and onto levees, where overcrowding and competition for food create physical stress (in extreme cases, resulting in death) and susceptibility to disease and parasites. This is particularly true for does, yearling, and fawns (Cornwell et al. 1970). Cornwell et al. (1970) noted that the situation became so severe during the high-water events in 1957–1958 and 1966 that all vegetation was completely removed, the bark of trees and shrubs eaten as high up as a deer could reach, and tree island soils were trampled into mud by both deer and wild hogs.

While less information is available on impacts to Everglades wildlife species other than deer, Schortemeyer (1980) noted that water reversals during periods of naturally occurring recession have caused nest failure for alligators and turtles. FWC staff has also reported opossums, grey foxes, bobcats, and raccoons crowded on levees during high-water events in 1986 and in 2005, and evidence of extensive predation on marsh rabbits during the 1986 event (unpublished GFC internal reports; T. Towles, FWC, personal communication 2013). Much of the effect on the diversity and abundance of wildlife can be inferred by changes in tree island vegetation. For example, the willow strand that supported the Andytown rookery in WCA 3A was one of the largest (over 60 acres) used by nesting wading birds before 1994; now only one-quarter acre of it remains.

High-water events are not the only threat to tree islands. While fire naturally occurred in the predrainage Everglades (Gunderson and Snyder 1994), water management has exacerbated the extent and duration of extreme drought, particularly in WCA 2 (Worth 1988) and WCA 3A. By 1970, a combination of peat fires and high water levels had severely degraded tree islands in much of WCA 2 (Cornwell et al. 1970, Light and Dineen 1994). Loss of tree islands, whether it is through flood or fire, results in loss of an important habitat component of the Everglades landscape.

The draft *USFWS Multi-Species Transition Plan* (USFWS 2010) proposes that the maximum water depths (expected to occur from mid-September to mid-October) that tree islands could tolerate was 2.5 feet for no longer than 120 days. However, FWC staff does not consider this to be interpreted as an acceptable water depth to be reached on a regular basis; a slightly lower depth of 2.46 feet would represent the deepest water that tree islands in WCA 3A can tolerate as long as this depth does not exceed 60 days. Furthermore, the plan does not examine the potential effects of extremely low water levels, such as those that contributed to conditions that burned out tree islands in northern WCA 3A.

Ridge and sloughs: The ridge and slough system is typified by a generally north to south orientation of alternating ridges that support sawgrass and slough communities. The sloughs are characterized by water lilies, floating hearts, and spatterdock at the surface and submerged bladderworts, whose stems provide a substrate for growth of periphyton, a naturally occurring algal community (Gunderson 1994). Periphyton is an important contributor to the primary production in the Everglades (Browder et al. 1994). During periods of relatively high water, the fish population expands into the higher sawgrass areas (Wallace 1960). When water levels recede, fishes are concentrated into the sloughs, where they provide prey for up to 11 species of wading birds, including the federally listed wood stork and the state-listed white ibis, little blue heron, tricolored heron, snowy egret, and roseate spoonbill (Gawlik 1999). Bancroft et al. (1991) noted that the southern part of WCA 3A is a critical foraging area for overwintering wood storks during dry years, when much of their foraging habitat elsewhere has dried out. Alligator holes are an important feature in the transition area between the sloughs and the ridges, becoming critical refugia for fishes and other aquatic species during periods of low water, particularly for larger fishes (Robertson and Frederick 1994) and a source of water for deer (Loveless 1959) and presumably for other mammal species as well. During extreme drought, however, they can be destroyed by peat fires, which can also kill the alligators themselves (Schortemeyer 1980).

Wet prairie: Wet prairies are a form of marsh dominated by emergent grass-like species, usually spikerush, beakrush, and maidencane (Gunderson 1994). Periphyton is also an important component of the submerged part of this community (Browder et al. 1994). They generally have a hydroperiod of 290 to 365 days (Goodrick 1974). Wet prairies in the EWMA, particularly in southwestern WCA 3A, have historically been important habitat for the federally endangered Everglade snail kite and its prey, the apple snail. The wet prairies and the ridge and slough communities provide critical foraging habitat for a wide variety of wading birds, including those currently designated by the State as Species of Special Concern. Wet prairies also provide high-quality browse for deer as long as the water depths remain below about 20 inches, a depth above which begins to hamper deer movement (MacDonald-Beyers and Labisky 2005).

The USFWS (2010) acknowledged the need for dry-downs of wet prairies to a depth below 1.6 inches for no longer than four to six weeks every four to five years. The recommended duration range has been shortened by two weeks in order to avoid overdrying the northern part of WCA 3A.

Recommended Water Depths

In response to data indicating that the snail kite and the apple snail population in WCA 3A had greatly declined in the late 1990s and early 2000s, the USFWS in 2008 worked with snail kite and apple snail researchers to determine measures that would help return kites and the snails to their previous numbers and densities in WCA 3A. The product was the *WCA 3A Snail Kite Transition Strategy*. It was subsequently revised with input from FWC and South Florida Water Management District staffs; expanded to address the wood stork, tree islands, and wet prairie; and was renamed the *USFWS Multi-Species Transition Strategy for Water Conservation Area 3A* (USFWS 2010). We have reviewed this draft report, and considered it in light of the regulation schedule that the GFC officially recommended in 1980. We have also consulted studies conducted by others (see Towles 2009) who have investigated the effects of water levels on tree islands and the wet prairie community. The USFWS (2010) target depths are slightly deeper than those recommended by Schortemeyer (1980), having been developed for a different suite of species and habitats, primarily south of Alligator Alley (Interstate 75). In general, however, both reflect a range of desired targets with peak water levels occurring in the late October to early November timeframe, receding steadily to a low at or near ground level in late May and early June, and then rising steadily to a peak again by late October and early November. It is important to recognize that interannual variations in rainfall may not allow these targets to be reached during all years, and that actual depths will vary depending on the location at which they are measured; however, these figures provide an envelope for an ecologically acceptable hydrologic regime for WCA 3A, and perhaps for WCA 3B, for most years.

An integral component of the USFWS approach is that an interagency team would meet regularly during the year to determine the targets for each specific season based on an assessment of the species' needs. This assessment would include up-to-date monitoring data, forecasted climate conditions, and the past years' hydrology. As new information and technologies become available, these guidelines will have to be revised. It is also important to recognize that all of these targets may not be attainable during all years and that their application should not cause unintended adverse consequences.

Conclusions

- A review of the two multi-species regulation schedules that have been proposed for WCA 3A, data on the effects of hydrology on its tree islands, and maximum depths for foraging for wading birds common to the Everglades provides the basis for the FWC's position. Guidance for water level management within the EWMA generally remains as recommended by Schortemeyer (1980), with a high-water depth no more than two feet by late October to early November and then a gradual and a steady recession to a low of near ground level by late May to early June. At that time, water levels would increase back to no deeper than two feet by the end of October to early November.
- During extreme storms or unusually wet seasons, water levels may rise above the desired levels, but even then depths should not persist for longer than 60 days above desired levels. At an average water depth of two feet north of Alligator Alley, the FWC has to

close the EWMA to avoid exacerbating stress on the terrestrial and semi-terrestrial species that crowd on the highest points of tree islands and the levees.

- Recession rates are an important factor to consider when managing wading birds. The FWC recommends recession rates averaging between 0.05 and 0.25 feet per week, with no water-level reversals, beginning in January and ending at the end of May. Recession rates are also important for managing for apple snails. The FWC recommends ascension rates no greater than 0.05 to 0.25 feet per week from the beginning of June to the beginning of October.
- WCA 3B has not been subjected to a regulation schedule; thus, water levels are not dictated by human-induced extreme fluctuations. Instead, water levels are affected by precipitation, evapotranspiration, seepage, and inflow from the S-151structure. As a result, the tree islands in WCA 3B represent some of the least impacted islands north of Everglades National Park. Transferring high water levels from WCA 3A to WCA 3B via CEPP or any other water management plan is not an acceptable approach to the FWC. Staff has developed a draft management strategy for WCA 3B: Water depths at the beginning of January should be 1.7 feet and recede at a rate of 0.6 inches per week until it hits a dry-season low of 0.7 feet (8.4 inches) in late May. At that time, water would rise to a depth of a little less than 1.9 feet in the first part of October, after which the water would recede gradually to the 1.7-foot level recommended for the beginning of January.
- The stated goal of CERP prioritizes water management for restoration of the Everglades ecosystem. CERP components, including CEPP, should strive not just to conserve, but to restore conditions for listed species, including the federally endangered Florida panther.
- If we continue down the path of managing the hydrology in the EWMA based on the current water regulation schedule that allows for periods of prolonged high water levels, the science and basic biology concludes that native plant and wildlife species which characterize the central Everglades will not be restored, but instead further harmed.
- While this paper represents our current opinion, it is the intent of FWC to continue working partners and stakeholders to continue to refine hydrologic requirements as more information becomes available. We continue our commitment to ensuring that, in the near term, CEPP and, in the longer term, CERP realize the goal of restoration of the greater Everglades system.

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TO: Melissa Nasuti, Environmental Branch, USACE

FROM: Brenda J. Mills, Everglades Policy and Coordination, SFWMD

DATE: October 20, 2017

SUBJECT: Department of the Army, Jacksonville District Corps of Engineers — Scoping Notice – Combined Operations Plan

The Jacksonville District, U.S. Army Corps of Engineers (USACE) issued the subject Scoping Notice to gather comments and concerns that will be addressed in a National Environmental Policy Act (NEPA) document for the Combined Operational Plan (COP). The purpose of COP is to define operations for constructed components of the Modified Water Deliveries (MWD) to Everglades National Park (ENP) and the Canal 111 (C-111) South Dade projects, while maintaining the Congressionally-authorized multiple purposes of the Central and Southern (C&SF) Project to include flood control; water supply for agricultural irrigation, municipalities, and industry; regional ground water control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation.

A bulleted list of objectives outlined by the USACE for COP includes the following:

1. Improve water deliveries (timing, location, volume) into ENP and take steps to restore natural hydrologic conditions in ENP given current C&SF infrastructure or infrastructure expected to be completed by the time of implementation, to the extent practicable by:
    a. Changing schedule of water deliveries so that it fluctuates in consonance with local meteorological conditions, including providing for long term and annual variation in ecosystem conditions in the Everglades (Timing).
    b. Restoring NESRS as a functioning component of the Everglades hydrologic system (Location).
    c. Adjusting the magnitude of water discharged to ENP to minimize effects of too much or too little water (Volume).
2. Maximize progress toward restoring historic hydrologic conditions in the Taylor Slough, Rocky Glades, & eastern Panhandle of ENP.
3. Protect the intrinsic ecological values associated with WCA 3A and ENP.
4. Minimize the damaging freshwater flows to Manatee Bay/Barnes Sound through the S197 structure and increase flows through Taylor slough and coastal creeks.
5. Include consideration of cultural values and tribal interests and concerns within WCA 3A and ENP.
6. Explore opportunities for enhancing the recovery of federally and state listed species under the Endangered Species Act, consistent with the restoration objectives, the USACE's authorities for MWD and C-111 projects and operational considerations.
7. Explore objectives to enhance opportunity for flood control and mitigation.

The South Florida Water Management District (District) appreciates the opportunity to comment, and understands that the substantive details of the operating plan will be addressed in the forthcoming NEPA document.

District Comments

The pre-storm QPF criteria in the FDOT agreement with the USACE specifies stage limits in the L-29 Canal which reduces flows to NESRS. New groundwater wells and soil moisture sensors will be installed soon to understand the effects of water in the L-29 Canal to the Tamiami Trail Subbase. Analysis of monitoring data will support revision of the FDOT-USACE agreement. The revised USACE-FDOT agreement needs to have clear and actionable criteria to operate the L-29 Canal. In addition, the resulting changes to the water control plan need to balance the goal of conveying water from WCA 3A to ENP and ensuring the South Dade Conveyance System can continue to provide flood protection to privately owned land in the L-31N and C-111 Basins.

COP is the opportunity to eliminate Column 2 operations. Column 2 operations were an interim solution developed during IOP prior to construction of the detention areas and are archaic. Instead of Column 2, the District's South Dade Study recommended seasonal operations for the S-332B and S-332C pump stations identifying a range to maintain the L-31N Canal and allow the transition from the dry to wet season and from wet to dry season conditions. The seasonal operations were shown to be beneficial to prolonging hydroperiods during the dry season in the ENP and support agricultural production which begins at the end of the wet season. The District is very interested in including seasonal operations in the alternative development. These are a valid and proven operating strategy to replace Column 2 operations.

There is a need to evaluate COP on a broader and more comprehensive scale while meeting the original objectives of both the MWD and C-111 South Dade Projects. COP alternative evaluation should consider ongoing and future State and Federal restoration efforts. The broader more comprehensive evaluation should include re-evaluating inflows and outflows of WCA 3 and features that have been or will be constructed by Federal and State agencies such as the Tamiami Trail Next Steps Phase I project, Old Tamiami Trail Removal, S333N, Biscayne Bay Coastal Wetlands. The evaluation should include components for the South Dade C&SF flood protection, conditions in Water Conservation Areas (WCA) 1, 2 and 3, and flood mitigation for the 8.5 Square Mile Area (SMA), L-31N and C-111 Basins.

Current regulation schedules for WCA 1 and WCA 2A have known shortcomings resulting in documented impacts to the observed system and shown in planning studies over the last several years. In WCA 1, a range of hydrologic stage conditions are needed to sustain a healthy landscape, but prolonged high water conditions risk transport of higher nutrient and high hardness water into the marsh interior, which would otherwise optimally remain a low-nutrient, soft water environment. In WCA-2A significant loss of habitats including a 90% reduction in the aerial extent of tree islands, a loss of ridge and slough microtopography, and a lack of good foraging and breeding habitat for wading birds have been observed.

Since WCA 1 and WCA 2A are centrally located in the South Florida water management system, a number of upstream and downstream considerations should also be made. In both cases, upstream projects including the District's Restoration Strategies program will result in changed inflow timing relative to those assumed when the current WCA regulation schedules were developed. Additionally, the regulatory decisions associated with WCA-1 and WCA-2A will directly influence the ability for

downstream systems (WCA 3A or WCA-3B) to achieve desired outcomes. For example, attempts in the last several years to meet the current WCA-2A regulation schedule have produced large dry season reversals downstream in WCA-3A during critical periods in the wading bird breeding season.

One goal of the authorized MWD project was to construct and operate a flood mitigation project for the 8.5 SMA to ensure that restorative flows to ENP's Shark River Slough would not result in diminished or increased flood protection. To this end, the USACE needs to ensure evaluation of 8.5 SMA mitigation features during the NEPA analysis accurately reflects future performance and adjustments to the COP does not compromise maximizing flows from WCA 3 to ENP. In addition, structural modifications to 8.5 SMA mitigation features should be identified and implemented if providing flood mitigation to 8.5 SMA constrains the stages or flows in NESRS.

This same is true for evaluating the performance of the newly constructed C-111 South Dade features, their operation, which may not begin until 2018 wet season, and the need for potential modification of its features. To this end, the USACE needs to ensure evaluation C-111 detention areas during the NEPA analysis accurately reflects future performance of COP and does not compromise maximizing flows from WCA 3 to ENP.

The District recommends that COP includes operations responsive to unforeseen meteorological conditions to avoid, minimize or eliminate the need State issued Emergency Orders for High Water Conditions. This will reduce the frequency of high water emergency orders and subsequent operation adjustments not covered in the water control manual.

It in the interest of the District and FDEP to ensure operations are in place to achieve the objectives of the CERP projects. The CERP Biscayne Bay Coastal Wetlands Project - Phase 1 is nearly complete and planning for Phase 2 will begin soon. This is the opportune time to consider directing flows to enhance salinities in Biscayne Bay. Although the coastal water control structures are not part of this water control plan, the divide structures are included.

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: lad akins <Lad@reef.org>
Sent: Wednesday, October 11, 2017 2:17 PM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] Everglades Restoration
Attachments: 0914_001.pdf

Dear Ms. Nasuti,

Please find the attached letter in support of Everglades restoration efforts that include, as a top priority, consideration of Florida Bay and Florida Keys ecosystems.

Feel free to contact me with any questions you may have.

Sincerely,

Lad Akins

****

Lad Akins

Director of Special Projects

Reef Environmental Education Foundation (REEF)

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October 11, 2017

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
Deliver via email:
Melissa.a.nasuti@usace.army.mil

Re: Everglades Restoration Needed for the Florida Keys

Dear Ms. Nasuti:

The lifestyle and economy of the Florida Keys are intrinsically linked to the health of Everglades National Park and Florida Bay. Clean water to sustain the ecosystem is key.

Restoration projects to benefit Everglades National Park and the Florida Keys have been under construction for many years, paid for by significant taxpayer investment. Now, writing an operations plan for how to use these projects is the critical next step. This is the time to achieve the ecosystem benefits we desperately need in the Keys.

Please ensure that protecting the waters of the Southern Everglades and Florida Bay is the top priority for operating restoration projects in South Miami-Dade! These projects include the Modified Water Deliveries (MWD), C-111 South Dade, and C-111 Spreader Canal projects, which will be guided by the Combined Operation Plan (COP) currently under consideration by the U.S. Army Corps of Engineers and other state and federal agencies.

As a member of the Florida Keys community, responsible operation of these projects to maximize restoration benefits for the Everglades and Florida Bay is important to me.

Sincerely,

LAD AKINS

Name

PO Box 370246 Key Largo FL 33037

Address

LAD@REEF.ORG

Email

October 20, 2017

Melissa Nasuti
U.S. Army Corps of Engineers, Jacksonville District
Email delivery: Melissa.a.nasuti@usace.army.mil

Re: Flip the "On" Switch for Everglades National Park and Florida Bay

Dear Ms. Nasuti:

The National Parks Conservation Association (NPCA) has long supported efforts to restore Everglades National Park (ENP) and Florida Bay. We have remained actively involved in the planning processes for Modified Water Deliveries (MWD) to ENP, C-111 Spreader Canal, and the C-111 South Dade Project. After decades of work, it is finally time to flip the "on" switch and operate these plans to the maximum benefit of the ecosystem. Executing the Combined Operations Plan (COP) will bring restoration planning into on-the-ground reality.

NPCA asserts that the COP must utilize restoration infrastructure to the maximum ecological benefit of Everglades National Park and Florida Bay. As the scoping of COP moves forward, we urge the agencies to ensure that the charter mission of ecosystem restoration remain the primary focus and goal of your cumulative efforts.

Specifically, the COP must ensure that key operational targets outlined in the original project documents are met, including: eliminated use of the S-197 structure and associated harmful discharges, increased canal stages of the C-111 at S-18C, and increased water to restoration levels in ENP and Florida Bay. COP must also set the stage for additional restoration benefits to come with projects that are currently in the works. These include construction of the Central Everglades Plan (CEP), particularly CEP South components, additional bridging of Tamiami Trail, and the Everglades Agricultural Area (EAA) Reservoir. Together, these projects will create a network of restoration infrastructure for ENP and Florida Bay.

The U.S. Department of the Interior has invested millions of taxpayer dollars for the direct benefits to ENP that must now be achieved. ENP is the anchor of the federal interest in the South Dade system. We must get the water right and make good on the investment that has been funded by Americans for the national park that is owned and valued by all.

Thank you for your consideration. We look forward to continued involvement in COP planning.

Sincerely,

Cara Capp

Cara Capp, Everglades Restoration Program Manager

135 San Lorenzo Ave.
Suite 860
Coral Gables, FL 33146

October 20, 2017

Melissa Nasuti
U.S. Army Corps of Engineers, Jacksonville District
Email delivery: Melissa.a.nasuti@usace.army.mil

Re: Letter on Behalf of Bonefish & Tarpon Trust to the U.S. Army Corps of Engineers on the Combined Operations Plan (COP)

Dear Ms. Nasuti,

My name is Ross Boucek, Florida Keys Initiative Manager of the Bonefish & Tarpon Trust (BTT), and I am submitting this letter on behalf of BTT. BTT appreciates the opportunity to provide our perspective on Everglades restoration, particularly in terms of how we will operate projects in the Southern Everglades. Restoration projects to improve the conditions of the Southern Everglades and Florida Bay, including Modified Waters Deliveries (ModWaters), C-111 South Dade, and C-111 Spreader Canal, have been in the works for decades. Now it is finally time to turn these projects on, executing the Combined Operations Plan (COP), and maximize the ecological benefits they provide to Everglades National Park and Florida Bay.

BTT is a 20 year old science-based conservation organization that is focused on improving management of coastal fisheries and the habitats upon which the fisheries depend. Though our focus is on the fish species that comprise the flats fishery – Bonefish, Tarpon, Permit, and even Snook – our science and conservation work also applies to other coastal species and fisheries. Indeed, we regularly collaborate with state and federal resource management agencies, sharing our data to help improve management. We are also an angler-based organization in that we engage and represent the tens of thousands of people who participate in and rely upon the recreational fisheries for their livelihood.

The epicenter of the failure to enact Everglades restoration is Florida Bay. Florida Bay's ongoing collapse arises from failure to deliver adequate quantities of clean freshwater to the Bay via the Everglades in the appropriate locations at appropriate times. It is bitterly ironic that a similar crisis in the Bay – 30 years ago – provided much of the impetus for federal and state restoration authorization in 1988 (the East Everglades Act) and later in 2000 with the Comprehensive Everglades Restoration Plan (CERP). Despite years of study and planning, and expenditure of millions of dollars of public funds, Florida Bay is likely worse today than in 1985. This state of affairs is unacceptable and BTT urges you to develop a COP that accelerates actions to restore the Bay before it passes an ecological tipping point from which it may never recover.

We are concerned that Everglades restoration inadequately considers coastal fish and habitats in water management plans. Too often, water budgets are presented as annual totals and reduction in nutrients. From a fish and habitat perspective, changes in the timing, amount, and location of freshwater flows are just as important as reduction in nutrient load. Indeed, even if pristine freshwater was being discharged from Lake Okeechobee into the rivers, the ecological damage would be same. In other words, restoration must aim to restore the spatial and temporal patterns of freshwater flows into South Florida estuaries as well as address the nutrient load issues.

Our comments are also presented from multiple perspectives. In the 1980's BTT's Vice Chairman, Bill Horn, served as Assistant Secretary of the Interior for Fish, Wildlife and Parks and was engaged in negotiations to provide more timely water flows to the Bay via Taylor Slough as well as the work that produced the Modified Water Deliveries authorization in 1988. In 2007-2010 our Vice Chairman had the honor of serving two terms on the Committee on Independent Scientific Review of Everglades Restoration Progress, contributing to the 2008 and 2010 Biennial Review reports. And for 40 years, Bill has avidly fished the Florida Keys and Florida Bay in pursuit of bonefish and tarpon. It is extremely frustrating that 30 years after we learned of the need for better water management in South Florida, it still hasn't occurred at a scale sufficient to keep Florida Bay, the Caloosahatchee River, and the St. Lucie River healthy let alone restored. As anglers, policy makers and scientists, it has been devastating to watch fisheries collapse when all knowledgeable observers know what needs to be done to restore water quality in the Bay.

Florida Bay was once home to a robust bonefish fishery. Bonefish is a highly prized sport fish which is stalked in clear shallow waters, and released unharmed after an exciting catch. Following the Bay's mid-80's crisis, the bonefish population began to slide, the decline accelerating in 1999. The population hasn't recovered.

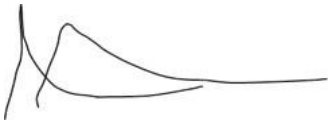
Tarpon and Snook have also suffered from the lack of Everglades restoration. These species rely upon the entire habitat mosaic of South Florida – from backwater mangrove swamps to mangrove shorelines, seagrass beds, and sandy beaches. This demonstrates how Florida Bay's ecological decline has impacted Tarpon, also a catch and release species. From Cape Sable and Flamingo south to Rabbit Key Basin and Buchanan Bank, big migratory Tarpon (*Megalops Atlanticus*) filter into the Bay every spring as part of the spawning run to the Atlantic waters off the Keys. Anglers and guides pursue the silver kings and routinely catch fish topping 100 pounds on fly rods. After the problems of the mid-80's, tarpon largely abandoned the Sandy Key Basin, which was a historic hot spot for the big silver fish, and similar abandonment is occurring in other locations. Inland, the tarpon use heavily Whitewater Bay and the Shark River complex. These Everglades waters host the full spectrum of *Megalops Atlanticus* from one pound juveniles to 150 pound matriarchs. Long term changes in water flows and salinity levels in these waters could put at risk the greatest remaining juvenile tarpon habitat in all of Florida.

As you might guess from our descriptions, the flats fishery is economically important. In the Florida Keys, the flats fishery has an annual economic impact of $465 million. The flats fishery is the major component of the recreational fishery in the Everglades region, which is worth nearly $1 billion annually. Restoration is essential to bringing these fish populations back to their historic levels.

It is widely recognized that failure to significantly increase freshwater flows to the Bay via Shark River and Taylor Slough is the primary cause of the Florida Bay crisis. The lack of water coming through the entire Everglades system creates hyper saline conditions that are death to a variety of important seagrasses. Large scale die offs of these grasses release excessive nutrients spurring algal blooms turning usually clear waters a sick pea soup green. Increased turbidity kills more grass, releasing more nutrients creating a death spiral. Vast swaths of previously healthy seagrass beds are now barren reaches of mud and silt, and recent observations show that these barren bottoms are eroding in some locations. Demise of the grass kills the benthic organisms that live their depriving forage fish of their food source. The loss of the forage fish causes the predatory game fish to leave too. It is an ecological and economic calamity.

The COP must utilize restoration infrastructure to maximize ecological benefits to Everglades National Park and Florida Bay. As the scoping of COP continues, we urge the agencies to ensure that the founding mission of ecosystem restoration is the primary focus and goal of your efforts. We also ask that members of the Florida Keys community, who will be directly impacted by the potential impacts of these projects and the benefits they provide to Florida Bay, be fully engaged in the COP planning process.

Sincerely,



Ross Boucek PhD
Bonefish &Tarpon Trust
Florida Keys Initiative
Marathon, Florida

Everglades Coalition

1000 Friends of Florida
Arthur R. Marshall Foundation
Audubon Florida
Audubon of Southwest Florida
Audubon of the Western Everglades
Audubon Society of the Everglades
Backcountry Fly Fishers of Naples
Caloosahatchee River Citizens Association/ Riverwatch
Center for Biological Diversity
Clean Water Action
Conservancy of Southwest Florida
Defenders of Wildlife
"Ding" Darling Wildlife Society
Earthjustice
Environment Florida
Everglades Foundation
Everglades Law Center
Everglades Trust
Florida Conservation Voters Education Fund
Florida Defenders of the Environment
Florida Keys Environmental Fund
Florida Native Plant Society
Florida Oceanographic Society
Friends of the Arthur R. Marshall
Loxahatchee National Wildlife Refuge
Friends of the Everglades
Hendry-Glades Audubon Society
International Dark-Sky Association, FL Chapter
Izaak Walton League of America
Izaak Walton League Florida Division
Izaak Walton League Florida Keys Chapter
Izaak Walton League Mangrove Chapter
Last Stand
League of Women Voters of Florida
Loxahatchee River Coalition
Martin County Conservation Alliance
Miami Pine Rocklands Coalition
Miami Waterkeeper
National Audubon Society
National Parks Conservation Association
National Wildlife Refuge Association
Natural Resources Defense Council
North Carolina Outward Bound School
Ocean Research & Conservation Association
Reef Relief
Sanibel-Captiva Conservation Foundation
Save It Now, Glades!
Sierra Club
Sierra Club Florida Chapter
Sierra Club Broward Group
Sierra Club Calusa Group
Sierra Club Central Florida Group
Sierra Club Loxahatchee Group
Sierra Club Miami Group
Snook and Gamefish Foundation
South Florida Audubon Society
Southern Alliance for Clean Energy
The Florida Wildlife Federation
The Institute for Regional Conservation
The National Wildlife Federation
The Urban Environment League of Greater Miami

October 20, 2017

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
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Re: Scoping Comments for the Combined Operational Plan for constructed features of Modified Water Deliveries to Everglades National Park, C-111 Spreader Canal, and C-111 South Dade

Dear Ms. Nasuti:

On behalf of its 61 member organizations committed to the protection and restoration of America's Everglades, the Everglades Coalition submits these comments on the scoping assessment for the Combined Operational Plan (COP), to define operations for the constructed features of the Modified Water Deliveries (MWD) to Everglades National Park (ENP), C-111 Spreader Canal, and C-111 South Dade Projects.

We understand that the COP will result in a comprehensive, integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 projects. The Everglades Coalition and its member organizations have long advocated for the planning, funding, and construction of these critical projects to advance ecological restoration of the Southern Everglades and Florida Bay. MWD is a project initiated and funded by the National Park Service with the primary intention to benefit ENP, with ancillary goals for South Dade agriculture. The C-111 Spreader Canal and South Dade Projects seek to further correct the damage inflicted to Florida Bay and ENP by the C&SF Flood Control Project by reestablishing the hydrologic flow between Taylor Slough and Shark River Slough. Just like MDW, these projects keep the water in the natural areas and away from South Dade.

We appreciate the work by state and federal agencies that has resulted in the restoration infrastructure that is on the ground today and look forward to remaining engaged stakeholders through the COP planning process.

Finalizing the COP will be the realization of decades of work and millions of dollars in taxpayer investment by the American people to benefit Everglades National Park and Florida Bay. As such, maximizing ecological benefits to the Southern Everglades must be the primary focus of the COP. Specifically, the final plan should:

1. Eliminate the use of the S-197, as identified in the project documents.
2. Increase the canal stages of the C-111 at S-18C, as stated in the project documents.
3. Achieve restoration of water levels in ENP and Florida Bay, as stated in project documents.
4. Set the stage for more water deliveries to ENP and Florida Bay in anticipation of the Central Everglades Plan (CEP), as planned in CERP.
5. Work to reduce harmful discharges to Barnes Sound and Manatee Bay.

With a completed network of restoration and flood control infrastructure in place, the COP can outline a plan to move away from damaging emergency operations that continue to harm the Greater Everglades ecosystem. Instead, we can rely on the restoration infrastructure that has long been planned to move water in a way that is both beneficial to the natural system and protective of stakeholders in Miami-Dade County.

We look forward to remaining engaged through the COP planning process and appreciate the opportunity to provide comments on the scope of this effort. Thank you for your consideration.

Sincerely,

Mark Perry
Co-Chair

Michael J. Baldwin
Co-Chair

P.O. Box 1367, Lake Worth, FL 33460-1367
reinaldo@lakeworthwaterkeeper.org

October 21, 2017

Melissa Nasuti
U.S. Army Corps of Engineers Jacksonville District
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melissa.a.nasuti@usace.army.mil

RE: Combined Operational Plan (COP) Defining Water Management Operations for the Constructed Components of the Modified Waters Deliveries (MWD) and C-111 South Dade (SD) Projects.

Via electronic mail

Dear Ms. Nasuti,

We write in response to the public comment request regarding the COP for the MWD and C-111 SD Projects. Simply stated: Everglades' restoration is a concern for the entire state. A healthy Everglades has long reaching effects felt throughout its surrounding areas. Our health, lifestyle, and tourism industry all benefit from a healthy Everglades.

Tourism is clearly a major driver of our GDP. In 2014, over 97 million people visited our state bringing $82 billion with them.[1] $4.9 billion was collected as sales tax. *Id.* 1,145,800 Floridians were employed in the tourism industry. *Id.* Here in Palm Beach County, tourism is among our major industries bringing in $7 billion and supporting 60,000 plus tourism related jobs.[2] And it's no secret that the vast majority of these tourists come here for our beaches.

Despite this, it seems that decisions are being made with little to no consideration for our community's dependence on this industry. Through the Water Resource Development Act (WRDA) of 2000's *savings clause* big agriculture (predominantly big sugar) is given the highest priority in water management.[3] Water contaminated with bacteria, and harmful algae promoting nutrients is pumped into Lake Okeechobee to protect the massive monoculture farms. But eventually, this water moves through our community and reaches our beaches. Bringing unsightly dark brown and dirty water that turns tourists off of our beaches, prevents them from scuba diving our reefs, or ruins their fishing day.

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[1] VISIT FLORIDA: TOURISM FAST FACTS, https://www.visitflorida.org/about-us/what-we-do/tourism-fast-facts/ (last visited Oct. 20, 2017).
[2] PBC TOURIST DEVELOPMENT COUNCIL: ABOUT US, http://discover.pbcgov.org/touristdevelopment/Pages/default.aspx (last visited Oct. 20, 2017).
[3] Water Resources Development Act of 2000 Section 601(h)(5) Savings Clause.

Our water is a way of life. Much like how agriculture is engrained into the culture of the interior communities: boating, diving, fishing, surfing, etc. defines the culture of the coastal communities. This is the lifestyle that we like to share with tourists. But it is severely compromised by dirty water.

Our health is impacted when exposed to the bacteria and harmful algae brought by this dirty water. Many of the contaminants associated with farm runoff have been linked to degenerative diseases and even death.

For example, cyanobacteria thrives on the nutrients in the water that is pumped into Lake Okeechobee. When its overabundance reaches a bloom, cyanobacteria kills wildlife, most notoriously with massive fish kills. In addition, cyanobacteria produce a number of cyanotoxins, leading to serious immediate health concerns that require water closures. Cyanobacteria can also produce beta-Methylamino-L-alanine (BMAA), a substance that is a suspected causal link to a number of serious neurodegenerative diseases including Alzheimer's, Armyotrophic Lateral Sclerosis (ALS), and Parkinson's disease.[4]

This is hardly the environment we want to sell to our community. Residents and tourists alike come here for clean, clear beaches. So we are asking the USACE to consider our needs in this water management plan. Let us be clear, this is by no means an attack on the interior communities surrounding Lake Okeechobee that depend on the agriculture industry. Rather, we are asking to have the coastal community's needs considered fairly and balanced with the needs of the agricultural community.

If the priority that is given to big agriculture is a matter of current convoluted policy, then we need to have a dialogue to begin the change of this policy. There is no reason to maintain the status quo if it does not benefit the state's interest. For too long big agriculture has been given top priority in water management at the expense of the surrounding communities. A balance needs to be found, to safeguard our health, lifestyle, and industry.

Sincerely,

Reinaldo Diaz, J.D.
Lake Worth Waterkeeper

WATERKEEPER® ALLIANCE
MEMBER

[4] Fact Sheet Update on BMAA, Water Research Australia (March 2015), https://assets.documentcloud.org/documents/2799457/2015-BMAA-fact-sheet.pdf.

October 17, 2017

Melissa Nasuti
U.S. Army Corps of Engineers, Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232-0019
Melissa.a.nasuti@usace.army.mil

Re: Combined Operational Plan Must Put Ecosystem Benefits First

Dear Ms. Nasuti:

Everglades National Park and Florida Bay are incredible environmental and economic resources for those of us who live and work in the beautiful Florida Keys. For years, the health of the Southern Everglades and Florida Bay have been in decline, impacting the coral reef ecosystems and fish populations that sustain our fishing, diving, and other water based businesses – the backbone of Monroe County's $2.7 billion tourism economy.

Restoration projects to improve the conditions of the Southern Everglades and Florida Bay have been planned for decades. Now, the Combined Operational Plan (COP) will set guidelines for how the agencies operate the projects that will restore Everglades National Park, including the Modified Water Deliveries (MWD), C-111 South Dade, and C-111 Spreader Canal projects. We understand that the Army Corps and its partner agencies are accepting public comment on the scope of this operations plan.

As fishing guides and members of the Florida Keys community, we strongly assert that restoration projects must maximize ecological benefits to Everglades National Park and Florida Bay. We live and work in the heart of the ecosystem and understand firsthand the damage that has been done. Our fisheries, wildlife and important habitats continue to be plagued by lack of freshwater flow. The hyper-salinity events and seagrass die-offs are too much for this ecosystem to handle. We must give it a chance to come back. Now is the time to complete these projects. Florida Bay desperately needs more freshwater.

Americans have invested millions of taxpayer dollars in projects to restore Everglades National Park, which is a unique piece of our national heritage that we all own and treasure. We must ensure that all restoration infrastructure is used to protect and restore the Everglades.

Sincerely,

On behalf of The Board of Directors of the Florida Keys Fishing Guides Association

Capt. Steve Friedman
Commodore, F.K.F.G.A.
P.O. Box 936
Islamorada, FL 33036
305-393-3474
fkfgacommodore@gmail.com

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Brian O'Neill <sdbfo@yahoo.com>
Sent: Thursday, October 19, 2017 9:41 PM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] Top Lake O Discharges to the Estuaries and Bay, NoW!!

Please stop killing the Estuaries for price supported sugar now. This may in fact end up being a huge RICO case. The Corps of Engineers has an ethical responsibility to RESTORE the River of Grass as expressed by Amendment 1!

Thank You,

Brian O'Neill
790 Beard Ave
Sebastian, FL 32958

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Donna J. Lucas <d.lucas2@me.com>
Sent: Thursday, October 19, 2017 10:44 PM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] Lake Okeechobee

The Everglades itself is at the very least as important as the people living in south Florida on borrowed swamp. south Florida needs more land? Take it from the sea Atlantic not the fragile gulf of Florida, almost always nature will win eventually especially water. The Dutch do this excellently.

The lake Okeechobee is really artificial now with its dams and earthen mounds. Engineers can solve the pollution problem with a plan in conjunction with the sugar plantations. The sugar needs to recycle all their water. Laden with algae this could be a source of energy to resell whom ever funds it. The clean water resold/ or for irrigation. We build sewage treatment plants everywhere recycling poo poo in to drinking water should be very easy especially if the algae diverted produces energy. This is done in many places. Only clean water back south to the people and glades. The lake is the excess water from hurricanes and of course now the folks populating south Florida. Over flow needs to return to the Everglades, gulf of Florida, and people of south Florida clean. Not uncleaned to the Atlantic and her shores.

The Army Corp of Engineers is looking at the whole of Florida for a master plan even if plan designs specifically are bid for by private firms. The least bureaucracy, EPA, everyone knows the rules, South Florida Water, South West Water, The Army Corp or Engineers, and good private firms. Corp of Engineers doing a master State plan not the details, as much as, the ideals. All the others just need to follow with design with proposals and then have the water districts offer the contracts for bid. We do not need. Committee of legislators to collaborate on the designs, they are not smart enough to understand or be taught and slow any progress.

We have the brightest engineers in Florida, environmental and civil design, private and public. This state is already so very environmentally minded. With few polluting companies. The sugar company pays corporate taxes evens out export, it has to be profitable for them too, a way for energy .

Thank you for considering recycling of sugar water.

Sent from Donna Lucas iPad

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Jon Robertson <jon.robertson25@gmail.com>
Sent: Thursday, October 19, 2017 9:05 PM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] COP Comments

Hello,

I live in Stuart Florida and would like to see the USACE prioritize human safety by increasing the outflow capability south of the lake into the STAs and future reservoir, including removing barriers that currently restrict the capability of sending water south. In 2013, 2016 and this year the large rain events caused unnatural discharges to the east and west coasts. With a larger capacity to hold water in the lake and more storage north and south of the lake these damaging discharges would be largely decreased and increase safety for residents in the glades, Martin county and Lee county by reducing the polluted water discharging to the coasts.

Jon robertson
Jon.robertson25@gmail.com <mailto:Jon.robertson25@gmail.com>
772-215-1506 <tel:772-215-1506>

Sent from my iPhone

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Sandy Blair <sblair1324@hotmail.com>
Sent: Thursday, October 19, 2017 9:02 PM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] SEND THE WATER SOUTH

It is beyond my comprehension how the water system has been allowed to deteriorate to the point it is. Polluted water from Lake Okeechobee is destroying the livelihoods of commercial fishermen, fishing guides, those who depend on tourists visiting our once-but not-longer pristine beaches and waterways.

The sugar industry has dominated the course of action for too long. It is time to stop pandering to a business whose very existence is a detriment to the health of the nation - the first thing doctors tell overweight patients...CUT OUT THE SWEETS i.e. SUGAR.

There is something wrong with this picture. Just do what is necessary to protect the people and the economy of the state. SEND THE WATER SOUTH.

Sandra Blair

1335 Danforth St SW

Palm Bay FL 32908

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: barbara brennan <bonniebrennan2@yahoo.com>
Sent: Friday, October 20, 2017 2:19 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (US); Barbara Brennan
Subject: [EXTERNAL] Lake Okeechobee

dear Ms Nasuti,
I request that the Corps prioritize the impact of discharges from Lake Okeechobee on the health and safety of residents of riverside communities, the health of Florida's waters,and the renewal of the Everglades as it plans COP.
Thank you for your kind attention.
Sincerely,
Barbara Brennan

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: capeddie5639@gmail.com
Sent: Friday, October 20, 2017 1:12 PM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] Fwd: COP Comment

Sent from my iPhone

Begin forwarded message:

From: capeddie5639@gmail.com <mailto:capeddie5639@gmail.com>
Date: October 20, 2017 at 12:52:13 PM GMT+2
To: melissa.a.nasuti@acoe.army.mil <mailto:melissa.a.nasuti@acoe.army.mil>
Subject: COP Comment

Please see that the antiquated rules governing the watershed of Florida and the EEA get updated to today's times and populations of people in Florida.

It is time to place the top priorities of water management for the benefit and protection of the people and the natural resources of the state of Florida and not for BIG SUGAR & THE EEA

CHARLES WIGHTMAN 76 year disgusted Florida resident

Sent from my iPhone

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Doug Kilpatrick <tarpondoug@yahoo.com>
Sent: Friday, October 20, 2017 7:24 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] Everglades restoration

Dear Ms. Nasuti

The Lower Keys Guides Association is comprised of over 150 members, many of whom make a living by practicing catch and release methods of fishing in and around the boundaries of Everglades National Park.
It is our understanding that there is currently a comment period in which the Army Corps and its affiliates are accepting public comment on the COP guidelines for restoration efforts, including Modified Water Deliveries, c-111 Spreader Canal and c-111 South Dade projects.

We understand too well the economic impact of a reduction in fish populations and habitat. The ongoing ecological issues in the Park, including the lack of fresh water flow and seagrass die-offs, cause economic losses to not only our membership but to the entire Florida economy. We urge you to understand the negative economic impacts we have felt recently, and look toward their solution, with a infrastructural restoration that is used to restore the ENP.

Thank you,

Sincerely,

Doug Kilpatrick and the Board of Directors
Lower Keys Guides Association

Nathaniel Clarke Linville
The Angling Company
e: nathaniel.linville@yahoo.com <mailto:nathaniel.linville@yahoo.com>

Sent from my iPhone

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Mark Horwedel <Mark.Horwedel@merchantadvisorygroup.org>
Sent: Friday, October 20, 2017 10:17 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Cc: peter@girard.us; Allan Goode (allanlgoode@gmail.com); Jim Askew; Lauren Robitaille (Lauren.Robitaille@walmart.com)
Subject: [EXTERNAL] COP Comment (corrected email)

Ms. Nasuti,

I am writing in support of the COP plan.

While I understand some of the limitations the Corps operates under, I am appealing to your collective conscience in helping Florida's citizens throw-off the suppression of public interests by a handful of sugar moguls and corrupt politicians who have permitted the destruction of our waterways to go unchecked for decades.

I own a property in Martin County which is baring the full brunt of pollution from Okeechobee runoff. It's shocking to witness the mess that has been made of the Indian River Lagoon and the St. Lucie River, not to mention the destruction in wildlife that has occurred.

Please accelerate your efforts to develop solutions that will spare our waterways from continued destruction, return the flow of the water south and sacrifice the demands of special interests for the public interest.

Thanks in advance for your efforts to return Florida to Floridians.

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Lisa Carruthers <lsc0818@icloud.com>
Sent: Friday, October 20, 2017 2:00 PM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] Okeechobee COP

Please prioritize Lake Okeechobee's impact on the health and safety of glades residents and riverside communities as you plan COP. The known impacts of toxic algae must take priority over industry "wants". As a health care professional, i know that the cumulative effects of exposure to these toxins will sky rocket, causing more illness and death in future years. The run off needs to be sent south, as it was intended before the interference of money motivated businessmen and politicians.

Lisa S. Carruthers
Aboard M/V Tapestry

Mobile 860.227.6288

"Twenty years from now you will be more disappointed by the things you didn't do than by the ones you did do. So throw off the bow lines, sail away from the safe harbor. Catch the trade winds in your sails. Explore. Dream. Discover."
Mark Twain

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: louis brouillard <southerncannuck@yahoo.com>
Sent: Friday, October 20, 2017 8:36 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] The drainage of the glades

Put me down as a voice for returning as much water as possible to Florida Bay, and reducing the discharges to the coastal estuaries.

Ps, I do not support deep injection wells north of the lake. Frankly the sugar barons tails have wagged the dog too long.

Sent from my iPhone

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Matthew Jones <matthewweadjones@gmail.com>
Sent: Friday, October 20, 2017 11:30 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] I Support Merging the COP and the LORS

Dear Melissa:

As a lifelong Florida citizen who grew up in Vero Beach along the Indian River Lagoon, and currently lives in Tampa, I support merging the Combined Operational Plan (COP) with the Lake Okeechobee Regulation Schedule (LORS).

This is the best way for the Army Corps of Engineers to obtain a holistic understanding of how water moves throughout the entire South Florida system. It will take into account health and human safety as top priorities. I believe we have an opportunity to do for wetlands what Allan Savory has done for grasslands.

I agree with the statement made by bullsugar.org <Blockedhttp://bullsugar.org> in its October 19th article: "It's time to consider how much total drainage and water are available and manage it as a single, interconnected set of resources."

Please enter my thoughts into the public record regarding this issue.

Sincerely,

Matthew Jones

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Rosty Caryk <carykr@gmail.com>
Sent: Friday, October 20, 2017 10:17 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] COP

I am a resident of Florida and am very concerned about the unacceptable control the Sugar industry has over the water quality of waters of the US in Florida. Please to prioritize Lake Okeechobee's impact on the health and safety of glades residents and riverside communities as it plans COP.

Regards,

Rosty Caryk

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Tom Walls <tomwalls@gmail.com>
Sent: Friday, October 20, 2017 10:41 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] COP feedback

To Whom It May Concern:

Please prioritize Lake Okeechobee's impact on the health and safety of glades residents and riverside communities as it plans COP.

"It's time to change the priorities in this system and place health and human safety above all else. It's time to consider how much total drainage and water are available and manage it as a single, interconnected set of resources."

--

Tom Walls

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Kathleen McElroy <yoginikate@hotmail.com>
Sent: Friday, October 20, 2017 8:59 PM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] COP Comments

Prioritize Lake Okeechobee's impact on the health and safety of glades residents and riverside communities as it plans COP.
Kathleen McElroy

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Mary K Van Kleunen <mvankl@aol.com>
Sent: Friday, October 20, 2017 4:50 PM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] COP Comments

Dear Ms. Nasuti,

I am writing regarding my concern for the water quality in the Atlantic and Gulf as a result of the discharges from Lk Okeechobee. This needs resolution, not more studies. I support the southern reservoir and anything the Corps can do to return the water flow to its natural state and allow the Everglades to once again become a filter. This is a quality of life issue (infections, unable to enjoy the state's natural resources), as well as a business issue (tourism, fishing industry).

Thank you for your consideration.

Mary K. Van Kleunen
5th generation Floridian

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Charles Gerber <chazmen5@icloud.com>
Sent: Saturday, October 21, 2017 8:26 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] Clean our water

The current conditions of our waters is Criminal!! The antiquated. Regulations that allows , back pumping, and dumping overages into our rivers needs to be updated considering our current understanding of health risks and flood conditions.... Big Sugar should not "trump" the people's needs and their health concerns.

We have talked about this far too long. It is time for action! The water needs to be cleansed and flow south. The glades need it. "We the people " need it.

I live on the river. The water prior to dumping was clear to the point I could see the bottom in 4-5'. Within. Hours of dumping. The water became muddy. And smelled heavy of fertilizer(not in my mind). I took freinds toward the South Fork dam. Without mentioning they both said" what is that awful smell". It didn't exist prior!!!! We all know the cause. Come on. Let's stop talking and start fixing. It doesn't require years of consideration. Big sugar should not be able to back pump. They
too should feel the pain From water events!!!! Our tourist industry is in the crapper and it will eventually effect our property values as well. Change the World War II Permits Immediately they don't apply. Health issues are real. We can't even swim and fish are dying.

Please look past the noise created by the self serving arguments by big sugars lobbyists!

Please help ....

Sent from my iPhone

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: laetitia cindric <cind5988@bellsouth.net>
Sent: Saturday, October 21, 2017 10:24 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] COP Comments

I really find it stupendously insulting that after the 20-30 years of trying to reroute water south to replenish the Everglades is now back to a stupid study by the AcE. Untold millions of tax dollars spent over and over and OVER AGAIN to study the same thing. And yet, the voters vote again and again and AGAIN to purchase the land from BIG SUGAR AND BIG AG and send the damn water south.
And you don't do it. You hem and you haw and corporate money changes hands and nothing gets done.
Nothing gets done and nothing gets done and Big Sugar just keeps rolling along. And the Everglades are close to death.
And you have NOTHING. To show for your damn existence. Nothing ever changes and nothing ever happens to break the stalemate.
Personally, I think you suck at your jobs. A bureaucratic quagmire. FIRST, DO NO HARM. We need water. We don't need more effing sugar subsidies.
Incredible taxpayer waste.
SEND THE FUCKING WATER SOUTH and stop fucking around with citizens and the environment.
Get busy or get out.

Sent from my iPhone

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Paula Turner <turnado@att.net>
Sent: Sunday, October 22, 2017 6:42 PM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] Prioritize Lake Okeechobee's Impact on Communities and Residents

Please prioritize Lake Okeechobee's Impact on the Health and safety of Glades residents and Riverside Communities as you Plan COP, not giving priority to the sugar industry. Consider the total drainage and Water is available and manage it as a single, interconnected resource or combine COP and LORS and manage drainage and lake levels together. Toxic Algea blooms are destroying our wildlife and rivers. Please help us with proper consideration. Thanks.

Sent from my MetroPCS 4G LTE Android device

October 20, 2017

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
Deliver via email:
Melissa.a.nasuti@usace.army.mil

Re: Everglades Restoration Needed for the Florida Keys

Dear Ms. Nasuti:

The lifestyle and economy of the Florida Keys are intrinsically linked to the health of Everglades National Park and Florida Bay. Clean water to sustain the ecosystem is key.

Restoration projects to benefit Everglades National Park and the Florida Keys have been under construction for many years, paid for by significant taxpayer investment. Now, writing an operations plan for how to use these projects is the critical next step. This is the time to achieve the ecosystem benefits we desperately need in the Keys.

Please ensure that protecting the waters of the Southern Everglades and Florida Bay is the top priority for operating restoration projects in South Miami-Dade! These projects include the Modified Water Deliveries (MWD), C-111 South Dade, and C-111 Spreader Canal projects, which will be guided by the Combined Operation Plan (COP) currently under consideration by the U.S. Army Corps of Engineers and other state and federal agencies.

As a member of the Florida Keys community, responsible operation of these projects to maximize restoration benefits for the Everglades and Florida Bay is important to me.

Sincerely,

Allison Mungo Estazi

Name

150 NAUTILUS DR, ISLAMORADA, FL 33036

Address

ALLISON.CARLO@ME.COM

Email

October 20, 2017

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
Deliver via email:
Melissa.a.nasuti@usace.army.mil

Re: Everglades Restoration Needed for the Florida Keys

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As a member of the Florida Keys community, responsible operation of these projects to maximize restoration benefits for the Everglades and Florida Bay is important to me.

Sincerely,

Bonnie E. Barnes BONNIE E. BARNES
Name

177 Ocean Shores Dr, Key Largo, FL 33037
Address

bonnie.ebarnes@gmail.com
Email

October 20, 2017

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
Deliver via email:
Melissa.a.nasuti@usace.army.mil

Re: Everglades Restoration Needed for the Florida Keys

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As a member of the Florida Keys community, responsible operation of these projects to maximize restoration benefits for the Everglades and Florida Bay is important to me.

Sincerely,

Laura S. Brooks
Donald O Brooks

Name

Laura + Don Brooks
74 Shoreland Dr.
Key Largo 33037

Address

laurie.brooks52@gmail.com

Email

October 20, 2017

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
Deliver via email:
Melissa.a.nasuti@usace.army.mil

Re: Everglades Restoration Needed for the Florida Keys

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As a member of the Florida Keys community, responsible operation of these projects to maximize restoration benefits for the Everglades and Florida Bay is important to me.

Sincerely,

David Dimmel David Dimmel
Name

P.O. Box 371750 Key Largo Fl 33037
Address

daviddimmel@yahoo.com
Email

October 20, 2017

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
Deliver via email:
Melissa.a.nasuti@usace.army.mil

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As a member of the Florida Keys community, responsible operation of these projects to maximize restoration benefits for the Everglades and Florida Bay is important to me.

Sincerely,

CARLOS ESTAPÉ
Name

150 NAUTILUS DR. ISLAMORADA, FL
Address

carlos.allison@me.com
Email

October 20, 2017

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
Deliver via email:
Melissa.a.nasuti@usace.army.mil

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As a member of the Florida Keys community, responsible operation of these projects to maximize restoration benefits for the Everglades and Florida Bay is important to me.

Sincerely,

Bethany Fowler
Name

532 Plante St Key Largo, FL 33037
Address

BLF1@rice.edu
Email

October 20, 2017

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
Deliver via email:
Melissa.a.nasuti@usace.army.mil

Re: Everglades Restoration Needed for the Florida Keys

Dear Ms. Nasuti:

The lifestyle and economy of the Florida Keys are intrinsically linked to the health of Everglades National Park and Florida Bay. Clean water to sustain the ecosystem is key.

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Sincerely,

Fred Hartner

Name

52 5 Andros Rd, Key Largo, FL

Address

fredhartner@comcast.net

Email

October 20, 2017

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
Deliver via email:
Melissa.a.nasuti@usace.army.mil

Re: Everglades Restoration Needed for the Florida Keys

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Sincerely,

Laura L. Hartner LAURA L. HARTNER
Name

52 S. Andros Road, Key Largo, FL 33037
Address

diver1down@comcast.net
Email

October 20, 2017

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
Deliver via email:
Melissa.a.nasuti@usace.army.mil

Re: Everglades Restoration Needed for the Florida Keys

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Sincerely,

Colin Howe
Name

70 Oleander Dr. Key Largo, FL 33037
Address

Colin.Howe15@gmail.com
Email

October 20, 2017

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
Deliver via email:
Melissa.a.nasuti@usace.army.mil

Re: Everglades Restoration Needed for the Florida Keys

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Sincerely,

Jim Spencer
Name

PO Box 370726 Key Largo, Fl 33037
Address

Seenotes@icloud.com
Email

October 20, 2017

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
Deliver via email:
Melissa.a.nasuti@usace.army.mil

Re: Everglades Restoration Needed for the Florida Keys

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Sincerely,

Keith Kropf

Name

257 Atlantic Blvd, Key Largo, FL 33037

Address

K2panman@gmail.com

Email

October 20, 2017

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
Deliver via email:
Melissa.a.nasuti@usace.army.mil

Re: Everglades Restoration Needed for the Florida Keys

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As a member of the Florida Keys community, responsible operation of these projects to maximize restoration benefits for the Everglades and Florida Bay is important to me.

Sincerely,

Louis Lindner
Name

106003 Overseas Hwy Apt 3201
Address

lougrantUSA@gmail.com
Email

October 20, 2017

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
Deliver via email:
Melissa.a.nasuti@usace.army.mil

Re: Everglades Restoration Needed for the Florida Keys

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Sincerely,

Elena M.F. Muratori Elena M.F. Muratori
Name

203 Charlemagne Blvd Key Largo FL 33037-3233
Address

seamaid55@yahoo.com
Email

October 20, 2017

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
Deliver via email:
Melissa.a.nasuti@usace.army.mil

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Sincerely,

Robert W. Murray Robert W. Murray
Name

3278 Riviera Dr. Coral Gables FL 33134
Address

rwmurray536@gmail.com
Email

October 20, 2017

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
Deliver via email:
Melissa.a.nasuti@usace.army.mil

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Sincerely,

NADIA SPENCER
Name

P.O. BOX 726 KEY LARGO FL 33037
Address

Seanotes@me.com
Email

October 20, 2017

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
Deliver via email:
Melissa.a.nasuti@usace.army.mil

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Sincerely,

Sienna Pickard
Name

532 Plante Street, Key Largo
Address

siennapickard@gmail.com
Email

October 20, 2017

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
Deliver via email:
Melissa.a.nasuti@usace.army.mil

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Sincerely,

Jacob Poelma

Name

106003 overseas Hwy APT 2303, Key Largo, FL 33037

Address

jacob.poelma@gmail.com

Email

October 20, 2017

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U.S. Army Corps of Engineers
Jacksonville District
Deliver via email:
Melissa.a.nasuti@usace.army.mil

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Sincerely,
James P. Schmeiser

Name
James P. Schmeiser

Address
120 Second Court
Key Largo, FL. 33037

Email
diver.jim@hotmail.com

October 20, 2017

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
Deliver via email:
Melissa.a.nasuti@usace.army.mil

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Sincerely,

Burnley Truax
Name

532 Plante St Key Largo 33037
Address

burnley@lclark.edu
Email

October 20, 2017

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
Deliver via email:
Melissa.a.nasuti@usace.army.mil

Re: Everglades Restoration Needed for the Florida Keys

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Sincerely,

Lisa Mongelia
Name

9295 SW 185 Ter, Cutler Bay Fl 33157
Address

LJMongy@gmail.com
Email

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Alice Naegele <acn727@yahoo.com>
Sent: Thursday, October 26, 2017 7:16 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] Herbert Hoover & Water Movement

Good morning,

I just wanted to let you know, as an area citizen (West Palm Beach, FL), that I am for the usage of funds both to repair the H. Hoover Dyke and for creating a means to move excess water away from our Indian River estuary system.

Thanks for your attention.

(Dr.) Alice Naegele

Sent from Yahoo Mail on Android <Blockedhttps://overview.mail.yahoo.com/mobile/?.src=Android>

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Diane Goldberg <digoldberg@bellsouth.net>
Sent: Thursday, October 26, 2017 7:27 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] reservoir

Please let me know when you will be starting the planning of the reservoir south of Lake Okeechobee to lessen the impacts on the St Lucie River, Indian River Lagoon and the Caloosahatchee. We support this plan and we need it as soon as possible.

Thank you,

Diane Goldberg

Treas. Lakelas Mint Chapter of the Florida Native Plant Society

Conservation co-chair for St Lucie Audubon

digoldberg@bellsouth.net <mailto:digoldberg@bellsouth..net>

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Kris Pagenkopf <kris_pagenkopf@hotmail.com>
Sent: Thursday, October 26, 2017 7:35 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] Combined Operational Plan (COP)/Lake Okeechobee-Glades

The Combined Operational Plan (COP) will affect lake levels, the risk that people living below the dike face a deadly breach, and the risk that toxic algae blooms are discharged to riverside communities. I understand that the COP has to work within the 68-year-old Central and South Florida Plan, authorized by congress just after World War II. That was over 60 years ago, when Florida's population was less than 3 million (vs. 20 million today) and communities on the Caloosahatchee and St. Lucie rivers were 1/20th their current populations. We need an update of these authorizations.

But antiquated statutes are only part of the reason today's management routinely puts people at risk. A bigger part is our accounting separately for the lake's capacity for water supply and drainage from the watersheds to its north and south, and refusing to accurately measure how much water and drainage everyone in the system needs and gets. The danger of this uncoordinated management is exposed by events like Hurricane Irma. It would be common sense to prioritize dike safety during the summer and fall by keeping lake levels low and stopping unnatural inflows. That would also reduce the chances of discharging toxic algae and its associated health risks to riverside communities. But today's management system isn't governed by common sense. Instead we allow a section of the federal Water Resource Development Act (2000) called the "savings clause" to prioritize the sugar industry's drainage needs, letting them pump excess rainfall (anything over 1") all summer long into the system south of the lake, and when that's full, into the lake itself--the back-pumping that raised lake levels this year even as fears of dike failure dominated headlines.

Meanwhile the federal Lake Okeechobee Regulation Schedule (LORS) isn't required to account for the savings clause's influence on the system or to prevent the sugar industry's back-pumping into a rising lake.

It's time to change the priorities in this system and place health and human safety above all else. It's time to consider how much total drainage and water are available and manage it as a single, interconnected set of resources. Maybe the COP and LORS could be combined, managing drainage and lake levels to prioritize the people in the system.

I ask the Corps to prioritize Lake Okeechobee's impact on the health and safety of glades residents and riverside communities as it plans COP.

Kris Pagenkopf
7625 SW 7th Place

Gainesville, FL 32607

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Don Higg <donhig223@gmail.com>
Sent: Thursday, October 26, 2017 7:42 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] Combined Operational Plan

I am a taxpayer in the state of Florida and I want to go on record requesting that your department make it a high priority to insure that the plans you put in place for future infrastructure moves water south into Everglades National Park and Florida Bay.

Thanks...

Donald Higginbotham

Lakeland, FL

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Brian O'Neill <sdbfo@yahoo.com>
Sent: Thursday, October 26, 2017 7:47 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] People not sugar, back pumping no more!!

Please wake up!!

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: +15613069536@tmomail.net
Sent: Thursday, October 26, 2017 7:49 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Attachments: text_1509018371096.txt

Please restore, as much as possible, the glow of waterto our precious Everglade Lora Knight 7443 Atwood Ct Lake Worth FL 33467

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Justin Lorch <justin.lorch@gmail.com>
Sent: Thursday, October 26, 2017 7:56 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] Lake Okeechobee COP

Melissa,

I have lived most of my life along the St Lucie and Indian Rivers. I have watched what the discharges from Lake Okeechobee have done to these ecosystems in that time. I fear what the situations will be in the future.

I am an avid recreational angler, it's been my passion for almost 30 years now. I now travel the entire state looking for areas to fish that even come close to the productivity I used to enjoy in the St Lucie and Indian Rivers around Stuart when I was younger. These ecosystem can be restored with the help of the Army Corps of Engineers.

I feel that as fellow Engineers, you have a duty to help the policy makers understand how to more effectively manage a system that is: creating risk to life by threatening the Herbert Hoover dike by allowing the sugar industry to back pump excess water into the Lake even when the Lake is already dangerously high levels; introducing toxic and potentially dangerously polluted water into estuary systems on both coast, risk the health and safety of populations along those coasts from potentially hazardous runoffs, jeopardizing losing the Biscayne Aquifer by choking off its fresh water supply and risking salt water intrusion.

The policies and strategies that govern the management of the Lake and drainage surrounding it were put into place long before we had a good understanding of the complexity of the systems we were interfering with. We must update these policies and regulations to be beneficial to everyone involved and to start to restore the environments affected by these water management policies. As a voting citizen, I can pressure my elected officials and occasionally install new ones, but our voice can easily be drowned out by the money involved in Florida politics. Having the voice of the Army Corps of Engineers alongside ours would carry the weight needed to enact change.

Thank you for taking the time to read this.

Justin Lorch

Sent from my iPhone

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Wayne Ralph <wayneralph19@yahoo.com>
Sent: Thursday, October 26, 2017 8:06 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] Pollution

We moved to Cape Coral two years and three months ago from Oregon to retire, explore and boat in paradise.
We assumed that nature here was being treated respectfully. We found its quite the opposite. Between the pollution pumped into lake O that pollutes our river systems and the locals here pumping their septic tanks into our canal systems, change is not going to happen anytime in the near future or ever as this trend appears. Florida has its natural beauty that struggles to survive despite the me first attitude of the existing residents and voting population that continues kicking the can down the road because they like it how it is..
You know what they they say, if you don't like it, move on.
So we are. Adios and best wishes to you Florida.
Wayne Ralph
Cape Coral Fl.

Sent from my iPad

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Madge Allen <geosheil@aol.com>
Sent: Thursday, October 26, 2017 8:22 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] Lake O releases

I'm a homeowner on Gulf of Mexico access, Alligator Slough in Cape Coral, Florida. We watch the water turn from blue to brown as dangerous, dirty water is released from Lake O, down the Caloosahatchee River. This whole economy is dependent on retirees and tourists; who is going to want to live or recreate here when the whole ecosystem is destroyed from toxic water releases! Please uphold the law and will of the voters, and get the water going south...which will naturally clean the water and restore the Everglades. We are watching and keeping track!
Thank you,
Madge Allen
3637 NW 21st Terrace
Cape Coral FL 33993

Sent from my iPhone

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Kirsten Lovett <kirstenlovett@gmail.com>
Sent: Thursday, October 26, 2017 9:19 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] COP Lake Okochobee

Dear Ms. Nasuti,

I saw that "The COP, whatever it turns out to be, has to work within the 68-year-old Central and South Florida Plan, authorized by congress just after World War II. In other words, “Our hands are tied” by a federal decree from 68 years ago.

In January Sen. Bob Graham called for an update of these authorizations, but antiquated statutes are only part of the reason today’s management routinely puts people at risk. A bigger part is our accounting separately for the lake’s capacity for water supply and drainage from the watersheds to its north and south, and refusing to accurately measure how much water and drainage everyone in the system needs and gets. The danger of this uncoordinated management is exposed by events like Hurricane Irma.

It’s time to change the priorities in this system and place health and human safety above all else. It’s time to consider how much total drainage and water are available and manage it as a single, interconnected set of resources.

Thank you,

Kirsten Lovett
kirstenlovett@gmail.com

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Ed Wilson <edwilsonllc@gmail.com>
Sent: Thursday, October 26, 2017 10:13 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] Lake Okeechobee

Please do what is right and for clean water in SW & SE Fl, send water south, the sugar industry is holding everybody hostage. Did you know the sugar industry also gets federal subsidies from the farm bill, which means they never have a loss, even if the weather is bad and they loose crops they get paid, and even worse if they grow too much sugar our US government must but it from them, so again they loose nothing. The price consumers and manufactures pay for sugar in the US is almost double that of world sugar.

DR THE RIGHT THING SOONER THEN LATER

--

Kind Regards
Ed Wilson

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Potter,Mark <mpotter@peds.ufl.edu>
Sent: Thursday, October 26, 2017 10:35 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] COP

Melissa, I just wanted to take the time to express my thoughts regarding CERP and the COP being discussed. I spent the first 20 years growing up in south Florida just a couple of miles from the Everglades. I have watched all of south Florida grow out of control since the 1970's. I left in 1978 and moved to Gainesville Florida. I am still very fond of the profoundly diverse environment the Everglades supports and appreciate the perils the continued demand on its resources bring. The restoration of the natural watershed from the lake to the bay is empirical to the very survival of the habitat. I believe the science and studies which call for the construction of the reservoir south of the lake be the first priority. This accomplishes two things that are very important to the project and its goals. First reducing the lake water level will reduce the pressure on the aging berm and reduce the chance of a breach. Second it will allow a secondary source of natural detoxification of the water discharges of Lake Okeechobee to occur before entering the watershed. This along with more sustainable farming practices would combine to begin the process of natural restoration of the Everglades. I am sure I have said nothing that you have not already heard. I just needed to let someone know how I feel about this and the prolonged timeline it has taken just to get this far, very frustrating and disappointing. Thanks for listening.

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Margie Hancock <daisydog222@hotmail.com>
Sent: Thursday, October 26, 2017 10:39 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] Everglades

Clean waater and safety depend you

the Armp Corps of Engineers! Please Save the Everglades!

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Ted Stevens <ted@stevensandstevens.com>
Sent: Thursday, October 26, 2017 10:41 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] St. Lucie River and Indian River estuary

Please, stop killing our Caloosahatchee, St. Lucie River and the Indian River lagoon, by these massive releases from lake Okeechobee. This is a problem over 50 years old and that seems excessive time even for the government to get a problem fixed.

It's supposed to rain frogs during the rainy season in Florida! Until a dynamic southern storage reservoir and River of Grass flows to Florida Bay are complete, there will be no curing the problems for Okeechobee, the Caloosahatchee, St. Lucie and Florida Bay.

As with all politicians and high profile public figures I am sure you will be careful not to let the buck stop with you !

Thank You,

Ted Stevens

Vice President

Computer Network Services

1857 NE Jensen Beach Blvd.

Jensen Beach FL 34957

ted@computernetworkservices.biz <mailto:ted@computernetworkservices.biz>

Office: (772) 334-8555

Fax: (772) 334-5180

P Please consider the environment before printing this email

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Cherie Zadlo <clzadlo@yahoo.com>
Sent: Thursday, October 26, 2017 11:12 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] Florida South Florida Water Management

I am writing to request your consideration and support to prioritize Lake Okeechobee's impact on the health and safety of residents, visitors and communities as the Army Corps of Engineers prepares its Combined Operational Plan.

There is more evidence everyday linking toxic algae blooms produced by damaging fresh water flows to ALS, Parkinson's, Alzheimer's and liver diseases alone. It's time to restore human needs over the sugar industry.

Please let me know how else I can assist the effort to move forward toward the rapid development and execution of a sound resolution.

Regards,

Cheryl Zadlo
Colonel, USAF (ret).

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Jan Pashke <janpashke@gmail.com>
Sent: Thursday, October 26, 2017 11:52 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] Please send the water south

Please, quickly work on sending the water from Lake Okeechobee south to be cleaned, and then south from there into the Everglades, where it would naturally go! Even unpolluted water from Lake Okeechobee into the St. Lucie Estuary is harmful to the Estuary, because it disrupts the salinity of the water. Sending polluted water from Lake Okeechobee creates a nightmare!

Please, please send the water south and stop releasing it into the St Lucie Estuary!

Thank you!
Jan Pashke

Sent from my iPad
Port St Lucie, FL

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Nancy&Bob <nancybobdean@juno.com>
Sent: Thursday, October 26, 2017 11:51 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] More Everglades Water Storage

We understand the need to strengthen the Hoover Dike; however, only additional water storage will save the Everglades.

Nancy R Dean
Robert V Dean

_____
1 Simple Trick Removes Eye Bags & Lip Lines in Seconds
Fit Mom Daily
Blockedhttp://thirdpartyoffers.juno.com/TGL3131/59f204a28df364a27e08st01duc

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Arlene Doran <adoran2000@aol.com>
Sent: Thursday, October 26, 2017 12:22 PM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] Lake Okeechobee drainage

Ms. Nasuti,
Thank you for the opportunity to comment on this critical issue.
I have been on the beach when the black discharge water has rolled in and it was awful. The tourists that were there were very unhappy too. They will not be returning.
I have also seen the video of the toxic guacamole looking algae, and worry that I will see that too.
The health and future of the estuaries of the Caloosahatchee and St. Lucie rivers and the Everglades is dependent on the decisions you are making now.
Please make the changes necessary so that the threats of black water plumes and toxic algae are behind us.

Sincerely,
Arlene Doran
412 Sexton Drive
Sanibel, FL

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Morgan Rothe <morganr0468@gmail.com>
Sent: Thursday, October 26, 2017 5:32 PM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] a reservoir and re-build the Hoover dike

I hope the ACOE will do everything it can to help the Everglades and Lake Okeechobee and the rivers that feed into it and out of Okeechobee by building a refurbished Hoover dike and a large enough reservoir to hold polluted water.
Thank you for your service

Morgan S Rothe

Sarasota

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Kathleen Dempsey <kbdempsey@yahoo.com>
Sent: Thursday, October 26, 2017 6:45 PM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] reservoir S. of Lake O.

We desperately need the reservoir to be provided south of Lake Okeechobee to preserve our state and save the dyke. At present the blue-green algae is a big problem, and it seems officials are not acting quickly. Let's get going, PLEASE!

Kathleen Dempsey
Pompano Beach, FL

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Scott Logan <scott.logan@aonhewitt.com>
Sent: Thursday, October 26, 2017 8:04 PM
To: Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: [EXTERNAL] developing water and drainage plans

Dear Ms. Nasuti,

Drainage is scarce in this system, and we already knew that heavy rain fills the lake faster than we can drain it. It would be common sense to prioritize dike safety during the summer and fall by keeping lake levels low and stopping unnatural inflows. That would also reduce the chances of discharging toxic algae and its associated health risks to riverside communities. But today's management system isn't governed by common sense.

Instead we allow a section of the federal Water Resource Development Act (2000) called the "savings clause <Blockedhttp://d3n8a8pro7vhmx.cloudfront.net/bullsugar/mailings/1171/attachments/original/wrda_savings_clause.pdf?1508445650> " to prioritize the sugar industry's drainage needs, letting them pump excess rainfall (anything over 1") all summer long into the system south of the lake, and when that's full, into the lake itself--the back-pumping that raised lake levels this year even as fears of dike failure dominated headlines.

Meanwhile the federal Lake Okeechobee Regulation Schedule (LORS) isn't required to account for the savings clause's influence on the system or to prevent the sugar industry's back-pumping into a rising lake--it just tells the Corps when to flush it into the rivers. Asked last month how the industry could get away with this, SFWMD's Ernie Marks replied honestly: They have a permit.

Better, the sugar industry has--thanks to a disjointed, complicated, ancient collection of regulations--the highest priority in the system. That's why no matter how catastrophic a year Florida Bay or the Everglades or the Caloosahatchee or the St. Lucie have, the sugar industry thrives--since 1980 the crop has never had a bad year <Blockedhttp://www.bullsugar.org/sfwmd_okeechobee_phosphorus> . Meanwhile liver failure clusters pop up along the river, with neurological diseases and a host of serious illnesses that we're only just beginning to trace back to toxic Lake Okeechobee discharges. And residents living in the shadow of the dam wait for the next storm and the next evacuation order.

It's time to change the priorities in this system and place health and human safety above all else. It's time to consider how much total drainage and water are available and manage it as a single, interconnected set of resources. (Could COP and LORS be combined, managing drainage and lake levels to prioritize the people in the system?)

Please prioritize Lake Okeechobee's impact on the health and safety of glades residents and riverside communities as it plans COP

Thank you for your consideration,

Scott Logan

33131

AUDUBON OF FLORIDA
EVERGLADES FOUNDATION
NATIONAL PARKS CONSERVATION ASSOCIATION
NATURAL RESOURCES DEFENSE COUNCIL

July 7, 2011

Gina Paduano Ralph, Ph.D.
Jacksonville District Corps of Engineers
Planning Division, Environmental Branch
P.O. Box 4970
Jacksonville, FL 32232

<*Delivered via email to gina.p.ralph@usace.army.mil*>

Dear Dr. Ralph:

On behalf of the above listed organizations, we submit our scoping comments for the Combined Operational Plan (COP) for the Modified Water Deliveries (ModWaters), C-111 South Dade, and Central and South Florida (C&SF) Projects currently under consideration by the U.S. Army Corps of Engineers (Corps). The National Research Council's Third Biennial Review highlighted the opportunity for achieving restoration benefits through revised operations "in light of the rapidly deteriorating conditions in WCA-3A." We agree that near term restoration progress is critical to slow the ongoing degradation of the Everglades ecosystem. As the COP is to replace the Everglades Restoration Transition Plan (ERTP), it is critical that it achieves ecological benefits not attained under ERTP. Specifically, increased freshwater deliveries to Northeast Shark River Slough (NESRS) are paramount to improve chances of survival for endangered species including the Cape Sable Seaside Sparrow (Sparrow), Wood Stork and Everglade Snail Kite (Kite). Failure of the COP to provide true restoration benefits could result in the extinction of these species.

We first urge that as alternatives are developed, priority is placed upon maximizing the use of the one mile bridge feature of the ModWaters project upon its expected completion in 2013. It is essential to increase water stages and flooding durations in NESRS to restore the ridge and slough vegetation and habitat as outlined in the 2008 Limited Reevaluation Report, thereby restoring conditions within Everglades National Park (ENP). This is especially important during the dry season. Operations should create hydraulic conveyance capacity that results in more natural flow, timing, and distribution of water deliveries as directed in the 1989 Everglades Expansion Act and the 1992 General Design Memorandum.

The 1992 General Design Memoranda set forth three primary restoration goals: restore the Shark River Slough flowway between WCA-3A and ENP, implement rain driven

operations of flow, and increase volume to reflect naturally occurring water supplies (4,000 cubic feet per second ("cfs") peak flow). Further, the Water Resources Development Act of 2007 directed the Corps to increase flows to ENP by at least 1,400 cfs and increase connectivity of WCA-3B marshes with NESRS. While the ultimate goal of increasing flows by 4,000 cfs will require additional infrastructure modifications, the 1,400 cfs increase can be accomplished with proper utilization of the ModWaters, C-111 South Dade, and other C&SF projects considered as part of the COP. In order to see this progress, one necessity is to raise canal stages in the L-29 to 8.5' as outlined in 2008 Limited Reevaluation Report to allow the conveyance of 1,848 cfs identified for peak flow performance and longer durations of 1,350 cfs.

C-111 Operations

The C-111 projects are necessary if Florida Bay is to realize benefits from restoration projects upstream. Because of the massive size of the C-111 canal, it will continue to draw water out of the natural system and away from Taylor Slough—despite restoration efforts and associated operations to the north—until the full suite of C-111 projects become operational. This includes the C-111 South Dade project (both the north and south detention areas), as well as the C-111 Spreader Canal project. The C-111 South Dade project detention areas will function to reduce seepage out of ENP south of the 8.5 square mile area, and we have long urged for the completion of this pre-CERP project. However, realizing benefits for Florida Bay from these detention areas will be limited without appropriate operation of the C-111 Spreader Canal project.

The construction of the western component, or phase I, of the C-111 Spreader Canal project is virtually complete. Although this project has a separate Project Implementation Report, the structures involved in the project are listed as relevant to the COP. The full benefits of the C-111 Spreader Canal western project are not expected to accrue until stages at S-18C are raised, which will facilitate raising groundwater in the lower stretches of the C-111, effectively creating a hydraulic ridge that will reduce seepage out of ENP. In order for the COP to benefit Florida Bay by increasing flows to Taylor Slough and improving the ecological productivity of the region, proceeding with raising stages at S-18C is absolutely crucial. Therefore, a commitment to raise stages at S-18C to a point where ecological benefits are achieved in Florida Bay is an essential component of the COP.

Development of Comprehensive Alternatives

One of the greatest challenges in developing alternatives for the COP is the need to plan for operations of projects that will be completed at varying times. First, we urge that the principles of adaptive management be used to make affirmative changes to increase flows to NESRS as soon as possible. Adaptive management and decision-making that utilize current, on-the-ground conditions must trump maintaining the status quo because of uncertainty. Second, we urge an in-depth analysis of the ability to utilize

each feature as it comes online to achieve the earliest ecological benefits and avoid substantial delays. As an overall matter, the Corps and its partner agencies should analyze a scheduled approach to the COP. This should include a discussion of long term operational alternatives and ways of implementing portions of longer term projects as they come online.

This is particularly important given the ongoing harm occurring to endangered species, the Sparrow and Kite in particular. As we – and others[1] – have previously made clear, projects that restore historic flows to the Southern Everglades and Florida Bay (*i.e.* Tamiami Trail Next Steps and the Decompartmentalization (Decomp) projects), are needed to allow for operational changes that can truly avoid jeopardy to both the Sparrow and the Kite. To the extent that the COP that is currently being developed will only be in place until these additional projects are complete, the EIS must include a full discussion of the impacts that further delays in completing these projects will have on endangered and threatened species, and must consider ways to implement portions of additional projects as they come online. In addition, schedules to implement future restoration projects must be pursued aggressively to prevent jeopardy to the sparrow and the kite.

Water levels in WCA-3A essentially represent the seasonal and monthly limits of storage. Thus additional flexibility to meet the stated goals of the COP requires additional storage be in place. An EIS must evaluate the ability of additional features that potentially could be online or operable at the time the COP is implemented. It should also consider what options are available to increase the likelihood that and speed with which additional storage will be available in the Everglades Agricultural Area, including a timeline for making such additional storage and treatment available (as operations over the past decade have called into question the agencies' ability to control high water levels, recession rates, and low water levels during the dry season in WCA-3A with the existing infrastructure). Also, the Corps must take a hard look at increasing flows to WCA-3B through the S-151. Any reasonable discussion must evaluate the water quality impacts of proposed alternatives.

Any considerations of water levels maintained for recreation in WCA-3B or the property rights of the six privately owned parcels located along Tamiami Trail that have been

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[1] As the Sustainable Ecosystem Institute's November 2007 Everglades Multi-Species Avian Ecology and Restoration Review Final Report states at page 17:

> The most disturbing information the panel received was that the design of ModWaters, has been compromised such that it will produce much less movement of water east and south than originally envisioned because the Tamiami Trail will remain an obstacle to desired flow patterns. The single most positive step that could be taken to conserve the four bird species [the Sparrow, Kite, Wood Stork, and Roseate Spoonbill] is to find the resources to fully implement ModWaters. The second is to accelerate implementation of Decomp. Until these two projects are completed conservation of these four species will be a challenge.

authorized for National Park Service acquisition should not limit the array of COP alternatives developed. The impact of these factors on the COP may be resolved before COP implementation, and therefore alternatives that do not consider these as constraints must be developed. In addition, the EIS for the COP must provide a detailed basis for any concerns related to high water conditions resulting in health and safety threats, and must evaluate those threats in light of the potential for jeopardy to endangered species.

We appreciate the consideration of our comments and look forward to improved operations that deliver ecological benefits to the Everglades ecosystem.

Sincerely,

Signatures waived to expedite delivery

Julie Hill-Gabriel
Director of Everglades Policy
Audubon of Florida
444 Brickell Ave., Suite 850
Miami, FL 33131

Tom Van Lent
Senior Scientist
Everglades Foundation
18001 Old Cutler Rd., Suite 625
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Dawn Shirreffs
Everglades Restoration Program Manager
National Parks Conservation Association
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Hollywood, FL 33021

Bradford Sewell
Senior Attorney
Natural Resources Defense Council
40 West 20th Street
New York, NY 10011

Audubon Florida • Clean Water Action • Everglades Foundation
National Parks Conservation Association • Sierra Club • Tropical Audubon Society

Col. Alan M. Dodd, District Commander
United States Army Corps of Engineers
4070 Boulevard Center, Suite 201
Jacksonville, FL 32207

Blake Guillory, Executive Director
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

November 17, 2014

RE: Operational Testing for Modified Water Deliveries and C-111 South Dade Projects

Dear Col. Dodd and Mr. Guillory:

On behalf of the undersigned organizations, we write to comment on the incremental testing of elements of the Modified Water Deliveries (MWD) and C-111 South Dade Projects provides an important opportunity to ensure that these valuable restoration initiatives will deliver robust ecological benefits to Everglades National Park and Florida Bay. We support ongoing efforts to plan for incremental operations testing of these projects that do not reverse recently-achieved restoration benefits.

We object, however, to operational elements that would reverse the phased implementation of the C-111 Spreader Canal Western Project. Proposals that lower water levels in the C-111 canal and divert water to Biscayne Bay not only decrease the benefits of an important restoration project that was fast-tracked by the South Florida Water Management District (SFWMD) and recently authorized by Congress, but potentially do environmental damage. Moreover, the rationale for these proposed operations, that these operations would ease flooding, is an uncertain response to an unsubstantiated concern. **We urge you proceed with testing of the MWD and C-111 structures without modifying the C-111 Spreader Canal Western Project operations. Rather, the Corps and SFWMD should proceed with the phased implementation of the C-111 Spreader Canal Western Project while undertaking the requisite investigations to determine its effects.**

The goal of this initiative – to restore the Everglades – will be jeopardized if elements of flood control are interjected into the operational testing plan, particularly without just cause. We would support efforts by the Corps and District to investigate the claim that increased flooding is linked to C-111 operations, and look forward to rigorous discussion on the issue. In the meantime, proposing to lower levels in the S-18C, instead of raising them as previously approved, and operate the S-197 for flood relief under the auspices of operational testing is counterproductive to restoration efforts and not in the public interest.

Now is not the time to backtrack on progress that is already underway. The first two years of the C-111 Spreader Canal Western Project have shown promising increases in the amount of water being delivered to Taylor Slough and Northeast Florida Bay. Salinity levels have improved and lead to increased growth of submerged aquatic vegetation. We can capitalize on these benefits by moving forward with efforts to raise water levels at the S-18C by one-tenth of a foot per year as initially planned. Postponing this effort, while simultaneously allowing harmful releases of 200cfs from the S-197, will be detrimental to ongoing restoration efforts.

We urge you to ensure that both the incremental testing and final operational plan be designed in a way that maximizes the ecological benefits these projects were constructed to achieve. This includes not lowering water levels at the S-18C or allowing releases from the S-197.

Thank you for considering this input. We look forward to continuing to participate in the Project Delivery Team process and working toward an operational testing plan to restore America's Everglades.

Sincerely,

Dr. Tabitha Cale
Everglades Policy Associate
Audubon Florida

Sarah de Flesco
Florida Program Coordinator
Clean Water Action

Dr. Tom Van Lent
Director of Science and Policy
Everglades Foundation

Cara Capp
Everglades Restoration Program Manager
National Parks Conservation Association

Jonathan Ullman
South Florida/Everglades Senior Field Organizer
Sierra Club

Laura Reynolds
Executive Director
Tropical Audubon Society

Everglades Law Center
National Parks Conservation Association
Everglades Foundation
Audubon Florida

January 17, 2018

Melissa Nasuti
U.S. Army Corps of Engineers Jacksonville District
701 San Marco Boulevard
Jacksonville, FL 32207-8175
Email: melissa.a.nasuti@usace.army.mil

Re: Environmental Assessment and Proposed Finding of No Significant Impact 2018: L-29 Canal and G-3273 Constraint Relaxation Including the Northern Detention Area (Revised Operational Strategy Increment 2)

Via electronic mail

Dear Ms. Nasuti:

We write in response to the November 2017 Environmental Assessment and Proposed Finding of No Significant Impact 2018: L-29 Canal and G-3272 Constraint Relaxation Including the Northern Detention Area (Revised Operational Strategy Increment 2) ("November 2017 Draft EA/FONSI"). In short, we continue to strongly support the United States Army Corps of Engineers ("Corps") proposal to move ahead with actions, consistent with the original Modified Water Deliveries plan ("ModWaters"), to implement operational changes needed to realize our shared plan for Everglades restoration, the Comprehensive Everglades Restoration Plan ("CERP").

We again oppose operations which would lower S-18C canal stages and/or increase S-197 discharges,[1] which are counter to restoration goals and operating plans for the C-111 Western Spreader Canal Project, are not reflected in the original ModWaters plan, and set a dangerous precedent. As we have in our prior comments, we emphasize that these operations – contrary to CERP – should not be allowed to continue as part of the Combined Operations Plan (to be implemented in 2020) absent clear data and analysis demonstrating that they are needed to address increases in flooding risk as a result of increased flows in Northeast Shark River Slough ("NESRS").

[1] We have long opposed these operations. *See* Attachment A (our comments on Increment 1 Plus of these operational strategy revisions, with attached comments on an earlier increment of ModWaters implementation in 2015, as well as comments in March and May, 2016 regarding the temporary, expedited implementation of additional aspects of ModWaters).

We have long supported implementation of ModWaters, with its operations that move more water south through the historic Everglades flowway – through NESRS, Shark River Slough, Taylor Slough and into Florida Bay. ***We want to reiterate that a central element of this project is to reestablish the historic connection that occurred when water in NESRS would pond high enough during the wet season that a direct flow connection from NESRS to Taylor Slough was established annually across the Rocky Glades and that this flow persisted well into the dry season***. The proposal now under consideration – the third stage in the incremental implementation of operational changes, known as Increment 2 – would allow water levels in the L-29 canal to rise as high as 8.5 feet NGVD and adjusts operations at many structures in the southern portion of the Central and Southern Florida System ("C&SF System"). This ensures protection for the Cape Sable Seaside Sparrow ("Sparrow") populations with habitat both east and west of Shark River Slough as well as to allow flexibility to maintain levels of flood protection in a residential area west of the L-31N canal and in agricultural lands in the southern portion of the system, east of the C-111 canal. *See, generally,* November 2017 Draft EA/FONSI. The November 2017 Draft EA/FONSI suggests that Increment 2 could increase water deliveries into NESRS by almost 400,000 acre-feet. *Id.* at 4-19.

We strongly support moving ahead with operations that allow for Everglades restoration without delay. However, there are some issues of concern that remain within the Preferred Alternative (Alternative B).

Increasing flows through S-197

We have repeatedly raised concerns about plans to increase discharges from the S-197 structure, purportedly to mitigate increased flood risks being taken on by agricultural landowners in South Dade County as a result of increased flows in the historic Everglades flowway. The need for andadverse effects of increased S-197 discharges have not been evaluated in a data-based analysis.[2] To the contrary, as we have stated in past comments, the NEPA documentation for these operations has generally been loaded with conditional terms such as "potential flood risks," "may be affected," and "may result in," although the best available data suggest that any increased flood risks are unrelated to ModWaters/Combined Operations Plan operations. *See*

[2] For example, in the November 2017 Draft EA/FONSI, the Corps dismisses potential adverse effects to nearshore areas:

> Alternative B may result in minor to moderate increases in the frequency and duration of low-volume (less than 500 cfs) S-197 discharges to Manatee Bay and Barnes Sound consistent with the No Action Alternative. Potential minor adverse impacts associated with salinity fluctuations under Alternative B, would be temporary and spatially limited to nearshore areas within the southern estuaries. Manatee Bay and Barnes Sound are relatively large bodies of water with open connections to Card Sound and the Atlantic Ocean. Waters within Manatee Bay and Barnes Sound have been documented to have shorter residence times and experience more tidal flushing relative to northeastern Florida Bay (Marshall 2014).

November 2017 Draft EA at 4-47.

November 2017 Draft EA/FONSI at 4-33 ("To mitigate for ***potential*** increased risk to flood protection in south Miami-Dade County areas, which ***may*** be affected by increased water levels in NESRS and associated water management operations within south Miami-Dade County during the field test, low volume releases from S-197 are included as components of the No Action Alternative.")[3] As we noted in prior comments, data show that the amount of water discharged through S-197 in 2015-16 was much more than necessary to keep agricultural lands dry. To similar effect, data presented in the November 2017 Draft EA/FONSI suggest that daily outflows from the S-197 structure exceeded daily inflows into the lower portion of the C-111 canal (through the S-18C structure) during portions of emergency operations in the Fall of 2017. *See* November 2017 Draft EA/FONSI at 4-27.

The November 2017 Draft EA/FONSI suggests the potential for increased discharges from the S-197 structure under both "normal" operations and emergency high water operations under the Preferred Alternative. First, in "normal" operations, increased stages in the L-29 canal "will result in increased seepage to the L-31N canal as increased flow into NESRS will likely increase stages along the west side of L-31N." *Id.* at 4-47. Although the November 2017 Draft EA/FONSI anticipates that completion of the C-111 South Dade Project will allow that additional water to be effectively used to help create and maintain a hydraulic ridge separating the wetlands of Everglades National Park from the L-31N canal to their east, "this will be the initial opportunity to gain operational experience with the [project], and thus Alternative B continues to allow water managers flexibility to make discharges out of the S-197 structure even when there is not an emergency high water situation.*"*[4] *Id.; see also id.* at 4-35 ("The normal management of water will be to fully maintain the hydraulic ridge and deliver water to eastern ENP using the full available capacity of [various structures]. If the capacity [of those structures] is unable to maintain the operational range then S-194/S-196/S-197 may be additionally used (low flow discharges through S 197 available . . .)."); and at 4-47("Alternative B has expanded the use of low volume S-197 operations to include drier periods).[5]

[3] Even with almost six years of monitoring, the effects of increased water levels and flows have not been clearly documented. *See* November 2017 Draft EA/FONSI ("The SFWMD efforts to monitor the impacts of the project operation and ensure protection of privately-owned lands in the vicinity of the C-111 Spreader Canal Western Project area remain ongoing and inconclusive based on the limited period of monitoring data collected since June 2012.")

[4] It is worth noting that regulatory releases into the SDCS – what historically provided the justification for discharges from S-197 – are predicted to be greatly reduced as a result of these operational changes. *Id.* at 4-28 (noting 81% reduction in number of days with regulatory discharges from WCA 3A into the SDCS, and accumulated volume of discharges into the SDCS by 85%).

[5] These additional opportunities for low-flow discharges out of the S-197 structure were inserted into earlier increments of Combined Operations Plan implementation for different reasons -- most recently, to allow water managers flexibility to keep dry the areas where construction of critical restoration projects is being expedited. *See* December 2016 Supplemental Environmental Assessment and Proposed Finding of No Significant Impact -- G-3273 Constraint Relaxation/S-356 Field Test and S-357N Revised Operational Strategy: Increment 1 Plus (Increment 1.1/ 1.2) ("December 2016 Draft Supplemental EA") at 4-35 ("The Increment 1.1/1.2 operational strategy proposes to generally lower the target operational ranges for the . . . L-31N Canal . . . in order to facilitate the construction of C-111 South

Second, Alternative B adds an "Extreme High Water Action Line" that enables water managers to reduce water levels in WCA-3A more rapidly than they could under prior operations. *Id.* at 4-28. Although the November 2017 Draft EA/FONSI predicts small effects as a result of the Extreme High Water Action Line – it highlights that the line would have been exceeded only five times in the past 15 years, with an average duration of 51 days – the document fails to model the effects of this change, implicitly recognizing the uncertainty about how this change may undermine the project restoration goals. And it does acknowledge that "operational actions taken as a response to extreme high water conditions resulted in high flow rates through the S-197 structure" and that without the additional criteria, there would be fewer discharges from S-197. *Id.* at 4-26.

The 1994 General Reevaluation Report determined that the use of the S-197 structure was harmful to Barnes Sound and Manatee Bay and its use ***should be eliminated***. Discharges through S-197 directly reduce the amount of water that is able to enter Florida Bay through Taylor Slough. To prevent repeated hyper-salinity in Florida Bay, flows through S-197 must be reduced as part of Increment 2 operations and eliminated as part of the Combined Operations Plan. <u>We continue to oppose operations that run counter to CERP, and which are purportedly designed to protect against unsubstantiated claims of increased flooding risks.</u>

Increasing Stages at S-18C

We reiterate that the Final Project Implementation Report and Environmental Impact Statement ("FPIR/FEIS") for the C-111 Spreader Canal Western Project indicates that the Western Project is intended to implement incremental changes to raise water levels at S-18C. While the project has been operational for five years, no increase at S-18C has occurred. The FPIR/FEIS Executive Summary lists "incremental operational changes at S-18C" as one of the project components, up to four 0.1 foot incremental adjustments. *See* Final C-111 PIR/EIS at es-xi, xii. The detailed discussion of the selected plan (starting on page 6-1) again emphasizes that "incremental changes at existing structure S-18C" are part of this project.

Failure to raise the canal stage at S-18C results in seepage from Taylor Slough into the entire length of the C-111 canal from S-200 south to S-18C. Water budgets of C-111 flow indicate that much of this seepage is the same water that is later discharged at S-197. Therefore, raising the canal stage at S-18C will have the dual benefits of moving more water into Taylor Slough where it is needed and preventing the need to discharge extreme amount of water through S-197. <u>We strongly urge you to push forward on implementing stepwise increases in the allowable stage at the S-18C structure as contemplated in the FPIR/FEIS, as part of the COP.</u>

Flood Control for the 8.5 Square Mile Area

We look forward to the opportunity to assess correlations between increased canal stages in the L-29 canal and water levels in NESRS and the 8.5 Square Mile Area to the east, now that flood control measures have been (or are about to be) fully constructed and implemented. The

Dade Contract 8 and Contract 8A"). Now that construction of these critical projects is essentially complete, we believe operational strategies should reduce both the number and volume of releases from the S-197 structure.

November 2017 Draft EA/FONSI makes clear that the relationship between increasing flows in NESRS and flooding impacts on the 8.5 Square Mile Area remains unclear. It suggests that data compiled this past fall during and around Hurricane Irma show ***combined*** effects of local rainfall and elevated L-29 canal stages, but does not untangle the two causes of flooding. *Id.* at 4-39. Nonetheless, the November 2017 Draft EA/FONSI acknowledges significant changes have been made to operations to provide flood mitigation purportedly due to increased seepage as a result of the high canal stages. *See id.* at 4-38. Moreover, going forward, the November 2017 Draft EA/FONSI states that if agencies determine that ground water levels in the 8.5 Square Mile Area do not subside enough and quickly enough, they may need to restrict the L-29 operating limited below its authorized level of 8.5 feet NGVD.

Given that altering proposed operations to address the 8.5 Square Mile Area water levels can have significant adverse effects on restoration progress, we emphasize the need to be careful in attributing flooding within this residential community to implementation of Increment 2 operations. We remain confident that once construction is finalized in the 8.5 Square Mile Area we will be able to raise canal stages in the L-29 canal to allow water to flow under Tamiami Trail as it was envisioned without impacting that community. Moving forward, the Corps must ensure it accurately represents conditions in the 8.5 Square Mile Area and the extent to which flooding there is caused by increases in the L-29 canal stage so that it does not unnecessarily undermine restoration progress.

Protecting the Cape Sable seaside sparrow

Subpopulation A

The Preferred Alternative would continue to implement the Reasonable and Prudent Alternative ("RPA") set forth in the July 2016 Biological Opinion for the Everglades Restoration Transition Plan ("July 2016 ERTP BiOp"). However, modeling has still not been done to assess what the Corps refers to as the "high water strategy" – an exception to the extended closure period for the S-12A and S-12B structures, allowing those structures to open in October and November under specified conditions to mitigate the need for later openings to avoid "overtopping" the structures (which can threaten their structural integrity).

<u>We continue to request that monitoring be implemented to assess the need for and effect of violating the extended closure periods for S-12A/B, and support the U.S. Fish and Wildlife Service's ("Service's") request that the Corps evaluate other operational strategies to avoid overtopping the S-12 gates in high water.</u>[6]

[6] The Service asked:

> . . . that the Corps provide a strategy for pre-emptively operating structures in order to avoid the need for the exit strategy openings of the S-12A/B. The Service requests that discharges prior to October 1 be aggressive enough to allow as much water to be moved towards the east as possible. Pre-emptive operations should strive to avoid S-12A/B openings in October and November, when practicable.

December 2016 Draft Supplemental EA at Appendix E-7/8.

Eastern Subpopulations

Although modeling of the Preferred Alternative shows benefits to Subpopulation A, it shows "variable effects" on the eastern subpopulations. *See* July 2016 ERTP BiOp at 205. Of particular concern are potential effects on Subpopulation E. *Id*. As the Service has emphasized, the effects on eastern Sparrow subpopulations must be closely monitored, and adaptive management is critical to ensure their protection and conservation. *Id*. at 205-06. The July 2016 ERTP BiOp sets targets for all subpopulations, reconsultation triggers, and monitoring of habitat conditions and breeding success. We urge the agencies to work expeditiously to advance Everglades restoration while continuing to ensure an adequate nesting window for all Sparrow subpopulations and hydrologic regimes that support the bird's habitat – short-hydroperiod freshwater marl prairies in the southern Everglades.

S-328 and S-332D Operations and Water Quality

The Preferred Alternative includes increased discharges out of the S-328 and S-332D structures. Data have not yet been compiled showing whether discharges from the S-328 structure cause water quality problems in Taylor Slough. *See* November 2017 Draft EA/FONSI at 4-13. We look forward to reviewing the results of monitoring as operational changes are implemented and evaluated.

In addition, the November 2017 Draft EA/FONSI Preferred Alternative again[7] allows for additional flows out of S-332D (and potentially other neighboring structures). The November 2017 Draft EA/FONSI does not discuss the potential for water quality problems as a result of these operations.[8] We again note that point flows will result in localized disruptions to flora and fauna, as they are entirely inconsistent with natural Everglades flow patterns. <u>We emphasize the need to gather and evaluate data along the eastern boundary of Everglades National Park about the specific operations included in the Preferred Alternative to ensure they are not harmful from a water quality perspective</u>.

* * * * *

[7] In prior increments, additional discharges into Taylor Slough from S-332D were justified by other operational changes that were designed to move water away from Everglades restoration project construction areas along the South Dade canals. *See* December 2016 Draft Supplemental EA at 4-21; *see also id.* at 4-40.

[8] The December 2016 Draft Supplemental EA explained at page 4-40:

> Experimentation with surface water flow to Taylor Slough and its effect on the vegetation within and adjacent to the slough has been well studied (Armentano et al. 2000, 2006, Nott et al. 1998, Olmstead et al. 1980, Van Lent et al. 1993, 1999). From 1980-1999, as part of the C&SF Project, various amounts of overland flow were discharged through the now decommissioned S-332 pump station which was located in the south western corner of L-31W. Rapid vegetation changes were observed where habitats dominated by short hydroperiod species such as Muhlenbergia were replaced by sawgrass and where sawgrass dominated habitats were replaced by more aquatic species such as Eleocharis. Cattail also became established near the pumping station potentially due to increased phosphorous loading.

We appreciate the efforts of the Corps to expedite Combined Operations Plan and CERP implementation with a view to Everglades restoration and protecting and conserving the endangered species that depend on Everglades habitat. We look forward to continuing to work with you to expedite construction and implementation of CERP features to facilitate true multi-species, ecosystem-based management and allow for more appropriate, sustainable water levels and flows across south Florida ecosystems.

Sincerely,

Ansley Samson
Of Counsel
Everglades Law Center

Dr. Thomas Van Lent
Direct of Science and Policy
Everglades Foundation

Cara Capp
Everglades Restoration
Program Manager
National Parks Conservation Association

Celeste De Palma
Everglades Policy Associate
Audubon Florida

APPENDIX D.1 NATIONAL ENVIRONMENTAL POLICY ACT CORRESPONDENCE

ADDITIONAL CORRESPONDENCE

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Audubon Florida * Everglades Foundation * National Parks Conservation Association

February 28, 2018

Donna S. George, P.E.
Senior Project Manager
Ecosystem Projects Section, Ecosystem Branch
Programs & Project Management Division (PPMD)
U.S. Army Corps of Engineers, Jacksonville District
Email: donna.s.george@usace.army.mil

Re: Combined Operational Plan (COP) Alternative to Maximize Ecological Benefits

Dear Ms. George:

Audubon Florida, The Everglades Foundation, and the National Parks Conservation Association have long supported efforts to restore Everglades National Park (ENP) and Florida Bay. We have remained actively involved in the planning processes for Modified Water Deliveries (MWD) to ENP, C-111 Spreader Canal, and the C-111 South Dade Project. After decades of work, it is finally time to use this taxpayer-funded infrastructure to deliver ecosystem benefits that are desperately needed. We appreciate that the work being undertaken to develop the Combined Operations Plan (COP) will bring restoration planning into on-the-ground reality.

At the Project Delivery Team (PDT) meeting on February 15, 2018, the team discussed three alternatives (Alternative K, Alternative L, and Alternative N) for the model runs that will provide additional information to shape the final COP. **We have significant concerns that none of these alternatives under consideration reflect the best project to maximize ecosystem benefits.**

We understand that real-world constraints and the input of conflicting stakeholders are limiting factors; however, we urge the PDT to start with a model showing full hydrological ecosystem restoration to show what is achievable. **It is imperative to explore what is possible with restoration before deciding what is feasible.** Indeed, the National Environmental Policy Act (NEPA) requires agencies to explore a full realm of alternatives to ensure the final selected plan can be fairly weighed against all options.

To that end, we submit the following request for a fourth COP alternative. Out of the three alternatives the PDT developed, we believe Alternative L is the closest to achieving restoration goals. We request the PDT model a fourth alternative that is based on Alternative L with the following improvements:

- **Raise L-29 canal stages up to 8.5 feet without FDOT constraint NGVD.**

  Modeling is the best place to test the system and explore what a restored ecosystem would look like, but so far none of the alternatives show complete restoration. The FDOT constraint is ambiguous. The COP is scheduled to be in place by 2020. The one-mile Tamiami Trail

bridge has been in operation since 2013. Construction of the 2.6-mile bridge is coming along under budget and ahead of scheduled with completion expected by the end of 2018. We have every indication that work to modify the unbridged portions of Tamiami Trail to account for road safety and integrity concerns associated with higher L-29 canal water levels is next in the cue and will be completed before implementation of COP. We strongly urge the PDT to add a modeling alternative that removes the FDOT constraint and allows us to see what a completely restored Everglades would look like.

- **S-197: Eliminate flow out of S-197.**

  Modeling is the time to look at this type of request and play out a scenario that the environmental stakeholders have been repeatedly requesting the PDT to include as part of COP planning at every juncture in the decision-making process. Repeatedly in written and verbal comments, our organizations and others have stated that we understood continued use of the S-197 as infrastructure is coming online and during extreme weather conditions, with the ongoing expectation the structure would no longer be considered part of operations under COP. We remain confident that with the infrastructure in place the use of S-197 will not be needed once restoration benefits are fully realized. We continue to oppose operations that run counter to CERP and we strongly urge the PDT run at least one model that shows the ultimate facilitation of a restoration plan funded by the American public for decades.

- **S-18C: Same as Alternative L – 2012 WCP Operating range of 2.3 to 2.6 feet, NGVD.**

  We reiterate that the Final Project Implementation Report and Environmental Impact Statement ("FPIR/FEIS") for the C-111 Spreader Canal Western Project indicates that the Western Project is intended to implement incremental changes to raise water levels at S-18C. While the project has been operational for five years, no increase at S-18C has occurred. Failure to raise the canal stage at S-18C results in seepage from Taylor Slough into the entire length of the C-111 canal from S-200 south to S-18C. **It is the responsibility of the PDT to push forward on implementing stepwise increases in the allowable stage at the S-18C structure as contemplated in the FPIR/FEIS, as part of the COP.** "The purposes of S-18C are to maintain a desirable freshwater head to prevent saltwater intrusion through C-111, pass flood flows up to 40 percent SPF without exceeding design stages upstream, and act as a control point for water deliveries to the eastern panhandle of ENP (2012 WCP, page 7-11)."

- **Incremental Testing of Extreme High Water Line (EHW): Emphasize the importance of no EHW Line and not opening the Miami Canal gates during high water events.**

  We remain confident that with the infrastructure in place, there will no longer be a bottleneck effect in the Water Conservation Areas and therefore no need to have an EHW Line. We also want to see the modeling results of not opening the Miami Canal gates during high water events to avoid sending water out of the system instead of keeping the water in the system and distribute it as needed. Information about the opening vs. closure of those gates will provide insight helpful to the selection of the final COP.

- **S-331DX1: Strongly concur with Alternative L request for no CCCS constraints.**

  An understanding of how the system would react without the Cape Sable Seaside Sparrow constraint would provide a more thorough idea of what a natural system state looks like.

- **S-331/S-173: Operational range of 4.5 to 5.0 feet without Column 2 operations.**

  Once again, to facilitate a fuller understanding of what is achievable in the ecosystem to bring the most ecological relief to ENP and Florida Bay, we ask that the operational range be considered without limitations related to Column 2 operations.

The theme of this alternative is to understand how we create the wettest system possible for rehydration of the Southern Everglades and Florida Bay. Hundreds of millions of taxpayer dollars from the American public have been invested in the Modified Deliveries Water, Tamiami Trail Next Steps, and C-111 South Dade and Spreader Canal Western projects for the direct benefits to ENP and Florida Bay that must now be achieved. The PDT is tasked with modeling alternatives that will allow decision-makers to enact the best COP, and that analysis must include one alternative that maximizes ecological benefits every step of the way. We strongly urge you to consider adding a fourth project alternative to the suite of modeling options as you undertake the important work to implement this long-awaited project.

As always, we remain available to provide input or assist the PDT in any way possible and look forward to continued work with state and federal agencies to achieve our shared goals for the restoration of America's Everglades.

Sincerely,

Celeste De Palma
Director of Everglades Policy
Audubon Florida

Thomas Van Lent, Ph.D.
Vice President for Programs
Everglades Foundation

Cara Capp
Everglades Restoration Program Manager
National Parks Conservation Association

Audubon Florida * The Everglades Foundation

Everglades Law Center * National Parks Conservation Association

April 5, 2018

Donna S. George, P.E.
Senior Project Manager
Ecosystem Projects Section, Ecosystem Branch
Programs & Project Management Division (PPMD)
U.S. Army Corps of Engineers, Jacksonville District
Email: donna.s.george@usace.army.mil

Re: Combined Operational Plan (COP) Alternative to Maximize Ecological Benefits

Dear Ms. George and PDT Members:

On March 22, 2018, the U.S. Army Corps of Engineers, National Park Service, and South Florida Water Management District convened a meeting with Audubon Florida, the Everglades Foundation, and the National Parks Conservation Association to discuss the Combined Operational Plan (COP) proposed modeling alternative our organizations submitted on February 28, 2018 at the request of the PDT. Our organizations have been involved in COP planning that will define operations for the constructed features of the Modified Water Deliveries (MWD) to Everglades National Park (ENP), C-111 Spreader Canal, and C-111 South Dade Projects. This communication serves as a follow-up to that meeting.

Once again, we assert our significant concern that none of the three alternatives presented by the PDT reflect the best project to maximize ecosystem benefits for Everglades National Park and Florida Bay. After decades of construction funded by hundreds of millions of taxpayer dollars, we must model an operational plan that puts ecosystem health first. This COP is for the implementation 1989 Congressionally-approved MWD to Everglades National Park Project and the 1994 Congressionally-approved C-111 South Dade Project. As such, our organizations requested that the PDT consider a fourth alternative – or at a minimum make changes to one of the existing alternatives – to model one option that creates the wettest system possible for the rehydration of the Southern Everglades and Florida Bay.

During our meeting the PDT provided clear feedback that none of the alternative components we submitted will be considered in this round of COP modeling, despite it having strong attributes that would better inform what level of restoration is achievable in the ecosystem. The conclusion was that a fourth alternative and/or changes to the three existing alternatives to reflect some of our proposed changes will not be included in the model runs, because of lack of time.

It is important to emphasize that the proposed alternative provided by our organizations is consistent with COP planning priorities we have raised repeatedly at PDT meetings and in written comments beginning well over a decade ago, and as recently as the PDT meeting last month in West Palm Beach. A small sample of such requests include:

- **Raise water stages at S-18C to improve hydrology of ENP and Florida Bay:**

  "The full benefits of the C-111 spreader canal western project are not expected to accrue until stages at S-18C are raised, which will facilitate raising groundwater in the lower stretches of the C-111, effectively creating a hydraulic ridge that will reduce seepage out of ENP. In order for the COP to benefit Florida Bay by increasing flows to Taylor Slough and improving the ecological productivity of the region, proceeding with raising stages at S-18C is absolutely critical. Therefore, a commitment to raise stages at S-18C to a point where ecological benefits are achieved in Florida Bay is an essential component of the COP." ***Comment letter submitted to USACE, July 7, 2011***

- **Eliminate harmful discharges from the S-197 and raising S-18C stages:**

  "The goal of this initiative – to restore the Everglades – will be jeopardized if elements of flood control are interjected into the operational testing plan, particularly without just cause. We would support efforts by the Corps and District to investigate the claim that increased flooding is linked to C-111 operations, and look forward to rigorous discussion on the issue. In the meantime, proposing to lower levels in the S-18C, instead of raising them as previously approved, and operate the S-197 for flood relief under the auspices of operational testing is counterproductive to restoration efforts and not in the public interest… We urge you to ensure that both the incremental testing and final operational plan be designed in a way that maximizes the ecological benefits these projects were constructed to achieve. This includes not lowering water levels at the S-18C or allowing releases from the S-197." ***Comment letter to SFWMD and USACE, November 17, 2014***

- **Raise canal stage in the L-29:**

  "We have long supported implementation of ModWaters, with its operations that move more water south through the historic Everglades flowway – through NESRS, Shark River Slough, Taylor Slough and into Florida Bay. We want to reiterate that a central element of this project is to reestablish the historic connection that occurred when water in NESRS would pond high enough during the wet season that a direct flow connection from NESRS to Taylor Slough was established annually across the Rocky Glades and that this flow persisted well into the dry season. The proposal now under consideration – the third stage in the incremental implementation of operational changes, known as Increment 2 – would allow water levels in the L-29 canal to rise as high as 8.5 feet NGVD and adjusts operations at many structures in the southern portion of the Central and Southern Florida System ("C&SF System")... We strongly support moving ahead with operations that allow for Everglades restoration without delay." ***Comment letter submitted to USACE, January 17, 2018***

It is disappointing to hear that our longstanding restoration priorities – which serve our shared goal of maximizing ecosystem restoration of Everglades National Park and improving the health of waters of Florida Bay and the Keys – may not be evaluated as part of the National Environmental Policy Act (NEPA) process, as we have been on the record with these specific, reasonable alternatives for many years.

We emphasize that consideration of a robust array of alternatives is the central, foundational requirement of NEPA: NEPA regulations identify the alternatives analysis as "the heart of the environmental impact statement" and require agencies to "[r]igorously explore and objectively evaluate ***all reasonable alternatives***, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated." 40 C.F.R. § 1502.14 (emphasis added). As set forth (at page 105) in the most recent (2016) Sixth Biennial Review of Everglades restoration progress, operational objectives for the COP "are to increase flows from WCA-3A into Northeast Shark River Slough (NESRS), maintain higher water levels in Everglades National Park without exacerbating flooding in suburban and agricultural lands to the developed east, increase flows to Taylor Slough and Florida Bay, and reduce regulatory discharges from WCA-3A through the S-12 structures or south through the South Dade Conveyance Canals." If the Corps fails to consider alternatives that would raise water levels at S-18C, eliminate discharges from S-197, and allow for higher water levels in the L-29 Canal, it would ignore reasonable alternatives that would minimize the project's adverse effects and would enhance the quality of the environment, as required by NEPA and its implementing regulations. 40 C.F.R. § 1500.2(f).

We know the Corps shares our goals both of maximizing Everglades restoration and ensuring informed environmental decision-making about these critical and long-awaited Everglades restoration projects. We respectfully request that you reconsider evaluating a fourth alternative that embodies these ***reasonable, long-requested alternatives*** to operations of these project components. Running a model to maximize ecosystem restoration must happen ***before*** the operating plan is chosen to allow informed decision-making – the crux of the NEPA process.

We again reiterate our strong commitment to seeing the COP implemented in a way that delivers ecological benefits that are desperately needed for Everglades National Park and Florida Bay – which are clear objectives outlined in these federally-approved and funded projects. As always, our organizations remain ready to assist in the planning process and will remain engaged as the alternatives are modeled and the final plan is selected.

Sincerely,

Celeste De Palma
Director of Everglades Policy
Audubon Florida

Thomas Van Lent, Ph.D.
Vice President for Programs
The Everglades Foundation

Ansley Samson
Of Counsel
Everglades Law Center

Cara Capp
Everglades Restoration Program Manager
National Parks Conservation Association

CC: Ernie Marks, Executive Director
South Florida Water Management District

Bob Johnson, SFNRC Director
National Park Service

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

REPLY TO
ATTENTION OF

MAY 10 2018

Programs and Project Management Division
Ecosystem Branch

Ms. Cara Capp
National Parks Conservation Association
450 N Park Road Suite 301
Hollywood, FL 33021

Dear Ms. Capp:

Thank you for your letter dated April 5, 2018 regarding current planning efforts for the Combined Operational Plan (COP). Implementation of COP is expected to increase the availability of water deliveries from Water Conservation Area 3A to Everglades National Park (ENP) through Northeast Shark River Slough and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries to ENP and Canal 111 South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation.

The Jacksonville District, U.S. Army Corps of Engineers (Corps), is currently formulating alternatives for consideration and appreciates the comments received from stakeholders. Alternatives developed for Round 1 modeling were formulated based on achievement of project objectives and compliance with project constraints in enclosure 1. The range of alternatives considered in COP represent feasible alternatives that maximize ecosystem benefits for ENP and Florida Bay during the anticipated timeframe for COP implementation. Additional benefits will be realized as components of the Comprehensive Everglades Restoration Plan become part of the Federal project that will allow us to re-visit system operations. The alternative you proposed does not meet the system constraints for COP implementation and would not be the best use of limited Federal resources at this time. Additional information regarding development of Round 1 model alternatives specific to your concerns are included in enclosure 2. The Corps shares your priorities for Everglades' restoration along with the other project objectives. We value your continued participation in the process as we implement projects and maximize restoration benefits to the maximum extent possible.

If you have any questions regarding the information in this letter, please feel free to contact me or you may contact Ms. Donna George, Senior Project Manager at 904-232-1766 or by email donna.s.george@usace.army.mil.

Sincerely,

Timika N. Wilson
Lieutenant Colonel, U.S. Army
District Commander

Enclosures

cc:
Mr. Ernie Marks, Executive Director, South Florida Water Management District, P.O Box 24680, West Palm Beach, FL 33416
Mr. Bob Johnson, SFNRC Director, National Park Service, 40001 State Road 9336, Homestead, FL 33034

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

REPLY TO
ATTENTION OF

MAY 10 2018

Programs and Project Management Division
Ecosystem Branch

Dr. Thomas Van Lent
Director of Science & Policy, Everglades Foundation
18001 Old Cutler Road
Palmetto Bay, FL 33157

Dear Dr. Van Lent:

Thank you for your letter dated April 5, 2018 regarding current planning efforts for the Combined Operational Plan (COP). Implementation of COP is expected to increase the availability of water deliveries from Water Conservation Area 3A to Everglades National Park (ENP) through Northeast Shark River Slough and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries to ENP and Canal 111 South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation.

The Jacksonville District, U.S. Army Corps of Engineers (Corps), is currently formulating alternatives for consideration and appreciates the comments received from stakeholders. Alternatives developed for Round 1 modeling were formulated based on achievement of project objectives and compliance with project constraints in enclosure 1. The range of alternatives considered in COP represent feasible alternatives that maximize ecosystem benefits for ENP and Florida Bay during the anticipated timeframe for COP implementation. Additional benefits will be realized as components of the Comprehensive Everglades Restoration Plan become part of the Federal project that will allow us to re-visit system operations. The alternative you proposed does not meet the system constraints for COP implementation and would not be the best use of limited Federal resources at this time. Additional information regarding development of Round 1 model alternatives specific to your concerns are included in enclosure 2. The Corps shares your priorities for Everglades' restoration along with the other project objectives. We value your continued participation in the process as we implement projects and maximize restoration benefits to the maximum extent possible.

If you have any questions regarding the information in this letter, please feel free to contact me or you may contact Ms. Donna George, Senior Project Manager at 904-232-1766 or by email donna.s.george@usace.army.mil.

Sincerely,

Timika N. Wilson
Lieutenant Colonel, U.S. Army
District Commander

Enclosures

cc:
Mr. Ernie Marks, Executive Director, South Florida Water Management District, P.O Box 24680, West Palm Beach, FL 33416
Mr. Bob Johnson, SFNRC Director, National Park Service, 40001 State Road 9336, Homestead, FL 33034

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

REPLY TO
ATTENTION OF

MAY 1 0 2018

Programs and Project Management Division
Ecosystem Branch

Ms. Ansley Samson
Everglades Law Center
331 W Central Avenue Ste. 213
Winter Haven, FL 33880

Dear Ms. Samson:

Thank you for your letter dated April 5, 2018 regarding current planning efforts for the Combined Operational Plan (COP). Implementation of COP is expected to increase the availability of water deliveries from Water Conservation Area 3A to Everglades National Park (ENP) through Northeast Shark River Slough and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries to ENP and Canal 111 South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation.

The Jacksonville District, U.S. Army Corps of Engineers (Corps), is currently formulating alternatives for consideration and appreciates the comments received from stakeholders. Alternatives developed for Round 1 modeling were formulated based on achievement of project objectives and compliance with project constraints in enclosure 1. The range of alternatives considered in COP represent feasible alternatives that maximize ecosystem benefits for ENP and Florida Bay during the anticipated timeframe for COP implementation. Additional benefits will be realized as components of the Comprehensive Everglades Restoration Plan become part of the Federal project that will allow us to re-visit system operations. The alternative you proposed does not meet the system constraints for COP implementation and would not be the best use of limited Federal resources at this time. Additional information regarding development of Round 1 model alternatives specific to your concerns are included in enclosure 2. The Corps shares your priorities for Everglades' restoration along with the other project objectives. We value your continued participation in the process as we implement projects and maximize restoration benefits to the maximum extent possible.

If you have any questions regarding the information in this letter, please feel free to contact me or you may contact Ms. Donna George, Senior Project Manager at 904-232-1766 or by email donna.s.george@usace.army.mil.

Sincerely,

Timika N. Wilson
Lieutenant Colonel, U.S. Army
District Commander

Enclosures

cc:
Mr. Ernie Marks, Executive Director, South Florida Water Management District, P.O Box 24680, West Palm Beach, FL 33416
Mr. Bob Johnson, SFNRC Director, National Park Service, 40001 State Road 9336, Homestead, FL 33034

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

REPLY TO
ATTENTION OF

MAY 1 0 2018

Programs and Project Management Division
Ecosystem Branch

Ms. Celeste De Palma
Audubon of Florida
4500 Biscayne Blvd., Suite 205
Miami, FL 33137

Dear Ms. De Palma:

Thank you for your letter dated April 5, 2018 regarding current planning efforts for the Combined Operational Plan (COP). Implementation of COP is expected to increase the availability of water deliveries from Water Conservation Area 3A to Everglades National Park (ENP) through Northeast Shark River Slough and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries to ENP and Canal 111 South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation.

The Jacksonville District, U.S. Army Corps of Engineers (Corps), is currently formulating alternatives for consideration and appreciates the comments received from stakeholders. Alternatives developed for Round 1 modeling were formulated based on achievement of project objectives and compliance with project constraints in enclosure 1. The range of alternatives considered in COP represent feasible alternatives that maximize ecosystem benefits for ENP and Florida Bay during the anticipated timeframe for COP implementation. Additional benefits will be realized as components of the Comprehensive Everglades Restoration Plan become part of the Federal project that will allow us to re-visit system operations. The alternative you proposed does not meet the system constraints for COP implementation and would not be the best use of limited Federal resources at this time. Additional information regarding development of Round 1 model alternatives specific to your concerns are included in enclosure 2. The Corps shares your priorities for Everglades' restoration along with the other project objectives. We value your continued participation in the process as we implement projects and maximize restoration benefits to the maximum extent possible.

If you have any questions regarding the information in this letter, please feel free to contact me or you may contact Ms. Donna George, Senior Project Manager at 904-232-1766 or by email donna.s.george@usace.army.mil.

Sincerely,

Timika N. Wilson
Lieutenant Colonel, U.S. Army
District Commander

Enclosures

cc:
Mr. Ernie Marks, Executive Director, South Florida Water Management District, P.O Box 24680, West Palm Beach, FL 33416
Mr. Bob Johnson, SFNRC Director, National Park Service, 40001 State Road 9336, Homestead, FL 33034

Enclosure 1: Combined Operational Plan Objectives, Constraints and Planning Considerations

Combined Operational Plan (COP)

Purpose:
Define water management operations for the WCA-3A and WCA-3B outlets, structures in the L-31N and C-111 basins constructed as part of the Central and Southern (C&SF) Project and the recently constructed components of the MWD and C-111 SD projects.

Documents Produced:
Water Control Plan and EIS with adaptive management appendix

Objectives:
1. Improve water deliveries (timing, location, volume) into Everglades National Park (ENP) and take steps to restore natural hydrologic conditions in ENP given current C&SF infrastructure and features expected to be completed by the time of implementation, to the extent practicable by

a. Changing schedule of water deliveries so that it fluctuates in consonance with local meteorological conditions, including providing for long term and annual variation in ecosystem conditions in the Everglades (Timing) (P.L. 101-229, Section 101b)

b. Restoring NESRS as a functioning component of the Everglades hydrologic system (Location) (P.L. 101-229, Section 101b)

c. Adjusting the magnitude of water discharged to ENP to minimize effects of too much or too little water (Volume) (1992 MWD GDM, Section 44)

2. Maximize progress toward restoring historic hydrologic conditions in the Taylor Slough, Rocky Glades, & eastern Panhandle of ENP.

3. Protect the intrinsic ecological values associated with WCA-3A and ENP.

4. Minimize the damaging freshwater flows to Manatee Bay/Barnes Sound through the S197 structure and increase flows through Taylor Slough and coastal creeks (1994 C-111 GRR, Section 5.2)

5. Include consideration of cultural values and tribal interests & concerns within WCA-3A and ENP.

Constraints:
1. C&SF project purposes

2. 1962 Flood Control Act (P.L. 87-874) Authorizing Project Works in South Dade County

3. 1968 Flood Control Act (P.L. 9-483) Authorizing the SDCS

4. 1989 ENP Expansion Act (Everglades National Park Protection and Expansion Act of 1989, P.L. 101-229)

5. 1992 MWD GDM (1992 General Design Memorandum): mitigation for project induced flood damages

6. 1994 C-111 GRR: flood damage reduction

7. ERTP WCA-3A Regulation Schedule (pending results of the Baseline and Modification Modeling [BAMM])

8. L-29 Canal maximum stage (8.5 ft NGVD) (2008 Tamiami Trail LRR)

9. 2008 Tamiami Trail Modifications Relocation Agreement (FDOT/USA)

10. 2000 General Re-evaluation Report for the 8.5 SMA

11. 2016 Canal 111 South Dade Final Limited Reevaluation Report

12. 2016 MWD Completion Technical Analysis

Planning Considerations:

1. Burial Resources Agreement

2. Avoid or minimize adverse effects to cultural resources. Explore opportunities to develop monitoring protocols for "at risk" cultural resources

3. Water Quality Standards (CEPP language - Section 6.3.2 Paragraphs 1-4)

4. Maintain multi-species objectives (2012 WCP) and comply with requirements of the applicable BO from USFWS to include the July 2016 ERTP BO and the CERP C-111SC Western Project

5. Consider compatibility with future restoration actions including CEPP. Reasonably connect the planning under this project authority to other near-term changes that are likely to be implemented in the system in the next few years using an Adaptive Management framework.

6. Explore opportunities for enhancing the recovery of federally and state listed species under the Endangered Species Act, the USACE's authorities for MWD and C-111 projects and operational considerations.

7. Explore opportunities to enhance flood control and mitigation.

Enclosure 2: Overview of Combined Operational Plan Formulation for Round 1 Modeling Efforts

The project team is currently formulating alternatives for consideration and appreciates the comments received from environmental stakeholders. Alternatives referenced in the April 5, 2018 letter were formulated based on achievement of project objectives and compliance with project constraints. Implementation of the Modified Water Deliveries (MWD) operational field tests (Increment 1, 1.1, 1.2 and 2) included operational criteria that increased the potential for additional low volume releases at S-197 relative to the 2012 Water Control Plan. This additional operational flexibility was included within the field tests due to uncertainty resulting from increased stages in North Shark River Slough and the potential for increased seepage to the L-31N Canal south of S-331 prior to completion of the C-111 South Dade project construction. It is the intent of the Corps to re-evaluate operational criteria previously defined for this structure during Combined Operational Plan (COP). Alternatives currently included within the first round of COP modeling (Round 1) represent a potential decrease in releases at S-197 relative to the 2012 Water Control Plan.

Many of the MWD and C-111 South Dade Project features have been built and/or are nearing completion, including the required infrastructure identified within prior National Environmental Policy Act (NEPA) documentation related to the operational field tests to raise the maximum operating limit of the L-29 Canal beyond the constraint of 7.5 feet, National Geodetic Vertical Datum (NGVD) defined in the 2012 Water Control Plan. Although the Jacksonville District, U.S. Army Corps of Engineers (Corps) will have completed NEPA requirements to allow raising the maximum operating limit in the L-29 Canal up to 8.5 feet NGVD, actual raising of the L-29 Canal constraint above 7.8 feet NGVD (Increment 1.2 field test constraint) is dependent upon completion of critical features necessary to operate the C-111 South Dade Project North Detention Area (NDA). Due to impacts associated with Hurricane Irma, construction of these critical features has been delayed. Based upon the latest construction schedule estimate, the critical features will likely be completed by June 2018. Once the NDA critical features have been constructed and accepted by the Corps, the Corps will have the ability to raise the L-29 Canal maximum operating limit up to 8.5 feet NGVD subject to downstream constraints including adherence to both the Florida Department of Transportation (FDOT) constraints for protection of the Tamiami Trail roadway (2008 Relocation Agreement) and the 8.5 square mile area flood mitigation constraints. Alternatives currently included within Round 1 for COP raise the L-29 Canal maximum operating limit up to 8.5 feet NGVD with adherence to the FDOT constraint as defined for the Increment 2 Operational Strategy.

In order to develop implementable alternatives for the Round 1 modeling evaluations, the Corps in coordination with the South Florida Water Management District (SFWMD) and Everglades National Park, first identified water control structures associated with the MWD and C-111 South Dade Projects. Operational bookends for each structure were developed along a continuum that maximized environmental restoration and maximized flood risk management. Combinations of the operational bookends were developed into alternatives and screened by evaluating the alternatives against project objectives, constraints and planning considerations. A range of alternatives was considered, consistent with the NEPA. A second round of modeling (Round 2) is scheduled to be performed following the evaluation of alternatives in Round 1. The

formulation for Round 2 modeling will provide another opportunity to modify alternatives currently being considered following an assessment of environmental effects and flood risk assessment to the project area. In addition, sensitivity runs may be considered to aid with the COP plan selection and adaptive management.

Evaluations of the Round 1 and Round 2 alternatives will include comparison to the 2019 Existing Condition Baseline (2019 ECB, or "No Action" Alternative), which represents the anticipated 2019-2020 water management criteria for the MWD and C-111 South Dade components in the event that a COP was not completed. Increment 1.2 of the field test is assumed for the 2019 ECB since the associated operational criteria are compliant with the Reasonable and Prudent Alternative (RPA) from the 2016 U.S. Fish and Wildlife Service Biological Opinion (Increment 2 is also compliant with the RPA however, the 2012 Water Control Plan is not), and since the L-29 maximum operating limit of 7.8 feet NGVD is consistent with both the 2008 FDOT Relocation Agreement and requirements to maintain the federally-authorized flood mitigation flood the 8.5 Square Mile Area. The L-29 Canal stage limit of up to 8.5 feet NGVD for Increment 2 will be further evaluated during the Increment 2 field test.

The flood risk assessments to the project area are limited in scope but will include an economic analysis with estimates of dollar damages to agriculture and residential structures in the C-111 South Dade agricultural basin. This analysis is a targeted approach to ensure that none of the constraints pertaining to the C-111 South Dade basin or 8.5 Square Mile Area are violated and is consistent with the methodology completed in the 1994 C-111 South Dade General Re-Evaluation Report (GRR) and the 8.5 Square Mile Area GRR. Though the Corps acknowledges there may be economic benefits or damages due to modifications to discharges to Manatee Bay, it is not within the current scope or purpose of COP to study, quantitatively estimate, and report these potential economic effects.

The SFWMD has implemented features of the C-111 Spreader Canal Western Project under the State Expedited Construction program (i.e. Accelerate Everglades Restoration Project [Acceler8]) for the purpose of expediting design and construction of a number of critical restoration projects consistent with the Comprehensive Everglades Restoration Plan. A Department of Army permit (SAJ-2005-9856 [IP-AAZ]) was issued to the SFWMD on October 14, 2009 for the construction and operation of the project. The SFWMD initiated operation of the C-111 Spreader Canal Western Project constructed components in June 2012, in accordance with the Project Operating Manual (POM). At the request of the SFWMD, a revised POM was approved in June 2016. Incremental increases in the open/close stage triggers at S-18C have not yet been implemented. Steps will be taken in the future to incorporate the C-111 Spreader Canal Spreader Canal Western Project into the federally authorized C&SF Project once a Project Partnership Agreement (PPA) between the Corps and SFWMD has been executed. Pending execution of the PPA, operation of the C-111 Spreader Canal Western Project is not included as part of the 2012 Water Control Plan or within the scope of COP.

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August 14, 2018

Re: Combined Operations Plan

Dear Ms. George:

In our comments of April 5, 2018, The Everglades Foundation along with several other organizations expressed our collective view that the Combined Operational Plan (COP) was not investigating alternatives that maximized ecosystem benefits for Everglades National Park and Florida Bay. We offered input on where operations could be improved. Those suggestions were dismissed.

Events of the past four months have merely increased our concern that the COP alternatives being investigated to date make only modest improvements at best. One alternative, Alternative K, is demonstrably worse for Florida Bay. We once again offer input on where operations can be improved. To reduce misunderstandings, we have put them in an operation table (see Table 1.) We also have the RSM modeling inputs and outputs, if needed.

These proposed operations show that significantly more can be done to improve conditions in Everglades National Park and Florida Bay. We ask the Project Delivery Teams to focus their efforts on finding operations that maximize benefits with this as a starting point. Operational changes in Water Conservation Area 3A and 3B, implementing C-111 N Spreader, and others will improve benefits. At minimum, spending the same effort and resources on maximizing benefits to the Bay as is spent on evaluating potential flood risk will dramatically improve this plan.

Sincerely,

Thomas Van Lent, Ph.D.
The Everglades Foundation

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Table 1: Proposed operations for Combined Operational Plan (COP)

Operational Component	WCA-3A releases to SRS or SDCS
WCA-3A Interim Regulation Schedule	***WCA-3A Interim Regulation Schedule shown on below Figure 1 (used from 2012 Water Control Plan).*** **<u>When in Zone A</u>** S-12s, S-333, S-343A&B, and S-344 subject to conditions below, otherwise, S-12s open full, S-151 make discharges to the East Coast and ENP-SDCS as needed and make maximum allowable discharge when WCA-3B stage (Site 71) is below 8.5 feet, NGVD. S-343A&B and S-344, if non-nesting season (15 July through 30 September), make maximum allowable discharge if downstream conditions permit. **<u>When in Zone D</u>** S-12s, S-333, S-343A&B, and S-344 subject to conditions below, otherwise, S-12s discharge Rainfall Plan target flow for S-12s. S-333 make water supply discharges to the East Coast and ENP-SDCS as needed, discharge Rainfall Plan target flow for S-333 when permitted by downstream conditions. S-151 makes water supply discharges to the East Coast and ENP-SDCS as needed. S-343A&B and S-344 normally closed in this Zone unless water is needed for environmental reasons. Operations maximize the discharge capacity from S-333 prior to utilization of the S-12s, subject to conditions below. **<u>When in Zone E</u>** S-12s, S-333, S-151, S-343A&B, and S-344 subject to conditions below, otherwise, S-12s discharge Rainfall Plan target flow for S-12s. S-333 make water supply discharges to the East Coast and ENP-SDCS as needed, discharge Rainfall Plan target flow for S-333 when permitted by downstream conditions. S-151 makes water supply discharges to the East Coast and ENP-SDCS as needed. S-343A&B and S-344 normally closed in this Zone unless water is needed for environmental reasons. The L-67A Borrow Canal stage (S-333 headwater) should not be drawn down below 7.5 feet, NGVD unless water is supplied from another source. Operations maximize the discharge capacity from S-333 prior to utilization of the S-12s, subject to conditions below. **<u>When in Zone E1</u>** Make up to maximum practicable releases at S-12C, S-12D, S-142, S-151, S-31, S-337, S-335, S-333, S-355 A/B, and S-334 when permitted by downstream conditions. S-12s, S-333, S-151, S-343A&B, and S-344 subject to conditions below, otherwise, S-12s discharge Rainfall Plan target flow for S-12s. Revert to Zone E rules if the FWS has determined that nesting for the CSSS-A has ended, or if the headwater at S-333 falls below 8.25 feet, NGVD.
Rainfall Plan	2006 New Rainfall-Flow Formula (NEFF) for water deliveries from WCA-3A to Shark River Slough with a scale factor of 0.45
S-343A, S-343B, and S-344	Closed from 1 October through 14 July independent of WCA-3A levels

Operational Component	WCA-3A releases to SRS or SDCS
S-12 A/B/C/D	S-12A closed from 01 October through 14 July with the following limited conditional opening; S-12B closed from 01 October through 14 July with the following limited conditional opening; **S-12A and/or S-12B will be conditionally opened during October under the following conditions.** 1. WCA-3A stage on 30 September is greater than 10.5 feet, NGVD; or 2. WCA-3A stage is projected to rise above 10.75 feet, NGVD (IOP Zone A) during October, based on consideration of projected inflows and direct rainfall. 3. S-12A and/or S-12B will be conditionally closed when the WCA-3A stage falls below 10.25 feet NGVD, OR on 01 November, whichever comes first. **S-12B will be conditionally opened during November under the following conditions.** 1. WCA-3A stage on 31 October is greater than 11.0 feet, NGVD; or 2. WCA-3A stage is projected to rise above 11.25 feet, NGVD during November, based on consideration of projected inflows and direct rainfall. 3. S-12B will be closed when the WCA-3A stage falls below 10.75 feet NGVD, OR on 01 December, whichever comes first. S-12C no closure period. S-12D no closure period. S-12A Year-round: To provide access to cultural areas, when Rainfall Plan results in S-12 target flows, S-12A up to 100 cfs release. S-12A Cultural Access Release: S-12A up to 100 cfs release available when Rainfall Plan results in S-12 target flows. From 01 October through 14 July, the duration of this release will not exceed five consecutive days. S-12A up to 100 cfs release may only occur when WCA-3A 3-gage average (WCA-3AVG - Sites 63, 64, 65) is greater than 8.4 feet, NGVD. S-12C/D Year-round: S-12C and/or S-12D release up to WCA-3A Regulation Schedule (Zone A maximum) or Rainfall Plan (target flow). <u>S-12s Flow Distribution</u>: S-12 opening sequence to meet Target Flows is from east (S-12D) to west (S-12A); S-12s flow distributions would not be limited to the historical percentage distribution of flow from the S-12s (10 percent at S-12A, 20 percent at S-12B, 30 percent at S-12C, 40 percent at S-12D). If S-12A/B/C/D headwater levels are greater than 11.0 feet, NGVD, then open gates for an amount only enough to stop overtopping of gates.
S-333	Closed when L-29 Canal stage is above its maximum limits. Refer to L-29 Borrow Canal criteria below. Rainfall Plan target flow for S-333 (to NESRS). Rainfall Plan target distribution through S-333 may exceed 55% of the Rainfall Plan target.

Operational Component	WCA-3A releases to SRS or SDCS
	When WCA-3A is in Zone E1 or Zone A, up to maximum practicable through S-333 to NESRS. The priority is given to use S-333 for WCA-3A Rainfall Plan deliveries. The capacity is 2,500 cfs (as per CEP) No G-3273 constraint for S-333 flow.
L-29 Borrow Canal	L-29 canal will be operated below 8.5 feet, NGVD stage. If the stage at S-333 TW exceeds 8.5 feet, NGVD inflows into the L-29 canal (S-333, S-355A/B, and S-356) will be reduced until S-333 TW recedes below 8.5 feet, NGVD
S-355A & S-355B	Follow the same constraints as S-333. Open whenever hydraulic gradient allows flow from WCA-3B to L-29. A. Constraints on the Operation of S-355A and S-355B. The S-355A and S-355B water control structures will be operated to comply with the following constraints: 1. The S-355A or S-355B or both shall be opened only when there is sufficient stage difference between the water levels in Water Conservation Area (WCA)-3B at S-355A/S-355B and the L-29 Borrow Canal and whenever the gradient allows for southerly flow from WCA-3B at S-355A/S- 355B to L-29 Borrow Canal; 2. Discharges from S-355A or S-355B or a combination of both shall be limited as required to prevent the L-29 Canal stage from exceeding the L-29 Borrow Canal stage constraint 8.5 feet, NGVD; 3. Discharges from S-355A or S-355B or a combination of both shall be limited as required to prevent impacts to the existing project purposes of the Central & Southern Florida (C&SF) Project including but not limited to flood damage reduction and water supply; and 4. Operations are consistent with, and follow, the existing regulation schedule and water control plan for WCA 3A/3B. B. The S-355A and S-355B water control structures shall be closed if any of the four conditions above are not met, and when there is a potential for reverse flow (from L-29 Borrow Canal to WCA-3B) through the structures. The actual open and close levels of the structures will depend on the water conditions, forecasts, and other system constraints.
S-334	Water Supply
S-356	Operating Range from 5.5 to 5.8 NGVD. S-356 flows subject to L-29 Canal stage constraint of 8.5 feet. No G-3273 constraint for S-356 flow. Under normal conditions S-356 maximizes the flow to NESRS and reduce the use of S-338/G-211 (with exception of water supply and supplemental water deliveries)

Operational Component	WCA-3A releases to SRS or SDCS
	Operated in accordance with Condition 1 (Refer to the conditions language in the Operational Strategy). During S12A closure period, limit S-356 pumping to 125 cfs flow if full discharge at S-333 cannot be made. S-336 will be closed when S-356 is operated. When supplemental water deliveries are being delivered through S-334 and they by themselves or in combination with local rainfall result in S-356 pumping to maintain the canal range below the top of the range, the supplement delivery will be stopped by closing S-334 by the next business day or sooner. Supplemental water can be delivered to Taylor Slough through S-151, S337, S-335 while S-356 is operating.
S-152	New structure at L-67A/C Levee to deliver water from WCA-3A to WCA-3B, used for flood control purpose. Operating range from 9.6 to 9.7 feet, NGVD When water level at WCA-3B Site 71exceeds 8.5 feet, NGVD, then S-152 is closed. S-152 will be operated with maximum capacity (subject to G-3B71 constraint) of 750 cfs from 1 September through 31 May No flows from 1 June to 31 August
S-151	Used for both water supply and flood control
S-337	Used for both water supply and flood control
S-335	Operating Range from 6.5 to 7.0 NGVD. When the tailwater level exceeds 6.0 feet, NGVD, then S-335 is closed for flood control release. S-335 is used for both flood control and water supply
S-338	Operating Range from 5.5 to 5.8 feet NGVD. The S-338 structure is used for both flood control and water supply.
G-211	Operating Range from 5.5 to 6.0 feet NGVD If S-331 pumping is limited and the G-211 tailwater rises above 5.3 feet, NGVD then close G-211.
S-357	S-357 will be operated to maintain S-357 headwater level between 4.0 to 5.5 feet, NGVD. When drier conditions allow reduced pumping at S-357, canal range of 5.5 to 6.0 feet, NGVD may be utilized. The S-357 headwater level will be maintained based on the stages at LPG2 1. When LPG2 > 6.5 feet then S-357 HW will be maintained between 3.5 feet and 4.0 feet until the stage at LPG2 falls below 6.5 feet NGVD.

Operational Component	WCA-3A releases to SRS or SDCS
	2. When 6.0 feet < LPG2 < 6.5 feet then S-357 HW will be maintained between 5.0 feet and 4.0 feet. 3. When 5.5 feet < LPG2 < 6.0 feet then S-357 HW will be maintained between 5.5 feet and 5.0 feet. 4. When LPG2 < 5.5 feet then the bottom of the range is at or above 5.5 feet, NGVD (e.g. 5.5 to 6.0 feet).
S-331	S-331 operations are based on S-331 headwater level. S-331 HW operational range will lower as the stage at LPG2 rises as long as there is downstream capacity. Providing capacity for the operational ranges prescribed below will be a higher priority than regulatory releases from WCA-3A to S-331. 1. When LPG2 > 6.5 feet then S331 HW will be maintained between 3.5 feet and 4.0 feet until the stage at LPG2 falls below 6.5 feet NGVD. 2. When 6.0 feet < LPG2 < 6.5 feet then S331 HW will be maintained between 4.5 feet and 4.0 feet. 3. When 5.5 feet < LPG2 < 6.0 feet then S331 HW will be maintained between 5.0 feet and 4.5 feet. 4. When LPG2 < 5.5 feet then the bottom of the range is at or above 5.0 feet, NGVD (e.g. 5.0 to 5.5 feet).
S-332B and S-332C, and S-332D	S-332B, S-332C, and S-3332D operations are independent of whether other SDCS operations are under Column 1 or Column 2 mode of operations. <u>S-332B</u> • S-32BN1 and S-332B1 pumps will be operated in a range of 4.4 to 4.2 feet, NGVD with maximum capacity of 125 cfs of each pump • S-332BN2 and S-332B2 pumps will be operated in a range of 4.7 to 4.3 feet, NGVD with maximum capacity of 125 cfs of each pump • If the tailwater stages rise above 8.5 feet, NGVD, then close G-332B pumps <u>S-332C</u> • S-332C1 pump will be operated in a range of 4.4 to 4.2 feet, NGVD with maximum design capacity of 250 cfs • S-332C2 pump will be operated in a range of 4.7 to 4.3 feet, NGVD with maximum capacity of 250 cfs • If the tailwater stages rise above 8.5 feet, NGVD, then close G-332C pumps <u>S-332D</u> • The operating range of S-332D1 and S-332D2 are from 4.85 to 4.65 feet, NGVD • Limit pumping is limited to 75 cfs flow from 01 February to 14 July for consideration of CCSS nesting period • Use all pumps for maximum flow (i.e., 250 cfs) during 15 July to 30 November • Limit pumping to 125 cfs flow from 01 December to 31 January • If the tailwater stages rise above 7.5 feet, NGVD, then close G-332D pumps

Operational Component	WCA-3A releases to SRS or SDCS
D-332DX1	S-332DX1 is used to divert a portion of S-332D discharge when the CSSS calendar based flow restrictions limit the flow into the S-332D detention area. The design capacity of S-332DX1 is 250 cfs
S-328	The S-328 may be used to increase deliveries to Taylor Slough and provided that an average water depth of at least six inches is maintained in Cell 1; the six-inch depth criteria is based upon a modeled operational range of 5.8 to 5.7 feet.
S-194 and S-196	<u>15 February through 31 July (early CSSS nesting window)</u> Operating Range from 4.2 to 4.85 feet, NGVD <u>01 August through 14 February</u> Operating Range from 4.2 to 4.9 feet, NGVD
S-176	Operating Range from 4.5 to 5.0 feet, NGVD
S-177	Operating Range from 3.2 to 3.9 feet, NGVD If the rainfall over the last 14 days exceeds 5.5 inches, then S-177 may be opened to lower S-177 HW down to 3.4 feet, NGVD.
S-18C	Operating Range from 2.3 to 2.6 feet, NGVD
S-197	The design capacity of the S-197 is limited to 400 cfs If S-177 headwater is greater than 4.1 feet, NGVD or S-18C headwater is greater than 2.8 feet, NGVD, open 3 culverts. If S-177 headwater is greater than 4.2 feet, NGVD for 24 hours or S-18C headwater is greater than 3.1 feet, NGVD; open 4 more culverts for a total of 7 culverts open. If S-177 headwater is greater than 4.3 feet, NGVD or S-18C headwater is greater than 3.3 feet, NGVD, then open 6 more culverts for a total of 13 culverts open.

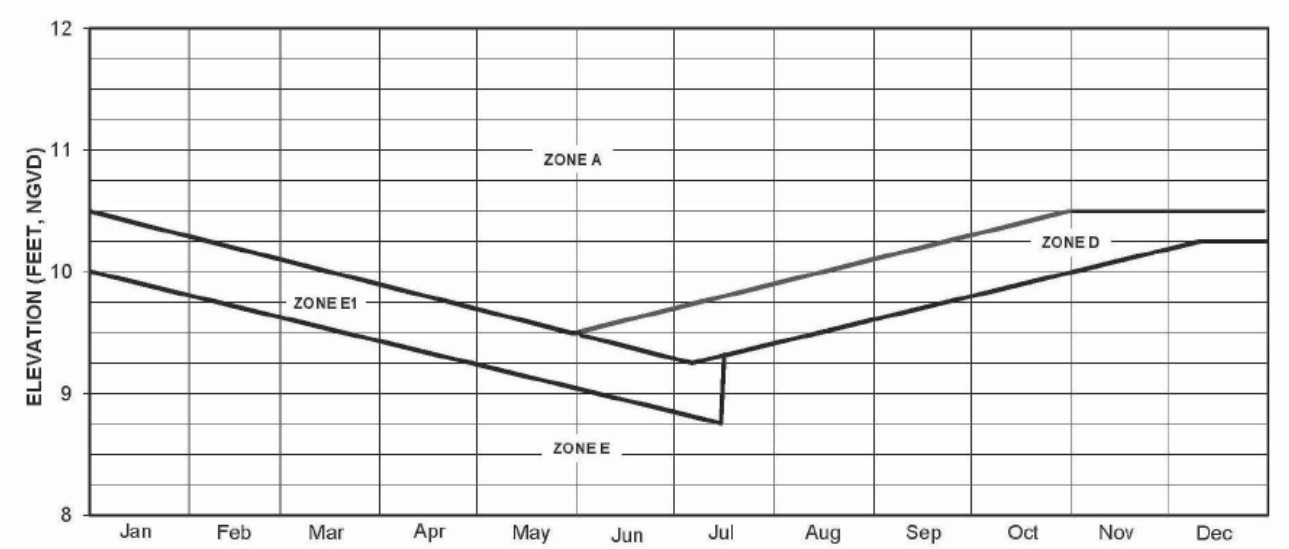

Figure 1: WCA-3A Regulation Schedule (adopted from 2012 Water Control Plan)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

September 5, 2018

Lieutenant General Todd T. Semonite
Commanding General and Chief of Engineers
Department of the Army
108 Army Pentagon
Washington, DC 20310-0108

Subject: Combined Operational Plan (COP)

Dear Lieutenant General Semonite:

As the non-Federal sponsor of Everglades restoration projects, I write to express our continued support for development of the Combined Operational Plan (COP). Implementation of the COP is important for the residents of South Florida because it will increase flows into Everglades National Park (ENP) and portions of Florida Bay without increasing flooding to urban and agricultural interests in the South Dade region. As your partner in Everglades restoration, we appreciate the time and financial resources that the US Army Corps of Engineers (USACE) has committed to date in the development of this plan. We sincerely hope that recent budgetary constraints will not cause unanticipated delays and respectfully request that the USACE continue to move forward with development of the COP.

The COP is an integral part of Everglades restoration. By defining operations for constructed components of the Modified Water Deliveries (MWD) to ENP and the Canal 111 South Dade projects, the COP will improve water deliveries into ENP, aid in restoration of the historic hydrologic conditions in Taylor Slough and the southern glades, protect the ecologic conditions of WCA-3A and minimize damaging freshwater flows to Manatee Bay. In addition, it will help the USACE and the South Florida Water Management District (District) maintain the Congressionally-authorized multiple purposes of the Central and Southern (C&SF) Project including flood control and water supply.

As we move forward with the COP, it is critical to recognize how the USACE operational changes will affect water quality associated with Everglades restoration. While the District is resolute in its efforts to protect all of the Everglades, including ENP, we remain concerned that the actions being proposed by the USACE under the COP would result in violations of water quality requirements through no fault of the District. Our previous agreements outline the importance of addressing these concerns by revisiting the Appendix A compliance methodology.

The District values its partnership with the USACE in protecting and restoring America's Everglades, of which the COP is a vital part. I respectfully request the continued support

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Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

of the USACE, both technically and financially, for this effort. You may continue to count on the dedication of our team to work with you as we push this plan forward toward completion. If you have any questions, please do not hesitate to contact me.

Sincerely,

Federico E. Fernandez, Esq.
Governing Board Chairman
South Florida Water Management District

FF/tb

c: Colonel Andrew Kelly, USACE Jacksonville District
Lieutenant Colonel Jennifer Reynolds, USACE Jacksonville District

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON, DC 20314-1000

OCT 04 2018

Mr. Federico E. Fernandez, Esq.
Governing Board Chairman
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, Florida 33406

Dear Mr. Fernandez:

Thank you for your letter, dated September 5, 2018, regarding our mutual continued support of the Combined Operational Plan (COP). We appreciate the continued cooperation of the South Florida Water Management District (SFWMD) in the development and implementation of the COP. The COP is the final effort within the Modified Water Deliveries to Everglades National Park and C-111 South Dade projects designed to optimize water deliveries to meet the multiple Central and Southern Florida project purposes.

The U.S. Army Corps of Engineers (Corps) remains commited to completion of the COP to optimize water management in the southern part of the Everglades ecosystem benefitted by these projects and will continue to seek funding necessary to support these efforts. Together, the Corps and SFWMD technical experts are formulating alternatives to meet project purposes and objectives. Although water quality is not an authorized purpose for selection of the recommended COP alternative, it is a consideration in the development of the final array of COP alternatives and associated adaptive management plan. The water quality evaluation methodology and preliminary analysis of Round 1 Alternatives for COP were presented publically at the August 29, 2018 Project Delivery Team meeting. Water quality analysis will be performed on the final array of COP alternatives. That analysis will be documented in the Draft and Final Environmental Impact Statements for COP.

The Corps understands SFWMD has concerns about compliance with Appendix A of the Consent Decree as restoration flows are delivered to Everglades National Park. Consideration of Appendix A is beyond the scope of COP, but it is ongoing in the context of the Technical Oversight Committeee (TOC) and the associated TOC Appendix A Subteam. We look forward to working with you in that forum. As requested by SFWMD at the August COP Project Delivery Team meeting, the Corps is planning to provide a briefing on the current status of the COP and the COP water quality evaluation methodology at the next scheduled TOC quarterly meeting on October 30, 2018.

If you have additional questions or concerns, please contact me or your staff may contact Mr. Bradd Schwichtenberg, Deputy Chief, South Atlantic Division Regional Integration Team, at (202) 761-1367.

Sincerely,

James C. Dalton, P.E.
Director of Civil Works

COPY

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

September 7, 2018

Colonel Andrew D. Kelly, P.E.
District Commander, Jacksonville District
U.S. Army Corps of Engineers
701 San Marco Boulevard
Jacksonville, Florida 32207-8175

Subject: Combined Operational Plan - Water Quality Concerns

Dear Colonel Kelly:

The South Florida Water Management District (District) is committed to completing Everglades restoration projects and transitioning them into operations in order to realize their benefits to the environment. With construction of the Modified Water Deliveries to Everglades National Park and C-111 South Dade Project almost complete, the Combined Operational Plan (COP) is the next critical step to fully integrate and operate these projects as intended. However, the District has concerns that future impacts on water quality compliance with the 1995 Settlement Agreement/Consent Decree[1] have not been completely assessed or considered. The proposed COP operations could place the District in jeopardy of frequent exceedances of the total phosphorus (TP) limits in Appendix A of the Consent Decree.[2]

During the formulation of the current authorized water control plan, 2012 Everglades Restoration Transition Plan, the State of Florida submitted analyses that highlighted the potential for increased exceedances. These additional exceedances were due in part to the larger flow volume shifting between the S-12s and S-333 structures resulting in a lower annual TP limit. Additionally, the anticipated lower stages in Water Conservation Area 3A (WCA 3A) would result in a higher TP concentration.[3] With COP in place there will be a 20% increase in flows to Northeast Shark River Slough and a reduction in WCA 3A stages.

Currently, the United States Army Corps of Engineers' (USACE) water quality evaluation for COP has not been presented publicly. The District believes the National Environmental Policy Act requires a consideration of compliance with the Long-Term Limits outlined in Appendix A of the Consent Decree and requests the water quality

[1] United States v. South Florida Management District, et al., Case No. 88-188G-CIV-Moreno (S.D. Fla).
[2] The District also believes the compliance methodology adopted in the Consent Decree is obsolete and, at a minimum, should be revised.
[3] Copies of letters and presentations provided by the District, FDEP, and the Governor of the State of Florida during the ERTP process are enclosed.

evaluation be presented to the Technical Oversight Committee on October 30, 2018 and at the December 18, 2018 COP Project Delivery Team meeting given that the United States Department of Justice and the USACE agreed to cooperate in the modification of the Central and Southern Flood Control Project to support the objectives set forth in the consent Decree.[4]

We thank you for your review and consideration of our requests and look forward to working with you on the COP alternatives.

Sincerely,

Ernie Marks
Executive Director

EM/bm

Enclosures

c: Drew Bartlett, FDEP
Federico Fernandez, Chairman, SFWMD Governing Board
Lt. Col. Jennifer Reynolds, USACE

[4] See Consent Decree at Ex. B, p. 25.

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8915

OCT 17 2018

Programs and Project Management Division
Ecosystem Branch

Mr. Ernie Marks
Executive Director
South Florida Water Management District
P.O. Box 24680
West Palm Beach, FL 33416

Dear ~~Mr.~~ Ernie Marks:

Thank you for your letter, dated September 7, 2018, regarding our mutual commitment to complete Everglades restoration projects and develop operations to realize project environmental benefits. We appreciate the continued cooperation of the South Florida Water Management District (SFWMD) in the development and implementation of the Combined Operational Plan (COP). The COP is the final effort within the Modified Water Deliveries to Everglades National Park and C-111 South Dade projects designed to optimize water deliveries to meet the multiple Central and Southern Florida project purposes.

Alternatives are formulated to meet project purposes and objectives. Water quality is not an authorized purpose for selection of the recommended COP alternative; however, it is a consideration in the development of the final array of COP alternatives and associated adaptive management plan. The water quality evaluation methodology and preliminary analysis of Round 1 Alternatives for COP were presented publically at the August 29, 2018 Project Delivery Team meeting. Water quality analysis will be performed on the final array of COP alternatives. The Jacksonville District, U.S. Army Corps of Engineers (Corps) plans to brief the preliminary analysis of the final array at the Project Delivery Team meeting on December 12, 2018. A comprehensive analysis of the final array of COP alternatives and the COP Recommended Plan, including consideration of potential water quality effects, will be documented in the Draft and Final Environmental Impact Statements for COP.

The Corps understands SFWMD has concerns about compliance with Appendix A of the Consent Decree as restoration flows are delivered to Everglades National Park. As you are aware, consideration of Appendix A is beyond the scope of COP, but it is ongoing in the context of the Technical Oversight Committee (TOC) and the

associated TOC Appendix A Subteam. We look forward to working with you in that forum. The Corps is planning to provide a briefing on the current status of the COP and the COP water quality evaluation methodology at the next scheduled TOC quarterly meeting on October 30, 2018.

If you have any questions, regarding the information in this letter, please contact me or you may contact Ms. Donna George, Project Manager at (904) 232-1766.

Sincerely,

for Andrew D. Kelly, Jr.
Colonel, U.S. Army
District Commander

Audubon Florida * Bonefish & Tarpon Trust * Captains for Clean Water
Everglades Law Center * Everglades Foundation * Florida Bay Forever
National Parks Conservation Association

December 13, 2018

Dr. Gina Paduano Ralph
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232-0019
Email: gina.p.ralph@usace.army.mil

RE: Combined Operations Plan PDT feedback exercise on Alternatives O and N2

Dear Dr. Ralph,

On behalf of the undersigned organizations, we appreciate the opportunity to provide further feedback on the proposed Round Two set of alternatives Alt. O and Alt. N2, as requested by the Combined Operations Plan (COP) Project Delivery Team (PDT) during the December 12 meeting held at the Village of Islamorada. We want to thank the PDT for listening to environmental stakeholders' concerns and for coming up with better alternatives that seek to increase ecological benefits for Florida Bay and Everglades National Park (ENP). We are encouraged by Alternative O and we believe this alternative returns the focus to the ENP and Florida Bay as intended by the taxpayer investment in ecosystem restoration infrastructure. There is room for improvement, but Alt. O is on the right path. To that end, we would like the PDT to pursue the following environmental goals as you refine the alternatives:

Wet period considerations – Reduce the damaging high water line

- The PDT should take a look at inflows into and outflows from Water Conservation Area-3A (WCA-3A) to provide a more holistic approach to reducing damaging high water events during wet periods.

Dry period considerations – Spread water across the ecosystem to maintain ecological function throughout the system

- The PDT should anticipate the effects dry conditions have on the ecosystem and provide a fair allocation of water across the entire system to avert disasters like seagrass die-offs in Florida Bay. The PDT should analyze where water goes during droughts and ensure a fair allocation of water that helps the Southern Everglades and Florida Bay fare better under drought conditions. We need a balanced approach that accounts for ENP's and Florida Bay's dry season needs.
- Florida Bay suffers from repeated droughts, falling into hypersalinity in the absence of rainfall. The PDT states that COP does not create new water and it is only able to

redistribute existing water through the ecosystem, however in the absence of more infrastructure COP must strive to keep ***more*** water in the system and increase freshwater flows to ENP and Florida Bay during the dry season and droughts.

General considerations

- The PDT should improve water distribution into Central Florida Bay, especially via Taylor Slough (e.g., Taylor River and McCormick Creek). The current alternatives distribute water into the panhandle area of ENP and eastern Florida Bay, and do nothing for the Central and Western basins of Florida Bay. In the absence of rain, hypersalinity spikes have been observed in these areas and in 2014 the Central part of the bay experienced a 40,000 acre seagrass die-off. In the absence of new infrastructure that will bring new water, this plan needs to ensure redistribution of existing water reaches the Central and Western basins of Florida Bay, the more vulnerable areas of Florida Bay.
- The PDT should find ways to rehydrate and integrate WCA-3B into the Everglades. This area that has been kept dry, so widespread peat soil oxidation has resulted in elevation loss and the loss of ridge-and-slough habitat. The current alternatives seem to make this area even drier.
- We appreciate Alt. O's reduced use of the S-197 structure at the end of the system, however we are concerned about lower stages at S-18C. Audubon's Everglades Science Center data shows that whenever the use of S-197 exceeds canal stages at S18-C the overall effect is that of draining the east Everglades and Taylor Slough, counter to the goals of the Modified Water Deliveries Project. We believe that the S-197 structure should be closed – as was originally planned; at a minimum, the use of this structure to never exceed canal stages at S-18C.
- The PDT is folding the use of S-199 and S-200 structures that are part of the Comprehensive Everglades Restoration Plan (CERP) C-111 Spreader Canal Western Project into the COP, so there is no bar to addressing CERP structures as part of COP. As noted multiple times over the years in our correspondence, the Final Project Implementation Report and Environmental Impact Statement ("FPIR/FEIS") for the C-111 Spreader Canal Western Project includes planned incremental changes to raise water levels at S-18C. While the project has been operational for five years, no increase at S-18C has occurred. Increasing canal stages at S-18C critical to preventing seepage out of ENP and sending more freshwater to Central and Western Taylor Slough, the more vulnerable areas of Florida Bay. Higher stages at S-18C would also protect water supply. As with proposed use of the S-199 and S-200 CERP structures, raising water levels at S-18C – at the least – can and should be considered for implementation as part of COP.
    - *"The purposes of S-18C are to maintain a desirable freshwater head to prevent saltwater intrusion through C-111, pass flood flows up to 40 percent SPF without exceeding design stages upstream, and act as a control point for water deliveries to the eastern panhandle of ENP* (2012 WCP, page 7-11)."

The PDT has taken steps in the right direction in developing the second round of alternatives for the COP. Hundreds of millions of taxpayer dollars from the American public have been invested in the Modified Deliveries Water, Tamiami Trail Next Steps, and C-111 South Dade and Spreader Canal Western projects to provide direct benefits to ENP and Florida Bay, and the

commitment to use those funds to achieve significant direct benefits to these American treasures must be honored. We look forward to the refined set of operations that reflect the provided input by the undersigned organizations.

As always, our organizations remain ready to assist in the planning process and will remain engaged as the alternatives are modeled and the final plan is selected. We welcome the opportunity to continue to work alongside state and federal agencies to achieve our shared goals for the restoration of America's Everglades.

Sincerely,

Celeste De Palma
Director of Everglades Policy
Audubon Florida

Ross Boucek PhD
Florida Keys Initiative Manager
Bonefish & Tarpon Trust

Captain Daniel Andrews
Executive Director
Captains for Clean Water

Ansley Samson
Of Counsel
Everglades Law Center

Thomas Van Lent, Ph.D.
Vice President for Programs
Everglades Foundation

Elizabeth Jolin
Executive Director
Florida Bay Forever

Cara Capp
Everglades Restoration Project Manager
National Park Conservation Association

Audubon Florida * Bonefish & Tarpon Trust * Captains for Clean Water
Everglades Law Center * Everglades Foundation
National Parks Conservation Association

March 25, 2019

Donna George
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232-0019
Email: donna.s.george@usace.army.mil

RE: Combined Operations Plan feedback on *Alternative Q* and request for sensitivity run

Dear Ms. George,

On behalf of the undersigned organizations, we appreciate the opportunity to provide further feedback on the *draft* Alternative Q for the Combined Operations Plan (COP) before the Project Delivery Team (PDT) proceeds to the modeling phase. We would like to reiterate our appreciation of the PDT for continuing to push for improved environmental performance and deliver alternatives that maximize ecological benefits for Florida Bay and Everglades National Park (ENP) that honor the taxpayer investment in ecosystem restoration infrastructure.

We were encouraged by the results from Round 2 modeling and we agree with the PDT's assessment that Alternative O is the best performer from an ecological perspective. It was reassuring to hear that the PDT is confident that Alternative O provides sufficient flood mitigation to match (or exceed) the 1983 and 1994 base conditions, as required for the COP process. We were equally pleased to see that the PDT incorporated some of the changes proposed by scientists at the Everglades Foundation into the *draft* Alternative Q that is currently under evaluation. Although Alternative Q appears to be on the right path in most respects, the addition of an Extreme High Water Action Line (EHWAL) merits further evaluation.

Particularly problematic in the Alternative Q EHWAL is that only one operational strategy to lower Water Conservation Area 3A (WCA3A) is proposed: routing excess flows into the South Dade Conveyance System via S-334. We find this concerning for the following reasons:

(1) it makes permanent an operational policy that was proposed as a stop-gap measure until more capacity existed into NE Shark River Slough. That capacity now exists, but instead of the strategy being retired, it is codified into permanent operations.

(2) the operational strategy of moving flood water into South Dade has been long opposed by most of the stakeholders in the region, and a source of controversy and contention

since it was first proposed as mitigation for the S-12 seasonal closures. Proposing this as the only option for high water in WCA3A will ignite unnecessary controversy by suggesting that objectionable and undesirable operations will become permanent, despite the expenditure of large sums of public funds and nearly universal agreement the practice should be discontinued.

(3) proposing a single emergency high water action without investigating alternatives is not consistent with the objectives of this analysis, which should be to illuminate the consequences of a range of possible actions to help identify the actions that the public can support. If the only alternative is one that has met with long-standing public opposition, it does not offer the public any way to constructively and affirmatively express support for the selected alternative.

(4) because the COP assumption is that no additional flow enters WCA3A, and because the Corps and South Florida Water Management District are currently making real-time operational decisions to increases flows from Lake Okeechobee southward into WCA3A, any EHWAL evaluation in COP will necessarily underestimate the true consequences. Thus, including emergency actions likely exceed what is possible to evaluate accurately in COP.

The environmental community understands the need to have flexibility to manage water during emergency situations, and we appreciate the PDT's efforts to find a way to better predict and plan for high water emergencies under COP, in that way increasing transparency about how emergencies will be addressed. However, the objective of restoration generally, and COP specifically, is to send as much water into NE Shark River Slough as possible even during high water events. We would recommend that either the Corps analyze a suite of emergency alternatives, including those that avoid decreasing the ecological benefits ENP and Florida Bay so desperately need or the Corps drop emergency actions from the analysis.

Dry period freshwater flow continues to be the highest priority, given that conditions in Florida Bay continue to demonstrate that rainfall alone cannot support this ecological gem. To that end, we would like to request that the PDT perform an additional sensitivity run without the L-29 FDOT constraint at 8.5 ft. The idea behind this sensitivity run is not to ignore the constraint, but to allow the results to inform the PDT what types of benefits COP could deliver down the line once other projects come online, such as further Tamiami Trail modifications and increased flood mitigation currently not authorized under COP. We respectfully ask that the PDT conduct this additional sensitivity run to demonstrate what is possible to achieve for Everglades National Park and Florida Bay.

The PDT continues taking steps in the right direction in developing the final round of alternatives for the COP. Hundreds of millions of taxpayer dollars have been invested in the Modified Water Deliveries, Tamiami Trail Next Steps, and C-111 South Dade and Spreader Canal Western projects to provide direct benefits to ENP and Florida Bay, and the commitment to use those funds to achieve significant direct benefits to these American treasures must be honored. We look forward to the refined set of operations that reflect the input provided by the undersigned organizations.

As always, our organizations remain ready to assist in the planning process and will remain engaged as the alternatives are modeled and the final plan is selected. We welcome the

opportunity to continue to work alongside state and federal agencies to achieve our shared goals for the restoration of America's Everglades.

Sincerely,

Celeste De Palma
Director of Everglades Policy
Audubon Florida

Ross Boucek PhD
Florida Keys Initiative Manager
Bonefish & Tarpon Trust

Captain Daniel Andrews
Executive Director
Captains for Clean Water

Ansley Samson
Of Counsel
Everglades Law Center

Thomas Van Lent, Ph.D.
Vice President for Programs
Everglades Foundation

Cara Capp
Everglades Restoration Project Manager
National Park Conservation Association

March 25, 2019

Donna George
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232-0019
Email: donna.s.george@usace.army.mil

RE: Comments on proposed Alternative Q and sensitivity runs of Combined Operations Plan

Dear Ms. George,

On behalf of the Everglades Foundation, we submit the following comments on the proposed Round 3 Alternative Q and sensitivity runs for the Combined Operation Plan. These comments are based on the proposed changes in operations for the Alternative Q.

1. The proposed new Round 3 Alternative Q (i.e., Alt Q) includes the Extreme High Water Action Line (EHWAL) in WCA-3A regulation schedule. The only operation proposed when the WCA-3A stage is above the EHWAL line is to use S-334 to route water to the South Dade Conveyance System and use S-332B, S-332C and S-332D structures and push water to detention areas west of the C-111 Canal. However, downstream constraints at these structures will likely limit the flow during the high water conditions, and ultimately will increase the risk of sending water to south S-197 structure. We ask that the Corps either drop the EHWAL from consideration or investigate other alternatives, such as use of WCA3B, or C-4, C-6 and C-1. Limiting the analysis to one alternative for EHWAL will not allow the public to determine the consequences of that action or to determine if better alternatives are available.

2. We would like to know more specific information about how the Everglades Rainfall Driven operations informed by iModel that was used in Alternative O and proposed in Alternative 3, are translated into operational rules to determine surface water deliveries to Everglades National Park. This cannot be over-emphasized. Transparency on how water deliveries to Everglades National Park are calculated is of primary importance, as modifications to ENP flows are the main purpose of the Modified Water Deliveries Project and the nearly $500 million in expenditures.

3. It may be possible to maximize benefits to the Everglades National park by raising the operating range at C-111 Canal. At the Foundation, we developed a Glade-LECSA model run using the 1994 GRR operating ranges of some of the key structures of L-31N and C-111 Canals. These modifications were carried out in the run (i.e., OPTF1) we provided to USACE during the Round 2 Alternatives. We found that the water levels in areas east of

C-111 Canal were uniformly lower higher relative to the earlier run (Figure 1). This preliminary analysis indicates that there may be potential improvement in benefits to the ENP with raising the operating range in C-111 Canal. We suggest USACE to explore these modifications in the Round 3.

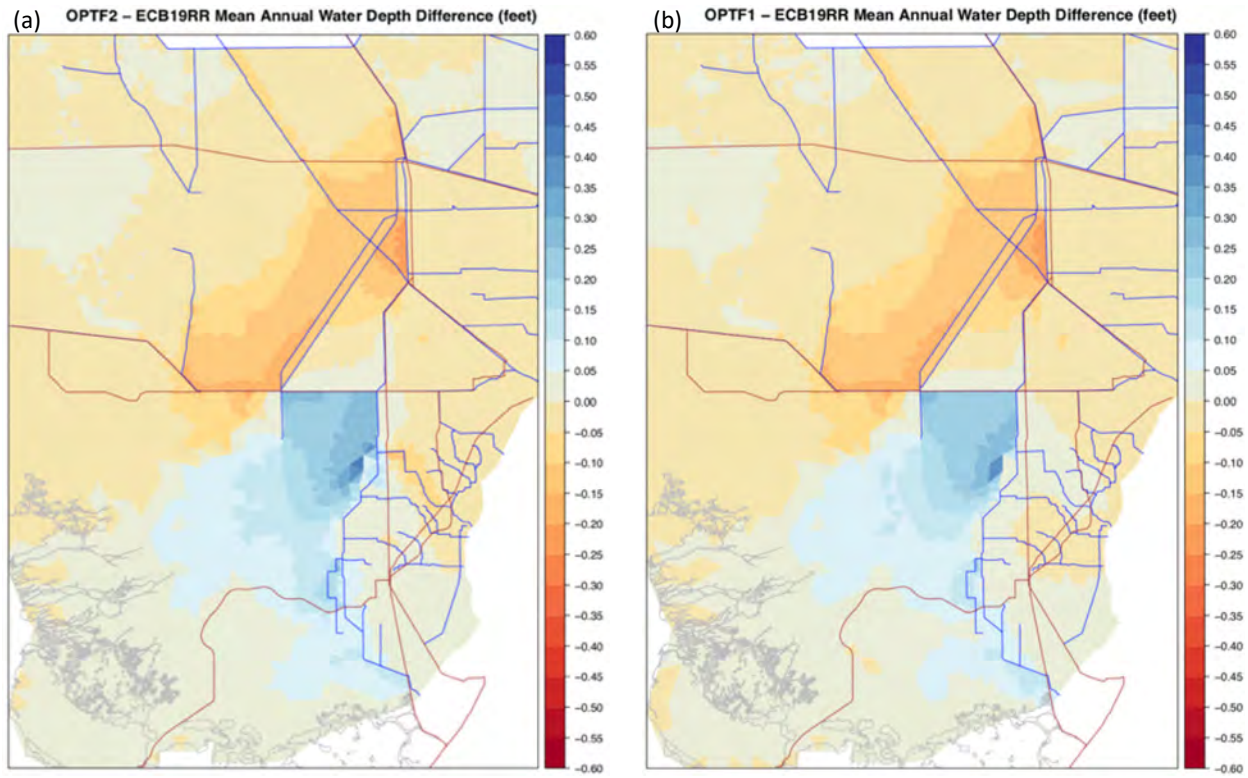

Figure 1: Mean annual water depth difference map relative to the Existing Conditions (ECB19RR). OPTF1 represents the COP run developed at the Everglades Foundation and provided to the USACE during the round 2 alternatives. OPTF2 represents the run that used 1994 GRR operating range of some of the key structures (S-331, S-176, and S-177) of C-111 Canal.

Thank you for the opportunity to provide these comments.

Sincerely,

Rajendra Paudel, Ph.D.
Senior Hydrologist
Everglades Foundation
18001 Old Cutler Road, Suite 625
Palmetto Bay, FL 33157
Email: rpaudel@evergladesfoundation.org
Phone: 786-249-4458

DATE: March 25, 2019

TO: Donna George, US Army Corps of Engineers (USACE)

FROM: Rebecca Elliott, Florida Dept. of Agriculture and Consumer Services FDACS)

RE: COP Increment 3 - Round 3 / Alt Q and Sensitivity Runs Comments

The opportunity to provide comments on the Round 3 Alternative Q and Sensitivity Runs is appreciated. However, the time allowed for submittal of comments just one week after the March 18 Project Delivery Team meeting is exceedingly short. Please consider these comments as placeholders for follow-up once a more detailed evaluation of results and what is being proposed can be completed. My placeholder comments by item are below.

Alternative O and the FDACS alternative/sensitivity run recommendation.

> Alternative O is not a complete representation of the alternative and sensitivity run FDACS proposed. We recommend the FDACS alternative be added to the sensitivity runs that will occur after Round 3 modeling. It may be possible to include these operations without impacting the environmental benefits.

Operations at S-331 for 8.5 SMA Flood Mitigation

> There are concerns about the operations proposed to use S-331 for 8.5 SMA flood mitigation. If the evaluation of Round 3 results indicates a degradation in South Dade performance, the operations should revert back to Alt O for the TSP.

Raising 18-C one tenth of a foot before S-197 is open in comparison to Alt O

> There is some concern about raising the 18C one tenth of a foot before S-197 is opened. If the evaluation of Round 3 results indicates a degradation in South Dade performance, the operations should revert back to Alt O for the TSP.

Extreme High Water Action Line & Operating Criteria

> Use of the S-334 to address WCA 3A high water is of concern. Even though there are a number of criteria to be met before this would happen, it still stops the use of S-356 and could bring additional water into the high seepage areas of South Miami Dade east of ENP during high water levels in SRS.

Increased Drying Risks for WCA-3A

Round 3 should include operations to address increased drying risk in WCA-3A. At the March 18 COP PDT meeting, SFWMD offered that the water supply triggers will be revisited and revised to address this risk. The revisions being proposed should be made available for review.

From: George, Donna S CIV USARMY CESAJ (US)
To: Berger, Brittany M CIV USARMY CESAJ (US); Hall, Brooke A CIV USARMY CESAJ (USA); Moore, Brooks W CIV USARMY CESAJ (US); Polatel, Ceyda CIV USARMY CESAJ (US); Crawford, Daniel E (Dan) CIV USARMY CESAJ (US); Adamiec, Erik T CIV USARMY CESAJ (US); Riley, James M (jim) CIV USARMY CESAJ (US); Taplin, Kimberley A CIV USARMY CESAJ (US); Do, Lan V CIV USARMY CESAJ (US); Nasuti, Melissa A CIV USARMY CESAJ (USA); Moreno, Meredith A CIV USARMY CESAJ (US); Hensch, Michael T CIV USARMY CESAJ (US); Williams, Olice E CIV USARMY CESAJ (US)
Subject: FW: RCOP RND 3 modeling input
Date: Wednesday, March 27, 2019 8:54:08 AM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
image006.png
image007.png

Comments from FWC on Round 3.

Donna S. George, P.E.
Senior Project Manager
Ecosystem Projects Section, Ecosystem Branch
Programs & Project Management Division (PPMD)
US Army Corps of Engineers
Jacksonville District
Office: 904-232-1766
Cell: 904-521-6343
donna.s.george@usace.army.mil

-----Original Message-----
From: Erskine, James [mailto:James.Erskine@MyFWC.com]
Sent: Tuesday, March 26, 2019 6:09 PM
To: Do, Lan V CIV USARMY CESAJ (US) <Lan.V.Do@usace.army.mil>; George, Donna S CIV USARMY CESAJ (US) <Donna.S.George@usace.army.mil>; Crawford, Daniel E (Dan) CIV USARMY CESAJ (US) <Daniel.E.Crawford@usace.army.mil>
Cc: Garcia, Vicki <Vicki.Garcia@MyFWC.com>
Subject: [Non-DoD Source] RCOP RND 3 modeling input

RE: Request to incorporate an emergency high water action line (EHWAL) into Alternative Q, Round 3 modeling

USACE Project team,

The Florida Fish and Wildlife Conservation Commission (FWC) has fish and wildlife and land management responsibilities for Water Conservation Areas 2 and 3 (WCAs), which are managed as the Everglades and Francis S. Taylor Wildlife Management Area (EWMA). WCA-3A and WCA-3B are within the COP project area, contain significant ecological resources within the Florida Everglades system, and are characterized by a vast landscape of sawgrass marsh, freshwater slough, wet prairie, and upland tree island habitats. The management and maintenance of water at levels compatible with the natural ecology of the EWMA is essential for the maintenance and restoration of healthy wildlife populations, wildlife habitats, and recreational activities.

Water levels that exceed 11.60, measured as the mean of water gages 62 and 63, creates stress on Everglades

wildlife and their habitats, including state and federally listed species within the EWMA. Deer and other terrestrial wildlife respond to high water levels by moving to elevated locations such as tree islands, spoil islands, and levees. When restricted to higher ground, preferred food sources are limited, and wildlife are restricted to less nutritious foods, which increases stress levels. Over time, fat reserves become exhausted and malnutrition and death occur. During high water events, FWC studies have documented the loss of Everglades wildlife and long-lasting impacts to Everglades plant communities such as tree islands, particularly when the duration of highwater levels exceeds 60 days.

FWC staff recommend that the USACE continue to develop every tool possible to alleviate emergency high-water conditions, provide relief for wildlife, and minimize recreational impacts. COP provides an opportunity to model the operations of an emergency high-water action line to trigger operations that may provide relief from the most extreme high water conditions. Including the EHWAL in each round of modeling, including Alternative Q Round 3, will provide the best way to analyze these alternatives and determine the best course of action for managing the most extreme high water conditions.

Respectfully,

James M. Erskine

Everglades Coordinator

Florida Fish and Wildlife Conservation Commission

8535 Northlake Boulevard

West Palm Beach, FL 33412

Cell: 561-660-2984

James.Erskine@MyFWC.com <mailto:james.erskine@myfwc.com>

MyFWC.com <Blockedhttp://www.myfwc.com/>

To report any wildlife issues or violations, please call our Wildlife Alert Hotline: 888-404-3922

Support Wildlife: Buy a manatee, turtle, panther, or bear specialty license plate <Blockedhttp://www.flhsmv.gov/specialtytags/SLP.html> !

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Table D.1-2. COP Round 3 Alternative Comment Response Matrix. The following matrix has been prepared to address comments on the COP Round 3 alternatives submitted by members of the PDT during the plan formulation process.

AGENCY COMMENT		
EVERGLADES NATIONAL PARK		
ENP-1	We are in favor of simulating the effects of the EHWAL for round 3 in COP. We support this, not because we like the operations that the EHWAL triggers, but rather, because we are aware from previous simulations in round 1 and 2 of the COP process that when the EHWAL is triggered, all available capacity to move water in the system is being used, and the additional 1250 cfs sent to south Dade and through the S197 represents the only additional available capacity to reduce flooding risks across the system.	Thank you for the support to evaluate the EHWL in round 3. EHWL supplemental documentation provides details on the restrictions and limitations of these operations.
ENP-2	Even though we support including the EHWAL for simulation purposes, we think it is even more important for the COP team to explicitly describe what options are available to us that would permanently prevent the need for sending water through S334 and out S197. We recognize that if the sparrow is able to return to a healthy population size and the conditional closure periods for the S12's are relaxed or removed, that this would solve the levee failure risks that trigger the emergency use of the S334-S197 route. Also, simply adding an extra day of 1200 cfs flows through the S333 on the L29 canal for each day that S334-S197 use is contemplated represents a replacement of the quantity of water that is sent through the S197 (although 8.5 SMA effects might preclude this option). And clearly, any future alteration to Tamiami Trail which allows us to significantly increase the volume per day that can flow across the L29 should provide us a mechanism for permanently solving the safety challenges associated with the EHWAL without resorting to evacuation through the S197.	Additional infrastructure modifications are outside of the scope of COP to evaluate. Based on the evaluations conducted during the COP Round 1 and Round 2 modeling, including presentation of the EHWM criteria at several recent PDT meetings, inclusion of the EHWL is necessary to provide a capacity for regional water managers to respond to extreme high water levels in the WCA-3A.
-3	So while we are not happy that the EHWAL is needed, we recognize that there are specific challenges that need to be resolved before we can	Concur that after implementation an management team consisting of

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	permanently retire this operational strategy. As a result of this fact, we accept inclusion of EHWAL in round 3 for COP. As always, when we accept inclusion of operations that we don't like in the system, we ask in return that USACE and SFWMD reiterate their commitment to standing up teams to support the adaptive management process. In this particular case, an operations team and a rare/threatened species team will need to be assembled in order to focus/refine our understanding of how to improve the system-level properties of the regional water management infrastructure. SFNRC's position is that the Adaptive Management process is our most promising policy framework for recognizing and permanently retiring the types of operations that we are discussing today - operations that are necessary to protect the existing infrastructure system, but which can be environmentally damaging and can also limit our ability to achieve the volume of flow that was characteristic of the natural system - our goal for CERP.	operations, ecosystems and other personnel should continue to assess how we can refine operations to accomplish the goal of restoration. The SAJs commitment to participate in this process is dependent on funding received for this effort.
U.S. FISH AND WILDLIFE SERVICE		
FWS-1 - General	One of our concerns is the potential effect of raising water levels within WCA-3A under the proposed EHWAL. The increase up to 12.7' could lead to high water effects on snail kites, apple snails and the vegetation they rely on. Future round 3 model runs are expected to provide information on the frequency and duration of these events so that we can make a more informed assessment of the potential impacts. However, the increased EHWAL could also be beneficial to other species such as CSSS, due to reducing the need to have emergency releases going through the S-12s in the area of CSSS-A during high water events. We look forward to reviewing the next iteration of model runs to more fully evaluate this.	The EHWL reduces the duration of extreme high water events. The purpose of this flexibility is to provide a capacity for regional water managers to respond to extreme high water levels in the WCA-3A. This operational flexibility is not expected to be triggered frequently and is intended to be available as the last resort if needed to help reduce risks to the WCA-3A perimeter levee system, a population at risk of 70,600 people, hurricane evacuation routes, and wildlife and tree islands from extreme high water conditions.

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FWS-2 - General	Our second concern is the inclusion of the 10% probability trigger in the SFWMD position analysis. We are not sure how the position analysis will be used in conjunction with the other forecast information to make operational decisions. Additionally, we feel that the 10% probability is too low. This would mean that nearly all of the projections would have to be below the 12.7' threshold in order to avoid reaching the EHWAL.	Thank you for your comment. The SFWMD positional analysis will only be used to transition from condition 1 to condition 2 when WCA-3A is above the EHWL. The EHWL supplemental documentation provides more information on the restrictions and limitations of the EHWL that will be modeled in round 3.
FWS-3	Par 1) "the Extreme High Water Action Line (11.0-12.0 feet NGVD)" How does this revised Extreme High Water Action Line impact WCA-3A? Is this too high for kites and veg?	The EHWL reduces the peak stage and duration of high water events in WCA3A. . The purpose of this flexibility is to provide a capacity for regional water managers to respond to extreme high water levels in the WCA-3A. This operational flexibility is not expected to be triggered frequently and is intended to be available as the last resort if needed to help reduce risks to the WCA-3A perimeter levee system, a population at risk of 70,600 people, hurricane evacuation routes. An evaluation of potential impacts will be fully performed for Round 3/ALTQ; prior modeling of alternatives with inclusion of an EHWL; did not indicate significant effects to kites based on requested metrics to be analyzed per USFWS.
-4	Par 1 #2) "shows at least 10% probability of WCA-3A, 3-station average exceeding 12.7 feet NGVD" Seems to be a bit low for a threshold.	SFWMD positional analysis will only be used transition from condition 1 to condition 2 WCA-3A is above the EHWL. The EHWL supplemental documentation provides more on the restrictions and limitations of EHWL that will be modeled in round 3.

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FWS-5	Par 1 #2) "along with other forecast information 30 to 60 days out" What is this other forecast information? Does it have to meet both the 10% threshold and the other forecast information?	A complete and thorough evaluation of the C&SF system conditions from Lake Okeechobee to the water conservation areas, East Coast Canals (ECC), ENP, and South Dade Conveyance System, including consideration of weather forecast information will be analyzed and actions will be determined jointly by the Corps of Engineers and SFWMD with input from ENP consistent with the criteria detailed in the EHWL supplemental documentation.
FWS-6	Par 1 #2) "is within 0.1 feet of the maximum observed historical stage for WCA-3A" So, this would not go into effect unless there is at least a 10% probability of the stage exceeding 0.1' of the maximum observed historical stage for WCA-3A? We have run emergency ops in previous years with the water being quite a bit less than this.	The SFWMD positional analysis will only be used to transition from condition 1 to condition 2 when WCA-3A is above the EHWL. There are many other actions implemented to reduce the stages in WCA-3A prior to this level.
FWS-7	Condition 1) "When WCA-3A stage is above the EHWAL and is not projected to rise above Elevation 12.7 feet" This is <10% probability that it will rise above 12.7'.	The EHWL supplemental documentation provides more information on the restrictions and limitations of the EHWL that will be modeled in round 3.
FWS-8	Condition 2) "When WCA-3A stage is above the EHWAL and is projected to rise above Elevation 12.7 feet" This is 10% probability or more of going above 12.7'.	The EHWL supplemental documentation provides more information on the restrictions and limitations of the EHWL that will be modeled in round 3.
-9	Condition 2) "a forecast to exceed either or both of the extreme high water level criteria is expected, S-197 may be increased up to 2400 cfs until WCA 3A water levels recede below the extreme high water level criteria."	EHWL supplemental documentation more information on the restrictions limitations of the EHWL that will be in round 3. The words "up to" allow for

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	Not sure this makes sense. Basically it states that if we are below the extreme high water level criteria, S-197 may be increased up to 2400 cfs until levels recede below the extreme high water level. The problem is that the levels are already under EHWL when the action is initiated. Does this actually mean that the increased flow will continue until the WCA-3A levels recede below the EHWL AND the forecast to exceed is less than the P10?	operational flexibility to operate the structure under a wide range of extreme weather conditions. The EHWL supplemental documentation lays out the procedure for making releases through S-334 and through SDCS only when SDCS has the conveyance capacity. The EHWL goal is to only send through S-334 what can be sent out the coastal structures upstream of S-176 and through S-332B/C/D first. As the water levels in WCA-3A continue to increase and are projected to reach the 12.7 feet, NGVD levee safety threshold, then a series of system wide evaluation and a decision on how much can be sent through SDCS will be made. Under extreme high water condition 2, S-197 discharges may be increased to a daily average maximum of 1,200 cfs to accommodate additional flow through S-334 (design capacity 1,200 cfs) which exceeds the South Dade Conveyance System Flow Constraints for S-332B, S332C, and S-332D. Extreme high water condition 3 was added in response to input provided by the COP PDT, with this condition requiring WCA-3A observed stage to exceed 12.3 feet NGVD prior to allowing gate opening of S-197 in excess of the discharges from WCA-3A through S-334. Because S-197 is the last coastal structure to be used under the EHWL, it will be the first one to close when the water levels in WCA-3A stay or

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		are projected to stay below 12.7 feet, NGVD, or when other upstream outlet structures have the capacities.
FWS-10	3.a.i.)"When the daily average stage in L-31N using the HW of S-332B, SA-332C and S-332D can be maintained below 4.2 feet" What happens between 4.2' (3.ii.1) and 4.4; (3.ii.2)?	Reduce S-334 discharges to maintain the low canal range of 4.2 feet, NGVD.
FWS-11	3.a.ii.)"When the average stage in L-31N at the HW of S-332B, S-332C and S-332D cannot be maintained below 4.4 feet" What happens between 4.2' (3.ii.1) and 4.4; (3.ii.2)?	Reduce S-334 discharges to maintain the low canal range of 4.2 feet, NGVD.
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION (FWC)		
FWC-1	The Florida Fish and Wildlife Conservation Commission (FWC) has fish and wildlife and land management responsibilities for Water Conservation Areas 2 and 3 (WCAs), which are managed as the Everglades and Francis S. Taylor Wildlife Management Area (EWMA). WCA-3A and WCA-3B are within the COP project area, contain significant ecological resources within the Florida Everglades system, and are characterized by a vast landscape of sawgrass marsh, freshwater slough, wet prairie, and upland tree island habitats. The management and maintenance of water at levels compatible with the natural ecology of the EWMA is essential for the maintenance and restoration of healthy wildlife populations, wildlife habitats, and recreational activities.	Concur.
-2	Water levels that exceed 11.60, measured as the mean of water gages 62 and 63, creates stress on Everglades wildlife and their habitats, including state and federally listed species within the EWMA. Deer and other terrestrial wildlife respond to high water levels by moving to elevated locations such as tree islands, spoil islands, and levees. When restricted to higher ground, preferred food sources are limited, and wildlife are restricted to less nutritious foods, which increases stress levels. Over time, fat reserves become exhausted and malnutrition and	addition of the EHWL to Alt Q reduces the stages and durations of high water events WCA3A.

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	death occur. During high water events, FWC studies have documented the loss of Everglades wildlife and long-lasting impacts to Everglades plant communities such as tree islands, particularly when the duration of highwater levels exceeds 60 days.	
FWC-3	FWC staff recommend that the USACE continue to develop every tool possible to alleviate emergency high-water conditions, provide relief for wildlife, and minimize recreational impacts. COP provides an opportunity to model the operations of an emergency high-water action line to trigger operations that may provide relief from the most extreme high water conditions. Including the EHWAL in each round of modeling, including Alternative Q Round 3, will provide the best way to analyze these alternatives and determine the best course of action for managing the most extreme high water conditions.	USACE has coordinated development of the EHWL with the COP PDT agencies, including consideration of public input. USACE concurs with the FWC recommendation to include the EHWL with the Round 3 modeling of Alternative Q.
FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (FDACS)		
FDACS-1	The opportunity to provide comments on the Round 3 Alternative Q and Sensitivity Runs is appreciated. However, the time allowed for submittal of comments just one week after the March 18 Project Delivery Team meeting is exceedingly short. Please consider these comments as placeholders for follow-up once a more detailed evaluation of results and what is being proposed can be completed. My placeholder comments by item are below.	Thank you for providing FDACS comments within the timeframe requested by the Corps, allowing the opportunity for Corps to review and consider these recommendations in advance of the Round 3 modeling.
FDACS-2	Alternative O and the FDACS alternative/sensitivity run recommendation. Alternative O is not a complete representation of the alternative and sensitivity run FDACS proposed. We recommend the FDACS alternative be added to the sensitivity runs that will occur after Round 3 modeling. It may be possible to include these operations without impacting the environmental benefits.	Alternative formulation for COP considered all agency and public input provided during development of Round 1, Round 2, and Round 3 alternatives. Round 2 Alternative O, which serves as the starting point for the Round 3 alternative refinements, includes lower seasonal operations at the S-332 pump stations consistent with the recommendations identified during the 2015-2016 SFWMD South Dade Investigation Study.

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		These operations balance the objectives of the C-111 South Dade project for Eastern ENP, Taylor Slough, ENP Panhandle, and Manatee Bay/Barnes Sound, while improving flood risk management compared to the COP-established 1994 GRR constraint and considering opportunities to enhance flood risk management. Rainfall event-based criteria remain included in the Round 3 alternative to allow low-volume discharges (200 cfs) at S-177 in advance of the normal gate opening stage levels, but lowering of the operational range for S-177 is not currently included in the COP Round 3 alternative; these assumptions are consistent with Round 2 Alternative O and the recommendations from the SFWMD South Dade Investigation. Modified operations for S-199 and S-200 may be pursued by SFWMD, since these structures are not currently included in the COP Project Operating Manual. Operations of S-197, as originally proposed by FDACS, have also been extensively discussed during the COP development, and the Round 3 alternative includes operations which best balance the goals, objectives, constraints, and planning considerations for the COP. Further investigation is ongoing with the COP Flood Risk sub-team to check whether the initial screening-level changes to estimated flood

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		damages compared to the No Action Alternative will require further modifications to the Round 3 Alternative assumptions during development of the COP Project Operating Manual. The Flood Risk sub-team will continue to refine the analysis of the Round 2 analysis in parallel with the Round 3 modeling, including: attempting to quantify the 2012 Water Control Plan for use with the economic model, performing a sensitivity evaluation of MD-RSM maximum stage (15-minute) versus maximum stage within 24-hours of events, and a sensitivity analysis of the damage curves applied during Round 2 screening-level evaluations.
FDACS-3	Operations at S-331 for 8.5 SMA Flood Mitigation. There are concerns about the operations proposed to use S-331 for 8.5 SMA flood mitigation. If the evaluation of Round 3 results indicates a degradation in South Dade performance, the operations should revert back to Alt O for the TSP.	Refer to response to FDACS-10.
FDACS-4	Raising S18-C one tenth of a foot before S-197 is open in comparison to Alt O. There is some concern about raising the 18C one tenth of a foot before S-197 is opened. If the evaluation of Round 3 results indicates a degradation in South Dade performance, the operations should revert back to Alt O for the TSP.	This operation was tested during the 2018 wet season and was determined to provide environmental benefits while maintaining South Dade performance. Round 3 modeling will be evaluated to determine the effects.
FDACS-5	Extreme High Water Action Line & Operating Criteria	The EHWL supplemental documentation provides more information on the restrictions and limitations of the EHWL. The goal of

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	Use of the S-334 to address WCA 3A high water is of concern. Even though there are a number of criteria to be met before this would happen, it still stops the use of S-356 and could bring additional water into the high seepage areas of South Miami Dade east of ENP during high water levels in SRS.	maximizing WCA-3A releases is to bring down water levels below the EHWL as soon as possible and in turn, return the priority back to S-356 for seepage control in the upper reach of L-31N.
FDACS-6	Increased Drying Risks for WCA-3A Round 3 should include operations to address increased drying risk in WCA-3A. At the March 18 COP PDT meeting, SFWMD offered that the water supply triggers will be revisited and revised to address this risk. The revisions being proposed should be made available for review.	Concur. A Water Supply briefing was provided at the 2 April PDT meeting by the SFWMD. The Water Supply Sub-team will meet Friday 12 April to receive input on the original proposal and to develop an additional proposal if determined necessary. This will not be included in the modeling for Alternative Q but will be addressed in a sensitivity run(s). Invitations to the PDT and Stakeholders will be forthcoming.
FDACS-7 – Additional Comments – Alt Q Spreadsheet	1) Rows labeled S-356 and EHWAL (rows 3 and 6) - S-333 should not have priority over S-356, especially during wet periods. S-334 should be used to bring water into L-31N during dry period not for WCA-3A high water releases during the wettest of times when SRS is full. If the authorized provisions of C-111 are followed, high water releases will not be included in COP.	The EHWL supplemental documentation provides more information on the restrictions and limitations of the EHWL that will be modeled in round 3. The goal of maximizing WCA-3A releases is to bring down water levels below the EHWL as soon as possible and in turn, return the priority back to S-356 for seepage control in the upper reach of L-31N. USACE Office of Counsel will provide a leagal opinion on the Corps authority to operate the S-331, S-334, and S-356.
FDACS-8	2) Row labeled S-333. – See 2 above.	Refer to response to FDACS-7.

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FDACS-9	3) Row labeled S-332C - The increase of 0.2 ft to the operating range boundaries is not appropriate. Giving S-332B priority over S-332C can and should work without raising the top operating level of S-332C.	Alt O modeling showed an increase environmental benefit to Taylor Slough when S-332BW had priority over S-332C. The operating criteria for S-332B/C/D will be handled by specifying a ramp up and ramp down sequence for S332B/C/D pumps based on water conditions and time of year with the overall priority sequence defined in the operating criteria structure table.
FDACS-10	4) Rows labeled S-331 / S-173 – If there are deficiencies in 8.5 SMA flood protection requiring the use of S-331 in COP, it should be acknowledge in COP and described as an interim operation until the 8.5 SMA system is fixed. It has been a concern throughout all the Increments that the acceptance of using S-331 for 8.5 SMA flood protection during the increments would become a unauthorized project purpose for this structure in COP. As written for Round 3/Alt Q, it will lead to sustained pumping of S-331 during high water events. As an interim operation, whenever S-331 is pumped for flood protection the downstream structures should be operated to make sure water is passed through C-111 and S-18C and also S-197 as necessary.	The operational criteria for S-197 has been modified to address this concern. S-197 will be able to pass up to 200cfs when S-331 is operating at lower ranges to assist in 8.5 SMA flood mitigation. Priority would be to use available capacity at S-332B/C/D, S-199, and S-200 prior to sending water out S-197.
FDACS-11	5) Row labeled S-197 – Why does raising the level at 18-C require raising it at S-197?	The likewise increase in S-197 operations reduces water sent directly to tide thru S-197 and increases spreader canal/overland flow to benefit Florida Bay. Close criteria for S-197 have also been added to the Alternative Q table.
FDACS-12	6) Row labeled S-177 – The operating range should be 3.2 to 3.8 if capacity at S-199 and S-200 is limited.	S-177 operating criteria for the COP Round 3 alternative remain unchanged from the 2012 Water Control Plan normal operating range of 3.6-4.2 feet NGVD. S-199 and S-200 operating criteria are evaluated consistent with the current

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		SFWMD operating permit issued by the FDEP. Alternative formulation for COP considered all agency and public input provided during development of Round 1, Round 2, and Round 3 alternatives. Rainfall event-based criteria remain included in the Round 3 alternative to allow low-volume discharges (200 cfs) at S-177 in advance of the normal gate opening stage levels, but lowering of the operational range for S-177 is not currently included in the COP Round 3 alternative; these assumptions are consistent with Round 2 Alternative O and the recommendations from the SFWMD South Dade Investigation. Modified operations for S-199 and S-200 may be pursued by SFWMD, since these structures are not currently included in the COP Project Operating Manual. Refer to response to FDACS-7 for additional information regarding ongoing technical analysis through the COP Flood Risk sub-team.
FDACS-13	7) Row labeled S-334 – This structure should be limited, as authorized, to supplemental water supply.	USACE Office of Counsel will provide a leagal opinion on the Corps authority to operate the S-331, S-334, and S-356.
FDACS-14	8) Taylor Slough and supplemental water supply – In increment 1, this was described as a transition flow as the system moved from the wet season to the dry season. A written description on what the COP TS supplemental flow is and the basis for it should be provided.	Additional description information has been added to the Alternative Q table to detail the limitations and purposes for the Taylor Slough Supplemental Deliveries. Up to 300 cfs delivered to S-332B/C/D to slow recession in eastern ENP along the west side of the northern detention

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		area and southern detention area and provide flow to Taylor Slough. SFWMD water supply authority would determine this amount while WCA3A is 0.5 ft above the floor.
PUBLIC COMMENT		
EVERGLADES FOUNDATION		
Foundation-1	1. The proposed new Round 3 Alternative Q (i.e., Alt Q) includes the Extreme High Water Action Line (EHWAL) in WCA-3A regulation schedule. The only operation proposed when the WCA-3A stage is above the EHWAL line is to use S-334 to route water to the South Dade Conveyance System and use S-332B, S-332C and S-332D structures and push water to detention areas west of the C-111 Canal. However, downstream constraints at these structures will likely limit the flow during the high water conditions, and ultimately will increase the risk of sending water to south S-197 structure. We ask that the Corps either drop the EHWAL from consideration or investigate other alternatives, such as use of WCA3B, or C-4, C-6 and C-1. Limiting the analysis to one alternative for EHWAL will not allow the public to determine the consequences of that action or to determine if better alternatives are available.	The EHWL supplemental documentation specifies restrictions and limitations prior to sending water to south Dade and using S-197. All available WCA-3A outlet structures are operated at the maximum available capacity (subject to constraints for seasonal closures, L-29 stage limits, and 8.5 SMA flood mitigation constraints) when WCA-3A stages exceed the top of Zone A, including maximum discharges to tide. These operations are used in advance of WCA-3A stages increasing above the EHWL. Other alternatives like holding more water in WCA-3B or WCA-2A are outside the scope of COP but could be pursued as Emergency Deviations.
Foundation-2	2. We would like to know more specific information about how the Everglades Rainfall Driven operations informed by iModel that was used in Alternative O and proposed in Alternative 3, are translated into operational rules to determine surface water deliveries to Everglades National Park. This cannot be over-emphasized. Transparency on how water deliveries to Everglades National Park are calculated is of primary importance, as modifications to ENP flows are the main purpose of the Modified Water Deliveries Project and the nearly $500 million in expenditures.	The Corps is coordinating with the SFWMD and ENP to schedule a technical meeting to discuss further details of the Tamiami Trail Flow Formula with the Foundation. The Corps also offered at the PDT meeting on 02 April 2018 to host an additional technical meeting on the Tamiami Trail Flow Formula for interested agencies on the COP PDT.

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Foundation-3	3. It may be possible to maximize benefits to the Everglades National park by raising the operating range at C-111 Canal. At the Foundation, we developed a Glade-LECSA model run using the 1994 GRR operating ranges of some of the key structures of L-31N and C-111 Canals. These modifications were carried out in the run (i.e., OPTF1) we provided to USACE during the Round 2 Alternatives. We found that the water levels in areas east of C-111 Canal were uniformly lower higher relative to the earlier run (Figure 1). This preliminary analysis indicates that there may be potential improvement in benefits to the ENP with raising the operating range in C-111 Canal. We suggest USACE to explore these modifications in the Round 3.	Alternative formulation for COP considered all agency and public input provided during development of Round 1, Round 2, and Round 3 alternatives. Based on the environmental effects observed with Alternative O, including consideration of the higher SDCS canal levels included in Alternative N2, no significant changes to the SDCS canal levels are included for Alternative Q. Based on the preliminary flood risk evaluations conducted during Round 2, further investigation is ongoing with the COP Flood Risk sub-team to check whether the initial screening-level changes to estimated flood damages compared to the No Action Alternative will require further modifications to the Round 3 Alternative assumptions during development of the COP Project Operating Manual. Refer to response to comment FDACS-2 for additional discussion.

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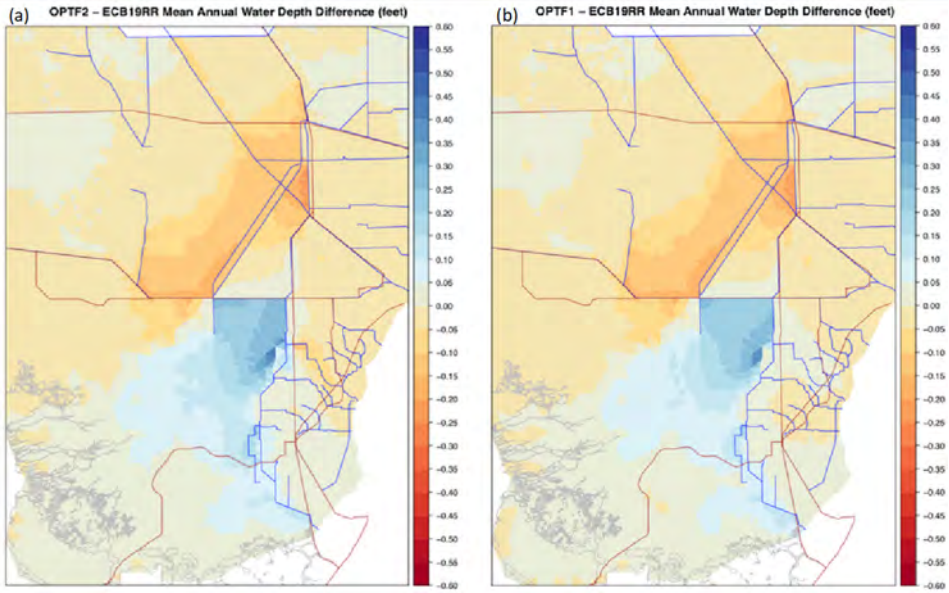
Foundation-4	 Figure 1: Mean annual water depth difference map relative to the Existing Conditions (ECB19RR). OPTF1 represents the COP run developed at the Everglades Foundation and provided to the USACE during the round 2 alternatives. OPTF2 represents the run that used 1994 GRR operating range of some of the key structures (S-331, S-176, and S-177) of C-111 Canal.	Team
Audubon Florida; Bonefish & Tarpon Trust; Captains for Clean Water; Everglades Law Center; Everglades Foundation; NPCA		
NGO-1	We would like to reiterate our appreciation of the PDT for continuing to push for improved environmental performance and deliver alternatives that maximize ecological benefits for Florida Bay and Everglades National Park (ENP) that honor the taxpayer investment in ecosystem restoration infrastructure.	Thank you for your comment.
NGO-2	We were encouraged by the results from Round 2 modeling and we agree with the PDT's assessment that Alternative O is the best performer from an ecological perspective. It was reassuring to hear that the PDT is	Thank you for your comment. The EHWL supplemental documentation provides more

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	confident that Alternative O provides sufficient flood mitigation to match (or exceed) the 1983 and 1994 base conditions, as required for the COP process. We were equally pleased to see that the PDT incorporated some of the changes proposed by scientists at the Everglades Foundation into the draft Alternative Q that is currently under evaluation. Although Alternative Q appears to be on the right path in most respects, the addition of an Extreme High Water Action Line (EHWAL) merits further evaluation.	information on the restrictions and limitations of the EHWL that will be modeled in round 3.
NGO-3	Particularly problematic in the Alternative Q EHWAL is that only one operational strategy to lower Water Conservation Area 3A (WCA3A) is proposed: routing excess flows into the South Dade Conveyance System via S-334. We find this concerning for the following reasons: (1) it makes permanent an operational policy that was proposed as a stop-gap measure until more capacity existed into NE Shark River Slough. That capacity now exists, but instead of the strategy being retired, it is codified into permanent operations. (2) the operational strategy of moving flood water into South Dade has been long opposed by most of the stakeholders in the region, and a source of controversy and contention since it was first proposed as mitigation for the S-12 seasonal closures. Proposing this as the only option for high water in WCA3A will ignite unnecessary controversy by suggesting that objectionable and undesirable operations will become permanent, despite the expenditure of large sums of public funds and nearly universal agreement the practice should be discontinued. (3) proposing a single emergency high water action without investigating alternatives is not consistent with the objectives of this analysis, which should be to illuminate the consequences of a range of possible actions to help identify the actions that the public can support. If the only alternative is one that has met with long-standing public opposition, it does not offer	The EHWL supplemental documentation specifies restrictions and limitations prior to sending water to south Dade and using S-197. All available WCA-3A outlet structures are operated at the maximum available capacity (subject to constraints for seasonal closures, L-29 stage limits, and 8.5 SMA flood mitigation constraints) when WCA-3A stages exceed the top of Zone A, including maximum discharges to tide. These operations are used in advance of WCA-3A stages increasing above the EHWL. Other alternatives like holding more water in WCA3B or WCA2A are outside the scope of COP but could be pursued as Emergency Deviations. The increased inflows to WCA-3A from future implementation of the Central Everglades Planning Project were previously developed and evaluated to ensure no significant change to the peak stage, frequency, and durations of high water conditions within WCA-3A.

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	the public any way to constructively and affirmatively express support for the selected alternative. (4) because the COP assumption is that no additional flow enters WCA3A, and because the Corps and South Florida Water Management District are currently making real-time operational decisions to increases flows from Lake Okeechobee southward into WCA3A, any EHWAL evaluation in COP will necessarily underestimate the true consequences. Thus, including emergency actions likely exceed what is possible to evaluate accurately in COP.	
NGO-4	The environmental community understands the need to have flexibility to manage water during emergency situations, and we appreciate the PDT's efforts to find a way to better predict and plan for high water emergencies under COP, in that way increasing transparency about how emergencies will be addressed. However, the objective of restoration generally, and COP specifically, is to send as much water into NE Shark River Slough as possible even during high water events. We would recommend that either the Corps analyze a suite of emergency alternatives, including those that avoid decreasing the ecological benefits ENP and Florida Bay so desperately need or the Corps drop emergency actions from the analysis.	Thank you for your comment. The EHWL supplemental documentation provides more information on the restrictions and limitations of the EHWL that will be modeled in round 3. Refer to response to comment NGO-3.
NGO-5	Dry period freshwater flow continues to be the highest priority, given that conditions in Florida Bay continue to demonstrate that rainfall alone cannot support this ecological gem. To that end, we would like to request that the PDT perform an additional sensitivity run without the L-29 FDOT constraint at 8.5 ft. The idea behind this sensitivity run is not to ignore the constraint, but to allow the results to inform the PDT what types of benefits COP could deliver down the line once other projects come online, such as further Tamiami Trail modifications and increased flood mitigation currently not authorized under COP. We respectfully ask that the PDT conduct this additional sensitivity run to demonstrate what is possible to achieve for Everglades National Park and Florida Bay.	The COP is constrained to a maximum operating limit of 8.5 feet NGVD for the L-29 Canal. Within this constraint, the COP will be conducting a sensitivity run during Round 3 that removes the FDOT duration constraint while maintaining the maximum operating limit of 8.5 feet NGVD for the L-29 stage.

LETTER	AGENCY/PUBLIC COMMENT	USACE RESPONSE
NGO-6	The PDT continues taking steps in the right direction in developing the final round of alternatives for the COP. Hundreds of millions of taxpayer dollars have been invested in the Modified Water Deliveries, Tamiami Trail Next Steps, and C-111 South Dade and Spreader Canal Western projects to provide direct benefits to ENP and Florida Bay, and the commitment to use those funds to achieve significant direct benefits to these American treasures must be honored. We look forward to the refined set of operations that reflect the input provided by the undersigned organizations.	Thank you for your comment and support of this project. The final Alternative Q has been provided to the PDT and Stakeholders.
NGO-7	Define "damaging" in Objective #4 "Minimize the damaging freshwater flows to Manatee Bay/Barnes Sound through the S197 structure and increase flows through Taylor Slough and coastal creeks (1994 C-111 GRR, Section 5.2)"	A white paper defining damaging is being drafted by the SFWMD and ENP and will be provided to the PDT as soon as it is available.

June 12, 2019

Donna S. George, P.E.
Senior Project Manager
Ecosystem Projects Section, Ecosystem Branch
Programs & Project Management Division (PPMD)
U.S. Army Corps of Engineers, Jacksonville District
Email: donna.s.george@usace.army.mil

Re: Combined Operational Plan (COP) Alternative to Maximize Ecological Benefits

Dear Ms. George and Project Delivery Team Members:

Our community has been closely involved in Combined Operations Plan (COP) planning since scoping was initiated in October 2017, and before that, spent decades working to support the planning and construction of restoration infrastructure to restore Everglades National Park (ENP) and Florida Bay. Through a series of public workshops, meetings with agency staff, verbal and written comments we have provided feedback on COP alternatives with the goal of delivering more clean water to ENP and Florida Bay – **especially during the dry season and drought, when it is most desperately needed.**

At our urging, the U.S. Army Corps of Engineers – along with partner agencies like the South Florida Water Management District, Florida Department of Environmental Protection, National Park Service, and others – hosted two public workshops in accessible locations where Florida Bay stakeholders could contribute to the planning dialogue. These meetings were in Homestead (Aug. 2018) and Islamorada (Dec. 2018). Dozens of members of the public, including elected leaders representing impacted communities, urged the agencies to prioritize freshwater flow to Florida Bay in the dry season as an essential need for the health, economy, and quality of life of residents especially in Monroe County, and for the health of ENP and Florida Bay.

Earlier this year, we wrote with our support for Alternative O, which focused on maximizing freshwater flows to the Everglades year-round. Our organizations saw that this operational alternative could send significant, beneficial new flow to Florida Bay in both the location and season when it is needed most, including during droughts. Our letter dated March 25, 2019 expresses our support for many aspects of the proposed alternative – with a few suggested improvements – and our support for the agencies continuing to seek the alternative that maximizes ecosystem benefits.

Since then, the latest alternative has been released; Alternative Q is on track to be finalized and become the preferred alternative later this summer. Unfortunately, Alternative Q shows significantly reduced environmental benefits for Florida Bay during times of low water availability over the previous alternative.

We are concerned that Alternative Q does not perform well for Florida Bay during drought conditions, jeopardizing the health of the Bay and the investment made in restoration infrastructure that has led us to this operations plan. Our organizations expressed these concerns during public comment on the webinar PDT meeting on June 7, 2019. We feel this is a step backward in achieving the optimal COP, especially when Alternative O demonstrated that providing better freshwater flows to Florida Bay and ENP for the entirety of the dry season and during droughts is achievable.

Florida Bay experienced widespread seagrass die-offs in 2015 and 2016 following an extended drought. Those detrimental impacts were felt deeply within the Bay ecosystem and stakeholders in the Florida Keys. The final COP must ensure that ENP and Florida Bay are better safeguarded against drought impacts. At this time, Alternative Q fails to do so; and instead, it guarantees that another seagrass die-off will affect Florida Bay should drought conditions ensue.

The final COP must ensure that – if and when another drought occurs – Florida Bay will be more resilient because of these restoration projects. American taxpayers have spent nearly $1 billion constructing restoration infrastructure to protect and restore our national park. Preventing another ecological catastrophe in Florida Bay must be the top consideration for the COP final alternative, to show stakeholders and decision-makers how the investment we are making in America's Everglades is paying off.

We know that every agency on this team has the strong desire to improve the health of ENP and Florida Bay, and appreciate the tremendous effort that has led the COP to this point. During the PDT on June 7, 2019, several team members discussed ongoing opportunities to further refine Alternative Q and work to recover some of the ecosystem benefits that were seen in previous iterations. We would like to strongly encourage the agencies to work to ensure that the final alternative shows improved drought conditions for Florida Bay, and to do so before the PDT meeting scheduled for June 21, 2019.

We look forward to continued dialogue with the PDT to ensure the strongest COP alternative is brought to fruition so we can deliver on the benefits authorized by Congress and funded by the people to improve the health of the Everglades and Florida Bay.

Sincerely.

Celeste De Palma
Director of Everglades Policy
Audubon Florida

Thomas Van Lent, Ph.D.
Vice President for Programs
Everglades Foundation

Cara Capp
Everglades Restoration Program Manager
National Parks Conservation Association

June 12, 2019

Donna George
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Jacksonville District
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RE: Technical comments on Alternative Q performance

Dear Ms. George,

On behalf of the Everglades Foundation, we submit the following comments on the proposed Round 3 Alternative Q for the Combined Operation Plan. These comments are more technical in nature and focused on the drought performance of ALTQ on Everglades National Park (ENP) and drawdown in Water Conservation Area 3A (WCA3A).

Earlier this year, COP Project Delivery Team (PDT) released two alternatives during the Round 2 modeling: ALTO and ALTN2. Both alternatives used iModel optimized flow targets to deliver the water from WCA-3A to ENP. ALTO was broadly accepted by stakeholders because it was focused on sending more water to ENP during dry seasons and the droughts. PDT also assessed that the ALTO was the best performer from an ecological perspective. Recently, the latest alternative, ALTQ was released, which was primarily derived from ALTO.

We evaluated the ALTQ performance and found that it reduced the drought flows to ENP through S-12C, S-12D and S-333 structures across Tamiami Trail relative to the ALTO (Figure 1). For example, the ALTQ decreased average annual flow by 54,000 acre-feet during the 5 worst dry years through S-333 structure. The effect of this reduction on water depths is particularly visible in ENP and in the mangrove ecotone during droughts (Figure 2).

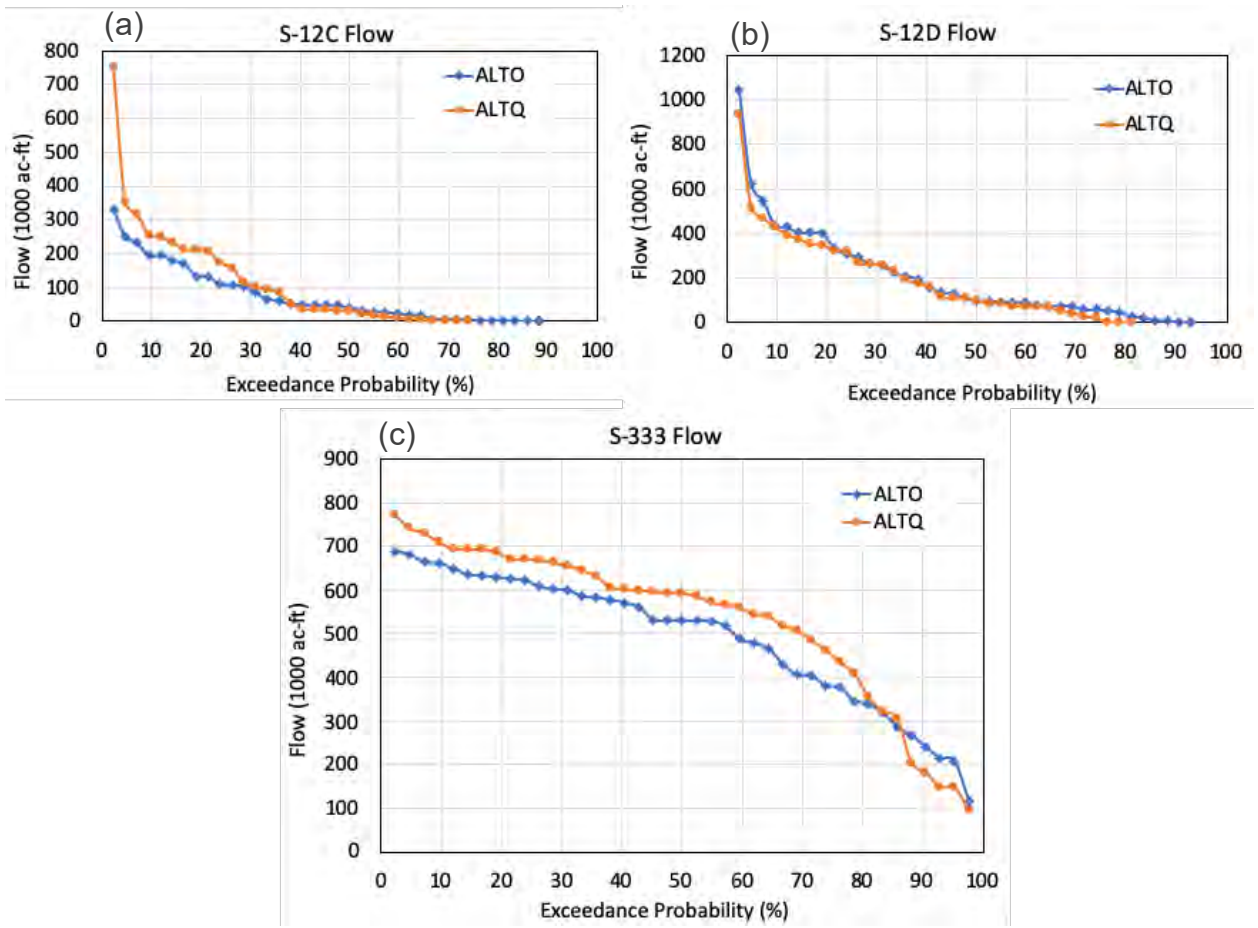

Figure 1. Average annual flow duration curves through S-12C, S-12D and S-333 structures.

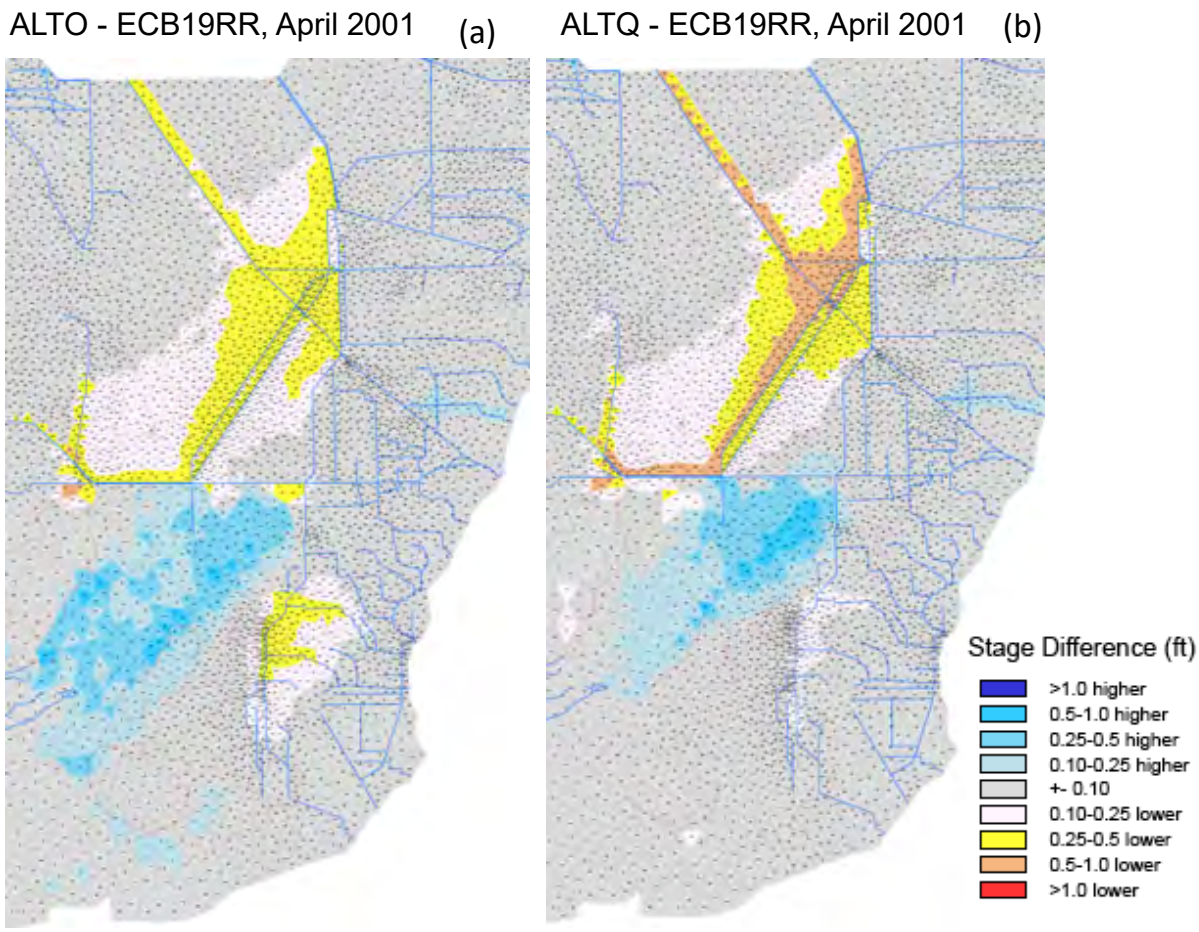

Figure 2: Stage difference map in April of one of the dry years: (a) between ALTO and ECB19RR and (b) between ALTQ and ECB19RR

The key problem of the ALTQ is the selection of a linear regression model for the Tamiami Trail Flow Formula (TTFF). We understand this was a somewhat arbitrary choice, and a linear regression was chosen for its relative simplicity and common usage. The TTFF was fitted to ALTO predicted weekly flows using six predictors that include stages, flows, rain, PET and Zone A levels.

One well-known problem with a regression model is that, while getting the average conditions reasonably close, it does not perform as well during the wettest and driest periods. The high flows during the wet periods were addressed by employing the Zone A level as a predictor; however, nothing was done to address the underprediction during droughts. The TTFF was not able to capture the flows above 1-in-5 year drought (Figure 1c). To be clear: the low flow problem is a direct consequence of the choice of a linear regression model. It is therefore imperative that the model be modified to result in the desired dry year performance.

Additionally, we have observed several problems with the model itself. First, most of the terms are very strongly correlated, causing a "multi-collinearity" effect. One consequence of this is to

introduce something like a feedback effect, which dampens flows during droughts. We found that by simply reducing the number of terms, the model performance better during dry periods. We understand that it may not be possible to have completely independent variables in real conditions. However, we believe that it can be minimized by selecting appropriate predictors. Here, all these complicated factors involved in underpredicting the flows during the droughts as shown Figure 1c. The large number of terms, including terms like the Zone A, add little to the predictive power and can cause untended consequences.

Additionally, lack of a constant term could lead to anomalous and unintended behaviors outside the range of data used to fit the models. Experts generally urged caution in forcing regressions through the origin and recommended not to do it[1]. If you force the function to pass through the origin and the true shape of the function is non-linear near the origin (which is far outside of normal values of most of the terms), it may lead to unintended behaviors. The non-linear relations may occur near the origin, and it is important to examine the lack of fit near zero before regression passes through the origin[2]Consider this example for this specific application. Flows across Tamiami Trail are strongly related to WCA3A water levels. There is some level above which the operational strategy would be to "push" water out of WCA3A, so the sign of the term would be positive. On the other hand, below that level, the goal would be "hold" water in WCA3A, and a negative sign would be needed. One could do that with ENP demand, rainfall, etc. While it would be desirable to make that level a function of month, a constant would be the simplest implementation. By omitting this, the model is forced to behave in counter-productive and even counter-intuitive ways. For example, by including a linear term, the Potential Evapotranspiration (PET) term changes sign, indicating the behavior of this term in the model changes for one that allows adds to flow to one where its influence depends on PET is high or low.

We suggest few solutions to refine the TTFF so that it addresses the issues of underprediction during the droughts.

1) A quick but not robust solution could be using a modifying factor as used in the QP33_Sens run presented in the PDT meeting on June 7, 2019.
2) Reducing the number of terms in the TTFF,
3) Implementing a piecewise formula, thereby having three parts to the TTFF, high water, low water, and "normal" conditions.

Another drought issue is the lowering the WCA3A floor to 7 feet (in ALTQ) from 7.5 feet (in ALTO). The water supply analysis performed by the PDT looked only at the benefits to the South Dade Conveyance System (SDCS), but did not look at the impacts to the source area,

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[1] See for example, Cade, B.S. & Terrell, J.W. (1997) Comment: cautions on forcing regression equations through the origin. North American Journal of Fisheries Management, 17, 225–227. Eisenhauer, J.G. (2003) Regression through the origin. Teaching Statistics 25, 76–80. Kozak, A. & Kozak, R.A. (1995) Notes on regression through the origin. The Forestry chronicle, 71, 326–330.

[2] Hahn, G. J. Fitting regression models with no intercept term. Journal of Quality Technology 9:56-61.

WCA3A. First, the most likely cause of the lower water levels in the SDCS was the general lowering of water levels well below the 1994 GRR levels. The lowering of the floor in WCA3A brought in water to address that problem. If the effects in WCA3A are not *de minimis*, the Corps should (a) look at the cause of the problem: SDCS stages, and/or (b) implement SDCS restrictions at the 7.5 ft level.

We would also like re-iterate our previous comments on Extreme High Water Action Line (EHWAL) and our opposition to its implementation. Particularly problematic in the Alternative Q EHWAL is that only one operational strategy to lower Water Conservation Area 3A (WCA3A) is proposed: routing excess flows into the South Dade Conveyance System via S-334. We find this concerning for the following reasons:

(1) it makes permanent an operational policy that was proposed as a stop-gap measure until more capacity existed into NE Shark River Slough. That capacity now exists, but instead of the strategy being retired, it is codified into permanent operations.

(2) the operational strategy of moving flood water into South Dade has been long opposed by most of the stakeholders in the region, and a source of controversy and contention since it was first proposed as mitigation for the S-12 seasonal closures. Proposing this as the only option for high water in WCA3A will ignite unnecessary controversy by suggesting that objectionable and undesirable operations will become permanent, despite the expenditure of large sums of public funds and nearly universal agreement the practice should be discontinued.

(3) proposing a single emergency high water action without investigating alternatives is not consistent with the objectives this analysis, which should be to illuminate the consequences of a range of possible actions to help identify the actions that the public can support. If the only alternative is one that has met with long-standing public opposition, it does not offer the public any way to constructively and affirmatively express support for the selected alternative.

(4) because the COP assumption is that no additional flow enters WCA3A, and because the Corps and South Florida Water Management District are currently making real-time operational decisions to increases flows from Lake Okeechobee southward into WCA3A, any EHWAL evaluation in COP will necessarily underestimate the true consequences. Thus, including emergency actions likely exceed what is possible to evaluate accurately in COP.

Sincerely,

/signature by email

Thomas Van Lent
The Everglades Foundation

Date: June 12, 2019

To: Donna S. George P.E.
Senior Project Manager
Ecosystem Projects Section,
Ecosystem Branch Programs & Project Management Division (PPMD)
US Army Corps of Engineers Jacksonville District

From: Rebecca Elliott
Environmental Manager
Office of Agricultural Water Policy (OAWP)
Florida Department of Agriculture and Consumer Services (FDACS)

RE: Combined Operational Plan (COP)
Project Delivery Team (PDT) Alternative Q and Round 3 Sensitivity Runs Comments

FDACS supports the Combined Operational Plan (COP) effort to provide a Water Control Plan (WCP) that will complete the Modified Water Deliveries Project (WMD) and combine operations with the completion of the C-111 South Dade Project (C-111 SD) and the CERP C-111 Spreader Canal Project (C-111 SC). The goal of releasing water into the east side of Shark River Slough is largely met through the COP and the COP also utilizes the C-111 buffer system to convey more water towards the headwaters of Taylor Slough. Both ENP and the agricultural areas adjacent to ENP benefit from operations to move water away from the private lands where it is not needed and into the restoration project areas.

The following comments are provided, as requested, to assist in the selection of a COP Preferred Project Alternative (PPA) based on the evaluation of modeling results obtained during Round 3 for Alternative Q and a series of sensitivity runs. Our comments focus on aspects of the modeled operations which impact private agricultural lands and agricultural operations. Please do not hesitate to contact us if you would like additional discussion or information.

Operational Details

The currently available operations table for Alternative Q does not provide sufficient detail or clarity to determine how the modeling results are supported by operational protocols that will be needed to achieve the modeled performance. A separate exchange of questions and information with Lan Do, who is working on the Corps operation table, was offered during the June 7, 2019 PDT web meeting. From our perspective, this separate exchange without explanations and

discussion available to the full PDT is inadequate to address the concern that there is not a clear, consistent understanding among the PDT members about the operations being proposed in

Round 3. We understand the timeline for completion of this phase of COP development is very compressed but without additional information it is difficult to fully understand the operations modeled in Round 3 and provide input for modifications to support a recommended alternative.

Flood Risk to Private Lands

While increasing environmental benefits, the COP must maintain flood protection for private lands adjacent to ENP and within the vicinity of the C-111 Projects. Overall, the modeling results obtained for Alternative Q are encouraging regarding maintaining existing flood protection throughout most of the COP area. However, there are a few areas and operations where the models indicate that concerns remain.

Increased flood risk has been consistently indicated by model results for private agricultural lands east of the L-31N. It is not clear whether this reach of the L-31N lacks the capacity to accommodate the much higher stages in Northeast Shark River Slough, or there are operational adjustments that can be made to resolve the issue. Modifications to operational protocol are needed to address increased flood risk and increased flood damages in the L31N area.

Operational stages protective of private agricultural land south of S-331 do not require a reduction in environmental benefits. The Increment 1 Field Test, the 2016 Temporary Emergency Operations and Deviations, and the 2017 Planned and Emergency Deviations demonstrate that along the L-31N Canal reach, operation of the C-111 SD Detention Area System has been able to maintain the hydraulic ridge and hold stages higher in eastern ENP while simultaneously maintaining lower L-31N levels to protect farmland. Given this success, lower canal levels adjacent to agricultural lands could be used to avoid increasing the risk of root zone flooding.

S- 334 and S-356

Alternate Q does not include the routine diversion of water from Water Conservation Area 3A (WCA-3A) through S-334 to the C-111 Basin in keeping with the goal of not using Column 2 type operations in COP. This is a positive outcome for COP operational protocols. However, we are not supportive of the proposed COP WCA-3A High Water Action Line since it ceases operation of the S-356 for seepage return in order to bring water through S-334 during what will clearly be high water conditions for the areas east of ENP as well. While the use of the WCA-3A High Water Action Line operations is minimal in the model, there is a risk to downstream areas. Since regulatory releases from WCA-3A through S-334 and into the C-111 Canal basin were never anticipated, or authorized, in any of the project authorizations for these facilities, this operation should not be included in the COP. High water releases from the Central Everglades should remain in the Central Everglades and not be diverted into other areas.

Distribution of water during wet periods should concentrate on maximizing deliveries of water to Northeast Shark River Slough (NESRS). Data collected during the previous emergency

operations deviation indicates pumping at S-356 does not increase the stage in the L-29 Canal when the canal is above 8.2 feet. This means that with an L-29 constraint of 8.5 and above, the use of S-356 will not necessarily reduce the flow from WCA-3A into NESRS and adding the flow from S-356 may provide a significant benefit to the Park.

S-331

The COP should not institutionalize the use S-331 to convey flood waters from the 8.5 Square Mile Area (8.5 SMA) into the C-111 Basin during periods when the stage in NESRS is too high for the current 8.5 SMA flood mitigation project to provide an adequate level of service for the area. If additional work is needed to meet 8.5 SMA performance standards, use of the S- 331 for 8.5 SMA flood relief should be identified by COP as an interim operation so the use of S-331 during high water periods to alleviate flooding in the 8.5 SMA is not incorporated into COP as a routine operational protocol.

Agricultural lands in Miami-Dade County rely on the appropriate operation of the SDCS, the C-111 SD Project and the C-111 SC Project for flood protection and water supply. The COP should maintain storm event flood protection capacity for private lands in local basins adjacent to Everglades National Park (ENP) and maintain the level of service for consumptive water uses.

Thank you for the opportunity to provide comments on Alternative Q modeling results. We look forward to continued progress in the development of COP and working with our state and federal partners to improve system-wide capabilities and restoration success. If you have any questions regarding FDACS' comments, please contact Rebecca Elliott at (561) 682-6040.

Nasuti, Melissa A CIV USARMY CESAJ (USA)

From: Erskine, James <James.Erskine@MyFWC.com>
Sent: Thursday, June 13, 2019 5:15 PM
To: Hall, Brooke A CIV USARMY CESAJ (USA); George, Donna S CIV USARMY CESAJ (US); Do, Lan V CIV USARMY CESAJ (USA)
Cc: Garcia, Vicki
Subject: [Non-DoD Source] COP Round 3 PDT member comments

Brooke,
Please accept the following comments on COP Round 3 modeling results and operations from FWC participants on the PDT and sub-teams.

- FWC biologists value the opportunity to provide biological, ecological, and habitat assessment information to USACE managers for consideration in water management decisions. The regularly scheduled Periodic Scientist Calls (PSC's) for WCA-3A are an appropriate means to convey this information in a timely manner and USACE should consider continuing the process of PSC's under COP.

- Hydroperiod reductions in north-eastern WCA-3A, in the Everglades and Francis Taylor Wildlife Management Area (EWMA), near the Alley North wading bird colony are a concern in all model alternatives. The Alley North wading bird colony is a highly significant and diverse wading bird colony in the EWMA. Additionally, other colonies, foraging areas, or habitat features may be important in other years and benefit from additional water during dry periods. Consider including additional language or adaptive management guidance to facilitate and support opportunities for water managers to actively address localized low-water challenges and better manage conditions to support the ecological goals of WCA-3A and the EWMA.

- Consider incorporating the EHWL into the TSP and develop additional language applicable under condition 3, either in the TSP or in the adaptive management guidance, to ensure that all possible opportunities to manage water levels compatible with the biology, ecology, and wildlife habitats of WCA-3A and the EWMA are available during high-water conditions that threaten wildlife and wildlife habitats.

- FWC biologists support relaxing the use of the S-344 structure, if amenable by USFWS, as an outlet from WCA-3A to Big Cypress National Preserve.

FWC team members and subject matter experts appreciate the opportunity to provide comments through the PDT process. We will continue to work cooperatively with USACE and the PDT members through the development and implementation of COP.

Respectfully,

James

James M. Erskine
Everglades Coordinator
Florida Fish and Wildlife Conservation Commission

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To report any wildlife issues or violations, please call our Wildlife Alert Hotline: ***888-404-3922***

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Table D.1-3. COP Alternative Q Comment Response Matrix. The following matrix has been prepared to address comments on the COP Alternative Q submitted by members of the PDT during the plan formulation process.

LETTER	AGENCY/PUBLIC COMMENT	USACE RESPONSE
AGENCY COMMENT		
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION (FWC): June 13, 2019		
FWC-1	FWC biologists value the opportunity to provide biological, ecological, and habitat assessment information to USACE managers for consideration in water management decisions. The regularly scheduled Periodic Scientist Calls (PSC's) for WCA-3A are an appropriate means to convey this information in a timely manner and USACE should consider continuing the process of PSC's under COP. Hydroperiod reductions in north-eastern WCA-3A, in the Everglades and Francis Taylor Wildlife Management Area (EWMA), near the Alley North wading bird colony are a concern in all model alternatives. The Alley North wading bird colony is a highly significant and diverse wading bird colony in the EWMA. Additionally, other colonies, foraging areas, or habitat features may be important in other years and benefit from additional water during dry periods. Consider including additional language or adaptive management guidance to facilitate and support opportunities for water managers to actively address localized low-water challenges and better manage conditions to support the ecological goals of WCA-3A and the EWMA.	Concur. Hydroperiod reductions near the Alley North wading bird colony is identified as an uncertainty and a potential concern. An Adaptive Management (AM) strategy is under consideration. Specifically, a temporary plug is anticipated to be placed some 3.5 miles downstream of the S-150 in the L-31W canal in NE WCA-3A in Nov. 2019 to facilitate an assessment of operational flexibility in this localized habitat. Surface and GW flow and stage dynamics will be measured at the Alley North Colony to parameterize a localized hydrologic model that will provide the potential AM strategies such as, S-7 movement of water to S-150 and the need for additional plugs in the L-31W, to mitigate for excessive dry downs during droughts. Also, the current WCA-3A PSC as required by the 2016 ERTP B.O. will continue to provide a forum for discussion of operational flexibility to address localized low-water challenges. The adaptive management and monitoring plan will contain the monitoring and associated costs required under the USFWS Biological Opinion and other agency permits that

LETTER	AGENCY/PUBLIC COMMENT	USACE RESPONSE
		are needed to protect and conserve natural resources.
FWC-2	Consider incorporating the EHWL into the TSP and develop additional language applicable under condition 3, either in the TSP or in the adaptive management guidance, to ensure that all possible opportunities to manage water levels compatible with the biology, ecology, and wildlife habitats of WCA-3A and the EWMA are available during high-water conditions that threaten wildlife and wildlife habitats. FWC team members and subject matter experts appreciate the opportunity to provide comments through the PDT process. We will continue to work cooperatively with USACE and the PDT members through the development and implementation of COP.	Concur. The EHWL supplemental documentation, previously provided to the PDT along with the Alternative Q operational criteria, specifies restrictions and limitations prior to sending water to south Dade and using S-197. First, all available WCA-3A outlet structures are operated at the maximum available capacity (subject to constraints for seasonal closures, L-29 stage limits, and 8.5 SMA flood mitigation constraints) when WCA-3A stages exceed the top of Zone A, including maximum discharges to tide. These operations are used in advance of WCA-3A stages increasing above the EHWL. Other alternatives like holding more water in the WCA-3B or WCA-2A are outside the scope of COP but could be pursued as Emergency Deviations. The Corps cannot list the other structural emergency measures or actions that SFWMD employed in the last 3 high water events such as installing temporary pumps along L-28 north of S-343A (WCA-3A), at S-355B (WCA-3B), S-336 (L-29), S-338 (C-1W), L-39 (WCA-2 to WCA-1), and S-176 (L-31N). Each of these were SFWMD actions and may be listed in Adaptive

LETTER	AGENCY/PUBLIC COMMENT	USACE RESPONSE
		Management Section as potential actions. The work in the Adaptive Management teams will provide a clear opportunity to develop additional language for condition 3.
FWC-3	FWC biologists support relaxing the use of the S-344 structure, if amenable by USFWS, as an outlet from WCA-3A to Big Cypress National Preserve.	Concur with your comment. At this time, USACE has coordinated with USFWS and is proposing to relax seasonal constraints at S-344 (Alternative Q seasonal closure dates 01 October through 14 July) under the COP preliminary preferred plan. S-344 would be operated when WCA-3A is above the Zone A regulation schedule.
FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (FDACS): JUNE 12, 019		
FDACS-1	The currently available operations table for Alternative Q does not provide sufficient detail or clarity to determine how the modeling results are supported by operational protocols that will be needed to achieve the modeled performance. A separate exchange of questions and information with Lan Do, who is working on the Corps operation table, was offered during the June 7, 2019 PDT web meeting. From our perspective, this separate exchange without explanations and discussion available to the full PDT is inadequate to address the concern that there is not a clear, consistent understanding among the PDT members about the operations being proposed in Round 3. We understand the timeline for completion of this phase of COP development is very compressed but without additional information it is difficult to fully understand the operations modeled in Round 3 and provide input for modifications to support a recommended alternative.	USACE water managers are currently working on a draft operational table that will translate the modeling assumptions into the COP Preliminary Preferred Alternative. The operational criteria will then be used to support development of the more comprehensive narrative in the Project Operating Manual, or POM (e.g. Water Control Plan). Development of the operational table and associated POM will be conducted with additional technical input from the COP modeling sub-team team and the COP water management sub-team, prior to presenting it to the PDT. The draft operational table supporting the POM to be distributed to the water management sub-team is July 2019. This will be followed by a series of water manager sub-team meetings during July and August to develop the POM.

LETTER	AGENCY/PUBLIC COMMENT	USACE RESPONSE
FDACS-2	Flood Risk to Private Lands While increasing environmental benefits, the COP must maintain flood protection for private lands adjacent to ENP and within the vicinity of the C-111 Projects. Overall, the modeling results obtained for Alternative Q are encouraging regarding maintaining existing flood protection throughout most of the COP area. However, there are a few areas and operations where the models indicate that concerns remain. Increased flood risk has been consistently indicated by model results for private agricultural lands east of the L-31N. It is not clear whether this reach of the L-31N lacks the capacity to accommodate the much higher stages in Northeast Shark River Slough, or there are operational adjustments that can be made to resolve the issue. Modifications to operational protocol are needed to address increased flood risk and increased flood damages in the L31N area. Operational stages protective of private agricultural land south of S-331 do not require a reduction in environmental benefits. The Increment 1 Field Test, the 2016 Temporary Emergency Operations and Deviations, and the 2017 Planned and Emergency Deviations demonstrate that along the L-31N Canal reach, operation of the C-111 SD Detention Area System has been able to maintain the hydraulic ridge and hold stages higher in eastern ENP while simultaneously maintaining lower L-31N levels to protect farmland. Given this success, lower canal levels adjacent to agricultural lands could be used to avoid increasing the risk of root zone flooding.	Consistent with the established COP project constraints, the COP must maintain flood protection as established under conditions described in the C-111 General Reevaluation Report (1994 GRR). The COP H&H and Economic modeling results indicate substantial increased flood protection for the entire system under ALT Q operations when using this baseline. When comparing ALT Q to the Existing Condition Baseline (ECB19) approximately 70% of the reaches modeled are showing increased flood protection as well. With the preliminary preferred alternative COP has determined the appropriate canal operational ranges to achieve the objectives. The COP alternative formulation has considered operational modifications which enhance flood protection, while achieving the COP project objectives and adhering to the established project constraints. With the Preliminary Preferred Alternative , operational ranges for the L-31N and C-111 Canals between S-331 and S-177, as compared to the ECB19 (Increment 1.2 field test levels), are lowered during the planting season (August through December) and not significantly changed within the CSSS nesting period (February through July). Notably, the normal target operational ranges within both of these canal reaches are also significantly lowered

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		compared the ranges specified in the 2012 Water Control Plan, which represents operational ranges representative of 2002 through 2015. Further upstream, operational ranges within the L-31N Canal upstream of S-331 are generally reduced compared to the ECB19 during normal operating conditions, but wet season peak stages are increased slightly for short durations due to the significantly diminished reliance on the S-331 pump station under COP Alternative Q to provide flood mitigation for the 8.5 SMA (S-357 is used as first priority). The basin serviced by the L-31N Canal reach upstream of S-331 has received an incidental flood protection benefit through use of the S-331 flood mitigation operations for the 8.5 SMA, which were included for the 2012 WCP operations and the ECB19.
FDACS-3	S- 334 and S-356 Alternate Q does not include the routine diversion of water from Water Conservation Area 3A (WCA-3A) through S-334 to the C-111 Basin in keeping with the goal of not using Column 2 type operations in COP. This is a positive outcome for COP operational protocols. However, we are not supportive of the proposed COP WCA-3A High Water Action Line since it ceases operation of the S-356 for seepage return in order to bring water through S-334 during what will clearly be high water conditions for the areas east of ENP as well. While the use of the WCA-3A High Water Action Line operations is minimal in the model, there is a risk to downstream areas. Since regulatory releases from WCA-3A through S-334 and into the	Please refer to the accompanying Corps' legal opinion for further details describing the Corps' authority to operate S-334 to provide flood risk management for WCA-3A, if necessitated by conditions. This legal opinion was previously distributed to the COP PDT on 05 June 2019. The EHWL Conditions 2 and 3 were used in the three times over the last three years under emergency and planned deviations from the MWD Incremental Field Tests (Feb 2016, Jun and Sep 2017). During those extremely high water

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	C-111 Canal basin were never anticipated, or authorized, in any of the project authorizations for these facilities, this operation should not be included in the COP. High water releases from the Central Everglades should remain in the Central Everglades and not be diverted into other areas. Distribution of water during wet periods should concentrate on maximizing deliveries of water to Northeast Shark River Slough (NESRS). Data collected during the previous emergency operations deviation indicates pumping at S-356 does not increase the stage in the L-29 Canal when the canal is above 8.2 feet. This means that with an L-29 constraint of 8.5 and above, the use of S-356 will not necessarily reduce the flow from WCA-3A into NESRS and adding the flow from S-356 may provide a significant benefit to the Park.	conditions in WCA-3A, water deliveries through SDCS were used as the last resort only after all downstream constraints were met and that there were conveyance capacities in the SDCS to safely pass flows through coastal structures. In addition, WCA-3A stages were above the Increment 2 EHWAL during June 2018 and no WCA-3A releases through S-334 were made from 01 June through 31 October 2018 because of the available conveyance capacities in both NESRS and WSRS to meet the weekly Rainfall-based Management Plan targets; therefore, the EHWL operations during the period when WCA-3A 3-station average is above EHWAL are dependent on conditions in WCA-3A, ENP, and SDCS and each event will be evaluated on a case by case basis while balancing all C&SF project objectives. In the RSM-GL ALT Q model run, during four events out of 41 years the EHWL was triggered. In COP, it is anticipated that when WCA-3A stages rise above the EHWL, a series of system wide evaluations of real-time C&SF hydrologic conditions including, stage and flow data, past and forecast rainfall, and SFWMD Dynamic Position Analysis (DPA) with appropriate analog years will be conducted by SFWMD, Corps, and ENP. The information from this evaluation along with input provided from ENP will be used by the Corps and the SFWMD to decide on whether or

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		not to use the capacity authorized by the EHWL criteria and how much of this capacity to use. During the MWD Incremental field test, limited data has been collected with S-356 operating when the L-29 Canal stages were above 8.2 feet NGVD. Prior analyses of these data and the system-wide operational deviations in-place during these periods have proven inconclusive. Further analysis of the potential effects of S-356 operations on WCA-3A discharges from S-333 will continue during the Increment 2 field test, and continue following COP implementation planned for 2020.
FDACS-4	**S-331** The COP should not institutionalize the use S-331 to convey flood waters from the 8.5 Square Mile Area (8.5 SMA) into the C-111 Basin during periods when the stage in NESRS is too high for the current 8.5 SMA flood mitigation project to provide an adequate level of service for the area. If additional work is needed to meet 8.5 SMA performance standards, use of the S- 331 for 8.5 SMA flood relief should be identified by COP as an interim operation so the use of S-331 during high water periods to alleviate flooding in the 8.5 SMA is not incorporated into COP as a routine operational protocol	Please refer to the accompanying Corps' legal opinion for further details describing the Corps' authority to operate S-331 to provide flood mitigation for the 8.5 SMA, if necessitated by conditions. The operational criteria for S-176 and S-197 were modified for Round 3 Alternative Q to allow S-197 to pass up to 200 cfs when S-331 is operating at lower ranges to assist in 8.5 SMA flood mitigation. Priority would be to use available capacity at S-332B/C/D pumps based on water conditions and time of year with the overall priority sequence defined in the operating criteria structure table.

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		Based on the COP evaluation of 8.5 SMA flood mitigation requirements (discussed at the PDT meeting on 07 June), periodic operation of both S-357 and S-331 below the respective normal operating ranges will be necessary to ensure 8.5 SMA flood mitigation during conditions when G-3273 stage exceeds 7.5 feet NGVD, which the COP modeling predicts to occur on average every other year during the wet season. The duration and frequency of these operations are both increased for conditions when the L-29 Canal is operated consistently at up to 8.5 feet NGVD. Further empirical evaluations will be conducted following COP implementation to verify the predictions from the COP hydrologic modeling. Additional infrastructure modifications within the L-29 Canal, as identified for the Central Everglades Planning Project, will be evaluated by the Corps during 2019-2020 to determine whether additional infrastructure modifications are needed to maintain 8.5 SMA authorized flood mitigation with planned future increases in water deliveries to NESRS. If S-331 is reserved for water supply function only or to maintain the existing level of flood protection for SDCS only, then S-333 and S-356 operations will be restricted frequently for periods when 8.5 SMA flood mitigation requirements are not met.
PUBLIC COMMENT		
EVERGLADES FOUNDATION: JUNE 12, 2019		

LETTER	AGENCY/PUBLIC COMMENT	USACE RESPONSE
Foundation-1	Earlier this year, COP Project Delivery Team (PDT) released two alternatives during the Round 2 modeling: ALTO and ALTN2. Both alternatives used iModel optimized flow targets to deliver the water from WCA-3A to ENP. ALTO was broadly accepted by stakeholders because it was focused on sending more water to ENP during dry seasons and the droughts. PDT also assessed that the ALTO was the best performer from an ecological perspective. Recently, the latest alternative, ALTQ was released, which was primarily derived from ALTO. We evaluated the ALTQ performance and found that it reduced the drought flows to ENP through S-12C, S-12D and S-333 structures across Tamiami Trail relative to the ALTO (Figure 1). For example, the ALTQ decreased average annual flow by 54,000 acre-feet during the 5 worst dry years through S-333 structure. The effect of this reduction on water depths is particularly visible in ENP and in the mangrove ecotone during droughts (Figure 2). The key problem of the ALTQ is the selection of a linear regression model for the Tamiami Trail Flow Formula (TTFF). We understand this was a somewhat arbitrary choice, and a linear regression was chosen for its relative simplicity and common usage. The TTFF was fitted to ALTO predicted weekly flows using six predictors that include stages, flows, rain, PET and Zone A levels. One well-known problem with a regression model is that, while getting the average conditions reasonably close, it does not perform as well during the wettest and driest periods. The high flows during the wet periods were addressed by employing the Zone A level as a predictor; however, nothing was done to address the underprediction during droughts. The TTFF was not able to capture the flows above 1-in-5 year	The TTFF developed for Alternative Q is a generalized form of the ALT O optimal signal, and the generalized form is subject to limitations of missing extremes. However, the recommended TTFF is a valid statistical representation that the COP Cooperating agencies (USACE, ENP, and SFWMD) have jointly determined does not exhibit any "fatal flaws" with limited effects of multicollinearity (Variance Inflation Factor, or VIF<5) and no erroneous behavior across a range of independent checks. The choice of a linear form of the TTFF with limitations was conscious and not arbitrary, with considerations beyond solely best technical data matching. The TTFF development approach was openly discussed in several interagency PDT meetings, as well as multiple technical working meetings with the Everglades Foundation coordinated by SFWMD. There is room for improvement in some drier years as discussed at the 07 June 2019 PDT meeting, but the benefits realized in the TTFF and COP ALT Q are significant over the Existing Condition baseline and in the same range of performance of ALT O based on the evaluations of the COP technical sub-teams. The COP Cooperating agencies have jointly determined that the best way to realize any possible improvements considering multiple factors (precedent setting, schedule, etc.) is to carry the

LETTER	AGENCY/PUBLIC COMMENT	USACE RESPONSE
	drought (Figure 1c). To be clear: the low flow problem is a direct consequence of the choice of a linear regression model. It is therefore imperative that the model be modified to result in the desired dry year performance.	conversation into the COP adaptive management framework and/or subsequent CEPP efforts. As monitoring information continues to be collected and evaluated through the COP Adaptive Management process (post-implementation), it is expected that the TTFF will continue to evolve as conditions change in the future through the combination of new information and new CERP infrastructure, including features which will enable increased flow deliveries into the WCAs, ENP, and Florida Bay. The COP Adaptive Management process will be fully transparent and open to the PDT agencies and the public. At the end of the wet season the COP adaptive management process will focus on determining whether we can emulate the operations identified in Alternative O to deliver depth benefits that were present in this alternative due to the subtly different operations between Alternatives O and Q. When considering extreme conditions the focus will be on achieving COP objectives for environmental benefits broadly shared across the ecosystem while adhering to the constraints.
Foundation-2	Additionally, we have observed several problems with the model itself. First, most of the terms are very strongly correlated, causing a "multi-collinearity" effect. One consequence of this is to ALTO - ECB19RR, April 2001 (a) ALTQ _ ECB19RR, April 2001 (b) introduce something like a feedback effect, which dampens flows during droughts. We found that by	Please refer to response provided for Foundation-1.

LETTER	AGENCY/PUBLIC COMMENT	USACE RESPONSE
	simply reducing the number of terms, the model performance better during dry periods. We understand that it may not be possible to have completely independent variables in real conditions. However, we believe that it can be minimized by selecting appropriate predictors. Here, all these complicated factors involved in underpredicting the flows during the droughts as shown Figure 1c. The large number of terms, including terms like the Zone A, add little to the predictive power and can cause untended consequences.	
Foundation-3	Additionally, lack of a constant term could lead to anomalous and unintended behaviors outside the range of data used to fit the models. Experts generally urged caution in forcing regressions through the origin and recommended not to do it If you force the function to pass through the origin and the true shape of the function is non-linear near the origin (which is far outside of normal values of most of the terms), it may lead to unintended behaviors. The non-linear relations may occur near the origin, and it is important to examine the lack of fit near zero before regression passes through the origin. Consider this example for this specific application. Flows across Tamiami Trail are strongly related to WCA3A water levels. There is some level above which the operational strategy would be to "push" water out of WCA3A, so the sign of the term would be positive. On the other hand, below that level, the goal would be "hold" water in WCA3A, and a negative sign would be needed. One could do that with ENP demand, rainfall, etc. While it would be desirable to make that level a function of month, a constant would be the simplest implementation. By omitting this, the model is forced to behave in counter-productive and even counter-intuitive ways. For example, by including a linear term, the Potential Evapotranspiration (PET) term changes sign, indicating the behavior of this term in the model changes for one that allows adds to flow to one where its influence depends on PET is high or low.	Please refer to response provided for Foundation-1.

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	We suggest few solutions to refine the TTFF so that it addresses the issues of underprediction during the droughts. 1) A quick but not robust solution could be using a modifying factor as used in the QP33_Sens run presented in the PDT meeting on June 7, 2019. 2) Reducing the number of terms in the TTFF, 3) Implementing a piecewise formula, thereby having three parts to the TTFF, high water, low water, and "normal" conditions.	
Foundation-4	Another drought issue is the lowering the WCA3A floor to 7 feet (in ALTQ) from 7.5 feet (in ALTO). The water supply analysis performed by the PDT looked only at the benefits to the South Dade Conveyance System (SDCS), but did not look at the impacts to the source area WCA3A. First, the most likely cause of the lower water levels in the SDCS was the general lowering of water levels well below the 1994 GRR levels. The lowering of the floor in WCA3A brought in water to address that problem. If the effects in WCA3A are not de minimis, the Corps should (a) look at the cause of the problem: SDCS stages, and/or (b) implement SDCS restrictions at the 7.5 ft level.	Evaluation of the water supply performance of the COP Round 2 and Round 3 alternatives were conducted by the water supply sub-team, which included consideration of potential impacts within WCA-3A. Alt Q, which included the new WCA 3A floor location and criteria, was evaluated by the ecological sub-team and performance of Alt Q was in the same range as Alt O. Modification of the WCA-3A water floor to alleviate localized drawdown associated with increased S-333 deliveries into NESRS was also independently identified during the CEPP formulation process and these operations were included in the authorized POM for the CEPP. The 1994 GRR optimum canal levels are not indicative of SDCS stages that have been maintained through Federal Water Control Plan actions prior to or subsequent to the MWD and C-111 South Dade Projects in 1992 and 1994, respectively.
Foundation-5	We would also like re-iterate our previous comments on Extreme High Water Action Line (EHWAL) and our opposition to its implementation.	The EHWL Conditions 2 and 3 were triggered three times in the last three years under

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	Particularly problematic in the Alternative Q EHWAL is that only one operational strategy to lower Water Conservation Area 3A (WCA3A) is proposed: routing excess flows into the South Dade Conveyance System via S- 334. We find this concerning for the following reasons: (1) it makes permanent an operational policy that was proposed as a stop-gap measure until more capacity existed into NE Shark River Slough. That capacity now exists, but instead of the strategy being retired, it is codified into permanent operations. (2) the operational strategy of moving flood water into South Dade has been long opposed by most of the stakeholders in the region, and a source of controversy and contention since it was first proposed as mitigation for the S-12 seasonal closures. Proposing this as the only option for high water in WCA3A will ignite unnecessary controversy by suggesting that objectionable and undesirable operations will become permanent, despite the expenditure of large sums of public funds and nearly universal agreement the practice should be discontinued. (3) proposing a single emergency high water action without investigating alternatives is not consistent with the objectives this analysis, which should be to illuminate the consequences of a range of possible actions to help identify the actions that the public can support. If the only alternative is one that has met with long-standing public opposition, it does not offer the public any way to constructively and affirmatively express support for the selected alternative. (4) because the COP assumption is that no additional flow enters WCA3A, and because the Corps and South Florida Water Management District are currently making real-time operational decisions to increases flows from Lake Okeechobee southward into WCA3A, any EHWAL evaluation in COP will necessarily underestimate the true consequences. Thus, including emergency actions likely exceed what is possible to evaluate accurately in COP.	emergency and planned deviations from the MWD Incremental Field Tests (Feb 2016, Jun 2017, and Sep 2017). During those extremely high water conditions in WCA-3A, water deliveries through SDCS were used as the last resort only after all downstream constraints were met and that there were conveyance capacities in the SDCS to safely pass flows through coastal structures. In the RSM-GL ALT Q model run, the EHWL was triggered infrequently (four events out of 41 years). In COP, it is anticipated that when WCA-3A stages rise above the EHWL, a series of system wide evaluation of real-time C&SF hydrologic conditions including, stage and flow data, past and forecast rainfall, and SFWMD DPA with appropriate analog years will be conducted by SFWMD, Corps, and ENP. The information from this evaluation along with input provided from ENP will be used by the Corps and the SFWMD to decide on whether or not to use the capacity authorized by the EHWL criteria and how much of this capacity to use. Below are point by point responses to the Foundation-5 comment. 1. Current inflow capacity to NESRS have to meet all downstream constraints such as the L-29

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		maximum canal operating limit of 8.5 ft, NGVD and FDOT constraints and 8.5 SMA flood mitigation requirements. 2. It was used to make up releases due to S-12A&B, S-344, and S-343A&B closures during ISOP, IOP, ERTP, MWD Incremental Field Tests because of the 1999 and 2016 USFWS B.O. RPAs. 3. Above the EHWL, stages in WCA's are considered extremely high, which poses increased risks to the WCA-3A perimeter levee system, the population of 70,600 people who would be put at risk if the levee system failed, hurricane evacuation routes, and wildlife and tree islands. Sending up to 1,000 cfs for a short duration (only when WCA-3A is above the EHWL) through SDCS when SDCS has the conveyance capacity is a temporary measure. 4. The increased inflows to WCA-3A from Lake Okeechobee during this dry season do not appear to cause high water levels in WCA-3A. The response of the Stormwater Treatment Area vegetation in response to these operations will continue for at least the remainder of the 2019 wet season, and this assessment may influence future operational considerations prior to new CEPP storage infrastructure being constructed. SDCS must have available conveyance capacities prior to making a water management decision to send WCA-3A EHWL water through the canal system. In addition, since the TTFF includes

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		stages in WCA 3A, it will accommodate additional flows to WCA 3A not explicitly captured in the RSM_GL 41 year POR.
Audubon Florida, Everglades Foundation, and NPCA: June 12, 2019		
NGO-1	We are concerned that Alternative Q does not perform well for Florida Bay during drought conditions, jeopardizing the health of the Bay and the investment made in restoration infrastructure that has led us to this operations plan. Our organizations expressed these concerns during public comment on the webinar PDT meeting on June 7, 2019. We feel this is a step backward in achieving the optimal COP, especially when Alternative O demonstrated that providing better freshwater flows to Florida Bay and ENP for the entirety of the dry season and during droughts is achievable. Florida Bay experienced widespread seagrass die-offs in 2015 and 2016 following an extended drought. Those detrimental impacts were felt deeply within the Bay ecosystem and stakeholders in the Florida Keys. The final COP must ensure that ENP and Florida Bay are better safeguarded against drought impacts. At this time, Alternative Q fails to do so; and instead, it guarantees that another seagrass die-off will affect Florida Bay should drought conditions ensue. The final COP must ensure that – if and when another drought occurs – Florida Bay will be more resilient because of these restoration projects. American taxpayers have spent nearly $1 billion constructing restoration infrastructure to protect and restore our national park. Preventing another ecological catastrophe in Florida Bay must be the top consideration for the COP final alternative, to show stakeholders and decision-makers how the investment we are making in America's Everglades is paying off.	Alternative Q has been identified as the alternative which best meets the identified project objectives and identified project constraints. Alternative Q would increase average annual overland flow to Taylor Slough relative to ECB19RR by 36,000 acre feet per year on average. This is a significant improvement to Florida Bay given that COP was formulated and evaluated to utilize the existing water budget. COP is forward compatible with future efforts to increase deliveries to WCA 3. It is recognized that this is the first time the Rainfall Plan has been modified to convey water from WCA-3A to ENP and that uncertainties still exist with respect to the implementation of the Tamiami Trail Flow Formula. The next step in the COP planning process is to develop an adaptive management and monitoring plan. The primary objective of the COP adaptive management and monitoring plan will be to identify the monitoring necessary to inform decision-makers, COP partner agencies, and the public on progress towards achieving restoration success, as well as address uncertainties related to project performance that can be addressed with

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		efficiently structured approaches. Implementation of the Tamiami Trail Flow Formula has been identified as a potential concern. Adaptive management strategies are anticipated to be developed to address this uncertainty, which will include a structured approach as to how monitoring data may be collected to inform potential revisions to the Tamiami Trail Flow Formula as COP is implemented. ALT O does not have S-12C operated normally between Oct 1 and Jul 14 and may affect the subsequent dry season conditions in WCA-3A and ENP. Also refer to response to Foundation comment #1.

Nasuti, Melissa A CIV USARMY CESAJ (USA)

From: Moreno, Meredith A CIV USARMY CESAJ (US)
Sent: Tuesday, July 2, 2019 9:47 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (USA)
Subject: FW: Modified Waters Deliveries – Combined Operational Plan Increment 3 Comments

-----Original Message-----
From: Bradley Mueller [mailto:bradleymueller@semtribe.com]
Sent: Thursday, June 27, 2019 1:10 PM
To: George, Donna S CIV USARMY CESAJ (US) <Donna.S.George@usace.army.mil>
Cc: Moreno, Meredith A CIV USARMY CESAJ (US) <Meredith.A.Moreno@usace.army.mil>; Jed Redwine (jed_redwine@nps.gov) <jed_redwine@nps.gov>; Hall, Brooke A CIV USARMY CESAJ (USA) <Brooke.A.Hall@usace.army.mil>; Anne Mullins <AnneMullins@semtribe.com>; Juan Cancel <JuanCancel@semtribe.com>; Paul Backhouse <PaulBackhouse@semtribe.com>
Subject: [Non-DoD Source] Modified Waters Deliveries – Combined Operational Plan Increment 3 Comments

June 27, 2019

Ms. Donna S. George, P.E.

Senior Project Manager

Planning and Policy Division

Department of the Army

Jacksonville District Corps of Engineers

Email: Donna.S.George@usace.army.mil <mailto:Donna.S.George@usace.army.mil>

Subject: Modified Waters Deliveries – Combined Operational Plan Increment 3 Comments

THPO Compliance Tracking Number: 0028534

Dear Ms. George,

The STOF greatly appreciates all of the efforts made by the USACE to consult with us regarding the Modified Water Deliveries (MWD) – Combined Operational Plan (COP) project, especially the most recent consultations concerning Increment 3. We also value the inclusion of Mr. Jed Redwine of the National Park Service in these discussions to assist us in understanding the projects potential impacts to tree islands within the area of potential effect. As you know, the Everglade's tree islands were and still are important places to the Native American populations of Florida. It is generally agreed that most of the tree islands of any reasonable size contain archaeological sites and many contain burial components. It is these cultural and burial resources that the STOF THPO is concerned about protecting from inundation that is anthropogenic in origin and not the result of naturally occurring weather events. The information provided most recently by the USACE and ENP concerning the hydrological impacts within the water conservation areas (WCA 3A, WCA 3B) and Everglade's National Park (Shark River Slough, etc.), suggest to us that anticipated water levels resulting from the project will not exceed those that likely occurred historically during the pre-drainage conditions of south Florida. This is encouraging. However, the STOF THPO and ERMD staffs are continuing to consult internally about this assessment and will be bringing in additional expertise to assist us in completing our analysis and providing the USACE with additional comments. We will also reach out to the USACE and the NPS for additional information and clarification of the modeling results as needed. We look forward to continuing the consultation with you on MWD - COP. Thank you and feel free to contact us with any questions or concerns.

Respectfully,

Bradley M. Mueller, MA, Compliance Specialist

STOF-THPO, Compliance Review Section

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FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

COMMISSIONER NICOLE "NIKKI" FRIED

July 1, 2019

Donna S. George P.E.
Senior Project Manager
Ecosystem Projects Section,
Ecosystems Branch Programs & Project Management Division (PPMD)
US Army Corps of Engineers Jacksonville District

RE: Combined Operational Plan (COP) Preliminary Preferred Alternative (PPA)

The Florida Department of Agriculture and Consumer Services (FDACS) Office of Agricultural Water Policy(OAWP) appreciates the opportunity to participate in and provide comments on the Combined Operational Plan (COP) effort that will complete the Modified Water Deliveries Project (MWD) and combine operations with the completion of the C-111 South Dade Project (C-111 SD) and the CERP C-111 Spreader Canal Project (C-111 SC). The OAWP has participated extensively in the complicated MWD Increments process that has led to the COP and eventually to a Preliminary Preferred Alternative (PPA) for the Draft Regional Operations Manual (DROM). Our understanding is that the COP will be the first new Water Control Plan (WCP) incorporated into the System Operating Manual (SOM) as a Regional Operations Manual (ROM). The OAWP offers the following comments in support of a successful COP. Additional technical comments on the information currently available for Alternative Q+ are provided in the attached addendum.

The COP purports to incorporate a new approach to managing water flow into Everglades National Park (ENP). If properly implemented, the COP may result in significant ecological benefits through improved water deliveries to ENP Shark River Slough (SRS) while protecting

the ecological values associated with WCA 3A and ENP. Both ENP and the agricultural areas adjacent to ENP can benefit from operations that move water away from the private lands where it is not needed and into the restoration project areas.

Any final product should reflect the best and most inclusive available data that is reflective of the hard work and time dedicated to this effort. The OAWP has concerns that the deliberative process has become rushed to meet a procedural deadline, which has prevented the development of a clearly delineated operating plan for agency and stakeholder review. The OAWP values the collaborative effort that has brought COP development this far and recognizes the need for some flexibility in operations within reasonable boundaries. However, the current PPA proposed, Alt Q+ and Adaptive Management Plan (A.M. Plan), is an ambiguous and confusing operations matrix that defers many critical operations to an undefined process to be established later, as well as leaving considerable discretion to the federal agency that could result in significant uncertainty for affected stakeholders in the project area.

The model output files currently available for review reflect scenarios that contain parts of Alt Q+ but none is a representation of the entire Alt Q+ operations scenario components performing together. Sufficient detail and clarity for key operational protocols is not provided as needed to determine how the modeling results are supported by operations to achieve the modeled performance.

The OAWP feels that reliance on the COP A.M. Plan to complete the PPA creates problematic scenarios that could be better addressed with additional time and stakeholder input. The COP A.M. Plan is still under development and no draft version has been made available, resulting in an inability of stakeholders to provide substantive comment. The OAWP is concerned that inclusion of an incomplete A.M. Plan in the PPA is due to time constraints that do not allow time for the Project Deliver Team (PDT) and stakeholders to evaluate and address uncertainties as appropriate during COP PPA development. Some issues may be appropriate for an adaptive management approach but which issues, and how they will be addressed, must be carefully documented within the context of a WCP that clearly protects all the project purposes for which the Central and South Florida Project (C&SF Project) was authorized. This step is necessary for the PPA to move forward with the A.M. Plan included.

An unambiguous final plan must be presented, its impacts documented, and the operations matrix that produced them clearly described before it moves forward as the PPA. The provision of extensive discretion to address the myriad of uncertainties identified is inadequate to address the need for regulatory certainty required by law and desired by interested stakeholders.

The OAWP requests that the Corps take additional time and engage additional comment from interested stakeholders to complete and document the proposed PPA in order to allow for the increased certainty and in-depth review this effort deserves.

The OAWP appreciates the opportunity to provide comments on the proposed COP PPA. We look forward to continued progress for all efforts to restore the Everglades, protect private property and work with our state and federal partners to improve system-wide capabilities. If you have any questions regarding the OAWP comments, please contact Rebecca Elliott at (561) 682-6040.

Sincerely,

Rebecca Elliott
Environmental Manager
On behalf of, Christopher Pettit, Director
Office of Agricultural Water Policy (OAWP)

July 1, 2019

Technical Comments Addendum
Combined Operational Plan (COP) Preliminary Preferred Alternative (PPA)
Florida Department of Agriculture and Consumer Services (FDCAS)
Office of Agricultural Water Policy (OAWP)

The following comments are provided to assist in the development of a COP PPA and eventually a Draft Regional Operating Manual (DROM). It is based on the review of the pdf file: "COP_DRAFT_Round3_Alternative_Q_Plus_With_Modeler_Notes_6_21_2019_clean"

Please do not hesitate to contact Rebecca Elliott at (561) 682-6040 if you would like additional discussion or information.

General Comments

The currently available operations table for Alternative Q+ does not provide sufficient detail and clarity to determine how the modeling results are supported by operational protocols that will be needed to achieve the modeled performance. The completion of operational details and operational strategies are deferred to the Operational Subteam and the Adaptive Management Plan. It appears the Operational Subteam deliberations and recommendations may not be available to the Project Delivery Team (PDT) and interested parties before July 24, 2019 when comments will be due on the COP July 10, 2019 presentation. The Adaptive Management Plan is not scheduled for completion until late September 2019. The OAWP technical evaluations and comments regarding the PPA and DROM cannot be completed without additional information on the operations that will be proposed.

Below are descriptions of concerns which are the basis of the Alt. Q+ Operations Table detailed OAWP technical comments that follow.

Flood Risk to Private Lands

While increasing environmental benefits, the COP must maintain flood protection for private lands adjacent to ENP and within the vicinity of the C-111 Projects. Overall, the modeling results obtained for Alternative Q were encouraging regarding maintaining existing flood protection throughout most of the COP area. However, there are a few areas and operations where the models indicate that concerns remain and it is uncertain how Alt Q+ will perform in these areas.

Increased flood risk has been consistently indicated by model results for private agricultural lands east of the L-31N. It is not clear what operational adjustments can be made to resolve the issue. Modifications to operational protocol are needed to address increased flood risk and increased flood damages in the L31N area and to at least provide the baseline level of service to this area.

Operational stages protective of private agricultural land south of S-331 do not require a reduction in environmental benefits. The Increment 1 Field Test, the 2016 Temporary Emergency Operations and Deviations, and the 2017 Planned and Emergency Deviations demonstrate that along the L-31N Canal reach, operation of the C-111 SD Detention Area System has been able to maintain the hydraulic ridge and hold stages higher in eastern ENP while simultaneously maintaining lower L-31N levels to protect farmland. Given this success, lower canal levels adjacent to agricultural lands should be used to avoid increasing the risk of root zone flooding.

S- 334 and S-356

Alternate Q+ does not include the routine diversion of water from Water Conservation Area 3A (WCA-3A) through S-334 to the C-111 Basin in keeping with the goal of not using Column 2 type operations in COP. This is a positive outcome for COP operational protocols. However, we are not supportive of the proposed COP WCA-3A High Water Action Line since it ceases operation of the S-356 for seepage return in order to bring water through S-334 during what will clearly be high water conditions for the areas east of ENP as well. Since regulatory releases from WCA-3A through S-334 and into the C-111 Canal basin were never anticipated, or authorized, in any of the project authorizations for these facilities, this operation should not be included in the COP. High water releases from the Central Everglades should remain in the Central Everglades and not be diverted into other areas.

Distribution of water during wet periods should concentrate on maximizing deliveries of water to Northeast Shark River Slough (NESRS). Data collected during the previous emergency operations deviation indicates pumping at S-356 does not increase the stage in the L-29 Canal when the canal is above 8.2 feet. This means that with an L-29 constraint of 8.5 and above, the use of S-356 will not reduce the flow from WCA-3A into NESRS and adding the flow from S-356 may provide an additional benefit to the Park.

S-331

The COP should not institutionalize the use S-331 to convey flood waters from the 8.5 Square Mile Area (8.5 SMA) into the C-111 Basin during periods when the stage in NESRS is too high for the current 8.5 SMA flood mitigation project to provide an adequate level of service for the area. If additional work is needed to meet 8.5 SMA performance standards, use of the S- 331 for 8.5 SMA flood relief should be identified by COP as an interim operation so the use of S-331 during high water periods to alleviate flooding in the 8.5 SMA is not incorporated into COP as a routine operational protocol.

OAWP Comments and Questions by Region and Management Measure in Operations Table: COP_DRAFT_Round3_Alternative_Q_Plus_With_Modeler_Notes_6_21_2019_clean

WCA – 3A

S-356
The EHWL and the actions it triggers are contrary to the goals of Mod Waters and the C-111 GRR. Eliminating the EHWL will eliminate this conflict. With the new bridging and road improvements on US 41 there is no basis for restricting the use of S356 other than to accommodate the use of S-334, which was supposed to end with the completion of Mod Waters.

S-12A/S-12B
How will the Corp project WCA-3A stage as indicated in the footnote?

Footnote 1 Below – Excerpt from Matrix:

1S-12A and/or S-12B will be conditionally opened during October under the following conditions.

1. WCA-3A stage on 30 Sep is greater than 10.5 feet, NGVD; or
2. WCA-3A stage is projected to rise above 10.75 feet, NGVD (IOP Zone A) during October, based on consideration of projected inflows and direct
rainfall.
3.S-12A and/or S-12B will be conditionally closed when the WCA-3A stage falls below 10.25 feet, NGVD, OR on 01 November, whichever comes
first.
S-12B will be conditionally opened during November under the following conditions.
1. WCA-3A stage on 31 Oct is greater than 11.0 feet, NGVD; or
2. WCA-3A stage is projected to rise above 11.25 feet, NGVD during November, based on consideration of projected inflows and direct rainfall.

3. S-12B will be closed when the WCA-3A stage falls below 10.75 feet, NGVD, OR on 01 December, whichever comes first.
Year-Round Operational Criteria:
S-12A Year-round: To provide access to cultural areas, when Rainfall Plan results in S-12 target flows, S-12A up to 100 cfs release.
S-12A Cultural Access Release: S-12A up to 100 cfs release available when Rainfall Plan results in S-12 target flows. From 01 October through 14 July, the Tribe and USACE must request informal consultation with FWS to avoid
impacts on CSSS-A. During this time, the duration of this release will not exceed five consecutive days. S-12A up to 100 cfs release may only occur when WCA-3A 3-gage average (WCA-3AVG - Sites 63, 64, 65) is greater than 8.4
feet, NGVD. During S-12A up to 100 cfs release, data such as but not limited to NP-205 and area rainfall will be monitored with NP-205 increase or anticipated increase above 5.7 feet, NGVD resulting in closing of S-12A.
S-12A/B/C/D Headwater greater than 11.0 feet, NGVD: May be opened an amount only enough to stop overtopping of gates. The USACE will assess the feasibility of leaving the gates closed and allowing overtopping.

Incremental Testing Extreme High Water (EHW) Action Line
There should be no EHWL and the actions it triggers. The point of Mod Waters is to keep central everglades water where it is needed,
in the central everglades. Sending it down L31N is a step backward.

WCA-3A Regulation Schedule (Below Zone A)
The Corps needs to pick a final recommended plan, model it and present the results in the EIS.

WCA-3A/3B

S-335
Impacts to Pennsuco wetlands shown in Alt Q modeling must be addressed so there are no negative impacts.

NESRS

L-29
May need to go to 8.5 from October through March to accommodate el nino events

S-333
Remove the EHWL from COP .

S-333N
Remove the EHWL from COP and follow the existing state permit for S-333N.

Rainfall Plan
Not clear what the first paragraph in the Modeling Notes means.? Has the new TTFF been documented somewhere? What are the specific operations included in the final Plan?

SDCS – South Dade Conveyance System

C-111 SD North Detention Area
The model should reflect what the current constraints are for the Detention Areas. If they are allowed to receive pumped inflow up to the overflow elevation then this description is fine. However, that does not seem realistic

C-111 SD South Detention Area
See comment for NDA

S-332B West
This description does not explain what decides which range is used. Having the ranges the same for all structures, and giving the operators discretion is a good policy.
However, the top of any range should be no higher than 4.6 and S-176 should also be operated within the same ranges at the discretion of the water managers. The final plan must be specified and analyzed in the EIS.

S-332B North
Same as S-332B West

S-332C
Same as S-332B West

S-332D
No comment

L-31N Structure Priority
This doesn't differentiate between flood protection and water supply as the text indicates. The earlier sections indicate the Water Managers would decide which structure to open. Range limits should be a djusted as in our comments on S-332B West

S-331/S-173
S331HW should not be pumped down to these low levels to try to affect the stage at LPG2. This will send too much
flow into the C111 basin during what is clearly a wet period and it is doubtful LPG2 stage can be meaningfully affected from this far away.

G-737*
No comment.

S-197
No comment

S-176
This operating range is too high. It should have the same operating range as S32B and whether it is last in the line of opening priorities, or opened at the water managers discretion, having the same operating range should not create a conflict.

S-177
This range is too high, especially since S199 and S200 can be stopped because of the CSSS. 3.2 to 3.8 is a better range and reflects what has been done in recent years.

S-18C
No comment

S-199
All references to 4.0 should be changed to 3.8 to reflect experience in Increments 1 and 2.

S-200
All references to 4.0 should be changed to 3.8 to reflect experience in Increments 1 and 2.

Taylor Slough

S-328
No comment

Biscayne Bay

S-338
What is the final plan? These descriptions seem to be in conflict. A better narrative is needed.

S-194/S-196
See Comments under S-338

Taylor Slough

SUPPLEMENTAL FLOWS TO TAYLOR SLOUGH
This set of operations overdrained the Pennsuco and must be revised in a final plan. Under what conditions would TS supplemental deliveries be stopped? It is written as a year round practice limited only by WCA-3A stage. This does not seem realistic.

WCA – 3A/ NESRS

S-334
EHWL should be removed from COP and S-334 should be used as authorized, for water supply only.

Add-On Structures for Modeling
(these structures were not considered during the development of alternatives)

S-357
No comment

S-357N
No Comment

G-211
Other than for water supply, G-211 should not be opened unless S-356 is pumping at capacity.

S-148
The final plan must be modeled and it must include the final operating protocols. Operating this structure as described in the modeling notes column may have reduced the need for supplemental releases at S-338.

S-179 (C-103)
Why aren't these modeled. Could this have improved performance for Biscayne Bay?

S-165 (C-102)
Why aren't these modeled. Could this have improved performance for Biscayne Bay?

S-167 (C-103)
Farms upstream of S-167 have experienced problems with high water levels. The top end of this range seems high.

S-12C/D
No comments

S-151
How was 300 cfs derived? What, other than the WCA-3A stage, constrains the delivery of this 300 cfs?

S-337
How was the 250 cfs derived? What, other than the WCA-3A stage, constrains the delivery of this 250 cfs? We need a final plan that can be simulated and presented as was done for the other alternatives .

S-152
No comment

WCA-3A Floor for Water Supply
No comment

July 1, 2019

Donna George
US Army Corps of Engineers
Jacksonville District
PO Box 4970
Jacksonville, FL 32232-0019
Email: donna.s.george@usace.army.mil

RE: Technical Comments on Operations Table for Alternative Q2

These comments are specifically related to the operations table presented at the Project Delivery Team Meeting on June 21, 2019 and sent by email on that date. The Everglades Foundation sent technical comments on June 12 conveying our concern that the proposed Tamiami Trail Flow Formula (TTFF) did not perform well during drought conditions, among other concerns. In reviewing the proposed operations table, we find that the Corps' proposed operations table inadequately addresses the outstanding issues in Alternative Q.

One of the primary modifications in this iteration of the operational table is the "Rainfall Plan" in the South Dade Conveyance System component. The operational plan remains using the regression formula that clearly underpredicts Alternative O performance during droughts. The proposed operations table merely says "SRS low water" without any explanation or guidance as to what the operational concern is or guidance on how to operate. Verbal comments by Corps staff suggest that "Adaptive Management" would address the whatever concerns arise and after the operational plan that contains the TTFF is approved, though this is not expressed in the table.

Adaptive Management is a valuable endeavor and should be undertaken as a routine procedure to gain insight into project function and improve operations. However, Adaptive Management is not a solution to the problem of the TTFF functioning poorly during droughts. First, any solution arrived at during Adaptive Management is not self-implementing. This EIS locks in the TTFF until the next update, as undertaking Adaptive Management is not an exempt from NEPA. Second, droughts are not amenable to Adaptive Management. Typically, by the time water managers are certain there is a drought, it is too late to take actions that would mitigate conditions. In contrast, wet conditions are very amenable to Adaptive Management, but instead the Corps is proposing to put high water response directly into the operations table. Clearly, the Corp is not relying on Adaptive Management even when well suited to the issue. Third, while Adaptive Management is a proven methodology for reducing uncertainties, it is not suited for addressing clear flaws. The TTFF underpredictions during droughts are inherent in the regression and its development; no amount of Adaptive Management will fix the underlying flaws.

For these reasons, the proposed modifications to the operational table are entirely inadequate for addressing concerns about drought performance. The solution is to fix the TTFF. The Everglades Foundation undertook investigations on possible corrections, and with less than 20 total man-hours of time, found ways to significantly improve the performance. For example, by setting stage thresholds in Water Conservation Area 3A and Everglades National Park, a piecewise regression improves drought performance. (We have attached regression analysis in R, modifications to the RSM model to implement the improved regression and a spreadsheet analyzing the results.) In our analysis, we found that the RSM contains operations and feedbacks not included in the regression, and which must be taken into account. We therefore conclude that the Corps' proposed operations table is inadequate to fix the drought performance, but fixing the drought performance need not be time-consuming and onerous, leading to a slipped schedule. The Corps can and should move expeditiously to fix this issue; no change in the schedule is needed.

We offer these comments as constructive criticism to improve one of the most critical objectives in Modified Water Deliveries: improve C&SF Project performance during droughts. The events of 2015-2016 in Florida Bay highlight the need for this, and the Corps should make addressing the performance of Alternative Q during droughts an immediate priority.

Sincerely,

/signed for email

Thomas Van Lent, Ph.D.
The Everglades Foundation

Table D.1-4. COP Alternative Q+ Comment Response Matrix. The following matrix has been prepared to address comments on the COP Alternative Q+ submitted by members of the PDT during the plan formulation process.

LETTER	AGENCY/PUBLIC COMMENT	USACE RESPONSE
AGENCY COMMENT		
SEMINOLE TRIBE OF FLORIDA		
STOF-1	The STOF greatly appreciates all of the efforts made by the USACE to consult with us regarding the Modified Water Deliveries (MWD) – Combined Operational Plan (COP) project, especially the most recent consultations concerning Increment 3. We also value the inclusion of Mr. Jed Redwine of the National Park Service in these discussions to assist us in understanding the projects potential impacts to tree islands within the area of potential effect. As you know, the Everglade's tree islands were and still are important places to the Native American populations of Florida. It is generally agreed that most of the tree islands of any reasonable size contain archaeological sites and many contain burial components. It is these cultural and burial resources that the STOF THPO is concerned about protecting from inundation that is anthropogenic in origin and not the result of naturally occurring weather events. The information provided most recently by the USACE and ENP concerning the hydrological impacts within the water conservation areas (WCA 3A, WCA3B) and Everglade's National Park (Shark River Slough, etc.), suggest to us that anticipated water levels resulting from the project will not exceed those that likely occurred historically during the pre-drainage conditions of south Florida. This is encouraging. However, the STOF THPO and ERMD staffs are continuing to consult internally about this assessment and will be bringing in additional expertise to assist us in completing our analysis and providing the USACE with additional comments. We will also reach out to the USACE and the NPS for additional information and clarification of the modeling results as needed. We look forward to continuing the consultation with	Thank you for your comment.

LETTER	AGENCY/PUBLIC COMMENT	USACE RESPONSE
	you on MWD _ COP. Thank you and feel free to contact us with any questions or concerns.	
FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (FDACS)		
FDACS-1	The Florida Department of Agriculture and Consumer Services (FDACS) Office of Agricultural Water Policy (OAWP) appreciates the opportunity to participate in and provide comments on the Combined Operational Plan (COP) effort that will complete the Modified Water Deliveries Project (MWD) and combine operations with the completion of the C-111 South Dade Project (C-111 SD) and the CERP C-111 Spreader Canal Project (C-111 SC). The OA WP has participated extensively in the complicated MWD Increments process that has led to the COP and eventually to a Preliminary Preferred Alternative (PP A) for the Draft Regional Operations Manual (DROM). Our understanding is that the COP will be the first new Water Control Plan (WCP) incorporated into the System Operating Manual (SOM) as a Regional Operations Manual (ROM). The OAWP offers the following comments in support of a successful COP. Additional technical comments on the information currently available for Alternative Q+ are provided in the attached addendum. The COP purpose is to incorporate a new approach to managing water flow into Everglades National Park (ENP). If properly implemented, the COP may result in significant ecological benefits through improved water deliveries to ENP Shark River Slough (SRS) while protecting the ecological values associated with WCA 3A and ENP. Both ENP and the agricultural areas adjacent to ENP can benefit from operations that move water away from the private lands where it is not needed and into the restoration project areas.	Throughout the interagency COP alternative formulation process and hydrologic modeling efforts, the Corps has recognized and communicated to the PDT the need to translate operational criteria appropriate for distinguishing between modeled alternatives into more refined operational criteria suitable for inclusion in the COP Water Control Plan. Due to the wide breadth of alternatives that were evaluated during COP, the prerequisite for further development of the COP Water Control Plan is the formal identification of the Preliminary Preferred Alternative based on consideration of evaluation results and interagency PDT review comments. During the COP interagency PDT meeting on 21 June 2019, the Corps provided a flow-chart which detailed the sequential process and proposed schedule to further develop the COP Water Control Plan following identification of the Preliminary Preferred Alternative. This process was also detailed in the previous Corps' response to FDACS on 20 June 2019. Development of the operational table and associated Water Control Plan will be conducted

LETTER	AGENCY/PUBLIC COMMENT	USACE RESPONSE
	Any final product should reflect the best and most inclusive available data that is reflective of the hard work and time dedicated to this effort. The OAWP has concerns that the deliberative process has become rushed to meet a procedural deadline, which has prevented the development of a clearly delineated operating plan for agency and stakeholder review. The OAWP values the collaborative effort that has brought COP development this far and recognizes the need for some flexibility in operations within reasonable boundaries. However, the current PPA proposed, Alt Q+ and Adaptive Management Plan (A.M. Plan), is an ambiguous and confusing operations matrix that defers many critical operations to an undefined process to be established later, as well as leaving considerable discretion to the federal agency that could result in significant uncertainty for affected stakeholders in the project area.	with additional technical input from the COP modeling sub-team team and the COP water management sub-team, prior to presenting it to the PDT. The draft operational table supporting the Water Control Plan is planned to be distributed to the interagency water management sub-team by 15 July 2019. This will be followed by a series of water manager sub-team meetings during July and August to review and revise the draft Water Control Plan. Similar to previous efforts to develop the Operational Strategy for the MWD Incremental field tests, and as communicated during the PDT on 21 June 2019, the Corps will provide the opportunity for FDACS participation in the water management sub-team meetings.
FDACS-2	The model output files currently available for review reflect scenarios that contain parts of Alt Q+ but none is a representation of the entire Alt Q+ operations scenario components performing together. Sufficient detail and clarity for key operational protocols is not provided as needed to determine how the modeling results are supported by operations to achieve the modeled performance.	Given consideration of the purpose and limitations of the hydrologic modeling tools applied for the COP, it is not feasible nor practical to conduct hydrologic modeling of all variations and combinations of the COP operational criteria. Water managers additionally require some degree of latitude to evaluate real-time hydrologic conditions and forecast information to effectively operate the complex C&SF System, based on adherence to the established objectives and constraints which govern the COP implementation. The level of detail included in the operational criteria table for ALT Q was appropriate for distinguishing between

LETTER	AGENCY/PUBLIC COMMENT	USACE RESPONSE
		alternatives evaluated during the hydrologic modeling phase of COP development. In addition to ALT Q, Round 3 sensitivity runs were conducted with both RSM-GL and MD-RSM to investigate other potential operational components for considerations within the Preliminary Preferred Alternative; information gained from these sensitivity runs supported reducing S-344 closures and water quality considerations within the proposed ALT Q+. Three rounds of hydrologic modeling were conducted during COP development, consistent with the COP hydrologic modeling strategy that was vetted through the COP interagency PDT. Following consideration of review comments on the Preliminary Proposed Alternative (ALT Q+), the Corps has determined that the appropriate forum for further development of the COP Water Control Plan is through reliance on the technical expertise of the COP water management sub-team. Refer to the response for FDACS-1 for additional information regarding development of the COP Water Control Plan. No additional hydrologic modeling will be conducted for the COP, aside from the MD-RSM design storm analysis to support the socio-economic evaluation of the South Dade Basin; this analysis will be conducted using the ALT Q and ALT Qm MD-RSM simulations, previously presented to

LETTER	AGENCY/PUBLIC COMMENT	USACE RESPONSE
		the COP flood risk sub-team and the COP interagency PDT.
FDACS-3	The OAWP feels that reliance on the COP A.M. Plan to complete the PPA creates problematic scenarios that could be better addressed with additional time and stakeholder input. The COP A.M. Plan is still under development and no draft version has been made available, resulting in an inability of stakeholders to provide substantive comment. The OAWP is concerned that inclusion of an incomplete A.M. Plan in the PPA is due to time constraints that do not allow time for the Project Deliver Team (PDT) and stakeholders to evaluate and address uncertainties as appropriate during COP PPA development. Some issues may be appropriate for an adaptive management approach but which issues, and how they will be addressed, must be carefully documented within the context of a WCP that clearly protects all the project purposes for which the Central and South Florida Project (C&SF Project) was authorized. This step is necessary for the PPA to move forward with the A.M. Plan included.	Thank you for this comment. The COP AM plan is developed by stakeholders, in cooperation with the implementing agencies, and it is focused on addressing the set of challenges that we've encountered in COP, but which cannot be addressed through additional modeling efforts. We encourage the members of the OAWP to participate in the workshop on July 17 in Davie, FL, and to provide expertise to assist in defining the relevant monitoring, action triggers, and operational/policy options that will be used to define Adaptive Management for COP. We appreciate your contribution to a reasoned, interagency and stakeholder discussion about the extent to which COP can resolve perceived challenges to the system without significant changes to ecological benefits or violating operational constraints. The goal is to have the Adaptive Management Appendix assembled by late August with sufficient time to review prior to the September 27 deadline for compiling the initial Draft COP EIS.
FDACS-4	An unambiguous final plan must be presented, its impacts documented, and the operations matrix that produced them clearly described before it moves forward as the PPA. The provision of extensive discretion to address the myriad of uncertainties identified is inadequate to address the	Following consideration of review comments on the preliminary preferred alternative (ALT Q+), the Corps has determined that the appropriate forum for further development of the COP Water

LETTER	AGENCY/PUBLIC COMMENT	USACE RESPONSE
	need for regulatory certainty required by law and desired by interested stakeholders.	Control Plan is through reliance on the technical expertise of the COP water management sub-team. Refer to the response for FDACS-1. The COP EIS will consider the environmental effects of the final array of alternatives to include Alternative N2, Alternative O, Alternative Q, and Alternative Q+ or the Preliminary Preferred Plan.
FDACS-5	The OAWP requests that the Corps take additional time and engage additional comment from interested stakeholders to complete and document the proposed PPA in order to allow for the increased certainty and in-depth review this effort deserves.	We will engage in additional discussions on the Operations Plan and Adaptive Management Plan. Please see response to FDACS-1.
FDACS-6	The following comments are provided to assist in the development of a COP PPA and eventually a Draft Regional Operating Manual (DROM). It is based on the review of the pdf file: "COP DRAFT Round3 Alternative Q Plus With Modeler Notes 6 21 2019 - clean" General Comments The currently available operations table for Alternative Q+ does not provide sufficient detail and clarity to determine how the modeling results are supported by operational protocols that will be needed to achieve the modeled performance. The completion of operational details and operational strategies are deferred to the Operational Subteam and the Adaptive Management Plan. It appears the Operational Subteam deliberations and recommendations may not be available to the Project Delivery Team (PDT) and interested parties before July 24, 2019 when comments will be due on the COP July 10, 2019 presentation. The Adaptive Management Plan is not scheduled for completion until late September 2019. The OA WP technical evaluations and comments	Thank you for your comment. Please see response to FDACS-1.

LETTER	AGENCY/PUBLIC COMMENT	USACE RESPONSE
	regarding the PPA and DROM cannot be completed without additional information on the operations that will be proposed.	
FDACS-7	Flood Risk to Private Lands While increasing environmental benefits, the COP must maintain flood protection for private lands adjacent to ENP and within the vicinity of the C-111 Projects. Overall, the modeling results obtained for Alternative Q were encouraging regarding maintaining existing flood protection throughout most of the COP area. However, there are a few areas and operations where the models indicate that concerns remain and it is uncertain how Alt Q+ will perform in these areas. Increased flood risk has been consistently indicated by model results for private agricultural lands east of the L-31N. It is not clear what operational adjustments can be made to resolve the issue. Modifications to operational protocol are needed to address increased flood risk and increased flood damages in the L31N area and to at least provide the baseline level of service to this area. Operational stages protective of private agricultural land south of S-331 do not require a reduction in environmental benefits. The Increment 1 Field Test, the 2016 Temporary Emergency Operations and Deviations, and the 2017 Planned and Emergency Deviations demonstrate that along the L-31 N Canal reach, operation of the C-111 SD Detention Area System has been able to maintain the hydraulic ridge and hold stages higher in eastern ENP while simultaneously maintaining lower L-31N levels to protect farmland. Given this success, lower canal levels adjacent to agricultural lands should be used to avoid increasing the risk of root zone flooding.	Consistent with the established COP project constraints, the COP must maintain flood protection as established under conditions described in the C-111 General Reevaluation Report (1994 GRR). The COP H&H and Economic modeling results indicate substantial increased flood protection for the entire system under ALT Q operations when using this baseline. When comparing ALT Q to the Existing Condition Baseline (ECB19) approximately 70% of the reaches modeled show increased flood protection as well. With the preliminary preferred alternative COP has determined the appropriate canal operational ranges to achieve the objectives. The COP alternative formulation has considered operational modifications which enhance flood protection, while achieving the COP project objectives and adhering to the established project constraints. With the Preliminary Preferred Alternative , operational ranges for the L-31N and C-111 Canals between S-331 and S-177, as compared to the ECB19 (Increment 1.2 field test levels), are lowered during the planting season (August through December) and not significantly changed within the CSSS nesting

LETTER	AGENCY/PUBLIC COMMENT	USACE RESPONSE
		period (February through July). Notably, the normal target operational ranges within both of these canal reaches are also significantly lowered compared the ranges specified in the 2012 Water Control Plan, which represents operational ranges representative of 2002 through 2015. Further upstream, operational ranges within the L-31N Canal upstream of S-331 are generally reduced compared to the ECB19 during normal operating conditions, but wet season peak stages are increased slightly for short durations due to the significantly diminished reliance on the S-331 pump station under COP Alternative Q to provide flood mitigation for the 8.5 SMA (S-357 is used as first priority). The basin serviced by the L-31N Canal reach upstream of S-331 has received an incidental flood protection benefit through use of the S-331 flood mitigation operations for the 8.5 SMA, which were included for the 2012 WCP operations and the ECB19. Additional socio-economic evaluations conducted using the MD-RSM ALT Qm (includes capability to utilize S-331 to assist with 8.5 SMA flood mitigation during extreme wet conditions) indicate slightly improved flood risk management performance compared to ALT Q results detailed above. The ALT Q+ proposed Preliminary Proposed Alternative includes the

LETTER	AGENCY/PUBLIC COMMENT	USACE RESPONSE
		ability for limited use of S-197 during periods when S-331 is operating below the normal operating range to aid with 8.5 SMA flood mitigation requirements.
FDACS-8	S- 334 and S-356: Alternate Q+ does not include the routine diversion of water from Water Conservation Area 3A (WCA-3A) through S-334 to the C-111 Basin in keeping with the goal of not using Column 2 type operations in COP. This is a positive outcome for COP operational protocols. However, we are not supportive of the proposed COP WCA-3A High Water Action Line since it ceases operation of the S-356 for seepage return in order to bring water through S-334 during what will clearly be high water conditions for the areas east of ENP as well. Since regulatory releases from WCA-3A through S-334 and into the C-111 Canal basin were never anticipated, or authorized, in any of the project authorizations for these facilities, this operation should not be included in the COP. High water releases from the Central Everglades should remain in the Central Everglades and not be diverted into other areas. Distribution of water during wet periods should concentrate on maximizing deliveries of water to Northeast Shark River Slough (NESRS). Data collected during the previous emergency operations deviation indicates pumping at S-356 does not increase the stage in the L-29 Canal when the canal is above 8.2 feet. This means that with an L-29 constraint of 8.5 and above, the use of S-356 will not reduce the flow from WCA-3A into NESRS and adding the flow from S-356 may provide an additional benefit to the Park.	Please refer to the Corps' legal opinion for further details describing the Corps' authority to operate S-334 to provide flood risk management for WCA-3A, if necessitated by conditions. This legal opinion was previously distributed to the COP PDT on 05 June 2019, and again with prior Corps' comment responses on 20 June 2019. The EHWL Conditions 2 and 3 were applied three times over the last three years under emergency and planned deviations from the MWD Incremental Field Tests (Feb 2016, Jun and Sep 2017). During those extremely high water conditions in WCA-3A, water deliveries through SDCS were used as the last resort only after all downstream constraints were met and that there were conveyance capacities in the SDCS to safely pass flows through coastal structures. In addition, WCA-3A stages were above the Increment 2 EHWAL during June 2018 and no WCA-3A releases through S-334 were made from 01 June through 31 October 2018 because of the available conveyance capacities in both NESRS and WSRS to meet the weekly Rainfall-based Management Plan targets; therefore, the EHWL operations during the period when WCA-3A 3-

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		station average is above EHWAL are dependent on conditions in WCA- 3A, ENP, and SDCS and each event will be evaluated on a case by case basis while balancing all C&SF project objectives. In the RSM-GL ALT Q model run, during four events out of 41 years the EHWL was triggered. In COP, it is anticipated that when WCA-3A stages rise above the EHWL, a series of system wide evaluations of real-time C&SF hydrologic conditions including, stage and flow data, past and forecast rainfall, and SFWMD Dynamic Position Analysis (DPA) with appropriate analog years will be conducted by SFWMD, Corps, and ENP. The information from this evaluation along with input provided from ENP will be used by the Corps and the SFWMD to decide on whether or not to use the capacity authorized by the EHWL criteria and how much of this capacity to use. During the MWD Incremental field test, limited data has been collected with S-356 operating when the L-29 Canal stages were above 8.2 feet NGVD. Prior analyses of these data and the system-wide operational deviations in-place during these periods have proven inconclusive. Further analysis of the potential effects of S-356 operations on WCA-3A discharges from S-333 will continue during the Increment 2 field test and continue during COP implementation.

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FDACS-9	S-331: The COP should not institutionalize the use S-331 to convey flood waters from the 8.5 Square Mile Area (8.5 SMA) into the C-111 Basin during periods when the stage in NESRS is too high for the current 8.5 SMA flood mitigation project to provide an adequate level of service for the area. If additional work is needed to meet 8.5 SMA performance standards, use of the S- 331 for 8.5 SMA flood relief should be identified by COP as an interim operation so the use of S-331 during high water periods to alleviate flooding in the 8.5 SMA is not incorporated into COP as a routine operational protocol.	Please refer to the accompanying Corps' legal opinion for further details describing the Corps' authority to operate S-331 to provide flood mitigation for the 8.5 SMA, if necessitated by conditions. This legal opinion was previously distributed to the COP PDT with the prior Corps' comment responses on 20 June 2019. The operational criteria for S-176 and S-197 were modified for Round 3 Alternative Q to allow S-197 to pass up to 200 cfs when S-331 is operating at lower ranges to assist in 8.5 SMA flood mitigation. Priority would be to use available capacity at S-332B/C/D pumps based on water conditions and time of year with the overall priority sequence defined in the operating criteria structure table. Based on the COP evaluation of 8.5 SMA flood mitigation requirements (discussed at the PDT meeting on 07 June), periodic operation of both S-357 and S-331 below the respective normal operating ranges will be necessary to ensure 8.5 SMA flood mitigation during conditions when G-3273 stage exceeds 7.5 feet NGVD, which the COP modeling predicts to occur on average every other year during the wet season. The duration and frequency of these operations are both increased for conditions when the L-29 Canal is operated consistently at up to 8.5 feet NGVD.

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		Further empirical evaluations will be conducted following COP implementation to verify the predictions from the COP hydrologic modeling. Additional infrastructure modifications within the L-29 Canal, as identified for the Central Everglades Planning Project, will be evaluated by the Corps during 2019-2020 to determine whether additional infrastructure modifications are needed to maintain 8.5 SMA authorized flood mitigation with planned future increases in water deliveries to NESRS. If S-331 is reserved for water supply function only or to maintain the existing level of flood protection for SDCS only, then S-333 and S-356 operations will be restricted frequently for periods when 8.5 SMA flood mitigation requirements are not met.
FDACS-10	WCA-3A S-356: The EHWL and the actions it triggers are contrary to the goals of Mod Waters and the C-111 GRR. Eliminating the EHWL will eliminate this conflict. With the new bridging and road improvements on US 41 there is no basis for restricting the use of S356 other than to accommodate the use of 5-334, which was supposed to end with the completion of Mod Waters.	Please refer to the response to FDACS-8.
FDACS-11	S-12A/S-12B: How will the Corps project WCA 3A stage as indicated in the footnote? Footnote 1 Below - Excerpt from Matrix: S-12A and/or S-12B will be conditionally opened during October under the following conditions.	The Corps will project WCA 3A stage for the upcoming week based on projected weekly inflows, rainfall, ET, seepage, TTFF and other outflows.

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	1. WCA-3A stage on 30 Sep is greater than 10.5 feet, NGVD; or 2. WCA-3A stage is projected to rise above 10.75 feet, NGVD (IOP Zone A) during October, based on consideration of projected inflows and direct rainfall. 3. S-12A and/or S-12B will be conditionally closed when the WCA-3A stage falls below 10.25 feet, NGVD, OR on 01 November, whichever comes first. S-12B will be conditionally opened during November under the following conditions. 1. WCA-3A stage on 31 Oct is greater than 11.0 feet, NGVD; or 2. WCA-3A stage is projected to rise above 11.25 feet, NGVD during November, based on consideration of projected inflows and direct rainfall. 3. S-12B will be closed when the WCA-3A stage falls below 10.75 feet, NGVD, OR on 01 December, whichever comes first. Year-Round Operational Criteria: S-12A Year-round: To provide access to cultural areas, when Rainfall Plan results in 5-12 target flows, S- 12A up to 100 cfs release. S-12A Cultural Access Release: S-12A up to 100 cfs release available when Rainfall Plan results in S-12 target flows. From 01 October through 14 July, the Tribe and USACE must request informal consultation with FWS to avoid impacts on CSSS-A. During this time, the duration of this release will not exceed five consecutive days. S- 12A up to 100 cfs release may only occur when WCA-3A 3-gage average (WCA-3AVG - Sites 63, 64, 65) is greater than 8.4 feet, NGVD.	

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	During S-12A up to 100 cfs release, data such as but not limited to NP-205 and area rainfall will be monitored with NP-205 increase or anticipated increase above 5.7 feet, NGVD resulting in closing of S-12A. S-12A/B/C/D Headwater greater than 11.0 feet, NGVD: May be opened an amount only enough to stop overtopping of gates. The USACE will assess the feasibility of leaving the gates closed and allowing overtopping.	
FDACS-12	Incremental Testing Extreme High Water (EHW) Action Line: There should be no EHWL and the actions it triggers. The point of Mod Waters is to keep central everglades water where it is needed, in the central everglades. Sending it down L31N is a step backward.	Please refer to the response to FDACS-8.
FDACS-13	WCA-3A Regulation Schedule (Below Zone A): The Corps needs to pick a final recommended plan, model it and present the results in the EIS.	The WCA-3A Regulation Schedule proposed for the COP Preliminary Preferred Plan was previously modeled for ALT Q during the Round 3 hydrologic modeling.
FDACS-14	WCA-3A/3B: S-335 Impacts to Pennsuco wetlands shown in Alt Q modeling must be addressed so there are no negative impacts.	Water management subteam will work with the Eco subteam to determine a floor or criteria for both the Pennsuco wetlands and WCA 3B to minimize impacts during dry periods.
FDACS-15	NESRS: L-29 May need to go to 8.5 from October through March to accommodate El Nino events	Concur. However, extending elevated canal levels between 8.3 and 8.5 for more than 90 days will depend on real-time monitoring of the US 41 roadway subbase (interim FDOT constraint until Tamiami Trail Next Step construction) and 8.5 SMA flood mitigation criteria.
FDACS-16	NESRS: S-333 Remove the EHWL from COP.	Please refer to the response to FDACS-8.
FDACS-17	S-333N: Remove the EHWL from COP and follow the existing state permit for S-333N.	Please refer to the response to FDACS-8 with respect to the EHWL. S-333N operations, as detailed in the Preliminary Preferred Alternative ALT Q+, will adhere to the existing FDEP permit

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		issued to SFWMD for S-333N and any subsequent approved modifications.
FDACS-18	Rainfall Plan: Not clear what the first paragraph in the Modeling Notes means? Has the new TTFF been documented somewhere? What are the specific operations included in the final Plan?	The proposed version of the TTFF for inclusion with the Preliminary Preferred Plan ALT Q+ has been detailed during the presentation of the ALT Q modeling results at the 21 May 2019 COP interagency PDT meeting. Additional, more detailed documentation of the TTFF is being compiled by the COP modeling sub-team, and this information will be distributed in advance of the next water management sub-team meeting.
FDACS-19	SDCS - South Dade Conveyance System: C-111 SD North Detention Area. The model should reflect what the current constraints are for the Detention Areas. If they are allowed to receive pumped inflow up to the overflow elevation then this description is fine. However, that does not seem realistic	No constraint was defined for the COP alternative modeling to ensure the simulated stages fluctuated in response to the L-31N Canal criteria and to provide data to inform setting normal and maximum stages in the WCP. The maximum simulated stages (ALT Q) were 8.3 ft NGVD (depth 1.8 feet) for the NDA and 8.0 ft NGVD (depth 2.0 feet) for the SDA. The WM subteam will work toward setting a normal and a maximum depth in both NDA and SDA. The maximum depth will be reserved for a state declared emergency.
FDACS-20	C-111 SD South Detention Area: See comment for NDA	Please refer to the response to FDACS-19
FDACS-21	S-332B West: This description does not explain what decides which range is used. Having the ranges the same for all structures, and giving the operators discretion is a good policy. However, the top of any range should be no higher than 4.6 and S-176 should also be operated within the same ranges at the discretion of the water managers. The final plan must be specified and analyzed in the EIS.	Alt Q+ operating criteria for S-332B, S-332C, and S-176 will be refined by the WM subteam.

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FDACS-22	S-332B North: Same as S-332B West	Noted
FDACS-23	S-332C: Same as S-332B West	Noted
FDACS-24	S-332D: No comment	Noted
FDACS-25	L-31N Structure Priority: This doesn't differentiate between flood protection and water supply as the text indicates. The earlier sections indicate the water managers would decide which structure to open. Range limits should be adjusted as in our comments on S-332B West	Alt Q+ operating criteria for S-332B, S-332C, and S-176 will be refined by the WM subteam. There will be a separate section of the WCP that documents operations for water supply.
FDACS-26	S-331/S-173: S331HW should not be pumped down to these low levels to try to affect the stage at LPG2. This will send too much flow into the C111 basin during what is clearly a wet period and it is doubtful LPG2 stage can be meaningfully affected from this far away.	At elevated water levels in NESRS (G-3273 > 7.5 feet, NGVD, lowering S-331HW to the lowest setting helps minimize L-31 Canal seepage from overloading 8.5 SMA ground water from the east while S-357 is managing much higher rates of seepage from ENP to the north and west of 8.5 SMA. MWD Increment 2 field test during September-October 2018 informed that this operation and a temporary suspension of WCA 3A inflow into NESRS were needed to meet the 8.5 SMA flood mitigation criteria.
FDACS-27	G-737*: No comment.	Noted
FDACS-28	S-197: No comment	Noted
FDACS-29	S-176: This operating range is too high. It should have the same operating range as S332B and whether it is last in the line of opening priorities, or opened at the water managers discretion, having the same operating range should not create a conflict.	Alt Q+ operating criteria for S-332B, S-332C, and S-176 will be refined by the WM subteam to ensure internal consistency across the structures.
FDACS-30	S-177: This range is too high, especially since S-199 and S-200 can be stopped because of the CSSS. 3.2 to 3.8 is a better range and reflects what has been done in recent years.	S-177 range is 3.6 to 4.2 ft NGVD has not changed. The same range is in ECB19 and Alt Q+. This range is also consistent with Increment 2 and the 2012 WCP.
FDACS-31	S-18C: No comment	Noted

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FDACS-32	S-199: All references to 4.0 should be changed to 3.8 to reflect experience in Increments 1 and 2	This is consistent with the SFWMD permit to operate S-199. The WCP will accommodate any updates to the permit.
FDACS-33	S-200: All references to 4.0 should be changed to 3.8 to reflect experience in Increments 1 and 2	This is consistent with the SFWMD permit to operate S-200. The WCP will accommodate any updates to the permit.
FDACS-34	Taylor Slough: S-328 No Comment	Noted
FDACS-35	Biscayne Bay: S-338 What is the final plan? These descriptions seem to be in conflict. A better narrative is needed	Concur. WM subteam will reconcile any conflicts in the prioritization of water deliveries during the dry season and CSSS nesting period.
FDACS-36	S-194/S-196: See comments under S-338	Noted
FDACS-37	Supplemental Flows to Taylor Slough: This set of operations over drained the Pennsuco and must be revised in a final plan. Under what conditions would Taylor Slough supplemental deliveries be stopped? It is written as a year round practice limited only by WCA-3A stage. This does not seem realistic.	Any water deliveries should have an absolute floor elevation in WCA 3A (already defined for Alt Q+), WCA 3B, and Pennsuco wetlands, in addition to other constraints, needed to minimize negative impacts in those areas. WM subteam will work with the Eco subteam to identify the criteria to reduce or cease supplemental flows.
FDACS-38	WCA-3A/ NESRS S-334: EHWL should be removed from COP and S-334 should be used as authorized, for water supply only.	Please refer to the response to FDACS-8.
FDACS-39	S-357: No comment	Noted
FDACS-40	S-357N: No Comment	Noted
FDACS-41	G-211: Other than for water supply, G-211 should not be opened unless S-356 is pumping at capacity.	G-211 is an integral part of COP operational plan to meet the project objectives. It will be used for water supply, flood control, supplemental water deliveries to Taylor Slough, environmental water supply to Biscayne Bay, and routing flows to S-18C to meet the minimum delivery schedule for

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		the ENP 's eastern panhandle and WCA 3A EHWL releases through SDCS.
FDACS-42	S-148: The final plan must be modeled and it must include the final operating protocols. Operating this structure as described in the modeling notes column may have reduced the need for supplemental releases at S-338.	No additional hydrological modeling will be conducted. The operating criteria will be verified with the WCP for the East Coast Canals (ECC) and any related SFWMD guidance. The priority of supplemental water deliveries will be defined by the WM subteam.
FDACS-43	S-179 (C-103) Why aren't these modeled. Could this have improved performance for Biscayne Bay?	The note referred only to the original COP Round 1 and Round 2 alternatives, and it will be removed for the final version of the modeling assumptions table. Operations to opportunistically direct L-31N releases to Biscayne Bay were included in ALT Q, consistent with the recommendation of the COP Ecological sub-team derived from review of the COP Round 2 sensitivity runs. The operational criteria will be updated and distributed in advance of the next meeting of the water management sub-team for development of the Water Control Plan.
FDACS-44	S-165 (C-102): Why aren't these modeled. Could this have improved performance for Biscayne Bay?	The note referred only to the original COP Round 1 and Round 2 alternatives, and it will be removed for the final version of the modeling assumptions table. Operations to opportunistically direct L-31N releases to Biscayne Bay were included in ALT Q, consistent with the recommendation of the COP Ecological sub-team derived from review of the COP Round 2 sensitivity runs. The operational criteria will be updated and distributed in advance of the next

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		meeting of the water management sub-team for development of the Water Control Plan.
FDACS-45	S-167 (C-103): Farms upstream of S-167 have experienced problems with high water levels. The top end of this range seems high.	Please share the documentation of these concerns. The WM sub team will evaluate these operations, if needed.
FDACS-46	S-12C/D : No comments	Noted
FDACS-47	S-151: How was 300 cfs derived? What, other than the WCA-3A stage, constrains the delivery of this 300 cfs?	The recommendation to up the flow rate from 250 to 300 cfs came from the PDT. The WM subteam will refine the operational criteria of this environmental delivery requirement.
FDACS-48	S-337: How was the 250 cfs derived? What, other than the WCA-3A stage, constrains the delivery of this 250 cfs? We need a final plan that can be simulated and presented as was done for the other alternatives.	This was an oversight. S-337 should be consistent with S-151, up to 300 cfs. The WM subteam will refine the operational criteria of this environmental delivery requirement and maintain a consistency of up to the maximum flow rate.
FDACS-49	S-152: No comment	Noted
FDACS-50	WCA-3A Floor for Water Supply: No comment	Noted
PUBLIC COMMENT		
EVERGLADES FOUNDATION		
EF-1	These comments are specifically related to the operations table presented at the Project Delivery Team Meeting on June 21, 2019 and sent by email on that date. The Everglades Foundation sent technical comments on June 12 conveying our concern that the proposed Tamiami Trail Flow Formula (TTFF) did not perform well during drought conditions, among other concerns. In reviewing the proposed operations table, we find that the Corps' proposed operations table inadequately addresses the outstanding issues in Alternative Q.	It is recognized that this is the first time the Rainfall Plan has been modified to convey water from WCA-3A to ENP and that uncertainties still exist with respect to the implementation of the Tamiami Trail Flow Formula. The next step in the COP planning process is to develop an adaptive management and monitoring plan. The primary objective of the COP adaptive management and monitoring plan will be to identify the monitoring

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	One of the primary modifications in this iteration of the operational table is the "Rainfall Plan" in the South Dade Conveyance System component. The operational plan remains using the regression formula that clearly underpredicts Alternative O performance during droughts. The proposed operations table merely says "SRS low water" without any explanation or guidance as to what the operational concern is or guidance on how to operate. Verbal comments by Corps staff suggest that "Adaptive Management" would address whatever concerns arise and after the operational plan that contains the TTFF is approved, though this is not expressed in the table.	necessary to inform decision-makers, COP partner agencies, and the public on progress towards achieving restoration success, as well as address uncertainties related to project performance. Given, that this is the first time the Tamiami Trail Flow Formula will be implemented, there is inherit uncertainty. Adaptive management strategies will be developed to address this uncertainty, which will include a structured approach as to how monitoring data may inform implementation of the WCP and/or potential future revisions to the Tamiami Trail Flow Formula. During the COP interagency PDT meeting on 21 June 2019, the Corps provided a flow-chart which detailed the sequential process and proposed schedule to further develop the COP Water Control Plan following identification of the Preliminary Preferred Alternative. The COP Adaptive Management (AM) Plan will be developed through a parallel process. Specific operational triggers and operational criteria to address SRS low water conditions will be developed through the AM Plan process, with technical support from water managers. Some of the outcomes will be included in the COP Water Control Plan, while others may be included in future deviations and/or future WCP updates.

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		Development of the operational table and associated Water Control Plan will be supported by the COP modeling sub-team team and the COP water management sub-team, prior to presenting it to the PDT. The draft operational table, which will be part of the Water Control Plan will be distributed to the interagency water management sub-team by 15 July 2019. This will be followed by a series of water manager sub-team meetings during July and August to review and revise the draft Water Control Plan. Progress updates of the COP Water Control Plan will continue to be provided at the interagency PDTs during this time.
EF-2	Adaptive Management is a valuable endeavor and should be undertaken as a routine procedure to gain insight into project function and improve operations. However, Adaptive Management is not a solution to the problem of the TTFF functioning poorly during droughts. First, any solution arrived at during Adaptive Management is not self implementing. This EIS locks in the TTFF until the next update, as undertaking Adaptive Management is not an exempt from NEPA. Second, droughts are not amenable to Adaptive Management. Typically, by the time water managers are certain there is a drought, it is too late to take actions that would mitigate conditions. In contrast, wet conditions are very amenable to Adaptive Management, but instead the Corps is proposing to put high water response directly into the operations table. Clearly, the Corp is not relying on Adaptive Management even when well suited to the issue. Third, while Adaptive Management is a proven methodology for reducing uncertainties, it is not suited for addressing clear flaws. The TTFF under predictions during droughts are inherent in the regression and its	The NPS has reviewed the code and regression analysis provided by the Everglades Foundation and provided a summary of this information to the Cooperating Agencies. Based on our review, there is no clear evidence to suggest that the proposed alterations to the TTFF enhances the performance of the preliminary preferred alternative consistently across the period of record. Instead, the comparison indicates a similar pattern of information that was observed when comparing many variations of the TTFF formulas within the COP modeling sub-team; the Foundations' proposed altered formula increases flows to ENP in some dry year cases, and reduces flows to ENP other dry year cases.

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	development; no amount of Adaptive Management will fix the underlying flaws. For these reasons, the proposed modifications to the operational table are entirely inadequate for addressing concerns about drought performance. The solution is to fix the TTFF. The Everglades Foundation undertook investigations on possible corrections, and with less than 20 total man-hours of time, found ways to significantly improve the performance. For example, by setting stage thresholds in Water Conservation Area 3A and Everglades National Park, a piecewise regression improves drought performance. (We have attached regression analysis in R, modifications to the RSM model to implement the improved regression and a spreadsheet analyzing the results.) In our analysis, we found that the RSM contains operations and feedbacks not included in the regression, and which must be taken into account. We therefore conclude that the Corps' proposed operations table is inadequate to fix the drought performance, but fixing the drought performance need not be time-consuming and onerous, leading to a slipped schedule. The Corps can and should move expeditiously to fix this issue; no change in the schedule is needed.	There is room for improvement in some drier years as discussed at the 07 June 2019 PDT meeting, but the benefits realized in the TTFF and COP ALT Q are significant over ECB19RR and in the same range of performance of ALT O based on the evaluations of the COP technical sub-teams. Moving forward, the best way to realize any possible improvements considering multiple factors (precedent setting, schedule, etc.) is to carry the conversation into the COP adaptive management framework and/or subsequent CERP efforts. As monitoring information continues to be collected and evaluated through the COP Adaptive Management process (post implementation), it is expected that the TTFF will continue to evolve as conditions change in the future through the combination of new information and new CERP infrastructure, including features which will enable increased flow deliveries into the WCAs, ENP, and Florida Bay. The COP adaptive management process will focus on determining whether, under certain prescribed conditions, we can move towards emulating the performance identified in Alternative O to deliver depth benefits that were present in this alternative due to the subtly different operations between Alternatives O and Q. As stated previously, the COP WCP will

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		capture management measures identified in the AM plan that can be implemented. As correctly stated by the Foundation, other aspects of the AM Plan which are unable to be addressed within the COP EIS and WCP are not self-executing and will need additional NEPA to implement a deviation or revise the WCP.

Everglades
Law Center, Inc.
Defending Florida's Ecosystems and Communities

July 23, 2019

Col. Andrew Kelly, District Commander
U.S. Army Corps of Engineers, Jacksonville District
Email: Andrew.D.Kelly@usace.army.mil

Drew Bartlett, Executive Director
South Florida Water Management District
Email: DBartlett@sfwmd.gov

Re: Combined Operations Plan Must Safeguard Everglades National Park and Florida Bay from Drought Impacts

Dear Col. Kelly and Mr. Bartlett:

I write on behalf of Audubon Florida, the Everglades Foundation, the National Parks Conservation Association, and the Everglades Law Center to provide comments on the alternatives under consideration as part of the Combined Operations Plan (COP) planning process. The COP is the long-awaited operations guide for restoration infrastructure that has been constructed over decades to deliver clean freshwater to Everglades National Park (ENP) and Florida Bay. This infrastructure includes the Modified Water Deliveries, C-111 South Dade, and C-111 Spreader Canal Projects, and bridged portions of Tamiami Trail.

Congress funded these projects with nearly $1 billion in American taxpayer investment. With the planning process drawing to a close, **the final COP alternative fails to deliver ecosystem benefits funded by the American public and will leave ENP at significant risk of detrimental drought impacts, including seagrass die-offs and fishery declines in Florida Bay.** The shortcomings of the final alternative relative to ENP and Florida Bay are the product of a technical issue that we are certain can be corrected by the Project Delivery Team without jeopardizing the COP implementation timetable. As made clear in prior technical comments (attached), **Adaptive Management will not suffice to remedy these shortcomings, and instead we urge the U.S. Army Corps of Engineers to work with its partner agencies to remedy these shortcomings now while the planning process is still ongoing to advance a final alternative that delivers environmental benefits commensurate with the public investment in restoration infrastructure.**

We offer this urgent request in an effort to improve the performance of COP and further the restoration of America's Everglades and the waters of the Florida Keys. The catastrophic Florida Bay seagrass die-offs of 2015/2016 highlight the urgent need to ensure that COP delivers adequate benefits to the bay during droughts. The U.S. Army Corps of Engineers and South Florida Water Management District should address drought performance of Alternative Q+ as an immediate priority.

Sincerely,

S. Ansley Samson
General Counsel

COP Planning Process & Background

Audubon Florida, Everglades Foundation, National Parks Conservation Association, and the Everglades Law Center have been closely involved in COP planning since scoping was initiated in October 2017. Prior to that, our organizations spent decades working to support the planning and construction of the above mentioned projects. Through a series of public workshops, meetings with agency staff, and verbal and written comments, we have provided abundant feedback on COP alternatives with one overarching goal: **COP must deliver more clean water to ENP and Florida Bay especially during drought, when it is most desperately needed.**

At our urging, the U.S. Army Corps of Engineers – along with partner agencies like the South Florida Water Management District, Florida Department of Environmental Protection, National Park Service, and others – hosted two public workshops in accessible locations where Florida Bay stakeholders could contribute to the planning dialogue. These meetings were in Homestead (Aug. 2018) and Islamorada (Dec. 2018). Dozens of members of the public, including elected leaders representing impacted communities, urged the agencies to prioritize freshwater flow to Florida Bay in the dry season as an essential need for the health, economy, and quality of life of local residents and for the health of ENP and Florida Bay.

Earlier this year, we wrote to you expressing our support for Alternative O, which focused on maximizing freshwater flows to the Everglades year-round. Our organizations saw that this operational alternative could send significant, beneficial new flow to Florida Bay in both the location and season when it is needed most, including during droughts. Our letter dated March 25, 2019 expresses our support for many aspects of the proposed alternative – with a few suggested improvements – and our support for the agencies continuing to seek the alternative that maximizes ecosystem benefits.

Unfortunately, the next round of alternatives included Alternative Q, which showed significantly fewer environmental benefits for Florida Bay than Alternative O during droughts. Our organizations expressed specific concerns regarding Alternative Q during public comment at the Project Delivery Team (PDT) webinar meeting on June 7, 2019.

Now the refined Alternative Q+ is on track to be the final alternative. This alternative does not perform well for Florida Bay during drought conditions, jeopardizing not only the health of the Bay but also the investment made in restoration infrastructure that has led us to this operations plan. Alternative Q+ is a step backward in achieving an effective COP, especially when previous alternatives demonstrated that providing better freshwater flows to ENP and Florida Bay for the entirety of the dry season and during droughts is achievable.

Drought Performance for Florida Bay is Critical

In the 1980s, a widespread seagrass die-off in Florida Bay was the catalyst catastrophe that set the wheels of Everglades restoration in motion. Detrimental impacts from that event spanned decades, as the health of the ecosystem and the closely-tied Florida Keys economy struggled to rebound after fish populations plummeted. Restoring freshwater flow to Florida Bay has always been at the heart of efforts to restore the Everglades.

In 2015 and 2016, Florida Bay again experienced widespread seagrass die-offs following an extended drought. Those detrimental impacts reverberated through the Bay ecosystem and stakeholders in the Florida Keys. The COP must ensure that ENP and Florida Bay are better safeguarded against drought impacts. Alternative Q+ fails to protect these ecosystems during drought; instead, it guarantees that another seagrass die-off will befall Florida Bay when inevitable drought conditions occur again.

The final COP must ensure that – if and when another drought occurs – Florida Bay will be more resilient because of these restoration projects. Since the devastating seagrass die-offs and subsequent algal blooms in Florida Bay in the 1980s, American taxpayers have spent nearly $1 billion constructing restoration infrastructure to protect and restore Everglades National Park. Preventing another ecological catastrophe in Florida Bay must be the top consideration for the COP final alternative, to ensure accountability to the taxpayers making significant investments in America's Everglades.

Flow Formula and Adaptive Management

We know that every agency on the COP PDT has the strong desire to improve the health of ENP and Florida Bay, and we appreciate the tremendous effort that has gone into the project thus far. The U.S. Army Corps of Engineers and South Florida Water Management District are valued partners in achieving our shared goals for the Everglades. **We want to be clear that our concerns with Alternative Q+ are technical in nature, and do not indicate any difference in policy or priority from those outlined in the project guidelines.** All parties involved want to deliver more freshwater to Florida Bay and restore ENP.

Over the past several months, expert science staff from the Everglades Foundation have extensively modeled all iterations of the plan, including the latest alternative. The results of that analysis are clear: Alternative Q+ fails to send adequate water to ENP and Florida Bay in times of drought. The issue lies within the Tamiami Trail Flow Formula, which under-predicts the

need for water in Florida Bay during drought conditions. We cannot move forward with a final operating plan that ensures the Bay will remain in a water deficit when flow is most desperately needed.

In response to this specific concern, the agencies have offered that adaptive management will be used to address ecosystem needs on a year-by-year basis. Adaptive management is a valuable tool and should be undertaken as a routine procedure to gain insight into project function, assess uncertainties in predictions, and improve operations within bounds set by the operations plan. However, adaptive management is not the solution to an already identified, underlying error in the flow formula. Nor does adaptive management offer a timely opportunity to fix an inherently flawed operations plan; failing to address this fundamental problem with the flow formula now would mean additional delay in implementing any solution, which would require a new National Environmental Policy Act process.

Additionally, droughts are not amenable to adaptive management. Typically, by the time water managers are certain there is a drought, it is too late to take actions that would mitigate those detrimental conditions.

Next Steps and Achieving Success

Now is the time to fix the flow formula and ensure the final COP alternative delivers desperately needed restoration benefits for ENP and Florida Bay. Rather than advancing an alternative that has underlying technical issues, the agencies should take the time to get the operations rule right and not rely on adaptive management to fix a known error in the proposed plan. We understand the urgency of getting COP online quickly and share the agencies' desire to flow more water into the southern end of the ecosystem as soon as possible. **However, we urge you to direct staff to invest the additional time necessary to fix errors in the flow formula and get this plan right now. Rushing to finalize a critically flawed operations plan after literally spending decades planning and constructing these projects shortchanges the American public out of improved conditions for Everglades National Park and Florida Bay.**

During the PDT webinar on July 9, 2019, one agency staff member said the timeline for project completion meant "pencils down" by September 27, 2019. Please do not push ahead with a flawed final alternative simply to adhere to a stringent timeline set by bureaucratic process. We believe that taking an extra month to revisit the flow formula would be well worth the investment of agency time and would still allow for the project to come online by 2021 as currently planned.

Attachment: Prior Technical Comments

June 12, 2019

Donna George
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232-0019
Email: donna.s.george@usace.army.mil

RE: Technical comments on Alternative Q performance

Dear Ms. George,

On behalf of the Everglades Foundation, we submit the following comments on the proposed Round 3 Alternative Q for the Combined Operation Plan. These comments are more technical in nature and focused on the drought performance of ALTQ on Everglades National Park (ENP) and drawdown in Water Conservation Area 3A (WCA3A).

Earlier this year, COP Project Delivery Team (PDT) released two alternatives during the Round 2 modeling: ALTO and ALTN2. Both alternatives used iModel optimized flow targets to deliver the water from WCA-3A to ENP. ALTO was broadly accepted by stakeholders because it was focused on sending more water to ENP during dry seasons and the droughts. PDT also assessed that the ALTO was the best performer from an ecological perspective. Recently, the latest alternative, ALTQ was released, which was primarily derived from ALTO.

We evaluated the ALTQ performance and found that it reduced the drought flows to ENP through S-12C, S-12D and S-333 structures across Tamiami Trail relative to the ALTO (Figure 1). For example, the ALTQ decreased average annual flow by 54,000 acre-feet during the 5 worst dry years through S-333 structure. The effect of this reduction on water depths is particularly visible in ENP and in the mangrove ecotone during droughts (Figure 2).

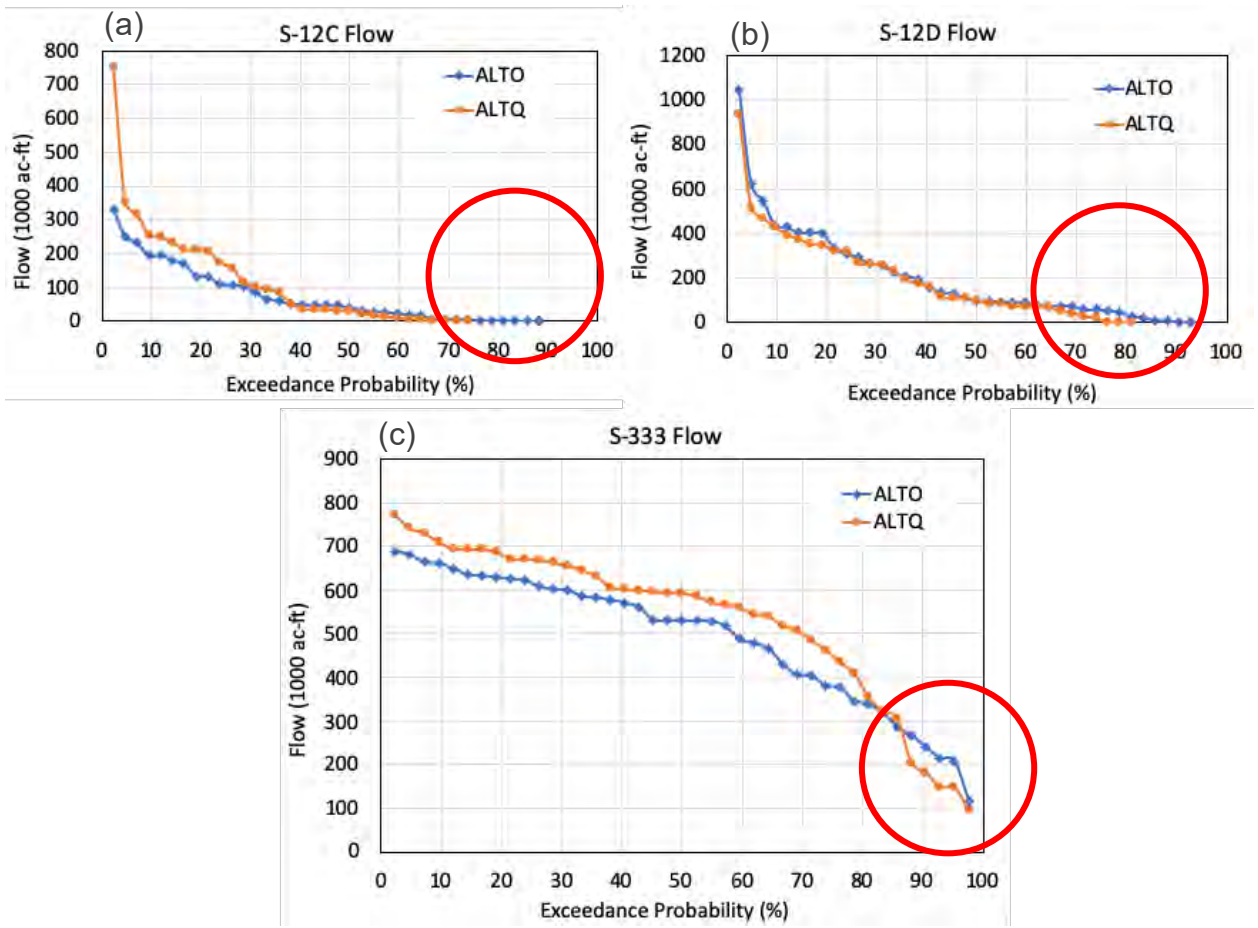

Figure 1. Average annual flow duration curves through S-12C, S-12D and S-333 structures.

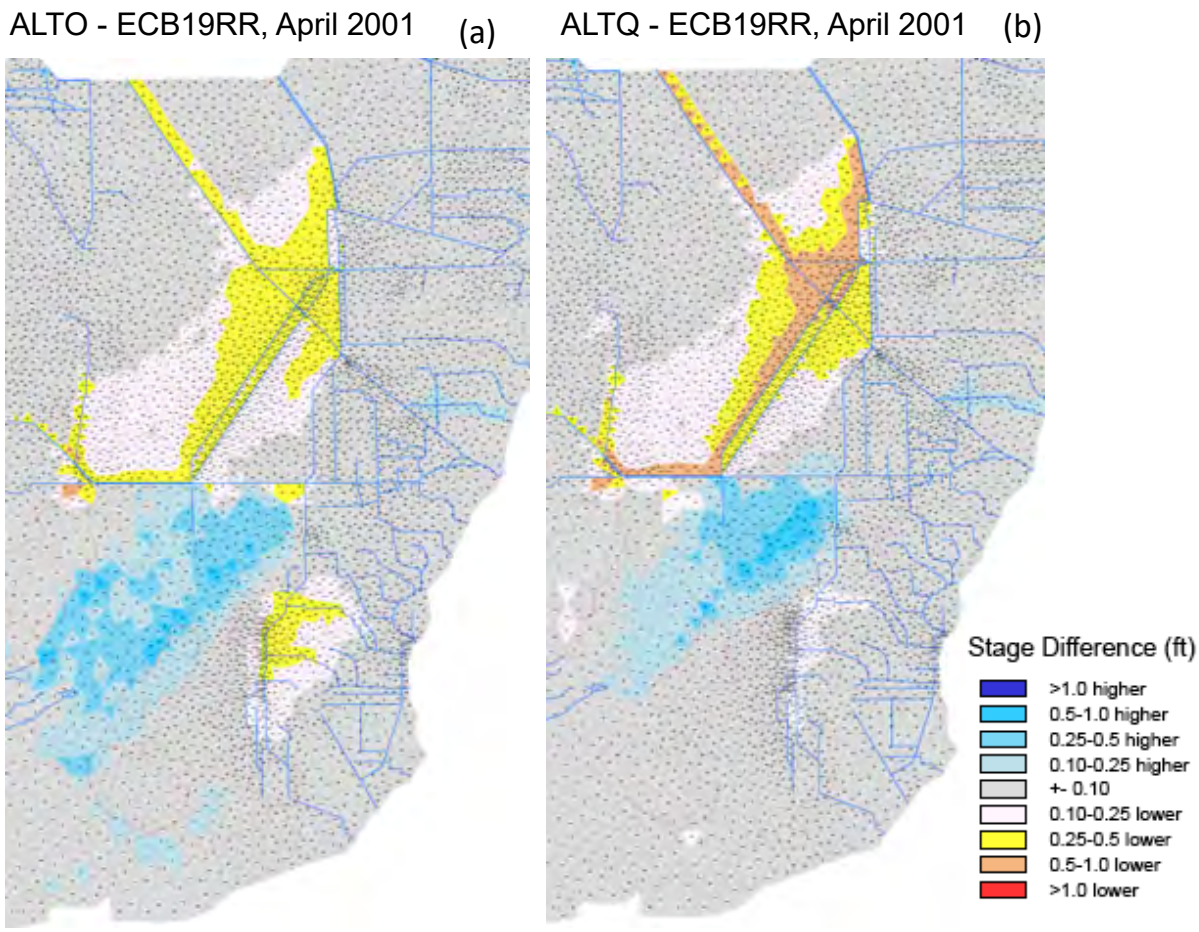

Figure 2: Stage difference map in April of one of the dry years: (a) between ALTO and ECB19RR and (b) between ALTQ and ECB19RR

The key problem of the ALTQ is the selection of a linear regression model for the Tamiami Trail Flow Formula (TTFF). We understand this was a somewhat arbitrary choice, and a linear regression was chosen for its relative simplicity and common usage. The TTFF was fitted to ALTO predicted weekly flows using six predictors that include stages, flows, rain, PET and Zone A levels.

One well-known problem with a regression model is that, while getting the average conditions reasonably close, it does not perform as well during the wettest and driest periods. The high flows during the wet periods were addressed by employing the Zone A level as a predictor; however, nothing was done to address the underprediction during droughts. The TTFF was not able to capture the flows above 1-in-5 year drought (Figure 1c). To be clear: the low flow problem is a direct consequence of the choice of a linear regression model. It is therefore imperative that the model be modified to result in the desired dry year performance.

Additionally, we have observed several problems with the model itself. First, most of the terms are very strongly correlated, causing a "multi-collinearity" effect. One consequence of this is to

introduce something like a feedback effect, which dampens flows during droughts. We found that by simply reducing the number of terms, the model performance better during dry periods. We understand that it may not be possible to have completely independent variables in real conditions. However, we believe that it can be minimized by selecting appropriate predictors. Here, all these complicated factors involved in underpredicting the flows during the droughts as shown Figure 1c. The large number of terms, including terms like the Zone A, add little to the predictive power and can cause untended consequences.

Additionally, lack of a constant term could lead to anomalous and unintended behaviors outside the range of data used to fit the models. Experts generally urged caution in forcing regressions through the origin and recommended not to do it[1]. If you force the function to pass through the origin and the true shape of the function is non-linear near the origin (which is far outside of normal values of most of the terms), it may lead to unintended behaviors. The non-linear relations may occur near the origin, and it is important to examine the lack of fit near zero before regression passes through the origin[2]Consider this example for this specific application. Flows across Tamiami Trail are strongly related to WCA3A water levels. There is some level above which the operational strategy would be to "push" water out of WCA3A, so the sign of the term would be positive. On the other hand, below that level, the goal would be "hold" water in WCA3A, and a negative sign would be needed. One could do that with ENP demand, rainfall, etc. While it would be desirable to make that level a function of month, a constant would be the simplest implementation. By omitting this, the model is forced to behave in counter-productive and even counter-intuitive ways. For example, by including a linear term, the Potential Evapotranspiration (PET) term changes sign, indicating the behavior of this term in the model changes for one that allows adds to flow to one where its influence depends on PET is high or low.

We suggest few solutions to refine the TTFF so that it addresses the issues of underprediction during the droughts.

1) A quick but not robust solution could be using a modifying factor as used in the QP33_Sens run presented in the PDT meeting on June 7, 2019.
2) Reducing the number of terms in the TTFF,
3) Implementing a piecewise formula, thereby having three parts to the TTFF, high water, low water, and "normal" conditions.

Another drought issue is the lowering the WCA3A floor to 7 feet (in ALTQ) from 7.5 feet (in ALTO). The water supply analysis performed by the PDT looked only at the benefits to the South Dade Conveyance System (SDCS), but did not look at the impacts to the source area,

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[1] See for example, Cade, B.S. & Terrell, J.W. (1997) Comment: cautions on forcing regression equations through the origin. North American Journal of Fisheries Management, 17, 225–227. Eisenhauer, J.G. (2003) Regression through the origin. Teaching Statistics 25, 76–80. Kozak, A. & Kozak, R.A. (1995) Notes on regression through the origin. The Forestry chronicle, 71, 326–330.

[2] Hahn, G. J. Fitting regression models with no intercept term. Journal of Quality Technology 9:56-61.

WCA3A. First, the most likely cause of the lower water levels in the SDCS was the general lowering of water levels well below the 1994 GRR levels. The lowering of the floor in WCA3A brought in water to address that problem. If the effects in WCA3A are not *de minimis*, the Corps should (a) look at the cause of the problem: SDCS stages, and/or (b) implement SDCS restrictions at the 7.5 ft level.

We would also like re-iterate our previous comments on Extreme High Water Action Line (EHWAL) and our opposition to its implementation. Particularly problematic in the Alternative Q EHWAL is that only one operational strategy to lower Water Conservation Area 3A (WCA3A) is proposed: routing excess flows into the South Dade Conveyance System via S-334. We find this concerning for the following reasons:

(1) it makes permanent an operational policy that was proposed as a stop-gap measure until more capacity existed into NE Shark River Slough. That capacity now exists, but instead of the strategy being retired, it is codified into permanent operations.

(2) the operational strategy of moving flood water into South Dade has been long opposed by most of the stakeholders in the region, and a source of controversy and contention since it was first proposed as mitigation for the S-12 seasonal closures. Proposing this as the only option for high water in WCA3A will ignite unnecessary controversy by suggesting that objectionable and undesirable operations will become permanent, despite the expenditure of large sums of public funds and nearly universal agreement the practice should be discontinued.

(3) proposing a single emergency high water action without investigating alternatives is not consistent with the objectives this analysis, which should be to illuminate the consequences of a range of possible actions to help identify the actions that the public can support. If the only alternative is one that has met with long-standing public opposition, it does not offer the public any way to constructively and affirmatively express support for the selected alternative.

(4) because the COP assumption is that no additional flow enters WCA3A, and because the Corps and South Florida Water Management District are currently making real-time operational decisions to increases flows from Lake Okeechobee southward into WCA3A, any EHWAL evaluation in COP will necessarily underestimate the true consequences. Thus, including emergency actions likely exceed what is possible to evaluate accurately in COP.

Sincerely,

/signature by email

Thomas Van Lent
The Everglades Foundation

July 1, 2019

Donna George
US Army Corps of Engineers
Jacksonville District
PO Box 4970
Jacksonville, FL 32232-0019
Email: donna.s.george@usace.army.mil

RE: Technical Comments on Operations Table for Alternative Q2

These comments are specifically related to the operations table presented at the Project Delivery Team Meeting on June 21, 2019 and sent by email on that date. The Everglades Foundation sent technical comments on June 12 conveying our concern that the proposed Tamiami Trail Flow Formula (TTFF) did not perform well during drought conditions, among other concerns. In reviewing the proposed operations table, we find that the Corps' proposed operations table inadequately addresses the outstanding issues in Alternative Q.

One of the primary modifications in this iteration of the operational table is the "Rainfall Plan" in the South Dade Conveyance System component. The operational plan remains using the regression formula that clearly underpredicts Alternative O performance during droughts. The proposed operations table merely says "SRS low water" without any explanation or guidance as to what the operational concern is or guidance on how to operate. Verbal comments by Corps staff suggest that "Adaptive Management" would address the whatever concerns arise and after the operational plan that contains the TTFF is approved, though this is not expressed in the table.

Adaptive Management is a valuable endeavor and should be undertaken as a routine procedure to gain insight into project function and improve operations. However, Adaptive Management is not a solution to the problem of the TTFF functioning poorly during droughts. First, any solution arrived at during Adaptive Management is not self-implementing. This EIS locks in the TTFF until the next update, as undertaking Adaptive Management is not an exempt from NEPA. Second, droughts are not amenable to Adaptive Management. Typically, by the time water managers are certain there is a drought, it is too late to take actions that would mitigate conditions. In contrast, wet conditions are very amenable to Adaptive Management, but instead the Corps is proposing to put high water response directly into the operations table. Clearly, the Corp is not relying on Adaptive Management even when well suited to the issue. Third, while Adaptive Management is a proven methodology for reducing uncertainties, it is not suited for addressing clear flaws. The TTFF underpredictions during droughts are inherent in the regression and its development; no amount of Adaptive Management will fix the underlying flaws.

For these reasons, the proposed modifications to the operational table are entirely inadequate for addressing concerns about drought performance. The solution is to fix the TTFF. The Everglades Foundation undertook investigations on possible corrections, and with less than 20 total man-hours of time, found ways to significantly improve the performance. For example, by setting stage thresholds in Water Conservation Area 3A and Everglades National Park, a piecewise regression improves drought performance. (We have attached regression analysis in R, modifications to the RSM model to implement the improved regression and a spreadsheet analyzing the results.) In our analysis, we found that the RSM contains operations and feedbacks not included in the regression, and which must be taken into account. We therefore conclude that the Corps' proposed operations table is inadequate to fix the drought performance, but fixing the drought performance need not be time-consuming and onerous, leading to a slipped schedule. The Corps can and should move expeditiously to fix this issue; no change in the schedule is needed.

We offer these comments as constructive criticism to improve one of the most critical objectives in Modified Water Deliveries: improve C&SF Project performance during droughts. The events of 2015-2016 in Florida Bay highlight the need for this, and the Corps should make addressing the performance of Alternative Q during droughts an immediate priority.

Sincerely,

/signed for email

Thomas Van Lent, Ph.D.
The Everglades Foundation

SUPPLEMENTARY INFORMATION: On October 13, 2005, the final Cross-Media Electronic Reporting Rule (CROMERR) was published in the **Federal Register** (70 FR 59848) and codified as part 3 of title 40 of the CFR. CROMERR establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. Subpart D of CROMERR requires that state, tribal or local government agencies that receive, or wish to begin receiving, electronic reports under their EPA-authorized programs must apply to EPA for a revision or modification of those programs and obtain EPA approval. Subpart D provides standards for such approvals based on consideration of the electronic document receiving systems that the state, tribe, or local government will use to implement electronic reporting. Additionally, § 3.1000(b) through (e) of 40 CFR part 3, subpart D provides special procedures for program revisions and modifications to allow electronic reporting, to be used at the option of the state, tribe or local government in place of procedures available under existing program-specific authorization regulations. An application submitted under the subpart D procedures must show that the state, tribe or local government has sufficient legal authority to implement the electronic reporting components of the programs covered by the application and will use electronic document receiving systems that meet the applicable subpart D requirements.

On October 31, 2019, the Maricopa County, Arizona Air Quality Department submitted an application titled IMPACT for revisions/modifications to its EPA-approved programs under title 40 CFR to allow new electronic reporting. EPA reviewed Maricopa County, Arizona Air Quality Department's request to revise/modify its EPA-authorized programs and, based on this review, EPA determined that the application met the standards for approval of authorized program revisions/modifications set out in 40 CFR part 3, subpart D. In accordance with 40 CFR 3.1000(d), this notice of EPA's decision to approve Maricopa County's request to revise/modify its following EPA-authorized programs to allow electronic reporting under 40 CFR parts 50, 51, 52, 60, 61, 62, 63, 64, 65, and 71 is being published in the **Federal Register**:

Part 52—Approval and Promulgation of Implementation Plans (SIP/Clean Air Act Title II) Reporting under CFR 50–52

Part 60—Standards of Performance for New Stationary Sources (NSPS/CAR/Clean Air Act Title III) Reporting under CFR 60 & 65

Part 62—Approval and Promulgation of State Plans for Designated Facilities and Pollutants (NSPS/Clean Air Act Title III—Hospital/Medical) Reporting under CFR 62

Part 63—National Emission Standards for Hazardous Air Pollutants for Source Categories (NESHAP MACT/Clean Air Act Title III) Reporting under CFR 61, 63 & 65

Part 70—Federal Operating Permit Programs (Clean Air Act Title V) Reporting under CFR 64 & 71

The Maricopa County, Arizona Air Quality Department was notified of EPA's determination to approve its application with respect to the authorized programs listed above.

Dated: December 12, 2019.

Maja Lee,

Acting Director, Office of Information Management.

[FR Doc. 2020–01579 Filed 1–30–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9049–2]

Environmental Impact Statements; Notice of Availability

Weekly receipt of Environmental Impact Statements
Filed January 20, 2020, 10 a.m. EST
Through January 27, 2020, 10 a.m. EST
Pursuant to 40 CFR 1506.9

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa/*.

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20200016, Draft, USFS, OR, Flat Country, Comment Period Ends: 03/16/2020, Contact: Dean Schlichting 541–822 7214

EIS No. 20200017, Draft, USFS, WY, Snow King Mountain Resort On-Mountain Improvements, Comment Period Ends: 03/16/2020, Contact: Sean McGinness 307–739–5415

EIS No. 20200018, Final Supplement, FERC, LA, Final Supplemental EIS for the Magnolia LNG Production Capacity Amendment, Review Period Ends: 03/02/2020, Contact: Office of External Affairs 866–208–3372

EIS No. 20200019, Draft, BLM, WY, Draft RMP Amendment and EIS for Wild Horse Management in the Rock Springs and Rawlins Field Offices, Wyoming, Comment Period Ends: 04/30/2020, Contact: Kimberlee Foster 307–352–0201

EIS No. 20200020, Draft, USACE, FL, Combined Operational Plan, Comment Period Ends: 03/16/2020, Contact: Melissa Nasuti 904–232–1368

EIS No. 20200021, Final, NRC, PA, Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 10, Second Renewal, Regarding Subsequent License Renewal for Peach Bottom Atomic Power Station Units 2 and 3, Final Report, Review Period Ends: 03/02/2020, Contact: Lois M. James 301–415–3306

EIS No. 20200022, Final, BIA, CA, Final Environmental Impact Statement for the Campo Wind Project with Boulder Brush Facilities, Review Period Ends: 03/02/2020, Contact: Dan (Harold) Hall 916–978–6041

Amended Notice

EIS No. 20190287, Draft, BR, CO, Paradox Valley Unit of the Colorado River Basin Salinity Control Program Environmental Impact Statement, Comment Period Ends: 02/19/2020, Contact: Lesley McWhirter 970–248–0608

Revision to FR Notice Published 12/06/2019; Extending the Comment Period from 2/4/2020 to 2/19/2020.

Dated: January 28, 2020.

Robert Tomiak,

Director, Office of Federal Activities.

[FR Doc. 2020–01831 Filed 1–30–20; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8915

Planning and Policy Division
Environmental Branch

JAN 31 2020

To Whom It May Concern:

Pursuant to the National Environmental Policy Act (NEPA) and the U.S. Army Corps of Engineers (Corps) Regulation 33 Code of Federal Regulations 230.11, this letter constitutes the Notice of Availability of the Draft Environmental Impact Statement (EIS) for the Combined Operational Plan (COP). The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries to Everglades National Park and Canal 111 South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern Florida Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation. The proposed action within the Draft EIS would occur within the Everglades of southeastern Florida in Broward and Miami-Dade counties.

The Draft EIS is available for your review on the Corps Environmental planning website, under multiple counties, and at the project website:

http://www.saj.usace.army.mil/About/DivisionsOffices/Planning/EnvironmentalBranch/EnvironmentalDocuments.aspx

http://www.saj.usace.army.mil/Missions/Environmental/EcosystemRestoration/G3273andS356PumpStationFieldTest.aspx

A copy of the report is also available at the following libraries:

Miami-Dade Public Library
Main Branch
101 West Flagler Street
Miami, FL 33130

Miami-Dade Public Library
Homestead Branch
700 N Homestead Blvd.
Homestead, FL 33030

Broward County Public Library
Main Branch
100 S Andrews Avenue
Fort Lauderdale, FL 33301

Broward County Public Library
Southwest Regional Library
16835 Sheridan Street
Pembroke Pines, FL 33331

Any comments you may have must be submitted in writing to the letterhead address within 45 days of the date of this letter. Questions concerning the COP can be submitted to Mrs. Melissa Nasuti at the letterhead address or to Melissa.A.Nasuti@usace.army.mil. Mrs. Nasuti may also be reached by telephone at 904-232-1368.

Sincerely,

Angela Dunn
Chief, Environmental Branch

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

Planning and Policy Division
Environmental Branch

JAN 31 2020

The Honorable Billy Cypress
Chairman, Miccosukee Tribe of Indians of Florida
Post Office Box 440021, Tamiami Station
Miami, Florida 33144

Dear Chairman Cypress:

Pursuant to the National Environmental Policy Act (NEPA) and the U.S. Army Corps of Engineers (Corps) Regulation 33 Code of Federal Regulations 230.11, this letter constitutes the Notice of Availability of the draft Environmental Impact Statement (EIS) for the Combined Operational Plan (COP). The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries to Everglades National Park and Canal 111 South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern Florida Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation. The proposed action within the draft EIS would occur within the Everglades of southeastern Florida in Broward and Miami-Dade counties.

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Fort Lauderdale, FL 33301

Broward County Public Library
Southwest Regional Library
16835 Sheridan Street
Pembroke Pines, FL 33331

We intend to pursue an open and public process and recognize the obligations that the Corps has to its tribal partners. The Corps is currently coordinating this action with the appropriate staff members and will continue to consult with your staff through implementation of this project. Any comments you may have must be submitted in writing to the letterhead address within 45 days of the date of this letter. If you have any questions regarding the information in this letter, please feel free to contact me or you may contact Mrs. Melissa Nasuti at 904-232-1368 or by email at melissa.a.nasuti@usace.army.mil.

Sincerely,

KELLY.ANDREW.DONALD.JR.1025510875
Digitally signed by KELLY.ANDREW.DONALD.JR.1025510875
Date: 2020.01.21 11:21:47 -05'00'

Andrew D. Kelly, Jr.
Colonel, U.S. Army
District Commander

Enclosure

cc:
Kevin Donaldson, Section 106 Representative and Real Estate Services, Miccosukee Tribe of Indians of Florida, P.O. Box 440021, Tamiami Station, Miami, FL 33144
Gene Duncan, Water Resources Director, Miccosukee Tribe of Indians of Florida, P.O. Box 440021, Tamiami Station, Miami, FL 33144
Craig Van der Heiden, Fish and Wildlife Director, Miccosukee Tribe of Indians of Florida, P.O. Box 440021, Tamiami Station, Miami, FL 33144

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

Planning and Policy Division
Environmental Branch

JAN 31 2020

The Honorable Marcellus Osceola, Jr.
Chairman, Seminole Tribe of Florida
6300 Stirling Road
Hollywood, FL 33024

Dear Chairman Osceola:

Pursuant to the National Environmental Policy Act (NEPA) and the U.S. Army Corps of Engineers (Corps) Regulation 33 Code of Federal Regulations 230.11, this letter constitutes the Notice of Availability of the draft Environmental Impact Statement (EIS) for the Combined Operational Plan (COP). The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries to Everglades National Park and Canal 111 South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern Florida Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation. The proposed action within the draft EIS would occur within the Everglades of southeastern Florida in Broward and Miami-Dade counties.

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Fort Lauderdale, FL 33301

Broward County Public Library
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16835 Sheridan Street
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We intend to pursue an open and public process and recognize the obligations that the Corps has to its tribal partners. The Corps is currently coordinating this action with the appropriate staff members and will continue to consult with your staff through implementation of this project. Any comments you may have must be submitted in writing to the letterhead address within 45 days of the date of this letter. If you have any questions regarding the information in this letter, please feel free to contact me or you may contact Mrs. Melissa Nasuti at 904-232-1368 or by email at melissa.a.nasuti@usace.army.mil.

Sincerely,

KELLY.ANDREW.DONALD.JR.1025510875 Digitally signed by KELLY.ANDREW.DONALD.JR.1025510875 Date: 2020.01.21 11:24:51 -05'00'

Andrew D. Kelly, Jr.
Colonel, U.S. Army
District Commander

Enclosure

cc:
Dr. Paul N. Backhouse, Ph.D., Seminole Tribe of Florida, Senior Director, Heritage, Environment, Resources Office, Ah-Tah-Thi-Ki Museum, 30290 Josie Billie Hwy, PMB 1004, Clewiston, FL 33440
Anne Mullins, Tribal Historic Preservation Office, Director, 30290 Josie Billie Hwy, PMB 1004, Clewiston, FL 33440
Stacy Myers, Director, Environmental Resource Management, Seminole Tribe of Florida, 6365 Taft Street, Hollywood, FL 33024
Patricia Power, Bose Public Affairs Group, 2000 M Street, N.W., Suite 520, Washington, D.C. 20036
David Cypress, Big Cypress Councilman, Seminole Tribe of Florida, 31000 Josie Billie Highway, Clewiston, FL 33440
Larry Howard, Brighton Council Representative, Seminole Tribe of Florida, 650 Harney Pond Road, Okeechobee FL 34974
Joe Frank, Big Cypress Board Representative, Seminole Tribe of Florida, Inc., Big Cypress Board Office, 31000 Josie Billie Hwy., Clewiston, FL 33440
Jim Shore, General Counsel, Seminole Tribe of Florida, 6300 Stirling Road, Hollywood, FL 33024
Stephen A. Walker, Lewis, Longman and Walker, 515 North Flagler Drive, Suite 1500, West Palm Beach, FL 33401

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

Planning and Policy Division
Environmental Branch

JAN 31 2020

The Honorable Greg Chilcoat
Chief, Seminole Nation of Oklahoma
Post Office Box 1498
Seminole, Oklahoma 74868

Dear Chief Greg Chilcoat:

Pursuant to the National Environmental Policy Act (NEPA) and the U.S. Army Corps of Engineers (Corps) Regulation 33 Code of Federal Regulations 230.11, this letter constitutes the Notice of Availability of the draft Environmental Impact Statement (EIS) for the Combined Operational Plan (COP). The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries to Everglades National Park and Canal 111 South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern Florida Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation. The proposed action within the draft EIS would occur within the Everglades of southeastern Florida in Broward and Miami-Dade counties.

The draft EIS is available for your review on the Corps Environmental planning website, under multiple counties, and at the project website:

http://www.saj.usace.army.mil/About/DivisionsOffices/Planning/EnvironmentalBranch/EnvironmentalDocuments.aspx

http://www.saj.usace.army.mil/Missions/Environmental/EcosystemRestoration/G3273andS356PumpStationFieldTest.aspx

A copy of the report is also available at the following libraries:

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100 S Andrews Avenue
Fort Lauderdale, FL 33301

Broward County Public Library
Southwest Regional Library
16835 Sheridan Street
Pembroke Pines, FL 33331

We intend to pursue an open and public process and recognize the obligations that the Corps has to its tribal partners. The Corps is currently coordinating this action with the appropriate staff members and will continue to consult with your staff through implementation of this project. Any comments you may have must be submitted in writing to the letterhead address within 45 days of the date of this letter. If you have any questions regarding the information in this letter, please feel free to contact me or you may contact Mrs. Melissa Nasuti at 904-232-1368 or by email at melissa.a.nasuti@usace.army.mil.

Sincerely,

KELLY.ANDREW.DONALD.JR.1025510875 Digitally signed by KELLY.ANDREW.DONALD.JR.1025510875 Date: 2020.01.21 11:23:47 -05'00'

Andrew D. Kelly, Jr.
Colonel, U.S. Army
District Commander

Enclosure

cc:
David Frank, Tribal Historic Preservation Officer, Seminole Nation of Oklahoma, P.O. Box 1498, Wewoka, OK, 74884

APPENDIX D.1 NATIONAL ENVIRONMENTAL POLICY ACT CORRESPONDENCE

DRAFT ENVIRONMENTAL IMPACT STATEMENT NOTICE OF AVAILABILITY

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SUPPLEMENTARY INFORMATION: On October 13, 2005, the final Cross-Media Electronic Reporting Rule (CROMERR) was published in the **Federal Register** (70 FR 59848) and codified as part 3 of title 40 of the CFR. CROMERR establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. Subpart D of CROMERR requires that state, tribal or local government agencies that receive, or wish to begin receiving, electronic reports under their EPA-authorized programs must apply to EPA for a revision or modification of those programs and obtain EPA approval. Subpart D provides standards for such approvals based on consideration of the electronic document receiving systems that the state, tribe, or local government will use to implement electronic reporting. Additionally, § 3.1000(b) through (e) of 40 CFR part 3, subpart D provides special procedures for program revisions and modifications to allow electronic reporting, to be used at the option of the state, tribe or local government in place of procedures available under existing program-specific authorization regulations. An application submitted under the subpart D procedures must show that the state, tribe or local government has sufficient legal authority to implement the electronic reporting components of the programs covered by the application and will use electronic document receiving systems that meet the applicable subpart D requirements.

On October 31, 2019, the Maricopa County, Arizona Air Quality Department submitted an application titled IMPACT for revisions/modifications to its EPA-approved programs under title 40 CFR to allow new electronic reporting. EPA reviewed Maricopa County, Arizona Air Quality Department's request to revise/modify its EPA-authorized programs and, based on this review, EPA determined that the application met the standards for approval of authorized program revisions/modifications set out in 40 CFR part 3, subpart D. In accordance with 40 CFR 3.1000(d), this notice of EPA's decision to approve Maricopa County's request to revise/modify its following EPA-authorized programs to allow electronic reporting under 40 CFR parts 50, 51, 52, 60, 61, 62, 63, 64, 65, and 71 is being published in the **Federal Register**:

Part 52—Approval and Promulgation of Implementation Plans (SIP/Clean Air Act Title II) Reporting under CFR 50–52

Part 60—Standards of Performance for New Stationary Sources (NSPS/CAR/Clean Air Act Title III) Reporting under CFR 60 & 65

Part 62—Approval and Promulgation of State Plans for Designated Facilities and Pollutants (NSPS/Clean Air Act Title III—Hospital/Medical) Reporting under CFR 62

Part 63—National Emission Standards for Hazardous Air Pollutants for Source Categories (NESHAP MACT/Clean Air Act Title III) Reporting under CFR 61, 63 & 65

Part 70—Federal Operating Permit Programs (Clean Air Act Title V) Reporting under CFR 64 & 71

The Maricopa County, Arizona Air Quality Department was notified of EPA's determination to approve its application with respect to the authorized programs listed above.

Dated: December 12, 2019.

Maja Lee,

Acting Director, Office of Information Management.

[FR Doc. 2020–01579 Filed 1–30–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9049–2]

Environmental Impact Statements; Notice of Availability

Weekly receipt of Environmental Impact Statements
Filed January 20, 2020, 10 a.m. EST
Through January 27, 2020, 10 a.m. EST
Pursuant to 40 CFR 1506.9

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa/*.

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20200016, Draft, USFS, OR, Flat Country, Comment Period Ends: 03/16/2020, Contact: Dean Schlichting 541–822 7214

EIS No. 20200017, Draft, USFS, WY, Snow King Mountain Resort On-Mountain Improvements, Comment Period Ends: 03/16/2020, Contact: Sean McGinness 307–739–5415

EIS No. 20200018, Final Supplement, FERC, LA, Final Supplemental EIS for the Magnolia LNG Production Capacity Amendment, Review Period Ends: 03/02/2020, Contact: Office of External Affairs 866–208–3372

EIS No. 20200019, Draft, BLM, WY, Draft RMP Amendment and EIS for Wild Horse Management in the Rock Springs and Rawlins Field Offices, Wyoming, Comment Period Ends: 04/30/2020, Contact: Kimberlee Foster 307–352–0201

EIS No. 20200020, Draft, USACE, FL, Combined Operational Plan, Comment Period Ends: 03/16/2020, Contact: Melissa Nasuti 904–232–1368

EIS No. 20200021, Final, NRC, PA, Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 10, Second Renewal, Regarding Subsequent License Renewal for Peach Bottom Atomic Power Station Units 2 and 3, Final Report, Review Period Ends: 03/02/2020, Contact: Lois M. James 301–415–3306

EIS No. 20200022, Final, BIA, CA, Final Environmental Impact Statement for the Campo Wind Project with Boulder Brush Facilities, Review Period Ends: 03/02/2020, Contact: Dan (Harold) Hall 916–978–6041

Amended Notice

EIS No. 20190287, Draft, BR, CO, Paradox Valley Unit of the Colorado River Basin Salinity Control Program Environmental Impact Statement, Comment Period Ends: 02/19/2020, Contact: Lesley McWhirter 970–248–0608

Revision to FR Notice Published 12/06/2019; Extending the Comment Period from 2/4/2020 to 2/19/2020.

Dated: January 28, 2020.

Robert Tomiak,

Director, Office of Federal Activities.

[FR Doc. 2020–01831 Filed 1–30–20; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8915

Planning and Policy Division
Environmental Branch

JAN 31 2020

To Whom It May Concern:

Pursuant to the National Environmental Policy Act (NEPA) and the U.S. Army Corps of Engineers (Corps) Regulation 33 Code of Federal Regulations 230.11, this letter constitutes the Notice of Availability of the Draft Environmental Impact Statement (EIS) for the Combined Operational Plan (COP). The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries to Everglades National Park and Canal 111 South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern Florida Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation. The proposed action within the Draft EIS would occur within the Everglades of southeastern Florida in Broward and Miami-Dade counties.

The Draft EIS is available for your review on the Corps Environmental planning website, under multiple counties, and at the project website:

http://www.saj.usace.army.mil/About/DivisionsOffices/Planning/EnvironmentalBranch/EnvironmentalDocuments.aspx

http://www.saj.usace.army.mil/Missions/Environmental/EcosystemRestoration/G3273andS356PumpStationFieldTest.aspx

A copy of the report is also available at the following libraries:

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Broward County Public Library
Southwest Regional Library
16835 Sheridan Street
Pembroke Pines, FL 33331

Any comments you may have must be submitted in writing to the letterhead address within 45 days of the date of this letter. Questions concerning the COP can be submitted to Mrs. Melissa Nasuti at the letterhead address or to Melissa.A.Nasuti@usace.army.mil. Mrs. Nasuti may also be reached by telephone at 904-232-1368.

Sincerely,

Angela Dunn
Chief, Environmental Branch

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8915

Planning and Policy Division
Environmental Branch

JAN 31 2020

Chris Stahl, Coordinator
Florida State Clearinghouse
Florida Department of Environmental Protection
2600 Blair Stone Road, M.S. 47
Tallahassee, FL 32399-2400

Mr. Stahl:

Pursuant to the National Environmental Policy Act (NEPA) and the U.S. Army Corps of Engineers (Corps) Regulation 33 Code of Federal Regulations 230.11, this letter constitutes the Notice of Availability of the Draft Environmental Impact Statement (EIS) for the Combined Operational Plan (COP). The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries to Everglades National Park and Canal 111 South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern Florida Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation. The proposed action within the Draft EIS would occur within the Everglades of southeastern Florida in Broward and Miami-Dade counties.

The Corps is requesting a consistency determination pursuant to the Coastal Zone Management Act through the circulation of this Draft EIS. The Draft EIS is available on the Corps Environmental planning website, under multiple counties, and at the project website:

http://www.saj.usace.army.mil/About/DivisionsOffices/Planning/EnvironmentalBranch/EnvironmentalDocuments.aspx

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16835 Sheridan Street
Pembroke Pines, FL 33331

Any comments you may have on the Draft EIS may be submitted in writing to the letterhead address within 45 days of the date of this letter consistent with the public review of this document under NEPA. The Corps is requesting a final consistency determination prior to the release of the Final EIS expected to be released for final public review in June 2020.

Questions concerning the COP can be submitted to Mrs. Melissa Nasuti at the letterhead address or to Melissa.A.Nasuti@usace.army.mil. Mrs. Nasuti may also be reached by telephone at 904-232-1368.

Sincerely,

Angela Dunn
Chief, Environmental Branch

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

Planning and Policy Division
Environmental Branch

JAN 31 2020

The Honorable Billy Cypress
Chairman, Miccosukee Tribe of Indians of Florida
Post Office Box 440021, Tamiami Station
Miami, Florida 33144

Dear Chairman Cypress:

Pursuant to the National Environmental Policy Act (NEPA) and the U.S. Army Corps of Engineers (Corps) Regulation 33 Code of Federal Regulations 230.11, this letter constitutes the Notice of Availability of the draft Environmental Impact Statement (EIS) for the Combined Operational Plan (COP). The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries to Everglades National Park and Canal 111 South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern Florida Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation. The proposed action within the draft EIS would occur within the Everglades of southeastern Florida in Broward and Miami-Dade counties.

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Sincerely,

KELLY.ANDREW.DONALD.JR.1025510875
Digitally signed by KELLY.ANDREW.DONALD.JR.1025510875
Date: 2020.01.21 11:21:47 -05'00'

Andrew D. Kelly, Jr.
Colonel, U.S. Army
District Commander

Enclosure

cc:
Kevin Donaldson, Section 106 Representative and Real Estate Services, Miccosukee Tribe of Indians of Florida, P.O. Box 440021, Tamiami Station, Miami, FL 33144
Gene Duncan, Water Resources Director, Miccosukee Tribe of Indians of Florida, P.O. Box 440021, Tamiami Station, Miami, FL 33144
Craig Van der Heiden, Fish and Wildlife Director, Miccosukee Tribe of Indians of Florida, P.O. Box 440021, Tamiami Station, Miami, FL 33144

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

Planning and Policy Division
Environmental Branch

JAN 31 2020

The Honorable Marcellus Osceola, Jr.
Chairman, Seminole Tribe of Florida
6300 Stirling Road
Hollywood, FL 33024

Dear Chairman Osceola:

Pursuant to the National Environmental Policy Act (NEPA) and the U.S. Army Corps of Engineers (Corps) Regulation 33 Code of Federal Regulations 230.11, this letter constitutes the Notice of Availability of the draft Environmental Impact Statement (EIS) for the Combined Operational Plan (COP). The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries to Everglades National Park and Canal 111 South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern Florida Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation. The proposed action within the draft EIS would occur within the Everglades of southeastern Florida in Broward and Miami-Dade counties.

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Sincerely,

KELLY.ANDREW.DONALD.JR.1025510875 Digitally signed by KELLY.ANDREW.DONALD.JR.1025510875 Date: 2020.01.21 11:24:51 -05'00'

Andrew D. Kelly, Jr.
Colonel, U.S. Army
District Commander

Enclosure

cc:
Dr. Paul N. Backhouse, Ph.D., Seminole Tribe of Florida, Senior Director, Heritage, Environment, Resources Office, Ah-Tah-Thi-Ki Museum, 30290 Josie Billie Hwy, PMB 1004, Clewiston, FL 33440
Anne Mullins, Tribal Historic Preservation Office, Director, 30290 Josie Billie Hwy, PMB 1004, Clewiston, FL 33440
Stacy Myers, Director, Environmental Resource Management, Seminole Tribe of Florida, 6365 Taft Street, Hollywood, FL 33024
Patricia Power, Bose Public Affairs Group, 2000 M Street, N.W., Suite 520, Washington, D.C. 20036
David Cypress, Big Cypress Councilman, Seminole Tribe of Florida, 31000 Josie Billie Highway, Clewiston, FL 33440
Larry Howard, Brighton Council Representative, Seminole Tribe of Florida, 650 Harney Pond Road, Okeechobee FL 34974
Joe Frank, Big Cypress Board Representative, Seminole Tribe of Florida, Inc., Big Cypress Board Office, 31000 Josie Billie Hwy., Clewiston, FL 33440
Jim Shore, General Counsel, Seminole Tribe of Florida, 6300 Stirling Road, Hollywood, FL 33024
Stephen A. Walker, Lewis, Longman and Walker, 515 North Flagler Drive, Suite 1500, West Palm Beach, FL 33401

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CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
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Planning and Policy Division
Environmental Branch

JAN 31 2020

The Honorable Greg Chilcoat
Chief, Seminole Nation of Oklahoma
Post Office Box 1498
Seminole, Oklahoma 74868

Dear Chief Greg Chilcoat:

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Sincerely,

KELLY.ANDREW.DONALD.JR.1025510875 Digitally signed by KELLY.ANDREW.DONALD.JR.1025510875 Date: 2020.01.21 11:23:47 -05'00'

Andrew D. Kelly, Jr.
Colonel, U.S. Army
District Commander

Enclosure

cc:
David Frank, Tribal Historic Preservation Officer, Seminole Nation of Oklahoma, P.O. Box 1498, Wewoka, OK, 74884

APPENDIX D.1 NATIONAL ENVIRONMENTAL POLICY ACT CORRESPONDENCE

COMMENTS RECEIVED DRAFT ENVIRONMENTAL IMPACT STATEMENT

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Table D.1-5. Combined Operational Plan (COP) Draft Environmental Impact Statement (EIS) Comment Response Matrix. The following matrix has been prepared to address comments on the COP Draft EIS submitted in response to a Notice of Availability (NOA) published in the Federal Register (Volume 85, Number 5658) and mailed to interested stakeholders on January 31, 2020 for a 45 day review.

COMMENT ID	DATE COMMENT RECEIVED	COMMENTER	COMMENT	U.S. ARMY CORPS OF ENGINEERS (USACE) RESPONSE
1	February 20, 2020	Everglades Foundation	On behalf of its 62 member organizations committed to the protection and restoration of America's Everglades, the Everglades Coalition submits the following comments on the Draft Environmental Impact Statement (EIS) for the Combined Operational Plan (COP). COP is the long-awaited operations guide to utilize restoration infrastructure that has been constructed to deliver clean, freshwater to Everglades National Park (ENP) and Florida Bay. These projects include the Modified Water Deliveries Project, C-111 South Dade, C-111 Spreader Canal, and bridged portions of Tamiami Trail. For decades, member organizations of the Everglades Coalition have worked to support the planning, funding, and construction of these projects to further our shared goal of delivering more freshwater south to ENP and Florida Bay, and for the overall health of the Greater Everglades ecosystem. Unfortunately, the preferred alternative presented in the Draft EIS does not deliver ecosystem benefits that are desperately needed to restore the Everglades, failing to: 1. Deliver more water to Everglades National Park and Florida Bay, especially during the dry season and droughts. The current COP preferred alternative underperforms especially during drought and towards the end of the dry season, exactly when water need is the greatest in the Southern Everglades. 2. Stop the harmful practice of discharging water to tide, which impacts Florida Bay and Biscayne Bay. The "Extreme High-Water Line" operations adopted in the preferred COP alternative continue to rely on this detrimental practice, further exacerbating the lack of dry season water flows. American taxpayers have funded projects operated under COP with over $1 billion over the course of several decades. These projects – authorized by Congress for the benefit of federal lands and waters that belong to all Americans – were intended to relieve the Southern Everglades and Florida Bay from extreme drought conditions and high salinity that caused widespread seagrass die-offs in the late 1980s and again in 2015. Delivering more freshwater during the dry season is of utmost importance for the health of the ecosystem and the surrounding communities. We appreciate that current alternative does offer benefits to ENP and is a step in the right direction. Increased flow to Northeast Shark River Slough is a positive development and will provide much-needed relief to that area of the park. However, COP delivers most of the increased flow during Florida's rainy months, when water is already abundant in the system. We urge the Army Corps to revisit opportunities to flow more freshwater south to ENP during the dry months	Thank you for your comment. The COP balances ecological restoration objectives of the MWD and C-111 South Dade projects completed infrastructure by redistributing the existing WCA 3A and ENP water budget, including a new Tamiami Trail Flow Formula that is forward compatible with future expected flow increases. The COP's Tamiami Trail Flow Formula (TTFF) achieves the long-term restoration goal and improves upon the 1980s WCA 3A Rainfall Plan, achieving the hydrologic objectives of; 1) delivering surface water flow that resembles more natural processes; 2) delivering surface water flows in a more gradual rate change; and 3) spatially distributing surface water flow across Shark River Slough. ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, the headwaters of Florida Bay. However, the USACE recognizes that additional actions are needed, such as the completion of CERP components, to further increase freshwater flows to Florida Bay. Relative to the No Action Alternative, ALTQ+ maximizes progress toward restoring historic hydrologic conditions in Taylor Slough by increasing annual inflow by approximately 7% and in the Eastern Panhandle of ENP towards northeast Florida Bay by approximately 27%. Increased freshwater flows towards Florida Bay may improve salinities, resulting in better conditions for the diversity of sea grasses and other estuarine plant and animal species that inhabit the Bay. Alternative performance was measured by evaluating changes in salinity conditions in both the wet (June through November) and dry season (December through May) by utilizing the RECOVER Florida Bay performance measure. Decreases in dry season salinity, observed under ALTQ+ (COP Preferred Plan), exceeded decreases in wet season salinity, with dry season decreases up to 1.29 psu. While these modeled salinity differences are small, these differences may be ecologically significant because they reflect long-term seasonal means and not short-term or even annual extremes (e.g., periods with hypersalinity). Also, the timing of lowered salinity, being more in the dry season, may be ecologically significant because salinity peaks associated with ecological damage are most common in the late dry season and early wet season if precipitation delays occur. Florida Bay salinity conditions are heavily rainfall dependent, with forty-five percent of its water budget contributed from rainfall. When drier conditions occur, it is difficult to replace the rainfall deficits with surface water sources from the C&SF project. ALT Q+ includes a new and robust Tamiami Trail Flow Formula (TTFF) to implement real-time "rainfall driven operations" that are geared towards more scientifically based ecological targets than the current WCA 3A Rainfall Plan. The COP EIS acknowledges that concerns expressed by stakeholders included the performance of the TTFF in ALTQ+ during regional droughts in the WCAs, ENP, and Florida Bay. Adaptive management strategies have been developed to address uncertainty associated with the TTFF and include a structured approach as to how monitoring data may inform implementation of ALTQ+ and/or potential future revisions to the TTFF. Specific operational triggers and operational criteria to address SRS low water conditions have been developed through the COP AMMP process, with technical support from water managers. Addressing this uncertainty with the TTFF will help the COP AM team and water managers continue to evaluate operational planning to further

			between October and April, when the Southern Everglades and Florida Bay are most susceptible to harm. As currently written, COP does not improve ENP and Florida Bay's resiliency to drought. Instead, ENP and Florida Bay will continue to be vulnerable to seagrass die-offs and fish kills until Central Everglades Planning Project (CEPP) South components are constructed – at least seven years from now. Congress charged the Amy Corps with drafting an operations plan that delivers significantly more water than the previously guaranteed minimum flows to ENP year-round. The alternative as presented in the Draft EIS does not ensure that Congressionally mandated minimum flows for ENP will be met in times of severe drought. Moving freshwater south is critical to the health of the Greater Everglades ecosystem, from the northern estuaries to the Florida Keys. Having infrastructure to move more water south to ENP and Florida Bay can help alleviate damaging Lake Okeechobee releases that harm the Caloosahatchee and St. Lucie estuaries. COP is our roadmap to success as we implement CEPP, but it cannot fall short of Congress' mandate to meet minimum deliveries for ENP and rely on CEPP to meet that threshold. Minimum deliveries represent the absolute floor, and CEPP aims to go above that mark. With the significant $1 billion investment by American taxpayers, COP must go farther in achieving significant progress for the health of the Greater Everglades. Instead, the final COP alternative in the Draft EIS includes only marginal benefits for the ecosystem. As such, the Everglades Coalition urges the Army Corps and its agency partners (including South Florida Water Management District, National Park Service, U.S. Fish and Wildlife Service, and Florida Fish and Wildlife Conservation Commission) to reevaluate the Draft EIS and find ways to increase ecosystem benefits for the Everglades Florida Bay, particularly during the dry season, before COP is finalized.	enhance the ecological performance of the regional system without violating system constraints or considerations. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration. Regarding the EHWL, ALTQ+ does include this operational flexibility, however, it is not expected to be triggered frequently and is intended to be available if needed to help reduce risks to the WCA 3A perimeter levee system, a population at risk of 70,600 people, hurricane evacuation routes, and wildlife and tree islands from extreme high water conditions. The EHWL ranges from 11.0 to 12.0 feet, NGVD. When WCA 3A water levels are above the EHWL, this would trigger a thorough evaluation of the C&SF system conditions. The information would be used to decide whether or not to implement all actions authorized by the EHWL which includes routing water from WCA 3A through the SDCS. Under this condition discharges at S-197 may be increased up to a maximum of 2400 cubic feet per second (cfs); however numerical simulations performed for ALTQ and ECB19RR indicated that the EHWL was exceeded only three times during the 41 year of continuous simulations for both scenarios. Total durations for the exceedances in number of days were 15% less for ALTQ than ECB19RR. Furthermore, discharges to Manatee Bay and Barnes Sound through S-197 under ALTQ+ are minimized through reduced use of the structure by 41,000 acre-feet per year on average (a decrease of 69%). The average number of days with non-zero deliveries through S-197 would also be reduced by 78% (from 223 to 48 days per year) under ALTQ+. The COP is consistent with the identified objective to minimize the damaging freshwater flows to Manatee Bay/Barnes Sound through the S197 structure and increase flows through Taylor Slough and the coastal creeks.
2	February 20, 2020	Richard Grathwohl	I am Richard Grathwohl and I have lived in Marathon FL since 1958 and as a retired fishing guide now as I look back to times past and what I see for the future of FL Bays Water and fishery and wildlife is not looking promising at all. When I think back to my early years as a youth of the FL Keys which served as my playground upon it's watershed in wonderment of its pristine waters which was so clear with seagrass meadows which seemed to spread out for miles within FL Bay's waters a mere shadow of what it is now. The freshwater flow back then was able to fend off the intrusion of the saltwater which made it the brackish water wonderland of the Everglades and FL Bay. There were freshwater springs within FL Bay and Gulf of Mexico waters which also pumped out freshwater into the said area also all this ended when you allowed the Aero Jet Canal to be dug in place for sea going barges which were it carry Rocket Engines up into the Everglades to be tested which never came about but the canal did and soon after what water flow remained from your mission of draining the Everglades of water flow ended and now we are paying the price as fishermen upon its waters. We have been told since the late Seventies by the Corps that water flow would be coming Col Rock Salt told us back then "That Help Was On Its Way" and we are still waiting for that said help of freshwater flows	Please see response to Comment ID #1 regarding potential benefits to Florida Bay as a result of implementation of the COP. ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, however, the USACE recognizes that additional actions are needed such as the completion of CERP components that would increase freshwater flows to achieve Everglades restoration. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration.

			into the Everglades and into Taylor Slough and Shark River Slough and into FL Bay waters. This action needs to happen now not later for the countless years of non-action on your part has made the FL Bay's water hyper saline due to saltwater intrusion due to the lack of freshwater flow which has dried up as you, the Corps of Engineers completed your task of draining the Everglades of its watershed. Due to this fact of countless years of no water flow into FL Bay now it is needed to have freshwater flow even in the dry season to turn around intrusion of the saltwater I ask you to please listen to the scientists who have studied FL Bay and hold vast knowledge of its waters and what is needed now to turn this harmful matter at hand around it is all so easy just let the watershed flow into The Everglades and into FL Bays Waters even during the Dry Season until sound science tells us that it would not hurt The Everglades or FL Bay to follow the Historic Model but not now for freshwater is now needed even in the dry season. So Please Let the Freshwater Flow Now Not Later	
3	February 24, 2020	Lisa Mongelia Dale Bishop Ken Reda Ben Danghtey Steven Leopold Ken Nedimyer Deborah Gillis Shelly Krueger Cynthia Lewis Stephen Patten Edward Borham Jerome Lorenz Diane Silvia Corey Malcom	Everglades National Park and Florida Bay are incredible environmental and economic resources for South Florida. For years, the health of the Southern Everglades and Florida Bay have been in decline, impacting the coral reef ecosystem and fish populations that sustain our fishing, diving, and other water-based businesses. We must deliver more freshwater to Everglades National Park and Florida Bay. Restoration projects designed to improve the conditions of Everglades National Park and Florida Bay have been planned for decades and funded with over $1 billion by American taxpayers. Now, the Combined Operational Plan (COP) for these pictures - including Modified Water Deliveries Project, C-111 Spreader Canal, C-111 South Dade, and bridged portions of Tamiami Trail - will determine where, when, and how much water flows into the Everglades and Florida Bay as these long-awaited projects come online. Unfortunately, the final operations plan offers only marginal benefits for the Everglades, delivering more freshwater during the rainy months when water is already abundant in the system. Florida Bay is in critical need of more freshwater during Florida's dry season, when the ecosystem is most susceptible to hypersalinity, seagrass die-offs, and declining fish populations. The U.S. Army Corps of Engineers must reassess this final alternative and include plans to increase freshwater flow to the Everglades and Florida Bay during the dry season. After years of ecological damage caused by a lack of freshwater flow, hypersalinity, algal blooms, and seagrass die-offs, we must finally operate these projects for the purposes for which they were originally intended: to restore the Everglades. We must give Florida Bay a chance to recover and thrive. Everglades National Park is a unique piece of our national heritage that we all own and treasure. We must ensure that restoration projects, which have been funded by more than $1 billion in taxpayer dollars, are used to protect and restore the Everglades.	Please see response to Comment ID #1 regarding potential benefits to Florida Bay as a result of implementation of the COP. ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, however, the USACE recognizes that additional actions are needed such as the completion of CERP components that would increase freshwater flows to achieve Everglades restoration. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration.

4	January 31, 2020 to March 16, 2020	Multiple - 740 of this same comment received. List of individuals provided upon request.	Thank you for the opportunity to submit comments on the Draft Environmental Impact Statement (EIS) for the Combined Operational Plan (COP). As a resident of South Florida, COP is critical to our shared goal of sending maximum freshwater south into Everglades National Park (ENP) and Florida Bay and minimize harmful discharges to the Northern Estuaries. As currently written, COP provides some benefits, but it falls short on maximizing water flows during the dry season when Everglades National Park and Florida Bay need it the most to prevent harmful salinity levels, seagrass die-offs, and fish kills. The plan also continues to rely on throwing limited freshwater out to tide during emergency conditions, instead of finding ways to keep that water in the wetlands where it does the most good. This is of high concern, considering that climate change and sea-level rise have only made the need for dry season flows even more urgent. I urge the PDT to make the necessary changes to ensure COP water deliveries prioritize sending water south year-round and make an effort to prevent starving the Park and the Bay from freshwater flows during the dry season and droughts. We have spent $1 billion of taxpayer dollars and have waited nearly 30 years to set the bar for freshwater flows and it cannot fall below the minimum expected relief. I commend you for your efforts to date. Thank you for reevaluating the Draft EIS to find ways to increase ecosystem benefits for ENP and Florida Bay, particularly during the dry season, before COP is finalized.	Please see response to Comment ID #1 above. ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, however, the USACE recognizes that additional actions are needed such as the completion of CERP components that would increase freshwater flows to achieve Everglades restoration. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration.
5	January 31, 2020 to March 16, 2020	Multiple - 2,120 of this same comment received. List of individuals provided upon request.	Along with national park advocates throughout Florida and the entire United States, I support the protection and restoration of Everglades National Park. Clean water is the lifeblood of the Everglades. For years, the health of Everglades National Park and Florida Bay have been in decline due to lack of freshwater flow, impacting the coral reef ecosystem and fish populations that are critical to Florida's economy. Everglades National Park desperately needs more freshwater -- especially during Florida's dry season. Americans have invested over $1 billion building projects to flow more water to the Everglades. Now, the U.S. Army Corps of Engineers is finalizing an operations plan to determine where, when, and how much freshwater water will flow south to Everglades National Park from these projects. Unfortunately, the draft operations plan fails to send enough clean water to the Everglades during the dry season, when it is most desperately needed. The U.S. Army Corps of Engineers must increase freshwater flow to Everglades National Park and Florida Bay before the operations plan is finalized. Any plan that falls short of restoring the Everglades is wasting taxpayer investment and jeopardizing the health of our national park.	Please see response to Comment ID #1 regarding potential benefits to Florida Bay as a result of implementation of the COP. ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, however, the USACE recognizes that additional actions are needed such as the completion of CERP components that would increase freshwater flows to achieve Everglades restoration. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration.

6	February 28, 2020	Dottie Moses	I attended the February 19, 2020 Public Meeting at Founders Park Community Center in Islamorada, FL on the Combined Operational Plan. I would like to comment on the COP. The health of Florida Bay has been compromised over the years because of the extreme conditions that have been allowed to take place. It is unacceptable to allow too much fresh water in the summer and hyper-saline conditions in the winter. These extremes cause the marine environment to collapse and recovery is becoming more of a struggle. It is important that water management is done in such a way that 1) extreme conditions are avoided 2) the water is clean and 3) ecological indicators are monitored and maintained. While the presentation talked about the amount of water that could be delivered, no one spoke about what would be required to maintain a healthy Bay and rather the plan met that need. I strongly advocate for a plan that provides enough clean fresh water in the dry season so that hyper-saline conditions do not occur while avoiding using the Florida Bay as a dumping ground in the wet season. Thank you for your efforts and please continue to recognize the restored health of Everglades National Park and the Florida Bay as the goal of this plan.	Please see response to Comment ID #1 regarding potential benefits to Florida Bay as a result of implementation of the COP. ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, however, the USACE recognizes that additional actions are needed such as the completion of CERP components that would increase freshwater flows to achieve Everglades restoration. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration.
7	March 3, 2020	Seminole Tribe of Florida Tribal Historic Preservation Officer	Thank you for contacting the Seminole Tribe of Florida – Tribal Historic Preservation Office (STOF-THPO) regarding the USACE Combined Operations Plan (COP) Draft Environmental Impact Statement (EIS), Miami-Dade FL. The proposed undertaking does fall within the STOF Area of Interest. We have reviewed the documents provided and would respectfully like to provide the following feedback. The section of the Executive Summary that addresses Areas of Controversy and Unresolved Issues does not address the STOF-THPO's concerns over the possible effects of COP on cultural resources located on tree islands. We would respectfully like to ask that this section please be updated with the most current information on the STOF-THPO's position.	The Seminole Tribe's concerns regarding possible effects of COP on cultural resources located on tree islands has been added to the Areas of Controversy and Unresolved Issues under "Tribal Concerns" in the Executive Summary.
8	March 3, 2020	Seminole Tribe of Florida Tribal Historic Preservation Officer	Section 4.18 Cultural Resources also does not have the most up-to-date information regarding the STOF-THPO's response to the USACE's determination of no adverse effect. We would respectfully like to ask that this section be updated.	Concur. The STOF-THPO's response has been added to Section 4.18 "Cultural Resources".
9	March 3, 2020	Seminole Tribe of Florida Tribal Historic Preservation Officer	We also noticed that Appendix D.3 National Historic Preservation Act Compliance does not have the most current correspondence between STOF-THPO and the USACE. We would respectfully like to ask that this section be updated as well.	Concur. The STOF-THPO's most current correspondence has been added to Appendix D.3 "National Historic Preservation Act Compliance"
10	March 3, 2020	Seminole Tribe of Florida Tribal Historic Preservation Officer	Regarding Section 3.19 Native Americans, we believe that this narrative does not accurately reflect the Seminole's history in the region. According to the Seminole's oral traditions the earlier peoples of Florida are also considered Seminole ancestors and we believe the current narrative in the EIS does not reflect this. Therefore, we would respectfully like to ask the USACE to change this narrative to include this information.	Page 3-28, Section 3.18 "Native Americans" States that "Both tribes [Miccosukee Tribe and Seminole Tribe] maintain a strong connection to the project area through continued use and regard the indigenous populations of Florida as their ancestors.

11	March 11, 2020	D.A. Aldridge Last Stand Martin Arostegui, M.D. IGFA Fishing Hall of Fame Inductee Dotty Ballantyne Curtis Kruer Coastal Resources Group, Inc. Betsy Baste Captain Gil Muratori Metropolitan South Florida Fishing Tournament Captain Benny Blanco Fishing Flamingo Captain Bob Branham South Florida Flats Fishing Maria Natole Cara Capp National Parks Conservation Association Richard Natole Norman Duncan Gale Raban Richard Grathwohl Sara Rankin Florida Keys National Marine	Everglades National Park and Florida Bay are incredible environmental and economic resources for those of us who live and work in the beautiful Florida Keys. For years, the health of the Southern Everglades and Florida Bay have been in decline, impacting the coral reef ecosystem and fish populations that sustain our fishing, diving, and other water-based businesses – the backbone of Monroe County's $2.7 billion tourism economy. We must deliver more freshwater to Everglades National Park and Florida Bay. Restoration projects designed to improve the conditions of Everglades National Park and Florida Bay have been planned for decades and funded with over $1 billion by American taxpayers. Now, the Combined Operations Plan (COP) for these projects – including Modified Water Deliveries Project, C-111 Spreader Canal, C-111 South Dade, and bridged portions of Tamiami Trail – will determine where, when, and how much water flows into the Everglades and Florida Bay as these long-awaited projects come online. We are concerned that the final operations plan offers only marginal benefits for the Everglades, delivering more freshwater during the rainy months when water is already abundant in the system. Florida Bay is in critical need of more freshwater during Florida's dry season, when the ecosystem is most susceptible to hypersalinity, seagrass die-offs, and declining fish populations. As members of the Florida Keys community, we strongly assert that the Army Corps must reassess this final alternative, and include plans to increase freshwater flow to the Everglades and Florida Bay during the dry season. Our livelihoods absolutely depend on a healthy environment. After years of ecological damage caused by a lack of freshwater flow, hypersalinity, algal blooms, and seagrass die-offs, we implore you to operate these projects for the purposes for which they were originally intended: to restore the Everglades. We must give Florida Bay a chance to recover and thrive for the sake of the Everglades and our economy in Monroe County. Everglades National Park is a unique piece of our national heritage that we all own and treasure. We must ensure that restoration projects, which have been funded by more than $1 billion in taxpayer dollars, are actually used to protect and restore the Everglades.	Please see response to Comment ID #1 regarding potential benefits to Florida Bay as a result of implementation of the COP. ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, however, the USACE recognizes that additional actions are needed such as the completion of CERP components that would increase freshwater flows to achieve Everglades restoration. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration.

		Sanctuary Foundation Fred Hartner Robert Skinner Mangrove Chapter of Izaak Walton League Laura Hartner Forrest N. Simmons Emma Haydocy Florida Bay Forever Sandi Williams		

12	March 14, 2020	Florida Keys National Marine Sanctuary	NOAA's Florida Keys National Marine Sanctuary (FKNMS or sanctuary) appreciates the opportunity to comment on the U.S. Army Corps of Engineers' (USACE) Draft Environmental Impact Statement for the Combined Operational Plan (COP). Designated in 1990 to protect nationally significant aquatic and marine resources, FKNMS is located adjacent to Florida Bay and comprises the downstream extent of the greater Everglades Ecosystem. The seagrass beds, coral reefs, hard bottom communities and mangrove forests of Florida Bay and FKNMS are the backbone of a multi-billion dollar economy, and good water quality is essential for sustaining the ecological health and economic productivity of these resources. While the Everglades historically provided the primary source of freshwater that is the foundation of the nearshore estuarine environment in Florida Bay, significant reductions in freshwater flowing south have contributed to decades of decline. As such, the sanctuary emphasizes the importance of restoration projects and operational plans that increase the quantity, and improve the quality, timing and distribution of freshwater into Everglades National Park and Florida Bay. FKNMS appreciates the tremendous efforts that USACE, South Florida Water Management District, and the Department of Interior have undertaken to plan and construct the features of the Modified Waters and C-111 South Dade projects that will allow for more freshwater to flow south through Taylor Slough into northeast Florida Bay. We are particularly pleased that the COP preferred alternative AltQ+ will reduce outflows through the S-197 canal, and support any efforts to better manage freshwater releases from S-197 into Barnes Sound and Manatee Bay. While the sanctuary recognizes the constraints associated with the COP Water Control Plan and the inherent complexities of pursuing multiple objectives on behalf of numerous stakeholders, we encourage you to consider additional approaches to maximize the hydrological restoration of Florida Bay. Specifically, consider prioritizing operational changes to send more freshwater south during Florida's dry season to prevent hypersaline conditions that lead to cascading ecological effects such as seagrass die offs, algae blooms, and declining fish and invertebrate populations in Florida Bay. We further encourage efforts to reduce nutrient loading and protect water quality in Everglades National Park and Florida Bay. Finally, FKNMS supports implementation of a comprehensive COP Adaptive Management and Ecological Monitoring Plan (AMMP) to ensure effective adaptive management of the Modified Waters and C-111 water control infrastructure. Monitoring should specifically be designed to detect trends toward hypersalinity in north central Florida Bay during the dry season or periods of drought, and operational changes made to prevent the catastrophic ecosystem collapses Florida Bay has experienced in the past. The AMMP should additionally be designed to detect and mitigate increased nutrient inputs and ecological responses due to nutrient loading. Thank you again for your continued efforts to advance Everglades' restoration and the opportunity to comment on the COP. If you have any questions or require additional clarification on our comments, please contact Karen Bohnsack, FKNMS	Please see response to Comment ID #1 regarding potential benefits to Florida Bay as a result of implementation of the COP. ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, however, the USACE recognizes that additional actions are needed such as the completion of CERP components that would increase freshwater flows to achieve Everglades restoration. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration. The purpose of the COP AMMP is to identify the monitoring necessary to inform decision-makers, partner agencies, and the public on progress towards achieving restoration success, as well as address uncertainties related to project performance. Monitoring of salinity in Florida Bay is included as part of the COP AMMP. Regularly scheduled interagency PSCs (included in the COP AMMP) allow the USACE to gather input on desired long-term (annual and/or seasonal) conditions within the system and provides a forum for consideration of concerns related to water management operations. Salinities in Florida Bay will be reported on in this forum.

			Associate Director of Water Quality and Ecosystem Restoration, at Karen.Bohnsack@noaa.gov.	

13	March 13, 2020	Miccosukee Tribe of Indians of Florida	The Miccosukee Tribe of Indians of Florida (Tribe) appreciates the opportunity to comment on the DEIS for COP, dated January 31, 2020. The Tribe understands that the purpose of the COP is to define the operations of the Central and South Florida Flood Control Project (C&SF Project) for previously constructed features of Modified Water Deliveries (Mod Waters) to Everglades National Park (ENP). The COP attempts to balance the ecologic restoration objectives of the Mod Waters project by the redistribution of water budgets of Water Conservation Area 3A (WCA3A) and ENP. Until future restoration projects are built and operational, all users of water in south Florida will continue to be adversely impacted by the over-drainage caused by the C&SF Project. Winners & Losers: Obviously, the preferred alternative (ALTQ+), will increase water deliveries from WCA-3A to ENP through Northeast Shark River Slough and should ultimately improve hydrologic conditions in Taylor Slough and the Rocky Glades. Unfortunately, the benefits to the ENP create many devastating impacts to Tribal lands in WCA-3A. The devastating impacts to Tribal lands include: (1) lower water levels in WCA-3A will prevent the Tribal members from accessing tree islands for cultural and religious practices, (2) permanent loss of muck substrate due to soil oxidation in northern WCA-3A, (3) increased risk of wildfires in a dryer WCA-3A, (4) lack of access for Tribal members to enter their lands for hunting, fishing, frogging, gathering of traditional medicine, (5) disproportionate impacts to tribal commercial airboat operations and (6) increased phosphorous loading in WCA-3A causing an anticipatory breach of the Settlement Agreement and Consent Decree. The Environmental Justice (EJ) analysis reaches an inaccurate and deceitful conclusion. There is no doubt that the impacts to the Miccosukee Tribe caused by the COP are entirely disproportionate. In fact, no other group of persons actually live in the area to be impacted other than the Miccosukee Tribe. The lands which are contemplated to be damaged by the COP are either federal Indian Reservation or Leased in perpetuity by the Miccosukee Tribe, both lands were created by an act of congress. The only group to lose their ability to practice their religion is the Miccosukee Tribe. The only group to lose the right of subsistence hunting and fishing are the Miccosukee Tribe. The only group whose culture is dependent on the Everglades, in its natural state, is the Miccosukee Tribe. The damaged caused by increased phosphorous loading is on Miccosukee lands. The only commercial airboat operation allowed in WCA-3A is the Miccosukee Tribe and that will be impacted. The DEIS attempts to dismiss these disproportionate impacts by comparing possible flooding impacts to south Dade agriculture (located 25 miles southeast) to the inability to practice our culture and religion, the devastation of our lands, the violation of a Congressional Act (which may result in the extinguishment of the Settlement Agree and the revision of lands back to the sole possession of the Tribe) and a complete violation of the legal principles of federal trust responsibility and economic self-sufficiency of tribes. Therefore, the EJ section is of the DEIS is completely flawed.	The USACE recognizes its obligations to its tribal partners and appreciates the participation of the Miccosukee Tribe in government to government consultation meetings held throughout plan formulation efforts for the COP. The COP Draft EIS does acknowledge a potential decrease in water levels in southern WCA 3A that may, during extremely dry periods, increase the duration in which airboat access to tree islands by the Miccosukee Tribe is unavailable. (1) Based on modeling conducted to support the COP, ALTQ+ slightly increases the risk of potential impact days (i.e. stage levels fell below 12") in southern WCA 3A by 6% over the entire 41-year period of record (14,974 days). In the event these conditions occur during COP implementation, access during these times may be limited to walking and/or use of swamp buggies. This potential risk is not a certainty over the next several years but will rather only be realized under specific weather conditions during COP operations. If the trend under implementation of ALTQ+ is toward below average rainfall, there is the potential for increased risk to airboat access in southern WCA 3A. However, if the trend is toward wetter than average rainfall, or if additional treated inflows to WCA 3A are provided beyond the existing condition assumed in COP formulation (for example, from revisions to the Lake Okeechobee Regulation Schedule (presently anticipated in 2022)), the potential risk to airboat operations will be reduced. The COP DEIS acknowledges that a potential decrease in water levels observed in portions of WCA 3 presents an increased_ risk to soils from oxidation; however, the observed results for the majority of WCA 3 were still above the threshold to maintain peat accumulation in the Everglades marsh. To evaluate the significance of observed changes in cumulative drought intensity, an approximate 1247 foot-days threshold was used to discern whether an indicator region (IR) is likely to support a peat accumulation marsh. The 1247 foot-days threshold is indicative of a marsh that is hydrated 11 of 12 months on average over a 41-year period (which corresponds to 14,974 days; 1247 foot-days is 1/12 of 14,974). In ALTQ+, 17 of the 24 IRs demonstrated scores consistent with peat accumulation. Additionally, 3 of the IRs under ALTQ+ that were not observed to demonstrate peat accumulation, were observed to show clear improvement in the direction of a peat accumulating condition. Two IRs under ALTQ+ showed negligible increased risk of not accumulating peat soils (less than 45 foot-days of change - IR 115 and IR 116), and two IRs showed notable deterioration in their capacity to accumulate peat soils (IR118 and IR140 show 210-328 foot-days of additional risk). Taken together, the simulated outcomes indicate that ALTQ+ delivered an enhanced condition for soils across WCA 3 and ENP. Furthermore, a potential decrease in dry event severity relative to ECB19RR is expected to result in reduced fire incidence in the study area. However, it should be recognized that the frequency of fires within the study area are primarily influenced by weather patterns combined with human-caused ignition sources during extreme dry conditions. Reference Section 4.3 (Geology and Soils) for further information on the risk of soil oxidation across WCA 3 and ENP and fire incidence in the study area. (4) With regards to the Tribe's concerns that the additional flows/phosphorus loading "could result in anticipatory breach of the Settlement Agreement. ", the USACE recognized the potential of an increased frequency of exceeding the NESRS annual flow weighted mean target levels due to the implementation of higher flows into EN P's North East Shark River Slough (NESRS). To address this concern, water quality modeling was conducted, and water quality adaptive management approaches were developed and analyzed to find ways to address this potential problem. As a result of this modeling and development of adaptive management approaches, the COP water quality team determined that the preferred alternative showed a short term potential risk to water quality as compared to the baseline. The adaptive management approaches developed and analyzed indicated that the short term negative impacts could be significantly

				diminished relative to the baseline modeled for 2018 but still exceeded the baseline excess loading (loads delivered above 8 ppb) to ENP. With the adaptive management measures implemented, the modeling showed a reduction in excess phosphorus loading in the 2023 scenario to below that of ECB19RR. The United States Army Corps of Engineers (USACE) is willing to meet with the Tribe and discuss the modeling results in detail if beneficial to the Tribe. The USACE has arrived at the EJ determination by using the data available and by transparently analyzing the risk throughout the entire system. The methodology used to assess the risk was thoroughly communicated to, and, to the best extent practicable, vetted by stakeholders. A holistic view of the entire study area affected by the COP showed adverse impacts to various stakeholders, which included, but was not limited to, the Miccosukee Tribe. Though it is true that the agricultural stakeholders are removed from WCA 3A by several miles, the potential increased risk to croplands as compared to ECB19RR, as detailed in the DEIS, are not removed from the COP operations but are directly linked. Distance from WCA 3A is not a mitigating factor for the risk inherent in the COP operations. Additionally, the agricultural stake-holders face risks whether future weather patterns are wet, dry, or average. Based on the shared risk of stakeholders the USACE has determined that there are no is proportionate impacts. The USACE recognizes that the Tribe disagrees with the USACE's conclusion. The Tribe believes the EJ section of the EIS is ""completely flawed"" and that the Tribe will be disproportionately impacted. The USACE maintains support for its analysis, nevertheless, the USACE has identified actions to mitigate for potential impacts to the Tribe and to appropriately address the Tribe's concerns. The COP Adaptive Management and Monitoring Plan (AMMP) has been included in the DEIS. The primary objective of the COP AMMP is to identify the monitoring necessary to inform decision-makers, the COP partner agencies, and the public on progress toward achieving restoration success, as well as address uncertainties related to potential adverse effects to avoid and/or minimize those effects. Regularly scheduled interagency PSCs allow the USACE to gather input on desired long-term (annual and/or seasonal} conditions within the system and provides a forum for consideration of increased low-water stages within WCA 3A, including along the western L-29 canal between S-12A and S-333. This forum would provide an opportunity to discuss the Tribe's concerns related to decreases in water levels in WCA 3A, and if needed, recommendations to address those concerns. The COP Water Control Plan, as with the previous Water Control Plans {2012 ERTP), recognizes that water management operations at the main outlets for WCA 1, WCA 2, and WCA 3 are determined through a decision-making process that considers all the congressionally authorized project purposes for the WCAs. The decision-making process to determine quantity, timing, and duration of the potential releases from the WCAs includes consideration of diverse information related to water management. This information includes but is not necessarily limited to: C&SF Project conditions, estuary conditions and projected needs (e.g., Biscayne Bay, Florida Bay), WCAs conditions and projected needs, WCA water levels, ENP conditions and projected needs, East Coast Canals (ECC) available capacity, ENP·SDCS available capacity, current climate conditions, climate forecasts, hydrologic outlooks, projected WCAs level ascension and recession rates, and water supply conditions and projected needs. This information helps address uncertainties in meeting the projects' objectives due to modeling accuracy or future conditions not originally anticipated in the modeling period of record and supports a more flexible and adaptive decision making

				process. The USACE continually strives to include all interested parties in its decision making process and will continue to consider all issues that arise. The USACE will continue to engage in government to government consultation throughout the implementation of COP to identify and consider Tribal resources that may be affected by the project and address potential impacts as appropriate.

14	March 13, 2020	Miccosukee Tribe of Indians of Florida	Decreased water levels in WCA-3A may have a beneficial effect on the tree islands which have been subject to decades of flooding by the Corps of Engineers. This flooding has decimated wildlife in the 915 square miles of Tribal land. Acknowledgement of this benefit does not alleviate the devastating effects this plan will have on tribal rights and the effectual taking of the Tribe's reservation lands and codified rights by completely eliminating access. The Miccosukee Tribe and its members still use airboats to gain access to the tree islands where traditional chickees are located and corn is grown for religious ceremonies. Our traditional practices of hunting and fishing are dependent upon having enough water to float an airboat to have access to our lands. The COP will impact the Tribe by completely eliminating our ability to continue our traditional and customs and religion. Previous to the publication of this DEIS, an airboat accessibility analysis was conducted by the Corps. The analysis specifically examined the areas along Tamiami Trail, where the Miccosukee Tribe are the ONLY authorized commercial airboat operators in WCA-3A through a duly authorized congressional act. The Corps analysis unquestionably showed that the only area negatively impacted by COP is where the Tribe operates their commercial airboat operations. The areas shown in light blue (see modeling results below) are where the Tribe is the only commercial airboat operation that is authorized. It is also the area where the water will be below the minimum to float an airboat 25% of the time. These drastic impacts will last at least 10 years until new water is made available from the northern projects.	Please see response to the comment above. When assessing the risk of a particular action it is important to compare that action to a baseline condition. For the COP EIS the baseline condition used was the ECB19RR, the operations currently experienced on the ground (i.e. the existing condition). The pre-project condition (ECB19RR) shows that, based on the 12" depth threshold for each model grid cell, tribal airboats are unable to operate on average, across the cells analyzed, roughly 14% of the simulation period of analysis (41 years). Under the COP operations, across the cells analyzed, access from commercial airboats is constrained on average roughly 20% of the simulation period of analysis. Please refer to Figure 4-155 in the COP EIS. This represents an increase of roughly 6% on average and is not 25% of the time. The 25% of the time cited in the comment may be referencing that the EIS analysis found that there was an increased risk of a 30 day or more increase of stages less than the 12" depth threshold in 11 years of the 41 year period of analysis, or roughly 1 in 4 years. However, this is not equivalent to 25% of the cumulative time for the 41 year period of analysis.
15	March 13, 2020	Miccosukee Tribe of Indians of Florida	The Tribe also requested the Corps conduct an analysis of their Trust Responsibility. The federal Indian trust responsibilities requires the United States to support Tribal sovereignty and economic prosperity. Unfortunately, this DEIS makes the following erroneous statement: "However, unless a statute, regulation, treaty, or agreement places a specific duty on the Government, the trust responsibility is satisfied by the agency's compliance with general regulations and statutes not specifically aimed at protecting Indian Tribes." The Indian Trust Doctrine would be meaningless if this statement were true. It is this specific project which will disproportionately impact the Miccosukee Tribe and it is this specific project that requires an adequate analysis of cultural and economic impacts that are contemplated by COP. Perhaps the drafters of the DEIS did not read Title 25 of the Code of Federal Regulations, or the plethora of case law from the Circuit Courts and even the Supreme Court of the United States which sets out this obligation to Tribes. Also, the drafters of the DEIS failed to even take into account the actual Settlement Agreement between the State of Florida and the Miccosukee Tribe of Indians of Florida, PL 97-399 (1982), which legal provides for these rights that the DEIS so callously extinguishes. Furthermore, that Congressional Act specifically states: Revocation of Settlement Sec. 10. In the event the Settlement Agreement between the Miccosukee Tribe and the State of Florida is ever invalidated, (1) The transfers, waivers, releases, relinquishments and other commitments made by the Miccosukee Tribe is paragraph 3 of the Settlement Agreement shall no longer be of any force or effect, (Emphasis added)	The Corps recognizes the importance of the Federal Indian Trust Responsibility and its ongoing obligations to support tribal sovereignty. As stated in the EIS, the Federal Indian Trust Responsibilities to the American Indian Tribes requires the United States to support tribal sovereignty and economic prosperity, duties that stem from treaties between the United States and Tribes to protect the Tribes and respect their sovereignty. The Corps takes this responsibility seriously and has consulted with the Tribe numerous times throughout the development of COP to gain input and to adequately evaluate the Tribe's concerns. The Corps is taking actions to appropriately address the Tribe's concerns through the COP AMMP, PSCs, and operational flexibility discussed in response to Comment ID # 13 above. It should be noted that the Corps' Trust Responsibilities to the Tribe in WCA 3A as well as the other issues identified in Comment ID # 15 have been analyzed in cases that have been affirmed by the Eleventh Circuit. See e.g. Miccosukee Tribe of Indians of Fla. v. United States, 980 F. Supp. 448, (S.D. Fla. 1997), aff'd sub nom. Miccosukee Tribe of Indians v. United States, 163 F.3d 1359 (11th Cir. 1998)). See also Miccosukee Tribe of Indians of Fla. v. United States, 430 F. Supp. 2d 1328 (S.D. Fla. 2006); Miccosukee Tribe of Indians of Fla. v. United States, 656 F. Supp. 2d 1375 (S.D. Fla. 2009) and Miccosukee Tribe of Indians of Fla. v. United States, 722 F. Supp. 2d 1293 (S.D. Fla. 2010), both affirmed in Miccosukee Tribe of Indians of Fla. v. United States, 716 F.3d 535 (11th Cir. 2013).

			(2) Section 5 of this Act shall be inapplicable to the lands, interest in lands, or natural resources of the Miccosukee Tribe and its members as if never enacted, and (Emphasis added) (3) The approvals of prior transfers and the extinguishment of claims and aboriginal title of the Miccosukee Tribe otherwise effected by section 5 shall be void ab initio.(Emphasis added) This duly enacted act of Congress, implemented into law provides specifically that if the Settlement Agreement is violated, such as by implementing this Combined Operating Plan, then the Settlement Agreement is void as if it never happened and the Tribe gets back its aboriginal title. Make no mistake that the Miccosukee Tribe will do everything and fight to the bitter end to protect our rights, our culture, our freedom of religion and our traditional way of life, including taking back all of our land.	
16	March 13, 2020	Miccosukee Tribe of Indians of Florida	Finally, the DEIS admits, "Decreases in water levels in WCA 3A may limit airboat access to tree islands by the Miccosukee Tribe during extremely dry periods. The Miccosukee Tribe maintain a traditional life style that is intricately connected to the Everglades. Traditional practices of hunting, fishing, frogging, trapping, and general living are still maintained, along with modern entrepreneurship with tourism related businesses (airboat concessionaires) along Tamiami Trail. These practices continue to tie the Miccosukee tribe to the Everglades in such a way that careful consideration of effects on tribal cultural, we/l-being, and way of life is warranted. Tree islands were and still are important places to the Native American populations of Florida. It is generally agreed that most of the tree islands of any reasonable size contain archaeological sites and many contain burial components. Potential limitations to accessing tree islands via airboat may affect the ability of the Miccosukee Tribe to participate in cultural and religious practices that take place in these islands..... Decreases in water levels in WCA 3A as a result of the Alternatives may prohibit airboat access to tree islands on lands leased by the Miccosukee Tribe during extremely dry periods." In what can only be described as Cognitive Dissonance and/or Forced Compliance Behavior, the DEIS concludes "A detailed analysis of the Miccosukee Tribe's concerns related to access of tree islands did not find a disproportionate impact." This intellectually dishonest conclusion is offensive to the Tribe and its members. The Corps of Engineers own DEIS admits that there are numerous adverse and disproportionate impacts to the Miccosukee Tribe who are the ONLY people who actually live in the Everglades.	Please refer to the responses above for Comment ID #s 13-15.

17	March 13, 2020	Miccosukee Tribe of Indians of Florida	The problems resulting from the COP arise because the Department of Interior has pushed an agenda to put their projects ahead of all others. Putting the cart before the horse, the DOI ignored the Integrated Delivery Schedule and has continually added one project on top of another project under the pork barrel appropriations of "Mod Waters". More water supply is needed from the north end of the system before we pull the plug from the bottom and drain the Water Conservation Areas. Tread carefully in the actions that you take.	Thank you for your comment.
18	March 16, 2020	U.S. Environmental Protection Agency	Adaptive Management and Ecological Monitoring Plan (AMMP): The EPA is supportive of the USACE's AMMP and the long-term commitment to managing the COP beyond the NEPA phase. The EPA also appreciates the establishment of an interagency team to provide expertise to the USACE for the implementation of the COP and we support the concept of establishing biannual interagency workshops to describe the performance of operations of the completed Modified Waters Deliveries and the C-111 South Dade features. Recommendation: The EPA recommends the USACE include commitments to the AMMP and associated funding within the Record of Decision.	The primary objective of the COP AMMP is to identify the monitoring necessary to inform decision-makers, partner agencies, and the public on progress towards achieving restoration success, as well as address uncertainties related to potential adverse effects to avoid and/or minimize those effects. Thank you for your comment. The USACE concurs with the importance of the COP AMMP and anticipates including commitments to implementing the monitoring associated with the COP AMMP in the ROD.
19	March 16, 2020	U.S. Environmental Protection Agency	Shark River Slough: In subsection 3.5.8 Florida Bay (page 3-1), the USACE states that flows from Shark River Slough may provide essential recharge for central and western Florida Bay. However, it is well documented that freshwater flows from Shark River Slough are necessary for the health and stability of the Florida Bay ecosystem (also see comment below). Recommendation: The EPA recommends the USACE acknowledge and briefly discuss the Resolution from the Florida Keys National Marine Sanctuary Advisory Council on the Ecological Conditions and Restoration Needs of Everglades National Park and Florida Bay adopted on October 16, 2018 (https://nmsfloridakeys.blob.core.windows.net/floridakeys-prod/media/docs/20181016-finalcopmotion.pdf) within the FEIS.	The provided reference has been reviewed and will be incorporated into the COP EIS as appropriate in Section 3 (Affected Environment). Information from the resolution that references the dependence of the Florida Keys (including the Florida Keys National Marine Sanctuary) on the Everglades landscape as the primary source of freshwater will be incorporated into the document within this section.
20	March 16, 2020	U.S. Environmental Protection Agency	Vegetative Communities: In subsection 3.8 Vegetative Communities (page 3-19), the USACE discusses seagrass die-off in Florida Bay. However, the USACE only references the seagrass die off that is documented in the U.S. Fish & Wildlife Service's South Florida Multi-Species Recovery Plan published in 1999 (https://www.fws.gov/verobeach/ListedSpeciesMSRP.html), which mentions the mortality event that began in 1987 and ended in the early 1990s(https://www.fws.gov/verobeach/MSRPPDFs/Seagrass.pdf). Recommendation: The EPA recommends the USACE also discuss the 2015 seagrass die-off in Florida Bay that is documented in the resources listed below as well as discuss the implications of both events in the FEIS. - 2015 Florida Bay Sea grass Die-Off (May 2016) https://www.nps.gov/ever/learn/nature/upload/seagrass-Dieoff final web hires.pdf - Florida Bay 2015 seagrass die-off: Extent and characteristics (Greater Everglades Ecosystem Restoration Conference, 2017) : https://conference.ifas.ufl.edu/geer2017/presentations/	Information about the sea grass die off in Florida Bay will be incorporated into the COP EIS as appropriate in Section 3 (Affected Environment).

			I_GreatCypress/I_Tuesday/1345 Kavanagh_Session6.pdf - Seagrass Mortality in Florida Bay: A Tale of Two Die-off Events (Greater Everglades Ecosystem Restoration, 2017): https://conference.ifas.ufl.edu/geer2017/presentations/1_GreatCypress/ I_Tuesday/ 1415_Carlson Session6.pdf	
21	March 16, 2020	U.S. Environmental Protection Agency	Total Maximum Daily Loads (TMDLs): In subsection 3.12.1 Nutrients (page 3-25), the EPA notes that in our September 22, 2017 scoping comments, the EPA recommended the USACE identify impaired water bodies and TMDLs within the project area. However, there is no mention of these impairments or TMDLs. Recommendation: The EPA recommends the USACE briefly describe impaired water bodies and TMDLs that are listed within the project area. This information is available in Florida Department of Environmental Protection's Water Quality Assessments, TMDLs, and Basin Management Action Plans (BMAPs) Web Map (https://frlep.maps.arcgis.com/home/webmap/viewer.html?webmap= l b4fl bf4c9c348 l tb2864a4 l 5tbeca7 1).	Thank you for your comment. The water bodies in or near the project identified as impaired on the FDEP website have been added to section 3.12.1.
22	March 16, 2020	U.S. Environmental Protection Agency	Environmental Justice: In Subsection 3.20.3 Summary of Environmental Justice Communities (page 3-39), the EPA notes that the USACE robustly describes environmental justice issues related to Native American communities; however, there is no discussion regarding the current issues related to other minority and/or low-income communities, especially farmers that lease land in the project area. Recommendation: The EPA recommends the USACE describe minority and/or low-income populations within the project area, particularly the current condition of minority and/or low-income farmers.	An in-depth study of the current conditions related to low income farmers in the study area is outside the purview of the COP Water Control Plan analysis. The analysis did, however; (1) identify the location of low-income and minority farmers (see Figure 3-7 and 3-8) as defined by current accepted census data and (2) had a detailed characterization of the risk inherent from the COP operations to those minority and low income farmers (see Section 4.16.1) which specifically details flood risk impacts to low income and minority populations for both residential and agricultural parcels). Tables 4-48, 4-49, and Figures 4-155, 4-156, as well as the narrative paragraphs in Section 4.16.1, are helpful in providing a very concise but detailed assessment of the flood risks to low income and minority farmers and residents in the study area.

23	March 16, 2020	U.S. Environmental Protection Agency	Cultural Resources: In subsection 3.19 Cultural Resources (page 3-31), the EPA notes that there is no discussion or identification of sites in the project area that are listed in the National Register of Historic Places. Recommendation: While the EPA principally defers to the State Historic Preservation Office, the EPA recommends the USACE identify and discuss sites listed in the National Register of Historic Places (https://www.nps.gov/maps/ful1.htm1?mapld=7ad l 7cc9-b808-4ff8-a2f9-a99909 l 64466). For consistency with the National Historic Preservation Act, the EPA recommends discussing the following three sites that are located within the project area within the Cultural Resources section of the FEIS: • Opa-Locka Bank (Reference#: 83001420), • Nike Missile Site HM-69 (Reference#: 04000758), and • Mud Lake Canal (Reference #: 06000979).	Opa-Locka Bank (Reference#: 83001420) and Mud Lake Canal (Reference #: 06000979) are not located within the COP area of potential effects. Information on the Nike Missile Site HM-69 (Reference#: 04000758) has been added to Section 3.19 in response to the provided comment.
24	March 16, 2020	Miami Dade County Department of Regulatory and Economic Resources (Miami-Dade DERM)	On item 4.2.3.2 - Inland hydrology, the Table 4.3 Risk Assessment should include the loss of conveyance capacity in the canals and wetlands resulting from sea level rise due to changes in the downstream conditions. This table includes a discussion of the water control structures and pump station flows, but not the reduction in conveyance, which could change the effectiveness of the canals and pump stations.	Concur. The qualitative discussion of potential adverse effects associated with increased sea level in Table 4-49 (Climate Change Risk Assessment) has been expanded to identify the loss of conveyance capacity in the primary canal system effectuated by implementation of the proposed COP Water Control Plan update.
25	March 16, 2020	Miami Dade County Department of Regulatory and Economic Resources (Miami-Dade DERM)	On item 4.3.6.22 E.O. 11988 Floodplain Management: a statement should be included that there will be no significant changes in the regulatory floodplain, and a description of the changes on a map, discussing impacts or improvements on the flood levels of service. The Army Corps has performed extensive modeling and it is DERM's understanding that such determinations have been made already, but we have not been able to confirm this within the draft EIS or draft water control plan. This should include reference to specific reports containing the results of the flood plain modeling that has been performed. The reference sections should include links to locations where the documents can be obtained.	Executive Order 11988 requires federal agencies to avoid to the extent possible the long and short-term adverse impacts associated with the occupancy and modification of flood plains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. In accomplishing this objective, "each agency shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health, and welfare, and to restore and preserve the natural and beneficial values served by flood plains in carrying out its responsibilities" for the following actions: (1) acquiring, managing, and disposing of federal lands and facilities; (2) providing federally-undertaken, financed, or assisted construction and improvements; and (3) conducting federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulation, and licensing activities. Section 4.14 (Flood Risk Management) provides a summary of the long-term effects on flood risk management (FRM) for ALTN2, ALTO, ALTQ, and ALTQ+. A summary of potential effects can also be found in Table 4-1. The FRM evaluation is focused principally on the urban and agricultural basins east of the WCAs and ENP (east of the East Coast Protective Levee), including LECSA 1(Palm Beach County), LECSA 2 (Broward County), LECSA 3 (Miami-Dade County), and the 8.5 SMA. A cross reference to Section 4.14 has been added to Section 4.3.6.22. No significant adverse effects to FRM for LECSA 1, LECSA2, and LECSA 3 within the C-111 Canal Basin are anticipated. In addition to the assessment summary in Section 4.14, a comprehensive set of hydrologic modeling results are detailed in Appendix H, specifically Annex 5 (Modeling Results) and Annex 7 (Design Storms). Additional complementary information is also provided in the Socioeconomics assessment in Section 4.15 and Appendix I.

26	March 16, 2020	Miami Dade County Department of Regulatory and Economic Resources (Miami-Dade DERM)	The document should include a statement on how the Savings Clause was met in the original MODWATERS/C-111 SD Project and the specific reference to the document in the body of the report.	Savings Clause analyses are not applicable to the COP. The Savings Clause analyses are applicable to only CERP projects. The Savings Clause analyses, described in Section 601(h)(5) of WRDA 2000, which authorized CERP, is a means to protect users of legal sources of water supply and flood protection that were in place at the time of enactment of WRDA 2000 from changes due to implementation of CERP. Section 385.36 of the Programmatic Regulations requires that CERP Project Implementation Reports determine if existing legal sources of water will be eliminated or transferred as a result of project implementation. The purpose of the COP is to define operations for the constructed features of the MWD and C-111 South Dade, each pre-CERP Foundation projects (refer to Executive Summary and Section 1.4 of the COP Final EIS), while maintaining the congressionally authorized purposes of the C&SF which include flood control, water supply for agricultural irrigation, municipalities and industry, regional groundwater control and prevention of saltwater intrusion, enhancement of fish and wildlife, and recreation. Analyses on potential effects to water supply and flood risk management are found in Sections 4.5 and 4.14 of the EIS.
27	March 16, 2020	Miami Dade County Department of Regulatory and Economic Resources (Miami-Dade DERM)	Based on the draft water control plan, the concern remains for the potential of high-volume discharges through the S-197 water control structure to Manatee Bay associated with the Extreme High Water Line. Discharges at the maximum volumes proposed could cause significant damage to Manatee Bay. Minimizing damaging freshwater flows to Manatee Bay or Barnes Sound is a specific and important project objective.	Please see response to Comment ID #1 regarding potential benefits to Florida Bay as a result of implementation of the COP. ALTQ+ does include additional operational flexibility by inclusion of an EHWL; however, this operational flexibility is not expected to be triggered frequently. Numerical simulations performed for ALTQ and ECB19RR indicated that the EHWL was exceeded only three times during the 41 year of continuous simulations for both scenarios. Total durations for the exceedances in number of days were 15% less for ALTQ than ECB19RR. Furthermore, discharges to Manatee Bay and Barnes Sound through S-197 under ALTQ+ are minimized through reduced use of the structure by 41,000 acre-feet per year on average (a decrease of 69%). The average number of days with non-zero deliveries through S-197 would also be reduced by 78% (from 223 to 48 days per year) under ALTQ+. The COP is consistent with the identified objective to minimize the damaging freshwater flows to Manatee Bay/Barnes Sound through the S197 structure and increase flows through Taylor Slough and the coastal creeks.
28	March 16, 2020	Miami Dade County Department of Regulatory and Economic Resources (Miami-Dade DERM)	Comprehensive authority is needed under this NEPA action to ensure that adequate adaptive management measures can be implemented without additional NEPA authorization if monitoring reveals saving clause issues, inadequate flows or levels for water supply or saltwater intrusion prevention of saltwater intrusion, prevention of damaging freshwater flows to Manatee Bay.	The COP AMMP provides the strategies to address prioritized project uncertainties that will be faced as COP progresses toward achieving goals and objectives while remaining within constraints. Reference Section C.2.6 (COP AMMP Implementation) in Appendix C and Table C.2.23 that provides a link between adaptive management uncertainties, their corresponding actions, and whether additional NEPA or permitting would be required. Two adaptive management options have been identified as being defined within the 2020 COP Water Control Plan and supported by the Draft EIS (AM Uncertainty ID #12b (Tamiami Trail Flow Formula (TTFF) and Drought) and AM Uncertainty ID #16b (Water Quality in NESRS)). The remaining adaptive management options identified in the COP AMMP were noted as needing a subsequent planning effort (i.e. actions that do not currently fall under the authority of the COP) or were noted as needing an additional level of detail to fully evaluate potential environmental effects within the COP EIS. The COP EIS cannot provide blanket NEPA coverage for operational decisions that are yet to be defined. Potential effects to the existing environment will be monitored through implementation of the COP AMMP. Please refer to Comment #26 response above regarding the applicability of the Savings Clause to COP.

29	March 16, 2020	Miami Dade County Department of Regulatory and Economic Resources (Miami-Dade DERM)	Miami-Dade County DERM respectfully requests that it be included as a working participant in the adaptive management and monitoring plan and water quality groups and we concur with DEP's March 13, 2020 recommendations to the Florida State Clearinghouse regarding adaptive management and monitoring.	Thank you for your interest in the COP AMMP. Please see response to Comment IDs 54 through 63 that address comments received from the FDEP through the State Clearinghouse. The USACE, the SFWMD, and ENP will establish an interagency collaborative forum (referenced as the "PDT+") that succeeds the COP interagency PDT, consisting of the COP implementing agencies, oversight agencies, and stakeholder groups during implementation of the COP, including the COP AMMP. The USACE will include Miami-Dade County DERM as part of the PDT+.
30	March 16, 2020	Miami Dade County Department of Regulatory and Economic Resources (Miami-Dade DERM)	DERM is also requesting confirmation from the Army Corps that the well that has been installed at the northwest corner of the County owned wetland parcel with folio number 30-5821-000-0014 has been incorporated into the monitoring for this project.	LPG-17 was installed in August 2019. The USACE sincerely appreciates the support provided by DERM staff to supplement the prior groundwater monitoring network within the interior of the 8.5 SMA. The monitoring data from LPG-17 is recorded on a data logger and manually collected by ENP staff at the beginning of each month. Due to a survey error from the original installation baseline survey, which was first identified in December 2019, the USACE is scheduled to conduct a new elevation survey (wellhead and groundwater elevation) prior to the start of the 2020 wet season or at the earliest opportunity after current government travel restrictions are lifted. Following completion of the new survey, the groundwater stage dataset will extend from August 2019 to present, and this information will be used by the USACE to develop correlation trends between LPG-17 and the adjacent groundwater monitoring stations at LPG-2, LPG-16, and the C-357 Canal.
31	March 16, 2020	Everglades Law Center	<u>Draft COP Fails to Ensure Congressionally-Mandated Minimum Flows for ENP During Drought:</u> Catastrophic seagrass die-offs plagued ENP and Florida Bay in the late 1980s, and were the catalyst that set the wheels of restoration in motion and convinced Congress to invest significantly in the suite of projects under consideration today. Again in 2015, failure to deliver adequate freshwater to the Southern Everglades led to ecosystem collapse in Florida Bay, including fish kills and significant impacts to the Florida Keys economy. In the aftermath of these catastrophes, Congress charged the United States Army Corps of Engineers (Corps) with drafting an operations plan that would deliver significantly more water to ENP year-round. In spite of that clear direction and urgent need, the preferred alternative as presented in the Draft EIS does not ensure that adequate flows for ENP will be met in times of moderate and severe drought. A final operational plan that specifies water flows for months and years which do not meet minimum deliveries is a violation of federal law. We understand that COP is a stepping-stone to the Central Everglades Planning Project (CEPP), which will deliver higher levels of restoration benefits. However, that does not mean that COP can legally deliver less than the legal minimum for water deliveries that this operations plan was intended to achieve and argue that CEPP will make-up for those differences. CEPP will provide restoration flows above the legally required minimum, and it is not up to CEPP to make up for COP's shortcomings. COP's mandate is to provide no less than minimum flows of water year round for ENP as ordered by Congress. Modeling described in the DEIS indicates that AltQ+ operations will result in several years in which Everglades flows are below the absolute floor of "minimum deliveries" that Congress set in 1970. See DEIS at Section 4.2.5.3 ("Five out of 41 years of simulated years are expected to deliver below 260,000 acre-feet total yearly volume for ALTQ" to Everglades National Park); Section 4.2.5.4 ("possible	COP is the plan for full implementation contemplated under Section 107 of the Energy and Water Development Appropriations Act, 1992, Public Law 102-104, which amended section 1302 of the Experimental Program, Public Law 98-181, and allowed the Experimental Program to continue until the modifications to the C&SF project authorized under Section 104 of Public Law 101-229, are completed and implemented. COP does not call for continuation of Minimum Deliveries as identified in Section 2 of the River Basin Monetary Authorization and Miscellaneous Civil Works Amendments Act of 1970, Public Law 91-282, but is aimed at more natural deliveries to ENP that are tied to rainfall and are based on the operations developed under the Experimental Program. Nevertheless, the modeling shows that the COP should far exceed the Minimum Deliveries required under Public Law 91-282 on an average annual basis. Compared to the Existing Condition Baseline (ECB19RR), the recommended COP Alternative Q+ increases the average monthly delivery from WCA 3A to ENP during 11 of the 12 calendar months (for the month of October, while Alternative Q+ shows a 2.5% reduction in average monthly deliveries versus the ECB19RR, the average monthly flow volume exceeds the PL 91-282 target by 57%). Alternative Q+ represents an improvement over the ECB19RR -- as described in Section 4.2, five out of 41 years of simulated years are expected to deliver below 260,000 acre-feet total yearly volume for ALTQ+, versus seven out of 41 years for ECB19RR. It is also important to understand the context in which Congress approved the Minimum Deliveries law. In approving Minimum Deliveries, Congress referenced the National Park Service's letter of October 20, 1967. In the letter, the NPS recognized that there would be "occasional years in which 315,000 acre-feet could not be provided without causing substantial reduction of the water supply to other existing water users, but it was also seen that at least 200,000 acre-feet could be delivered to the park even in extremely dry years…." The NPS recognized that in dry years, the minimum amount delivered to the Park would be reduced. The letter does not contain monthly minimum targets for these dry years but anticipates a proportional reduction in deliveries to the Park. The legislation itself also recognizes this by specifically authorizing a proportional reduction in deliveries, stating: "or

			that, under very dry conditions, monthly deliveries will be lower than what is indicated in 1996 WCM...Two out of 41 years of simulation are expected to deliver [to Taylor Slough] below 36,940 acre-feet total yearly volume for ALTQ..."); Section 4.2.5.5 ("Despite the considerable increases in annual deliveries for both ALTQ and ECB19RR, monthly deliveries [to Florida Bay] under very dry conditions may be lower than what is indicated in 1996 WCM." The 1970 law sets a floor on water deliveries to Everglades National Park. The intent was to forbid water managers from cutting off water to the Park. However, the Corps interpreted the law by either providing the minimum monthly volume or opening the gates full, resulting in wild flow variations and ecological damage. Recognizing that this operational rule was inadequate, in 1983 Congress approved a temporary (two-year) experimental deliveries program that could modify those minimum deliveries "for the purpose of determining an improved schedule for...delivery." In 1989, Congress authorized a plan to "construct modifications" to the Central & Southern Project for the purpose of "restoring natural hydrological conditions within the park." Congress officially extended the 1983 experimental program in 1991 (and thus the waiver of minimum deliveries), until the modifications authorized in the 1989 law were "completed and implemented." Neither the 1989 law, nor the 1991 extension of the experimental program, authorized permanent changes to *minimum deliveries operations*. If the permanent new operations plan (which Alt Q+ would be, as the result of the COP process) fails to make those deliveries, the Corps must return and ask Congress to override the minimum deliveries set forth in the 1970 law.	16.5 per centum of total deliveries from the project for all purposes including the park, whichever is less." We recognize the challenges of delivering sufficient water during dry conditions, and in the COP planning process we used simulations to estimate water budget transfers among basins within the Everglades Protection Area. Prior to operating the simulations, we had to make assumptions about upstream operations and the volume of inflows into the Everglades Protection Area. Over the course of the planning process we explored a series of flow-stage relationships in order to understand the connection between inflows to ENP and ecological conditions in WCA3. It became clear that low rainfall/low upstream delivery conditions were very challenging to manage, and that stabilizing ecological conditions over the largest possible area was a shared goal of the planning team. Our simulations are based on our best understanding of the range of possible rainfall conditions, and we also recognize that unique combinations of climate can emerge which may be outside of the ranges used in planning, or outside of the range of conditions used to inform the 1970 law. That said, we have a strong partnership with the National Park Service and South Florida Water Management District, an effective information environment to help us remain aware of climate conditions and drought risks and a shared desire to responsibly manage water resources. By using our Adaptive Management process during implementation of COP we can continue to work with our partners to evaluate the relationship between observed weather patterns, what we've simulated in COP, and the level of water deliveries to WCA3. Should the challenging context of consecutive dry years emerge during the period of COP implementation, the agencies will work together to responsibly manage the system to protect against the full range of threats that emerge during dry conditions.

32	March 16, 2020	Everglades Law Center	Comment Continued: One major reason why the Tamiami Trail Flow Formula (TTFF) does not send adequate flows to the Park is that the use of a regression formulation to represent the "optimal flows" under predicts at the high and low conditions. The high flows are addressed by the retention of Zone A, but the TTFF under predicts flows beginning at about the 1-in-5 year annual totals. This problem if implicitly acknowledged by the inclusion of Section C.2.3.4 of Appendix C, page 7-32 of Appendix A. However, the proposed solution, using Adaptive Management, is unlikely to address the problem. First, droughts are not amenable to flexible operations, as by the time it is recognized as a drought, the range of options are limited. Therefore, language to increase flexibility will likely have little practical impact. Second, the Adaptive Management testing protocols do not use conditional probabilities of water levels flows, and hence, will likely not be invokes as envisioned. Since the Corps chose not to rectify the problem when raised, we recommend that the operations manual not go below that specified by the Minimum Deliveries Schedule during low flows, which is similar to the decision to retain Zone A for high flows. We remain unsure whether the Corps is in fact conceding that COP will violate the minimum deliveries law, or is questioning the accuracy of its modeling and planning to adjust operations as needed to ensure minimum deliveries are met as part of adaptive management and plan implementation. See DEIS at Section 1.3.10.4 ("Nevertheless, the modeling shows that the COP should far exceed the Minimum Deliveries required under PL 91-282 on an annual basis."). In either case, we emphasize that the minimum deliveries law acts as a constraint on the permissible final operations plan -- at least until the law is changed by Congress. If the Corps intends to honor that legal constraint, we request additional clarification in the EIS on how it intends to do so as part of plan implementation.	In Section 1302 of the Supplemental Appropriations Act, 1984, Public Law 98-181, Congress authorized the USACE "to modify the schedule for delivery of water from the Central and Southern Florida project to the Everglades National Park required by Section 2 of the River Basin Monetary Authorization and Miscellaneous Civil Works Amendments Act of 1970 (Public Law 91- 282) and to conduct an experimental program for the delivery of water to the Everglades National Park from such project for the purpose of determining an improved schedule for such delivery." The Everglades National Park Protection and Expansion Act of 1989, Public Law 101-229, authorized and directed the Secretary of the Army, upon completion of a final report (1992 MWD GDM), to modify the C&SF project to improve water deliveries to ENP and to take steps to restore the Park's natural hydrological conditions. Congress directed that the modifications be based on the Experimental Program. The 1992 GDM specifically states that "[t]he minimum delivery requirements of PL 91-282 will no longer be the basis of delivery but will be superseded by the schedules developed by the Secretary of the Army." 1992 MWD GDM at 91. As directed by Congress and as indicated in the 1992 GDM, COP does not call for continuation of Minimum Deliveries as identified in Section 2 of the River Basin Monetary Authorization and Miscellaneous Civil Works Amendments Act of 1970, Public Law 91-282. Nevertheless, the modeling shows that COP should far exceed the Minimum Deliveries required under PL 91-282 on an average annual basis. Compared to the Existing Condition Baseline (ECB19RR), the recommended COP Alternative Q+ increases the average monthly delivery from WCA 3A to ENP during 11 of the 12 calendar months (for the month of October, while Alternative Q+ shows a 2.5% reduction in average monthly deliveries versus the ECB19RR, the average monthly flow volume exceeds the PL 91-282 target by 57%). Alternative Q+ represents an improvement over the ECB19RR -- as described in Section 4.2, five out of 41 years of simulated years are expected to deliver below 260,000 acre-feet total yearly volume for ALTQ+, versus seven out of 41 years for ECB19RR. It is also important to understand the context in which Congress approved the Minimum Deliveries law. In approving Minimum Deliveries, Congress referenced the National Park Service's letter of October 20, 1967. In the letter, the NPS recognized that there would be "occasional years in which 315,000 acre-feet could not be provided without causing substantial reduction of the water supply to other existing water users, but it was also seen that at least 200,000 acre-feet could be delivered to the park even in extremely dry years…." The NPS recognized that in dry years, the minimum amount delivered to the Park would be reduced. The letter does not contain monthly minimum targets for these dry years but anticipates a proportional reduction in deliveries to the Park. The legislation itself also recognizes this by specifically authorizing a proportional reduction in deliveries, stating: "or 16.5 per centum of total deliveries from the project for all purposes including the park, whichever is less." During the interagency COP PDT meetings, the NPS reviewed the code and regression analysis provided by the Everglades Foundation and provided a summary of this information to the Cooperating Agencies. The detailed review by the NPS confirmed there is no clear evidence to suggest that the proposed alterations to the TTFF enhances the performance of the preliminary preferred alternative consistently across the period of record. Instead, the comparison indicates a similar pattern of information that was observed when comparing many variations of the TTFF formulas within the COP modeling sub-team; the Foundations' proposed altered formula increases flows to ENP in some dry year cases, and reduces flows

				to ENP other dry year cases. The benefits realized in the TTFF and COP ALT Q+ are significant over ECB19RR and in the same range of performance of ALT O based on the evaluations of the COP technical sub-teams. Moving forward, the best way to realize any possible improvements considering multiple factors (precedent setting, schedule, etc.) is to carry the conversation into the COP adaptive management framework and/or subsequent CERP efforts. The COP EIS acknowledges, that concerns expressed by stakeholders included the performance of the TTFF in ALTQ+ during regional droughts in the WCAs, ENP, and Florida Bay. Adaptive management strategies have been developed to address uncertainty associated with the TTFF and include a structured approach as to how monitoring data may inform implementation of ALTQ+ and/or potential future revisions to the TTFF. Specific operational triggers and operational criteria to address SRS low water conditions have been developed through the COP AMMP process, with technical support from water managers. Addressing this uncertainty with the TTFF will help the COP AM team and water managers continue to improve operational planning to further enhance the ecological performance of the regional system without violating system constraints or considerations. AM Uncertainty ID #12b (Tamiami Trail Flow Formula (TTFF) and Drought) was specifically identified to determine whether there an opportunity to deliver water to NESRS in a specific manner such that the delivery enhances freshwater flows to Florida Bay by delivering more water during the dry season without harming the ecological condition of WCA 3 (Reference Appendix C.2, Section C.2.2.4). At each COP PDT+ meeting the team will identify if a field test is possible in the upcoming wet-dry season transition (based upon closures in WCA 3A during the previous season and anticipated water levels in WCA 3). If suitable conditions appear likely, the managers will be notified of intent to further investigate whether conditions warrant initiation of the field test, and a series of monthly meetings will be used to formulate the specific field test strategy, including consideration of conditional probabilities of future water levels and flows. As monitoring information continues to be collected and evaluated through the COP Adaptive Management process (post implementation), it is expected that the TTFF will continue to evolve as conditions change in the future through the combination of new information and new CERP infrastructure, including features which will enable increased flow deliveries into the WCAs, ENP, and Florida Bay.
33	March 16, 2020	Everglades Law Center	"Extreme High Water Line" Continues Damaging Practice of Discharging Water into the South Dade Conveyance System: Our organizations (and nearly every other stakeholder in the area) have been on record multiple times objecting to the harmful and wasteful practice of shunting water in the South Dade Conveyance System as an outlet for the Water conservation Area 3A. The primary goal of the Modified Water Deliveries Project was to use Northeast Shark Slough, the natural outlet for flows from the north, rather than extreme western Shark River Slough or the South Dade Conveyance System and out S-197. Yet the Corps has now embedded this objectionable practice into the operations manual without investigating alternatives. Of strongest concern for us is the proposed use of the S-197 structure, which hurts the marine ecosystem of Biscayne Bay and steals water needed in Florida Bay. Instead of moving towards eliminating the use of S-197 discharges as stipulated in the 1994 GRR and the C-111 South Dade Project, this PDT chose to modify that original goal from eliminating this practice, to simply reducing it, while continuing	The EHWL Conditions 2 and 3 were applied three times over the last three years under emergency and planned deviations from the MWD Incremental Field Tests (February 2016, June and September 2017). During those extremely high water conditions in WCA-3A, water deliveries through the SDCS were used as the last resort only after all downstream constraints were met, and that there were conveyance capacities in the SDCS to safely pass flows through coastal structures. In addition, WCA-3A stages were above the Increment 2 EHWL during June 2018 and no WCA-3A releases through S-334 were made from June 1 through October 31, 2018, because of the available conveyance capacities in both NESRS and WSRS to meet the weekly Rainfall-based Management Plan targets; therefore, the EHWL operations during the period when WCA-3A 3-station average is above the EHWL are dependent on conditions in WCA-3A, ENP, and ENP-SDCS and each event is evaluated on a case by case basis while balancing all C&SF project objectives. The operational criteria proposed in COP, including the implementation of the Tamiami Trail

			to maintain low canal stages at S-18C that further promote seepage and over-reliance of discharges via the S-197 structure. AltQ+ in the DEIS stipulates the ability to discharge up to 2400 cfs of freshwater via S-197 during "extreme" conditions, which had been triggered "only three times during the 41 year of continuous simulations" (see DEIS at ES-xi, 4-38). Yet in the following paragraph the DEIS recognizes that those occurrences happened within the past five years, suggesting a much higher probability of opening. It certainly does not point to this kind of practice being used sparingly, especially with storms intensified by climate change.	Flow Formula and operation of the L-29 Canal up to 8.5 feet NGVD (subject to the FDOT constraint and 8.5 SMA flood mitigation requirements), were not fully available during these previous emergency and planned deviations. In the RSM-GL, ALT Q model run, during four events out of 41 years the EHWL was triggered. In the COP, it is anticipated that when WCA-3A stages rise above the EHWL, a series of system wide evaluations of real-time C&SF hydrologic conditions including, stage and flow data, past and forecast rainfall, and SFWMD Dynamic Position Analysis (DPA) with appropriate analog years will be conducted by the SFWMD, the USACE, and ENP. The information from this evaluation along with input provided from ENP will be used by the USACE and the SFWMD to decide on whether or not to use the capacity authorized by the EHWL criteria and how much of this capacity to use.
34	March 16, 2020	Everglades Law Center	Comment Continued: In 2018, wading birds had a banner nesting season the likes of which have not been seen since the 1930s. The extreme rainfall associated with Hurricane Irma in 2017, along with the very dry season that immediately followed, were the driving forces behind the 138,834 wading bird nests recorded across the Everglades ecosystem. However, when looking at individual species' efforts, Roseate Spoonbills in Florida Bay exhibited subpar nesting efforts by comparison. The Roseate Spoonbill colonies around Florida Bay produced only 278 nests in 2018. Audubon Florida's research showed that the S-197 structure was left open longer than needed to attenuate flood concerns. Therefore, despite an overabundance of fresh water, excessive discharges through S-197 led to increased salinity along the coastal wetlands of Florida Bay, salinity which was further increased by the compounding effect of higher sea levels observed in this area. Higher salinity made the wetland less productive in terms of Spoonbill prey. Without high prey abundance, Spoonbills were not stimulated to nest in nearby locations in Florida Bay.	Please see response to Comment ID# 33, 35, and 36 regarding operations over this time period.
35	March 16, 2020	Everglades Law Center	Comment Continued: Further analysis reveals that between August 18 and September 18, 2018, the S-197 structure was open daily with a total flow of 28,563 acre-feet. Prior to that, the structure was also used May 25 to June 6, 2018 with daily flows totaling 6,590 acre-feet. That is a significant loss of freshwater to Florida Bay, especially when considering that total flow via Taylor Slough for the entire 2018 year was about 41,000 acre-feet. More importantly, over the last five hydrologic years, S-197 has been used every year. The last hydrologic year to have zero discharge out of the S-197 was 2014-2015. Taking a step back out of the last 25 hydrologic years (back to 1994-95), 2017-2018 had the highest S-197 flow in the period of record, 2015-2016 was the 4th highest, 2016-2017 was 5th, and 2018-2019 was the 8th. Decreasing the frequency of discharge events might sound like an improvement but looking at the volumes of flow lost each time and comparing them to the overall annual flow sent to ENP shows that these result in harm to the resource. Such a practice should not be written into the Final EIS for COP.	Prior to completion of the MWD 8.5 SMA and C-111 Northern Detention Area in August 2018, the L-29 Canal was not able to be operated up to the COP maximum operating limit of 8.5 feet NGVD, except for prescribed limited durations during emergency deviation necessitated by extreme high water conditions within the WCAs. Total S-197 release in 2018 was approximately 36,256 acre-feet. The S-197 release total from May 25 through June 6, 2018, was about 6,640 acre-feet due to a significantly high rainfall amount of about 12 inches over WCA-3A and ENP-SDCS in the month of May (May average rainfall is about 5 inches). In addition, there was a 2-week flow test conducted by the SFWMD with coordination with the USACE and ENP to assess flows from S-197 into Manatee Bay and Barnes Sound and the C-111 Canal across the ENP Panhandle into Northeast Florida Bay. The two week field test was requested by SFWMD and was performed with active monitoring to help identify specific consequences of high volume releases in Manatee Bay. The 2-week test started on August 20, 2018. However, it was interrupted by Tropical Storm Gordon which made landfall in South Florida near Tavernier (Florida Keys) and produced over 4 inches of rain on September 3, 2018. From September 3 to September 18 in 2018, water management operations in the lower C-111 Canal was for flood risk damage reduction, and as a result, S-197 released about 20,850 acre-feet of water. Water Year 2018 (May 2017-April 2018) was a meteorologically wet year (63.66 inches) with a rainfall increase close to 11 inches above the average (52.75 inches), with a wetter than average wet season. WCA 1/WCA 2 and WCA 3 rainfall total totals for the year were 19 and 15 inches above average rainfall, respectively, including contributions from an extreme rainfall event in early June, Tropical Storm Emily in late July, Hurricane Irma in early September, and Tropical Storm Philippe in late October. The FDEP issued an emergency final order on June 23, 2017, authorizing SFWMD and USACE

				to take immediate action to deviate from permitted water management practices to move significant volumes of flood water out of the WCAs. Because COP enables higher stages in the L-29 Canal than were allowed during these previous S-197 release events, this type of extended S-197 discharge events will be significantly reduced under COP - even if very similar rainfall patterns occur. MWD Increment 2 operations in 2019 did not make any releases through S-197 and it is anticipated that this trend of minimizing S-197 releases will continue under the COP.
36	March 16, 2020	Everglades Law Center	Comment Continued: The PDT must find a better way to deal with emergencies instead of using the long recognized as harmful "release valve" of discharging water that Florida Bay needs via S-197. As long as S-197 offers an option for quickly eliminating high water levels in the northern parts of the Everglades ecosystem, managers will continue to avoid the work of designing operational strategies that work for all parts of the Everglades. Neither the environmental nor the agricultural communities support the Extreme High Water Line (EHW) operations.	Please see response above to Comment ID #35. Above the EHWL, stages in the WCA's are considered extremely high, which poses increased risks to the WCA-3A perimeter levee system, the population of 70,600 people who would be put at risk if the levee system failed, hurricane evacuation routes, and wildlife and tree islands; therefore the use of S-197 is the last resort to help minimize those risks.

37	March 16, 2020	Everglades Law Center	<u>The Draft COP maintains Constraints on the L-29 Water Levels and S-333/S-333N Operations Based upon the 8.5 Square Mile Area:</u> The DEIS calls for the suspension of flows into NESRS based upon conditions in the 8.5 Square Mile Area (8.5 SMA). The Corps includes this constraint based upon modeling documented in Appendix H, Annex 2 and upon data analysis documented in Appendix C, Section 6. The simulations show a potential to increase water levels above the base condition in a small area in the northwest corner of the 8.5 SMA. Although this is within the model's estimation capabilities, the Corps offers only one and only mitigation option: suspension of inflows into Northeast Shark River Slough and a reduction in L-29 water levels. This is of grave concern for several reasons. First, it suggests that the Corps does not have confidence in their solution for the 8.5 SMA, and so must maintain constraints. As in the similar situation with the EHWL, the Corps does not seem to be able to solve this particularly contentious issue, even after spending hundreds of millions of dollars on infrastructure that was supposed to be a solution. Second, this apparent inability to address the 8.5 SMA means that it will continue as an issue in subsequent projects, such as CEPP. One central tenant of CERP is the restoration of water flow south, through the Everglades and across Tamiami Trail. If the Corps has no confidence in the 8.5 SMA solution and it remains a constraint to flow water south, the entire future of CERP is jeopardized. Adaptive Management is well-suited to prospective problems like this. Rather than proscribe one problematic solution that does immense damage and is contrary to the primary objectives of the Modified Water Deliveries Project and CERP, the Corps should observe the problem, determine if there is an actual concern, and then take action to address the observed issue. The constraint to flow into Northeast Shark Slough should be removed from the Operations Manual.	The hydrologic modeling for COP Alternative Q+ , which principally relies on the MWD 8.5 SMA flood mitigation infrastructure with conditional supplemental use of the adjacent S-331 pump station, indicated that the COP hydrologic benefits for ENP can be attained without the suspension of S-333 inflows to NESRS. This operational option remains in the water control plan out of an abundance of caution; the operations prescribed in the Water Control Plan were developed in an effort to achieve the COP restoration objectives and to altogether avoid and, if needed, minimize the duration of such operations. Within the Water Control Plan, the suspension of flows into NESRS when 8.5 SMA flood mitigation requirements are not met is necessary to adhere to the added assurances and conditions of the ROD for the 2000 GRR for the 8.5 SMA, especially the item below. "The periodic flooding of landowners east of the proposed levee, before and after project implementation, will remain unchanged from conditions in existence prior to implementation of the MWD Project except where flowage easements are required. As with the 1992 General Design Memorandum (GDM) plan, flood mitigation, not flood protection, should be provided by the design and operation of the Recommended Plan. No deviations are intended from the operations specified in the operations and maintenance manual (i.e. increased pumping in the seepage canal or the inclusion of additional pumps) due to anticipated public demand for increased flood relief inside the perimeter levee of the 8.5 SMA project." Compared to the 1983 base condition, implementation of the MWD Project (under the proposed COP) would result in an increase in water flows through NESRS that would raise ground water levels and, without pro-active water management, potentially increase the current spatial extent and frequency of surface water flooding in the 8.5 SMA. The 8.5 SMA flood mitigation system and implementation of COP-prescribed operations would prevent the 8.5 SMA from experiencing any increase in flooding as a result of the MWD Project. However, for weather events beyond those considered in the COP hydrologic modeling, if the current 8.5 SMA flood mitigation system is completely overwhelmed by the increased inflows to NESRS then temporary reduction or cessation of inflows to NESRS is designed to allow ground water levels in the 8.5 SMA project to return to pre-project conditions to meet the flood mitigation requirements specified in the 2000 GRR ROD. Maintaining the authorized 8.5 SMA flood mitigation is a constraint for the COP, which must be demonstrated in the supporting evaluations of the COP recommended plan. 8.5 SMA flood mitigation performance will continue to be monitored and assessed under the COP AMMP. An after-action report will be required anytime WCA-3A releases to NESRS are suspended because 8.5 SMA flood mitigation criteria are not being met. It is the intention of the reporting process to ensure that water managers and adaptive management reviewers learn what portions of 8.5 SMA are at risk of violating flood mitigation requirements, if any, the degree of risk of flooding, and over time, if these reports accumulate, the information they provide will be used as part of the record for addressing and resolving flood risks for the 8.5 SMA. The USACE is committed to continued hydrologic modeling and technical evaluations of the 8.5 SMA flood mitigation performance, to assess conditions beyond the infrastructure and operational constraints evaluated as part of the COP, to ensure future CERP restoration flows to ENP and Florida Bay are fully realized.

38	March 16, 2020	Everglades Law Center	Water Quality Operations Introduce Unnecessary Complexity: Section 7.4.3 of Appendix A in the DEIS contains a length process description and three potential actions that could be taken in the event of a concern over water quality at S-333. While it is important to recognize that because of the increased flows across Tamiami Trail, the potential for an excursion from Appendix A of the Consent Decree (United States v. South Florida Water Management District, Case No 88-1886-Civ-Moreno) may increase, the process of how to address any deviation from Appendix A has already been defined in the Consent Decree. There is no need to develop an alternative process or duplicate effort. If the intent of the proposed actions is "to implement these minor operational adjustments to improve water quality," then one need not limit actions to this small number of possibilities or identify specific conditions that trigger investigation (such as S-333 HW stage). We would recommend this entire section be removed and to simply reference existing protocols of bringing any issues to the Technical Advisory Committee (TOC) for recommendations and the existing decision-making process in the Consent Decree.	Thank you for your comment. For any specific actions to be implemented, they have to be analyzed and evaluated in a NEPA document. The Corps cannot take actions under normal circumstances that are not defined in the water control plan that has been developed in a public/agency coordination process and approved by higher command (SAD). The exception to this process is that under extreme conditions requiring operations outside of what is allowed in the approved water control plan (WCP), a deviation to the WCP can be implemented. NEPA is required as well as the approval of SAD for any deviation from the WCP. The WQ analysis and development of adaptive measures to mitigate for the anticipated short term potential negative impact to water was detailed and provided in the NEPA. Short read for one example, if we had delayed S333 releases for a few weeks (2-3 weeks) nutrient spikes would have been greatly reduced and calculations indicated a settlement agreement exceedance would have been avoided in recent years. That is one of the proposed approaches. The analyses and proposed actions were developed/coordinated with the COP interagency water quality sub-team members and briefed to the COP interagency PDT and the TOC. We have revised the actual S333 HW stage triggers with regards to WQ with more specificity. Per the FDEP suggestion, the WQ team evaluating WQ AM measures will initiate coordination discussions during WCA 3A stage recession conditions, before S333 HW stage reaches 9.2 ft. NGVD. The TOC is not the forum for routine operational coordination meetings that are sometimes held twice per week to determine operational changes that can be made on a weekly or sub weekly basis during extreme weather conditions as well as routine conditions.

39	March 16, 2020	Everglades Law Center	Adaptive Management Plan Has No Mechanism for Implementation: Nothing about the Adaptive Management Plan in the DEIS describes how it will be used to change operations in real time or how it will be used to update a future EIS. One specific example: the COP adaptive management plan (Appendix C Section 2.6.2) calls for the continuation of the Wildlife Coordination Calls as part of the Adaptive Management Plan; however no one from operations is participating in these calls, nor is there a clear process by which reports from the group are reported to and incorporated into operations. Because there is no feedback or interaction mechanism to consider recommendations presented by those calls. It is therefore unlikely that this part of the Adaptive Management Plan will influence weekly operations to ameliorate or recover from harmful practices. This specific oversight must be addressed, as well as the larger failure to spell how any lessons learned by way of the Adaptive Management Plan will drive operational changes.	Please see response to Comment ID# 28. The COP AMMP provides the strategies to address prioritized project uncertainties that will be faced as COP progresses toward achieving goals and objectives while remaining within constraints. Reference Section C.2.6 (COP AMMP Implementation) in Appendix C and Table C.2.23 that provides a link between adaptive management uncertainties, their corresponding actions, and whether additional NEPA or permitting would be required. The COP EIS cannot provide blanket NEPA coverage for operational decisions that are yet to be defined. As is the case with current operations, regularly scheduled interagency PSCs and Wildlife Coordination Calls allow the USACE to gather input on desired long-term (annual and/or seasonal) conditions within the system and provides a forum for consideration of suggestions on operations from federal and state agencies, and tribal partners. These forums provide an opportunity to discuss concerns related to C&SF operations, and if needed, recommendations to address those concerns. The USACE continues to be open to receiving those recommendations and will determine the ability to implement those recommendations under the USACE's existing authority in partnership with the SFWMD and ENP. This is the first time an adaptive management process is being considered for operations, and we expect to learn quite a bit about how to effectively connect the different teams that have meaningful recommendations to make to water managers. That said, the existing expectation is that the Wildlife Coordination Calls will send recommendations to operations as necessary. This is often monthly but can become more frequent during extreme dry conditions. The Wildlife Coordination Calls may track whether their suggestions are acted upon or not and may share this summary information with the PDT+. It is possible that the PSCs will also provide recommendations from a distinct set of stakeholders/agency staff (distinct from the Wildlife Coordination Calls) and they may track whether their suggestions are acted upon or not. The PDT+ (an interdisciplinary team composed of experienced system planners, modelers, hydrologists, and ecologists) will monitor the PSCs and Wildlife Coordination Call's recommendations to track the relationship between system conditions and the uncertainties laid out in the COP AMMP, and ensure that the issues which may trigger actions are on everyone's radar. If the conditions exist where either of the two specific COP AMMP items that are covered for action under this NEPA document (Water Quality and the TTFF Field Test) are likely to be triggered, the PDT+ will meet, designate a task team to meet regularly to develop proposed actions, and the proposal will be routed to operations and senior leadership of the USACE, NPS/DOI, and SFWMD. Agency leaders will inspect proposal to ensure that is consistent with the COP AMMP and any other applicable legal requirements. If deemed consistent, recommended actions will be implemented by system operators. Any concerns about implementing these actions should be voiced at any step in the process and agency leaders are empowered to address concerns as they feel is appropriate.

40	March 16, 2020	Everglades Law Center	Modeling Constraints Limited Ecosystem Benefits: Significant constraints were included in COP modeling that limited potential ecosystem benefits for ENP and Florida Bay -- most of which were related to flood control operations for nearby urban and agricultural communities. Beginning in 2017, our organizations requested that the PDT run one unconstrained model to show what is possible to achieve in terms of ecosystem restoration, so that we might have an "ideal world" scenario to compare against the "real world" implementation, and better demonstrate the trade-offs between restoration and flood mitigation. The request to run an unconstrained model to show maximum ecosystem benefits was denied.	As previously communicated in correspondence (dated May 10, 2018) in response to a letter (dated April 5, 2018 from the Everglades Law Center, National Parks Conservation Association, Everglades Foundation, and Audubon Florida) regarding planning efforts for the COP, alternatives were formulated based on achievement of project objectives and compliance with project constraints. The range of alternatives considered in plan formulation for the COP represent feasible alternatives that maximize ecosystem benefits for ENP and Florida Bay during the anticipated timeframe for COP implementation. Additional benefits will be realized as components of the CERP become part of the Federal project that will allow the USACE to re-visit system operations. As stated in the May 10, 2018 correspondence, the alternative proposed (i.e. unconstrained model) does not meet the system constraints for the implementation of COP and would not be the best use of limited Federal resources. Modeling completed for the COP, clearly indicated that any unconstrained simulation of operations under the existing water budget would put the ecological condition of WCA3A at risk given the existing configuration of infrastructure. The USACE shares your priorities for Everglades' restoration along with the other project objectives. We value your continued participation in the process as we implement projects and maximize restoration benefits to the maximum extent possible.
41	March 16, 2020	Everglades Law Center	Draft COP Fails to Maximize Taxpayer Investment: American taxpayers have spent $ 1 billion to restore the public lands and waters of the Everglades, and the return on that investment is marginal benefits to ENP and Florida Bay in the rainy months, when water is already abundant in the system. The Corps has failed to produce a bold plan to restore Florida Bay. The Draft EIS does not prioritize the health of our nation's Everglades over private interests, but rather continues the same type of operations that have degraded the Everglades and Florida Bay and will continue to do so until meaningful operational changes are made. We recognize that the operations proposed for the COP in the DEIS contain several innovations that will improve the environmental performance of the C&SF Project. We also understand that timely implementation of COP is a prerequisite for moving to other critical restoration projects. However, the time and resources that have been expended on this project, as well as its critical role as the gateway on the path forward to the larger project of Everglades restoration, make addressing the critical infirmities we outline in these comments imperative. We urge the Corps to modify the DEIS, addressing the shortfalls documented here so that new operations can be brought to Congress and progress on Everglades restoration continues apace.	Please see response to Comment ID #1 regarding potential benefits to Florida Bay as a result of implementation of the COP. COP modeling clearly indicated that any unconstrained simulation of operations under the existing water budget would put the ecological condition of WCA 3A at risk given the existing configuration of infrastructure. ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, however, the USACE recognizes that additional actions are needed such as the completion of CERP components that would increase freshwater flows to achieve Everglades restoration. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration.
42	March 23, 2020	Florida State Clearinghouse	Florida State Clearinghouse staff has reviewed the proposal under the following authorities: Presidential Executive Order 12372; § 403.061(42), Florida Statutes; the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended; and the National Environmental Policy Act, 42 U.S.C. §§ 4321-4347, as amended. The Florida Department of Agriculture and Consumer Services, Department of Environmental Protection, Florida Fish and Wildlife Conservation Commission and the South Florida Water Management District have reviewed the proposed action and independently submitted comments for your consideration. These have been attached to this letter and are incorporated hereto. Based on the information submitted and minimal project impacts, the state has no objections to the subject project and, therefore, it is consistent with the Florida	Thank you for your comment. The EIS has been updated to note that implementation of the COP is consistent with the FCMP.

			Coastal Management Program (FCMP). Thank you for the opportunity to review the proposed project. If you have any questions or need further assistance, please don't hesitate to contact me at (850) 717-9076.	
43	March 23, 2020	South Florida Water Management District	Thank you for the opportunity to comment on the Draft Environmental Impact Statement for the Combined Operational Plan (January 2020) (COP EIS). The goal of the Modified Water Deliveries to Everglades National Park (MWD) and Canal 111 South Dade (C-111 SD) projects is to increase flows to Northeast Shark River Slough (NESRS) and improve the spatial and seasonal distribution of flow into Everglades National Park (ENP). The COP EIS accomplishes that goal by redistributing water into ENP than previously possible. These projects, coupled with the Comprehensive Everglades Restoration Plan (CERP), will restore, preserve, and protect the entire south Florida ecosystem while providing for other water-related needs of the region. The South Florida Water Management District (SFWMD), as a cooperating agency in developing the COP EIS and the local sponsor of the Central and Southern Florida (C&SF) Project, supports the U.S. Army Corps of Engineers (USACE) effort to revise the operations for Water Conservation Area 3 (WCA 3), ENP, and the Southern Dade Conveyance System (SDCS). For more than two decades, the CERP and other plans have sought to implement more robust real-time "rainfall driven operations" that adhere to the constraints of the existing system while integrating the scientifically-based ecological restoration targets. The COP's Tamiami Trail Flow Formula (TTFF) achieves the long-term restoration goal and improves upon the 1980s Rainfall Plan, achieving the hydrologic objectives of; 1) delivering surface water flow that resembles more natural processes; 2) delivering surface water flows in a more gradual rate change; and 3) spatially distributing surface water flow across Shark River Slough.	Thank you for your comment and participation as a cooperating agency in development of the COP Water Control Plan and supporting EIS. The USACE will continue to coordinate with the SFWMD throughout implementation of the COP.
44	March 23, 2020	South Florida Water Management District	<u>Extreme High Water Line:</u> The COP Water Control Plan modifies the WCA 3-A Regulation Schedule by adding an EHWL. The USACE anticipates infrequent use of this operation; however, in three consecutive years (2016, 2017, and 2018) monitoring data show the EHWL criteria would have been met. Each recent extreme event requiring the use of the EHWL presents unique challenges and potential solutions. Inclusion of the EHWL in the COP potentially forgoes further input on what those solutions may be, given the conditions present at the time. In addition, one of the COP's most effective achievements is elimination of Column 2 deliveries during normal operations. Inclusion of the EHWL solidifies those operations for years to come and reduces flows to NESRS in the long term. The	The inclusion of EHWL was deemed necessary by the Water Management Section of the USACE-SAJ and by USACE-SAD to provide both USACE and SFWMD water managers more operational flexibility to deal with extreme high water conditions in the WCA-3A and in the C&SF system. The need to include the EHWL in the COP WCP was based on real-time operations over the last 4 years through the El Nino event of 2016, highest June 2017 rainfall, Hurricane Irma in September 2017, and highest May 2018 rainfall. Three out of four events required SAD approval for either an emergency deviation or planned deviation to move more water out of WCA-3A including using ENP-SDCS and S-197. The proposed EHWL was coordinated among technical staff members from SFWMD, ENP, FDACS, FWC, FDEP, USFWS, and the Corps during the development of the COP Water Control Plan in 2019.

			District requests the USACE to remove this action to allow for future operational flexibility as new infrastructure comes online.	
45	March 23, 2020	South Florida Water Management District	Suspension of S-333 deliveries to NESRS: The COP WCP suspends S-333 deliveries to NESRS during normal operations when concerns over 8.5 square mile area flood mitigation features, is complete and should perform as intended. In order to provide restoration flows to ENP, the District encourages the USACE to remove the immediate suspension of S-333 deliveries, continue evaluating performance of the MWD Project, and identify solutions to potential flood risks.	Please see response to Comment ID# 37 above.
46	March 23, 2020	South Florida Water Management District	Water Quality and Adaptive Management Strategy: Under the current system, phosphorus levels entering ENP are strongly correlated to water stages in the southern WCA 3A marsh and canals. Generally, lower stages produce S-333 discharges with higher phosphorous concentrations. The goal of COP operations is to increase total flows to ENP and flows from the S-333 structure. The USACE conducted extensive modeling and evaluations of flows and water quality during the COP planning process which indicate an increased risk of violating Appendix A of the Consent Decree. To address this risk, the COP WCP proposes a water quality adaptive management strategy that alters the timing and quantity of water delivered from WCA 3A to ENP. The District appreciates the USACE's recognition of the potential risk to water quality; however, the proposed water quality strategy reduces flows to ENP when it is most needed and is counter to the hydrologic restoration available with implementation of the TTFF. The COP EIS, specifically the WCP, contemplates forming yet another group of individuals to review and make recommendations regarding water quality and operations. The District suggests the USACE remove this proposal and implement the COP flows to pursue CERP goals for delivery to ENP and rely on the already identified processes within the Consent Decree to address water quality.	Thank you for your comment. Prescriptive approaches to consider WCA 3A water quality conditions to inform real-time operations of inflow structures to ENP have not been explicitly included in previous Water Control Plans, including the 2012 ERTP, or the Operational Strategies developed for the MWD incremental field tests. The COP water quality analyses documented in the EIS show that through minor adjustment to water delivery timing, nutrient spikes into ENP can be reduced under some conditions. The WQ AM measures proposed and analyzed during the WQ sub team work up indicated this can be done without reducing the volumes of water deliver to the ENP. Do not concur that this section be deleted from the document. Water quality considerations, including formal operational recommendations from the COP PDT+ water quality sub-team, will be considered as part of the broader USACE water management decision-making process that considers all the congressionally authorized project purposes for the WCAs, and sub-team recommendations may not be feasible to implement in all instances as a result consideration of the collective C&SF authorized purposes. As further detailed in the COP Water Control Plan, this information includes but is not necessarily limited to: C&SF Project conditions, estuary conditions and projected needs (e.g., Biscayne Bay, Florida Bay), WCAs conditions and projected needs, WCA water levels, ENP conditions and projected needs, East Coast Canals (ECC) available capacity, ENP-SDCS available capacity, current climate conditions, climate forecasts, hydrologic outlooks, projected WCAs level ascension and recession rates, and water supply conditions and projected needs.

47	March 23, 2020	South Florida Water Management District	<u>Implementation of the Adaptive Management and Monitoring Plan (AMMP):</u> Unlike CERP projects, which require an adaptive management plan for restoration projects, the COP EIS is the first non-CERP project to include an AMMP and adaptive management strategies within the WCP. The COP WCP differs from the REstoration COordination & VErification (RECOVER) team's approach of clearly identifying options and the criteria to implement them. The WCP and AMMP identify multiple groups or teams tasked with recommending operational options. This is unnecessary and should be removed from the COP EIS. The WCP and AMMP should clarify that operational decisions rest with the District and USACE water managers.	Please see response to Comment ID# 28. Reference Section C.2.6 (COP AMMP Implementation) in Appendix C and Table C.2.23 that provides a link between adaptive management uncertainties, their corresponding actions, and whether additional NEPA or permitting would be required. As is the case with current operations, regularly scheduled interagency PSCs and Wildlife Coordination Calls allow the USACE to gather input on desired long-term (annual and/or seasonal) conditions within the system and provides a forum for consideration of suggestions on operations from federal and state agencies, and tribal partners. These forums provide an opportunity to discuss concerns related to C&SF operations, and if needed, recommendations to address those concerns. The USACE continues to be open to receiving those recommendations and will determine the ability to implement those recommendations under the USACEs' existing authority in partnership with the SFWMD and ENP. Furthermore, Table C.2.24 describes management options included in the COP AMMP and the associated implementing group. Within that table, and in supporting text in the COP AMMP, it states that the groups referenced in the comment, will make recommendations to the senior level implementing agency leads regarding implementation of the adaptive management options. Development of the COP AMMP was done in coordination with the PDT and the SFWMD and ENP. The COP AMMP has been included in the Final EIS. While it is recognized that the USACE is the ultimate decision authority for the operations of the C&SF water management infrastructure, one of the goals of the COP AMMP is to broaden the awareness and understanding of operational strategies/constraints to include land management agencies and stakeholder groups. The adaptive management process in the COP does not seek to take control over water management out of the hands of system operators, instead it seeks to inform their decisions with expertise on wildlife, biogeochemistry, and ecology. Establishing feedback between hydrologic system operators and these other groups, documenting the record of how feedback is acted upon, and summarizing these actions in periodic reports is how we hope to increase our awareness of challenges present in the system and to use this awareness to systematically improve ecological outcomes in the future. Our enhanced awareness could be applied to future project designs, the schedule of implementation of future projects, or the design of future operational plans.
48	March 23, 2020	South Florida Water Management District	The District supports the USACE's revision of the C&SF Project operations to realize the goals of Everglades Restoration. We look forward to working together to address the issues identified above and approval of the COP EIS in August 2020.	Thank you for your comment and participation as a cooperating agency in development of the COP Water Control Plan and supporting EIS. The USACE will continue to coordinate with the SFWMD throughout implementation of the COP.
49	March 23, 2020	Florida Fish and Wildlife Conservation Commission	FWC staff reviewed the list of state listed species provided in the Draft COP EIS (Table 3.2) and find the information to be consistent with the most recent version of the Imperiled Species Management Plan. A complete copy of the Florida's Imperiled Species Management Plan (2016) can be downloaded from the MyFWC.com website at https://myfwc.com/media/2030/imperiled-species-management-plan.pdf. Federally listed threatened and endangered species, and their designated critical habitats, also occur within the study area. FWC staff recommends continued coordination with U.S. Fish and Wildlife Service (USFWS) South Florida Ecological Services Office (ESO) regarding potential affects to these species. The USFWS South Florida ESO can be contacted at (772) 562-3909.	Thank you for your comment. The USACE has consulted with the USFWS on Federally listed species that may occur in the action area. Reference Appendix D.2 (ESA Compliance) for a complete consultation history and the USACE's BA.

50	March 23, 2020	Florida Fish and Wildlife Conservation Commission	Implementation of the COP is expected to increase water deliveries from WCA-3 to ENP through North East Shark River Slough (NESRS) and improve hydrologic conditions in NESRS, Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. WCA-3 is divided into WCA-3A and WCA-3B which are areas of the Everglades and Francis S. Taylor Wildlife Management Area (EWMA). The FWC has fish and wildlife and land management responsibilities for the EWMA and has found that hydrology, water depth, and duration of standing water are very important components of wildlife conservation and habitat protection (see endnote). The COP is an operational plan that redistributes the amount of water, and timing of water, deliveries from the EWMA to ENP based on the historical record of hydrology from 1965-2006. The COP increases the annual average water deliveries to NESRS from 263,000 to 540,000 acre-feet per year (106% increase). The increased water deliveries to ENP and the changes in water distribution from implementing COP are anticipated to rehydrate over-drained areas in ENP and provide wildlife and ecological benefits. As COP redistributes the available water, the COP modeling results show that many restoration targets across the EWMA, ENP, and Florida Bay are not often achieved in the future without condition or any of the model alternatives. Although this was expected at the project team level, it highlights the need to accelerate the introduction of new water into the system by capturing and redirecting freshwater discharges that have historically been lost to tide. Projects such as the Central Everglades Planning Project (CEPP), Everglades Agriculture Area (EAA) Storm Water Treatment Area (STA) and Reservoir, Lake Okeechobee System Operating Manual (LOSOM), and Tamiami Trail Next Steps Phase II are essential to incrementally restoring the system wide hydrology.	ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, however, the USACE recognizes that additional actions are needed such as the completion of CERP components that would increase freshwater flows to achieve Everglades restoration. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration.
51	March 23, 2020	Florida Fish and Wildlife Conservation Commission	An area of concern is the northern portion of the EWMA (WCA-3AN) which can become over-drained. This can result in a hydroperiod that is too short to support nesting and foraging wading birds throughout the breeding season, and an increased risk of soil oxidation and damaging wildfires that can result in muck fires and negative impacts to tree islands. One of the largest and most productive wading bird nesting colonies in the Everglades, the Alligator Alley North (Rescue Strand) colony is located in northeastern EWMA. The COP modeling output for Alt Q average annual stage and hydroperiod difference (1965-2005) predicts a reduction in stage of 0.068 feet and a hydroperiod reduction of 10 days in the areas around Alligator Alley North colony and drier years may experience a greater reduction in stage and hydroperiod. To help address these potential reductions, FWC staff recommend the continuation of the regular Periodic Scientist Calls (PSC) as a way for biologists to provide ecological recommendations and technical assistance for water management decisions and the implementation of the Adaptive Management Plan with a focus on the identified Uncertainty #18 which focuses on wading bird responses.	The COP EIS acknowledges that implementation of ALTQ+ may increase the probability that wading bird colonies in northern WCA 3A would experience drier conditions due to reduced water depths in WCA 3A. Rapid recession rates during the breeding season can result in decreased nest success (through increased predation or decreased forage availability) and decreased juvenile survival (due to decreased forage availability). The purpose of the COP AMMP is to identify the monitoring necessary to inform decision-makers, partner agencies, and the public on progress towards achieving restoration success, as well as address uncertainties related to project performance. As mentioned in the provided comment, regularly scheduled interagency PSCs and Multi-Species Wildlife Calls (both included in the COP AMMP) will allow the USACE to gather input on desired long-term (annual and/or seasonal) conditions within the system and provides a forum for consideration of concerns related to water management operations. The USACE will continue to coordinate throughout the implementation of the COP.
52	March 23, 2020	Florida Fish and Wildlife Conservation Commission	FWC staff fully supports the ecological benefits provided by operating the constructed features of the Modified Water Deliveries to Everglades National Park and Canal 111 (C-111) South Dade project as identified by the preferred plan alternative (Alt Q+). The COP water control plan Alt Q+ is an incremental step that provides significant benefits to NESRS and ENP by redistributing regional water resources. FWC staff appreciate the opportunity to work collaboratively with the	Thank you for your comment and participation in the COP PDT. The USACE will continue to coordinate with the FWC throughout implementation of the COP.

			USACE throughout the development of the COP and will continue to assist until a record of decision is final. If you have questions or would like to coordinate further on any of the recommendations contained within this letter, please contact me directly at (561) 625-5704 or by email at James.Erskine@MyFWC.com.	
53	March 23, 2020	Florida Department of Environmental Protection	The purpose of the Combined Operations Plan (COP) is to define operations for the constructed features of the Modified Water Deliveries (MWD) to Everglades National Park (ENP) and Canal 111 (C-111) South Dade project components. This Draft Environmental Impact Statement (EIS) presents a preferred plan, Alternative Q+ (AL TQ+), and presents a Draft Water Control Plan for COP. The COP would supersede the 2012 Water Control Plan for the Water Conservation Areas (WCA), Everglades National Park (ENP), and ENP to South Dade Conveyance System (SDCS). The water management operation criteria in AL TQ+ affects an area within the C&SF project located in southern Florida and includes portions of several counties, as well as WCA 3, ENP, Big Cypress National Preserve (BCNP), and adjacent areas. Under the COP, Central and Southern Florida (C&SF) project infrastructure would be operated to deliver hydrologic benefits to the environment as defined by ALTQ+. These hydrologic benefits are identified as five specific project objectives: 1) improving water deliveries (timing, location, and volume) into ENP given current C&SF infrastructure; 2) maximizing progress toward restoring historic hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern Panhandle of ENP; 3) protecting the intrinsic ecological values associated with Water Conservation Area (WCA) 3A and ENP; 4) minimizing damaging freshwater flows to Manatee Bay/Barnes Sound through the S-197 structure and increasing flows through Taylor Slough and coastal creeks; and 5) including consideration of cultural values and tribal interests and concerns within WCA 3A and ENP. Operations would also support a broad set of defined needs, including flood control, water supply for agricultural irrigation, municipalities and industry, regional groundwater control and prevention of saltwater intrusion, enhancement of fish and wildlife, and recreation. However, ALTQ+ operations are not designed to address water quality. The proposed adaptive management processes supporting ALTQ+ appears to be an attempt by the U.S. Army Corps of Engineers (Corps) to provide itself with operational flexibility to lessen water quality and other obstacles resulting from COP. ALTQ+ has been identified to be "the least environmentally damaging practicable" alternative. Potential adverse effects resulting from ALTQ+ include: 1) increased risk to accessibility of tree islands for cultural and religious practices by the Miccosukee Tribe of Indians of Florida; 2) increased risk to soils in WCA 3 due to reduced water levels;	Please reference Section 1 (Purpose and Need) and Section 4 (Environmental Effects) for further information on project objectives, project constraints, and potential effects from implementation of ALTQ+ that provides for further context with respect to the summary provided in the comment.

			3) increased risk to recreational access in WCA 3 during extremely dry periods; 4) increased risk for phosphorous loading in ENP and exceedance of the Consent Decree's Appendix A SRS annual phosphorus concentration limit; and 5) potential for high volume discharges through S-197 to Barnes Sound/Manatee Bay associated with the Extreme High Water Line (EHWL).	

54	March 23, 2020	Florida Department of Environmental Protection	The Department agrees that the Preferred Alternative, ALTQ+, will promote the hydrologic restoration of ENP Shark River Slough (SRS) by providing both additional volume of inflows and more natural distribution of flows across Tamiami Trail, changing the spatial distribution of inflows from west to east. ALTQ+ is expected to increase the average annual inflows to ENP via SRS by approximately 162,000 acre-feet, where the deliveries west of the L-67 extension via the S-12s is expected to decrease by 116,000 acre-feet and the flows through S-333 to the L-29 Canal and the Northeast Shark River Slough (NESRS) will increase by approximately 276,600 acre-feet. Flows into northern ENP (South of Tamiami Canal and east of the L-67 extension) are expected to increase by almost 70 percent with the implementation of ALTQ+ providing an average annual inflow of 561,000 acre-feet across Transect 18, which is a significant improvement over current conditions. In addition, ALTQ+ provides progress toward restoring hydrologic conditions in Taylor Slough by increasing annual inflow by an average of 6,000 acre-feet per year (an increase of 7%) and in the Eastern Panhandle of ENP by increasing annual inflow by an average of 30,000 acre-feet per year (an increase of 27%). The Department recognizes the modeling and analysis performed had a fixed water budget where no new water would be coming into the system, however the Department asserts that further delivery improvements are possible through adaptive management and the advancement of the Central Everglades Planning Project (CEPP).	Thank you for your comments. There is general agreement that more water will be available in the near term to be delivered to WCA 3 and the WCA 3A dryout conditions should be mitigated by that additional water. However for the purpose of the NEPA evaluation, the COP EIS evaluation made assumptions for the water that would be available from the existing infrastructure at the time of COP implementation and volume of water delivered south from Lake Okeechobee is consistent with assumptions used for Restoration Strategies and other projects. Based on recent data, the assumptions used for water volumes expected to be delivered to WCA 3 appear to be conservative. The Corps cannot assume future projects/programs outside of the COP effort will be completed and has to consider a more conservative approach.

55	March 23, 2020	Florida Department of Environmental Protection	The Department is optimistic about the restoration prospects of COP but asserts that the Adaptive Management and Monitoring Plan (AMMP) protocol requires further development to better optimize the restoration potentials and minimize the risk of adverse impacts, including those to water quality. During the Scoping Process in 2017, the Department requested that continued attention to water quality be provided as a critical part of COP formulation, and that specific actions to maintain water quality be implemented as part of the development of COP. The concerns expressed by the Department in previous correspondence focused on the potential for exceedances of the State's phosphorus criterion due to increased flows into SRS. Modeling performed in support of COP confirms these concerns. Water quality impacts were acknowledged in Section 8.3 (Water Quality) of the CEPP Final PIR and EIS (July 2014), in which the Corps and the State of Florida agreed to concepts regarding water quality that was intended to govern the implementation and operation of CEPP project features. The water quality concepts outlined in CEPP are intended to also govern the implementation and operation of COP. The WCP states that the Consent Decree commits the State to taking such action as is necessary so that waters delivered to the ENP achieve state water quality standards. The State has built stormwater treatment areas (STAs), developed a WQBEL for the EPA, and implemented Restoration Strategies to address water quality and protect downstream areas. Water quality has vastly improved, such that approximately 90% of surface water in the EPA marsh is below 10 ppb TP annual geometric mean. The Department believes that potential water quality impacts associated with COP will be more directly influenced by low-water conditions in WCA-3A than the quality of water delivered from upstream areas. If increased flow to ENP leads to more frequent exceedances of Appendix A of the Consent Decree, as is predicted by the modeling done in COP, the compliance methodology should be reevaluated. The Corps, ENP, and SFWMD, as the lead agencies of implementing COP, need to be supportive of adjusting the compliance methodology to be compatible with the restoration goals of COP.	Thank you for your comments. We appreciate your concurrence with the project plan, and we share both the concerns about increased risks as well as the strategy of implementing future projects to effectively address existing risks. Water quality improvement is not an authorized purpose for C&SF as modified by the MWD and C-111 South Dade Projects, collectively encompassed by the COP. While water quality was not considered in the formulation of the selected alternative, it was evaluated for potential water quality impacts. Based on the water quality modeling and evaluations described in the COP EIS, the USACE recognizes phosphorus levels delivered toward Shark River Slough are affected by low water levels within WCA 3A as well as the location of discharge. There is a time period where until upstream programs and projects are completed (CEPP, Restoration Strategies primarily) and functioning as designed (Restoration Strategies WQBEL compliance remains pending), water quality delivered to the ENP will not be as close to desired phosphorus levels envisioned for restoration. The USACE also recognizes that as the Restoration Strategies Features and CEPP features are completed and operating as designed, dryout conditions in WCA 3A (a significant WQ factor in the water delivered to ENP) will be reduced with an expected improvement in the water quality of volumes delivered to the ENP. Based on the water quality analysis performed for COP, the USACE COP EIS provides supporting documentation that any potential negative impacts to ENP water quality will be short term and can be mitigated for until the upstream projects (Restoration Strategies, CEPP) are online. The purpose of the Consent Decree is to achieve water quality that prevents imbalances in the aquatic ecosystem so as to “restore, preserve and protect the unique flora and fauna” in the Park and the Refuge. The Consent Decree is a judicially enforceable legal instrument overseen by a federal district court judge. Changes to that Decree or the Clean Water Act permits obtained by the SFWMD in association with it are not within the unilateral authority of the United States and/or the State of Florida. Any changes are subject to review and actions by the several parties involved in the litigation and ultimately are subject to the review, alteration, rejection, and/or order of the court. Such action is not within the scope of the COP project and therefore would not be appropriate to attempt to accomplish it through COP. Discussions about adjusting the WQ compliance methodology for water entering the ENP are ongoing under the purview of the Technical Oversight Committee, based on direction provided by the Consent Decree Principals.
56	March 23, 2020	Florida Department of Environmental Protection	The EIS states that the adaptive management measures incorporating the water quality strategies are only expected to be necessary until restoration strategies and CEPP features are completed and delivering additional water to NESRS. The WCP describes a temporary impact to water quality. The 2023 sensitivity runs that show improvement over baseline assume that TP concentrations continue to decrease at the same rate as they did from 2002 to 2018. The 2023 forecasted concentration is based on the observed 2002-2018 trends extrapolated to 2023. The Department disagrees that the impacts to water quality will likely be temporary until 2023.	The analysis presented in the EIS was based on a modeling exercise with consistent assumptions so that the baseline WQ performance could be compared to the WQ performance of the alternatives. Corps recognizes there is some uncertainty as to how long the temporary condition for potential water quality impacts to ENP will exist but stands behind the 2023 date based on the information we have available as documented in the EIS. The analysis states that restorations strategies and CEPP features need to be on -line/completed for the upstream water quality conditions to be fully resolved. The WQ mitigation strategies proposed and analyzed for the COP EIS, coupled with the general improvement trend for water quality, indicate that any potential negative WQ impacts for water delivered to ENP under COP will be short term and can be mitigated.
57	March 23, 2020	Florida Department of Environmental Protection	The Department recommends that the Final EIS and AMMP better define the participants of the water quality group (which, at a minimum, should include representatives from the Department, SFWMD, FWC, ACOE and ENP), and the frequency that the group will meet. The first task of the AMMP water quality group should be to derive appropriate operational protocols to be used in low stage conditions. Adaptive management options should be utilized proactively to	Thank you for your comment. The COP WQ analysis was focused on developing short term WQ responses for the water delivered to the ENP. The water quality team attempted to define those approaches to the degree that they could implemented by the operations people without further elaboration. Corps agrees that the information gained from the WQ sensitivity runs should be employed proactively. That is the intent of the approach described in the EIS regarding water quality, to focus on short term operational strategies to

			prevent adverse impacts to downstream ecology, using existing knowledge and knowledge gained from the sensitivity modeling runs. It should be clarified in the AMMP that management actions will be taken prior to observing any statistically significant change (3 to 10 years is estimated to determine a significant nutrient response to COP) in BNP water quality and attributes that respond to water quality (periphyton nutrient content, biomass, and composition; vegetation; soil nutrients). Rather the focus of the AMMP must be on short-term operational strategies to ensure the Appendix A test is met on an annual basis.	reduce nutrient spikes delivered to the ENP on an annual basis, on an as needed basis to cope with low stage conditions that could negatively impact the water quality of water delivered to the ENP. The USACE, the SFWMD, and ENP will establish an interagency collaborative forum (referenced as the "PDT+") that succeeds the COP interagency PDT, consisting of the COP implementing agencies, oversight agencies, and stakeholder groups during implementation of the COP, including the COP AMMP. The USACE will include FDEP as part of the PDT+. Additional participants expected to be invited include the FWC, the USFWS, the USEPA, the FDACS, and the Tribes.
58	March 23, 2020	Florida Department of Environmental Protection	In addition, the trigger for commencement of group meetings is inadequate to avoid impacts to water quality and should be modified. There is scientific consensus that during low-water stages, elevated nutrient concentrations result from non-anthropogenic, localized sources within the EPA. These non-anthropogenic impacts can be minimized through appropriate operational constraints. In the Draft EIS, an S-333 headwater (HW) stage of 8.5 feet NGVD29 acts as the prompt for the water quality group to start evaluating conditions for potential recommendations to implement the water quality adaptive management strategies. The Department strongly recommends that discussions to implement adaptive management strategies for water quality occur well before the S-333 HW reaches 8.5 feet NGVD29. Based upon analyses conducted by the Department, and presented in an interagency technical meeting on September 28, 2018, elevated TP concentrations at the S-333 HW occur when the S-333 HW stage is below 9.2 feet NGVD29. The Department analysis concluded that low stage periods are a significant driver of high annual flow-weighted mean concentrations contributing to exceedances of the long-term limit defined by Appendix A of the Consent Decree for NESRS. Therefore, the AMMP should be updated to provide a proactive approach for protecting the ecosystem by convening the water quality group before the stage recedes to 9.2 feet NGVD. 1 The Draft EIS did not contain the water quality sensitivity runs and the analysis that was done to support the 8.2-foot NGVD29 low-stage trigger for implementing adaptive management strategies. Please add an appendix that provides a summary of the analyses, the assumptions and the results from the analysis that were done. Also, please provide a summary of the results and findings in the main report of the Final EIS.	Thank you for your comment. The trigger statement shall be changed to " during as stage recession as the S333HW stage approaches 9.2 ft., the WQ team shall more closely review the preliminary water quality data provided by the SFWMD (S333, S12's structures etc.). It is the Corps understanding that as the stage approaches 9.2 ft. but before it reaches 9.2 ft. for the S333 HW stage is sufficiently conservative to all parties that participated in COP water quality analysis discussions as a point to initiate the potential for WQ AM measures. Concur that as the S333 HW stages approaches 9.2ft at the S333 HW gage as stages recede, an initial phone/web conference will held before the S333HW stage reaches 9.2 ft. with the interested WQ technical staff from the different agencies (COE, SWMD, FDEP, ENP as a minimum with FWC/FWS/EPA invited along with the Tribes and any other technical representatives of other interested agencies such as FDACS).

59	March 23, 2020	Florida Department of Environmental Protection	With regard to the replacement of the current Rainfall Plan with the Tamiami Trail Flow Formula (TTFF) to determine deliveries to SRS, the Department recommends additional analysis be performed for the TTFF to see if this can further improve water quality and drought performance. Sensitivity modeling identified potential operational strategies that would improve water quality over Alt Q while still achieving other project goals and objectives. These strategies were designed so that the timing of water deliveries may be altered, but there would be no net reduction in average total volume delivered to BNP over the course of a water year. This concept was included in the AMMP, however if the TTFF is self-correcting then the need for tracking water volumes may not be necessary.	Thank you for your comment. The intent of the adaptive management measures, if implemented, is that any temporary reduction in volumes delivered to the ENP due to the water quality strategies will be limited in duration. Because the stage conditions in WCA3A affect the TTFF, short-term flow reductions would be naturally corrected by the weekly TTFF delivery calculation. Any reduction in deliveries would not need to be explicitly accounted for or replaced by deliveries independent of the TTFF weekly calculation. If implemented for longer durations, the adaptive management measures do have a greater potential to reduce the volume of water delivered to ENP, which is not the intent of the measure. The AMMP and EIS has been updated to reflect this change.
60	March 23, 2020	Florida Department of Environmental Protection	The Draft EIS states that all practicable means to avoid or minimize adverse environmental effects have been incorporated into ALTQ+. Based on the sensitivity modeling results, it is inappropriate to state that there are no other practicable alternatives that can be implemented, and to use this as Corps' finding of compliance with the CZMA. It is the State's responsibility to determine compliance with the CZMA, and as there are alternatives to what is being proposed, "no other feasible alternatives" cannot be used to support CZMA compliance determinations.	The project is consistent with the CZMA to the maximum extent practicable, while meeting the identified project objectives and constraints. Please see response to Comment ID#42 from the State Clearinghouse in which the conclusion was drawn that the project is consistent with the Florida Coastal management Program.
61	March 23, 2020	Florida Department of Environmental Protection	The Department is supportive of the COP provided the issues in the above conditions are addressed in the Final EIS to the Department's satisfaction. Should you have any questions regarding our comments, please contact Ed Cambeiro at (850) 245-3176.	Thank you for your comment and support

62	March 23, 2020	Florida Department of Agriculture and Consumer Services	Overall, the draft COP Water Control Plan (WCP) maintains the ecosystem restoration project purposes in balance with the eleven major constraints identified in the Draft Environmental Impact Statement (EIS). The focus area is a complex system where both natural system constraints, such as Endangered Species, and developed area constraints, such as Flood Risk Management, must be met as additional water is delivered to Everglades National Park (ENP) to raise water levels in Shark River Slough (SRS) and Taylor Slough (TS). The draft WCP operational protocols provide improved conditions for both ENP and maintains or improves flood protection for most of the developed lands adjacent to the ENP eastern boundary. FDACS has concerns regarding the previously unutilized use of Adaptive Management (AM) in a Water Control Plan (WCP) to implement operations that were not selected as part of the preferred operational protocols during NEPA review. Changes to a WCP are subject to the NEPA process so all stakeholders can review and evaluate how the changes may impact them. Public review provides the guardrails needed to avoid the introduction of undefined, potentially harmful, operational uncertainty to a WCP. The Draft COP Adaptive Management and Monitoring Plan (AMMP) proposes a path to changes in operations without additional NEPA review. Two AM uncertainties are included in the WCP section of COP to legitimize changes to operations based on outcomes from proposed testing. The WCP and AMMP should be revised so any changes to a NEPA preferred and approved operational plan are subject to additional NEPA process for stakeholder evaluation.	The COP AMMP provides the strategies to address prioritized project uncertainties that will be faced as COP progresses toward achieving goals and objectives while remaining within constraints. Reference Section C.2.6 (COP AMMP Implementation) in Appendix C and Table C.2.23 that provides a link between adaptive management uncertainties, their corresponding actions, and whether additional NEPA or permitting would be required. Two adaptive management options have been identified as being defined within the 2020 COP Water Control Plan and supported by the Draft EIS (AM Uncertainty ID #12b (Tamiami Trail Flow Formula (TTFF) and Drought) and AM Uncertainty ID #16b (Water Quality in NESRS)). The remaining adaptive management options identified in the COP AMMP were noted as needing a subsequent planning effort (i.e. actions that do not currently fall under the authority of the COP) or were noted as needing an additional level of detail to fully evaluate potential environmental effects within the COP EIS. As is the case with current operations, regularly scheduled interagency PSCs and Wildlife Coordination Calls allow the USACE to gather input on desired long-term (annual and/or seasonal) conditions within the system and provides a forum for consideration of suggestions on operations from federal and state agencies, and tribal partners. These forums provide an opportunity to discuss concerns related to C&SF operations, and if needed, recommendations to address those concerns. The USACE continues to be open to receiving those recommendations, and will determine the ability to implement those recommendations under the USACE's existing authority in partnership with the SFWMD and ENP. As committed in Section 4.27 of the COP EIS, the USACE, the SFWMD, and ENP will establish an interagency collaborative forum (referenced from this point forward within the EIS and AMMP as the “PDT+”) that succeeds the COP interagency PDT, consisting of the COP implementing agencies, oversight agencies, and stakeholder groups during the COP implementation. The COP AMMP identifies annual or biannual (twice per year) interagency workshops to describe the performance of operations of the completed MWD and C-111 South Dade features relative to the achievement of goals and objectives of the COP. These workshops are planned to be conducted under the process defined in the COP AMMP. Reference Appendix C.2 (COP Adaptive Management for a complete description of the institutional structure of the adaptive management process). Additional technical sub-teams will also be established to oversee hydrologic monitoring, coordinate data evaluations, and prepare data reports, consistent with the commitments identified in the COP AMMP. Established meetings (e.g., WCA-3 Periodic Scientists Calls) may also support evaluation of the COP AMMP and/or provide additional forums for periodic updates on the monitoring and assessment results. The USACE, the SFWMD, and ENP water managers will meet on an as-needed basis to discuss system conditions and recommended goals for operations, and water managers will continue active participation in the COP AMMP technical sub-teams. Additional technical staff from these agencies who are involved in the collection and assessment of monitoring data will also participate in either the monthly coordination meetings, or monthly/bimonthly wildlife assessment calls as needed. Discussions resulting from these coordination meetings, including preliminary recommendations from water managers will be further discussed with the PDT+ during regularly scheduled interagency meetings to occur one to two times per year. PDT+ meetings will also include updates from the Water Quality and Eco sub-teams. When complex issues are identified as needing additional analysis or effort, and adaptive management task team can be recommended by the PDT+. These task teams may coordinate additional meetings and/or workshops may be

				conducted in support of the COP on an as-needed basis based upon ongoing or anticipated conditions within WCAs, ENP, and/or the SDCS.
63	March 23, 2020	Florida Department of Agriculture and Consumer Services	Extreme High Water Line (EHWL) Section 7.4.8.1.3.2: The purpose of the EHWL is to provide operational response options to extreme high water levels in Water Conservation Area 3A (WCA-3A) without the need for a WCP deviation. The EHWL does not account for all aspects of an extreme event and possible responses. The consequence of this approach is a pre-approved operational plan for dealing with extreme high water conditions that creates a short-cut omitting a full range of coordination with other federal and state agencies and stakeholders. Concerns remain that flood waters from WCA-3A will not be delivered to SRS and instead will be unnecessarily routed through canals on the eastern boundary of ENP and creating additional high water difficulties in the South Dade Conveyance System (SDCS) which will also be dealing with the local effects of a high water event. The WCP describes the EHWL as a last resort that is not expected to be triggered frequently. The EHWL is not necessary and may result in unintended consequences since a WCP deviation with the full range of information gathering and coordination is the most effective approach under extreme conditions.	The EHWL was identified as a necessary and last resort option for water managers to alleviate extremely high conditions in WCA-3A. With EHWL, water managers have more flexibility to operate the system. Without EHWL, water managers will have less flexibility to operate the system. The goal of COP is to always send WCA-3A releases to NESRS and WSRS. However, when WCA-3A is in an extremely high water condition (above 12.3 ft., NGVD) that threatens the WCA-3A perimeter levee system, the population of 70,600 people who would be put at risk if the levee system failed, hurricane evacuation routes, and wildlife and tree islands, all available structures will be used to make releases out of WCA-3A subject to downstream constraints. The EHWL ranges from 11.0 to 12.0 feet, NGVD. The EHWL is not expected to be triggered frequently and is intended to be available if needed. An evaluation of the potential effects of the EHWL is included in Section 4 of the COP EIS. Numerical simulations indicated that the EHWL was exceeded only three times during the 41 year of continuous simulations for ALTQ and ECB19RR. Total durations for the exceedances in number of days were 15% less for ALTQ than ECB19RR. When WCA 3A water levels are above the EHWL, this would trigger a thorough evaluation of the C&SF system conditions. The information would be used to decide whether or not to implement all actions authorized by the EHWL which includes routing water from WCA 3A through the SDCS as described in the EIS. Reference the above response for Comment ID #62 regarding interagency coordination that will take place during implementation of the COP, including the COP AMMP. As is the case with current operations, regularly scheduled interagency PSCs allow the USACE to gather input on desired long-term (annual and/or seasonal) conditions within the system and

				provides a forum for consideration of suggestions on operations from federal and state agencies, and tribal partners. These forums provide an opportunity to discuss concerns related to C&SF operations, and if needed, recommendations to address those concerns. The USACE continues to be open to receiving those recommendations and will determine the ability to implement those recommendations under the USACEs' existing authority in partnership with the SFWMD and ENP.
64	March 23, 2020	Florida Department of Agriculture and Consumer Services	Structure S-177 Operating Range: The S-177 Structure is a Canal 111 (C-111) structure located in an area of lower topography as the South Dade landscape transitions from developed areas to natural areas in the southern reach of C-111. Studies show this area is vulnerable to high water difficulties when stages in the canal rise above 4.0 ft. NGVD. Current operations and stages simulated during modeling for COP development recognize that S-177 stages above 4.0 NGVD are not appropriate for the maintenance of Flood Risk Management and consequently did not reach the upper existing WCP range of 4.2 ft. NGVD. Despite these circumstances, the COP WCP maintains the existing range of 3.6 ft. to 4.2 ft. NGVD. The recommendation for COP is to modify this range using 3.6 ft. to 4.0 ft. NGVD at a maximum and COP may be better served by a range of 3.5 ft. to 3.8 ft. NGVD. Actual operations over the past two years have demonstrated that the lower operational range can be realized without impacting environmental benefits to ENP and maintenance of the hydrologic ridge associated with the C-111 South Dade Project. Recommend the lower stages be incorporated into the COP WCP at this time.	The S-177 canal operating range detailed in the Water Control Plan was coordinated with the COP PDT team to achieve the project objectives and maintain compliance with project constraints. Below is a summary list of S-177 operating range since 2012 and an average S-197 HW stage from Jan 2012 to Apr 2020. 2012 ERTP. S-177 operating range was 3.6 to 4.2 feet, NGVD 2016-2019 MWD Increment Field Tests. S-177 operating range is 3.6 to 4.2 feet, NGVD 2020 COP. S-177 operating range is 3.6 to 4.2 feet, NGVD 2012-2020 DBHydro stage data. S-177 HW average stage is 3.29 feet, NGVD.
65	March 23, 2020	Florida Department of Agriculture and Consumer Services	WCP and Adaptive Management and Monitoring Plan (AMMP) (AMMP Section 7.16.1 (Water Quality in Northeast SRS) and AMMP Section 7.16.2 (Tamiami Trail Flow Formula (TTFF) and Drought): An Adaptive Management and Monitoring Plan (AMMP) has not previously been incorporated into a WCP for NEPA review in the eastern regions of the United States. The AMMP for COP is described as related to the Comprehensive Everglades Restoration Plan (CERP) Adaptive Management Program to inform decision makers of COP restoration progress outcomes. Adaptive management in CERP is directed at planning for CERP features, not operation of constructed features. Revisions to operations are still subject to NEPA and not intended for delegation to an AM process that can be implemented in an undefined process in isolation from a public NEPA review. Regarding the individual uncertainties above, Water Quality in NESRS appears to run counter to TTFF and Drought. The former will reduce inflows to NESRS by prioritizing water quality and the latter will increase inflows to NESRS during times of low water and increased risk of problematic water quality. Water quality compliance resolution lies outside of the COP WCP and is more appropriately addressed by the Technical Oversight Committee (TOC) work on	Thank you for your comment. Reference the above response for Comment ID #62. The USACE acknowledges that the COP EIS cannot provide blanket NEPA coverage for operational decisions that are yet to be defined. Reference Section C.2.6 (COP AMMP Implementation) in Appendix C and Table C.2.23 that provides a link between adaptive management uncertainties, their corresponding actions, and whether additional NEPA or permitting would be required. Two adaptive management options have been identified as being defined within the 2020 COP Water Control Plan and supported by the Draft EIS (AM Uncertainty ID #12b (TTFF and Drought) and AM Uncertainty ID #16b (Water Quality in NESRS)). Section 4 discusses potential environmental effects of implementing these options. The remaining adaptive management options identified in the COP AMMP were noted as needing a subsequent planning effort (i.e. actions that do not currently fall under the authority of the COP) or were noted as needing an additional level of detail to fully evaluate potential environmental effects within the COP EIS. As presented in Table C.2-24 of the COP AMMP, recommendations discussed at weekly operations meetings, PSCs, and/or by the PDT+ will be brought to the attention of senior agency officials to implement. As part of that coordination, the USACE will determine if additional NEPA and permitting review would be required and would coordinate with SAD as appropriate given the approval authority of the 2020 Water Control Plan.

			Appendix A and SFWMD's Restoration Strategies. Increasing inflows to NESRS during drought conditions beyond the COP TTFF volumes and the trade-offs involved for WCA-3A and system wide cannot be encompassed in a test with parameters but undefined operational protocols which are to be developed by an undefined technical group for review by the Project Delivery Team Plus (PDT+) which is also yet to be fully described and implemented. Recommend both uncertainties remain in the AMMP only and not be incorporated into the WCP.	WQ consideration is not to override all other considerations in drought conditions. It will be one factor among many considered. The intent is that the technical team (tech reps from ENP, FDEP, SFWMD and COE as minimum with FWS/FWC/EPA/FDACS and the Tribes being invited to participate as well as any other government agency WQ tech rep interested in these discussions) addressing WQ concerns, upon coming up with a specific recommendation for a specific set of conditions will make recommendations to their respective management chain. That feedback will be provided to the Corps, and the Corps in consultation with the agencies involved will make the operational decision whether or not to implement any WQ AM measures. The necessity for WQ AM measures is expected to be short term and no longer needed once Restoration Strategies and CEPP projects are completed and functioning as designed. Water quality considerations, including formal operational recommendations from the COP PDT+ water quality sub-team, will be considered as part of the broader USACE water management decision-making process that considers all the congressionally authorized project purposes for the WCAs, and sub-team recommendations may not be feasible to implement in all instances as a result consideration of the collective C&SF authorized purposes. As further detailed in the COP Water Control Plan, this information includes but is not necessarily limited to: C&SF Project conditions, estuary conditions and projected needs (e.g., Biscayne Bay, Florida Bay), WCAs conditions and projected needs, WCA water levels, ENP conditions and projected needs, East Coast Canals (ECC) available capacity, ENP-SDCS available capacity, current climate conditions, climate forecasts, hydrologic outlooks, projected WCAs level ascension and recession rates, and water supply conditions and projected needs.
66	March 23, 2020	Florida Department of Agriculture and Consumer Services	FDACS appreciates the opportunity to provide comments on the COP Draft PIR and EIS. We look forward to continued progress on operations in the WCA-ENP-SDCS and working with our state and federal partners to improve system-wide capabilities. If you have any questions regarding FDACS' comments, please contact Rebecca Elliott at (561) 682-6040.	Thank you for your comment and participation in the COP PDT. The USACE will continue to coordinate with the FWC throughout implementation of COP.

67	March 23, 2020	Seminole Tribe of Florida Heritage and Environment Resources Office	The Seminole Tribe of Florida Heritage and Environment Resources Office (HERO) is in receipt of the United States Army Corps of Engineers ("USACE") Draft Water Control Plan and Environmental Impact Statement for the MWD/C-111 SD Combined Operational Plan and offers the following comments: 1. The Tribe will hold the Corps responsible for any flood damages to Tribal Lands and Permit holdings along Tamiami Trail resulting from COP operations. 2. The Tribe requests to be consulted regarding the detailed operational aspects in the areas affecting Tribal Reservations and other lands.	Thank you for your comments. The USACE will continue to coordinate with the Seminole Tribe of Florida pursuant to Federal Trust Responsibilities throughout implementation of COP, as applicable. The COP AMMP has been included in the EIS. The primary objective of the COP AMMP is to identify the monitoring necessary to inform decision-makers, the COP partner agencies, and the public on progress toward achieving restoration success, as well as address uncertainties related to potential adverse effects to avoid and/or minimize those effects. Regularly scheduled interagency PSCs allow the USACE to gather input on desired long-term (annual and/or seasonal) conditions within the system and provides a forum for consideration of increased low-water stages within WCA 3A, including along the western L-29 canal between S-12A and S-333. The COP Water Control Plan, as with the previous Water Control Plans (2012 ERTP), recognizes that water management operations at the main outlets for WCA 1, WCA 2, and WCA 3 are determined through a decision-making process that considers all the congressionally authorized project purposes for the WCAs. The decision-making process to determine quantity, timing, and duration of the potential releases from the WCAs includes consideration of diverse information related to water management. This information includes but is not necessarily limited to: C&SF Project conditions, estuary conditions and projected needs (e.g., Biscayne Bay, Florida Bay), WCAs conditions and projected needs, WCA water levels, ENP conditions and projected needs, East Coast Canals (ECC) available capacity, ENP-SDCS available capacity, current climate conditions, climate forecasts, hydrologic outlooks, projected WCAs level ascension and recession rates, and water supply conditions and projected needs. This information helps address uncertainties in meeting the projects' objectives due to modeling accuracy or future conditions not originally anticipated in the modeling period of record and supports a more flexible and adaptive decision making process. The USACE continually strives to include all interested parties in its decision making process and will continue to consider all issues that arise. The USACE will continue to engage in government to government consultation throughout the implementation of COP to identify and consider Tribal resources that may be affected by the project and address potential impacts as appropriate.
68	March 23, 2020	Seminole Tribe of Florida Heritage and Environment Resources Office	The following comments have also been relayed to the USACE in previous correspondence and still need to be addressed. 1. We are especially concerned that there is a lack of adequate sampling of the various types and range of sizes of tree islands found within the APE. We are also concerned that the current sample size is not statistically significant given the total number of tree islands that exist within the APE. Additionally, it is our position that the significance of all tree islands are not equal and thus cannot be treated as one resource. At this time, we do not believe there is sufficient information available for the STOF to concur with the USACE's National Historic Preservation Act of 1966 (as amended), Section 106 determination of effects.	Thank you for your comment. The STOF's position has been added to Section 4.18 of the EIS. Because the COP does not increase the existing volume of water and has the same APE as the ERTP and Deviations, the current analysis is similar to previous studies and utilizes those tree islands with existing topographic and archaeological information. The Corps recognizes that each tree island is different while the archaeological materials still having similar responses to dry-outs and flooding based on location and inundation pattern. The current analysis took tree islands of different sizes and inundation patterns into consideration and found that effects were negligible because of the lack of additional water. Inundation in ENP was not affected by any alternative, and the reduction of water levels within WCA 3A is likely to aid in reducing future tree island degradation due to prolonged inundation and high water depths, and thereby, aid in the preservation of cultural resources by allowing stabilizing growth to occur on the tree islands. Increases of water into Shark River Slough and Taylor Slough, may enable the promotion of peat accretion by potentially reducing soil oxidation; thereby stabilizing the existing soil matrix and prevent future erosion, oxidation, or subsidence of cultural resources.

69	March 23, 2020	Seminole Tribe of Florida Heritage and Environment Resources Office	Comment Continued: The section of the Executive Summary that addresses Areas of Controversy and Unresolved Issues does not address the STOF THPO's concerns over the possible effects of COP on cultural resources located on tree islands. We would respectfully like to ask that this section please be updated with the most current information on the STOF-THPO's position (see attached letter).	Please see response to Comment ID #7.
70	March 23, 2020	Seminole Tribe of Florida Heritage and Environment Resources Office	Comment Continued: Section 4.18 Cultural Resources, also does not have the most up-to-date information (see attached letter) regarding the STOF-THPO's response to the USACE's determination of no adverse effect. We would respectfully like to ask that this section be updated	Please see response to Comment ID #8.
71	March 23, 2020	Seminole Tribe of Florida Heritage and Environment Resources Office	Comment Continued: We also noticed that Appendix D.3 National Historic Preservation Act Compliance does not have the most current correspondence between STOF-THPO and the USACE (see attached letter). We would respectfully like to ask that this section be updated as well.	Please see response to Comment ID #9.
72	March 23, 2020	Seminole Tribe of Florida Heritage and Environment Resources Office	Comment Continued: Regarding Section 3.19 Native Americans, we believe that this narrative does not accurately reflect the Seminole's history in the region. According to the Seminole's oral traditions the earlier peoples of Florida are also considered Seminole ancestors and we believe the current narrative in the EIS does not reflect this. Therefore, we would respectfully like to ask the USACE to change this narrative to include this information.	Please see response to Comment ID #10.
73	March 23, 2020	Seminole Tribe of Florida Heritage and Environment Resources Office	The Tribe's HERO office appreciates your courtesy in allowing us to review this matter. Please contact me if you have any further questions.	Thank you for your comments. The USACE will continue to coordinate with the Seminole Tribe of Florida pursuant to Federal Trust Responsibilities throughout implementation of COP, as applicable.

Table D.1-6. West Palm Beach COP Draft EIS Public Meeting Comment Response Matrix. The following matrix has been prepared to address comments on the COP Draft EIS submitted in response to a public meeting held in West Palm Beach, Florida on February 18, 2020.

COMMENT ID	DATE COMMENT RECEIVED	COMMENTER	COMMENT	U.S. ARMY CORPS OF ENGINEERS (USACE) RESPONSE
1	February 18, 2020	Newton Cook United Waterfowlers Florida	Thank you very much. Newton Cook, United Waterfowlers Florida. I was here this morning and we were talking about quality, and I learned a lot, and I was very appreciative. Tonight, we're talking about quantity, and we all quality/quantity, that's what the whole thing is about. I like to get my numbers right, so that's why I came this morning and why I'm here tonight, to be sure that when I am commenting on these projects, Congressman Mast and I had a conversation the other night during a meeting, and I like to -- when I say a number to that gentleman, I want to be sure it's the right number. I don't want to give him any false information, and that's what we have, we have a lot of false information, an incredible amount of misinformation out there today, particularly on social media. So, what did I learn tonight? I learned tonight that, after COP is done, the number I had been using for years, 18,500, or so, cfs of new flow onto the trail is actually around 13,000 CFS on the trail, after COP is done. Nothing wrong with that; that's a lot better than the 6,000 that we've got now. Of course, the 6,000 is (indiscernible) they got that to help us get WCA 3 drained during a problem with the Cape Sable Seaside Sparrow. So, that's important. If we're done to 13,000 cfs going on the trail, we all have to remember we have 18,000 to 30,000 cfs coming in at the top of the lake during any kind of rain event, September 2016, Irma. For some reason, we have a restriction at the bottom of the lake of 6,000 cfs. There are not structures in the CERP plan to increase the drainage out of the bottom of the lake. I've never been able to find out why. It rains on the WCAs. It rains on the EAA. So, you have 13,000 cfs, new water, or total water, going onto the trail, not very much lake water during a rain event, new, that's going to be going on the trail with COP. And what I stand here is I live near the St. Lucie. I don't see any help for the St. Lucie or the Caloosahatchee here. I don't even talk about the Cape Sable Seaside Sparrow too much, because, as I said this morning, Larry Williams, at the Fort Myers District Meeting, told us that nine months of the year the water will be restricted, as it is today, into the future, because of the Cape Sable Seaside Sparrow. So, actually, we may never see more than 6,000 cfs even after COP is done. I keep looking for someone to disagree when I make these statements. The last thing I want to talk about real quick is the historical flow through the system. I asked the question once, what new flow do we have to have to match the historical flow, and I was told it had to be 700,000 to 1.3-million acre feet per year going onto the trail to match the flow that's new, over and above what it was today. That's not even two feet off the lake, particularly if you remember it's still raining on the WCAs and EAA. So, a lot of that 700,000 to 1.3-million-acre feet is not going to be lake water. In fact, the whole system is actually not draining the lake. If you actually put the numbers to the rain, the rainfall, and the drainage structures. I want people to know that, because people in the estuaries honestly really believe that when Mod Waters is done everything is going to drain and they're not going to have any damaging discharges. That is not true. I keep waiting for someone to disagree. I don't know what we're going to do. I've been, what, doing this for 20 years. We have wonderful people. I mean, we get new ones, wonderful people. Everybody wants to do the right thing, but the fact of the matter is, with social media, it's all over the place out there,	There have been several state and federal efforts implemented or being implemented that improve the timing and distribution of water throughout the system. Currently, both state and federal projects are in various phases of implementation, including construction, design, and planning. The system is constantly being improved with every project that is completed. The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. Storage south of the lake is currently being considered in combination with (1) new storage north of the Lake (being developed as part of LOWP; (2) storage reservoirs being constructed east of the lake (C-44 Reservoir and other reservoirs and STAs associated with the approved Indian River Lagoon-South Project) and west of the lake (C-43 Reservoir); and (3) completion of additional infrastructure to allow flow south of the lake under the CEPP, will serve to restore a more natural system wide hydrology within the entire Everglades ecosystem as envisioned by CERP. Benefits to the Northern Estuaries will be achieved through the continued implementation of these projects.

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			and nobody in this room is getting any high marks, I can tell you. What can we do? Thank you.	
2	February 18, 2020	Shelia Calderon	Good evening. Sheila Calderon. I'm with the Sierra Club, and I live in Greenacres, Florida. And I am here tonight and wishing that the one person from our group that is expertise in this subject, Phil Martin, is working this evening and is, unfortunately, not able to be here. So, I'm going to confine my comments to concerns, because I really cannot properly address the science of the water movement that you have discussed this evening. And clean water is lifeblood of the Florida Keys economy, their business, tourism, fishing. They cannot survive unless we send more clean water south, and we need to do it soon. We are concerned the agencies have taken three years to develop plans that will deliver only marginal benefits, and we need to send the water south, as we said. We need to send it south, and I'm hoping that it happens before it's too late. Florida state, the federal government are making significant investments that should expedite Everglades restoration, and everyone wants to see water moving, and everyone wants to see it happening. Of course, it is the infrastructure that we need to move the water that needs to happen in order for it to happen, period. We're concerned about how we are going to address the Miccosukee Tribe, the changes that could limit their access to the tree islands to practice culture and religious practices that they have, and still maximize the water to Florida Bay during the dry season. Any plan that doesn't maximize sending the water to the Everglades and Florida Bay would be wasting taxpayer money, and I am hoping that what you are proposing today is going to work to move us forward and to move us forward quickly. I am also very concerned, from the little that I -- as I said, I am not the best at understanding the total systems, but I am concerned about how it's all going to happen during drought season. And I'm just thanking you for the opportunity to speak, and you can be sure that we will be submitting something in writing. Thank you.	Please see response to Comment ID #1 in **Table D.1-5** regarding potential benefits to Florida Bay as a result of implementation of the COP. ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, however, the USACE recognizes that additional actions are needed such as the completion of CERP components that would increase freshwater flows to achieve Everglades restoration. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration. Please see response to Comment ID# 13 in **Table D.1-5**. The USACE is taking actions to appropriately address the Tribe's concerns. The COP AMMP has been included in the EIS. The primary objective of the COP AMMP is to identify the monitoring necessary to inform decision-makers, the COP partner agencies, and the public on progress toward achieving restoration success, as well as address uncertainties related to potential adverse effects to avoid and/or minimize those effects. Regularly scheduled interagency PSCs allow the USACE to gather input on desired long-term (annual and/or seasonal) conditions within the system and provides a forum for consideration of increased low-water stages within WCA 3A, including along the western L-29 canal between S-12A and S-333. This forum would provide an opportunity to discuss the Tribe's concerns related to decreases in water levels in WCA 3A, and if needed, recommendations to address those concerns.

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3	February 18, 2020	Cara Capp National Parks Conservation Association	Good evening, everyone. I'm Cara Capp for the National Parks Conservation Association. I wrote new comments for tonight, though I think I could have read any of the comments that I have given throughout this process, since 2017, because the message is the same. Florida Bay needs more water in the dry season, and this plan does not deliver. In fact, the Draft Plan does not even ensure that congressionally mandated minimum flows for Everglades National Park, during drought, will be met, and that may not have come across in tonight's presentation, but it is in the EIS and it's not acceptable. I keep hearing about this plan that it's a step forward, and of course, sure it is. Benefits to Northeast Shark River Slough are good. Raising the L-29 is good. Setting the stage for more progress in CEPP is good. But will Florida Bay be more resilient to seagrass die-offs and fish kills during the dry season? No, because there were almost a dozen constraints put on more flows south right from the beginning. We thought that the potential benefits were cut off from the get-go and this plan just didn't even have a chance to reach its potential. So, unfortunately, Lieutenant Colonel, I don't feel like I'm here to celebrate. I'm not excited about the COP Plan. If I paid a contractor $10,000 to renovate my kitchen, and what I got was new paint, I would say, sure, that's an improvement, but that's not a good return on my investment. Congress gave a billion dollars for these projects, and I don't think Americans are getting a good return on their investment with the COP that's being delivered, and it's frustrating because it's a missed opportunity because of where we are right now. You have the strong support of the community saying send more water south, and I don't mean the environmental community, I don't mean the Everglades community, I mean the Florida community. People in Stuart, people in Cape Coral, people in Key Largo, who can't understand this plan but know that we need to send more water south. Meanwhile, we've got a $250-million investment from the President and Congress coming this year. We've got a governor who wants to invest $300 million in Everglades restoration every year. We're getting a clear message from our leaders, go faster, the status quo is not good enough. And this plan, to me, really represents the status quo. The boxes are checked for a marginal step forward, but MPCA isn't satisfied, a lot of stakeholders aren't satisfied. So, I'm here to say that we expect more. We are especially going to be watching very closely to see whether minimum flows for Everglades National Park are met in the next few years. I hope we don't have a drought. I hope that this isn't an issue, but we all know the reality of weather in Florida, and we're going to be watching. And I would say, as many members of this PDT transition to the next phase, which is CEPP implementation, I would urge you to really deliver on a bold plan for the Everglades, the plan that we deserve, and trust that the community will be behind you. We don't want baby steps forward; we want big restoration. We don't need to limit ourselves from the beginning. And I do have more detailed, more technical comments, from NPCA that will be submitted in writing, on our behalf by the Everglades Loss Center. So, I did want to especially thank and acknowledge -- I know this is the first meeting, and the meeting in Islamorada tomorrow, I know it's a big haul for the agency folks, it wasn't originally scheduled and now it is, and I know a lot of folks in the Keys are grateful for that opportunity.	Please see response to Comment ID #1 in **Table D.1-5** regarding potential benefits to Florida Bay as a result of implementation of the COP. ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, however, the USACE recognizes that additional actions are needed such as the completion of CERP components that would increase freshwater flows to achieve Everglades restoration. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration. Please see response to Comment ID #32 in **Table D.1-5** with regard to the portion of the comment referencing the requirement for minimum water deliveries to ENP.

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			I think you'll see a big turnout tomorrow of people who are very, very passionate about Florida Bay and who want to see these projects moving more quickly. Thank you.	

Table D.1-7. Islamorada COP Draft EIS Public Meeting Comment Response Matrix. The following matrix has been prepared to address comments on the COP Draft EIS submitted in response to a public meeting held in Islamorada, Florida on February 19, 2020.

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1	February 19, 2020	Van Cadenhead	Thank you, sir. My name is Van Cadenhead. I've lived in the Keys since 1956. I was born in 1948, which is apparently the start of all this problem. If you look at Lake Okeechobee, it's 14 feet above sea level. If you go down, over the 200 miles, down to Flamingo, it gradually falls. So, the reason that Marjory Stoneman Douglas called this the River of Grass, because its nature's gravity takes care of all this before man decided to mettle into it. We've worked just perfectly for millions of years. So, anything that we do has to be really closely considered. I've been looking at plans like this and other plans that have been short-circuited by political and economic reasons. We should have been done 30 years ago. I'm really encouraged and hopeful by the point it's gotten to now because I think there's been a large amount of public awakening. I really wish that we had had more public advertising and public notification of this meeting because I see quite a few empty seats out there. I believe if this could have been better advertised, we'd have an overflow crowd. Everyone in this community is very concerned with this because it effects not only the environment, but also the economics of this whole place. I told Colonel Kelly, you know, the Army is real good with ground-pounding, but if you just had a couple of battalions of Seabees and put one of them up at Lake Okeechobee, and one of them down in Flamingo, and let them work toward each other, we could have cured this in about a year. Well, maybe two years, but I'm really happy with the point it's gotten to and the people that are doing this are experts in their field. I think we have the political will now and, hopefully, the money to make this work. I just want to open up the floodgates because Bat Masterson, a Wild West writer, he wrote, everybody gets the same amount of ice. The rich get it in the summer, and the poor get it in the winter. We don't need to open up the floodgates in the wet season. We need to open up the floodgates in the dry season. We need to combat the salinity because we really can't stand another seagrass die-off. We really can't stand to see fish killed and algae as thick as green pea soup backed up in all the canals we've seen in South Florida. That's mismanagement, which is why the South Florida Water Management Bureau was taken down by the Governor and a whole bunch of new people came in. I'm really hoping that we can make an improvement on the last 30 years. I'd like to see it in the next two or three years because it's essential. Time is of the essence that we do it now, and open up the floodgates, and get the balance of nature back where it should be. I've seen a few fishermen and guides and stuff in here. If we had this advertised the way it should have been advertised, this room would have been full of those people because their lives depend on it. Thank you very much.	Please see response to Comment ID #1 in **Table D.1-5** regarding potential benefits to Florida Bay as a result of implementation of the COP. The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, however, the USACE recognizes that additional actions are needed such as the completion of CERP components that would increase freshwater flows to achieve Everglades restoration. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration.

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2	February 19, 2020	Dr. Jerry Lorenz Audubon Florida	My name is Dr. Jerry Lorenz. I'm a marine ecologist representing Audubon Florida. I've been studying effects of the South Dade canal operations on mangrove ecosystems in Florida Bay for 30 plus years. This is my day job, is looking at these canals and how it effects the bay. Full disclosure is that much of my funding does come from the Corps of Engineers and the Water Management District. What they're paying for is for me to look at how flow reaches Florida Bay and how the ecosystem responds, particularly the mangrove ecosystem up in northeastern Florida Bay. Now I'm thankful to the PDT for doing all this hard work. It has been a long haul, and I'm thankful for the opportunity to speak tonight. I'm also thankful that over $1 billion of taxpayer money is spent on the projects and mod waters, which is essentially Tamiami Trail, and the South Dade project, and the C-111 spreader canal project, with the promise that this money would go to restore Everglades National Park, Taylor Slough, and Florida Bay. The Combined Operational Plan is just what it says. It's a combined plan to manage these three projects to maximize the restoration effect for Taylor Slough and Florida Bay. The best scientific estimate is that today's flow through Taylor Slough is about 40% of what it was historically. Using the models presented in this EIS, you know, it doesn't add that much more flow to Taylor Slough. In doing the calculation, it makes it move from about 44% of historic flows to about 43% of historic flows. That's not much of an increase for a billion-dollar investment. I think we can do better. My biggest worry is that the COP actually does not provide benefits when in drought periods or when we have severe dry seasons. This is what Van was getting at, is that that's when we need it. That's when we have seagrass die-off, which results in algal blooms. Hypersaline conditions set that all off. That's essentially what we should be trying to maximize, is getting the water into Florida Bay during droughts and during the wet season. Another major concern is the complication of the normalization of the S-197 structure. This is a structure that's at the end of the C-111 canal, that if its open, water gets dumped to tide as a point source in Barnes Sound. If it's closed, its sheet-flows across the Panhandle region into Florida Bay. This really worries our organization, is that putting this -- putting a high water level that says, we're going to be using this structure, we don't think it's that necessary. We think that that structure should only be used in emergencies like Hurricane Irma. Anything less than Hurricane Irma, it doesn't need to be used. The thing that worries me the most is that after Hurricane Irma that structure stayed opened until March. That was long after we had the emergency problems that are in the system anymore. So, it's being opened, and then left open too long. Once the emergency is passed, that structure needs to just simply be nailed shut. In conclusion, Audubon Florida is appreciative that the COP provides some small benefits to Florida Bay. However, we believe that a better operational plan can be developed that maximizes the environmental benefits without undue risk of flooding to neighboring areas while being more in line with the $1 billion cost of these projects towards restoration.	Please see response to Comment ID #1 **Table D.1-5** regarding potential benefits to Florida Bay as a result of implementation of the COP. The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, however, the USACE recognizes that additional actions are needed such as the completion of CERP components that would increase freshwater flows to achieve Everglades restoration. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration.

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3	February 19, 2020	Mark H. Gregg Florida Bay Forever	My name is Mark Gregg. I'm here on behalf of Florida Bay Forever. We're a local environmental not-for-profit group. My remarks are to address to need and acts from the government. I think everybody else here pretty much knows what I'm talking about. I saw the presentation you made. It was fantastic. Mr. Lo, great job. I learned a lot and thank you. If nobody else says that to you tonight, I'm saying it now. You did a great job. It's great to understand this because it is really complicated as you all said before. So, having a little understanding of what's going on is really good. We work with a lot of people locally and fishermen, especially. I know that you ask how you keep score and try to know what's good. I'm going to give you a couple of other things to use to measure. That's how many fish are being caught, how happy the fishermen are, how well they're doing, and that has a direct impact on our economy because we all depend on that, either directly or indirectly. I've been fishing down here and playing in the Everglades since 1972. There are things that aren't there now that used to be there when I was a kid. I think salinity is a big measure. So, salinity of the day, if you keep your eye on that. We all get our freshwater from Florida Keys Aqueduct Authority that is near the entrance to the Everglades Park, that road in there, in the pine forest. They're experiencing more and more saltwater intrusion. I spoke with one of the board members two weeks ago. Now looking for another place to buy, further north, that doesn't have saltwater intrusion. So, they're going to pump our freshwater even further. That's going to cost even more. It's not going to be better. So, I hope you keep all that stuff in mind. One other little thing, when I was a kid, there used to be millions of seahorses in the bay. You could go out with a net and catch all you wanted in five minutes. When you're that tall, there's nothing more exciting than that. So, if you find some seahorses, and you talk to people and they're coming back, I think you'll know if you're doing a really good job at least from my standpoint. Keep up the good work. Sounds like you're heading in the right direction. Thanks for coming tonight. I appreciate it.	Please see response to Comment ID #1 **Table D.1-5** regarding potential benefits to Florida Bay as a result of implementation of the COP. The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, however, the USACE recognizes that additional actions are needed such as the completion of CERP components that would increase freshwater flows to achieve Everglades restoration. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration.

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4	February 19, 2020	Steve Friedman Florida Keys Fishing Guide Association	Thank you. My name is Steve Friedman. I'm here tonight representing the Florida Keys Fishing Guides Association established in 1956, shortly after the establishment of the Everglades National Park, one of the oldest organizations -- conservation organizations in the state. I want to thank you all for coming. Thank you, Colonel, for your leadership. I know it's very difficult when we have transitions. To see that you've transitioned and kept up the momentum is extremely important in this case. For the court reporter, I would like you to just take my comments down for the next several meetings, whatever they're going to be, because quite frankly I'm fricking sick of this. The fact that we're coming here so many years later, we've got Charlie Causey here that's been coming for decades. We're just trying to do plumbing, and we're trying to get freshwater. Now the last bit is now we're going to get more freshwater to Florida Bay, but in the wet season. Well, I was out there doing media today, showing media. Once again, dedicating my time and energy to get out there and get the word out about the dire straits of the Florida Bay and Everglades National Park. We took readings in the Florida Bay of 40 parts -- what is it -- per thousand, which is saltier than the ocean. I took, again, several days ago in a similar spot, and it was 36. So, we're only a couple of months into the dry season right now. I want to know why the levels out there are so high when they don't need to be. We're enjoying some fantastic fishing right now. Thank God. I'm not very religious, but I'm thanking God because it's because of natural events, hurricanes that bring in freshwater. You people and you scientists, you crunch the numbers. I push the boat. So, it's not my job to figure it out, it's your job. If you can't do it, get out of the way because we need somebody in there that's going to do it and do it soon because this sucker's on Hospice. We don't have no time. We need ribbon cuts. We need these projects to get online. We can look out for these Cape sparrows, that is, by the way, no longer in this Cape. We're throwing out diversions here. When I came here 20 years ago, we had just gotten started to get over an algae bloom that happened in the '80's. We started to gain some knowledge in all this. What happened? In 2015, it tanked again with 40,000 acres of seagrass die-off. The only reason that we're getting meetings here and stopping momentum going on is because of those disasters that happened all at once because of high levels in Lake Okeechobee. That discharge created horrible algae blooms and red tides on the west coast and east coast. Organizations got together to say enough is enough. We spent $1 billion not only on these infrastructure, but our own, on the sewer system. That's going to do no good if we keep getting bad water. Send that water, clean water south, when it's needed. Florida Bay provides $458 million annually to commercial recreational fishers, just one statistic. You guys want to hear about numbers and economies. I don't know if you need to hear more. We are absolutely reliant on this clean water for our livelihoods. We don't have no more time. Thank you again for being here. I'm sorry for being impolite, if you think that this is but, Mr. Gelber, you've been here for a long time. You should resign. Get out of the way.	Please see response to Comment ID #1 **Table D.1-5** regarding potential benefits to Florida Bay as a result of implementation of the COP. The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, however, the USACE recognizes that additional actions are needed such as the completion of CERP components that would increase freshwater flows to achieve Everglades restoration. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration.

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5	February 19, 2020	Charlie Causey Florida Keys Environmental Fund	Hi, I'm Charlie Causey. I'm president of Florida Keys Environmental Fund. About 30 years ago, 29 to be exact, this discussion was taking place in the Florida Keys and the South Florida Water Management District. The same question was how do we get -- what do we do about water getting into Everglades National Park and Florida Bay. There was a lot of discussion, and a lot of back and forth, and nothing really happened. Over the next 30 years, the wear and tear on the ecosystem here in South Florida took its toll. That's where we are. There hasn't been a lot done for a whole bunch of reasons that we all are familiar with. Now, with infrastructure in place, which we seem to have, and hopefully a push from the Corps and the District, if the government seems to care, we may be able to get something done here. We still have to push hard for additional water into Everglades National Park. I'm not a scientist, but the scientists I do talk to, who know about the water deliveries and what the numbers mean, tell me that the hands-on experience like Steve just reported about salinities, where he took salinities, but they're living examples of what we need. So, I'm hoping from what the scientists tell me that there will be enough pressure on you guys here to take your pencils out and go over those number again for the dry season deliveries to Everglades National Park. I think it's very important a couple of you referred to capacity and adaptive capacity. Well, that's a wonderful, wonderful expression. The one thing I always loved about Dan Kimball in Everglades National Park -- and I gave him a huge compliment in front of a huge funder one day -- that he was extremely flexible and had a great deal of imagination. Boy were those great qualities for a manager. So, I'm asking the Army Corps of Engineers here, and the South Florida Water Management, to use this adaptive capacity, use your imagination, use your experience. Here's a good example. Right now, there seems to be the dry season has started. Already, there seems to be a lack of freshwater. So, redo your pencils. Go over that again. See if you can be more flexible about, particularly, what it needs in the dry season, getting that number up.	Please see response to Comment ID #1 **Table D.1-5** regarding potential benefits to Florida Bay as a result of implementation of the COP. The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, however, the USACE recognizes that additional actions are needed such as the completion of CERP components that would increase freshwater flows to achieve Everglades restoration. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration.
6	February 19, 2020	Emma Haydocy Florida Bay Forever	Good evening, everybody. My name is Emma Haydocy. I'm here representing Florida Bay Forever. I'm going to be echoing the sentiments that I think many of our public speakers are going to presenting this evening. I moved to the Florida Keys because I fell in love with Florida Bay. I fell in love with a park ranger in Everglades National Park in Flamingo, which brought me to move to this community that is so inextricably linked to Florida Bay. This community lives and dies by the water. When Florida Bay is thriving, this community's thriving. When Florida Bay is in decline, this community is also in decline. So, the COP as you have presented it, again, we are appreciative that the Army Corps is down here and that you recognize how connected we are to this ecosystem. That plan, as it stands, offers only marginal benefits. Those benefits are only realized, again, during the wet season. That is not the time when we need to be seeing increased water flow. We need it, for example, now. We, in February 2020, are seeing drought conditions. That creates costs for those of us who rely on the health of Florida Bay. If we are not seeing increased flow during this kind of year, then we're in trouble. To conclude I will say that guaranteed minimum flow is guaranteed minimum benefit for the bay and for this community. Our community in the Florida Keys deserves better. Thank you.	Please see response to Comment ID #1 **Table D.1-5** regarding potential benefits to Florida Bay as a result of implementation of the COP. The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, however, the USACE recognizes that additional actions are needed such as the completion of CERP components that would increase freshwater flows to achieve Everglades restoration. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration.
7	February 19, 2020	Doug Kilpatrick Lower Keys Guide Association	Thank you, all, for putting on this presentation. My name is Doug Kilpatrick. I represent Lower Keys Guides' Association. I just wanted to say I believe that clean water is much more important than subsidized sugar. We have an emergency situation going on here. It's so vital that we get clean water coming south. I would suggest that you guys put limits on the amount of water that agriculture can use. Therefore, we would have more water to send on a more consistent basis, instead of just dumping it during the wet months and holding it back in the	Please see response to Comment ID #1 **Table D.1-5** regarding potential benefits to Florida Bay as a result of implementation of the COP. The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through

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			dry months. Also, I would like to encourage the federal and state governments to help fund these projects and continue to fund these projects. Also, for the Army Corps to speed up these projects. I know you guys are working as fast as you can, but it would certainly be nice to have those bridges on the Tamiami Trail done a year from now, instead of two to three years. That water's important to get clean water to the bay. Now, everybody talks about the bay. I live in the Lower Keys. Two years ago, when the bay was having such bad algae blooms, that algae was coming all the way through Seven-Mile-Bridge, out on the reef. So, it's not just the bay that's in trouble. If we don't get it done, we're going to have a failing reef system. It's going to affect much more than just the bay. When we lose our bay, our reef, we lose our tourism. Tourism, there's big numbers in that. Thank you very much.	NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, however, the USACE recognizes that additional actions are needed such as the completion of CERP components that would increase freshwater flows to achieve Everglades restoration. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration.
8	February 19, 2020	Benny Blanco Captains for Cleanwater	Thank you, Colonel, Erica, Eva, I've seen all of you before. I saw some of you gentlemen a year ago when we advocated for more water for Florida Bay. Back then, we were told we couldn't get it. We raised holy hell, and here you are with a better plan. Earlier than that, we were told we couldn't get a reservoir approved. We fought like holy hell and got a reservoir and funded. Let me make something very clear: The reason that we have all this extra funding and all of this political will right now is because we stood up. It's important that we continue to stand up. If we don't stand up, Florida Bay is not a priority. We know how important it is, for us, for my livelihood, for this entire community, it is absolutely lifeblood. The Florida Keys and Monroe County does not survive without a healthy Florida Bay. That's two plus two is four. Florida Bay actually requires freshwater from the Everglades. It doesn't exist without it. Currently, right now, I've received readings. I just saw readings on my refractometer this entire week, every single day, greater than seawater. Going into the dry season, we're setting ourselves up like the kid who never studies for a test when he does his exam. Again, he failed every single exam because he never studied. We're not studying, and we have an exam tomorrow. This bay is going to suffer another algae bloom and another seagrass die-off if we do not send freshwater south. So, I challenge you, sitting here again, a year later after this previous meeting, that we go back to the drawing board, sharpen your pencils, and make more water come in the dry season. There's an old man who lives right down the street from me. He doesn't speak very much English. You can tell he didn't go to school. He's there with his family. His family supports him. Even he knows, you don't water the grass when it's raining. We have to get freshwater here when it's dry. Thank you.	Please see response to Comment ID #1 **Table D.1-5** regarding potential benefits to Florida Bay as a result of implementation of the COP. The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, however, the USACE recognizes that additional actions are needed such as the completion of CERP components that would increase freshwater flows to achieve Everglades restoration. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration.
9	February 19, 2020	Kellie Trotta Herman Lucerne Memorial Friends of the Everglades	Hi. I'm Kellie Trotta with the Herman Lucerne Memorial Foundation and Friends of the Everglades. These two organizations have 1 years between them with protecting and fighting to protect and preserve Everglades National Park and Florida Bay. I'm here speaking for all three of our estuaries. Mr. Lo, you mentioned that your manager's motto was, first, do no harm. If that is true, why is the lake being managed in a bias toward agricultural stakeholders to a much greater degree than citizens' health and welfare? First, do no harm. Prioritize health and welfare of the people over subsidized corporate farmers. Because of our passion to protect and preserve Everglades National Park, Florida Bay, the other estuaries, we will continue to raise our voices. It will be heard in Jacksonville, Atlanta, and D.C. Thank you very much.	Please see response to Comment ID #1 **Table D.1-5** regarding potential benefits to Florida Bay as a result of implementation of the COP. The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, however, the USACE recognizes that additional actions are needed such as the completion of CERP components that would increase freshwater flows to achieve Everglades restoration. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida

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				ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration.
10	February 19, 2020	Ross Boucek Bonefish Tarpon Trust	I'm a scientist with Bonefish & Tarpon Trust. First, I want to thank you, Colonel, and the Army Corps of Engineers, on behalf of our organization. I know you guys are working really hard to have secure funding for us, prioritizing these plans, and doing it the best way you can to make more water go south and rehydrate our bay. As many mentioned, we have an unprecedented number of fish in Florida Bay due to a good amount of freshwater flow facilitated with Hurricane Irma. These fish will live for a long time if we let them. To do that, we need to prioritize getting water to the bay. I know there's calculated risk with making these decisions of uncertainty, but if there is a lever to pull in the Combined Operation Plan to make that happen at the expense of something else, I think it would be economically worth it to put that water there. Dr. Lorenz mentioned nailing shut the S-197. That sounds like a pretty smart idea to me. I know you guys are smarter, considering more options than I am aware of, but I just wanted to reiterate that we have this great fishery now. We need to do whatever we can to keep the hypersaline conditions from occurring, concentrating our fish, pooling them into refuges with sharks, pooling them into refuges with anglers, where they catch them, and they immediately get these fish eaten. If we can spread the fish out, let them have their habitat, the fishery, this cohort and most of these other cohorts will last a lot longer and provide more benefits for our fishery. I appreciate your time and thank you so much.	Please see response to Comment ID #1 **Table D.1-5** regarding potential benefits to Florida Bay as a result of implementation of the COP. The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, however, the USACE recognizes that additional actions are needed such as the completion of CERP components that would increase freshwater flows to achieve Everglades restoration. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration.

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11	February 19, 2020	Jacqueline Crucet	Hi. Jacqueline Crucet with National Parks Conservation Association representing their 1.4 million members and supporters. I want to thank everybody for coming out tonight to fight for Florida Bay. Also, to the Army Corps and to the South Florida Water Management District. This is not an easy task. A lot of work, we all know, went into this, the creation of this Combined Operations Plan. Also, thank you for adding this meeting in the Florida Keys, in the Middle Keys, to make sure that Florida Bay stakeholders can have their voices heard and express the continued need to send more water south to Florida Bay, which you're hearing a lot, over and over. I'm here to say that while this version of the Combined Operational Plan is a vast improvement over an earlier iteration, this plan is a bit anemic and will not serve Florida Bay in the way it needs to and the way the taxpayers expect. We must maximize any freshwater south to Everglades and Florida Bay, especially during the dry season. You've heard this over and over again. I just want to say it, too. After 30 years of restoration projects and $1 billion in taxpayer money, we expect more than marginal benefits. Marginal benefits is what this current plan offers. Like Charlie Causey said, use your imagination, adapt. We need a bold plan to move water. That will enable Florida Bay to continue to provide $455 million in ecosystem services, including storm surge protection, annually. $213 million in recreational angling revenue to the local economy, annually. $458 million, that someone else was talking about, to commercial and recreational fisheries, annually. Also, $1.2 billion to the value of single-family Florida Keys homes. So now is the time for a more bold plan, right now. You have the strong support of the community to send water more south -- more freshwater south, especially in the dry season. More than just the environmental community or the Everglades community, you have the Florida community. You have people who -- in Stuart, in Cape Coral, and Key Largo, and points south. People who might not get the charts or understand the acronyms or the modeling, but who know they can see the degraded conditions of their waters that they depend on. They continue to hear about Everglades restoration is coming soon. The time is now to deliver. We've got a $250 million funding request from the President and Congress. The Governor is calling for $300 million every year to restore America's Everglades. The message is clear, and let's get going and move beyond the status quo, move beyond marginal benefits. So, I'm here to ask you, the Corps and the South Florida Water Management District, to please revise this plan and prioritize and make water south to Florida Bay, especially during dry season. Thank you.	Please see response to Comment ID #1 **Table D.1-5** regarding potential benefits to Florida Bay as a result of implementation of the COP. The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, however, the USACE recognizes that additional actions are needed such as the completion of CERP components that would increase freshwater flows to achieve Everglades restoration. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration.

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12	February 19, 2020	Mary Barely	Good evening, everyone. I'm here as a resident of the Florida Keys. I serve on many boards, all of which work on Everglades restoration, but I'm talking to you as a resident. I did not hear you say one time, the Florida Keys. You did not even think about us, it appears, when you did this. So, when you go home, when you go back to your desk, every time you think about delivering water, you think about the Florida Keys. Not Everglades Park, not Florida Bay, the Keys and the people who live here, who depend on it. That's how we make our living. We live here because we love this place, but I am really appalled that you did not say the Florida Keys, not even on your map. It stops right at the end of mainland Florida. We're part of Florida. You have to think about us when you're talking about that. You need to think about sea level rise. If you push water down here, we get not only sea level rise, we get saltwater intrusion. This is about water flow. What is flood control? I'm confused. Is flood control surface water or ground water? Because you want to do no harm, but you're going to harm us. How do we fit into this picture that you're painting? I'm not seeing it. Not once, you made all these -- I think it was 8.5-Square-Mile-Area -- all these other people, but you never once talked about us. You're here in the Florida Keys right now. It's heartbreaking for us. We have pushed so hard. We started Everglades restoration. Monroe County. Islamorada is where it all started 25 years ago, pushing for this plan. Now you come and tell us, too bad. We got other people we don't want to harm. We'll worry about you at the very end. We're tired of being at the end and not having. We're the canary. You need to think about that every time you look at your plans. If we die, everybody dies with us. You can just push so much around. If you don't push it down here, not only that, this is carbon sequestration. We need to think about climate change when we're talking about this plan. If peat dries out, it's one of the biggest carbon emitters that there is in the world. We're sitting on one of the biggest ones on the planet. So, there's other things we need to consider as we're moving around this. All of these are important. They're critical. I don't think -- if we can help you do a better job -- if you just tell us -- we know a lot about it. We know people to go see. We know how to get things done. If you feel like you can't get your job done with the way the laws are now and other things that need to happen, you just let us know. You just look at the Water Management District and you know that this community can get it done because we know how to do it, and we know how to fight. We're in a war. This is a war that the Florida Keys are going to win. Thank you.	Please see response to Comment ID #1 **Table D.1-5** regarding potential benefits to Florida Bay as a result of implementation of the COP. The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, however, the USACE recognizes that additional actions are needed such as the completion of CERP components that would increase freshwater flows to achieve Everglades restoration. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration.
13	February 19, 2020	David Makepiece	I don't know how to follow that act. I've got very little I can add to it. I was involved. I have been involved. I've sat at meetings, sat around tables and watched the framework of this plan, this infrastructure plan, when it was first being discussed 20 and 25 years ago. I got to admit it was very exciting -- if you want to know the good news and make a little lemonade, Mary, and others -- it's exciting that we have an infrastructure that we think is not being managed well, and we're not happy about it, because that's better than not having an infrastructure. So, I'm excited that this is here. That being said, you heard it. I can double-down on it. We need that water. We need it during the dry season. We need it during the wet season, too, by the way. You do want water when it's raining because we need it in the wet season. I believe that there are policy decisions that are affecting the capacity of this group. I didn't meet anybody in this room that I didn't think was well-intended as I moved around here. Either, they're fake, or they want to do the right thing. I'm thinking maybe they're going to a gunfight with a knife. I'm not sure they're being empowered by the policies to do everything they can. So, thank you for your efforts. Thank you for your time. We need that water	Please see response to Comment ID #1 **Table D.1-5** regarding potential benefits to Florida Bay as a result of implementation of the COP. The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, however, the USACE recognizes that additional actions are needed such as the completion of CERP components that would increase freshwater flows to achieve Everglades restoration. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration.

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			delivery. We need some close looks at some policy changes so that we can get that water without it being such a hassle. Thank you.	

Table D.1-8. Cutler Bay COP Draft EIS Public Meeting Comment Response Matrix. The following matrix has been prepared to address comments on the COP Draft EIS submitted in response to a public meeting held in Cutler Bay, Florida on February 20, 2020.

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1	February 20, 2020	Laura Aguiree Audubon Florida	Thank you. Hi. I'm Laura Aguirre. I'm here representing Audubon Florida. And, I just wanted to say, thank you, so much for the opportunity to meet in person. And learn a little bit more about the Combined Operations Plan. We really appreciate the extra effort that it takes to provide the public with this opportunity. And, thank the PDT for their hard work. Audubon Florida has been involved in this process since it started. And, we are pleased with the evolution of the alternatives. Alternative Q+ provides some benefits to Everglades National Park in Florida Bay and it is moving in the right direction. However, as expressed multiple times throughout the process, by Audubon and Partners, it still misses the mark in delivering minimum amounts of water to the Park in Florida Bay during critical times, the dry season and during droughts. The current alternative sacrifices the Park in Florida Bay, exactly when the ecosystem needs water the most. Additionally, we have been on record multiple times about the harmful practice of shunting water out to tide via the S-197 structure, which hurts the main ecosystems of Biscayne Bay and Florida Bay. Instead of moving towards eliminating the use of S-197, this PDT has chosen to modify original goals of COP, to, merely, reduce the use of the S-197. Having the use of S-197 written into the COP to be used at a maximum of 2,400 cfs during extreme conditions is of great concern. The EIS mentions that extreme high-water line operations would make use of S-197, only during extreme conditions, which have been observed just three times in the period of record analyzed. However, it, also, mentions that those three times happened over the past five years, alone. That, certainly, does not point to this practice being used sparingly; especially, with climate change intensifying storms. Yesterday and today, it was mentioned that there had been almost no flow of water through S-197 in the past two years. We double checked the data, and that is not exactly accurate. From August 18 to September 18, 2018, the structure was opened daily, with a total flow of 28,563-acre feed. That is a lot of water that could have gone to Florida Bay, given that the total flow to Taylor Slough that year was about 41,000-acre feed. And, over the last five years, not including the still incomplete 2019 through 2020 period, there hasn't been a single flow of hydrologic here, without use of S-197. In 2018, waiting birds had a banner nesting season; the likes of which we haven't seen since the 1930's. The extreme rainfall, associated with Hurricane Irma, immediately followed by a very dry period season, drove the more than 138,000 waiting bird mass recorded. However, when looking at individual species efforts, one of Audubon's indicator species exhibited comparatively subpar nesting efforts. The Roseate Spoonbill colonies around Florida Bay produced only 270 nests in 2018. Excessive water discharges caused increased salinity along the coastal wetlands of Florida Bay. Higher salinity made the wetlands less productive in terms of Spoonbill prey. And, without high prey abundance, Spoonbills were not stimulated to nest in nearby locations in Florida Bay. This is a clear example of how relying on S-197, even during extreme conditions, will result in continued damage to Florida Bay. The PDT must find a better way to deal with emergencies.	Please see responses to Comment ID# 33 through 37 in **Table D.1-5** provided by the Everglades Law Center.

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			Neither the environmental, nor the agricultural communities, support the extreme high-water line operations. We urge the PDT to make the necessary changes to ensure COP Water Deliveries prioritize sending water south, year-round. And, make an effort to prevent starving the Park and the Bay from freshwater flows during the dry season and droughts. We have waited nearly 30 years to set the bar for fresh-water flows. And, it cannot fall below the minimum expected release. We commend you for your efforts to date. And, we look forward to your efforts to re-evaluate the draft EIS. To find ways to increase ecosystem benefits for the Park and Florida Bay, particularly, during the dry season, before COP is finalized. Thank you.	
2	February 20, 2020	Tom Van Lent Everglades Foundation	I'm not sure who to address my comments to. So, I'll address them to the Colonel, here. Yes. I think at the Everglades Foundation, we recognize the incremental improvements that this project has made. That, certainly, the significant improvements of the flow into Northeast Sharks Slough, from western Shark Slough, are extremely important. The increase in the volumes; all that is good. And, we know that the perfect is the enemy of the progress of the good. So, there is some incremental improvements, but I think, also, you have to recognize that there have been some missed opportunities to really end some damaging and very unpopular operations. You still maintain a constraint on S-333 operations, based upon stages in the 8.5 Square Mile Area. And, based upon some, really, marginally, modeling information. If there was ever a situation that called for adaptive management, it's that. Just make the change. Eliminate that constraint, once and for all. Second, I think Laura put it out, the operation, the extreme high-water operations to move water all the way down the South Dade conveyance system, all the way out 197. It has been an operation that is, universally, unpopular. The EIS says, well, it will happen so infrequently, it won't be an issue. A couple of paragraphs later, you say, well, it's happened a lot in the last few years. So, we won't permanent need it for coverage. Really, just eliminate the practice. Go to an adaptive management during the flood. You would be much better off. And, I think the biggest one is, the operations during drought conditions, this was clearly brought up. No real possibility of relying on adaptive management during the middle of a drought. And, this year, I think, it could be particularly poignant. And, we'll regret it, not being able to do it, as we watch Florida Bay's salinities climb. Saying we made incremental improvements just is not going to really sit well. We needed to make real changes to how we manage water during droughts; put more water towards Florida Bay. I'll let the -- I'll let the very passionate people, like Captain Blanco, talk about the importance of that. But it really will be, I think, a missed opportunity. We should have taken it, now. It's not too late. Incorporate these things into the EIS. Thank you.	Please see responses to Comment ID# 33 through 37 in **Table D.1-5** provided by the Everglades Law Center.

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3	February 20, 2020	Melissa Abdo National Parks Conservation Association	Hi. Good evening, everyone. My name is Melissa Abdo. I'm the Regional Director for National Parks Conservation Association. And, I'm here to speak on behalf of NPCA. I'm, also, here as a native South Floridian, which you all can probably sense. Because, I'm shivering in the AC, tonight. NPCA has been actively involved in the COP planning process since scoping began in 2017. And, we have been advocating for the restoration of Everglades National Park in Florida Bay for decades, along with our partners and allies, and most of you. As was one of our most iconic national parks, the health of the Everglades is a national priority for our organization, and for our 1.4 million supporters and members across the country. We know the significance of this plan and this public comment period. The final operations plan will determine where, when, and how much water flows south into Florida Bay, from infrastructure projects that have taken more than one billion dollars in taxpayer funding and decades to construct. Finalizing how we use these projects is just as important as the construction, itself. We appreciate the work by agency staff to get to this point. And, recognize that the current plan would result in more water flowing into the Everglades, as well as offering clear benefits to Northeast Shark River Slough. Unfortunately, these benefits are being delivered in the rainy season, when water is already abundant. The plan fails to increase fresh-water flow during times of low-water availability, leaving Florida Bay susceptible to severe drought. Under this plan, the Bay could experience heightened salinity levels, seagrass die-off, and fish kills that are devastating to the Park, and the economy of the Florida Keys. Seagrass meadows need to be restored and protected through this plan; not only for the Florida Bays and Keys' economies, but for the entire State of Florida and our nation. Given their significance in Carla's (phonetic) illustration and significance in helping our nation to combat climate change. So, we urge the Army Corps, the Water Management District, and other agencies on the Project Team, to take this opportunity to adjust the Operations Plan. And, ultimately, finalize a COP that delivers authentic restoration benefits to the Everglades; and, not just a marginal step forward. It is important to remember that the Federal Government's interest in these projects is our National Park, public lands and waters owned by all Americans. Maximizing benefits for Everglades National Park must always be the priority for COP; and, all restoration efforts that are authorized by Congress and funded by American taxpayers. Right now, both Congress and the Florida Legislature are making significant investments to expedite Everglades restoration. That President's fiscal year 21 budget includes $250 million for restoration. And, Governor DeSantis' funding request is for over $300 million for the Everglades. The clear message from Floridians and from our elected leaders is to send more water south, as quickly as possible. Any plan that does not maximize sending fresh water south to the Everglades is not utilizing taxpayer investment as best you can. And, working counter to these efforts to expedite restoration. For years, NPCA has been consistent on our position on COP. Through multiple written and verbal comments to the Project Delivery Team, we have highlighted one single priority, send more water south in the dry season. This is what is needed for the health of the Everglades National Park; the health of Florida Bay; and, the health of the entire greater Everglades ecosystem. We urge the Army Corps to revise this draft EIS and prioritize the	Please see response to Comment ID #1 **Table D.1-5** regarding potential benefits to Florida Bay as a result of implementation of the COP. The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, however, the USACE recognizes that additional actions are needed such as the completion of CERP components that would increase freshwater flows to achieve Everglades restoration. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration.

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			health of the Everglades in the final plan. And, we thank you, so much, for your time and consideration. Thank you.	
4	February 20, 2020	Captain Benny Blanco Captains for Clean Water	Thank you. My name is Benny Blanco. I'm a fishing guide in Everglades National Park. I am, also, the President of the newly formed Everglades Guide Association; and, the Florida Bay Ambassador for Captains for Clean Water. For 22 years, I have been guiding in Everglades National Park, in Florida Bay, specifically. And, I would like to just mention that Florida Bay is not just another bay in the State of Florida. It is the bay for which all other bays are measured. It is the bay that produced five times more records in permit and bonefish, than any other bays in the planet, combined. It is the bay that people like, Ted Williams and George Bush dreamt about and bought homes to live on, to experience the fishing that we have, today. It is the bay that the dreams of every flats fisherman around the planet are consumed of, on a daily basis. For 22 years, I have watched the Bay die, every year. For longer than that, honestly. But for the 22 years of my guiding career; and, I'm tired of it. The Bay is currently on Hospice. And, what does that mean? That means that it is on the verge of death. In 2015 we experienced a hyper-salinity summer. It has been very well published, except anywhere, here. You'll hear everywhere in the fishing community, up and down every TV show, when they talk about Florida Bay. Florida Bay suffered a major hyper-salinity event. And, what happened in 2015 can happen, again. As a matter of fact, the refractometer readings this week are very similar to what we saw this time in 2015. That shouldn't be the case. Because, we just had some pretty dang good rain in January and in December. And, here we are in February, with readings higher than the salinity of salt water. That's extremely concerning to me. For the last week, we've got refractometers in the hands of several Florida Bay guides that we can document what is actually happening in the Bay, right now. Not what happened last month; not what happened ten years ago. But what happened right now. And, what is happening right now is scary. The Bay is the lifeblood of Monroe County. You've heard it before. You've heard it yesterday. You'll hear it again tonight, I'm sure. It is the foundation for the entire tourism industry in Monroe County. The tourism industry that accounts for $2.8 billion in economic activity, annually. It is, also, the nursery for every single critical game fish, in-shore game fish that supplements the $8 billion recreational and commercial fishing industry in the State of Florida. This is not just any other Bay. This is the Bay. We have been fighting for years to secure funding for Everglades Restoration. As everyone is well aware, in the last few years we have made major progress. We finally have political will; we finally have funding. And, then, we have talks of -- from a particular group of people about using that funding that we secured for Everglades Restoration, for ASR wells and other things. And, the rhetoric that is used is that Florida Bay is a rainwater-driven system. And, that water is never meant to flow down through the Everglades. And, I disagree. That narrative benefits that argument that the ASR wells are a viable option, at this point. And, I'll be damned if I let the work that we've done to create this political will and this funding, right now, go to ASR wells. That water needs to flow down south into Florida Bay, period. Currently, all of our fresh water comes from rainwater; there is no	Please see response to Comment ID #1 **Table D.1-5** regarding potential benefits to Florida Bay as a result of implementation of the COP. The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, however, the USACE recognizes that additional actions are needed such as the completion of CERP components that would increase freshwater flows to achieve Everglades restoration. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration.

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			doubt. Because, we can't get this right. And, unfortunately, rainwater is not enough. Every real scientist, like Dr. Stephen Davis, at the Everglades Foundation, will tell you that there is, at least, the same amount of water evaporating from Florida Bay as there is rainfall on an average basis. Which means that we have to get water from the Park, from Everglades National Park, in order for Florida Bay to remain less than the salinity of salt water. And, that is crucial for every species that we rely on in Florida Bay. And, that is why this is so important; let me get this right. So, I would like to see, and this is why I am here. And, thank you for listening to me to this point. What I would really like to see is more water being sent to Florida Bay during the dry season. I asked - were they getting water during the rainy season? That's a good thing to have; we'll never have too much fresh water. But we absolutely need to have more fresh water in the dry season. And, I absolutely would not have been doing my job if Florida Bay doesn't become a priority in this meeting, and in every other Everglades Restoration meeting that there is Florida Bay is absolutely the reason why we started Everglades Restoration -- we fought for Everglades Restoration from the beginning. We have to send more water south. And, if we've been doing so, we also save the - to the east and the west. Thank you so much for listening, tonight. Thank you for everything you guys have done. It's obvious that you have done a lot of work in the last year, since we had our last meeting. These are encouraging, but I just want to see it a little bit more done. Thank you.	
5	February 20, 2020	David Kalmbach	I'm just here for, really, a different thing that falls under the heading of the hydrologic of the water of renourishing the Miami Beach Florida sand. This is a white sand from the Dominican Republic. And, they don't necessarily consider it a, well, a nondomestic source. There are only two sources into Florida. And, the sand is -- really, it is a light brown. In that shade it looks brown and it doesn't look that good, really, as compared to what white sand looks like. It's about -- we're at $43.40 a cubic yard and the trucks are probably $54 to $57, if not higher, for moving the sand from the Corps, which is millions of dollars. Especially considering, two million tons, it's a number of millions. And, they didn't really want the trucks on the roads, the Environmental Resources. They were looking at it both with using pumps to pump the sand off and spraying it on the beach. Except that is millions of dollars to set up the pumps. And, what we have is a cargo ship that can hold about 64,000 cubic yard tons and it's a little way offshore. And, then we use, like, we like to use -- put, like, four hoppers, a rectangle, like box, made out of metal, with the tops open. And, each one holds 5,000 tons and they're located on the corners of the cargo ship, where -- it's all bulk cargo. They put the sand in -- they have to, I guess, mainly the center one for balance of the boat. That's over 100 yards long, for this size of boat. And, you fill them up, each one of those, with 5,000 tons from the corner of the boats. And, they just pour it, like, out of the corner, into one -- like, an unloading craft. I don't know how to put this, but like a tank coming off the -- where the frontend drops down. Just fill it up with sand. And, you take, like, four boats, that's 20,000 tons, right there. And, a bulldozer just lifts it up and backs it out. And, it takes about four or five tries for it to empty the unloading craft. And, in a half a day to a day, the ship is unloaded. And, it will take the trucks about, almost a month to unload, to carry that amount of weight. One truck is anywhere from eighteen cubic yards to 24 cubic yards, tons. That's a lot of trucks and things on the beach. But they would help eliminate with the hoses and using the dock and a boat. That would incur more costs, by just -- from the Dominican Republic. That's not that far away. Saves millions and	The COP defines operations for the completed features of the MWD and C-111 South Dade Projects, and as stated does not include the coastal water control structures associated with the Biscayne Bay Coastal Wetlands Project. Additional information on dredging and construction projects at ports and harbors can be found on the Jacksonville District website at the following location: https://www.saj.usace.army.mil/Missions/Civil-Works/Navigation/Ports/.

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			millions of dollars. Where they were planning on doing 12 to 15 million tons for 20 miles of Miami Beach over the next 10 or 15 years. We could finish it in 1,000 days, less than three years to complete the project and have about $618 million; it's something like that. Where it's like $25,650,000 one mile of Miami Beach. State property, I guess. And, you know, miles -- that's a lot of sand. I forgot how many deliveries. But we do two every 12 days. One every six days. Like, four deliveries and, like, five deliveries a month.	
6	February 20, 2020	Rainer Schloel	I'll be brief. My name is Rainer Schloel. I am the Chairman of the Florida Bay Committee. I've been involved with CERP for years, starting in 2000 -- Ralph is looking at me, laughing -- through the Cutler Flow Way. Although, in the last 20 years I am pleased with the evolution, not just of the plan, but with the evolution of public thinking. As evidenced by the increased grassroots involvement and the commitment of our current Governor. However, although I appreciate what you have done so far, it's still not enough. You know, we need increased flows to Taylor Slough, and Florida Bay. Not just during the wet season, as well. And, I'll let the people smarter than me, who were before me, and, probably, after me, continue to stress that, as well. Thank you.	Please see response to Comment ID #1 **Table D.1-5** regarding potential benefits to Florida Bay as a result of implementation of the COP. The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C-111 South Dade Projects. Implementation of COP will allow the opportunity to send water south and increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, however, the USACE recognizes that additional actions are needed such as the completion of CERP components that would increase freshwater flows to achieve Everglades restoration. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration.

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7	February 20, 2020	Eduardo Varona	I'm from Cutler Bay, the other bay, Biscayne Bay. We've heard about Everglades Restoration in Everglades National Park. We've heard about sand on Miami Beach. We've heard about Florida Bay. But there's another national park in Dade County. It's called Biscayne National Park. In 2000 the award that was authorized and passed by Congress and signed. And, for 20 years we have been waiting for the coastal, southeast component of Everglades Restoration to happen; and, it ain't happening. And, our Bay, which is right -- it's ironic to me that we're in Cutler Bay, and it's on Biscayne Bay; we have Palmetto Bay. We got one little project of a hundred CSF, how many years ago? I don't know, like ten years ago. We've got CERP, artificially divided into Phase I and Phase II; and, it's at a standstill. Biscayne Bay Coastal Wetlands; Biscayne Bay is dying. It is at a standstill. So, I'm hearing all this water going down Taylor Slough, Florida Bay. I love it, but there is enough water, probably, in the canals, right now, that go through Palmetto Bay, that go through Cutler Bay; that go down to Homestead. Cutler Flow-way is supposed to be about 400, I believe 400 CSF. There's another 100 CSF, sort of, you might say, semi-reserved, that did not go to the Deering Flow-way. That could go to what is, now, considered Phase Two of Biscayne Bay Coastal Wetlands. Cutler Bay Flow-way was supposed to have been started, shoot, three or four years ago; delay, delay, delay. Now, it's supposed to start in 2021; delay, delay, delay. Before you know it, who knows what happens. So, I just -- I'm a grassroot activist. I don't want any organization. But I will say, I'm one of the people that for four years, fought so hard with Florida Water Management District to purchase the Southwest 184th Street BBCW, for your battle, for that to happen. That land is sitting there; waiting for water to get to it. The water is in the canals, in the canal system. Instead of opening those gates, every time there is a big rain event, you could be flushing it through laminar flow, right through those Biscayne Bay Coastal Wetlands. And, it ain't happening. So, I'm just saying, please. There is Florida Bay; there's Everglades National Park; but there is Biscayne National Park, right here. And, that Park is dying. There is a Biscayne Bay Task Force. And, everything says that the seagrasses in the north of the Bay are gone. It's working its way south. Middle Bay, South Bay; we're going to have the same situation. And, I'm just going to say. I, probably, will -- I don't know the numbers, but there's a big benefit to Biscayne Bay and Biscayne National Park not dying; in the same way that Florida Bay does not deserve to die, or Everglades National Park. So, you know, maybe this isn't the place. And, I came in late and maybe I didn't see the initial part of the meeting. Or, maybe you did talk about Biscayne Bay Coastal Wetlands; maybe I missed that. But I got a feeling I didn't; and, it's ironic to me that we're in Cutler Bay. And, Biscayne Bay is behind us, and it's -- I don't hear anything about it. So, I'm just going to ask that more effort, please, go to beginning to complete the project that should have already, probably, been completed. Thank you.	The COP defines operations for the completed features of the MWD and C-111 South Dade Projects, and as stated does not include the coastal water control structures associated with the Biscayne Bay Coastal Wetlands Project. However, opportunities to adjust operations in the SDCS to enable additional flows to Biscayne Bay during the dry season were explored, as previously considered with the 2015-2016 SFWMD South Dade Investigation and MWD Incremental Field Tests. The COP identified the opportunity to better balance flows across Biscayne Bay, by setting a goal to increase the volumes delivered to the southern portion of the Bay while decreasing the volumes delivered to the northern portion of the Bay. Under the existing condition, flows to Biscayne Bay predominantly enter the northern part of the Bay and occur during storm events when large volumes of water from WCA 3 are routed down the Miami canal to reduce flooding risks. ALTQ increased average annual flows to South Bay, the location of most of Biscayne National Park and CERP's Biscayne Bay Coastal Wetlands Project, by approximately 10,000 acre-feet (a 4% increase over ECB19RR). This is an area of unnaturally high salinity and increased freshwater flow can yield ecological benefits for this region. Potential environmental effects to Biscayne Bay have been evaluated within the NEPA document as this area is adjacent to those structures considered under the COP. Reference Section 4 of the COP EIS. The Biscayne Bay Coastal Wetlands Project was authorized by Congress in 2014. The project has three components: Deering Estate, which is constructed, L-31 East Flow-way, which is mostly constructed, and Cutler Bay which will be constructed third. The USACE and the SFWMD are planning a new study to look again at Biscayne Bay ecological restoration. The two agencies have been meeting periodically to develop an initial list of what the study would include. The study will be called Biscayne Bay and Southeastern Everglades Restoration (BBSEER) and will consider phase 2 of Biscayne Bay Coastal Wetlands and phase 2 of C-111 Spreader Canal. Public notices and the formal kickoff and start of the study are planned for July 2020.

DRAFT ENVIRONMENTAL IMPACT STATEMENT
COMBINED OPERATIONAL PLAN

PUBLIC MEETING

3301 Gun Club Road
B-1 Auditorium
West Palm Beach, Florida 33406

Tuesday, February 18, 2020
6:00 p.m.

APPEARANCES:

Lt. Col. Todd Polk, Deputy District Commander, South Florida, U.S. Army Corps of Engineers, Jacksonville District

Jason Engle, Chief, Water Resources Engineering Branch, U.S. Army Corps of Engineers, Jacksonville District

Donna S. George, P.E., Project Manager, U.S. Army Corps of Engineers, Jacksonville District

Melissa Nasuti, Environmental Branch, U.S. Army Corps of Engineers, Jacksonville District

Lan Do, Hydraulic Engineer, Water Management Section, Engineering Division, U.S. Army Corps of Engineers, Jacksonville District

Dan Crawford, P.E., Senior Hydraulic Engineer, Water Management Section, Engineering Division, U.S. Army Corps of Engineers, Jacksonville District

Luis Alejandro, Chief, Water Management Section, U.S. Army Corps of Engineers, Jacksonville District

Andrew LoSchiavo, Chief, Restoration and Resources Section, U.S. Army Corps of Engineers, Jacksonville District

Eva Velez, Strategic Program Manager, South Florida Ecosystem Restoration Program, U.S. Army Corps of Engineers, Jacksonville District

Inger Hansen, Project Manager, Florida Department of Environmental Protection

Brenda Mills, Project Manager, South Florida Water Management District

Rebecca Elliott, Florida Department of Agriculture and Consumer Services

Adam Gelber, Director, Office of Everglades Restoration Initiatives, Department of Interior

(Thereupon, the following proceedings were had:)

PRESENTATION

MS. GEORGE: Good evening, everyone. If you would take your seat, we're going to begin. All right, thanks.

My name is Donna George. I am the Corps' Project Manager for the Modified Water Deliveries Project. For a temporary time, I was a project manager on the C-111 South Dade Project, as well. So, it's good to see these two projects being combined into an operational plan.

I want to introduce to you our Lieutenant Colonel Todd Polk. He is the Deputy District Commander for South Florida, and he is going to give us some opening remarks.

LT. COL. POLK: Thank you, Donna, appreciate everything.

Good evening, everyone. Again, as Donna said, I'm Lieutenant Colonel Todd Polk. I'm the Deputy Commander for South Florida, Corps of Engineers in Jacksonville, but stationed, of course, down here in West Palm Beach, and representing the Jacksonville District Commander, Colonel Kelly.

We're here on the first of three Public

Meetings tonight to discuss the recently completed Draft Environmental Impact Statement for the Combined Operation Plan, also known as COP.

Thank you for coming here to talk about these things that we know that you all care about. I know many of you are here because you're excited about the opportunity offered by the features of the Modified Water Deliveries Project, Modified Water Deliveries to the Everglades National Park and the C-111 South Dade Projects. We're glad that you're excited and here, as well.

Now that we have the new infrastructure in the ground, COP is going to define how we move water south across Tamiami Trail into the Everglades National Park. It's a new way of thinking about operations. When we finish these projects, we also update the way the system is operated, which is what COP is all about.

COP is an important new tool that will help us reduce the flooding of tree islands in Water Conservation Area 3 and put more water into the Shark River Slough, Taylor Slough, and the Everglades National Park, as these projects originally intended.

It's the foundation of the Comprehensive

Everglades Restoration Plan and a key step in restoring the more natural flows in the Southern Everglades. Together with all of our partners, we make restoration progress in increments. COP is a significant step forward.

Our next big step is the construction of the Central Everglades Project, also scheduled to start in 2020. COP will also help us continue to maintain the congressionally authorized purposes of the Central and Southern Florida Project and include flood control, water supply for irrigations, municipalities, industry, regional groundwater control and the prevention of saltwater intrusion, enhancement of fish and wildlife, and of course recreation.

I'd like to thank the South Florida Water Management District for hosting us this evening.

Do we have any elected officials or public officials in the audience tonight? I don't think I saw anyone. Okay. If there were -- no.

At this time, though, I'd like to turn the microphone over to Jason Engle. He's our Chief of the Water Resources Engineering Branch. Jason is going to tell you more about COP and the process of receiving comment on this Draft EIS. And I thank

you for your interest and look forward to hearing from all of you tonight.

MR. ENGLE: Thank you, sir. Welcome, everyone. I'd like to open up by giving our team a chance to introduce themselves. We have people here from the Army Corps of Engineers, but, as you know, we have PDT members with other agencies and other groups.

So, I'd like to start with the Corps of Engineers team.

MR. DO: My name is Lan Do. I'm with the U.S. Army Corps of Engineers. I work in the Water Management Section, Engineering Division.

MR. CRAWFORD: Good evening. I am Dan Crawford. I'm the Engineering Lead, Water Resources Lead for the COP.

MS. GEORGE: Donna George, Project Manager for COP.

MS. NASUTI: Melissa Nasuti. I'm in the Environmental Branch.

MR. ALEJANDRO: Luis Alejandro with the Corps, Jacksonville District, Water Management Section.

MS. PALOTA: Jade Palota (phonetic), Hydraulic Engineer, working for the Water Resources

Branch.

MS. SKOLTE: Erica Skolte, Public Affairs, and I work out of the Palm Beach Gardens office.

MR. ENGLE: Any other Jax PDT members here?

MR. LOSCHIAVO: Andy LoSchiavo, Restoration Resources Section, Chief, Environmental Branch.

MR. ENGLE: Great. And I know we have folks from the other -- oh, sorry, Eva.

MS. VELEZ: Eva Velez, Ecosystem Branch.

MR. ENGLE: All right. I'm not leaving anyone else out.

Folks from the Water Management District that are on the team in attendance?

MS. MILLS: Brenda Mills, I'm the Project Manager.

MR. ENGLE: Other Florida agencies?

MS. HANSEN: I'm Inger Hansen from the Florida Department of Environmental Protection, Project Manager.

MR. ENGLE: Any other PDT members here?

MS. ELLIOTT: Rebecca Elliott, Florida Department of Agriculture and Consumer Services.

MR. ENGLE: Thank you. All right.

I would start out just by a couple order of business here in the way that we conduct these public

meetings. It's important that everyone's voice is heard. We're here to listen to the comments and understand your concerns and provide you with the opportunity to put your opinions on the record, and we have a court reporter tonight, Ms. Amanda is here to record this, and that will be made available later on.

The Public Comment period is not a question and answer session. We had the poster session before, and we'll stay afterward. Our folks, our team will stay here afterward to answer any questions that you might have, but, at this point, when we take comments, it would just be a comment made, and we will record it for the record.

We also have two other meetings planned, and I wanted to announce those. You probably already know, but we have a meeting tomorrow in Islamorada, and we have a meeting on Thursday in Dade County, and you can get more information.

So, we're accepting comments until March 16th. Written comments can be submitted on a form that looks like this. So, if anyone doesn't want to get up and speak, who does want to make a comment, or even if you do speak and you want to make additional comments, you can write them on this and

submit it, and it's equal to making comments in the meeting.

Anybody that does want to comment just fills out one of these cards, and I think, as of right now, I have three, so we should have plenty of time.

So, I'm going to give a couple of introductory remarks to this process, but then we're going to turn it over to our team and let them present some slides on the process.

So, the purpose of the Combined Operating Plan, or COP, is to define operations for the complete features of the Mod Waters to Everglades National Park and C-111 South Dade Projects. As you know, we have completed construction, and this is the operational plan for that.

We're hosting these three Public Meetings as part of the NEPA rollout but also as rollout of our new Operational Plan. So, I look through the audience, we have staff from many partner agencies, PDT members spoke, and we have others from those agencies who are appreciative for the participation today and in the meetings in the next two days. Thanks for coming to express your support, comments, questions for the COP as the Corps continues to progress toward planned implementation in August of

2020.

And since their original authorizations, the Mod Water Deliveries and C-111 South Dade Projects have continued to evolve and integrating new information to ensure the achievement of project purposes as foundation prerequisites to the broader Comprehensive Everglades Restoration Plan.

Construction of all the authorized Modified Water Deliveries and C-111 South Dade Project features were collectively completed in 2019, and throughout this recent construction and transitional operations period, in coordination with our Everglades Restoration partners, the Corps has conducted a series of operational field tests, since 2015, to provide incremental and immediate benefits to the ecosystem and to support continued monitoring and learning from the resulting responses.

Development of the Combined Operating Plan has greatly benefited from our collaboration with the public, the Seminole and Miccosukee Tribes, federal, state and local resource management and regulatory agencies throughout the process.

And pursuant to the National Environmental Policy Act, or NEPA, the U.S. Army Corps of

Engineers, Regulations for Water Control Management, the Corps of Jacksonville District is hosting this meeting to inform members of the public of release of the Draft Environmental Impact Statement for the COP, which supports the Water Control Plan.

Once the presentation is complete, we'll offer the opportunity for comments, as I spoke about. Anyone that wants to speak can see Ms. Erica Skolte at the front desk.

And the comment cards have been numbered in the order that we received them.

Are there any other public officials that have arrived since we started? Okay.

Well, at this time, I would like to welcome up to the microphone our team to give their PowerPoint presentation. This is Ms. Melissa Nasuti.

MS. NASUTI: Good evening. So, I'm going to go ahead and give an overview of the Combined Operational Plan, and then Lan Do will provide information on how the operations within the current Water Management System will change, and then we will conclude the presentation by providing a board overview of the National Environmental Policy Act, or NEPA, and how you can provide comments on the Draft Environmental Impact

Statement for the project.

So, the Central and Southern Florida Project was authorized to function as a multipurpose Water Management System. Congressionally authorized purposes include flood control, water supply, regional ground water control and prevention of saltwater intrusion, enhancement of fish and wildlife and recreation.

To improve hydrologic conditions in Everglades National Park, the southern portion of the C&SF Project was subsequently altered through the authorization of two projects, the Modified Water Deliveries Project, or Mod Waters, and the C-111 South Dade Project.

Mod Waters was designed to provide a system of water deliveries to Everglades National Park through Shark River Slough, and C-111 South Dade was designed to control seepage out of Everglades National Park and reduce damaging freshwater discharges to Manatee Bay and Barnes Sound, while maintaining flood protection to agricultural lands east of the C-111 canal.

The purpose of the Combined Operational Plan is to define operations for the completed features of Mod Waters and C-111 South Dade, while

maintaining the congressionally authorized purposes of the C&SF Project.

Mod Waters and C-111 South Dade are recognized as foundation projects for the Comprehensive Everglades Restoration Plan, or CERP. And furthermore, the Water Resources Development Act of 2000, which authorized CERP, mandates the completion of Mod Waters prior to the appropriation and construction of certain components of CERP.

CERP is underway, as outlined in the 2019 South Florida Ecosystem Restoration Integrated Schedule. Features of Mod Waters and C-111 South Dade are now constructed. So, COP is the last step to implement operations to convey water from Water Conservation Area 3A to Everglades National Park.

Operations in the project area are currently governed by the 2020 -- I'm sorry, the 2012 Water Control Plan, and COP redistributes the existing water budget within Water Conservation Area 3A and Everglades National Park to balance the ecological restoration objectives of Mod Waters and C-111 South Dade, while adhering to project constraints such as flood risk management.

And this graphic on the right-hand side of the slide depicts the components that fall under

the authority of Mod Waters and the components that fall under the authority of C-111 South Dade.

Development of COP has been informed by a series of operational field tests referred to as Increment 1, Increment 1.1, 1.2, and Increment 2, which were all conducted under the authority of Mod Waters, and basically incrementally raised the maximum operating stage within the L29 canal with the purpose of delivering more water into Northeast Shark River Slough.

Development of COP has been informed by rounds of regional hydrologic modeling to understand what the potential effects would be of implement the project on the system, and we have also had extensive stakeholder coordination.

Implementation of COP will result in a change to the current Water Control Plan, or how water is moved throughout the system.

And it should also be noted that implementation of COP is a requirement of the 2016 Biological Opinion for the Cape Sable Seaside Sparrow. So, the Corps is mandated, per that biological opinion, to implement COP by August of 2020 through Endangered Species Act consultation with the service.

The objectives of COP, per the original authorization, is to improve water deliveries into ENP by changing the timing, location, and volume of water delivered, maximum progress toward restoring historic hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP, protect the ecological values associated with Water Conservation Area 3A and ENP, as well as minimize damaging freshwater flows to Manatee Bay and Barnes Sound through S197, which is located at the bottom of the C-111 canal, and also to include consideration of cultural values and tribal interests within Water Conservation Area 3A and ENP.

In terms of operational constraints, COP maintains the C&SF congressionally authorized purposes. COP also maintains the upper limit of the Water Conservation Area 3A Zone A Regulation Schedule. That cannot be modified until a flood routing analysis is completed by the Corps of Engineers that evaluates levee safety with respect to stage and Water Conservation Area 3A.

COP will also maintain the L-29 canal maximum operating limit of eight-and-a-half feet, per the original authorization under Mod Waters. Future

increments of CERP would look to raise that.

And then, COP will also maintain the authorized levels of flood mitigation for eight-and-a-half square mile area, as well as flood damage reduction for the C-111 South Dade Basin.

I briefly just wanted to touch base on some of the expected benefits from implementing this project. In keeping with the project objectives, it is expected that COP will increase the annual inflow to Everglades National Park by 162,000-acre feet per year, on average, which is an increase of 28 percent.

And the graphics in the lower right-hand side of the slide show you the average annual hydroperiod difference, as well as the average annual stage difference between the preferred plan under COP and the no-action alternative. So, the scale is difficult to read from the slides, but basically, blue indicates areas that are wetter, red would be on the other end of the extreme in terms of areas that are dryer, and then gray is relatively little to no change. So, you can see that, by implementing COP, portions of Everglades National Park will experience longer hydroperiods and higher stages.

COP will also change the schedule of water deliveries to Everglades National Park through implementation of the Tamiami Trail Flow Formula. That will determine the volume of water that's delivered through S333 and the S12's, which are water management structures located on the L-29 that Lan will get into.

And then, COP will also restore Northeast Shark River Slough as a functioning component of Everglades by pushing more water east of S333 into Northeast Shark River Slough by 19 percent. So, it changes the spatial distribution of flow along Tamiami Trail to that historic Shark River Slough flow-way.

COP will also minimize discharges to Manatee Bay and Barnes Sound through S197. It's expected that there will be a reduction of 41,000-acre feet per year, on average, through this structure, which is a reduction of 69 percent. So, more flow is expected to then go into the eastern panhandle as a result.

So, COP is expected to increase annual inflow to Taylor Slough by 6,000-acre feet per year, on average, which is an increase of seven percent, as well as into the eastern panhandle by 30,000-acre

feet per year, on average, or 27 percent.

And we just briefly wanted to touch base and note that the project team developed an Adaptive Management and Monitoring Plan for COP, and the Adaptive Management Plan can be thought of as an insurance policy. So, as you implement COP, you collect data, you learn from that data, and then you make adjustments as necessary within the authorizations of the projects, basically so you can ensure that you get a return on your investment.

So, the Adaptive Management Plan identifies monitoring information needed to document progress toward meeting project goals and objectives. So, is the system responding how we expected as a result of the planning and the regional hydrologic monitoring, and it's also a way to address uncertainties that are related to project performance.

Components of that plan include an Adaptive Management Plan, an Ecological Monitoring Plan, a Water Quality and Hydrology Monitoring Plan, as well as a Cultural Resources Monitoring Plan.

And development of the Adaptive Management Plan is not a requirement for COP, but we think

that COP provides an opportunity to test adaptive management processes and develop procedures that can then be applied to CERP.

So, with that, I'm going to hand it over to Lan Do to give an overview of a little bit more detail on how the water management operations will change, and then, like I said, we'll conclude with me just highlighting NEPA.

MR. DO: Thank you, Melissa. Again, my name is Lan Do. I'm working in the Water Management Section of Water Resource Branch in the Division, Corps of Engineers, in Jacksonville.

So, I'm here tonight to tell you a little bit about our proposed Water Control Plan called COP.

What is -- some of you might wonder what is a Water Control Plan? A typical Water Control Plan through the Corps of Engineers consists of operational criteria to define how and when water is stored and releases. The plan may include a schedule of releases, conservation pool level to be maintained during non-flood or drought conditions, and downstream water level constraints.

Our Comp Water Control Plan was drafted to meet the mission objective that was laid out by Melissa in her Slide Number 7 listed here but I'm

not going to go through all five, but it's already mentioned in Slide Number 7. However, I'm going to talk a little bit more about our Water Control Plan.

In our Water Control Plan, there are eight hydrologic basins, starting with Conservation Area 1, on top, right here, just east of the EAA, Everglade Agriculture Area; and down south of it is Conservation 2A and 2B; and then, just to the west and south of the EAA, is Conversation Area 3A, 3B; and then, just below, south of 3A, is the Everglades National Park.

And along this boundary right here you can see a little strip right here. That was mentioned, that eight-and-a-half square mile area, but the people who live there would like to be called the Las Palmas Community. And then, the ENP South Dade Conveyance System is the remaining 8, the number 8, hydrologic basin covered in the Water Control Plan.

And within these eight hydrologic basins, we have 58 hydrologic structures that consist of gated spillway, culverts and pump stations, and all those 58 structures are located along the nine major canals and three detention area. The three detention areas, as you'll see in a minute, is part

of the C-111 South Dade construction.

It's the North Detention Area, South Detention Area, and the S332D Detention Area for the south. They all play an important role.

And of eight hydrologic basins, three of them have, like I mentioned up here, a typical Water Control Plan, three of them have a Regulation Schedule. Conservation Area 1, it has the Regulation Schedule to prescribe when and how the water moves out of Conservation Area 1 to Conservation Area 2.

Then, Conservation Area 2 has its Regulation Schedule to prescribes flow out of Conservation 2A, into Conservation 3A, through the S11 structures. And the one that this chart water out of Conservation 1 is -- are known as S10 structures.

And then, Conservation 3 has a Regulation Schedule to prescribe flow out of Conservation 3A, primarily through S333 and the S12 structures, as seen here.

And the Water Control Plan was, as you can see, was a result, direct result of the effort by our team, PDT team, and as you can see here, the Water Management Sub-Team that consists of multi-agency members that, over a period of six months,

we worked very hard to put together this plan. I think it will be another major milestone for us to take a step closer to the restoration goal.

So, to start comparing the two Water Control Plan, the current Water Control Plan and COP, we're going to start with Increment 2, which is where we are today.

So, you can see we have, starting with Conservation 3A, we are using the 1984 Rainfall Based Management Plan that prescribed a weekly flow target and it worked in conjunction with the Conservation Area 3A Regulation Schedule. The last update was in 2014.

And basically, it prescribes a weekly flow target based on rainfall and stages in Water Conservation Area 3A with the primary goal is to release that water out of S333 structures into L-29, and then that water will make its way into Northeast Shark River Slough, the historic flow-way into Shark River Slough, and then, once we maximize water through S333, the remaining flowrate will be distributed along the S12 structures starting from east to west.

And then, you can see in L-29, once we complete the C-111 constructions, we were able to

raise up to 8.5, and you can see the incremental step up, raising the maximum operating canal limit in L-29 allow us to put more water into Northeast Shark River Slough, because the Mod Water authorization requires, when we put water in Northeast Shark River Slough, we have to protect the Las Palmas Community here.

So, therefore, we, in the current incremental field test, we have to maintain the authorized flood mitigation in eight-and-a-half square mile area, and maintain the authorized flood protection along L-31 north and C-111 canal, as you can see here.

The reach in South Dade, the northern part, is color-coded in orange, is L-31 north starting at S334, and it stops at the 176 structure right here. And then, from 176, all the way down to 197, that's the C-111 canal reach.

Then, the current incremental field tests, I believe starting with the Governing Board Florida Bay Initiative, starting in 2018, we are sending supplemental water delivery to Taylor Slough, from 3A, down the South Bay Conveyance System, and pump out S332B, C and D, as you can see here, putting into the North and South Detention Area, and also

S332D Detention Area. That's part of the supplemental water delivery. And consistent with the goal and objective, we are maintain -- minimize discharge through S197.

And another major constraint that we have now in Increment 2 is the -- you can see in these little areas in the park, in Everglades National Park, with the abbreviation CSSS and then A, B, C, D, E and F. Those are the Cape Sable Seaside Sparrow habitat area. You can see they live on the fringes of the area, the fringes of the Shark River Slough.

And because of the Biological Opinion in 2016, it had the RPA closure requirement for S344, S343A and B. They have hard closure date October 1st through July 14.

Then, the next set of structure that have closure date is the S12A and B, and they have similar -- I mean, pretty much the same October 1 through July 14 closure date. However, it has a high-water exit strategy based on Station 3A. Somewhere when it's above this Increment 1 action line, then the structures will be allowed to open for additional one to two months.

Then, on the eastern side of the park for the

eastern populations, the S332B structure has a pump restriction, and you can see here it can pump up to the maximum 500 CFS between July 15 and 30th of November. That's outside the sparrow nesting season, breeding season. And then, start approaching the dry season near the beginning of the breeding season for the sparrow, our pumping at 332D cut back by 300 -- to 325 CFS from the 1st of December to the end of January, and then 250 cap off during the entire breeding season.

So that's just where we are today, Increment 2 Operational Strategy that's an offshoot of the ERTP Water Control Plan.

So, moving forward and comparing to COP, you can see, for the most part, we still have L-29, be able to raise up to 8.5 feet-NGVD to put more water into the park, maintain authorized flood protections in eight-and-a-half square mile area, maintain authorized flood protection along L-31 north and C-111 canal, provide supplemental flow to Taylor Slough, and maintain the hydrologic ridge, minimize discharge to 197.

What's new? It's the new Tamiami Trail flow formula and the new Water Conservation Area 3 Regulation Schedule.

When working together, it sends a little bit more water to the park. And then, briefly, the new Regulation Schedule, the area in red is Zone A, that's water level in 3A, the 3A average in Zone A. It's going to be a maximum discharge out of the Conservation Area through available output structures.

Once it's in Zone B, which is the green zone, that we follow the prescribed Tamiami Trail weekly flow formula. Whatever the weekly flow is computed, we're going to try to deliver that amount to Everglades National Park.

And one more new item, now, as you remember that S334 had a closure date. Now, in COP, it won't have a closure date. When 3A is in Zone A, it will be open, and when it's in Zone B, it will be closed.

On the eastern side, S332D will have additional month of pumping at 500 CFS. Instead of the end of November, it will be the end of December. So, those are the major changes that differentiate from the Increment 2 field test.

So, with all these components, the goal is to increase a little bit more the water delivery from 3A into Northeast Shark River Slough, and overall

Everglades National Park.

So, here is a quick look at our Regional System Model Simulation Result that our team did over the last 18 months. Looking on the left is the existing condition. You can see the average annual overland vector center and to the west of Shark River Slough, not too much into Northeast Shark River Slough, the whole historic flow path.

But on the preferred plan we call COP, you can see even more of that because we are now taking advantage of all the completed features of C-111 and Mod Waters. We have the one-mile bridge, 2.7-mile bridge here, and with increasing delivery to Northeast Shark River, you can see the more concentration of the overland flow vector.

So not only the modeling result inform us that we're heading in the right directions, but I'd like to share with you my tracking table of how well we're doing under incremental field tests.

So, the table on the left keep track of the rainfall in the conservation area, Conservation 3 rain area, and the arrow here is keeping track of the total volume delivery into Northeast Shark River Slough.

So, in 2018, we have 41 inches of rain. We

were able to deliver approximately 343,000-acre feet. Compare that to the beginning of our incremental field test where we had around 45 inches of rain, but we only deliver 127,000-acre feet. That's three times more compared to 2018, volume about three times more than what we did in beginning of that, and five times more when dated back to 2012, when we start this ERTP, and back then, it was an IOP, I believe, Interim Operating Plan. So, it looks like we're heading in the right direction.

So, what's missing on this table? 2019. How do you think we did in 2019? Well, I'd like to share that with you. We got about 45 inches of rain over Conservation Area 3, and we delivered even more water, about 38 percent more, around 473,000-acre feet. That's a huge step to restoration.

So, the two Water Control Plans I summarize here in the table that I talked about in previous slide. So, basically, we have a new Regulation Schedule with a new formula, with the same goal, increase flow to Northeast Shark River Slough, and ENP overall.

We have -- we still have the L-31 north canal

seepage management, maintain the operating range, 5558 in the northern reach, and in the southern reach where we have S332B, C and D, we use that to manage canal level upstream of 176 for South Dade and provide flow toward Taylor Slough.

And then, downstream of 176, we have the C-111 canal seepage management. We nudged down a little bit from 45 to 42.

Then, continue with the supplemental water to Taylor Slough, the effort we made, we identified new source of water. We, doing the modeling, we found that we can send water from 3B, depending on the stage in L-30, somewhere between up to 400 CFS as we're exiting out the wet season, and then, also, once we -- if that water is not available, we can draw back into Conservation Area 3A.

So that brings me to the last slide of my portion of my presentation is the Water Control Plan, in summary.

So, the detail of our Operational Plan you can find that in the Appendix A of the EIS, and also, I'd like to share with you that it is Chapter 7 in our new System Operating Manual. We just recently update from the old Water Control Manual.

So, this is important to us, the Corps of

Engineers, to come here today to share with you the changes to the current Operational Plan that we call COP, but at the same time our public outreach is consistent with our engineering guidance listed here, the Engineering Regulations 1110-2-240, it governs our water control management, and also the Engineering Manual 1110-2-3600 is -- talks about our Water Management Control System.

So, each time we make operational changes significant enough, we ought to come and talk to you about it. Thank you very much.

MS. NASUTI: So, then, to briefly conclude our presentation, once again, we just wanted to provide an overview of the National Environmental Policy Act, or NEPA, and just reiterate how you can provide comments on the COP Draft EIS.

So, NEPA is a federal law that requires federal agencies to consider the environmental impacts of a proposed action, as well as the consequences, before making a final decision whether to implement the project. NEPA also provides a process to solicit and consider comments on the proposed action from federal, state, local agencies, as well as members of the public.

This graphic here just outlines the NEPA

process. For COP, we prepared an Environmental Impact Statement. A Notice of Intent to Prepare an Environmental Impact Statement was published in the Federal Register on September 8th of 2017. A NEPA Scoping Letter to solicit comments from agencies and members of the public was completed on September 22nd of 2017, and we just published the Draft EIS in the Federal Register on January 31st of this year.

So, the Draft EIS is out for a 45-day comment period. Comments will be accepted through March 16th of 2020. After that, we anticipate publishing a final Environmental Impact Statement in the June/July timeframe, and then the Record of Decision would be in August. Once the Record of Decision is signed, that's when we can actually implement the Water Management Operations that Lan described.

Within the COP Draft EIS we analyzed all potential effects of implementing COP on the human environment, and those categories are listed here.

And then, in terms of additional comment opportunities, as Jason mentioned, you will be given the opportunity to provide a verbal comment, tonight. You can also provide a written comment

via the comment card that was at the front desk, or, following the meeting, you can submit comments via e-mail. There's my e-mail address, as well as the mailing address. And once again, the comment period ends on March 16th.

The website on the slide is where you can find a copy of the Draft Environmental Impact Statement. And then, as Jason mentioned, in addition to this Public Meeting this evening, we're also having one on February 19th and February 20th in Islamorada and Cutler Bay, and at those meetings they will receive the same presentation that was given this evening.

So, we would like to conclude our presentation, and I'll turn it back over to Jason, and I believe we'll start the public comment period.

MR. ENGLE: Thank you, Melissa. Thank you, Lan.

Prior to starting the public comment period, I'd like to give Mr. Adam Gelber a chance to come up and give the Department of Interior perspective on the project. He's Director of Office of Everglades Restoration Initiatives.

MR. GELBER: Thanks, Jason.

Good evening, everyone. How are you this evening?

I'm very excited about this project. It represents the beginning of a new new for us in South Florida, specifically Everglades National Park. The Department of Interior has long been a standing partner of Everglades restoration. Interior is represented in the 18,000 square mile ecosystem by multiple National Parks refuges and preserves. These places are separated but also linked by water and a complex system of levees, canals, and pump stations that manage that water that you've heard about tonight.

Thank you all for being here and participating in the process either directly, indirectly, part of the public, helping guide this project to this place.

Everglades restoration, in general, is not easy. You all have seen that and live it every day. And therefore, the Department recognizes the significant and continued contribution to the United States Corps of Engineers and the South Florida Water Management District to improve the condition for the natural environment, while managing the built and the balancing this requires.

This project has been long, long, long in the making, and is just but one of the many significant steps forward in achieving progress in restoring the Everglades and providing for regional management.

Interior -- and this project, represents some of Interior's most significant investments into the restoration of the Everglades. This is one of the projects, when we talk about quality, quantity, timing, and distribution, this project has a significant impact on Everglades National Park in delivering additional flows, as was shown in Lan Do's presentation. You can't really debate that influence of the effects that that has on the park and the regional resources to reverse the adverse impacts to native fish and wildlife.

The COP, as you've heard tonight, reiterating it for emphasis, will allow us to increase that stage in L-29 to begin to receive those benefits into Everglades National Park, and utilizing those pathways of the combined efforts of the state and federal agencies to raise Tamiami Trail to achieve these goals and providing more flow-way down the central pathway. As you've heard, the significance is moving more water into Northeast Shark River

Slough.

The real-world effect, how does this work? When Irma came through, Irma put a lot of water on the South Florida landscape, an immense amount of landscape. We didn't have to send all of that to tide. We could really begin to focus, during the increment testing, on keeping that water in the system and working on our timing and delivery of the slow recession rates through the system, which the results were the mega colonies had returned back to the park.

And the Combined Operations Plan and the hard work of everybody involved in this, really, we got to see a glimpse of what it could be with continued restoration.

And again, thanks to the Corps and the District and all those at Interior. Dave is here, Rudnick is here, representing the park. Job well done, and we're here to support, and thanks again.

MR. ENGLE: Thank you.

So, this is the beginning of our comment period. I have three comment cards. The way that we would like to do this is just, if you have submitted a comment card, I'm going to read your name. You can come to the front. I'll hand you a microphone.

Please restate your name and any affiliation that you have, so that we make sure that the court reporter can record it.

And as I said before, if you say a comment here tonight, you're still welcome to submit a comment card with us, in writing.

PUBLIC COMMENT

MR. ENGLE: So, the first person is Newton Cook.

NEWTON COOK: Thank you very much. Newton Cook, United Waterfowlers Florida.

I was here this morning and we were talking about quality, and I learned a lot, and I was very appreciative.

Tonight, we're talking about quantity, and we all quality/quantity, that's what the whole thing is about.

I like to get my numbers right, so that's why I came this morning and why I'm here tonight, to be sure that when I am commenting on these projects, Congressman Mast and I had a conversation the other night during a meeting, and I like to -- when I say a number to that gentleman, I want to be sure it's the right number. I don't want to give him any false information, and that's what we have, we have

a lot of false information, an incredible amount of misinformation out there today, particularly on social media.

So, what did I learn tonight? I learned tonight that, after COP is done, the number I had been using for years, 18,500, or so, CFS of new flow onto the trail is actually around 13,000 CFS on the trail, after COP is done. Nothing wrong with that; that's a lot better than the 6,000 that we've got now. Of course, the 6,000 is (indiscernible) they got that to help us get WCA 3 drained during a problem with the Cape Sable Seaside Sparrow.

So, that's important. If we're done to 13,000 CFS going on the trail, we all have to remember we have 18,000 to 30,000 CFS coming in at the top of the lake during any kind of rain event, September 2016, Irma.

For some reason, we have a restriction at the bottom of the lake of 6,000 CFS. There are not structures in the CERP plan to increase the drainage out of the bottom of the lake. I've never been able to find out why.

It rains on the WCAs. It rains on the EAA. So, you have 13,000 CFS, new water, or total water,

going onto the trail, not very much lake water during a rain event, new, that's going to be going on the trail with COP.

And what I stand here is I live near the St. Lucie. I don't see any help for the St. Lucie or the Caloosahatchee here.

I don't even talk about the Cape Sable Seaside Sparrow too much, because, as I said this morning, Larry Williams, at the Fort Myers District Meeting, told us that nine months of the year the water will be restricted, as it is today, into the future, because of the Cape Sable Seaside Sparrow. So, actually, we may never see more than 6,000 CFS even after COP is done. I keep looking for someone to disagree when I make these statements.

The last thing I want to talk about real quick is the historical flow through the system. I asked the question once, what new flow do we have to have to match the historical flow, and I was told it had to be 700,000 to 1.3-million acre feet per year going onto the trail to match the flow that's new, over and above what it was today. That's not even two feet off the lake, particularly if you remember it's still raining on the WCAs and EAA. So, a lot of that 700,000 to 1.3-million-

acre feet is not going to be lake water.

In fact, the whole system is actually not draining the lake. If you actually put the numbers to the rain, the rainfall, and the drainage structures. I want people to know that, because people in the estuaries honestly really believe that when Mod Waters is done everything is going to drain and they're not going to have any damaging discharges. That is not true. I keep waiting for someone to disagree.

I don't know what we're going to do. I've been, what, doing this for 20 years. We have wonderful people. I mean, we get new ones, wonderful people. Everybody wants to do the right thing, but the fact of the matter is, with social media, it's all over the place out there, and nobody in this room is getting any high marks, I can tell you. What can we do? Thank you.

MR. ENGLE: Thank you. Next speaker, Sheila Calderon.

SHEILA CALDERON: Good evening. Sheila Calderon. I'm with the Sierra Club, and I live in Greenacres, Florida.

And I am here tonight and wishing that the one person from our group that is expertise in this

subject, Phil Martin, is working this evening and is, unfortunately, not able to be here. So, I'm going to confine my comments to concerns, because I really cannot properly address the science of the water movement that you have discussed this evening.

And clean water is lifeblood of the Florida Keys economy, their business, tourism, fishing. They cannot survive unless we send more clean water south, and we need to do it soon. We are concerned the agencies have taken three years to develop plans that will deliver only marginal benefits, and we need to send the water south, as we said. We need to send it south, and I'm hoping that it happens before it's too late.

Florida state, the federal government are making significant investments that should expedite Everglades restoration, and everyone wants to see water moving, and everyone wants to see it happening. Of course, it is the infrastructure that we need to move the water that needs to happen in order for it to happen, period.

We're concerned about how we are going to address the Miccosukee Tribe, the changes that could limit their access to the tree islands to

practice culture and religious practices that they have, and still maximize the water to Florida Bay during the dry season.

Any plan that doesn't maximize sending the water to the Everglades and Florida Bay would be wasting taxpayer money, and I am hoping that what you are proposing today is going to work to move us forward and to move us forward quickly.

I am also very concerned, from the little that I -- as I said, I am not the best at understanding the total systems, but I am concerned about how it's all going to happen during drought season.

And I'm just thanking you for the opportunity to speak, and you can be sure that we will be submitting something in writing. Thank you.

MR. ENGLE: Thank you.

Final card, Cara Capp.

CARA CAPP: Good evening, everyone. I'm Cara Capp for the National Parks Conservation Association.

I wrote new comments for tonight, though I think I could have read any of the comments that I have given throughout this process, since 2017, because the message is the same. Florida Bay needs

more water in the dry season, and this plan does not deliver.

In fact, the Draft Plan does not even ensure that congressionally mandated minimum flows for Everglade National Park, during drought, will be met, and that may not have come across in tonight's presentation, but it is in the EIS and it's not acceptable.

I keep hearing about this plan that it's a step forward, and of course, sure it is. Benefits to Northeast Shark River Slough are good. Raising the L-29 is good. Setting the stage for more progress in CEP is good.

But will Florida Bay be more resilient to seagrass die-offs and fish kills during the dry season? No, because there were almost a dozen constraints put on more flows south right from the beginning. We thought that the potential benefits were cut off from the get-go and this plan just didn't even have a chance to reach its potential.

So, unfortunately, Lieutenant Colonel, I don't feel like I'm here to celebrate. I'm not excited about the COP Plan.

If I paid a contractor $10,000 to renovate my kitchen, and what I got was new paint, I would say,

sure, that's an improvement, but that's not a good return on my investment. Congress gave a billion dollars for these projects, and I don't think Americans are getting a good return on their investment with the COP that's being delivered, and it's frustrating because it's a missed opportunity because of where we are right now.

You have the strong support of the community saying send more water south, and I don't mean the environmental community, I don't mean the Everglades community, I mean the Florida community. People in Stuart, people in Cape Coral, people in Key Largo, who can't understand this plan but know that we need to send more water south.

Meanwhile, we've got a $250-million investment from the President and Congress coming this year. We've got a governor who wants to invest $300-million in Everglades restoration every year. We're getting a clear message from our leaders, go faster, the status quo is not good enough. And this plan, to me, really represents the status quo. The boxes are checked for a marginal step forward, but MPCA isn't satisfied, a lot of stakeholders aren't satisfied.

So, I'm here to say that we expect more. We

are especially going to be watching very closely to see whether minimum flows for Everglades National Park are met in the next few years. I hope we don't have a drought. I hope that this isn't an issue, but we all know the reality of weather in Florida, and we're going to be watching.

And I would say, as many members of this PDT transition to the next phase, which is CEP implementation, I would urge you to really deliver on a bold plan for the Everglades, the plan that we deserve, and trust that the community will be behind you. We don't want baby steps forward; we want big restoration. We don't need to limit ourselves from the beginning.

And I do have more detailed, more technical comments, from MPCA that will be submitted in writing, on our behalf by the Everglades Loss Center.

So, I did want to especially thank and acknowledge -- I know this is the first meeting, and the meeting in Islamorada tomorrow, I know it's a big haul for the agency folks, it wasn't originally scheduled and now it is, and I know a lot of folks in the Keys are grateful for that opportunity. I think you'll see a big turnout

tomorrow of people who are very, very passionate about Florida Bay and who want to see these projects moving more quickly. Thank you.

MR. ENGLE: Thank you. Unless there are other public in the audience that want to make a statement, I think this concludes our public statements for the night. All right.

CLOSING PRESENTATION

MR. ENGLE: As I said before, comments can be submitted in writing. We have a court reporter here, taking down the comments. We will be in Islamorada tomorrow at the same time, starting at 6:00, ending at 8:00.

There will be time after this for our folks to answer questions at the posters for anyone that wants to stay and talk.

And I was told that this building closes at 8:00, and the gate in front closes at 8:30, which shouldn't be a problem. Thank you for your time tonight. And if you have any questions, please stay around to talk to us. Thank you.

CERTIFICATE OF REPORTER

STATE OF FLORIDA

COUNTY OF PALM BEACH

I, Amanda Thomas, Reporter, certify that I was authorized to and did report the foregoing proceedings, and that the transcript is a true and correct record of my notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Dated this 5th day of March 2020.

_____

Amanda Thomas, Reporter

IN AND FOR
MONROE COUNTY, FLORIDA

IN THE MATTER OF:

THE DRAFT ENVIRONMENTAL
IMPACT STATEMENT and
WATER CONTROL PLAN

_____/

87000 Overseas Highway

Islamorada, Florida, 33036

Wednesday, February 19th, 2020

6:31 p.m. to 8:08 p.m.

Taken before Amy Lowd, Court Reporter, a

Notary Public for the State of Florida at Large.

APPEARANCES:

COL. DREW KELLY,
US Army Corps of Engineers

JASON ENGLE,
US Army Corps of Engineers

ANDREW LOSCHIAVO,
US Army Corps of Engineers

LAN DO,
US Army Corps of Engineers

ADAM GELBER,
Department of the Interior

(Thereupon, the following proceedings were had:)

COL. KELLY: All right. Thank you very much. I feel more comfortable, actually, if I'm standing. So on behalf of Jacksonville District US Army Corps of Engineers, I'm Colonel Drew Kelly. I'm the commander at Jacksonville District. We've got the whole team down here.

Tonight, we're going to talk about the Combined Operations Plan, but I'd just like to say that it's great to be back. It's great to be back on the bay. I was here about six weeks ago with a couple of principal deputies, one from the Assistant Secretary to the Army for Civil Works, who is the elected official -- or the principal that is over the Corps of Engineers, and also a principal deputy for the Department of the Interior.

We got a great tour on the bay. As a matter of fact, Liz and Xavier's boat I was actually on, so I can tell you firsthand that -- that we understand kind of the importance of water and how it affects the bay, and how the system is supposed to work. So we're here today to explain, or about to get into, which is the Combined Operations Plan, how it affects the bay, how it affects the greater

system, and how it all fits together and, most importantly, to listen to all of you. So just wanted to say that to kind of get started.

I'd like to ask if there's any elected officials in the audience, I didn't get to meet, who would like to make any opening statements? Okay. Then I'd also like to introduce Mr. Adam Gelber from DOI.

MR. GELBER: Can I close this? Is it going to shut you down?

UNIDENTIFIED VOICE: That's okay.

MR. GELBER: Good evening, everybody. Thank you all for being here to review and discuss this very important project this evening. My name is Adam Gelber. I'm the director of the Office of Everglades Restoration Initiatives. I've met many of you out on the boat and have worked with many of you as well.

The reason why we're here is because of Interior's investments. The Department of the Interior has been a long-standing partner in Everglades restoration. Interior has investments in the 18,000-square-mile Greater Everglades Ecosystem through multiple national parks, refuges, and preserves. All of these places are linked by

multiple canals, levees, ditches, pump stations, to manage all of the water that we have in this state of water. Again, thank you all for being here to discuss this important project.

This stuff is not easy. Everglades restoration is extremely complicated. Therefore, the Department recognizes the significant contributions of the Army Corps of Engineers and the South Florida Water Management District, who is here today, to improve the condition of the natural environment while managing the build and the balancing that this truly requires.

This has been a longstanding effort, probably like 25, 30 years, in the making. Once again, it's not easy. This is one of many significant steps that we have to take. This is one of the foundation projects that you'll hear more about tonight, and I don't want to steal too much of the Corps' thunder of the benefits that this has to be, but I can't stress it enough the significance of this initial step towards regional water management.

We're going to be hearing today about supporting -- the support of continued hydrologic restoration of the southern end of the system where

we have -- Interior has the most investments on the ground that you'll be hearing about.

Everglades National Park was established to protect the unique and vulnerable water-based flora and fauna. Manmade changes to quality, timing, and distribution -- quantity, quality, timing, and distribution throughout the ecosystem have resulted in adverse effects that you all are keenly aware of. This plan builds off of recently completed projects such as the modified water deliveries to Everglades National Park and the C-111 South Dade Projects, also taking into consideration future projects of the Central Everglades Planning Project.

The COP will -- the Combined Operation Plan -- will allow us to stage more water in L-29, bringing those benefits into Everglades National Park. This, combined with all of the state and federal combined efforts to raising Tamiami Trail, that is actively going on, and we're getting every day closer to Phase II initiation. All of these projects will work in concert to restore hydrology and freshwater flows to Northeast Shark River Slough.

How does this apply to us? How does this

apply to the park? How does this apply to the resource? I think one of the prime examples that we've seen is, during Irma, putting so much water in the system. It allowed us to keep that water in the system and not flowing at the tide, then allowing us to not focus so much on quantity but focusing on the critical timing and distribution of QQTD.

The results many of you are seeing, all the small snoek and redfish in the system, what that did to Tarpon Bay and the headwaters up at the Banana Patch with the bass fishing up there, you know, because it really brought that concentration of bait down into the system and the food. We went -- also the mega-colonies was a really -- a tremendous view of what we can have, and what is achievable through restoration when we get these projects built. It's going to take some more time, fortitude, and grit.

So you’re here with a lot of the Corps, which is a huge, huge portion of restoration. Dr. Jed Redwine, please raise your hand. He's a park service project manager for COP. Tylan Dean in our Resource Management Department there in Everglades National Park is also here joining us. Thank you,

Colonel, for your time.

COL. KELLY: Okay. So I get to kick this thing off. What you're not going to get out of me is all the technical stuff, right? So, my team is here. We're going to deliver for about a half an hour. At last count, we had about 13 comment cards. I think we're getting one or two more, so don't be shy. Put your name on a comment card if you want to come up. We've got about a half an hour to get through this stuff so we can do what we really came for, not only explain it to you, but listen. Overall, it's great. It's great to be in South Florida. It is great to be here now.

I've been in command now for a year and a half. In that time, we've seen -- and my team tells me, folks who've been here a heck of a lot longer than me, you know, the amount of momentum we have carrying forward to do the ecosystem restoration work we've got to do is all gelling right now. We've increased our budget by about -- the federal money coming into this restoration program has doubled since I've been here. We're working on $235 million that we just got for the workplan for 2020. You know, there's a -- the president's budget listed $250 million. So we are

off.

I know the state is actively working and putting the pressure on, and the deal is we're coming through this together. We're going to be putting a lot of infrastructure in the ground. What we're here to talk about is what allows that to have a direct effect to link the system, eventually, between the Kissimmee River and Florida Bay. That's what it's all about.

So, overall, you know, what has been done so far? So far, the funding and the time that Mr. Gelber, and those who have been around the program for a long time, so far, what we've done is we have been able to slow the degradation, right? So we've slowed the degradation. All the effort's been slowing the degradation. I think with the momentum, and the amount of effort we got going forward, we can actually turn the corner and start making some significant improvement.

So, what are we doing? Right now, this is the last year. We're going to finish the Kissimmee River Restoration. We're going to have a huge focus on the EAA Reservoir, which is storage south. I'll come back to that a little later. We're continuing construction on C-43 and C-44 to handle

predominantly basin issues to the east and west Lake Okeechobee. We're doing Biscayne Bay coastal wetlands, the Phase II. We got three studies we're going to try to get it in to the next law, which will -- which will do a couple of things.

It'll help the Western Everglades. It'll help the Loxahatchee, and it'll put storage north of Lake Okeechobee because it's all about storage. On the back of the -- on the back of that table, there's a thing called the IDS. That Integrated Delivery Schedule has all the projects that we've got going between now and 2030 to the tune of $6.2 billion. If you factor in the three studies I talked about, you know, add another three to $4 billion. So we're talking some real money, but that's what it's going to take to get to linking the system and putting it all together so we can achieve some serious effects.

So right now, again, we're talking about the Combined Operating Plan, and, thank you, Mr. Gelber. You know, it is a foundation project, and, you know, as a combat engineer, I like to build off of a strong foundation. I think this provides it. We're going to use COP. It opens up the bottom end of the system so that all the other infrastructure

that's predominantly on that IDS, including the EAA Reservoir and the storage that we have, will allow that water to move efficiently and effectively to the bay.

So once we put all things together, because of this, we'll be able to get the impacts and get the effects we're looking for. Without COP, you end up with water bottled up, and you can't get it down. So the infrastructure that we put in place so far allows us to open up and kind of do that. At the same time, between now and 2022, we're instituting another operational manual for Lake Okeechobee. We call it Lake Okeechobee System Operating Manual. The reason why we changed the name is we're trying to make it link as a system, right?

Now, I've been told it's a little bit disingenuous. That was not the intent for my decision in naming that because with that schedule doesn't quite truly get the link of Lake Okeechobee to the southern end of the system. It gets close, and thanks to your participation in LOSOM. So when we started LOSOM, we started a public outreach. We started public scoping, and we were going all the way around the lake. We had six or seven sites we were going to, getting lots of folks. The Keys

called and said, you need to come down here. So, we did. We came down here, and that was awesome. I want to thank everybody who kind of raised their hand and said, we're part of the system, too, and we want a voice now, as well as going in the future.

So, we've been down here. We're still -- we have members on the PDTE from this area. Again, eventually, that linkage will be strong, and we'll be able to work that. So how does that linkage happen? One of the predominant ways that linkage happens is the EAA Reservoir. So the reservoir and water storage south of the lake, key and critical, not only to open the plumbing to provide the water and storage of the water so that when it's dry, there'll be stuff to push. I should say it the other way around. There’ll be stuff to pull because the reality of the system here, the reality of COP, is that it changes the way we think about the southern end of the system.

Right now, my technical team is going to do a brilliant job of explaining, kind of, all the technical details of how that works. For me, it's as simple as right now, water comes, we take an allocation, and we send it south. This plan makes

the driver or the signal, the south. So the south will say, we need more at this time. We need this at this time, and the plan will be able to start doing that. The plan becomes complete when there's enough storage in the system so every time there's a signal, there's enough to send.

So we'll go through that as a technical staff to do that. It'll also talk very specifically about, not only just the volume of water, but getting in the right place because we've been doing a lot with putting it the wrong place, but this and other infrastructure helps put it in the right place. They'll kind of walk you through that.

In the end, I just want to say thanks for your commitment and support. The Everglades Restoration competes extraordinarily well nationally. Extraordinarily. The funding in the recent years is a demonstration of that. What I'm asking you -- and I know all of you here are committing your own time and effort into that, and I ask you to continue, as there are challenges on the horizon in places like California and Texas where there's other ecosystem projects across the country that are important. So, keep it up. The participation and the explanation that the Everglades restoration

is important, and it's important on a national level, to continue the activity that we've got going forward, at least for the next ten years and beyond, so we can fully link the system and get all the benefits we are trying so hard to get as quickly as humanly possible.

So, again, it was great to be here. I look forward to the team kind of explaining all the details, and I really look forward to listening to you at the end. Thanks.

MR. ENGLE: Thank you, sir. My name is Jason Engle. I'm the chief of the Water Resources Engineering Branch in Jacksonville. I'm going to give a short intro, and then we're going to have a PowerPoint slide deck where they're going to walk you through the details of the infrastructure and the Combined Operating Plan, and then we're going to take public comments.

What I wanted to first do, though, is give our team a chance to introduce themselves. This group's been working in this study for a long time. A lot of other people from other agencies are on our team. So I just wanted to give everybody a moment to introduce themselves. So I'll just go down the front row, and -- well, I'm Jason Engle.

I'm chief of the Water Resources Engineering Branch. What our group does is we do all the numerical modeling and the analysis for designing these projects. So we've got groups of biologists working on our planning division. We've got our engineers working on design. What our group does is works on the hydrology, the rainfall, the flow of the water, and the hydraulics. So we've got -- we got our A-Team here tonight, and I just wanted to give them a chance.

MR. LOSCHIAVO: Andy Loschiavo, Restoration Resources Section Chief. I'm here. My environmental team lead, Melissa Masudi (phonetic) is in training, so she couldn't be here tonight, but we’re just working with our partners on the COP plan.

MR. CRAWFORD: Dan Crawford. I'm an engineering lead and a water resources lead who's coordinating all the modeling efforts that we've done to get the water right for this project.

MS. POLATEL: I guess it’s me next, unless you want to go first. Jeyda Polatel. I'm a hydraulic engineer. I work for the Water Resources Branch, and I was actually helping with the hydraulic modeling.

MS. GEORGE: I'm Donna George. I'm the project manager for the Modified Water Delivery Project and the COP as well.

MS. VELEZ: Good evening. I'm Eva Velez, and I'm the strategic program manager for the Ecosystem Restoration Program.

MR. DO: Hi, my name is Lan Do, and I'm water manager working for Jason.

MR. ENGLE: Do we have any other PDTE members? I think, Jed, you were introduced earlier?

MR. REDWINE: Yeah. I'm Jed. I represent -- I participate with PDTE on behalf of Everglades National Park.

MR. ENGLE: Great. Do we have any other folks that have been on our team throughout this process? We also have the deputy director of the South Florida Water Management District here with us tonight. They're a very important partner in Everglades restoration, Don Bennink (phonetic).

MS. MILLS: I'm Brenda.

MR. ENGLE: Brenda, I'm sorry.

MS. MILLS: I do the coordinating for the COP.

MR. ENGLE: Anyone else? Sorry. I ask people to stand up and raise their hand. Okay. We go. All right. So I think we've been through this, but

I'm going to say it one more time because repetition works. The purpose of the Combined Operating Plan, or the COP, is to define the operations of the infrastructure that we'll be talking about tonight. This is the modified water deliveries to the Everglades National Park and the C-111 South Dade.

We're here to host these public meetings. This is the second of three. We have another one tomorrow in Dade, and yesterday, we had one in Palm Beach County. Tomorrow's meeting is in Cutler Bay, and all the information's available on our website or if you talk to us afterward. After this meeting, too, as a point of if there's anything that comes up tonight, we're going to have a public comment period. This is a chance for you to be on the public record with your concerns or comments. It's not really a question and answer, but we are going to stay afterward and stand up these posters again. So if we talk about something tonight and you have a question, please stay afterward, and we'll stay here as long as it takes to answer your questions.

We have people here from all the partner agencies. We're appreciative of the support that we've gotten. We appreciate you all showing up

with your comments and questions for this. Since the original authorizations, the modified water deliveries and C-111 South Dade Projects have continued to evolve and integrate new information to ensure achievement of project purposes as foundation prerequisites to the broader comprehensive Everglades Restoration Plan.

What that all means is that we have been building this infrastructure for years. It was completed in 2018. We have been incrementally operating this to take advantage of it along the way, and I think what you'll see tonight and, particularly, what Mr. Lan Do is going to present, is that we have been able to leverage the benefit of this infrastructure.

Now, this Combined Operating Plan is the last step of implementation, and we're here tonight to roll that out and to get your comments, understanding that it also has adaptive capacity built into it. That's a really important point for people to take away tonight. Throughout this recent construction and transition operational period with our Everglades restoration partners, the Corps has conducted a series of operational field tests since late 2015. The immediate

benefits to the ecosystem and support continue monitoring and learning and resulting response. Development of the Combined Operating Plan is currently benefitted from our collaboration with the public, including the Seminole and Miccosukee tribes, the federal, state, and local resource management and regulatory agencies.

Pursuant to the National Environmental Policy Act, or NEPA, the US Army Corps of Engineers regulations for water control management, the Corps at Jacksonville District, is hosting this meeting to inform members of the public of release of the draft EIS, Environmental Impact Statement, for the Combined Operating Plan which supports the Water Control Plan update as well.

Once the presentation is complete, we'll offer you the opportunity to comment. If you filled out a comment card, we'll call you up, and I'll just -- I'll let you have the microphone. You'll be on this side of the podium. Make your statement two or three minutes. We have enough time for everyone to say their piece. We have a court reporter here who will record the statements and make them available for the record. This is part of the official NEPA process, and this is what we do. You

can also enter your comments online through our website, which will come up on the slides, or you can write them in on a form that we have at the back.

So we're going to step into a presentation now, and first speaker will be Mr. Andy Loschiavo. He's going to do a presentation on the NEPA portion of it, National Environmental Policy Act. Then we'll have Lan Do come up, and he'll walk through the Combined Operating Plan.

MR. LOSCHIAVO: Good evening. Andy Loschiavo. I introduced myself earlier. I'll be talking to you about the Combined Operations Plan and give you a little background on this project. So the Greater Central and Southern Florida Project was authorized to function for multiple purposes. Those include flood control, water supply for agricultural, municipalities, and industry, regional groundwater control to prevent saltwater intrusion, enhancement of fish and wildlife, as well as recreation.

This is -- our original project was authorized back in 1948, and it was built over many years. It had some unintended consequences for fish and wildlife and water going to Everglades National

Park. So there are two key projects that were authorized to alter that overall big water management system, and that's the Modified Water Deliveries Project. It's designed to provide a system of water deliveries to Everglades National Park, ENP -- I'm just going to say Everglades National Park -- across the full width of historic Shark River Slough flowway. The other one was the C-111 South Dade Project that was designed to control seepage moving out of Everglades National Park from west to east and, ultimately, reduced the damaging discharges out the S-197 to Manatee Bay and Barnes Sound while maintaining flood protection for agricultural lands just east of the C-111 canal.

So we mentioned these foundation projects, Modified Water Deliveries and the C-111 South Dade Project. There's a number of other projects throughout the whole South Florida Everglades ecosystem. You can see on the map here, and I encourage you to pick up the Integrated Deliveries Schedule to get an understanding of when these projects are complete and when the Comprehensive Everglades Restoration Plan projects are going to be designed and implemented. Most importantly, I

want to point out that we needed a complete Modified Water Deliveries Project and, ultimately, the Combined Operations Plan that operates these before we implement a portion of CERP called the Decompartmentalization Project where we're basically removing barriers in water conservation area to achieve flow, so removing some of those levees and canals as part of CERP.

As was mentioned earlier, this project, the Combined Operations Plan, sort of sets the stage to be able to do that so we can move more water into Everglades National Park. So, really, what is the COP? It's kind of an interesting term, but it's the Combined Operations Plan. It's how we're going to operate this new infrastructure as part of updating the 2012 Water Control Plan that basically describes how we're operating in various water management structures, the stages and canals, and then the water conservation area. So waters move from the conservations areas, ultimately, into Everglades National Park and then into the South Dade Conveyance System. COP helps redistribute this water from a lot of it moving west into Shark River Slough to the east, which is more like the historical patterns that used to happen in the

Everglades.

This is compatible, ultimately, with being able to allow more water to come into the system through the CERP projects and, ultimately, helping address ecological restoration objectives that I'll show you in the next slide, and, ultimately, adhering to project constraints. There's other purposes, flood control, water supply, so that we're balancing those objectives.

This whole planning effort to come up with the Combined Operations Plan and recommended plan that' described in the Draft Environmental Impact Statement, and partly why we're here tonight, was to inform through a series of incremental changes. We talk about the L-29. What does that mean, the canal? We'll show a picture of that a little more clearly, but for looking at this, this system here, here's Water Conservation Area 3A. Here's some of the L-67 structures that split it into Water Conservation Area 3B. Right here is where the L-29 canal is. Ultimately, those incremental deep changes allow water to be raised in the trail so that -- or the L-29 -- so that the water can move across Tamiami Trail because there's addition of several bridges. There's some more structures

being built to allow that water to come through into Everglades National Park.

You'll see some of the other modified water delivery structuring here. It's in the posters but also in this presentation. They're all in blue. Then the C-111 South Dade Projects are these green structures here that really are a series of structures that have tension areas to basically build up a hydrologic ridge to keep water in the park, and not keep moving over into Miami-Dade.

Ultimately, you'll see here in red, that's one of the CERP projects, C-111 spreader canal, that also continues the hydrologic barrier here. So the South Dade and agricultural area is right down here. So we're trying to protect that area also from flooding as we move more water into Everglades National Park. So some of those objectives are to improve the timing of this water, the location of where that water's moving, and increase that volume of water to the degree that we can so that we can improve hydrologic conditions in Everglades National Park.

Ultimately, we're maximizing hydrologic restoration to Taylor Slough and Rocky Glades in the eastern panhandle of Everglades National Park.

With that, that provides a little more water to Florida Bay, which is important for everyone here that's in this room. We have to do this while protecting some of the intrinsic ecological volumes of Water Conservation Area 3A, in the park, because there's no new water coming in with this set of projects. That's really in the CERP projects that Col. Kelly mentioned that are coming up in the future.

We're also -- we mentioned minimizing those damaging discharges out of the S-197 structure into Manatee Bay, Barnes Sound, as well as considering cultural values and travel interests in Water Conservation Area 3A. Those relate to high-water levels that impact Tree Islands and 3A, as well as not trying -- trying to maintain water levels so that they don't -- it doesn't drain down any more than it does already.

So we're trying to meet these objectives while addressing the constraints mentioned before, and you can see water supply. There's four million people that live over in this area here in Broward and Miami-Dade. There's flood control for bringing more water through. We don't want to impact people who live just on the other side, as well as the agricultural land, saltwater intrusion prevention.

We don't want to draw down canals so much that saltwater moves in and affects people's water supply, and protection of fish and wildlife resources and, particularly, endangered species where we're trying to promote the recovery of those species and one such species being the Cape Sable seaside sparrow.

You can see these yellow circles right here, and that's where their different populations live. So we're bringing more water into this area in Northeast Shark River Slough and increase these water levels. So we have to be careful to not also impact their habitat as well. So it's a delicate balance here. Some of the other things that are important is maintaining the L-29 stage limit here at 8.5 feet. The reason that's important -- I'm pointing this out here -- here's the L-29 canal that runs across the northern edge of Everglades National Park. As you bring that water level up, more water can go underneath the bridges in Everglades National Park, but if you bring it too high, you impact the actual road that is there. So that's a main road for lots of people moving east to west across the state, particularly in hurricanes. So we don't want to do that.

We have to maintain the authorized flood mitigation of the Los Palmas community that's right here, or 8.5 Square Mile. So, if we're bringing more water in, we don't want to cause flooding beyond what's authorized in that area there. So what are the benefits? What do we expect to come out of this plan? So we're increasing water deliveries, removing a little more water; but what is that amount?

So we're increasing annual -- average annual flow to Everglades National Park by about 162,000-acre-feet per year on average. It's a 20% increase, and I'm going to say that with a caveat. That's just looking at comparison to the most recent increment of the Water Control Plan. If you go back to the water -- I guess the Modified Water Deliveries and C-111 South Dade projects before that, we've increased that total amount by about 63%. This is just the final additional increment.

We've changed the schedule of water deliveries so that rather than when rain falls, we send that water through the system, we're looking at the system a little more smartly with the Tamiami Trail flow form they’d seen. Well, does the system need

it down south? If yes, send it. We have it available. Ultimately, it's restoring the Northeast Shark River Slough as a functioning part of the Everglades system, and so this area, right here, is what's benefiting. You'll see in the areas in blue, that means the amount of time this water is above ground is longer, from anywhere from 30 to 60 days. Over here, this is increased water depths by anywhere from a tenth of a foot to over half a foot.

We increase the proportion of water ultimately entering Everglades National Park to the east from 58% to 77% percent. So that's from west to east, right here. Then when we're talking about reducing flows to the -- out of the S-197, we reduce them by about 41,000 acre-feet on average. That's what we expect, or decrease almost 70%. It maximizes progress towards restoring hydrologic conditions in Taylor Slough, and increasing flow to Taylor Slough, by about 6,000 acre-feet per year on average, about 7%. Then when you look at -- Taylor Slough is right in this area. If you look at the Eastern Panhandle of Everglades National Park, it increases it by about 30,000 acre-feet, or about 27%. That has improvements, ultimately, going into

the coastal creeks here in the Florida Bay.

There are some questions we have. Can we get more benefit out of operations here? How do we avoid impacting water quality as we move from a dry season to wet season and moving water? How do we avoid impacts to culture resources? That's why we have an Adaptive Management and Monitoring Plan associated with the Combined Operations Plan. It's meant to address some of these key questions and provide a strategy to not only monitor project performance, but help them form operational changes and improve our process to feed into Everglades restoration implementation overall, what we learn from this effort.

So, right now, I’m going to turn things over to explain water management operations by Mr. Lan Do, who is a water manager with the Corps.

MR. DO: Thank you. Hi. Good evening. Thank you for coming tonight, and I'm here tonight to present you our Water Control Plan for the Combined Operational Plan. This is a long time coming. I think I remember last time I was here was December 2018. We just finished Round One of our modeling, and we got folks' input. So, from that, we took off running, thanks to our modeling team from

Everglades National Park, Corps of Engineers and, especially, South Florida Water Managing District.

The team worked really hard over 18-month period. Dave Hannus (phonetic), the water manager at the center of Miami, I look at him, say, what is this? Then, he considered it. We assembled our multi-agency team, and we decipher it, the modeling result, and here we are. I'm excited to show you. Okay. Water Control Plan. Some of you might wonder what is a water control plan.

A typical water control plan that the Corps puts together consists of several operational criteria that define how and when water is stored and released. The plan may include a schedule of releases, and could also maintain conservation pool levels to be maintained during non-flood or drought conditions, and also has a set of downstream water level constraint. So we don't send too much water south and impact someone downstream or harm the environment.

So the COP Water Control Plan was drafted to meet its mission objective. That was mentioned by Andy. I list it here, but I’m not going to repeat it. I'm going to dive right into the Water Control Plan. So our Water Control Plan has eight

hydrologic basins, starting with -- let me use my little laser pointer -- Conservation Area 1, Conservation Area 2A, Conservation Area 2B, Conservation Area 3A, which is the largest one, almost 500,000 acre-feet, and then Conservation Area 3B. The next one, just south of the Conservation Area, is Everglades National Park. Adjacent to the east of the park is Las Palmas Community, 8.5 Square Mile Area. Last but not least, the entire South Dade Conveyance System along this corridor right here.

Within that eight hydrologic basins, we have 58 hydraulic structures, 9 canals, and 3 retention area. The three main retention area borderline the eastern byway of the Everglades National Park, is the C-111 South Dade feature we just recently completed in 2018, that was mentioned. Of the eight hydrologic basins, three of them have regulation schedule very similar to what I said up here, Water Control Plan Water Regulation Schedule. First one, Water Conservation Area. It prescribes flow out Conservation Area 1, down the system to Conservation 2A, through our S-10 structures. Next one on the list is Water Conservation 2A. It prescribes flow based on the regulation schedule

for Conservation Area 2A to 3, to our S-11 structures. Then, Conservation Area 3A, it has a regulation schedule to prescribe flow out of it.

So, finally, we are able to put more water to the east through the S-10 structures, through this blue arrow here, and the remaining flow go through S-12 structures. All right.

We did not put -- I mentioned before -- we did not draft this plan in isolation by myself somewhere. We had entire water management team put together by the agency, federal, state, the tribe, and also Miami-Dade County. So, over the five, six-month period, we worked really hard putting together this plan, and I was just wondering how come I'm the only one up here talking about it, but anyway.

So let's start with where we are today. The current Operational Plan we have today is called Increment 2 Operational Plan. Starting with Conservation Area 3A, we have a rainfall formula that was given to us, or drafted to put together in 1984, coupled with our 2014, that we revised for the Regulation Schedule 3A. So both of those prescribe a weekly flow coming out of 3A into Everglades National Park. Then looking downstream,

right? So here it comes, downstream constraint. Finally, when we completed the C-111 construction feature, under Increment 2, we could raise it up to 8.5.

When we begin this journey of incremental field test, we could only put -- raise the canal to 7.5, a full foot uplift you would see in the latest slide, the benefits that we provide to the park. So the Modified Water Delivery was authorized to allow us to bring more water into the park, but at the same time, it's asked us to maintain the flood mitigation for the Las Palmas community right there. That's the edge of Everglades National Park in the Rocky Glades area, but that's our response so we could keep them whole. First, do no harm is our water manager's motto.

What do we want to do? We got to check off everything okay downstream. Next, is maintaining the authorized flood protection along the L-31 north canal in C-111. The line running north and south in the upper reach in orange is L-31 north canal, and then the one in blue is C-111. They all met right here at the S-176 structure. To me, that's a divide structure, right? So when we have local rainfall, C-111 handles local basin

runoff. Then when there's rainfall in this area, L-31 north send water down to the S-332B, C, and D, the complex. So this current plan also begin Florida Bay -- the Governor -- South Florida Water Management District Governor Board Florida Bay Initiative got started back in 2017. It's to find a way to send a little bit more water towards Taylor Slough.

So we're making the plan to have water coming out 3A, during beginning of the dry season, and maintain that and send it south to the S-332B, C, and D Complex so that way we can rehydrate the northern portion of Taylor Slough. That's shown in green arrows here, coming down, the South Dade Conveyance System and pumped right through and put into the detention area. Then last, among the count of the South Dade Conveyance System, our goal is to minimize this shard to S-197. I'm happy to report, over the last two years, not a single drop of water we pushed through S-197. Then, as we mentioned earlier, we have the sparrow, the endangered species Cape Sable seaside sparrow habitat on both sides of Shark River Slough, as you can see here.

In 2016, the United States Fish and Wildlife

Service gave us a provision and in it, it has a set of reasonable, prudent, alternative closure period requirements for the four structures on the west side of Conservation Area 3A, starting with S-344, S-343A and B, and S-12A and S-12B. So here are the closure dates. These three structures have a hard closure date starting on October 1st through July 14th. Then, S-343A and B have similar, the same closure date, but it has a high-water exit strategy. That means at the end of the wet season, if the water's above this line, then it gets to stay open for another month or two.

So that, in a nutshell, is our current operational plan. Okay. Moving forward to the proposed water control plan called COP. What's the difference here? You can see -- I'm going to go back one slide -- so we have very similar constraint, L-29, we can't go below 8.5. We still have to maintain the flood mitigation for the Las Palmas community, and then we still maintain the federal protection along these canals, L-31 North and C-111. We continue to look for ways of more water to send to Taylor Slough and to maintain the hydraulic ridge along the eastern park boundary. So we continue to do that, and then also, keep in

mind, point this chart out to 197. What's new? What's different from the current water control plan?

The new Tamiami Trail flow from -- with the new regulation schedule -- I want to put more water in the park, especially, the old slough or the ENP expansion area. So that's one of the biggest new items to increase flow to Northeast Shark River Slough and, ultimately, Everglades National Park.

To touch briefly on the new regulation schedule, we simplified four or five different zones to just two. Zone A is in red. So when one level comes up in 3A, in Zone A, it's code for a push. That means maximum releases to all the outward structures, right? It has a downstream constraint. Before you do that maximum, you have to make sure that we don't impact downstream flood. We can't go above 8.5 at 29, right? We're going to send that water down. We can't impact flooding in the Las Palmas community or South Dade. So all those are a constraint.

Then, when we're in Zone B, the green area, that's when Tamiami Trail flow will take over. We look for, A, if the water is needed in the park, we send that water if it's available. For the last 20

years, I worked on this project for a long time. It was a much smaller model that came out in 1989, required all the closure of the western structure, but for the very first time, I was able to work with the team and reopen S-344. It now no longer has a hard closure date. Now we're in Zone A, it opened. When it is in Zone B, it's going to close, so that a little bit more water can get over there to Big Cypress National Park, as you can see here.

The next one on the list is the S-332D structure down here. It's an additional one pumping at maximum capacity of 500 -- see, down here -- that additional water to Taylor Slough. Okay. So that's the basic major component. The sum of its parts is still putting more water in Everglades National Park. Again, location, timing and volume. So that's where we want to put the additional water.

So how do you explain how it will work? Well, starting with 2018, over here, and with the team working real hard at it, and here's the result. So this is Round Two. So we will look at it and say, right, okay. The existing conditions, we only have to run our existing condition. So most of this map is showing the average annual flow vector. So with

the existing condition, most of the flow concentrates to the center and to the west of the Shark River Slough. Compare that to, on the right, is the preferred plan we call Combined Operational Plan.

You can see staging of L-29. With the new bridge, we send more water to the historic slough, Northeast Shark River Slough down to Shark River Slough. If we can send enough water, it will make that bridge -- make that connection over to headwater on Taylor Slough. So if you don’t know, extreme wet here, you can see that flow vector coming down here. So this is just an average annual -- comparison between the two plans, existing conditions and the preferred plan. So that’s just a modern result, right?

Next to this line is me keeping score. How are doing since we started implementing these Increment 2 field tests towards COP, right? So in 2015, late sometime in October, we start this to go on. For that year, we got about 45 inches of rain. We said the tide in 2015, about 127,000 acre-feet into Northeast Shark River Slough, this side. So rainfall area for Conservation Area 3 is this. Then, Mother Nature came and gave us a surprise. In January, February, we have an El Nino event.

Water was everywhere, Lake Okeechobee, Conservation Area, we had to push that water out. So we only move, for that entire year, 2016, we only moved 269,000 acre-feet.

Then we went to the next iteration of Increment 1+, we call it one plus. It's 1.1, 1.2. That's when we raised L-29, after 7.8. Here, we're still at 7.5, and here we went up to 7.8. In 2017, we have the highest June rainfall over the conservation area and then followed by Hurricane Irma in September of 2017. So we got double whammo. So we had close to 68 inches of rain over the conservation area. We were only able to send 129,000 acre-feet there, why? Because we had active construction just out there in the C-111 -- we need to finish it up so we can meet our 2020 deadline, right?

However, I did the numbers here to show you, but across Tamiami Trail, because of 67 inches of rain in 3A, we were able to deliver up to 1.5 million acre-feet, unheard of. The result is always the following spring. Park scientists report back super colonies everywhere. Huge, you know, environmental benefit in the park. So from time to time Mother Nature sends us a signal. Hey,

we get the water, right? Put it in the right place. Mother Nature, when she delivers a longer rain, the water will flow in the large quantity that we need for restorations.

So, in 2018, we complete all the projects and we got about 41 inches of rain. We were able to move 343,000 acre-feet right to Northeast Shark River Slough. So we set the bar right, the last column here. If we compare all the delivery, propriety in 2018, and it looks like we did a whole lot more compared to 2012. We did five times the amount. Compared to before we started Increment 2 field tests, about three times the amount. So it looks like we're headed in the right directions.

So then 2019, how did we do? We had 45 inches of rain, and we did 38% better than 2018. '18 we set the bar, '19, for the implementation of Increment 2, '18, '19, we continued to do a lot better. So both the volume, a result from water key and from our water measures, top of our District and the Corps of Engineers working together there, both pointed that we are headed in the right directions. I think we're ready for some to come alive.

So this is Slide Number 18. It's just a

summary slide of what I just went over. On the left, is the existing condition. On the right, the preferred plan. So the new recommended that we present to you tonight is we have the new regulation schedule with a new rain formula. Both the existing water control plan, they will still increase -- the goal is to increase flow to Northeast Shark River Slough and, ultimately, Everglades National Park.

As you can see here, we have taken a pivotal step to see if we can send more water to the park while meeting our constraint downstream. We believe we are able to do that, to maintain L-31 North and C-111 canal management. A slight change here to the lower C-111. It went from 4.5 to 4.2 and continued to maintain the delivery to Taylor Slough. This slide is my last slide. If you want to read this water control plan, it is in our environmental statement in Appendix A, and it’s titled Chapter 7: Water Control Plan of the System Operating Manual, Volume 2. So that’s just the water control plan. This is Chapter 7 of our new System Operating Manual for the entire system. That’s Chapter 7.

So with all the changes, it is important for

us to come and explain to you the changes to our current water control plan, but also allow us to meet our engineering guidelines based on these two engineering regulations, 1111-2-240 and also in the engineering manual, 1110-2-3600. So that's the end of my portion of the presentation. Next up will be Andy to talk about the new plan.

MR. LOSCHIAVO: Thank you, Lan. So this is why we're here tonight. The National Environmental Policy Act requires that any federal action, major federal action, we look at the effects on the human environment. We think there's going to be significant effects when we do an environmental impact statement. That describes what the environmental consequences of different alternatives are for the Combined Operations Plan and the water management options, and what those consequences are to the human environment. So that's the natural system. That's the built environment, and they're all explained in the Environmental Impact Statement. We solicit information and input from agencies, tribes, local governments, and the public.

Here's the schedule that we've gone through. The Combined Operations Plan Draft Environmental

Impact Statement, it was published back in the Federal Register, put out for public comment on January 31st. You'll be able to provide input until March 15th, I believe it is -- 16th. We'll take that input, consider -- answer those comments, consider if there's any changes we need to make and, ultimately, update the final environmental impact statement. Send that out for a final agency and public review to see how comments were addressed and what changes we've made and, ultimately, when we finalize that whole effort as part of a record of decision, we'll be able to implement the Combined Operations Plan.

It's anticipated that that will all be finished by August 20th, 2020. When we look at the effects, we consider all these different categories in the human environment, some of which I've mentioned, some of them benefits, some of them constraints. We also look at cumulative effects. How does this plan work with other efforts that are going on in the system, other restoration projects, other construction efforts? What are those unavoidable adverse impacts?

Ultimately, this is an opportunity to provide input. There's comment cards you can fill out if

you just want to make written ones. Erica Skulty (phonetic) has some of those. She's holding them up back there. Some of you want to make some comments, voice them today, so the Colonel's going to lead that effort to get the comments. If you want to send comments, there's an address here. You can also go to this web address on the Internet, here, if you want to download the full Environmental Impact Statement and read through and learn about the Combined Operations Plan.

So this is the second of three public meetings that we're doing. There's another one in Cutler Bay tomorrow, and we just did one in West Palm Beach last night. So now I'll turn it back over to Jason to get the public comment period underway.

MR. ENGLE: Thank you, Andy. Thank you, Lan. Let me grab this portable microphone. We have about 15 people that have submitted cards. So if everybody can keep their comments to about two or three minutes. I'm not going to police that, strictly, but give everybody a chance to get up and say their comment. We do have a court reporter, so your comments are on the record. This is something that's important for our NEPA process. We answer those comments as part of the NEPA process.

I'll pronounce your name to the best of my ability. I apologize in advance if I don't get it right. What we do ask is that when you get up here, we'll have you stand on this side, you can use the microphone. State your name and any group affiliation that you have, so that we have that on the record, and we know who you're representing, if anyone, other than yourself.

The first name is Van Cadenhead.

MR. CADENHEAD: Thank you, sir. My name is Van Cadenhead. I've lived in the Keys since 1956. I was born in 1948, which is apparently the start of all this problem. If you look at Lake Okeechobee, it's 14 feet above sea level. If you go down, over the 200 miles, down to Flamingo, it gradually falls. So the reason that Marjory Stoneman Douglas called this the River of Grass, because it's nature's gravity takes care of all this before man decided to mettle into it. We've worked just perfectly for millions of years.

So anything that we do has to be really closely considered. I've been looking at plans like this and other plans that have been short-circuited by political and economic reasons. We should have been done 30 years ago. I'm really

encouraged and hopeful by the point it's gotten to now because I think there's been a large amount of public awakening. I really wish that we had had more public advertising and public notification of this meeting because I see quite a few empty seats out there. I believe if this could have been better advertised, we'd have an overflow crowd. Everyone in this community is very concerned with this because it effects not only the environment, but also the economics of this whole place.

I told Colonel Kelly, you know, the Army is real good with ground-pounding, but if you just had a couple of battalions of Seabees and put one of them up at Lake Okeechobee, and one of them down in Flamingo, and let them work toward each other, we could have cured this in about a year. Well, maybe two years, but I'm really happy with the point it's gotten to and the people that are doing this are experts in their field. I think we have the political will now and, hopefully, the money to make this work.

I just want to open up the floodgates because Bat Masterson, a Wild West writer, he wrote, everybody gets the same amount of ice. The rich get it in the summer, and the poor get it in the

winter. We don't need to open up the floodgates in the wet season. We need to open up the floodgates in the dry season. We need to combat the salinity because we really can't stand another seagrass die-off. We really can't stand to see fish killed and algae as thick as green pea soup backed up in all the canals we've seen in South Florida. That's mismanagement, which is why the South Florida Water Management Bureau was taken down by the Governor and a whole bunch of new people came in.

I'm really hoping that we can make an improvement on the last 30 years. I'd like to see it in the next two or three years because it's essential. Time is of the essence that we do it now, and open up the floodgates, and get the balance of nature back where it should be. I've seen a few fishermen and guides and stuff in here. If we had this advertised the way it should have been advertised, this room would have been full of those people because their lives depend on it. Thank you very much.

MR. ENGLE: Thank you. Next, we have Dr. Jerry Lorenz.

DR. LORENZ: Thank you. My name is Dr. Jerry Lorenz. I'm a marine ecologist representing

Audubon Florida. I've been studying effects of the South Dade canal operations on mangrove ecosystems in Florida Bay for 30 plus years. This is my day job, is looking at these canals and how it effects the bay. Full disclosure is that much of my funding does come from the Corps of Engineers and the Water Management District. What they're paying for is for me to look at how flow reaches Florida Bay and how the ecosystem responds, particularly the mangrove ecosystem up in northeastern Florida Bay.

Now I'm thankful to the PDTE for doing all this hard work. It has been a long haul, and I'm thankful for the opportunity to speak tonight. I'm also thankful that over $1 billion of taxpayer money is spent on the projects and mod waters, which is essentially Tamiami Trail, and the South Dade project, and the C-111 spreader canal project, with the promise that this money would go to restore Everglades National Park, Taylor Slough, and Florida Bay.

The Combined Operational Plan is just what it says. It's a combined plan to manage these three projects to maximize the restoration effect for Taylor Slough and Florida Bay. The best scientific

estimate is that today's flow through Taylor Slough is about 40% of what it was historically. Using the models presented in this EIS, you know, it doesn't add that much more flow to Taylor Slough. In doing the calculation, it makes it move from about 44% of historic flows to about 43% of historic flows. That's not much of an increase for a billion-dollar investment. I think we can do better.

My biggest worry is that the COP actually does not provide benefits when in drought periods or when we have severe dry seasons. This is what Van was getting at, is that that's when we need it. That's when we have seagrass die-off, which results in algal blooms. Hypersaline conditions set that all off. That's essentially what we should be trying to maximize, is getting the water into Florida Bay during droughts and during the wet season.

Another major concern is the complication of the normalization of the S-197 structure. This is a structure that's at the end of the C-111 canal, that if it's open, water gets dumped to tide as a point source in Barnes Sound. If it's closed, it sheet-flows across the Panhandle region into

Florida Bay. This really worries our organization, is that putting this -- putting a high water level that says, we're going to be using this structure, we don't think it's that necessary. We think that that structure should only be used in emergencies like Hurricane Irma. Anything less than Hurricane Irma, it doesn't need to be used.

The thing that worries me the most is that after Hurricane Irma, that structure stayed opened until March. That was long after we had the emergency problems that are in the system anymore. So it's being opened, and then left open too long. Once the emergency is passed, that structure needs to just simply be nailed shut.

In conclusion, Audubon Florida is appreciative that the COP provides some small benefits to Florida Bay. However, we believe that a better operational plan can be developed that maximizes the environmental benefits without undue risk of flooding to neighboring areas while being more in line with the $1 billion cost of these projects towards restoration.

MR. ENGLE: Thank you. Next, we have Mark Gregg.

MR. GREGG: My name is Mark Gregg. I'm here

on behalf of Florida Bay Forever. We're a local environmental not-for-profit group. My remarks are to address to need and acts from the government. I think everybody else here pretty much knows what I'm talking about. I saw the presentation you made. It was fantastic. Mr. Lo, great job. I learned a lot and thank you. If nobody else says that to you tonight, I'm saying it now. You did a great job. It's great to understand this because it is really complicated as you all said before. So having a little understanding of what's going on is really good.

We work with a lot of people locally and fishermen, especially. I know that you ask how you keep score and try to know what's good. I'm going to give you a couple of other things to use to measure. That's how many fish are being caught, how happy the fishermen are, how well they're doing, and that has a direct impact on our economy because we all depend on that, either directly or indirectly.

I've been fishing down here and playing in the Everglades since 1972. There's things that aren't there now that used to be there when I was a kid. I think salinity is a big measure. So salinity of

the day, if you keep your eye on that. We all get our freshwater from Florida Keys Aqueduct Authority that is near the entrance to the Everglades Park, that road in there, in the pine forest. They're experiencing more and more saltwater intrusion. I spoke with one of the board members two weeks ago. They're now looking for another place to buy, further north, that doesn't have saltwater intrusion. So they're going to pump our freshwater even further. That's going to cost even more. It's not going to be better. So I hope you keep all that stuff in mind.

One other little thing, when I was a kid, there used to be millions of seahorses in the bay. You could go out with a net and catch all you wanted in five minutes. When you're that tall, there's nothing more exciting than that. So if you find some seahorses, and you talk to people and they're coming back, I think you'll know if you're doing a really good job at least from my standpoint. Keep up the good work. Sounds like you're heading in the right direction. Thanks for coming tonight. I appreciate it.

MR. ENGLE: Thank you. Next, we have Steve Friedman.

MR. FRIEDMAN: Thank you. My name is Steve Friedman. I'm here tonight representing the Florida Keys Fishing Guides Association established in 1956, shortly after the establishment of the Everglades National Park, one of the oldest organizations -- conservation organizations in the state.

I want to thank you all for coming. Thank you, Colonel, for your leadership. I know it's very difficult when we have transitions. To see that you've transitioned and kept up the momentum is extremely important in this case. For the court reporter, I would like you to just take my comments down for the next several meetings, whatever they're going to be, because quite frankly I'm fricking sick of this.

The fact that we're coming here so many years later, we've got Charlie Causey here that's been coming for decades. We're just trying to do plumbing, and we're trying to get freshwater. Now the last bit is now we're going to get more freshwater to Florida Bay, but in the wet season.

Well, I was out there doing media today, showing media. Once again, dedicating my time and energy to get out there and get the word out about

the dire straits of the Florida Bay and Everglades National Park. We took readings in the Florida Bay of 40 parts -- what is it -- per thousand, which is saltier than the ocean. I took, again, several days ago in a similar spot, and it was 36. So we're only a couple of months into the dry season right now. I want to know why the levels out there are so high when they don't need to be.

We're enjoying some fantastic fishing right now. Thank God. I'm not very religious, but I'm thanking God because it's because of natural events, hurricanes that bring in freshwater. You people and you scientists, you crunch the numbers. I push the boat. So it's not my job to figure it out, it's your job. If you can't do it, get out of the way because we need somebody in there that's going to do it and do it soon because this sucker's on Hospice. We don't have no time. We need ribbon cuts. We need these projects to get online. We can look out for these Cape sparrow, that is, by the way, no longer in this Cape. We're throwing out diversions here.

When I came here 20 years ago, we had just gotten started to get over an algae bloom that happened in the '80's. We started to gain some

knowledge in all this. What happened? In 2015, it tanked again with 40,000 acres of seagrass die-off. The only reason that we're getting meetings here and stopping momentum going on is because of those disasters that happened all at once because of high levels in Lake Okeechobee. That discharge created horrible algae blooms and red tides on the west coast and east coast. Organizations got together to say enough is enough.

We spent $1 billion not only on these infrastructure, but our own, on the sewer system. That's going to do no good if we keep getting bad water. Send that water, clean water south, when it's needed. Florida Bay provides $458 million annually to commercial recreational fishers, just one statistic. You guys want to hear about numbers and economies. I don't know if you need to hear more. We are absolutely reliant on this clean water for our livelihoods. We don't have no more time. Thank you again for being here. I'm sorry for being impolite, if you think that this is but, Mr. Gelber, you've been here for a long time. You should resign. Get out of the way.

MR. ENGLE: Next, we have Charles Causey.

MR. CAUSEY: Hi, I'm Charlie Causey. I'm

president of Florida Keys Environmental Fund. About 30 years ago, 29 to be exact, this discussion was taking place in the Florida Keys and the South Florida Water Management District. The same question was how do we get -- what do we do about water getting into Everglades National Park and Florida Bay. There was a lot of discussion, and a lot of back and forth, and nothing really happened.

Over the next 30 years, the wear and tear on the ecosystem here in South Florida took its toll. That’s where we are. There hasn’t been a lot done for a whole bunch of reasons that we all are familiar with. Now, with infrastructure in place, which we seem to have, and hopefully a push from the Corps and the District, if the government seems to care, we may be able to get something done here. We still have to push hard for additional water into Everglades National Park. I’m not a scientist, but the scientists I do talk to, who know about the water deliveries and what the numbers mean, tell me that the hands-on experience like Steve just reported about salinities, where he took salinities, but they’re living examples of what we need.

So I’m hoping from what the scientists tell me

that there will be enough pressure on you guys here to take your pencils out and go over those number again for the dry season deliveries to Everglades National Park. I think it's very important a couple of you referred to capacity and adaptive capacity. Well, that's a wonderful, wonderful expression. The one thing I always loved about Dan Kimball in Everglades National Park -- and I gave him a huge compliment in front of a huge funder one day -- that he was extremely flexible and had a great deal of imagination. Boy, were those great qualities for a manager.

So I'm asking the Army Corps of Engineers here, and the South Florida Water Management, to use this adaptive capacity, use your imagination, use your experience. Here's a good example. Right now, there seems to be the dry season has started. Already, there seems to be a lack of freshwater. So redo your pencils. Go over that again. See if you can be more flexible about, particularly, what it needs in the dry season, getting that number up. Thank you.

MR. ENGLE: Next, we have Emma Haydocy.

MS. HAYDOCY: Good evening, everybody. My name is Emma Haydocy. I'm here representing

Florida Bay Forever. I'm going to be echoing the sentiments that I think many of our public speakers are going to presenting this evening.

I moved to the Florida Keys because I fell in love with Florida Bay. I fell in love with a park ranger in Everglades National Park in Flamingo, which brought me to move to this community that is so inextricably linked to Florida Bay. This community lives and dies by the water. When Florida Bay is thriving, this community's thriving. When Florida Bay is in decline, this community is also in decline.

So the COP as you have presented it, again, we are appreciative that the Army Corps is down here and that you recognize how connected we are to this ecosystem. That plan, as it stands, offers only marginal benefits. Those benefits are only realized, again, during the wet season. That is not the time when we need to be seeing increased water flow. We need it, for example, now. We, in February 2020, are seeing drought conditions. That creates costs for those of us who rely on the health of Florida Bay. If we are not seeing increased flow during this kind of year, then we're in trouble.

To conclude I will say that guaranteed minimum flow is guaranteed minimum benefit for the bay and for this community. Our community in the Florida Keys deserves better. Thank you.

MR. ENGLE: Thank you. Next, Doug Kilpatrick.

MR. KILPATRICK: Thank you, all, for putting on this presentation. My name is Doug Kilpatrick. I represent Lower Keys Guides' Association. I just wanted to say I believe that clean water is much more important than subsidized sugar. We have an emergency situation going on here. It's so vital that we get clean water coming south.

I would suggest that you guys put limits on the amount of water that agriculture can use. Therefore, we would have more water to send on a more consistent basis, instead of just dumping it during the wet months and holding it back in the dry months. Also, I would like to encourage the federal and state governments to help fund these projects and continue to fund these projects. Also, for the Army Corps to speed up these projects. I know you guys are working as fast as you can, but it would certainly be nice to have those bridges on the Tamiami Trail done a year from now, instead of two to three years. That water's

important to get clean water to the bay.

Now, everybody talks about the bay. I live in the Lower Keys. Two years ago, when the bay was having such bad algae blooms, that algae was coming all the way through Seven-Mile-Bridge, out on the reef. So it’s not just the bay that’s in trouble. If we don’t get it done, we’re going to have a failing reef system. It’s going to affect much more than just the bay. When we lose our bay, our reef, we lose our tourism. Tourism, there’s big numbers in that. Thank you very much.

MR. ENGLE: Thank you. Next, we have Capt. Benny Blanco.

CAPT. BLANCO: Thank you, Colonel, Erica, Eva. I’ve seen all of you before. I saw some of you gentlemen a year ago when we advocated for more water for Florida Bay. Back then, we were told we couldn’t get it. We raised holy hell, and here you are with a better plan. Earlier than that, we were told we couldn’t get a reservoir approved. We fought like holy hell and got a reservoir and funded.

Let me make something very clear: The reason that we have all this extra funding and all of this political will right now is because we stood up.

It’s important that we continue to stand up. If we don’t stand up, Florida Bay is not a priority. We know how important it is, for us, for my livelihood, for this entire community, it is absolutely lifeblood. The Florida Keys and Monroe County does not survive without a healthy Florida Bay. That’s two plus two is four. Florida Bay actually requires freshwater from the Everglades. It doesn’t exist without it.

Currently, right now, I’ve received readings. I just saw readings on my refractometer this entire week, every single day, greater than seawater. Going into the dry season, we’re setting ourselves up like the kid who never studies for a test when he does his exam. Again, he failed every single exam because he never studied. We’re not studying, and we have an exam tomorrow. This bay is going to suffer another algae bloom and another seagrass die-off if we do not send freshwater south.

So I challenge you, sitting here again, a year later after this previous meeting, that we go back to the drawing board, sharpen your pencils, and make more water come in the dry season. There’s an old man who lives right down the street from me. He doesn’t speak very much English. You can tell

he didn't go to school. He's there with his family. His family supports him. Even he knows, you don't water the grass when it's raining. We have to get freshwater here when it's dry. Thank you.

MR. ENGLE: Thank you. Next, Kellie Trotta.

MS. TROTTA: Hi. I'm Kellie Trotta with the Herman Lucerne Memorial Foundation and Friends of the Everglades. These two organizations have 71 years between them with protecting and fighting to protect and preserve Everglades National Park and Florida Bay.

I'm here speaking for all three of our estuaries. Mr. Lo, you mentioned that your manager's motto was, first, do no harm. If that is true, why is the lake being managed in a bias toward agricultural stakeholders to a much greater degree than citizens' health and welfare. First, do no harm. Prioritize health and welfare of the people over subsidized corporate farmers. Because of our passion to protect and preserve Everglades National Park, Florida Bay, the other estuaries, we will continue to raise our voices. It will be heard in Jacksonville, Atlanta, and D.C. Thank you very much.

MR. ENGLE: Thank you. Next, we have Tom

Reddin. Ross Boucek?

MR. BOUCEK: My name is Ross Boucek. I'm a scientist with Bonefish & Tarpon Trust. First, I want to thank you, Colonel, and the Army Corps of Engineers, on behalf of our organization. I know you guys are working really hard to have secure funding for us, prioritizing these plans, and doing it the best way you can to make more water go south and rehydrate our bay.

As many mentioned, we have an unprecedented number of fish in Florida Bay due to a good amount of freshwater flow facilitated with Hurricane Irma. These fish will live for a long time if we let them. To do that, we need to prioritize getting water to the bay. I know there's calculated risk with making these decisions of uncertainty, but if there is a lever to pull in the Combined Operation Plan to make that happen at the expense of something else, I think it would be economically worth it to put that water there. Dr. Lorenz mentioned nailing shut the S-197. That sounds like a pretty smart idea to me.

I know you guys are smarter, considering more options than I am aware of, but I just wanted to reiterate that we have this great fishery now. We

need to do whatever we can to keep the hypersaline conditions from occurring, concentrating our fish, pooling them into refuges with sharks, pooling them into refuges with anglers, where they catch them, and they immediately get these fish eaten. If we can spread the fish out, let them have their habitat, the fishery, this cohort and most of these other cohorts will last a lot longer and provide more benefits for our fishery. I appreciate your time and thank you so much.

MR. ENGLE: Thank you. Jackie Crucet?

MS. CRUCET: Hi. Jacqueline Crucet with National Parks Conservation Association representing their 1.4 million members and supporters. I want to thank everybody for coming out tonight to fight for Florida Bay. Also, to the Army Corps and to the South Florida Water Management District. This is not an easy task. A lot of work, we all know, went into this, the creation of this Combined Operations Plan. Also, thank you for adding this meeting in the Florida Keys, in the Middle Keys, to make sure that Florida Bay stakeholders can have their voices heard and express the continued need to send more water south to Florida Bay, which you're hearing a lot, over

and over.

I'm here to say that while this version of the Combined Operational Plan is a vast improvement over an earlier iteration, this plan is a bit anemic and will not serve Florida Bay in the way it needs to and the way the taxpayers expect. We must maximize any freshwater south to Everglades and Florida Bay, especially during the dry season. You've heard this over and over again. I just want to say it, too.

After 30 years of restoration projects and $1 billion in taxpayer money, we expect more than marginal benefits. Marginal benefits is what this current plan offers. Like Charlie Causey said, use your imagination, adapt. We need a bold plan to move water. That will enable Florida Bay to continue to provide $455 million in ecosystem services, including storm surge protection, annually. $213 million in recreational angling revenue to the local economy, annually. $458 million, that someone else was talking about, to commercial and recreational fisheries, annually. Also, $1.2 billion to the value of single-family Florida Keys homes.

So now is the time for a more bold plan, right

now. You have the strong support of the community to send water more south -- more freshwater south, especially in the dry season. More than just the environmental community or the Everglades community, you have the Florida community. You have people who -- in Stuart, in Cape Coral, and Key Largo, and points south. People who might not get the charts or understand the acronyms or the modeling, but who know they can see the degraded conditions of their waters that they depend on. They continue to hear about Everglades restoration is coming soon. The time is now to deliver.

We've got a $250 million funding request from the President and Congress. The Governor is calling for $300 million every year to restore America's Everglades. The message is clear, and let's get going and move beyond the status quo, move beyond marginal benefits. So I'm here to ask you, the Corps and the South Florida Water Management District, to please revise this plan and prioritize and make water south to Florida Bay, especially during dry season. Thank you.

MR. ENGLE: Thank you. Next, we have Mary Barley.

MS. BARLEY: Good evening, everyone. I'm here

as a resident of the Florida Keys. I serve on many boards, all of which work on Everglades restoration, but I'm talking to you as a resident. I did not hear you say one time, the Florida Keys. You did not even think about us, it appears, when you did this.

So when you go home, when you go back to your desk, every time you think about delivering water, you think about the Florida Keys. Not Everglades Park, not Florida Bay, the Keys and the people who live here, who depend on it. That's how we make our living. We live here because we love this place, but I am really appalled that you did not say the Florida Keys, not even on your map. It stops right at the end of mainland Florida. We're part of Florida.

You have to think about us when you're talking about that. You need to think about sea level rise. If you push water down here, we get not only sea level rise, we get saltwater intrusion. This is about water flow. What is flood control? I'm confused. Is flood control surface water or ground water? Because you want to do no harm, but you're going to harm us. How do we fit into this picture that you're painting? I'm not seeing it. Not

once, you made all these -- I think it was 8.5-Square-Mile-Area -- all these other people, but you never once talked about us.

You’re here in the Florida Keys right now. It’s heartbreaking for us. We have pushed so hard. We started Everglade restoration. Monroe County. Islamorada is where it all started 25 years ago, pushing for this plan. Now you come and tell us, too bad. We got other people we don’t want to harm. We’ll worry about you at the very end. We’re tired of being at the end and not having. We’re the canary. You need to think about that every time you look at your plans. If we die, everybody dies with us.

You can just push so much around. If you don’t push it down here, not only that, this is carbon sequestration. We need to think about climate change when we’re talking about this plan. If peat dries out, it’s one of the biggest carbon emitters that there is in the world. We’re sitting on one of the biggest ones on the planet. So there’s other things we need to consider as we’re moving around this. All of these are important. They’re critical. I don’t think -- if we can help you do a better job -- if you just tell us -- we

know a lot about it. We know people to go see. We know how to get things done. If you feel like you can't get your job done with the way the laws are now and other things that need to happen, you just let us know. You just look at the Water Management District and you know that this community can get it done because we know how to do it, and we know how to fight. We're in a war. This is a war that the Florida Keys are going to win. Thank you.

MR. ENGLE: Finally, last card, David Makepeace.

MR. MAKEPEACE: I don't know how to follow that act. I've got very little I can add to it. I was involved. I have been involved. I've sat at meetings, sat around tables and watched the framework of this plan, this infrastructure plan, when it was first being discussed 20 and 25 years ago. I got to admit it was very exciting -- if you want to know the good news and make a little lemonade, Mary, and others -- it's exciting that we have an infrastructure that we think is not being managed well, and we're not happy about it, because that's better than not having an infrastructure.

So I'm excited that this is here. That being said, you heard it. I can double-down on it. We

need that water. We need it during the dry season. We need it during the wet season, too, by the way. You do want water when it's raining because we need it in the wet season. I believe that there are policy decisions that are affecting the capacity of this group. I didn't meet anybody in this room that I didn't think was well-intended as I moved around here. Either, they're fake, or they want to do the right thing. I'm thinking maybe they're going to a gunfight with a knife. I'm not sure they're being empowered by the policies to do everything they can.

So, thank you for your efforts. Thank you for your time. We need that water delivery. We need some close looks at some policy changes so that we can get that water without it being such a hassle. Thank you.

MR. ENGLE: Thank you. At this time, anybody that didn't submit a card, if you're inspired to come up and speak, we'll ask you to give your name, but if there's anyone else? All right. Well, we thank you for your participation tonight. We're going to stay here. We have posters. We've got the room for a while. Please, if you have any questions, or if any have been generated during

this talk, please talk to one of us with the Corps, Water Management District, Department of the Interior. We're all here.

(Thereupon, the meeting was concluded at 8:08 p.m.)

CERTIFICATE OF REPORTER

STATE OF FLORIDA

COUNTY OF MONROE

I, Amy Lowd, Court Reporter, certify that I was authorized to and did report the meeting in the matter of the Draft Environmental Impact Statement and Water Control Plan; and that the transcript is a true and correct record of my notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Dated this 2nd day of March 2020.

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Amy Lowd, Court Reporter

ENVIRONMENTAL IMPACT STATEMENT AND WATER CONTROL PLAN

Town of Cutler Bay Council Chambers
10720 Caribbean Boulevard
Cutler Bay, Florida 33189

February 20, 2020
6:17 p.m. – 7:36 p.m.

APPEARANCES:

LIEUTENANT TODD POLK
JASON ENGLE, CHIEF OF WATER RESOURCES
ANDREW LOSCHIAVO, RESTORATION RESOURCES SECTION CHIEF
ADAM GELBER, DIRECTOR OF OFFICE OF THE EVERGLADES
RAFAEL CASALS, CITY MANAGER OF CUTLER BAY
DAN CRAWFORD, ENGINEERING LEAD
DONNA GEORGE, PROJECT MANAGER
JED REDWINE, EVERGLADES NATIONAL PARK
BOB JOHNSON, EVERGLADES NATIONAL PARK
REBECCA ELIOTT, FLORIDA DEPARTMENT OF AGRICULTURE
LAURA AGUIRRE, AUDUBON FLORIDA
MELISSA ABDO, REGIONAL DIRECTOR FOR NATIONAL PARKS CONSERVATION ASSOCIATION
RAINER SCHLOEL, CHAIRMAN OF FLORIDA BAY COMMITTEE
LAN DO, ARMY CORE ENGINEER
CEYDA POLATEL, ARMY CORE ENGINEER
RANDY MILLS, PROJECT MANAGER
EDUARDO VARONA
THOMAS VAN LENT
BENNY KALMBACH
ERICA SCULTIESE
DONOVAN DICKY, WATER MANAGEMENT DISTRICT

THEREUPON:

MR. POLK: Good evening, everyone. We'll take our seats and get going, here.

Also, I would like to introduce myself, I'm Lieutenant Todd Polk. I'm the Deputy Commander for South Florida, for the Jacksonville District Corps of Engineers.

Can you all hear me, okay? Do you need me to -- am I talking loud enough? Or, is this on? Okay. All right.

I'm here representing our Commander, Colonel Andrew Kelly (phonetic), who said he couldn't be here this evening.

But, again, I'm Todd Polk. I'm down in Palm Beach Gardens. My focus is, purely, on South Florida. And, so, I'm always around here.

First, I would like to really, quickly introduce Rafael Casals, really quickly, to say a couple of comments, the City Manager of Cutler Bay.

MR. CASALS: Thank you, everyone. And, welcome to the Town of Cutler Bay.

I apologize for the low turnout. In fact, I was just, you know, talking to, you know, Mr. Polk regarding that maybe we can have another skinnier version of this meeting.

Because, if you know anything about Cutler Bay, our residents are very active in -- when it comes to these types of projects, here.

So, to the point that, you know, we had a council meeting last night and we're, literally, under a building moratorium.

And, one of the legs that we're studying is the environmental impact of all development that is east of Old Cutler Road.

So, we have stopped the development in Cutler Bay to study, you know, different factors that we can, to improve the environment.

And, we have a very active group. So, again, I apologize that there should be more people here.

In fact, we're getting, you know, texts and tweets and my PIO is back there, Deserae (phonetic), right there.

You know, so, we, certainly want to, you know, see if we can bring the group back, again. And, so, don't get discouraged if you don't see as many residents.

But just based on the feedback I got in the last hour, there could have been, maybe, another 30 or 40 folks in here.

But, again, on behalf of the Maritime Council,

welcome to the town of Cutler Bay. And, again, if you ever need this room for this type of outreach meeting, just please, you know, coordinate it with us.

And, we will be more than happy to be an active partner. So, thank you.

MR. POLK: Thank you, sir. And, also, are there any elected officials, here, this evening?

MR. CASALS: No.

MR. POLK: Okay; just making sure. And, now, I would like to introduce Mr. Adam Gelber.

He's the Director of the Office of Everglades Restoration Initiatives; to say a few remarks.

MR. GELBER: Thank you Lieutenant Colonel. Welcome everybody.

My name is Adam Gelber. I'm Director of the Office of Everglades Restoration Initiatives.

Thanks for everybody being here at the third and final meeting of the Combined Operations Plan.

This has been a long road, of over 30 years, in the making to develop the program to operate some of Interior's most significant investments in the Everglades Restoration of the modified water deliveries to Everglades National Park in the C-111 Spreader Projects to South Dade.

And, it has been a long road; and, one of many steps that start as a foundation of this overall project, and the performance in Everglades National Park.

There will be other projects to come, in addition to this. This had to be built, first, which you will hear more from the Corps and others that are going to be presenting on the technical details associated with the project.

The Interior is, also, very satisfied, very happy and very engaged that -- I'm trying to find my words, right now.

But especially grateful to the Corps of Engineers in the Water Management District for their continued commitment into the restoration of Everglades National Park that has been degraded over so many years and so many decades.

And, we're looking forward to the future of the next steps. Hopefully, being able to move through and evaluate and get COP online.

And, move into additional flows into Northeast Sharp River Slough that Lan Do will be speaking to.

You know, some of the benefits-- we have already seen some of the benefits that COP has during the increment testing; you know, identified

during Irmo when it put so much water into the Park.

That we were able to manage the recession rates, the timing and distribution through the system.

That has, now, resulted in a lot of benefits to fish and wildlife in the Park. It is -- it has been a really great story, to watch that of what it can be in the system.

And, it's going to take, again, as I said, before, it's going to take a lot of work. We appreciate you all being here and look forward to the presentation. Thanks.

MR. POLK: Thank you, sir. And, as Mr. Gelber mentioned, we're holding our last of three public meetings.

We're, now, here to discuss the recently completed final impact -- Environmental Impact Statement, Combined Operations Plan, often referred to as COP.

Thank you, again, for everyone coming here to talk about the issues and topics that, I know, you all care about.

I know many of you are here because you're excited about the opportunity offered by the

features of the Modified Water Deliveries Plan, to the Everglades National Park, and the C-111 South Dade projects.

You know, we are glad you are here and excited about these projects, as well.

And, now that we have the new infrastructure on the ground, COP is going to define how we move water across Tamiami Trail into Everglades National Park.

It is a new way of thinking about operations. And, when we finish these projects, we, also, update the way the system is operated.

Which is what COP is all about. COP is an important new tool that will help us reduce the flood of the tree islands and water conservation area at Three.

And, put more water through Sharp River Slough, as well as Taylors Slough in the Everglades National Park, as these projects had intended.

It is a foundation of the Comprehensive Everglades Restoration Plan, and a key step in restoring the natural flows into the Southern Everglades.

Together with our partners, we make restoration progress in increments. COP is a

significant step forward.

Our next big step will be the construction of the Central Everglades project. You know, which will, also, be starting here in 2020.

COP will, also, help us continue to maintain the Congressionally authorized purpose of the Central and Southern Florida project, to include flood control and a water supply for irrigation.

Municipalities and industry, along with regional groundwater control, and prevention of saltwater intrusion; while enhancement of fish and wildlife and recreation.

Now, again, I want to thank the City of Cutler Bay for hosting us, tonight. And, if there -- I don't think there are any other public officials.

At this time, I would like to hand the microphone over to Jason Engle, our Chief of Water Resources Engineering Branch.

And, Jason is going to talk to us more about COP and how we will be receiving public comments. Thank you.

MR. ENGLE: Thank you, sir.

MR. POLK: Thanks.

MR. ENGLE: Well, I will say it, again. Good evening, everyone. Thank you for coming out.

As Lieutenant Colonel Polk said, my name is Jason Engle. I am Chief of the Water Resources Engineering Branch.

And, what that means is that we study the hydrology, the hydraulics and the coastal engineering aspects of projects in Florida and Puerto Rico.

First, I would like to take a chance to introduce the Project Delivery Team for this COP. And, give everyone a chance to introduce themselves.

First, with the Army Core of Engineers.

MS. POLATEL: Hello. My name is Ceyda Polatel.

MR. DO: And, my name is Lan Do. I’m a water manager, Water Resource Branch Engineering Division.

MR. CRAWFORD: Good afternoon. I'm Dan Crawford, the engineering lead and the water resources engineering lead for Jacksonville First (phonetic) --

MS. GEORGE: Hi. I'm Donna George, and I'm project manager for the project.

MR. ENGLE: All right. And --

MR. LOSCHIAVO: Andy Loschiavo, Restoration

Resources Section Chief, Environmental Branch, in the Corps.

MR. ENGLE: And, Erica Scultiese (phonetic) at the desk in front, not able to introduce herself.

And, so, I know we have some folks from the South Florida Water Management District, tonight.

MS. MILLS: Randy Mills (phonetic), I’m the project manager for --

MR. DICKY: Donovan Dicky (phonetic), Water Management District.

MR. ENGLE: And, with the Department of Interior and National Park Service.

MR. REDWINE: My name is Jed Redwine, I'm with the Everglades National Park.

MR. JOHNSON: And, I'm Bob Johnson with Everglades National Park.

MR. ENGLE: All right. And, do we have anyone else from the team from any of the agencies, here, tonight? I don't want to miss anyone.

MS. ELIOTT: Rebecca Eliott on the Department of Agriculture, Consumer Services.

MR. ENGLE: Great. Thank you. All right. And, so, as stated already by Lieutenant Colonel Polk, the purpose of the Combined Operating Plan, or COP is to define the operations for the complete

features of modified water deliveries to Everglades National Park, and the C-111 South Dade projects, within the Southern Everglades.

And, these are on the posters, here, and in the presentation, tonight, for reference.

The U.S. Army Corps of Engineers, Jacksonville District, is hosting three meetings. This is the third of those three meetings.

We had one in West Palm Beach two days ago, and we had one in Islamorada last night. These are in fulfillment of our requirements for NEPA, the National Environmental Policy Act.

As well as part of our process for rolling out new operations plans.

You know, as I look out at the audience, tonight, we see we have a lot of staff from the partner agencies. This has been a team effort.

It has taken a long time; it has been a plan that was in the books for decades. And, this is a really monumental moment, to have the infrastructure necessary to put more water into the Park.

And, to move water in ways that have been thought about for a long time. But, now, are somewhat of a reality.

It is, also, a foundation project. And, that means that this infrastructure works, now, with the new Combined Operating Plan.

But continues to work better and better, as we do additional Everglades Restoration projects and bring more and more water into the system.

And, so, since the original authorization, the modified water deliveries in C-111 South Dade Projects have continued to evolve.

They integrate new information to insure achievement of the project purposes, as foundation prerequisites for the Broward Comprehensive Everglades Restoration Program.

This is referenced by Adam, as we went through the increments, and were able to pull more water. And, I think, Lan will be showing in a little while.

How we have been able to take advantage of this infrastructure, as it came online; and, in fact, took advantage of some of it while it was even under construction.

The construction was actually completed in 2018. And, throughout this recent construction or transitional period, we have leveraged this through what are called the operational field tests.

And, that started in 2015 and it provided an incremental and immediate benefit to the infrastructure, as we constructed it.

Development of the Combined Operating Plan has greatly benefited from our collaboration with all of the agencies and partners and stakeholders throughout that process.

And, so, that was a learning process, to operate through those increments and gather data.

Pursuant to the National Environmental Policy Act, or NEPA, the U.S. Army Corps of Engineers' regulations for water control.

The Corps of Jacksonville District is hosting this meeting to inform members of the public of release of the draft of the Environmental Impact Statement for the Combined Operational Plan, which supports the water control plan.

Once the presentation is complete, we are going to offer a public comment period. And, the way that that will work is that we'll take your comments.

You can come up front and we will have a microphone. Comments are being recorded by a court reporter, tonight, for the record, as part of our NEPA process.

And, we'll publish those later on. Those comments are in the record, as well. If you write them, you can, also, email them into us. We'll have contact information up here, at the end.

We ask that you keep it to two or three minutes, though, tonight. We've looked like we would have plenty of time for all the public comments.

And, I think we have already checked to see if there are any public officials. A couple of people have filtered in. Do we have anyone -- elected officials, here, tonight? No? Okay.

And, so, with that, I want to introduce the presenters for tonight. The first one is Andy Loschiavo.

MR. LOSCHIAVO: Thank you, Jason. Thanks, everyone, for coming here, tonight. My name is Andrew Loschiavo, or Andy.

I work for the Corps of Engineers. I want to give you an overview of the Combined Operations Plan.

So, just to take us back, in case folks don't know what these two projects are that have been completed.

Back in 1947, there was a series of flooding

events across the state. And, West Palm Beach and Miami and all these areas were under water.

And, so, in 1948 they authorized the Central and Southern Florida Project, to build a series of, basically, structures and levees, resulting in thousands of miles of levees and canals.

And, hundreds of water management structures in the end, to control water for multiple purposes.

These purposes are: flood control, prevent future flooding, extreme flooding, water supply for municipalities, agriculture ministry, regional groundwater control to prevent the salinity intrusion into wells that are for water supply.

And, also, enhancement of fish and wildlife in recreation. Because, also, at the same time, they created Everglades National Park.

And, unfortunately, that project, the Central and Southern Florida Project, had some unintended consequences.

It severed that flow of water through the Everglade system into the Park. And, so, the Modified Water Deliveries Project was authorized.

And, it was intended to modify that Central Southern Florida Project, to help provide a better system of moving water to Everglades National Park;

particularly, Northeast Shark River Slough.

So, the way the water used to flow. In addition, there was a lot of water that was being -- moving out or seeping out of the Park; being pulled out of the Park on the Southeast side, along the C-11 Canal.

And, that was authorization of the C-111 South Dade Project, to help control seepage out of the Park; so, it could stay in the Park.

As well as reduce fresh water discharges out the end of that canal, through the S-197 structure. And, those discharges impact Manatee Bay and Barnes Sound.

And, so, those were the two big projects. They were authorized approximately 30 years ago. And, we have completed them.

And, the Combined Operations Plan is intended to help operate those projects.

In addition, another important thing, this map, here, shows all the Foundation projects that were before the Comprehensive Everglades Restoration Plan.

Which is the big Everglades Restoration effort, that comes after these Foundation projects.

And, in that authorization of the Project in

2000, it indicated that we needed to complete these projects before we started decompartmentalizing the system, the Water Conservation Area 3A and 3B.

Which, we will show, a little later on; and, Lan will go over what that means, to, actually, get water moving through the system, even more.

And, I encourage you, if you want to know more about all these Everglades Restoration projects, there are some sheets back there.

When you walk in, there's the Integrated Delivery Schedule that tells you the schedule of when they are being planned, designed, constructed, and operated.

So, the Combined Operations Plan, as I mentioned, is that final step to incorporate how these project features, from the Modified Water Deliveries features that you can see, here; Bridges across Tamiami Trail, here.

The flood protection around Las Palmas 8.5 Square Mile area. Some improvements to conveyance, here, different State ways to move water towards this area of Northeast Shark River Slough.

The C-1 South Dade Projects are in green, here. There are detention areas that help create that hydraulic ridge to keep water in the Park.

And, also, protect the South Dade agriculture from flooding. And, also, included, here, is the C-1 Spreader Canal Project.

That extends that hydraulic ridge, and it is actually a sur-project. And, ultimately, incorporates those structures, how they will be operated as system in the Southern part of the system.

And, update the 2012 Water Control Plan, that controls, basically, how we -- governs how we operate water moving from water conservation areas, into Everglades National Park, and into the South Dade conveyance system.

Again, COP is just working with the existing water budget.

But the way water is moving and the infrastructure there, will, also, allow additional water that is going to be captured as part of CERP, to move through the system and into the Northeast Shark River Slough.

It was informed by a series of operational tests and, basically, events that occurred, highwater events in 2016 and 2017, that, basically, test how when we raised the stage in the L-29 Canal -- and, I'll show you a picture of this, later on.

What that means, to allow more water to come in through the system, without flooding communities, here, or in the South Dade.

And, there is, also, several rounds of modeling that were done as part of Inter-Agency Project Delivery Team, or PDT.

That is the term that gets tossed around. And, trying to meet all those objectives for COP, and come up with the plan that best balances those.

And, so, those objectives that we were talking about were to improve the timing of water deliveries, as well as, the distribution of where that water is moving.

Or, having less of it go into West -- a part of the Park, and move it more over towards the East. And, then, trying to provide some more water into Everglades National Park.

We're, also, trying to restore the hydrologic conditions in Northeast Shark River Slough. Because, before these projects were put in place, there would be large fires that would burn the habitat and damage the eco system, there.

And, now, with this additional water moving into Northeast Shark River Slough, we can help control the fires.

And, start the natural processes that help restore the habitats, there.

We're doing this with the same water budget. So, we have to protect -- the water is coming from water conservation areas and rainfall.

And, we have to ensure that we, also, protect the ecological values in Water Conservation Area 3A, to the north; as well as, other areas of Everglades National Park.

And, as I mentioned before, minimize damaging freshwater flows from the S-197 structure that is at the end of the C-11 Canal.

That impacts the Manatee Bay and Barnes Sound, the sea grasses, there, and the marine life, there.

And, ultimately, hopefully, that gives us some flows to Taylor Slough and the Coastal Creeks to improve Florida Bay.

And, also, very important is the consideration of cultural values in the interest of tribes that live in the Everglades.

There are a number of constraints that we have to, also, address. And, these are really dealing with the other purposes of the project.

But we want to do this while maintaining water supply, flood control, and saltwater intrusion

prevention.

And, also, ensure that we're protecting fish and wildlife. And, I mentioned Cape Sable Seaside Sparrow as one of the endangered species, here, that we're trying to recover in the Everglades National Park.

And, its habitat needs to dry down. So, when it's time for nesting. And, so, that is an important factor that needs to be considered in how we move water into Everglades National Park.

In addition, there is, I guess, some constraints, here, of how high we can go on L-29; 8.5 feet was the limit, given the current road condition.

Tamiami Trail is a major road for -- during hurricane evacuation routes. And, if you were to raise the water levels too high, you could impact the road base.

And, so, we're trying to keep that as a constraint, to maintain that road. The bridges help, that have been put in there, to allow that water to go a little higher.

As well as, maintaining authorized flood mitigation for Las Palmas Community and 8.5 Square Mile Area in the South Dade Agricultural area.

So, what do we get from this plan, ultimately? What have been the benefits when we're changing these operations with the features that we have?

We were able to increase the availability of water deliveries from Water Conservation Area 3 into the Park, about 162,000-acre feed per year, on the average; or, 28% increase.

I want to add that it's, actually, a little more. Because, this is a comparison of COP operations, to the most recent ERTP increment, Everglades Restoration Transition Plan operations.

We, actually, have a much greater increase, to, probably, about 260,000-acre feed, I believe, when you go back to before these projects.

We are, also, implementing a new rainfall -- or, a flow formula, Tamiami Trail flow formula, that, basically, informs when we should move water into the Park.

The prior rainfall plan looked at how much rain we had, and we would move that water through the system.

If we had rain, we would push it through. The Tamiami Trail flow formula still moves water through the system, as it needs to if it's too high in the water conservation areas.

But tries to hold onto it a little longer and meter it out into the dry season if the Park needs it. And, so, that is something that is a little different.

And, again, so that the water that makes it into the Park, and it's increasing, it's distributing more water from the West, here, into the East.

And, you can see in these maps, here, of the system, here is the Tamiami Trail. Here's Water Conservation Area 3A. And, here's the Park.

Where it is dark blue, here, we've increased the amount of time water is above ground by about 30 to 60 days, on average, per year.

And, if you look at this step, here, where it is the light blue, it's anywhere from about .10 to .5 feet higher in these areas, on average, per year.

And, so, those are some of the benefits we got when you look at the hydrology improvements.

And, then, as far as when we talked about the S-197 flows, we've been able to reduce those by about 41,000-acre feed per year, on average; or, almost 70% of the time.

And, so that is a big reduction in the flows

of that structure that can impact Manatee Bay and Barnes Sound.

And, we have been able to provide some increase to the flow into Taylor Slough, about 6,000-acre feed, per year, on average; or, seven percent.

And, 30,000-acre feed in the Eastern Panhandle of Everglades National Park. That is right down in this area, here; or, about a 28 percent increase.

So, those are some of the benefits. We know there are some uncertainties about achieving those project goals and staying within the constraints.

And, that is why an adapted management plan was developed; to provide some strategies, some approaches that we can monitor the system.

And, help learn and see, well, can we move some more additional water without impacting 3A; and, get more benefits in the Park?

Are there ways to do this without any risks of water quality when we transition from dry season to wet season?

And, also, are there any issues related to cultural resources that we can learn from? And, how we move water and form operations.

And, so, there are several monitoring plans

that help inform the adapted management process.

And, ultimately, a team, interagency team of folks, will help review this data, and make recommendations to water managers when COP is implemented.

And, that process and how we learn from that will, also, inform how we implement Everglades Restoration Projects.

And, improve the implementation of getting additional benefits for the Everglades. That concludes my presentation and overview of COP.

I'm going to turn it over to Mr. Lan Do, who is a water manager with the Corps. And, he is going to get into the exciting details of the operations.

MR. DO: Thank you, Andy. Good evening, everyone. Again, my name is Lan Do. And, I am, here, to present the proposed water control plan for COP.

So, some members of the audience may wonder what is a water control plan.

So, a typical water control plan consists of operational criteria defining how and when water is stored and released.

The plan may include a schedule of releases,

conservation pool levels, to be maintained during non-flood or drought conditions; and, also, has a downstream water level constraint.

The COP water control plan was drafted to meet its mission objective that was mentioned in Andy's Slide Number 7, as listed, here.

I'm not going to go through it, again. But I'm going to jump into the detail of our water control plan.

There are eight hydrologic basins within our water control plan, called COP.

Starting with Conservation Area 1, just to the southeast of the EAA, and south of the lake.

And, then, below that is Conservation Area 2A, 2B and just to the west and south, Conservation Area 3A and 3B.

And, south of the Conservation Area 3 is Everglades National Park. And, just to the east of Everglades National Park is the area called Las Palmas Community or is also known as the 8-and-a-half Square Mile Area. And, then, you have the entire South Bay conveyance system basin, right there.

And, within these hydrologic basins, we have 58 hydraulic structures; nine canals; and three

detention areas.

So, we draft this water control plan, according to the loan. It was an interagency effort to put it together right after our round two and round three of regional model simulations.

So, a shoutout to our modeling team, the Interagency Modeling Team, Water Management District, Everglades National Park and the Core of Engineers.

Over the 18-month period, they worked really hard and came up with a proposed -- the preliminary, preferred alternative.

And, then, our water management team hit the ground running, from July on, to September. So, we were able to arrive to a final draft.

And, that is what I am here to give you a little bit more detail.

So, first up, we are to compare to the existing water control plan that we operate, right now.

Before that, I just want to, briefly, touch, based on the Conservation Area 1. It has a regulation schedule that sends water out through S-10 structures, to Conservation 2A.

And, then, Conservation 2A, also, has a

regulation schedule that prescribes flow, depending on the time of year and stages, out of the S-11 structures.

And, finally, Conservation 3A, regulation schedule prescribed flow out of 3A. So, now, finally, for the last three years, we were able to send more flow through S-333, east, into L-29 Canal.

So, it is a priority to send water, here, first. And, then, the remaining water that, once we reach the canal limits, or capacity of the structures, then, we open the S-12 and send it south.

So, the current operational plan, we call Increment Two. Starting with Conservation 3A, we used the 1984 Rainfall Base Management Plan to compute the weekly rainfall target.

That prescribed to send water out of Conservation 3A, into ENP. And, working with the 2014 Water Conservation of 3A regulation schedule.

So, both of those work together to come up with a weekly rainfall target base and the rainfall in Station 3A.

So, when we prescribe a flow target, we have to, also, check for downstream constraint, as I

mentioned earlier, the guidelines of our water control plan.

So, we have to check off -- when we send the water, we are not to exceed the canal level. So, when we start with this, an ERTP, an incoming one.

We can only go up to 7.5; so, going to Increment Two in COP, that is a full foot lift with the one-mile bridge, here.

And, the recently completed 2.7-mile bridge by DOI. So, now we have more ability to send that water -- additional water into the old historic flow path of the Shark River Slough.

So, this area is called Northeast Shark River Slough. So, with the modified water delivery authorization, it allows us to put water here.

We, also, was required to maintain authorized flood mitigation for the Las Palmas Community, here, just east of the gauge, right here. You see GW-73.

Prior to Increment One field test, that was, also, a constraint. To prevent flow from coming in to Everglades National Park on this side, because of that gauge.

Then, further down, the system we call South Dade Conveyance System; we have to maintain

authorized flood protection for L-31 North and C-111 Canals.

So, the trace in orange is L-31 North, from S-334, all the way down to S-176. And, then, from S-176, all the way down to, S-197 to the C-111 Canal.

Then, in 2017, I believe, the Florida Bay initiative requirement was to send additional water to Taylor Slough.

And, to maintain hydraulic ridge, after we entered the dry season. So, that's what was implemented in Increment One, plus in Increment Two.

And, it's carried on, to COP. In COP, in a minute, I would, also, like to share with you that the modeling team identified additional water that we can send south, right when we are exiting the wet season into the dry season.

So, the important component is to provide additional flow to Taylor Slough, and the maintenance of a hydraulic ridge.

Last but not least down here, along the South Dade Conveyance System. Our goal is to minimize this discharge, point discharge to S-197 and to Barnes Sound.

And, for the last two years, we did not open

197, at all; okay? Except maybe for two weeks in 2018 where Everglades National Park has to conduct a flow test for about two weeks.

So, we will step forward, now, to COP. So, basically, you can see that we still have to constrain L29. We can't go above 8.5.

We still have to maintain authorized flood mitigation for the Las Palmas Community. We maintain authorized flood protection along L-31 North and the C-111 Canal.

We still have that Florida Bay initiative, to provide additional flow to Taylor Slough, and maintain hydraulic ridge; also, minimize discharge to 197.

I believe jumped ahead of myself. I'm going to go back one more time.

This area, right here, you can see that have this acronym, CSSS, then, A, B, C, D, E, F. Those are the Cape Sable Seaside Sparrow habitat; okay?

And, we do have, in 2016, the United States Fish and Wildlife Service provided us a set of reasonable and prudent alternatives.

And, that is a requirement to close S-344, S-343A and B, S-12A, and S-12B, from October 1st to July 14th, to allow this sparrow population a

habitat to dry out ahead of their breeding season, starting on March 1st.

So, with that, the S-12A and B have a high-water exit strategy. When water levels are still above this incoming one action line, those two structures allow to be remained open for an additional month or two.

So, now, we're going to jump to COP. I just described the constraint downstream. And, our responsibility to maintain flood mitigation and flood protection bringing additional water and not releasing to 197.

So, what is new in COP? There's the time and release flow formula, working with the new regulation schedule.

So, this new regulation schedule has two zones. Zone A, when it is called for, maximum releases out of the outer structures of Conservation 3A; through all of these structures.

Starting with S-333 and, then, the S-12, and the remaining western structures. So, when it is in Zone B, in green, Tamiami Trail flow formula takes over and prescribes the flow.

Through S-333, when we max out that, then, we can send out -- release the water through the S-12

structure, from east to west.

In addition, the S-344 structure no longer has a hard closure date. It will open when 3A is in Zone A, and when it goes in Zone B, it will be closed.

The next structure that has an operational change is S-332D, down here. It gained an additional month of pumping, at the maximum 500 CFS.

So, COP Water Control Plan's ultimate goal is to increase flow into Northeast Shark River Slough. And, try to send more water from -- our modeling team identified that we can send water from 3B to Taylor Slough.

And, also, when the level reaches the floor, then, we draw additional water from 3A. And, it, also, has a floor.

So, the detail of the COP Water Control Plan is in our Environmental Impact Statement, Appendix A.

So, Slide Number 16, here, I just want to share with you, is our Project Delivery Team, the modeling team provided us at the end of Round 2, this result, the modeling result.

So, this is the existing condition, where you

can see this is two maps. The one on the left is existing conditions.

And, it shows the average annual overland flow vectors, as you can see. So, most of the flow coming out of Conservation 3A is concentrated toward the center and toward the west side of the Everglades National Park.

But COP sends a lot of this water more concentrated towards the old historic slough, starting with Northeast Shark River Slough and all the way down through Sharks Slough.

And, you can see a slight trace of improvement, here, in the light-flow vector; here, at the head water of Taylor Slough.

So, that's the modeling result using 41 years of rainfall simulations.

So, as Andy mentioned earlier, we start with this field test to get us to COP, starting in 2015. This first column is the year.

The second column is the total rainfall for that year and in this water conservation of three rainfall areas that include a portion over here by the gap and, then, also Conservation Area 3B.

So, you can see the yellow area is accounting for the annual flow volume to Northeast Shark River

Slough, as you can see, here.

So, I started tracking this, and look at what are the responses of rainfall in 3A. And, how much we were able to deliver to Northeast Shark River Slough; and, ultimately, Everglades National Park.

So, we started Increment One in 2015. And, then, in early-2016 we had an El Nino event where we had a lot of water in the lake and up in the Conservation Area, about 56 inches of rain over the area.

And, we sent into this area -- Northeast Shark River Slough was about 269,000-acre feed.

In 2017, we had the highest June rainfall over the Conservation Area in June, about 18 inches in a month.

And, then, followed by Hurricane Irma in September. So, a total for the year was around 67-68 inches of rain.

But we could only send 129,000-acre feed here, because we have an active construction site in C-111 South Dade projects.

But for the total for the year, across the entire Tamiami Trail, we sent to Everglades National Park, 1.5-million-acre feed.

Then, in 2018, when we completed all the

project features and started Increment Two, we received only 41 inches of rain.

But we were able to put in, or deliver, into Northeast Shark River Slough, 343,000-acre feed. So, compared to prior years, it set the bar; right?

So, the last column, here, is comparison of -- to the total amount we sent to the Park in 2018.

So, we did five times more than in 2012, under IOP, the Center of Water Control Plan, before the Everglades Restoration Plan, in green.

And, it was three times more than when we started this Increment field testing. So, as you can see, 2018, when we completed the project feature, we were able to realize the additional benefit to the Park.

Putting the water -- improved water delivery to Everglades National park; time and location and volume.

With less rain and with more volume going into this part of Everglades National Park, the expansion area.

And, then, in 2019, I watched it closely when we have the second year of Increment Two. This area received 45 inches of rain.

And, we increased that delivery by 38 percent.

That's a huge step towards restoring this area of the Park.

This slide, Slide Number 18, it's just a summary comparison of the two water control plans; existing conditions and preferred plan.

For COP, we got a brand-new regulation schedule, working with the brand new Tamiami flow formula.

Both attempts to increase flow into Northeast Shark River Slough through incremental testing where we learned from the responding of the system.

That we can deliver a little bit more and a little bit more from 7.5, to 7.8, to 8.5. Then, we make that into our COP Water Control Plan.

We still have our responsibility to manage seepage along L-31 North and C-111. Here, you can see a little slight decrease in the Canal range.

But because we realize this is a benefit, by sending that water into the Park, through the spreader canal, into the South S-232D Detention Cell, froth pond (phonetic) and Aerojet (phonetic).

And, it is, also, keeping that function continuing to deliver supplemental water delivery to Taylor Slough and maintain the hydraulic ridge.

We identified the flow rate, depending on

Station L30, from 3B. And, then, we maintained the contribution from 3A, up to 200 CFS, to measure at the structures, S334 and S237.

Slide Number 19 is a summary. This brings me to the end of my -- the portion of my presentation.

The COP Water Control Plan, again, is Chapter 7. It is a brand-new water control plan. And, it is a Chapter 7 of a brand-new system operating manual that we include in the Environmental Impact Statement, as Appendix A and Appendix J.

So, the Corps feels it is very important that we are here, today, to tell you about the operational changes to our existing water control plan.

But, also, it is consistent with our guidelines, the Army Corps of Engineers' guidelines. Here, is the Engineers' regulations and the Engineering Manual.

Each time we would change our water control plan, we are here to brief you on those changes. And, the next line, I am going to hand it back to Andy. Thank you.

MR. LOSCHIAVO: All right. And, so, why are we here, tonight? It is part of the requirements in the National Environmental Policy Act.

Which, basically, states that all Federal actions need to be reviewed for their impacts on the human environment.

That is both the natural system, as well as, the built environment, and people's livelihood socio-economics.

And, it requires us to, if they are going to have significant effects, we do an environmental impact statement.

And, as part of that process, we have a draft environmental impact statement that shows how we consider all the environmental consequences of the combined operations plan.

We've looked a several alternatives, and looked at their effects, and even identified what is the preliminary preferred plan.

And, we put that out for public comment and agency comment, and tribal comment. And, that's part of this process, tonight.

So, folks will get an opportunity to provide comments for the record. You will, also, be able to provide comments through several ways. And, in just a moment, I will show you that.

And, here's the timeline that we've been through. We started back in 2017. I was scoping

to understand what issues we should focus on.

We went through the development of the different alternatives, with the Interagency Project Delivery Team.

And, there are some public meetings available for that. And, then, we put out a draft Environmental Impact Statement.

It was released in January, end of January. And, it is going to -- you can provide comments through March 15th, next month.

And, ultimately, we'll take that input that we receive. We'll respond to it; we'll make some tweaks, if necessary, to the Plan.

And, then, provide that -- a final Environmental Impact Statement that shows how we have addressed your comments, any changes that were made.

And, that would be June and July when that goes out, for another look by the public and agencies.

And, ultimately, the goal is to assign a record of decision explaining what was the recommended plan, the significant effects, how we have addressed them, by August 2020.

And, so, these are a number of things that we

look at and analyze you'll find in that draft. And, as far as providing comments, as part of the public process, you can provide written comments.

There are some sheets that Erica has in the back if you just want to write them out. There are some comment request cards that we've gotten for folks to come up here.

And, Jason will facilitate that. And, then, you can mail comments to Melissa Lasuti (phonetic). She is the Environmental Lead on this project.

And, you can get additional information through this Website, right here. And, again, I guess it is March 16th, not March 15th, that you can provide input.

And, this is the third meeting that we're doing. And, I'm just going to leave this up for folks, in case you want to write it down; as I turn it over to Jason, who is going to kick off the public comment part.

MR. ENGLE: All right. Thank you, Andy. I just wanted to say, thank you, to Lee Padrona (phonetic). She is here from Senator Marco Rubio's office.

Okay. So, as we said, public comment period will be a chance for you to put your comments on

the record.

There are other ways to do it if you want to put it in by email, or leave it in writing, here, tonight.

But we certainly welcome everyone to come up. If there is anyone that didn't already submit a card, you are welcome at the end of the process to stand up if you would like. We would just ask that you leave your name.

When you do come up, just please announce your name, clearly and any affiliation that you have. So, that we can get it on the record. First, we have Laura Aguirre.

MS. AGUIRRE: Thank you. Hi. I'm Laura Aguirre. I'm here representing Audubon Florida.

And, I just wanted to say, thank you, so much, for the opportunity to meet in person. And learn a little bit more about the Combined Operations Plan.

We really appreciate the extra effort that it takes to provide the public with this opportunity. And, thank the PDT for their hard work.

Audubon Florida has been involved in this process since it started. And, we are pleased with the evolution of the alternatives.

Alternative QPlus (phonetic) provides some

benefits to Everglades National Park in Florida Bay and it is moving in the right direction.

However, as expressed multiple times throughout the process, by Audubon and Partners, it still misses the mark in delivering minimum amounts of water to the Park in Florida Bay during critical times, the dry season and during droughts.

The current alternative sacrifices the Park in Florida Bay, exactly when the ecosystem needs water the most.

Additionally, we have been on record multiple times about the harmful practice of shunting water out to tide via the S-197 structure, which hurts the main ecosystems of Biscayne Bay and Florida Bay.

Instead of moving towards eliminating the use of S-197, this PDT has chosen to modify original goals of COP, to, merely, reduce the use of the S-197.

Having the use of S-197 written into the COP to be used at a maximum of 2,400 CFS during extreme conditions is of great concern.

The EIS mentions that extreme high-water line operations would make use of S-197, only during extreme conditions, which have been observed just

three times in the period of record analyzed.

However, it, also, mentions that those three times happened over the past five years, alone.

That, certainly, does not point to this practice being used sparingly; especially, with climate change intensifying storms.

Yesterday and today, it was mentioned that there had been almost no flow of water through S-197 in the past two years.

We doublechecked the data, and that is not exactly accurate. From August 18 to September 18, 2018, the structure was opened daily, with a total flow of 28,563-acre feed.

That is a lot of water that could have gone to Florida Bay, given that the total flow to Taylor Slough that year was about 41,000-acre feed.

And, over the last five years, not including the still incomplete 2019 through 2020 period, there hasn't been a single flow of hydrologic here, without use of S-197.

In 2018, waiting birds had a banner nesting season; the likes of which we haven't seen since the 1930's.

The extreme rainfall, associated with Hurricane Irma, immediately followed by a very dry

period season, drove the more than 138,000 waiting bird mass recorded.

However, when looking at individual species efforts, one of Audubon's indicator species exhibited comparatively subpar nesting efforts.

The Roseate Spoonbill colonies around Florida Bay produced only 270 nests in 2018. Excessive water discharges caused increased salinity along the coastal wetlands of Florida Bay.

Higher salinity made the wetlands less productive in terms of Spoonbill prey. And, without high prey abundance, Spoonbills were not stimulated to nest in nearby locations in Florida Bay.

This is a clear example of how relying on S-197, even during extreme conditions, will result in continued damage to Florida Bay.

The PDT must find a better way to deal with emergencies. Neither the environmental, nor the agricultural communities, support the extreme high-water line operations.

We urge the PDT to make the necessary changes to ensure COP Water Deliveries prioritize sending water south, year-round.

And, make an effort to prevent starving the

Park and the Bay from freshwater flows during the dry season and droughts.

We have waited nearly 30 years to set the bar for fresh-water flows. And, it cannot fall below the minimum expected release.

We commend you for your efforts to date. And, we look forward to your efforts to re-evaluate the draft EIS.

To find ways to increase ecosystem benefits for the Park and Florida Bay, particularly, during the dry season, before COP is finalized. Thank you.

MR. ENGLE: Thank you. Next, we have Tom Van Lent.

MR. VAN LENT: Thank you.

MR. ENGLE: You're welcome.

MR. VAN LENT: I'm not sure who to address my comments to. So, I'll address them to the Colonel, here.

Yes. I think at the Everglades Foundation, we recognize the incremental improvements that this project has made.

That, certainly, the significant improvements of the flow into Northeast Sharks Slough, from western Shark Slough, are extremely important.

The increase in the volumes; all that is good. And, we know that the perfect is the enemy of the progress of the good.

So, there is some incremental improvements, but I think, also, you have to recognize that there have been some missed opportunities to really end some damaging and very unpopular operations.

You still maintain a constraint on 333 operations, based upon stages in the 8.5 Square Mile Area. And, based upon some, really, marginally, modeling information.

If there was ever a situation that called for adaptive management, it's that. Just make the change. Eliminate that constraint, once and for all.

Second, I think Laura put it out, the operation, the extreme high-water operations to move water all the way down the South Dade conveyance system, all the way out 197.

It has been an operation that is, universally, unpopular. The EIS says, well, it will happen so infrequently, it won't be an issue.

A couple of paragraphs later, you say, well, it's happened a lot in the last few years. So, we won't permanent need it for coverage.

Really, just eliminate the practice. Go to an adaptive management during the flood. You would be much better off.

And, I think the biggest one is, the operations during drought conditions, this was clearly brought up.

No real possibility of relying on adaptive management during the middle of a drought. And, this year, I think, it could be particularly poignant.

And, we'll regret it, not being able to do it, as we watch Florida Bay's salinities climb. Saying we made incremental improvements just is not going to really sit well.

We needed to make real changes to how we manage water during droughts; put more water towards Florida Bay.

I'll let the -- I'll let the very passionate people, like Captain Blanco, talk about the importance of that.

But it really will be, I think, a missed opportunity. We should have taken it, now. It's not too late. Incorporate these things into the EIS. Thank you.

MR. ENGLE: Thank you. Next, we have Melissa

Abdo.

MS. ABDO: Hi. Good evening, everyone. My name is Melissa Abdo. I'm the Regional Director for National Parks Conservation Association.

And, I'm here to speak on behalf of NPCA. I'm, also, here as a native South Floridian, which you all can probably sense. Because, I'm shivering in the AC, tonight.

NPCA has been actively involved in the COP planning process since scoping began in 2017.

And, we have been advocating for the restoration of Everglades National Park in Florida Bay for decades, along with our partners and allies, and most of you.

As was one of our most iconic national parks, the health of the Everglades is a national priority for our organization, and for our 1.4 million supporters and members across the country.

We know the significance of this plan and this public comment period.

The final operations plan will determine where, when, and how much water flows south into Florida Bay, from infrastructure projects that have taken more than one billion dollars in taxpayer funding and decades to construct.

Finalizing how we use these projects is just as important as the construction, itself. We appreciate the work by agency staff to get to this point.

And, recognize that the current plan would result in more water flowing into the Everglades, as well as offering clear benefits to Northeast Shark River Slough.

Unfortunately, these benefits are being delivered in the rainy season, when water is already abundant.

The plan fails to increase fresh-water flow during times of low-water availability, leaving Florida Bay susceptible to severe drought.

Under this plan, the Bay could experience heightened salinity levels, seagrass die-off, and fish kills that are devastating to the Park, and the economy of the Florida Keys.

Seagrass meadows need to be restored and protected through this plan; not only for the Florida Bays and Keys' economies, but for the entire State of Florida and our nation.

Given their significance in Carla's (phonetic) illustration and significance in helping our nation to combat climate change.

So, we urge the Army Corps, the Water Management District, and other agencies on the Project Team, to take this opportunity to adjust the Operations Plan.

And, ultimately, finalize a COP that delivers authentic restoration benefits to the Everglades; and, not just a marginal step forward.

It is important to remember that the Federal Government's interest in these projects is our National Park, public lands and waters owned by all Americans.

Maximizing benefits for Everglades National Park must always be the priority for COP; and, all restoration efforts that are authorized by Congress and funded by American taxpayers.

Right now, both Congress and the Florida Legislature are making significant investments to expedite Everglades restoration.

That President's fiscal year 21 budget includes $250 million for restoration. And, Governor DeSantis' funding request is for over $300 million for the Everglades.

The clear message from Floridians and from our elected leaders is to send more water south, as quickly as possible.

Any plan that does not maximize sending fresh water south to the Everglades is not utilizing taxpayer investment as best you can.

And, working counter to these efforts to expedite restoration. For years, NPCA has been consistent on our position on COP.

Through multiple written and verbal comments to the Project Delivery Team, we have highlighted one single priority, send more water south in the dry season.

This is what is needed for the health of the Everglades National Park; the health of Florida Bay; and, the health of the entire greater Everglades ecosystem.

We urge the Army Corps to revise this draft EIS and prioritize the health of the Everglades in the final plan.

And, we thank you, so much, for your time and consideration. Thank you.

MR. ENGLE: Thank you. Next, Captain Benny Blanco.

MR. BLANCO: Thank you. My name is Benny Blanco. I'm a fishing guide in Everglades National Park.

I am, also, the President of the newly-formed

Everglades Guide Association; and, the Florida Bay Ambassador for Captains for Clean Water.

For 22 years, I have been guiding in Everglades National Park, in Florida Bay, specifically.

And, I would like to just mention that Florida Bay is not just another bay in the State of Florida. It is the bay for which all other bays are measured.

It is the bay that produced five times more records in permit and bonefish, than any other bays in the planet, combined.

It is the bay that people like, Ted Williams and George Bush dreamt about and bought homes to live on, to experience the fishing that we have, today.

It is the bay that the dreams of every flats fisherman around the planet are consumed of, on a daily basis.

For 22 years, I have watched the Bay die, every year. For longer than that, honestly. But for the 22 years of my guiding career; and, I'm tired of it.

The Bay is currently on Hospice. And, what does that mean? That means that it is on the verge

of death.

In 2015 we experienced a hyper-salinity summer. It has been very well published, except anywhere, here.

You'll hear everywhere in the fishing community, up and down every TV show, when they talk about Florida Bay.

Florida Bay suffered a major hyper-salinity event. And, what happened in 2015 can happen, again.

As a matter of fact, the refractometer readings this week are very similar to what we saw this time in 2015. That shouldn't be the case.

Because, we just had some pretty dang good rain in January and in December. And, here we are in February, with readings higher than the salinity of salt water.

That's extremely concerning to me. For the last week, we've got refractometers in the hands of several Florida Bay guides that we can document what is actually happening in the Bay, right now.

Not what happened last month; not what happened ten years ago. But what happened right now. And, what is happening right now is scary.

The Bay is the lifeblood of Monroe County.

You've heard it before. You've heard it yesterday. You'll hear it again tonight, I'm sure.

It is the foundation for the entire tourism industry in Monroe County. The tourism industry that accounts for $2.8 billion in economic activity, annually.

It is, also, the nursery for every single critical game fish, in-shore game fish, that supplements the $8 billion recreational and commercial fishing industry in the State of Florida.

This is not just any other Bay. This is the Bay. We have been fighting for years to secure funding for Everglades Restoration.

As everyone is well aware, in the last few years we have made major progress. We finally have political will; we finally have funding.

And, then, we have talks of -- from a particular group of people about using that funding that we secured for Everglades Restoration, for ASR wells and other things.

And, the rhetoric that is used is that Florida Bay is a rainwater-driven system. And, that water is never meant to flow down through the Everglades.

And, I disagree. That narrative benefits that

argument that the ASR wells are a viable option, at this point.

And, I'll be damned if I let the work that we've done to create this political will and this funding, right now, go to ASR wells.

That water needs to flow down south into Florida Bay, period. Currently, all of our fresh water comes from rainwater; there is no doubt.

Because, we can't get this right. And, unfortunately, rainwater is not enough.

Every real scientist, like Dr. Stephen Davis, at the Everglades Foundation, will tell you that there is, at least, the same amount of water evaporating from Florida Bay as there is rainfall on an average basis.

Which means that we have to get water from the Park, from Everglades National Park, in order for Florida Bay to remain less than the salinity of salt water.

And, that is crucial for every species that we rely on in Florida Bay. And, that is why this is so important; let me get this right.

So, I would like to see and this is why I am here. And, thank you for listening to me to this point.

What I would really like to see is more water being sent to Florida Bay during the dry season. I asked - were they getting water during the rainy season?

That's a good thing to have; we'll never have too much fresh water. But we absolutely need to have more fresh water in the dry season.

And, I absolutely would not have been doing my job if Florida Bay doesn't become a priority in this meeting, and in every other Everglades Restoration meeting that there is.

Florida Bay is absolutely the reason why we started Everglades Restoration -- we fought for Everglades Restoration from the beginning.

We have to send more water south. And, if we’ve been doing so, we also save the - to the east and the west.

Thank you so much for listening, tonight. Thank you for everything you guys have done. It's obvious that you have done a lot of work in the last year, since we had our last meeting.

These are encouraging, but I just want to see it a little bit more done. Thank you.

MR. ENGLE: Thank you. Next, David Kalmbach.

MR. KALMBACH: I'm just here for, really, a

different thing that falls under the heading of the hydrologic of the water of renourishing the Miami Beach Florida sand.

This is a white sand from the Dominican Republic. And, they don't necessarily consider it a, well, a nondomestic source. There are only two sources into Florida.

And, the sand is -- really, it is a light brown. In that shade it looks brown and it doesn't look that good, really, as compared to what white sand looks like.

It's about -- we're at $43.40 a cubic yard and the trucks are probably $54 to $57, if not higher, for moving the sand from the corp, which is millions of dollars.

Especially considering, two million tons, it's a number of millions. And, they didn't really want the trucks on the roads, the Environmental Resources.

They were looking at it both with using pumps to pump the sand off and spraying it on the beach. Except that is millions of dollars to set up the pumps.

And, what we have is a cargo ship that can hold about 64,000 cubic yard tons and it's a little

way offshore.

And, then we use, like, we like to use -- put, like, four hoppers, a rectangle, like box, made out of metal, with the tops open.

And, each one holds 5,000 tons and they're located on the corners of the cargo ship, where -- it's all bulk cargo.

They put the sand in -- they have to, I guess, mainly the center one for balance of the boat. That's over 100 yards long, for this size of boat.

And, you fill them up, each one of those, with 5,000 tons from the corner of the boats. And, they just pour it, like, out of the corner, into one -- like, an unloading craft.

I don't know how to put this, but like a tank coming off the -- where the frontend drops down. Just fill it up with sand.

And, you take, like, four boats, that's 20,000 tons, right there. And, a bulldozer just lifts it up and backs it out.

And, it takes about four or five tries for it to empty the unloading craft. And, in a half a day to a day, the ship is unloaded.

And, it will take the trucks about, almost a month to unload, to carry that amount of weight.

One truck is anywhere from eighteen cubic yards to 24 cubic yards, tons.

That's a lot of trucks and things on the beach. But they would help eliminate with the hoses and using the dock and a boat.

That would incur more costs, by just -- from the Dominican Republic. That's not that far away. Saves millions and millions of dollars.

Where they were planning on doing 12 to 15 million tons for 20 miles of Miami Beach over the next 10 or 15 years.

We could finish it in a 1,000 days, less than three years to complete the project and have about $618 million; it’s something like that.

Where it's like $25,650,000 one mile of Miami Beach. State property, I guess.

And, you know, miles -- that's a lot of sand. I forgot how many deliveries. But we do two every 12 days. One every six days. Like, four deliveries and, like, five deliveries a month.

MR. ENGLE: Thank you.

MR. KALMBACH: That's about 250,000 pounds a month. Thank you for listening.

MR. ENGLE: Sir, if you want to know more about our other projects, you can go to the same

Website.

If you just take off the COP word, there. And, you can find out about other public meetings, for those projects.

MR. KALMBACH: That is very interesting. I didn't realize how much work has gone into what you're talking about. And continuing I’ve heard the officers say you’ve worked really hard.

MR. ENGLE: Thank you. Next, we have Rainer Schloel.

MR. SCHLOEL: I'll be brief. My name is Rainer Schloel. I am the Chairman of the Florida Bay Committee.

I've been involved with CERP for years, starting in 2000 -- Ralph is looking at me, laughing -- through the Cutler Flow Way.

Although, in the last 20 years I am pleased with the evolution, not just of the plan, but with the evolution of public thinking.

As evidenced by the increased grassroots involvement and the commitment of our current Governor.

However, although I appreciate what you have done so far, it's still not enough. You know, we need increased flows to Taylor Slough, and Florida

Bay.

Not just during the wet season, as well. And, I'll let the people smarter than me, who were before me, and, probably, after me, continue to stress that, as well. Thank you.

MR. ENGLE: Thank you. Finally, we have Eduardo Varona; sorry, Varona.

MR. VARONA: I'm from Cutler Bay, the other bay, Biscayne Bay. We've heard about Everglades Restoration in Everglades National Park.

We've heard about sand on Miami Beach. We've heard about Florida Bay. But there's another national park in Dade County.

It's called Biscayne National Park. In 2000 the award that was authorized and passed by Congress and signed.

And, for 20 years we have been waiting for the coastal, southeast component of Everglades Restoration to happen; and, it ain't happening.

And, our Bay, which is right -- it's ironic to me that we're in Cutler Bay, and it's on Biscayne Bay; we have Palmetto Bay.

We got one little project of a hundred CSF, how many years ago? I don't know, like ten years ago.

We've got CERP, artificially divided into Phase I and Phase II; and, it's at a standstill.

Biscayne Bay Coastal Wetlands; Biscayne Bay is dying. It is at a standstill.

So, I'm hearing all this water going down Taylor Slough, Florida Bay. I love it, but there is enough water, probably, in the canals, right now, that go through Palmetto Bay, that go through Cutler Bay; that go down to Homestead. Cutler Flow-way is supposed to be about 400, I believe 400 CSF.

There's another 100 CSF, sort of, you might say, semi-reserved, that did not go to the Deering (phonetic) Flow-way.

That could go to what is, now, considered Phase Two of Biscayne Bay Coastal Wetlands.

Cutler Bay Flow-way was supposed to have been started, shoot, three or four years ago; delay, delay, delay.

Now, it's supposed to start in 2021; delay, delay, delay. Before you know it, who knows what happens.

So, I just -- I'm a grassroot activist. I don't want any organization.

But I will say, I'm one of the people that for

four years, fought so hard with Florida Water Management District to purchase the Southwest 184th Street BBCW, for your battle, for that to happen.

That land is sitting there; waiting for water to get to it. The water is in the canals, in the canal system.

Instead of opening those gates, every time there is a big rain event, you could be flushing it through laminar flow, right through those Biscayne Bay Coastal Wetlands.

And, it ain't happening. So, I'm just saying, please. There is Florida Bay; there's Everglades National Park; but there is Biscayne National Park, right here.

And, that Park is dying. There is a Biscayne Bay Task Force. And, everything says that the seagrasses in the north of the Bay are gone.

It's working its way south. Middle Bay, South Bay; we're going to have the same situation. And, I'm just going to say.

I, probably, will -- I don't know the numbers, but there's a big benefit to Biscayne Bay and Biscayne National Park not dying; in the same way that Florida Bay does not deserve to die, or Everglades National Park.

So, you know, maybe this isn't the place. And, I came in late and maybe I didn't see the initial part of the meeting.

Or, maybe you did talk about Biscayne Bay Coastal Wetlands; maybe I missed that. But I got a feeling I didn't; and, it's ironic to me that we're in Cutler Bay.

And, Biscayne Bay is behind us, and it's -- I don't hear anything about it.

So, I'm just going to ask that more effort, please, go to beginning to complete the project that should have already, probably, been completed. Thank you.

MR. ENGLE: Thank you. And, so, unless there are other comments from the public, tonight, this concludes our public comment period.

We thank everyone for coming out. As it pertains to any other CERP projects, you can access the Website, the South Florida Water Management District Website, as well, for information.

And, we have a lot of handouts in the back on the individual CERP projects, as well as the Integrated Delivery Schedule, that talks about the construction and the design of these projects.

And, so, we're going to stay afterward for a

while, for anyone that wants to talk about any of these projects, or COP, in particular.

And, so, we thank you for coming out.

(Thereupon, the meeting was concluded.)

CERTIFICATE OF COURT REPORTER

THE STATE OF FLORIDA:

:ss.

COUNTY OF MIAMI-DADE:

I, YLENA ZAMORA VARGAS, a Court Reporter in and for the State of Florida at Large, do hereby certify that I was authorized to and did report the proceedings in the above-styled cause at the time and place set forth; that the foregoing pages, numbered from 1 through 67, inclusive, constitute a true and complete record of my notes.

I further certify that I am not an attorney or counsel of any of the parties, nor related to any of the parties, nor financially interested in the action.

Dated this 10th day of March, 2020

YLENA ZAMORA VARGAS
Court Reporter

Everglades Coalition

1000 Friends of Florida
Angler Action Foundation
Audubon Florida
Audubon of Southwest Florida
Audubon of the Western Everglades
Audubon Society of the Everglades
Backcountry Fly Fishers of Naples
Calusa Waterkeeper
Cape Coral Friends of Wildlife
Center for Biological Diversity
Conservancy of Southwest Florida
Defenders of Wildlife
"Ding" Darling Wildlife Society
Earthjustice
Environment Florida
Everglades Foundation
Everglades Law Center
Everglades Trust
Florida Bay Forever
Florida Conservation Voters Education Fund
Florida Defenders of the Environment
Florida Keys Environmental Fund
Florida Native Plant Society
Florida Oceanographic Society
Friends of the Arthur R. Marshall
Loxahatchee National Wildlife Refuge
Friends of the Everglades
Hendry-Glades Audubon Society
International Dark-Sky Association,
FL Chapter
Izaak Walton League of America
Izaak Walton League Florida Division
Izaak Walton League Florida Keys Chapter
Izaak Walton League Mangrove Chapter
Lake Worth Waterkeeper
Last Stand
League of Women Voters of Florida
Martin County Conservation Alliance
Miami Pine Rocklands Coalition
Miami Waterkeeper
National Audubon Society
National Parks Conservation Association
National Wildlife Refuge Association
Natural Resources Defense Council
North Carolina Outward Bound School
Ocean Research & Conservation Association
Peace River Audubon Society
Reef Relief
Sanibel-Captiva Conservation Foundation
Sierra Club
Sierra Club Florida Chapter
Sierra Club Broward Group
Sierra Club Calusa Group
Sierra Club Central Florida Group
Sierra Club Loxahatchee Group
Sierra Club Miami Group
South Florida Audubon Society
Southern Alliance for Clean Energy
The Florida Wildlife Federation
The Institute for Regional Conservation
The National Wildlife Federation
Theodore Roosevelt Conservation
Partnership
Tropical Audubon Society

February 20, 2020

Melissa Nasuti
U.S. Army Corps of Engineers
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Melissa.A.Nasuti@usace.army.mil

Re: COP Draft EIS Comments from the Everglades Coalition

Dear Ms. Nasuti:

On behalf of its 62 member organizations committed to the protection and restoration of America's Everglades, the Everglades Coalition submits the following comments on the Draft Environmental Impact Statement (EIS) for the Combined Operational Plan (COP).

COP is the long-awaited operations guide to utilize restoration infrastructure that has been constructed to deliver clean, freshwater to Everglades National Park (ENP) and Florida Bay. These projects include the Modified Water Deliveries Project, C-111 South Dade, C-111 Spreader Canal, and bridged portions of Tamiami Trail. For decades, member organizations of the Everglades Coalition have worked to support the planning, funding, and construction of these projects to further our shared goal of delivering more freshwater south to ENP and Florida Bay, and for the overall health of the Greater Everglades ecosystem.

Unfortunately, the preferred alternative presented in the Draft EIS does not deliver ecosystem benefits that are desperately needed to restore the Everglades, failing to:

1. Deliver more water to Everglades National Park and Florida Bay, especially during the dry season and droughts. The current COP preferred alternative underperforms especially during drought and towards the end of the dry season, exactly when water need is the greatest in the Southern Everglades.

2. Stop the harmful practice of discharging water to tide, which impacts Florida Bay and Biscayne Bay. The "Extreme High-Water Line" operations adopted in the preferred COP alternative continue to rely on this detrimental practice, further exacerbating the lack of dry season water flows.

American taxpayers have funded projects operated under COP with over $1 billion over the course of several decades. These projects – authorized by Congress for the benefit of federal lands and waters that belong to all Americans – were intended to relieve the Southern Everglades and Florida Bay from extreme drought conditions and high salinity that caused widespread seagrass die-offs in the late 1980s and again in 2015. Delivering more freshwater during the dry season is of utmost importance for the health of the ecosystem and the surrounding communities.

We appreciate that current alternative does offer benefits to ENP and is a step in the right direction. Increased flow to Northeast Shark River Slough is a positive development and will provide much-needed relief to that area of the park. However, COP delivers most of the increased flow during Florida's rainy months, when water is already abundant in the system. **We urge the Army Corps to revisit opportunities to flow more freshwater south to ENP during the dry months between October and April, when the Southern Everglades and Florida Bay are most susceptible to harm.**

As currently written, COP does not improve ENP and Florida Bay's resiliency to drought. Instead, ENP and Florida Bay will continue to be vulnerable to seagrass die-offs and fish kills until Central Everglades Planning Project (CEPP) South components are constructed – at least seven years from now. Congress charged the Amy Corps with drafting an operations plan that delivers significantly more water than the previously guaranteed minimum flows to ENP year-round. The alternative as presented in the Draft EIS does not ensure that Congressionally mandated minimum flows for ENP will be met in times of severe drought.

Moving freshwater south is critical to the health of the Greater Everglades ecosystem, from the northern estuaries to the Florida Keys. Having infrastructure to move more water south to ENP and Florida Bay can help alleviate damaging Lake Okeechobee releases that harm the Caloosahatchee and St. Lucie estuaries. COP is our roadmap to success as we implement CEPP, but it cannot fall short of Congress' mandate to meet minimum deliveries for ENP and rely on CEPP to meet that threshold. Minimum deliveries represent the absolute floor, and CEPP aims to go above that mark.

With the significant $1 billion investment by American taxpayers, COP must go farther in achieving significant progress for the health of the Greater Everglades. Instead, the final COP alternative in the Draft EIS includes only marginal benefits for the ecosystem. As such, the Everglades Coalition urges the Army Corps and its agency partners (including South Florida Water Management District, National Park Service, U.S. Fish and Wildlife Service, and Florida Fish and Wildlife Conservation Commission) to reevaluate the Draft EIS and find ways to increase ecosystem benefits for the Everglades Florida Bay, particularly during the dry season, before COP is finalized.

Thank you for your consideration of our comments.

Sincerely,

Mark Perry
Co-Chair

Marisa Carrozzo
Co-Chair

Nasuti, Melissa A CIV USARMY CESAJ (USA)

From: Richard Grathwohl <feverfish@bellsouth.net>
Sent: Thursday, February 20, 2020 11:21 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (USA)
Subject: [Non-DoD Source] COP Draft EIS Comments

To Whom This Concerns:

I am Richard Grathwohl and I have lived in Marathon FL since 1958 and as a retired fishing guide now as I look back to times past and what I see for the future of FL Bays Water and fishery and wildlife is not looking promising at all. When I think back to my early years as a youth of the FL Keys which served as my playground upon it's watershed in wonderment of its pristine waters which was so clear with seagrass meadows which seemed to spread out for miles within FL Bay's waters a mere shadow of what it is now. The freshwater flow back then was able to fend off the intrusion of the saltwater which made it the brackish water wonderland of The Everglades and FL Bay. There were freshwater springs within FL Bay and Gulf of Mexico waters which also pumped out freshwater into the said area also all this ended when you allowed The Aero Jet Canal to be dug in place for sea going barges which were it carry Rocket Engines up into the Everglades to be tested which never came about but the canal did and soon after what waterflow remined from your mission of draining the Everglades of waterflow ended and now we are paying the price as fishermen upon its waters. We have been told since the late Seventies by the Corps that waterflow would be coming Col Rock Salt told us back then "That Help Was On Its Way" and we are still waiting for that said help of freshwater flows into The Everglades and into Taylor Slough and Shark River Slough and into FL Bay waters. This action needs to happen now not later for the countless years of non action on your part has made the FL Bay's water hyper saline due to saltwater intrusion due to the lack of freshwater flow which has dried up as you The Corps of Engineers completed your task of draining the Everglades of its watershed. Due to this fact of countless years of no waterflow into FL Bay now it is needed to have freshwater flow even in the dry season to turn around intrusion of the saltwater I ask you to please listen to the scientists who have studied FL Bay and hold vast knowledge of it's waters and what is needed now to turn this harmful matter at hand around it is all so easy just let the watershed flow into The Everglades and into FL Bays Waters even during the Dry Season until sound science tells us that it would not hurt The Everglades or FL Bay to follow the Historic Model but not now for freshwater is now needed even in the dry season. So Please Let The Freshwater Flow Now Not Later. Thank You:

Richard Grathwohl
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Ph 305-743-5122
E-Mail feverfish@bellsouth.net

Melissa Nasuti
U.S. Army Corps of Engineers
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Jacksonville, FL 32232
Melissa.A.Nasuti@usace.army.mil

Re: Restoration of Everglades National Park and Florida Bay

Dear Ms. Nasuti:

Everglades National Park and Florida Bay are incredible environmental and economic resources for South Florida. For years, the health of the Southern Everglades and Florida Bay have been in decline, impacting the coral reef ecosystem and fish populations that sustain our fishing, diving, and other water-based businesses. **We must deliver more freshwater to Everglades National Park and Florida Bay.**

Restoration projects designed to improve the conditions of Everglades National Park and Florida Bay have been planned for decades, and funded with over $1 billion by American taxpayers. Now, the Combined Operations Plan (COP) for these projects – including Modified Water Deliveries Project, C-111 Spreader Canal, C-111 South Dade, and bridged portions of Tamiami Trail – will determine where, when, and how much water flows into the Everglades and Florida Bay as these long-awaited projects come online.

Unfortunately, the final operations plan offers only marginal benefits for the Everglades, delivering more freshwater during the rainy months when water is already abundant in the system. Florida Bay is in critical need of more freshwater during Florida's dry season, when the ecosystem is most susceptible to hypersalinity, seagrass die-offs, and declining fish populations.

The U.S. Army Corps of Engineers must reassess this final alternative, and include plans to increase freshwater flow to the Everglades and Florida Bay during the dry season. After years of ecological damage caused by a lack of freshwater flow, hypersalinity, algal blooms, and seagrass die-offs, we must finally operate these projects for the purposes for which they were originally intended: to restore the Everglades. We must give Florida Bay a chance to recover and thrive.

Everglades National Park is a unique piece of our national heritage that we all own and treasure. We must ensure that restoration projects, which have been funded by more than $1 billion in taxpayer dollars, are used to protect and restore the Everglades.

Sincerely,

Lisa Mongelia

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Sincerely,

DALE BISHOP
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Sincerely,

KEN REDA

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Sincerely,

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Address

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232
Melissa.A.Nasuti@usace.army.mil

Re: Restoration of Everglades National Park and Florida Bay

Dear Ms. Nasuti:

Everglades National Park and Florida Bay are incredible environmental and economic resources for South Florida. For years, the health of the Southern Everglades and Florida Bay have been in decline, impacting the coral reef ecosystem and fish populations that sustain our fishing, diving, and other water-based businesses. **We must deliver more freshwater to Everglades National Park and Florida Bay.**

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Everglades National Park is a unique piece of our national heritage that we all own and treasure. We must ensure that restoration projects, which have been funded by more than $1 billion in taxpayer dollars, are used to protect and restore the Everglades.

Sincerely,

Ben Daughtry
Name

Ben@dynastymarine.net
Email

103 Windy Pt Cir. Marathon FL 33050
Address

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232
Melissa.A.Nasuti@usace.army.mil

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Sincerely,

STEVEN LEOPOLD

Name

LEOFISH4@AOL.COM

Email

P.O. BOX 1137 ISLAMORADA FL. 33036

Address

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232
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Sincerely,

Ken Nedimyer
Name

reefrenewal@gmail.com
Email

212 Silver Palm Ave, Tavernier, Fl 33070
Address

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232
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Sincerely,

Deborah Dillis

Name

Deb.Dillis@islamorada.fl.us

Email

PO Box 484 Islamorada, Fl 33036

Address

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232
Melissa.A.Nasuti@usace.army.mil

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Sincerely,

Name

Shelly.Krueger@gmail.com

Email

1111 Georgia St. Key West, FL 33040

Address

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U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232
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Sincerely,

Cynthia Lewis
Name

[illegible] @yahoo.com
Email

Laytonville, FL
Address

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232
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Sincerely,
Stephen Patten

Stephen Patten
Name

pattensp@aol.com
Email

17181 Starfish LN W Sugarloaf Key FL 33042
Address

Melissa Nasuti
U.S. Army Corps of Engineers
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Sincerely,

Edward Barham

Name

ledzepllg@bellsouth.net

Email

963 69th St. Marathon FL

Address

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
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Sincerely,

Jerome J. Lorenz
Name

jlorenz@audubon.org
Email

171 Tampa Dr Tavernier FL 33070
Address

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232
Melissa.A.Nasuti@usace.army.mil

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Sincerely,

David E Vaughan
Name

DrDavidEVaughan@gmail.com
Email

24215 Caribbean Dr, Summerland Key Fl
Address

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232
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Sincerely,

Diane Silvia
Name

hfkf@bellsouth.net
Email

510 Greene Street, Key West 33040
Address

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232
Melissa.A.Nasuti@usace.army.mil

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Sincerely,

Corey Malcom
Name

cmalcom1@gmail.com
Email

1608 Duncan St. Key West, FL 33040
Address

Nasuti, Melissa A CIV USARMY CESAJ (USA)

From: Dottie Moses <dpmoses@bellsouth.net>
Sent: Friday, February 28, 2020 7:35 PM
To: Nasuti, Melissa A CIV USARMY CESAJ (USA)
Subject: [Non-DoD Source] Combined Operational Plan

Dear Melissa Nasuti,

I attended the February 19, 2020 Public Meeting at Founders Park Community Center in Islamorada, Fl on the Combined Operational Plan. I would like to comment on the COP.

The health of Florida Bay has been compromised over the years because of the extreme conditions that have been allowed to take place. It is unacceptable to allow too much fresh water in the summer and hyper-saline conditions in the winter. These extremes cause the marine environment to collapse and recovery is becoming more of a struggle.

It is important that water management is done in such a way that 1) extreme conditions are avoided 2) the water is clean and 3) ecological indicators are monitored and maintained.

While the presentation talked about the amount of water that could be delivered, no one spoke about what would be required to maintain a healthy Bay and rather the plan met that need.

I strongly advocate for a plan that provides enough clean fresh water in the dry season so that hyper-saline conditions do not occur while avoiding using the Florida Bay as a dumping ground in the wet season.

Thank you for your efforts and please continue to recognize the restored health of Everglades National Park and the Florida Bay as the goal of this plan.

Dottie Moses
Key Largo, FL

Nasuti, Melissa A CIV USARMY CESAJ (USA)

From: Victoria Menchaca <VictoriaMenchaca@semtribe.com>
Sent: Tuesday, March 3, 2020 4:01 PM
To: Nasuti, Melissa A CIV USARMY CESAJ (USA)
Cc: Moreno, Meredith A CIV USARMY CESAJ (US); Bradley Mueller; Juan Cancel
Subject: [Non-DoD Source] USACE Combined Operations Plan draft Environmental Impact Statement (EIS) THPO Comments

Follow Up Flag: Follow up
Flag Status: Flagged

March 03, 2020

Mrs. Melissa Nasuti

Phone: 904-232-1368

Email: melissa.a.nasuti@usace.army.mil

Subject: USACE Combined Operations Plan draft Environmental Impact Statement (EIS), Miami-Dade FL

THPO #: 0028534

Dear Mrs. Nasuti,

Thank you for contacting the Seminole Tribe of Florida – Tribal Historic Preservation Office (STOF-THPO) regarding the USACE Combined Operations Plan (COP) Draft Environmental Impact Statement (EIS), Miami-Dade FL. The proposed undertaking does fall within the STOF Area of Interest. We have reviewed the documents provided and would respectfully like to provide the following feedback.

* The section of the Executive Summary that addresses Areas of Controversy and Unresolved Issues does not address the STOF-THPO's concerns over the possible effects of COP on cultural resources located on tree islands. We would respectfully like to ask that this section please be updated with the most current information on the STOF-THPO's position.

* Section 4.18 Cultural Resources, also does not have the most up-to-date information regarding the STOF-THPO's response to the USACE's determination of no adverse effect. We would respectfully like to ask that this section be updated.

* We also noticed that Appendix D.3 National Historic Preservation Act Compliance does not have the most current correspondence between STOF-THPO and the USACE. We would respectfully like to ask that this section be updated as well.

* Regarding Section 3.19 Native Americans, we believe that this narrative does not accurately reflect the Seminole's history in the region. According to the Seminole's oral traditions the earlier peoples of Florida are also considered Seminole ancestors and we believe the current narrative in the EIS does not reflect this. Therefore, we would respectfully like to ask the USACE to change this narrative to include this information.

If you have any further questions, please do not hesitate to contact us.

Sincerely,

Victoria L. Menchaca, MA, Compliance Review Specialist

STOF-THPO, Compliance Review Section

30290 Josie Billie Hwy, PMB 1004

Clewiston, FL 33440

Office: 863-983-6549 ext 12216

Email: victoriamenchaca@semtribe.com

Web: Blockedwww.stofthpo.com

Victoria L. Menchaca, MA, Compliance Review Specialist

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March 11, 2020

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
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Jacksonville, FL 32232
Melissa.A.Nasuti@usace.army.mil

Re: Restoration of Everglades National Park and Florida Bay

Dear Ms. Nasuti:

Everglades National Park and Florida Bay are incredible environmental and economic resources for those of us who live and work in the beautiful Florida Keys. For years, the health of the Southern Everglades and Florida Bay have been in decline, impacting the coral reef ecosystem and fish populations that sustain our fishing, diving, and other water-based businesses – the backbone of Monroe County's $2.7 billion tourism economy. **We must deliver more freshwater to Everglades National Park and Florida Bay.**

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As members of the Florida Keys community, we strongly assert that the Army Corps must reassess this final alternative, and include plans to increase freshwater flow to the Everglades and Florida Bay during the dry season. Our livelihoods absolutely depend on a healthy environment. After years of ecological damage caused by a lack of freshwater flow, hypersalinity, algal blooms, and seagrass die-offs, we implore you to operate these projects for the purposes for which they were originally intended: to restore the Everglades. We must give Florida Bay a chance to recover and thrive for the sake of the Everglades and our economy in Monroe County.

Everglades National Park is a unique piece of our national heritage that we all own and treasure. We must ensure that restoration projects, which have been funded by more than $1 billion in taxpayer dollars, are actually used to protect and restore the Everglades.

Sincerely,

D. A. Aldridge
President
Last Stand

Martin Arostegui, M.D.
IGFA Fishing Hall of Fame Inductee
Coral Gables, FL

Dotty Ballantyne
Key West, FL

Betsy Baste
Tavernier, FL

Capt. Benny Blanco
Fishing Flamingo

Capt. Bob Branham
South Florida Flats Fishing

Cara Capp
Senior Everglades Program Manager
National Parks Conservation Association

Norman Duncan
Master Angler
Miami, FL

Richard Grathwohl
Marathon, FL

Fred Hartner,
Key Largo, FL

Laura Hartner
Key Largo, FL

Emma Haydocy
Director
Florida Bay Forever

Curtis Kruer
Vice-President
Coastal Resources Group, Inc.

Capt. Gil Muratori
Past President, Metropolitan South Florida
Fishing Tournament
Miami, FL

Maria Natole
Key Largo, FL

Richard Natole
Key Largo, FL

Gale Raban
Key Largo, FL

Sara Rankin
Chapter Director
Florida Keys National Marine Sanctuary
Foundation

Robert Skinner
President
Mangrove Chapter of Izaak Walton League

Forrest N. Simmons
Tavernier, FL

Sandi Williams
Islamorada, FL

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Florida Keys National Marine Sanctuary
33 East Quay Road
Key West, Florida 33040

March 14, 2020

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232

Re: Draft Environmental Impact Statement Combined Operational Plan

Dear Ms. Nasuti,

NOAA's Florida Keys National Marine Sanctuary (FKNMS or sanctuary) appreciates the opportunity to comment on the U.S. Army Corps of Engineers' (USACE) Draft Environmental Impact Statement for the Combined Operational Plan (COP).

Designated in 1990 to protect nationally significant aquatic and marine resources, FKNMS is located adjacent to Florida Bay and comprises the downstream extent of the greater Everglades Ecosystem. The seagrass beds, coral reefs, hardbottom communities and mangrove forests of Florida Bay and FKNMS are the backbone of a multi-billion dollar economy, and good water quality is essential for sustaining the ecological health and economic productivity of these resources. While the Everglades historically provided the primary source of freshwater that is the foundation of the nearshore estuarine environment in Florida Bay, significant reductions in freshwater flowing south have contributed to decades of decline. As such, the sanctuary emphasizes the importance of restoration projects and operational plans that increase the quantity, and improve the quality, timing and distribution of freshwater into Everglades National Park and Florida Bay.

FKNMS appreciates the tremendous efforts that USACE, South Florida Water Management District, and the Department of Interior have undertaken to plan and construct the features of the Modified Waters and C-111 South Dade projects that will allow for more freshwater to flow south through Taylor Slough into northeast Florida Bay. We are particularly pleased that the COP preferred alternative AltQ+ will reduce outflows through the S-197 canal, and support any efforts to better manage freshwater releases from S-197 into Barnes Sound and Manatee Bay.

While the sanctuary recognizes the constraints associated with the COP Water Control Plan and the inherent complexities of pursuing multiple objectives on behalf of numerous stakeholders, we encourage you to consider additional approaches to maximize the hydrological restoration of Florida Bay. Specifically, consider prioritizing operational changes to send more freshwater south during Florida's dry season to prevent hypersaline conditions that lead to cascading ecological effects such as seagrass die offs, algae blooms, and declining fish and invertebrate populations in Florida Bay. We further encourage efforts to reduce nutrient loading and protect water quality in Everglades National Park and Florida Bay.

Finally, FKNMS supports implementation of a comprehensive COP Adaptive Management and Ecological Monitoring Plan (AMMP) to ensure effective adaptive management of the Modified Waters and C-111 water control infrastructure. Monitoring should specifically be designed to detect trends toward hypersalinity in north central Florida Bay during the dry season or periods of drought, and operational changes made to prevent the catastrophic ecosystem collapses Florida Bay has experienced in the past. The AMMP should additionally be designed to detect and mitigate increased nutrient inputs and ecological responses due to nutrient loading.

Thank you again for your continued efforts to advance Everglades' restoration and the opportunity to comment on the COP. If you have any questions or require additional clarification on our comments, please contact Karen Bohnsack, FKNMS Associate Director of Water Quality and Ecosystem Restoration, at Karen.Bohnsack@noaa.gov.

Sincerely,

Sarah Fangman
Superintendent

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

March 16, 2020

Colonel Andrew Kelly, Jr., Commander
U.S. Army Corps of Engineers Jacksonville District
P.O. Box 4970
Jacksonville, Florida 32232-0019

Re: EPA Comments on the Draft Environmental Impact Statement (DEIS) for the Combined Operations Plan, Broward, Miami-Dade, Monroe Counties, Florida, CEQ NO.: 20200020

Dear Colonel Kelly:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document in accordance with Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act. The Jacksonville District of the U.S. Army Corps of Engineers (USACE) is the lead Federal agency for this DEIS. The USACE's stated purpose of the project is to define operations for the constructed features of the Modified Water Deliveries (MWD) to Everglades National Park (ENP) and Canal 111 (C-111) South Dade project components. Through an iterative process, the USACE examined several alternatives that adjusted the operations of the Central and South Florida (C&SF) system while balancing a set of defined needs, including: flood control, water supply for agricultural irrigation, municipalities and industry, regional groundwater control and prevention of saltwater intrusion, enhancement of fish and wildlife, and recreation. The USACE identified four action alternatives and one no action alternative. The initial preferred alternative was the Alternative Q, however, the USACE continued to further refine this alternative. Based on sensitivity model runs of this alternative, the USACE developed Alternative Q+ and identified it as the preferred alternative.

The EPA provided scoping comments on October 23, 2017, and the EPA staff have participated in numerous conference calls, meetings and webinars. Overall, the EPA is supportive of the preferred alternative and has provided technical comments as outlined in the enclosure (see enclosure). The EPA requests that the technical recommendations be addressed in the Final Environmental Impact Statement (FEIS).

The EPA appreciates the numerous opportunities for early engagement and collaboration and finds this type of coordination beneficial to the USACE's planning process for Comprehensive Everglades Restoration Plan (CERP) projects. We look forward to continued participation in the CERP project

development process. If you have any questions regarding our comments, please contact Ms. Jamie Higgins of my staff at (404) 562-9681 or by e-mail at higgins.jamie@epa.gov.

Sincerely,

Ntale Kajumba for

Mark Fite
Director
Strategic Programs Office

Enclosure: Detailed Technical Recommendations

Enclosure
Draft Environmental Impact Statement (DEIS) for the Combined Operations Plan (COP)
Broward, Miami-Dade, Monroe Counties, Florida, CEQ No.: 20200020
Detailed Technical Recommendations

Adaptive Management and Ecological Monitoring Plan (AMMP): The EPA is supportive of the USACE's AMMP and the long-term commitment to managing the COP beyond the NEPA phase. The EPA also appreciates the establishment of an interagency team to provide expertise to the USACE for the implementation of the COP and we support the concept of establishing biannual interagency workshops to describe the performance of operations of the completed Modified Waters Deliveries and the C-111 South Dade features.

Recommendation: The EPA recommends the USACE include commitments to the AMMP and associated funding within the Record of Decision.

Florida Bay:

- **Shark River Slough:** In subsection 3.5.8 Florida Bay (page 3-1), the USACE states that flows from Shark River Slough may provide essential recharge for central and western Florida Bay. However, it is well documented that freshwater flows from Shark River Slough are necessary for the health and stability of the Florida Bay ecosystem (also see comment below).

  Recommendation: The EPA recommends the USACE acknowledge and briefly discuss the Resolution from the Florida Keys National Marine Sanctuary Advisory Council on the Ecological Conditions and Restoration Needs of Everglades National Park and Florida Bay adopted on October 16, 2018 (https://nmsfloridakeys.blob.core.windows.net/floridakeys-prod/media/docs/20181016-finalcopmotion.pdf) within the FEIS.

- **Vegetative Communities:** In subsection 3.8 Vegetative Communities (page 3-19), the USACE discusses seagrass die-off in Florida Bay. However, the USACE only references the seagrass die off that is documented in the U.S. Fish & Wildlife Service's South Florida Multi-Species Recovery Plan published in 1999 (https://www.fws.gov/verobeach/ListedSpeciesMSRP.html), which mentions the mortality event that began in 1987 and ended in the early 1990s (https://www.fws.gov/verobeach/MSRPPDFs/Seagrass.pdf).

  Recommendation: The EPA recommends the USACE also discuss the 2015 seagrass die-off in Florida Bay that is documented in the resources listed below as well as discuss the implications of both events in the FEIS.
  - 2015 Florida Bay Seagrass Die-Off (May 2016), https://www.nps.gov/ever/learn/nature/upload/seagrass-Dieoff_final_web_hi_res.pdf
  - Florida Bay 2015 seagrass die-off: Extent and characteristics (Greater Everglades Ecosystem Restoration Conference, 2017), https://conference.ifas.ufl.edu/geer2017/presentations/1_GreatCypress/1_Tuesday/1345_Kavanagh_Session6.pdf
  - Seagrass Mortality in Florida Bay: A Tale of Two Die-off Events (Greater Everglades Ecosystem Restoration, 2017), https://conference.ifas.ufl.edu/geer2017/presentations/1_GreatCypress/1_Tuesday/1415_Carlson_Session6.pdf

Total Maximum Daily Loads (TMDLs): In subsection 3.12.1 Nutrients (page 3-25), the EPA notes that in our September 22, 2017 scoping comments, the EPA recommended the USACE identify impaired water bodies and TMDLs within the project area. However, there is no mention of these impairments or TMDLs.

Recommendation: The EPA recommends the USACE briefly describe impaired water bodies and TMDLs that are listed within the project area. This information is available in Florida Department of Environmental Protection's Water Quality Assessments, TMDLs, and Basin Management Action Plans (BMAPs) Web Map (https://fdep.maps.arcgis.com/home/webmap/viewer.html?webmap=1b4f1bf4c9c3481fb2864a415fbeca77).

Environmental Justice: In Subsection 3.20.3 Summary of Environmental Justice Communities (page 3-39), the EPA notes that the USACE robustly describes environmental justice issues related to Native American communities; however, there is no discussion regarding the current issues related to other minority and/or low-income communities, especially farmers that lease land in the project area.

Recommendation: The EPA recommends the USACE describe minority and/or low-income populations within the project area, particularly the current condition of minority and/or low-income farmers.

Cultural Resources: In subsection 3.19 Cultural Resources (page 3-31), the EPA notes that there is no discussion or identification of sites in the project area that are listed in the National Register of Historic Places.

Recommendation: While the EPA principally defers to the State Historic Preservation Office, the EPA recommends the USACE identify and discuss sites listed in the National Register of Historic Places (https://www.nps.gov/maps/full.html?mapId=7ad17cc9-b808-4ff8-a2f9-a99909164466). For consistency with the National Historic Preservation Act, the EPA recommends discussing the following three sites that are located within the project area within the Cultural Resources section of the FEIS:

- Opa-Locka Bank (Reference #: 83001420),
- Nike Missile Site HM-69 (Reference #: 04000758), and
- Mud Lake Canal (Reference #: 06000979).

Everglades
Law Center, Inc.

March 16, 2020

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232
Melissa.A.Nasuti@usace.army.mil

Re: Comments on the Draft Environmental Impact Statement for the Combined Operations Plan

Dear Ms. Nasuti:

I write on behalf of Audubon Florida, Everglades Foundation, National Parks Conservation Association, and Everglades Law Center to provide comments on the Draft Environmental Impact Statement Draft EIS or D-EIS for the Combined Operations Plan COP . COP is the long-awaited operations guide for restoration infrastructure that has been constructed over decades to deliver clean freshwater to Everglades National Park ENP and Florida Bay. This infrastructure includes the Modified Water Deliveries Project, C-111 South Dade, C-111 Spreader Canal, and bridged portions of Tamiami Trail. The above-mentioned organizations have remained closely involved in COP development since operations planning began in 2017, and worked for decades before that to support the authorization, funding, and construction of the projects in question.

From the earliest scoping comments submitted in 2017, our collective message has been consistent: **Everglades National Park and Florida Bay need more water during the dry season and drought.** The plan presented in the Draft EIS fails to deliver on this critical need, which should have been the central focus and goal of the operations plan. Comprising a suite of projects funded by Congress with nearly $1 billion in American taxpayer investment, the final plan will leave the public lands and waters of ENP at significant risk of detrimental drought impacts, including seagrass die-offs and fishery declines in Florida Bay. As made clear in prior technical comments, adaptive management will not suffice to remedy the shortcomings of the plan. We urge the Project Delivery Team PDT to improve COP performance during drought periods before the plan is finalized later this year.

<u>Draft COP Fails to Ensure Congressionally-Mandated Minimum Flows for ENP During Drought</u>
Catastrophic seagrass die-offs plagued ENP and Florida Bay in the late 1980s, and were the catalyst that set the wheels of restoration in motion and convinced Congress to invest significantly in the suite of projects under consideration today. Again in 2015, failure to deliver adequate freshwater to the Southern Everglades led to ecosystem collapse in Florida Bay, including fish kills and significant impacts to the Florida Keys economy. In the aftermath of these catastrophes, Congress charged the United States Army Corps of Engineers Corps with drafting an operations plan that would deliver significantly more water to ENP year-round. In spite of that clear direction and urgent need, the preferred alternative as presented in the Draft EIS does not ensure that adequate flows for ENP will be met in times of moderate and severe drought.

A final operations plan that specifies water flows for months and years which do not meet minimum deliveries is a violation of federal law. We understand that COP is a stepping-stone to the Central Everglades Planning Project CEPP , which will deliver higher levels of restoration benefits. However, that does not mean that COP can legally deliver *less* than the legal minimum for water deliveries that this operations plan was intended to achieve and argue that CEPP will make-up for those differences. CEPP will provide restoration flows *above* the legally required minimum, and it is not up to CEPP to make up for COP's shortcomings. COP's mandate is to provide no less than minimum flows of water year-round for ENP as ordered by Congress.

Modeling described in the D-EIS indicates that Alt Q+ operations will result in several years in which Everglades flows are below the absolute floor of "minimum deliveries" that Congress set in 1970. *See* D-EIS at Section 4.2.5.3 "Five out of 41 years of simulated years are expected to deliver below 260,000 acre-feet total yearly volume for ALTQ" to Everglades National Park ; Section 4.2.5.4 "possible that, under very dry conditions, monthly deliveries will be lower than what is indicated in 1996 WCM. . . . Two out of 41 years of simulation are expected to deliver [to Taylor Slough] below 36,940 acre-feet total yearly volume for ALTQ. . ." ; Section 4.2.5.5 " Despite the considerable increases in annual deliveries for both ALTQ and ECB19RR, monthly deliveries [to Florida Bay] under very dry conditions may be lower than what is indicated in 1996 WCM."

The 1970 law sets a floor on water deliveries to Everglades National Park. The intent was to forbid water managers from cutting off water to the Park. However, the Corps interpreted the law by either providing the minimum monthly volume or opening the gates full, resulting in wild flow variations and ecological damage. Recognizing that this operational rule was inadequate, in 1983 Congress approved a temporary two-year experimental deliveries program that could modify those minimum deliveries "for the purpose of determining an improved schedule for . . . delivery." In 1989, Congress authorized a plan to "construct modifications" to the Central Southern Project for the purpose of "restor[ing] natural hydrological conditions within the park." Congress officially extended the 1983 experimental program in 1991 and thus the waiver of minimum deliveries , until the modifications authorized in the 1989 law were "completed and implemented."

Neither the 1989 law, nor the 1991 extension of the experimental program, authorized permanent changes to *minimum deliveries operations*. If the permanent new operations plan which Alt Q+ would be, as the result of the COP Process fails to make those deliveries, the Corps must return and ask Congress to override the minimum deliveries set forth in the 1970 law.

One major reason why the Tamiami Trail Flow Formula TTFF does not send adequate flows to the Park is that the use of a regression formulation to represent the "optimal flows" underpredicts at the high and low conditions. The high flows are addressed by the retention of Zone A, but the TTFF underpredicts flows beginning at about the 1-in-5 year annual totals. This problem is implicitly acknowledged by the inclusion of Section C.2.3.4 of Appendix C, page 7-32 of Appendix A. However, the proposed solution, using Adaptive Management, is unlikely to address the problem. First, droughts are not amenable to flexible operations, as by the time it is recognized as a drought, the range of options are limited. Therefore, language to increase flexibility will likely have little practical impact. Second, the Adaptive Management testing protocols do not use conditional probabilities of water levels flows, and hence, will likely not be invoked as envisioned. Since the Corps chose not to rectify the problem when raised, we recommend that the operations manual not go below that specified by the Minimum Deliveries Schedule during low flows, which is similar to the decision to retain Zone A for high flows.

We remain unsure whether the Corps is in fact conceding that COP will violate the minimum deliveries law, or is questioning the accuracy of its modeling and planning to adjust operations as needed to ensure minimum deliveries are met as part of adaptive management and plan implementation. *See* D-EIS at Section 1.3.10.4 "Nevertheless, the modeling shows that the COP should far exceed the Minimum Deliveries required under PL 91-282 on an annual basis." In either case, we emphasize that the minimum deliveries law acts as a constraint on the permissible final operations plan -- at least until the law is changed by Congress. If the Corps intends to honor that legal constraint, we request additional clarification in the EIS on how it intends to do so as part of plan implementation.

<u>"Extreme High Water Line" Continues Damaging Practice of Discharging Water into the South Dade Conveyance System</u>

Our organizations and nearly every other stakeholder in the area have been on record multiple times objecting to the harmful and wasteful practice of shunting water into the South Dade Conveyance System as an outlet for Water Conservation Area 3A. The primary goal of the Modified Water Deliveries Project was to use Northeast Shark Slough, the natural outlet for flows from the north, rather than extreme western Shark Slough or the South Dade Conveyance System and out S-197. Yet the Corps has now embedded this objectionable practice into the operations manual without investigating alternatives.

Of strongest concern for us is the proposed use of the S-197 structure, which hurts the marine ecosystem of Biscayne Bay and steals water needed in Florida Bay. Instead of moving towards *eliminating* the use of S-197 discharges as stipulated in the 1994 GRR for the C-111 South Dade Project, this PDT chose to modify that original goal from *eliminating* this practice, to simply *reducing* it, while continuing to maintain low canal stages at S-18C that further promote seepage and over-reliance of discharges via the S-197 structure.

Alternative Q+ in the D-EIS stipulates the ability to discharge up to 2400 cfs of freshwater via S-197 during "extreme" conditions, which had been triggered "only three times during the 41 year of continuous simulations" *see* D-EIS at ES-xi, 4-38 . Yet in the following paragraph the D-EIS recognizes that those three occurrences happened within the past five years, suggesting a much higher probability of opening. It certainly does not point to this kind of practice being used sparingly, especially with storms intensified by climate change. This is extremely concerning to the environmental community, especially taking into consideration the very clear, negative impacts of S-197 discharges on indicator species like the Roseate Spoonbill.

In 2018, wading birds had a banner nesting season the likes of which have not been seen since the 1930s. The extreme rainfall associated with Hurricane Irma in 2017, along with the very dry season that immediately followed, were the driving forces behind the 138,834 wading bird nests recorded across the Everglades ecosystem. However, when looking at individual species' efforts, Roseate Spoonbills in Florida Bay exhibited subpar nesting efforts by comparison. The Roseate Spoonbill colonies around Florida Bay produced only 278 nests in 2018. Audubon Florida's research showed that the S-197 structure was left open longer than needed to attenuate flood concerns. Therefore, despite an overabundance of fresh water, excessive discharges through S-197 led to increased salinity along the coastal wetlands of Florida Bay, salinity which was further increased by the compounding effect of higher sea levels observed in this area. Higher salinity made the wetland less productive in terms of

Spoonbill prey. Without high prey abundance, Spoonbills were not stimulated to nest in nearby locations in Florida Bay.

Further analysis revealed that between August 18 and September 18, 2018, the S-197 structure was open daily with a total flow of 28,563 acre-feet. Prior to that, the structure was also used May 25 to June 6, 2018 with daily flows totaling 6,590 acre-feet. That is a significant loss of freshwater to Florida Bay, especially when considering that total flow via Taylor Slough for the entire 2018 year was about 41,000 acre-feet. More importantly, over the last five hydrologic years, S-197 has been used every year. The last hydrologic year to have zero discharge out of the S-197 was 2014-15. Taking a step back, out of the last 25 hydrologic years back to 1994-95 , 2017-18 had the highest S-197 flow in the period of record, 2015-16 was the 4th highest, 2016-17 was 5th, and 2018-19 was the 8th. Decreasing frequency of discharge events might sound like an improvement, but looking at the volumes of flow lost each time and comparing them to the overall annual flow sent to ENP shows that these result in harm to the resource. Such a practice should not be written into the Final EIS for the COP.

The PDT must find a better way to deal with emergencies instead of using the long recognized as harmful "release valve" of discharging water that Florida Bay needs via S-197. As long as S-197 offers an option for quickly eliminating high water levels in the northern parts of the Everglades ecosystem, managers will continue to avoid the work of designing operational strategies that work for *all* parts of the Everglades. Neither the environmental nor the agricultural communities support the Extreme High Water Line EHWL operations.

<u>The Draft COP Maintains Constraints on the L-29 Water Levels and S-333/S-333N Operations Based upon the 8.5 Square Mile Area</u>

The D-EIS calls for the suspension of flows into Northeast Shark Slough based upon conditions in the 8.5 Square Mile Area 8.5 SMA . The Corps includes this constraint based upon modeling documented in Appendix H, Annex 2 and upon data analysis documented in Appendix C, Section 6. The simulations show a potential to increase water levels above the base condition in a small area in the northwest corner of the 8.5 SMA. Although this is within the model's estimation capabilities, the Corps offers only one and only one mitigation option: suspension of inflows into Northeast Shark Slough and a reduction in L-29 water levels.

This is of grave concern for several reasons. First, it suggests that the Corps does not have confidence in their solution for the 8.5 SMA, and so must maintain constraints. As in the similar situation with the EHWL, the Corps does not seem to be able to solve this particularly contentious issue, even after spending hundreds of millions of dollars on infrastructure that was supposed to be a solution. Second, this apparent inability to address the 8.5 SMA means that it will continue as an issue in subsequent projects, such as CEPP. One central tenet of CERP is the restoration of water flow south, through the Everglades and across Tamiami Trail. If the Corps has no confidence in the 8.5 SMA solution and it remains a constraint to flow water south, the entire future of CERP is jeopardized.

Adaptive Management is well-suited to prospective problems like this. Rather than proscribe one problematic solution that does immense damage and is contrary to the primary objectives of the Modified Water Deliveries Project and CERP, the Corps should observe the problem, determine if there is an actual concern, and then take action to address the observed issue. The constraint to flow into Northeast Shark Slough should be removed from the Operations Manual.

Water Quality Operations Introduce Unnecessary Complexity

Section 7.4.3 of Appendix A in the D-EIS contains a lengthy process description and three potential actions that could be taken in the event of a concern over water quality at S-333. While it is important to recognize that, because of the increased flows across Tamiami Trail, the potential for an excursion from Appendix A of the Consent Decree *United States v. South Florida Water Management District*, Case No. 88-1886-Civ-Moreno may increase, the process of how to address any deviation from Appendix A has already been defined in the Consent Decree. There is no need to develop an alternative process or duplicate effort. If the intent of the proposed actions is "to implement these minor operational adjustments to improve water quality," then one need not limit actions to this small number of possibilities or identify specific conditions that trigger investigation such as a S-333 HW stage . We would recommend this entire section be removed and to simply reference existing protocols of bringing any issues to the Technical Advisory Committee TOC for recommendations and the existing decision-making process in the Consent Decree.

Adaptive Management Plan Has No Mechanism for Implementation

Nothing about the Adaptive Management Plan in the D-EIS describes how it will be used to change operations in real time or how it will be used to update a future EIS. One specific example: the COP adaptive management plan Appendix C Section 2.6.2 calls for the continuation of the Wildlife Coordination Calls as part of the Adaptive Management Plan; however no one from operations is participating in these calls, nor is there a clear process by which reports from the group are reported to and incorporated into operations. Because there is no feedback or interaction mechanism for the Wildlife Coordination Calls and the Weekly Operations Meetings, there is no mechanism to consider recommendations presented by those calls. It is therefore unlikely that this part of the Adaptive Management Plan will influence weekly operations to ameliorate or recover from harmful practices. This specific oversight must be addressed, as well as the larger failure to spell how any lessons learned by way of the Adaptive Management Plan will drive operational changes.

Modeling Constraints Limited Ecosystem Benefits

Significant constraints were included in COP modeling that limited potential ecosystem benefits for ENP and Florida Bay -- most of which were related to flood control operations for nearby urban and agricultural communities. Beginning in 2017, our organizations requested that the PDT run one unconstrained model to show what is possible to achieve in terms of ecosystem restoration, so that we might have an "ideal world" scenario to compare against the "real world" implementation, and better demonstrate the trade-offs between restoration and flood mitigation. The request to run an unconstrained model to show maximum ecosystem benefits was denied.

Draft COP Fails to Maximize Taxpayer Investment

American taxpayers have spent $1 billion to restore the public lands and waters of the Everglades, and the return on that investment is marginal benefits to ENP and Florida Bay in the rainy months, when water is already abundant in the system. The Corps has failed to produce a bold plan to restore Florida Bay. The Draft EIS does not prioritize the health of our nation's Everglades over private interests, but rather continues the same type of operations that have degraded the Everglades and Florida Bay and will continue to do so until meaningful operational changes are made.

We recognize that the operations proposed for the COP in the D-EIS contain several innovations that will improve the environmental performance of the C SF Project. We also understand that timely implementation of COP is a prerequisite for moving to other critical restoration projects. However, the time and resources that have been expended on this project, as well as its critical role as the gateway on the path forward to the larger project of Everglades restoration, make addressing the critical infirmities we outline in these comments imperative. We urge the Corps to modify the D-EIS, addressing the shortfalls documented here so that new operations can be brought to Congress and progress on Everglades restoration continues apace.

Sincerely,

S. Ansley Samson
General Counsel

MIAMI-DADE COUNTY
Carlos A. Gimenez, Mayor

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March 16, 2020

Donna S. George, P.E.
Senior Project Manager
Ecosystem Projects Section, Ecosystem Branch Programs & Project Management Division
U.S. Army Corps of Engineers
Jacksonville District
701 San Marco Boulevard
Jacksonville, FL 32207-8175

Re: Draft Water Control Plan and Environmental Impact Statement (EIS) for the MWD/C-111 SD Combined Operational Plan

Dear Ms. George:

Miami-Dade County DERM appreciates the opportunity to provide the following comments on the above referenced documents:

- On item 4.2.3.2- Inland hydrology, the Table 4.3 Risk Assessment should include the loss of conveyance capacity in the canals and wetlands resulting from sea level rise due to changes in the downstream conditions. This table includes a discussion of the water control structures and pump station flows, but not the reduction in conveyance, which could change the effectiveness of the canals and pump stations.

- On item 4.3.6.22 E.O. 11988 Floodplain Management: a statement should be included that there will be no significant changes in the regulatory floodplain, and a description of the changes on a map, discussing impacts or improvements on the flood levels of service. The Army Corps has performed extensive modeling and it is DERM's understanding that such determinations have been made already, but we have not been able to confirm this within the draft EIS or draft water control plan. This should include reference to specific reports containing the results of the flood plain modeling that has been performed. The reference section should include links to locations where the documents can be obtained.

- The document should include a statement on how the Savings Clause was met in the original MODWATERS/C-111SD Project and the specific reference to the document in the body of the report.

- Based on the draft water control plan, the concern remains for the potential of high-volume discharges through the S-197 water control structure to Manatee Bay associated with the Extreme High Water Line. Discharges at the maximum volumes proposed could cause significant damage to Manatee Bay. Minimizing damaging freshwater flows to Manatee Bay or Barnes Sound is a specific and important project objective.

- Comprehensive authority is needed under this NEPA action to ensure that adequate adaptive management measures can be implemented without additional NEPA authorization if monitoring reveals saving clause issues, inadequate flows or levels for water supply or saltwater intrusion prevention or damaging freshwater flows to Manatee Bay.

- Miami-Dade County DERM respectfully requests that it be included as a working participant in the adaptive management and monitoring plan and water quality groups and we concur with DEP's March 13, 2020 recommendations to the Florida State Clearinghouse regarding adaptive management and monitoring.

- DERM is also requesting confirmation from the Army Corps that the well that has been installed at the northwest corner of the County owned wetland parcel with folio number 30-5821-000-0014 has been incorporated into the monitoring for this project.

Thank you for the opportunity to comment on the draft Water Control Plan and EIS. Please contact Marcia Steelman, our PDT representative for this project, at (305) 372-6691 or me at (305) 372-6522 if you have any questions or need further information.

Sincerely,

Craig K. Grossenbacher
Water Resources Coordination Division

Electronic copies to:
Annalise Mannix, Miami-Dade Water and Sewer Department
Virginia Walsh, Miami-Dade Water and Sewer Department
Marina Blanco-Pape, Miami-Dade DERM
Lisa Spadafina, Miami-Dade DERM
Rashid Istambouli, Miami-Dade DERM
Wilbur Mayorga, Miami-Dade DERM

Miccosukee Tribe of Indians
of Florida

Business Council Members
Billy Cypress, Chairman

Roy Cypress Jr., Assistant Chairman
Jerry L. Cypress, Treasurer

Talbert Cypress, Secretary
Petties Osceola Jr., Lawmaker

COL Andrew Kelly
Commander, Jacksonville District
US Army Corps of Engineers
701 San Marco Boulevard
Jacksonville, Florida 32207-8175

March 13, 2020

SUBJECT: Miccosukee Tribe Comments on Draft Environmental Impact Statement (DEIS) on the Combined Operational Plan (COP), dated January 31, 2020.

Dear COL Kelly:

The Miccosukee Tribe of Indians of Florida (Tribe) appreciates the opportunity to comment on the DEIS for COP, dated January 31, 2020. The Tribe understands that the purpose of the COP is to define the operations of the Central and South Florida Flood Control Project (C&SF Project) for previously constructed features of Modified Water Deliveries (Mod Waters) to Everglades National Park (ENP). The COP attempts to balance the ecologic restoration objectives of the Mod Waters project by the redistribution of water budgets of Water Conservation Area 3A (WCA3A) and ENP. Until future restoration projects are built and operational, all users of water in south Florida will continue to be adversely impacted by the over-drainage caused by the C&SF Project.

Winners & Losers: Obviously, the preferred alternative (ALTQ+), will increase water deliveries from WCA-3A to ENP through Northeast Shark River Slough and should ultimately improve hydrologic conditions in Taylor Slough and the Rocky Glades. Unfortunately, the benefits to the ENP create many devastating impacts to Tribal lands in WCA-3A. The devastating impacts to Tribal lands include: (1) lower water levels in WCA-3A will prevent the Tribal members from accessing tree islands for cultural and religious practices, (2) permanent loss of muck substrate due to soil oxidation in

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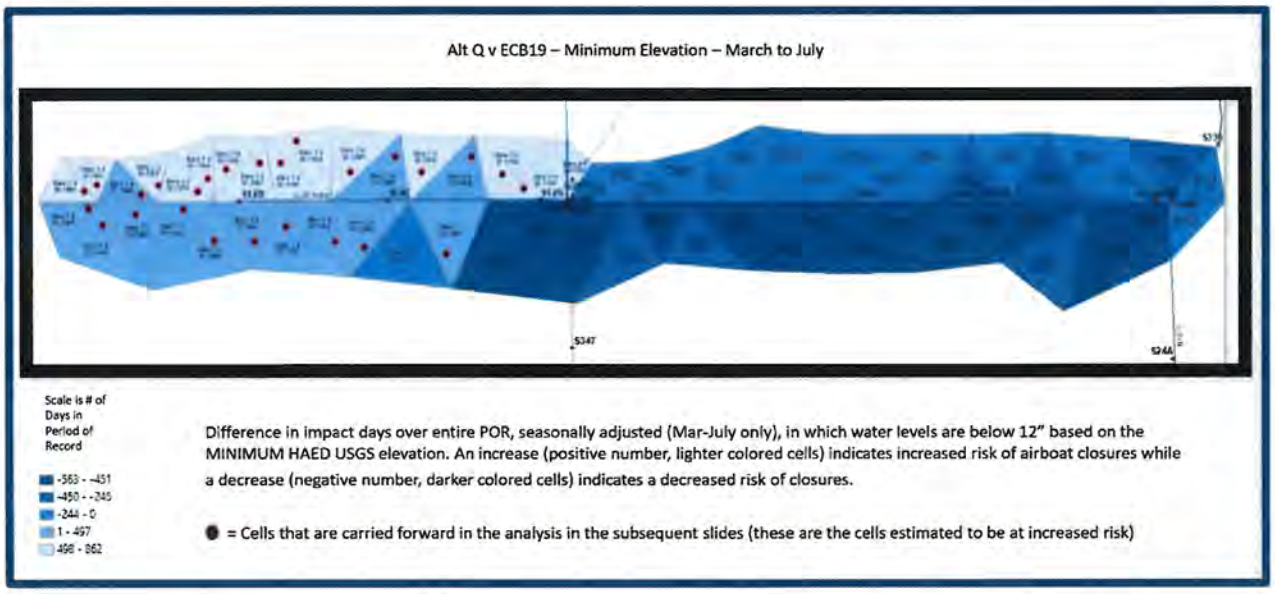
Constitution Approved by the Secretary of the Interior, January 11, 1962

northern WCA-3A, (3) increased risk of wildfires in a dryer WCA-3A, (4) lack of access for Tribal members to enter their lands for hunting, fishing, frogging, gathering of traditional medicine, (5) disproportionate impacts to tribal commercial airboat operations and (6) increased phosphorous loading in WCA-3A causing an anticipatory breach of the Settlement Agreement and Consent Decree.

The Environmental Justice (EJ) analysis reaches an **inaccurate and deceitful** conclusion. There is no doubt that the impacts to the Miccosukee Tribe caused by the COP are entirely disproportionate. In fact, no other group of persons actually live in the area to be impacted other than the Miccosukee Tribe. The lands which are contemplated to be damaged by the COP are either federal Indian Reservation or Leased in perpetuity by the Miccosukee Tribe, both lands were created by an act of congress. The only group to lose their ability to practice their religion is the Miccosukee Tribe. The only group to lose the right of subsistence hunting and fishing are the Miccosukee Tribe. The only group whose culture is dependent on the Everglades, in its natural state, is the Miccosukee Tribe. The damaged caused by increased phosphorous loading is on Miccosukee lands. The only commercial airboat operation allowed in WCA-3A is the Miccosukee Tribe and that will be impacted. The DEIS attempts to dismiss these disproportionate impacts by comparing possible flooding impacts to south Dade agriculture (located 25 miles southeast) to the inability to practice our culture and religion, the devastation of our lands, the violation of a Congressional Act (which may result in the extinguishment of the Settlement Agree and the revision of lands back to the sole possession of the Tribe) and a complete violation of the legal principles of federal trust responsibility and economic self-sufficiency of tribes. Therefore, the EJ section is of the DEIS is completely flawed.

Decreased water levels in WCA-3A may have a beneficial effect on the Tree islands which have been subject to decades of flooding by the Corps of Engineers. This flooding has decimated wildlife in the 915 square miles of Tribal land. Acknowledgement of this benefit does not alleviate the devastating effects this plan will have on tribal rights and the effectual taking of the Tribe's reservation lands and codified rights by completely eliminating access. The Miccosukee Tribe and its members still use airboats to gain access to the tree islands where traditional chickees are located and corn is grown for religious ceremonies. Our traditional practices of hunting and fishing are dependent upon having enough water to float an airboat to have access to our lands. The COP will impact the Tribe by completely eliminating our ability to continue our traditional and customs and religion.

Previous to the publication of this DEIS, an airboat accessibility analysis was conducted by the Corps. The analysis specifically examined the areas along Tamiami Trail, where the Miccosukee Tribe are the **ONLY** authorized commercial airboat operators in WCA-3A through a duly authorized congressional act. The Corps analysis unquestionably showed that the only area negatively impacted by COP is where the Tribe operates their commercial airboat operations. The areas shown in light blue (see modeling results below) are where the Tribe is the <u>only commercial airboat operation</u> that is authorized. It is also the area where the water will be below the minimum to float an airboat 25% of the time. These drastic impacts will last <u>at least 10 years</u> until new water is made available from the northern projects.



Note: In this diagram the x-axis is Tamiami Trail from 40 mile bend (west) to Dade Corners (east) and the y-axis is the divide between WCA-3A and WCA-3B. There are no commercial operations south of Tamiami Trail and west of the divide.

The Tribe also requested the Corps conduct an analysis of their Trust Responsibility. The federal Indian trust responsibilities requires the United States to support Tribal sovereignty and economic prosperity. Unfortunately, this DEIS makes the following erroneous statement: *"However, unless a statute, regulation, treaty, or agreement places a specific duty on the Government, the trust responsibility is satisfied by the agency's compliance with general regulations and statutes not specifically aimed at protecting Indian Tribes."* The Indian Trust Doctrine would be meaningless if this statement were true. It is this specific project which will disproportionately impact the Miccosukee Tribe and it is this specific project that requires an adequate analysis of cultural and economic impacts that are contemplated by COP. Perhaps the drafters of the DEIS did not read Title 25 of the Code of Federal Regulations, or the plethora of

case law from the Circuit Courts and even the Supreme Court of the United States which sets out this obligation to Tribes. Also, the drafters of the DEIS failed to even take into account the actual Settlement Agreement between the State of Florida and the Miccosukee Tribe of Indians of Florida, PL 97-399 (1982), which legal provides for these rights that the DEIS so callously extinguishes. Furthermore, that Congressional Act specifically states:

Revocation of Settlement Sec. 10. In the event the Settlement Agreement between the Miccosukee Tribe and the State of Florida is ever invalidated,

(1) The transfers, waivers, releases, relinquishments and other commitments made by the Miccosukee Tribe is paragraph 3 of the Settlement Agreement **shall no longer be of any force or effect**, (Emphasis added)
(2) Section 5 of this Act shall be inapplicable to the lands, interest in lands, or natural resources of the Miccosukee Tribe and its members **as if never enacted**, and (Emphasis added)
(3) The approvals of prior transfers and the **extinguishment of claims and aboriginal title of the Miccosukee Tribe otherwise effected by section 5 shall be void ab initio**. (Emphasis added)

This duly enacted act of Congress, implemented into law provides specifically that if the Settlement Agreement is violated, such as by implementing this Combined Operating Plan, then the Settlement Agreement is void as if it never happened and the Tribe gets back its aboriginal title. Make no mistake that the Miccosukee Tribe will do everything and fight to the bitter end to protect our rights, our culture, our freedom of religion and our traditional way of life, including taking back all of our land.

Finally, the DEIS admits, *"Decreases in water levels in WCA 3A may limit airboat access to tree islands by the Miccosukee Tribe during extremely dry periods. The Miccosukee Tribe maintain a traditional life style that is intricately connected to the Everglades. Traditional practices of hunting, fishing, frogging, trapping, and general living are still maintained, along with modern entrepreneurship with tourism related businesses (airboat concessionaires) along Tamiami Trail. These practices continue to tie the Miccosukee tribe to the Everglades in such a way that careful consideration of effects on tribal cultural, well-being, and way of life is warranted. Tree islands were and still are important places to the Native American populations of Florida. It is generally agreed that most of the tree islands of any reasonable size contain archaeological sites and many contain burial components. Potential limitations to accessing tree islands via airboat may affect the ability of the Miccosukee Tribe to participate in cultural and religious practices that take place on these islands..... Decreases in water levels in WCA 3A as a result of the Alternatives may prohibit airboat access to tree islands on lands leased by the Miccosukee Tribe during extremely dry periods."*

In what can only be described as Cognitive Dissonance and/or Forced Compliance Behavior, the DEIS concludes *"A detailed analysis of the Miccosukee Tribe's concerns related to access of tree islands did not find a disproportionate impact."* This intellectually dishonest conclusion is offensive to the Tribe and its members. The Corps of Engineers own DEIS admits that there are

numerous adverse and disproportionate impacts to the Miccosukee Tribe who are the ONLY people who actually live in the Everglades.

The problems resulting from the COP arise because the Department of Interior has pushed an agenda to put their projects ahead of all others. Putting the cart before the horse, the DOI ignored the Integrated Delivery Schedule and has continually added one project on top of another project under the pork barrel appropriations of "Mod Waters". More water supply is needed from the north end of the system before we pull the plug from the bottom and drain the Water Conservation Areas. Tread carefully in the actions that you take.

Sincerely yours,

Billy Cypress
Tribal Chairman

Cc:

Drew Bartlett, SFWMD
Chauncey Goss, SFWMD
MG Diana M. Holland, COE SAD
LTC Todd Polk, COE JAX
Cindy G. Thomas, COE
Ron DeSantis, Governor of FL

H.E.R.O.

HERITAGE AND ENVIRONMENT RESOURCES OFFICE

March 23, 2020

Donna S. George, P.E.
Senior Project Manager
Ecosystem Projects Section, Ecosystem Branch Programs & Project Management Division (PPMD) US Army Corps of Engineers Jacksonville District
U.S. Army Corps of Engineers
Jacksonville District
701 San Marco Boulevard
Jacksonville, FL 32207-8915

RE: Draft Water Control Plan and Environmental Impact Statement for the MWD/C-111 SD Combined Operational Plan

Ms. George:

The Seminole Tribe of Florida Heritage and Environment Resources Office (HERO) is in receipt of the United States Army Corps of Engineers ("USACE") Draft Water Control Plan and Environmental Impact Statement for the MWD/C-111 SD Combined Operational Plan and offers the following comments:

1. The Tribe will hold the Corps responsible for any flood damages to Tribal Lands and Permit holdings along Tamiami Trail resulting from COP operations.
2. The Tribe requests to be consulted regarding the detailed operational aspects in the areas affecting Tribal Reservations and other lands.

The following comments have also been relayed to the USACE in previous correspondence and still need to be addressed.

1. We are especially concerned that there is a lack of adequate sampling of the various types and range of sizes of tree islands found within the APE. We are also concerned that the current sample size is not statistically significant given the total number of tree islands that exist within the APE. Additionally, it is our position that the significance of all tree islands are not equal and thus cannot be treated as one resource. At this time we do not believe there is sufficient information available for the STOF to concur with the USACE's National Historic Preservation Act of 1966 (as amended), Section 106 determination of effects.
2. The section of the Executive Summary that addresses Areas of Controversy and Unresolved Issues does not address the STOF THPO's concerns over the possible effects of COP on cultural resources located on tree islands. We would respectfully like to ask that this section please be updated with the most current information on the STOF-THPO's position (see attached letter).
3. Section 4.18 Cultural Resources, also does not have the most up-to-date information (see attached letter) regarding the STOF-THPO's response to the USACE's determination of no adverse effect. We would respectfully like to ask that this section be updated.
4. We also noticed that Appendix D.3 National Historic Preservation Act Compliance does not have the most current correspondence between STOF-THPO and the USACE (see attached letter). We would respectfully like to ask that this section be updated as well.
5. Regarding Section 3.19 Native Americans, we believe that this narrative does not accurately reflect the Seminole's history in the region. According to the Seminole's oral traditions the earlier peoples of Florida are also considered Seminole ancestors and we believe the current narrative in the EIS does not reflect this. Therefore, we would respectfully like to ask the USACE to change this narrative to include this information.

Sr. Director and Tribal Historic Preservation Officer, Dr. Paul N. Backhouse | Tribal Historic Preservation Office Director Ms. Anne Mullins | Director of the Ah-Tah-Thi-Ki Museum Ms. Kate Macuen | Director of the Environmental Resources Management Department Mr. Kevin Cunniff

The Tribe's HERO office appreciates your courtesy in allowing us to review this matter. Please contact me if you have any further questions.

Sincerely,

Paul N. Backhouse, Ph.D., RPA
Senior Director, Heritage and Environment Resources Office,
Tribal Historic Preservation Officer

Attachment

c. Jim Shore, Esq., General Counsel, Seminole Tribe of Florida
Andrew J. Bowers, Executive Director of Operations, Seminole Tribe of Florida
Anne H. Mullins, Director, Tribal Historic Preservation Office
Kevin Cunniff, Director, Environmental Resource Management Department
Stephen Walker, Esq., Lewis, Longman & Walker
Stacy Myers, Senior Scientist/Liaison, Heritage and Environment Resources Office
Bradley Mueller, Compliance Review Specialist, Tribal Historic Preservation Office
Michelle Diffenderfer, Esq., Lewis, Longman and Walker
Whitney Sapienza, Asst. Director, Environmental Resource Management Department

Victoria Menchaca

From: Victoria Menchaca
Sent: Friday, January 24, 2020 9:01 AM
To: Dunn, Angela E CIV USARMY CESAJ (USA)
Cc: 'Moreno, Meredith A SAJ (Meredith.A.Moreno@usace.army.mil)'; Juan Cancel; Anne Mullins; Paul Backhouse; Victoria Menchaca; Stacy Myers; Bradley Mueller
Subject: Combined Operational Plan Preferred Alternative Section 106 Consultation Comments

SEMINOLE TRIBE OF FLORIDA
TRIBAL HISTORIC PRESERVATION OFFICE
AH-TAH-THI-KI MUSEUM

TRIBAL HISTORIC PRESERVATION OFFICE

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TREASURER

January 24, 2020

Angela E. Dunn
Environmental Branch Chief
Planning & Policy Division
Jacksonville District
Office: 904.232.2336
Email: Angela.E.Dunn@usace.army.mil

Subject: Combined Operational Plan Preferred Alternative Section 106 Consultation Comments
THPO Compliance Tracking Number: 0028534

Dear Ms. Dunn,

Thank you for contacting the Seminole Tribe of Florida – Tribal Historic Preservation Office (STOF-THPO) regarding the Combined Operational Plan and for taking the time to discuss the undertaking with us during the January 16th conference call/webinar. The proposed undertaking falls within the STOF Area of Interest. After carefully considering the information you have provided over the past several months we do not feel that there is currently sufficient information for us to comment on the USACE's determination of effects to cultural resources within the Area of Potential Effect (APE).

We are especially concerned that there is a lack of adequate sampling of the various types and range of sizes of tree islands found within the APE. We are also concerned that the current sample size is not statistically significant given the total number of tree islands that exist within the APE. Additionally, it is our position that the significance of all tree islands are not equal and thus cannot be treated as one resource.

The STOF stands willing to work constructively with the USACE to help identify the types of information the Tribe would need to assist it in making these difficult assessments. We look forward to continuing this discussion.

Respectfully,

Paul N. Backhouse, Ph.D., RPA
Senior Director, Heritage and Environment Resources Office,
Tribal Historic Preservation Officer
30290 Josie Billie Hwy, PMB 1004
Clewiston, FL 33440
Email: PaulBackhouse@semtribe.com

Nasuti, Melissa A CIV USARMY CESAJ (USA)

From: Stahl, Chris <Chris.Stahl@dep.state.fl.us>
Sent: Monday, March 23, 2020 4:37 PM
To: Nasuti, Melissa A CIV USARMY CESAJ (USA)
Cc: State_Clearinghouse; Barfield, Natalie; Amoah, Kat; Megan Jacoby; Elliott, Rebecca
Subject: [Non-DoD Source] State Clearance Letter for FL202001318830C - Draft Environmental Impact Statement Combined Operational Plan, Broward, Miami-Dade, Monroe Counties, Florida
Attachments: 2020_03_16_Bartlett_Stahl_COP.pdf; FDEP CLH Memo_Draft EIS - COP.pdf; COP WCP Draft EIS FL 202001318830C FDACS Staff Tech Comments Submitted RE 031320.pdf; Combined Operational Plan_41087_03062020.pdf

March 23, 2020

Melissa A. Nasuti
U.S. Army Corps of Engineers
Jacksonville District, Planning Division
P. O. Box 4970
Jacksonville, Florida 32232-0019

RE: Department of the Army, Jacksonville District Corps of Engineers - Draft Environmental Impact Statement Combined Operational Plan, Broward, Miami-Dade, Monroe Counties, Florida
SAI # FL201908068706C

Dear Melissa:

Florida State Clearinghouse staff has reviewed the proposal under the following authorities: Presidential Executive Order 12372; § 403.061(42), Florida Statutes; the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended; and the National Environmental Policy Act, 42 U.S.C. §§ 4321-4347, as amended.

The Florida Department of Agriculture and Consumer Services, Department of Environmental Protection, Florida Fish and Wildlife Conservation Commission and the South Florida Water Management District have reviewed the proposed action and independently submitted comments for your consideration. These have been attached to this letter and are incorporated hereto.

Based on the information submitted and minimal project impacts, the state has no objections to the subject project and, therefore, it is consistent with the Florida Coastal Management Program (FCMP). Thank you for the opportunity to review the proposed project. If you have any questions or need further assistance, please don't hesitate to contact me at (850) 717-9076.

Sincerely,

Chris Stahl

Chris Stahl, Coordinator
Florida State Clearinghouse

Florida Department of Environmental Protection
3800 Commonwealth Blvd., M.S. 47
Tallahassee, FL 32399-2400
ph. (850) 717-9076
State.Clearinghouse@floridadep.gov

Memorandum

TO: Chris Stahl, Florida State Clearinghouse

THROUGH: Edward C. Smith, Director ECS
Office of Water Policy and Ecosystems Restoration

FROM: Inger Hansen and Alyssa Gilhooly
Office of Water Policy and Ecosystems Restoration

DATE: March 13, 2020

SUBJECT: Department of the Army, Jacksonville District Corps of Engineers — Draft Environmental Impact Statement (EIS), Combined Operations Plan (COP), Broward, Miami-Dade, and Monroe Counties, Florida

SAI #: FL202001318830C

Summary:

The purpose of the Combined Operations Plan (COP) is to define operations for the constructed features of the Modified Water Deliveries (MWD) to Everglades National Park (ENP) and Canal 111 (C-111) South Dade project components. This Draft Environmental Impact Statement (EIS) presents a preferred plan, Alternative Q+ (ALTQ+), and presents a Draft Water Control Plan for COP. The COP would supersede the 2012 Water Control Plan for the Water Conservation Areas (WCA), Everglades National Park (ENP), and ENP to South Dade Conveyance System (SDCS). The water management operation criteria in ALTQ+ affects an area within the C&SF project located in southern Florida and includes portions of several counties, as well as WCA 3, ENP, Big Cypress National Preserve (BCNP), and adjacent areas.

Under the COP, Central and Southern Florida (C&SF) project infrastructure would be operated to deliver hydrologic benefits to the environment as defined by ALTQ+. These hydrologic benefits are identified as five specific project objectives:

1) improving water deliveries (timing, location, and volume) into ENP given current C&SF infrastructure;
2) maximizing progress toward restoring historic hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern Panhandle of ENP;
3) protecting the intrinsic ecological values associated with Water Conservation Area (WCA) 3A and ENP;
4) minimizing damaging freshwater flows to Manatee Bay/Barnes Sound through the S-197 structure and increasing flows through Taylor Slough and coastal creeks; and
5) including consideration of cultural values and tribal interests and concerns within WCA 3A and ENP.

Operations would also support a broad set of defined needs, including flood control, water supply for agricultural irrigation, municipalities and industry, regional groundwater control and prevention of saltwater intrusion, enhancement of fish and wildlife, and recreation. However, ALTQ+ operations are not designed to address water quality. The proposed adaptive management processes supporting ALTQ+ appears to be an attempt by the U.S. Army Corps of Engineers (Corps) to provide itself with operational flexibility to lessen water quality and other obstacles resulting from COP.

ALTQ+ has been identified to be "the least environmentally damaging practicable" alternative. Potential adverse effects resulting from ALTQ+ include:

1) increased risk to accessibility of tree islands for cultural and religious practices by the Miccosukee Tribe of Indians of Florida;
2) increased risk to soils in WCA 3 due to reduced water levels;
3) increased risk to recreational access in WCA 3 during extremely dry periods;
4) increased risk for phosphorous loading in ENP and exceedance of the Consent Decree's Appendix A SRS annual phosphorus concentration limit; and
5) potential for high volume discharges through S-197 to Barnes Sound/Manatee Bay associated with the Extreme High Water Line (EHWL).

The Florida Department of Environmental Protection (Department) previously provided comments to the Corps for the COP Scoping Notices on July 7, 2011, and October 18, 2017.

Comments:

The Department agrees that the Preferred Alternative, ALTQ+, will promote the hydrologic restoration of ENP Shark River Slough (SRS) by providing both additional volume of inflows and more natural distribution of flows across Tamiami Trail, changing the spatial distribution of inflows from west to east. ALTQ+ is expected to increase the average annual inflows to ENP via SRS by approximately 162,000 acre-feet, where the deliveries west of the L-67 extension via the S-12s is expected to decrease by 116,000 acre-feet and the flows through S-333 to the L-29 Canal and the Northeast Shark River Slough (NESRS) will increase by approximately 276,600 acre-feet. Flows into northern ENP (South of Tamiami Canal and east of the L-67 extension) are expected to increase by almost 70 percent with the implementation of ALTQ+ providing an average annual inflow of 561,000 acre-feet across Transect 18, which is a significant improvement over current conditions. In addition, ALTQ+ provides progress toward restoring hydrologic conditions in Taylor Slough by increasing annual inflow by an average of 6,000 acre-feet per year (an increase of 7%) and in the Eastern Panhandle of ENP by increasing annual inflow by an average of 30,000 acre-feet per year (an increase of 27%). The Department recognizes the modeling and analysis performed had a fixed water budget where no new water would be coming into the system, however the Department asserts that further delivery improvements are possible through adaptive management and the advancement of the Central Everglades Planning Project (CEPP).

The Department is optimistic about the restoration prospects of COP but asserts that the Adaptive Management and Monitoring Plan (AMMP) protocol requires further development to better optimize the restoration potentials and minimize the risk of adverse impacts, including those to water quality.

During the Scoping Process in 2017, the Department requested that continued attention to water quality be provided as a critical part of COP formulation, and that specific actions to maintain water quality be implemented as part of the development of COP. The concerns expressed by the Department in previous correspondence focused on the potential for exceedances of the State's phosphorus criterion due to increased flows into SRS. Modeling performed in support of COP confirms these concerns. Water quality impacts were acknowledged in Section 8.3 (Water Quality) of the CEPP Final PIR and EIS (July 2014), in which the Corps and the State of Florida agreed to concepts regarding water quality that was intended to govern the implementation and operation of CEPP project features. The water quality concepts outlined in CEPP are intended to also govern the implementation and operation of COP.

The WCP states that the Consent Decree commits the State to taking such action as is necessary so that waters delivered to the ENP achieve state water quality standards. The State has built stormwater treatment areas (STAs), developed a WQBEL for the EPA, and implemented Restoration Strategies to address water quality and protect downstream areas. Water quality has vastly improved, such that approximately 90% of surface water in the EPA marsh is below 10 ppb TP annual geometric mean. The Department believes that potential water quality impacts associated with COP will be more directly influenced by low-water conditions in WCA-3A than the quality of water delivered from upstream areas. If increased flow to ENP leads to more frequent exceedances of Appendix A of the Consent Decree, as is predicted by the modeling done in COP, the compliance methodology should be reevaluated. The Corps, ENP, and SFWMD, as the lead agencies of implementing COP, need to be supportive of adjusting the compliance methodology to be compatible with the restoration goals of COP.

The EIS states that the adaptive management measures incorporating the water quality strategies are only expected to be necessary until restoration strategies and CEPP features are completed and delivering additional water to NESRS. The WCP describes a temporary impact to water quality. The 2023 sensitivity runs that show improvement over baseline assume that TP concentrations continue to decrease at the same rate as they did from 2002 to 2018. The 2023 forecasted concentration is based on the observed 2002–2018 trends extrapolated to 2023. The Department disagrees that the impacts to water quality will likely be temporary until 2023.

The Department recommends that the Final EIS and AMMP better define the participants of the water quality group (which, at a minimum, should include representatives from the Department, SFWMD, FWC, ACOE and ENP), and the frequency that the group will meet. The first task of the AMMP water quality group should be to derive appropriate operational protocols to be used in low stage conditions. Adaptive management options should be utilized proactively to prevent adverse impacts to downstream ecology, using existing knowledge and knowledge gained from

the sensitivity modeling runs. It should be clarified in the AMMP that management actions will be taken prior to observing any statistically significant change (3 to 10 years is estimated to determine a significant nutrient response to COP) in ENP water quality and attributes that respond to water quality (periphyton nutrient content, biomass, and composition; vegetation; soil nutrients). Rather the focus of the AMMP must be on short-term operational strategies to ensure the Appendix A test is met on an annual basis.

In addition, the trigger for commencement of group meetings is inadequate to avoid impacts to water quality and should be modified. There is scientific consensus that during low-water stages, elevated nutrient concentrations result from non-anthropogenic, localized sources within the EPA. These non-anthropogenic impacts can be minimized through appropriate operational constraints. In the Draft EIS, a S-333 headwater (HW) stage of 8.5 feet NGVD29 acts as the prompt for the water quality group to start evaluating conditions for potential recommendations to implement the water quality adaptive management strategies.[1] The Department strongly recommends that discussions to implement adaptive management strategies for water quality occur well before the S-333 HW reaches 8.5 feet NGVD29. Based upon analyses conducted by the Department, and presented in an interagency technical meeting on September 28, 2018, elevated TP concentrations at the S-333 HW occur when the S-333 HW stage is below 9.2 feet NGVD29. The Department analysis concluded that low stage periods are a significant driver of high annual flow-weighted mean concentrations contributing to exceedances of the long-term limit defined by Appendix A of the Consent Decree for NESRS. Therefore, the AMMP should be updated to provide a proactive approach for protecting the ecosystem by convening the water quality group before the stage recedes to 9.2 feet NGVD.

With regard to the replacement of the current Rainfall Plan with the Tamiami Trail Flow Formula (TTFF) to determine deliveries to SRS, the Department recommends additional analysis be performed for the TTFF to see if this can further improve water quality and drought performance. Sensitivity modeling identified potential operational strategies that would improve water quality over Alt Q while still achieving other project goals and objectives. These strategies were designed so that the timing of water deliveries may be altered, but there would be no net reduction in average total volume delivered to ENP over the course of a water year. This concept was included in the AMMP, however if the TTFF is self-correcting then the need for tracking water volumes may not be necessary.

The Draft EIS states that all practicable means to avoid or minimize adverse environmental effects have been incorporated into ALTQ+. Based on the sensitivity modeling results, it is inappropriate to state that there are no other practicable alternatives that can be implemented, and to use this as Corps' finding of compliance with the CZMA. It is the State's responsibility to determine

[1] The Draft EIS did not contain the water quality sensitivity runs and the analysis that was done to support the 8.2-foot NGVD29 low-stage trigger for implementing adaptive management strategies. Please add an appendix that provides a summary of the analyses, the assumptions and the results from the analysis that were done. Also, please provide a summary of the results and findings in the main report of the Final EIS.

compliance with the CZMA, and as there are alternatives to what is being proposed, "no other feasible alternatives" cannot be used to support CZMA compliance determinations.

The Department is supportive of the COP provided the issues in the above conditions are addressed in the Final EIS to the Department's satisfaction. Should you have any questions regarding our comments, please contact Ed Cambeiro at (850) 245-3176.

Electronic copies to:
Ed Smith
Frank Powell
Jordan Tedio
Natalie Barfield
Ed Cambeiro
Kelli Edson
Chad Kennedy
Inger Hansen
Paul Julian
Alyssa Gilhooly
Cortney Deal

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

March 16, 2020

Mr. Chris Stahl
Coordinator, Florida State Clearinghouse
Florida Department of Environmental Protection
2600 Blairstone Road, MS 47
Tallahassee, FL 32399-2400

Subject: Comments on the Draft Environmental Impact Statement Combined Operational Plan January 2020

Dear Mr. Stahl:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement for the Combined Operational Plan (January 2020) (COP EIS). The goal of the Modified Water Deliveries to Everglades National Park (MWD) and the Canal 111 South Dade (C-111 SD) projects is to increase flows to Northeast Shark River Slough (NESRS) and improve the spatial and seasonal distribution of flow into Everglades National Park (ENP). The COP EIS accomplishes that goal by redistributing water through the newly constructed MWD and C-111 SD infrastructure. The COP EIS brings more water into ENP than previously possible. These projects, coupled with the Comprehensive Everglades Restoration Plan (CERP), will restore, preserve, and protect the entire south Florida ecosystem while providing for other water-related needs of the region.

The South Florida Water Management District (District), as a cooperating agency in developing the COP EIS and the local sponsor of the Central and Southern Florida(C&SF) Project, supports the U.S. Army Corps of Engineers' (USACE) effort to revise the operations for Water Conservation Area 3 (WCA 3), ENP, and the Southern Dade Conveyance System (SDCS). For more than two decades, the CERP and other plans have sought to implement more robust real-time "rainfall driven operations" that adhere to the constraints of the existing system while integrating the scientifically-based ecological restoration targets. The COP's Tamiami Trail Flow Formula (TTFF) achieves the long-term restoration goal and improves upon the 1980s Rainfall Plan, achieving the hydrologic objectives of: 1) delivering surface water flow that resembles more natural processes; 2) delivering surface water flows in a more gradual rate change; and 3) spatially distributing surface water flow across Shark River Slough.

The District worked closely with the USACE and stakeholders during the COP planning process to produce a plan that will enhance the current system. However, the District does not agree with the proposed operations of sending flows to the SDCS rather than ENP with use of the Extreme High Water Line (EHWL); suspending S-333 deliveries to NESRS when mitigation measures have been constructed for the Las Palmas Community (8.5 square mile area); and the proposed water quality adaptive management strategy. The District encourages the USACE to take full advantage of raising the L-29 up to 8.5 feet NGVD and to operate the system to achieve all the benefits available with the COP WCP.

Extreme High Water Line

The COP Water Control Plan (WCP) modifies the WCA-3A Regulation Schedule by adding an EHWL. The USACE anticipates infrequent use of this operation; however, in three consecutive years (2016, 2017, and 2018) monitoring data show the EHWL criteria would have been met. Each recent extreme event requiring the use of the EHWL presents unique challenges and potential solutions. Inclusion of the EHWL in the COP potentially forgoes further input on what those solutions may be, given the conditions present at the time. In addition, one of the COP's most effective achievements is elimination of Column 2 deliveries during normal operations. Inclusion of the EHWL solidifies those operations for years to come and reduces flows to NESRS in the long term. The District requests the USACE to remove this action to allow for future operational flexibility as new infrastructure comes online.

Suspension of S-333 deliveries to NESRS

The COP WCP suspends S-333 deliveries to NESRS during normal operations when concerns over 8.5 square mile area flood mitigation requirements arise. Construction of the MWD Project, including its flood mitigation features, is complete and should perform as intended. In order to provide restoration flows to ENP, the District encourages the USACE to remove the immediate suspension of S-333 deliveries, continue evaluating performance of the MWD Project, and identify solutions to potential flood risks.

Water Quality and Adaptive Management Strategy

Under the current system, phosphorus levels entering ENP are strongly correlated to water stages in the southern WCA-3A marsh and canals. Generally, lower stages produce S-333 discharges with higher phosphorus concentrations. The goal of COP operations is to increase total flows to ENP and flows from the S-333 structure.

The USACE conducted extensive modeling and evaluations of flows and water quality during the COP planning process which indicate an increased risk of violating Appendix A of the Consent Decree. To address this risk, the COP WCP proposes a water quality adaptive management strategy that alters the timing and quantity of water delivered from WCA 3A to ENP. The District appreciates the USACE's recognition of the potential risk to water quality; however, the proposed water quality strategy reduces flows to ENP when it is most needed and is counter to the hydrologic restoration available with implementation of the TTFF.

The COP EIS, specifically the WCP, contemplates forming yet another group of individuals to review and make recommendations regarding water quality and operations. The District suggests the USACE remove this proposal and implement the COP flows to pursue CERP goals for delivery to ENP and rely on the already identified processes within the Consent Decree to address water quality.

Implementation of the Adaptive Management and Monitoring Plan (AMMP)

Unlike CERP projects, which require an adaptive management plan for restoration projects, the COP EIS is the first non-CERP project to include an AMMP and adaptive management strategies within the WCP. The COP EIS differs from the REstoration COordination & VERification (RECOVER) team's approach of clearly identifying options and the criteria to implement them. The WCP and AMMP identify multiple groups or teams tasked with recommending operational

options. This is unnecessary and should be removed from the COP EIS. The WCP and AMMP should clarify that operational decisions rest with the District and USACE water managers.

The District supports the USACE's revision of the C&SF Project operations to realize the goals of Everglades Restoration. We look forward to working together to address the issues identified above and the approval of the COP EIS in August 2020.

Sincerely,

Drew Bartlett
Executive Director

DB/bm

Date: March 13, 2020

To: Chris Stahl, FDEP, Coordinator, Florida State Clearinghouse

From: Rebecca Elliott, FDACS, Environmental Manager, Office of Agricultural Water Policy

RE: Corps of Engineers - Draft Environmental Impact Statement (EIS) Combined Operational Plan (COP), Broward, Miami-Dade, Monroe Counties, Florida Dated 2020.
Project FL 202001318830C

The Florida Department of Agriculture and Consumer Services (FDACS) Office of Agricultural Water Policy (OAWP) appreciates the opportunity to provide technical comments on the Draft Environmental Impact Statement (EIS) the United States Army Corps of Engineers (USACE) has prepared for the Combined Operational Plan (COP) in accordance with the National Environmental Policy Act (NEPA).

General Comments

Overall, the draft COP Water Control Plan (WCP) maintains the ecosystem restoration project purposes in balance with the eleven major constraints identified in the Draft Environmental Impact Statement (EIS). The focus area is a complex system where both natural system constraints, such as Endangered Species, and developed area constraints, such as Flood Risk Management, must be met as additional water is delivered to Everglades National Park (ENP) to raise water levels in Shark River Slough (SRS) and Taylor Slough (TS). The draft WCP operational protocols provide improved conditions for both ENP and maintains or improves flood protection for most of the developed lands adjacent to the ENP eastern boundary.

FDACS has concerns regarding the previously unutilized use of Adaptive Management (AM) in a Water Control Plan (WCP) to implement operations that were not selected as part of the preferred operational protocols during NEPA review. Changes to a WCP are subject to the NEPA process so all stakeholders can review and evaluate how the changes may impact them. Public review provides the guardrails needed to avoid the introduction of undefined, potentially harmful, operational uncertainty to a WCP. The Draft COP Adaptive Management and Monitoring Plan (AMMP) proposes a path to changes in operations without additional NEPA review. Two AM uncertainties are included in the WCP section of COP to legitimize changes to operations based on outcomes from proposed testing. The WCP and AMMP should be revised so any changes to a NEPA preferred and approved operational plan are subject to additional NEPA process for stakeholder evaluation.

Please find detailed Staff Technical Comments below:

COP Water Control Plan (WCP)

1) Extreme High Water Line (EHWL) Section 7.4.8.1.3.2

The purpose of the EHWL is to provide operational response options to extreme high water levels in Water Conservation Area 3A (WCA-3A) without the need for a WCP deviation. The EHWL does not account for all aspects of an extreme event and possible responses. The consequence of this approach is a pre-approved operational plan for dealing with extreme high water conditions that creates a short-cut omitting a full range of coordination with other federal and state agencies and stakeholders. Concerns remain that flood waters from WCA-3A will not be delivered to SRS and instead will be unnecessarily routed through canals on the eastern boundary of ENP and creating additional high water difficulties in the South Dade Conveyance System (SDCS) which will also be dealing with the local effects of a high water event. The WCP describes the EHWL as a last resort that is not expected to be triggered frequently. The EHWL is not necessary and may result in unintended consequences since a WCP deviation with the full range of information gathering and coordination is the most effective approach under extreme conditions.

2) Structure S-177 Operating Range

The S-177 Structure is a Canal 111 (C-111) structure located in an area of lower topography as the South Dade landscape transitions from developed areas to natural areas in the southern reach of C-111. Studies show this area is vulnerable to high water difficulties when stages in the canal rise above 4.0 ft NGVD. Current operations and stages simulated during modeling for COP development recognize that S-177 stages above 4.0 NGVD are not appropriate for the maintenance of Flood Risk Management and consequently did not reach the upper existing WCP range of 4.2 ft. NGVD. Despite these circumstances, the COP WCP maintains the existing range of 3.6 ft to 4.2 ft NGVD. The recommendation for COP is to modify this range using 3.6 ft to 4.0 ft NGVD at a maximum and COP may be better served by a range of 3.5 ft to 3.8 ft NGVD. Actual operations over the past two years have demonstrated that the lower operational range can be realized without impacting environmental benefits to ENP and maintenance of the hydrologic ridge associated with the C-111 South Dade Project. Recommend the lower stages be incorporated into the COP WCP at this time.

WCP and Adaptive Management and Monitoring Plan (AMMP)

AMMP Section 7.16.1 (Water Quality in Northeast SRS)
AMMP Section 7.16.2 (Tamiami Trail Flow Formula (TTFF) and Drought)

An Adaptive Management and Monitoring Plan (AMMP) has not previously been incorporated into a WCP for NEPA review in the eastern regions of the United States. The AMMP for COP is described as related to the Comprehensive Everglades Restoration Plan (CERP) Adaptive Management Program to inform decision makers of COP restoration progress outcomes. Adaptive management in CERP is directed at planning for CERP features, not operation of constructed features. Revisions to operations are still subject to NEPA and not intended for delegation to an AM process that can be implemented in an undefined process in isolation from a public NEPA review.

Regarding the individual uncertainties above, Water Quality in NESRS appears to run counter to TTFF and Drought. The former will reduce inflows to NESRS by prioritizing water quality and the latter will increase inflows to NESRS during times of low water and increased risk of problematic water quality.

Water quality compliance resolution lies outside of the COP WCP and is more appropriately addressed by the Technical Oversight Committee (TOC) work on Appendix A and SFWMD's Restoration Strategies.

Increasing inflows to NESRS during drought conditions beyond the COP TTFF volumes and the trade-offs involved for WCA-3A and system wide cannot be encompassed in a test with parameters but undefined operational protocols which are to be developed by an undefined technical group for review by the Project Delivery Team Plus (PDT+) which is also yet to be fully described and implemented.

Recommend both uncertainties remain in the AMMP only and not be incorporated into the WCP

FDACS appreciates the opportunity to provide comments on the COP Draft PIR and EIS. We look forward to continued progress on operations in the WCA-ENP-SDCS and working with our state and federal partners to improve system-wide capabilities. If you have any questions regarding FDACS' comments, please contact Rebecca Elliott at (561) 682-6040.

Florida Fish and Wildlife Conservation Commission

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MyFWC.com

March 6, 2020

Chris Stahl
Florida State Clearinghouse
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, MS 47
Tallahassee, FL 32399-3000
Chris.Stahl@dep.state.fl.us

RE: SAI FL202001298829C, Department of the Army, Jacksonville District Corps of Engineers Draft Environmental Impact Statement Combined Operations Plan, Broward, Miami-Dade and Monroe Counties

Dear Mr. Stahl,

Florida Fish and Wildlife Conservation Commission (FWC) staff reviewed the above-referenced project and provides the following comments and recommendations for your consideration in accordance with Chapter 379, Florida Statutes (F.S.), and pursuant to the federal National Environmental Policy Act (NEPA), the federal Coastal Zone Management Act, and the State of Florida's Coastal Management Program.

Project Description

The U.S. Army Corps of Engineers (USACE) provided a Draft Environmental Impact Statement for the Combined Operations Plan (COP) as an integrated water control operations plan for two modifications of the Central and Southern Florida (C&SF) project – known as Modified Water Deliveries (MWD) to Everglades National Park (ENP) and the Canal 111 (C-111) South Dade projects.

The purpose of the COP is to define the water management operations for the Water Conservation Area (WCA) 3A, WCA-3B, structures in the L-31N and the C-111 basins constructed as part of the C&SF project, and the constructed components of the MWD and C-111 South Dade projects. Implementation of the COP is expected to increase water deliveries from Water Conservation Area 3 (WCA-3) to ENP through North East Shark River Slough (NESRS) and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. The COP will implement management operations that are consistent with their respective project purposes and the original purposes of the C&SF project as authorized by the Flood Control Act of 1948 to provide flood control, water supply for agricultural irrigation, municipalities and industry, and ENP; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation.

Alternatives

A Project Delivery Team conducted multiple rounds of modeling, identified six alternatives for consideration, and conducted six sensitivity runs to determine the operational sensitivity to constraints. Alternatives were compared against the no action alternative, which is the future without condition as defined by the current water control plan. The alternatives were as follows:

- Alternative K (Alt K) was more focused on the southern part of the system, below the S-331 structure with lowered canal levels providing an opportunity for enhanced flood protection for South Dade agriculture.

- Alternative l (Alt l) was more focused on the northern portion of the project area providing the most flows into NESRS and into ENP.

- Alternative N (Alt N) attempts to provide both enhanced flood protection to the South Dade Agriculture and increased flows to NESRS and ultimately ENP.

- Alternative N2 (Alt N2) was formulated to balance additional inflows to ENP with potential dry-out concerns within WCA-3A and WCA-3B, and maintain Taylor Slough flow volumes observed in Alt N.

- Alternative O (Alt O) was formulated to provide increased flexibility under the WCA-3A Regulation Schedule to provide the water deliveries to ENP and promote the maximum return of ENP seepage losses.

- Alternative Q (Alt Q) was derived from Alt O and simplifies the WCA-3A regulation schedule, incorporates a rainfall driven formula for water deliveries to ENP, and operational modifications to promote flow to Biscayne Bay, among other refinements.

- Alternative Q plus (Alt Q+) was further derived from Alt Q with the integration of sensitivity analyses. Alt Q + is the preferred plan alternative and includes the capability to further extend and/or remove the L-29 roadway constraint, further relaxes constraints on operations, and promotes increased overland flow to Florida Bay.

Potentially Affected Resources

FWC staff reviewed the list of state listed species provided in the Draft COP EIS (Table 3.2) and find the information to be consistent with the most recent version of the Imperiled Species Management Plan. A complete copy of the *Florida's Imperiled Species Management Plan* (2016) can be downloaded from the MyFWC.com website at https://myfwc.com/media/2030/imperiled-species-management-plan.pdf.

Federally listed threatened and endangered species, and their designated critical habitats, also occur within the study area. FWC staff recommends continued coordination with U.S. Fish and Wildlife Service (USFWS) South Florida Ecological Services Office (ESO) regarding potential affects to these species. The USFWS South Florida ESO can be contacted at (772) 562-3909.

Comments and Recommendations

Implementation of the COP is expected to increase water deliveries from WCA-3 to ENP through North East Shark River Slough (NESRS) and improve hydrologic conditions in NESRS, Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. WCA-3 is divided into WCA-3A and WCA-3B which are areas of the Everglades and Francis S. Taylor Wildlife Management Area (EWMA).

The FWC has fish and wildlife and land management responsibilities for the EWMA and has found that hydrology, water depth, and duration of standing water are very important components of wildlife conservation and habitat protection (see endnote). The COP is an operational plan that redistributes the amount of water, and timing of water, deliveries from the EWMA to ENP based on the historical record of hydrology from 1965-2006. The COP increases the annual average water deliveries to NESRS from 263,000 to 540,000 acre-feet per year (106% increase).

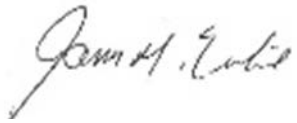
The increased water deliveries to ENP and the changes in water distribution from implementing COP are anticipated to rehydrate over-drained areas in ENP and provide wildlife and ecological benefits.

As COP redistributes the available water, the COP modeling results show that many restoration targets across the EWMA, ENP, and Florida Bay are not often achieved in the future without condition or any of the model alternatives. Although this was expected at the project team level, it highlights the need to accelerate the introduction of new water into the system by capturing and redirecting freshwater discharges that have historically been lost to tide. Projects such as the Central Everglades Planning Project (CEPP), Everglades Agriculture Area (EAA) Storm Water Treatment Area (STA) and Reservoir, Lake Okeechobee System Operating Manual (LOSOM), and Tamiami Trail Next Steps Phase II are essential to incrementally restoring the systemwide hydrology.

An area of concern is the northern portion of the EWMA (WCA-3AN) which can become over-drained. This can result in a hydroperiod that is too short to support nesting and foraging wading birds throughout the breeding season, and an increased risk of soil oxidation and damaging wildfires that can result in muck fires and negative impacts to tree islands. One of the largest and most productive wading bird nesting colonies in the Everglades, the Alligator Alley North (Rescue Strand) colony is located in northeastern EWMA. The COP modeling output for Alt Q average annual stage and hydroperiod difference (1965-2005) predicts a reduction in stage of 0.068 feet and a hydroperiod reduction of 10 days in the areas around Alligator Alley North colony and drier years may experience a greater reduction in stage and hydroperiod. To help address these potential reductions, FWC staff recommend the continuation of the regular Periodic Scientist Calls (PSC) as a way for biologists to provide ecological recommendations and technical assistance for water management decisions and the implementation of the Adaptive Management Plan with a focus on the identified Uncertainty #18 which focuses on wading bird responses.

FWC staff fully supports the ecological benefits provided by operating the constructed features of the Modified Water Deliveries to Everglades National Park and Canal 111 (C-111) South Dade project as identified by the preferred plan alternative (Alt Q+). The COP water control plan Alt Q+ is an incremental step that provides significant benefits to NESRS and ENP by redistributing regional water resources. FWC staff appreciate the opportunity to work collaboratively with the USACE throughout the development of the COP and will continue to assist until a record of decision is final. If you have questions or would like to coordinate further on any of the recommendations contained within this letter please contact me directly at (561) 625-5704 or by email at James.Erskine@MyFWC.com.

Sincerely,



James Erskine, Everglades Coordinator
Office of Executive Director

Note: FWC staff recommend adding language to identify the Everglades and Francis S. Taylor Wildlife Management Area (EWMA) and FWC's fish and wildlife and land management responsibilities to the Affected Environments Section 3.5.1 that describes Water Conservation Areas 3A and 3B.

Nasuti, Melissa A CIV USARMY CESAJ (USA)

From: todd87701@everyactioncustom.com on behalf of A.Todd <todd87701@everyactioncustom.com>
Sent: Friday, February 28, 2020 7:05 PM
To: Nasuti, Melissa A CIV USARMY CESAJ (USA)
Subject: [Non-DoD Source] Comments on Draft EIS for Combined Operations Plan

Dear Melissa Nasuti,

Thank you for the opportunity to submit comments on the Draft Environmental Impact Statement (EIS) for the Combined Operational Plan (COP).

As a resident of South Florida, COP is critical to our shared goal of sending maximum freshwater south into Everglades National Park (ENP) and Florida Bay and minimize harmful discharges to the Northern Estuaries.

As currently written, COP provides some benefits but it falls short on maximizing water flows during the dry season when Everglades National Park and Florida Bay need it the most to prevent harmful salinity levels, seagrass die-offs, and fish kills. The plan also continues to rely on throwing limited freshwater out to tide during emergency conditions, instead of finding ways to keep that water in the wetlands where it does the most good. This is of high concern, considering that climate change and sea-level rise have only made the need for dry season flows even more urgent.

I urge the PDT to make the necessary changes to ensure COP water deliveries prioritize sending water south year-round and make an effort to prevent starving the Park and the Bay from freshwater flows during the dry season and droughts. We have spent $1 billion of taxpayer dollars and have waited nearly 30 years to set the bar for freshwater flows and it cannot fall below the minimum expected relief.

I commend you for your efforts to date. Thank you for reevaluating the Draft EIS to find ways to increase ecosystem benefits for ENP and Florida Bay, particularly during the dry season, before COP is finalized.

Sincerely,
Ms. A. Todd
PO Box 41783 Eugene, OR 97404-0509
todd87701@gmail.com

Nasuti, Melissa A CIV USARMY CESAJ (USA)

From: Melissa Van Wijk <Melissa.VanWijk.145911793@p2a.co>
Sent: Thursday, February 27, 2020 12:58 PM
To: Nasuti, Melissa A CIV USARMY CESAJ (USA)
Subject: [Non-DoD Source] Please increase freshwater flow to Everglades National Park

Dear Ms Melissa Nasuti,

Along with national park advocates throughout Florida and the entire United States, I support the protection and restoration of Everglades National Park.

Clean water is the lifeblood of the Everglades. For years, the health of Everglades National Park and Florida Bay have been in decline due to lack of freshwater flow, impacting the coral reef ecosystem and fish populations that are critical to Florida's economy. Everglades National Park desperately needs more freshwater -- especially during Florida's dry season.

Americans have invested over $1 billion building projects to flow more water to the Everglades. Now, the U.S. Army Corps of Engineers is finalizing an operations plan to determine where, when, and how much freshwater water will flow south to Everglades National Park from these projects.

Unfortunately, the draft operations plan fails to send enough clean water to the Everglades during the dry season, when it is most desperately needed. The U.S. Army Corps of Engineers must increase freshwater flow to Everglades National Park and Florida Bay before the operations plan is finalized. Any plan that falls short of restoring the Everglades is wasting taxpayer investment and jeopardizing the health of our national park.

Regards,
Melissa Van Wijk
812 W.181 Street
New York, NY 10033 <Blockedhttp://admin.phone2action.com/email/open/leg/355644/80467684>

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

APR 28 2020

Programs and Project Management Division
Ecosystem Branch

The Honorable Billy Cypress
Chairman, Miccosukee Tribe of Indians of Florida
Post Office Box 440021, Tamiami Station
Miami, Florida 33144

Dear Chairman Cypress:

Thank you for your letter, dated March 13, 2020, providing comments from the Miccosukee Tribe of Indians of Florida (Miccosukee Tribe) on the Combined Operational Plan (COP) Draft Environmental Impact Statement (DEIS). We appreciate your review of these important documents and understanding of the Modified Water Deliveries to Everglades National Park (Mod Waters) and Canal-111 South Dade (C 111SD) projects' COP purpose in Everglades Restoration. Implementation of COP is the final action needed to transition the Mod Waters project to the Operations and Maintenance phase and complete the project.

We have reviewed the Tribe's letter and take your comments and concerns with the implementation of the COP seriously. We recognize our Federal Trust Responsibility to our tribal partners and appreciate the participation of the Miccosukee Tribe in Government to Government consultation meetings and interagency Project Delivery Team meetings held throughout plan formulation efforts for the COP. The COP DEIS does acknowledge a potential decrease in water levels in southern Water Conservation Area (WCA) 3A that may, during extremely dry periods, increase the duration in which airboat access to tree islands by the Miccosukee Tribe is unavailable. Rather than address comments within the body of this letter we have provided a detailed response in the attachment. We will also include your letter and our responses in the Final COP EIS.

We appreciate your continued support of our mission to restore America's Everglades. Following implementation of the COP, we anticipate continued development of the 2022 revisions to the Lake Okeechobee Regulation Schedule which may provide additional treated inflows to WCA 3A, as well as proceeding with construction of the Central Everglades Planning Project features needed to bring additional water south under Comprehensive Everglades Restoration Plan. If you have any further questions, please contact me or Ms. Cindy Thomas, District Tribal Liaison at (918) 581-4200, or by email Cynthia.G.Thomas@usace.army.mil.

Sincerely,

KELLY.ANDREW.DONALD.JR.1025510875

Digitally signed by KELLY.ANDREW.DONALD.JR.1025510875
Date: 2020.04.28 10:40:46 -04'00'

Andrew D. Kelly, Jr.
Colonel, U.S. Army
District Commander

COMMENT 1:
Obviously, the preferred alternative (ALTQ+), will increase water deliveries from WCA-3A to ENP through Northeast Shark River Slough and should ultimately improve hydrologic conditions in Taylor Slough and the Rocky Glades. Unfortunately, the benefits to the ENP create many devastating impacts to Tribal lands in WCA-3A. The devastating impacts to Tribal lands include: (1) lower water levels in WCA-3A will prevent the Tribal members from accessing tree islands for cultural and religious practices, (2) permanent loss of muck substrate due to soil oxidation in northern WCA-3A, (3) increased risk of wildfires in a dryer WCA-3A, (4) lack of access for Tribal members to enter their lands for hunting, fishing, frogging, gathering of traditional medicine, (5) disproportionate impacts to tribal commercial airboat operations and (6) increased phosphorous loading in WCA-3A causing an anticipatory breach of the Settlement Agreement and Consent Decree.

RESPONSE 1:
(1) Based on modeling conducted to support the COP, ALTQ+ slightly increases the risk of potential impact days (i.e. stage levels fell below 12") in southern WCA 3A by 6% over the entire 41-year period of record (14,974 days). In the event these conditions occur during COP implementation, access during these times may be limited to walking and/or use of swamp buggies. This potential risk is not a certainty over the next several years but will rather only be realized under specific weather conditions during COP operations. If the trend under implementation of ALTQ+ is toward below average rainfall, there is the potential for increased risk to airboat access in southern WCA 3A. However, if the trend is toward wetter than average rainfall, or if additional treated inflows to WCA 3A are provided beyond the existing condition assumed in COP formulation (for example, from revisions to the Lake Okeechobee Regulation Schedule (presently anticipated in 2022)), the potential risk to airboat operations will be reduced.

(2)(3) The COP DEIS acknowledges that a potential decrease in water levels observed in portions of WCA 3 presents an increased risk to soils from oxidation; however the observed results for the majority of WCA 3 were still above the threshold to maintain peat accumulation in the Everglades marsh. To evaluate the significance of observed changes in cumulative drought intensity, an approximate 1247 foot-days threshold was used to discern whether an indicator region (IR) is likely to support a peat accumulation marsh. The 1247 foot-days threshold is indicative of a marsh that is hydrated 11 of 12 months on average over a 41-year period (which corresponds to 14,974 days; 1247 foot-days is 1/12 of 14,974). In ALTQ+, 17 of the 24 IRs demonstrated scores consistent with peat accumulation. Additionally, 3 of the IRs under ALTQ+ that were not observed to demonstrate peat accumulation, were observed to show clear improvement in the direction of a peat accumulating condition. Two IRs under ALTQ+ showed negligible increased risk of not accumulating peat soils (less than 45 foot-days of change – IR 115 and IR 116), and 2 IRs showed notable deterioration in their capacity to accumulate peat soils (IR118 and IR140 show 210 – 328 foot-days of additional risk). Taken together, the simulated outcomes indicate that ALTQ+ delivered an enhanced condition for soils across WCA 3 and ENP. Furthermore, a potential decrease in dry event severity relative to ECB19RR is expected to result in reduced fire incidence in the study area. However, it should be recognized that the frequency of fires within the study area are primarily influenced by weather patterns combined with human-caused ignition sources during extreme dry conditions. Reference Section 4.3 (Geology and Soils) for further information on the risk of soil oxidation across WCA 3 and ENP and fire incidence in the study area.

(4) With regards to the Tribe's concerns that the additional flows/phosphorus loading "could result in anticipatory breach of the Settlement Agreement..", the USACE recognized the potential of an increased frequency of exceeding the NESRS annual flow weighted mean target levels due to the implementation of higher flows into ENP's North East Shark River Slough (NESRS). To address this concern, water quality

modeling was conducted and water quality adaptive management approaches were developed and analyzed to find ways to address this potential problem. As a result of this modeling and development of adaptive management approaches, the COP water quality team determined that the preferred alternative showed a short term potential risk to water quality as compared to the baseline. The adaptive management approaches developed and analyzed indicated that the short term negative impacts could be significantly diminished relative to the baseline modeled for 2018 but still exceeded the baseline excess loading (loads delivered above 8 ppb) to ENP. With the adaptive management measures implemented, the modeling showed a reduction in excess phosphorus loading in the 2023 scenario to below that of ECB19RR. The United States Army Corps of Engineers (USACE) is willing to meet with the Tribe and discuss the modeling results in detail if beneficial to the Tribe.

COMMENT 2:
The Environmental Justice (EJ) analysis reaches an inaccurate and deceitful conclusion. There is no doubt that the impacts to the Miccosukee Tribe caused by the COP are entirely disproportionate. In fact, no other group of persons actually live in the area to be impacted other than the Miccosukee Tribe. The lands which are contemplated to be damaged by the COP are either federal Indian Reservation or Leased in perpetuity by the Miccosukee Tribe, both lands were created by an act of congress. The only group to lose their ability to practice their religion is the Miccosukee Tribe. The only group to lose the right of subsistence hunting and fishing are the Miccosukee Tribe. The only group whose culture is dependent on the Everglades, in its natural state, is the Miccosukee Tribe. The damaged caused by increased phosphorous loading is on Miccosukee lands. The only commercial airboat operation allowed in WCA-3A is the Miccosukee Tribe and that will be impacted. The DEIS attempts to dismiss these disproportionate impacts by comparing possible flooding impacts to south Dade agriculture (located 25 miles southeast) to the inability to practice our culture and religion, the devastation of our lands, the violation of a Congressional Act (which may result in the extinguishment of the Settlement Agree and the revision of lands back to the sole possession of the Tribe) and a complete violation of the legal principles of federal trust responsibility and economic self-sufficiency of tribes. Therefore, the EJ section of the DEIS is completely flawed.

RESPONSE 2:
The USACE has arrived at the EJ determination by using the data available and by transparently analyzing the risk throughout the entire system. The methodology used to assess the risk was thoroughly communicated to, and, to the best extent practicable, vetted by stakeholders. A holistic view of the entire study area affected by the COP showed adverse impacts to various stakeholders, which included, but was not limited to, the Miccosukee Tribe. Though it is true that the agricultural stakeholders are removed from WCA 3A by several miles, the potential increased risk to croplands as compared to ECB19RR, as detailed in the DEIS, are not removed from the COP operations but are directly linked. Distance from WCA 3A is not a mitigating factor for the risk inherent in the COP operations. Additionally, the agricultural stake-holders face risks whether future weather patterns are wet, dry, or average. Based on the shared risk of stakeholders the USACE has determined that there are no disproportionate impacts.

The USACE recognizes that the Tribe disagrees with the USACE's conclusion. The Tribe believes the EJ section of the EIS is "completely flawed" and that the Tribe will be disproportionately impacted. The USACE maintains support for its analysis, nevertheless, the USACE has identified actions to mitigate for potential impacts to the Tribe and to appropriately address the Tribe's concerns. The COP Adaptive Management and Monitoring Plan (AMMP) has been included in the DEIS. The primary objective of the COP AMMP is to identify the monitoring necessary to inform decision-makers, the COP partner agencies,

and the public on progress toward achieving restoration success, as well as address uncertainties related to potential adverse effects to avoid and/or minimize those effects. Regularly scheduled interagency PSCs allow the USACE to gather input on desired long-term (annual and/or seasonal) conditions within the system and provides a forum for consideration of increased low-water stages within WCA 3A, including along the western L-29 canal between S-12A and S-333. This forum would provide an opportunity to discuss the Tribe's concerns related to decreases in water levels in WCA 3A, and if needed, recommendations to address those concerns. The COP Water Control Plan, as with the previous Water Control Plans (2012 ERTP), recognizes that water management operations at the main outlets for WCA 1, WCA 2, and WCA 3 are determined through a decision-making process that considers all the congressionally authorized project purposes for the WCAs. The decision-making process to determine quantity, timing, and duration of the potential releases from the WCAs includes consideration of diverse information related to water management. This information includes but is not necessarily limited to: C&SF Project conditions, estuary conditions and projected needs (e.g., Biscayne Bay, Florida Bay), WCAs conditions and projected needs, WCA water levels, ENP conditions and projected needs, East Coast Canals (ECC) available capacity, ENP-SDCS available capacity, current climate conditions, climate forecasts, hydrologic outlooks, projected WCAs level ascension and recession rates, and water supply conditions and projected needs. This information helps address uncertainties in meeting the projects' objectives due to modeling accuracy or future conditions not originally anticipated in the modeling period of record and supports a more flexible and adaptive decision making process. The USACE continually strives to include all interested parties in its decision making process and will continue to consider all issues that arise. The USACE will continue to engage in government to government consultation throughout the implementation of COP to identify and consider Tribal resources that may be affected by the project and address potential impacts as appropriate.

COMMENT 3:
Decreased water levels in WCA-3A may have a beneficial effect on the tree islands which have been subject to decades of flooding by the Corps of Engineers. This flooding has decimated wildlife in the 915 square miles of Tribal land. Acknowledgement of this benefit does not alleviate the devastating effects this plan will have on tribal rights and the effectual taking of the Tribe's reservation lands and codified rights by completely eliminating access. The Miccosukee Tribe and its members still use airboats to gain access to the tree islands where traditional chickees are located and corn is grown for religious ceremonies. Our traditional practices of hunting and fishing are dependent upon having enough water to float an airboat to have access to our lands. The COP will impact the Tribe by completely eliminating our ability to continue our traditional and customs and religion.

Previous to the publication of this DEIS, an airboat accessibility analysis was conducted by the Corps. The analysis specifically examined the areas along Tamiami Trail, where the Miccosukee Tribe are the ONLY authorized commercial airboat operators in WCA-3A through a duly authorized congressional act. The Corps analysis unquestionably showed that the only area negatively impacted by COP is where the Tribe operates their commercial airboat operations. The areas shown in light blue (see modeling results below) are where the Tribe is the only commercial airboat operation that is authorized. It is also the area where the water will be below the minimum to float an airboat 25% of the time. These drastic impacts will last at least 10 years until new water is made available from the northern projects.

RESPONSE 3:
Please see response to COMMENTS 1 and 2 above. When assessing the risk of a particular action it is important to compare that action to a baseline condition. For the COP DEIS the baseline condition used was the ECB19RR, the operations currently experienced on the ground (i.e. the existing condition). The

pre-project condition (ECB19RR) shows that, based on the 12" depth threshold for each model grid cell, tribal airboats are unable to operate on average, across the cells analyzed, roughly 14% of the simulation period of analysis (41 years). Under the COP operations, across the cells analyzed, access from commercial airboats is constrained on average roughly 20% of the simulation period of analysis. Please refer to Figure 4-155 in the COP EIS. This represents an increase of roughly 6% on average, and is not 25% of the time. The 25% of the time cited in the comment may be referencing that the DEIS analysis found that there was an increased risk of a 30 day or more increase of stages less than the 12" depth threshold in 11 years of the 41 year period of analysis, or roughly 1 in 4 years. However, this is not equivalent to 25% of the cumulative time for the 41 year period of analysis.

COMMENT 4:
The Tribe also requested the Corps conduct an analysis of their Trust Responsibility. The federal Indian trust responsibilities requires the United States to support Tribal sovereignty and economic prosperity. Unfortunately, this DEIS makes the following erroneous statement: ""However, unless a statute, regulation, treaty, or agreement places a specific duty on the Government, the trust responsibility is satisfied by the agency's compliance with general regulations and statutes not specifically aimed at protecting Indian Tribes."" The Indian Trust Doctrine would be meaningless if this statement were true. It is this specific project which will disproportionately impact the Miccosukee Tribe and it is this specific project that requires an adequate analysis of cultural and economic impacts that are contemplated by COP. Perhaps the drafters of the DEIS did not read Title 25 of the Code of Federal Regulations, or the plethora of case law from the Circuit Courts and even the Supreme Court of the United States which sets out this obligation to Tribes. Also, the drafters of the DEIS failed to even take into account the actual Settlement Agreement between the State of Florida and the Miccosukee Tribe of Indians of Florida, PL 97-399 (1982), which legal provides for these rights that the DEIS so callously extinguishes. Furthermore, that Congressional Act specifically states:

Revocation of Settlement Sec. 10. In the event the Settlement Agreement between the Miccosukee Tribe and the State of Florida is ever invalidated,

(1) The transfers, waivers, releases, relinquishments and other commitments made by the Miccosukee Tribe is paragraph 3 of the Settlement Agreement shall no longer be of any force or effect, (Emphasis added)

(2) Section 5 of this Act shall be inapplicable to the lands, interest in lands, or natural resources of the Miccosukee Tribe and its members as if never enacted, and (Emphasis added)

(3) The approvals of prior transfers and the extinguishment of claims and aboriginal title of the Miccosukee Tribe otherwise effected by section 5 shall be void ab initio. (Emphasis added)

This duly enacted act of Congress, implemented into law provides specifically that if the Settlement Agreement is violated, such as by implementing this Combined Operating Plan, then the Settlement Agreement is void as if it never happened and the Tribe gets back its aboriginal title. Make no mistake that the Miccosukee Tribe will do everything and fight to the bitter end to protect our rights, our culture, our freedom of religion and our traditional way of life, including taking back all of our land.

RESPONSE 4:
The Corps recognizes the importance of the Federal Indian Trust Responsibility and its ongoing obligations to support tribal sovereignty. As stated in the DEIS, the federal Indian trust responsibilities to

the American Indian tribes requires the United States to support tribal sovereignty and economic prosperity, duties that stem from treaties between the United States and tribes to protect the tribes and respect their sovereignty. The Corps takes this responsibility seriously and has consulted with the Tribe numerous times throughout the development of COP to gain input and to adequately evaluate the Tribe's concerns. The Corps is taking actions to appropriately address the Tribe's concerns through the COP AMMP, Periodic Scientists Calls, and operational flexibility discussed in response to COMMENTS #1 and #2 above. It should be noted that the Corps' Trust Responsibilities to the Tribe in WCA 3A as well as the other issues identified in COMMENT #4 have been analyzed in cases that have been affirmed by the Eleventh Circuit. See e.g. Miccosukee Tribe of Indians of Fla. v. United States, 980 F. Supp. 448, (S.D. Fla. 1997), aff'd sub nom. Miccosukee Tribe of Indians v. United States, 163 F.3d 1359 (11th Cir. 1998)). See also Miccosukee Tribe of Indians of Fla. v. United States, 430 F. Supp. 2d 1328 (S.D. Fla. 2006); Miccosukee Tribe of Indians of Fla. v. United States, 656 F. Supp. 2d 1375 (S.D. Fla. 2009) and Miccosukee Tribe of Indians of Fla. v. United States, 722 F. Supp. 2d 1293 (S.D. Fla. 2010), both affirmed in Miccosukee Tribe of Indians of Fla. v. United States, 716 F.3d 535 (11th Cir. 2013).

COMMENT 5:
Finally, the DEIS admits, "Decreases in water levels in WCA 3A may limit airboat access to tree islands by the Miccosukee Tribe during extremely dry periods. The Miccosukee Tribe maintain a traditional life style that is intricately connected to the Everglades. Traditional practices of hunting, fishing, frogging, trapping, and general living are still maintained, along with modern entrepreneurship with tourism related businesses (airboat concessionaires) along Tamiami Trail. These practices continue to tie the Miccosukee tribe to the Everglades in such a way that careful consideration of effects on tribal cultural, well-being, and way of life is warranted. Tree islands were and still are important places to the Native American populations of Florida. It is generally agreed that most of the tree islands of any reasonable size contain archaeological sites and many contain burial components. Potential limitations to accessing tree islands via airboat may affect the ability of the Miccosukee Tribe to participate in cultural and religious practices that take place in these islands .... Decreases in water levels in WCA 3A as a result of the Alternatives may prohibit airboat access to tree islands on lands leased by the Miccosukee Tribe during extremely dry periods."

In what can only be described as Cognitive Dissonance and/or Forced Compliance Behavior, the DEIS concludes "A detailed analysis of the Miccosukee Tribe's concerns related to access of tree islands did not find a disproportionate impact." This intellectually dishonest conclusion is offensive to the Tribe and its members. The Corps of Engineers own DEIS admits that there are numerous adverse and disproportionate impacts to the Miccosukee Tribe who are the ONLY people who actually live in the Everglades.

RESPONSE 5:
Please refer to the responses above for COMMENTS #1-4.

Miccosukee Tribe of Indians
of Florida

Business Council Members
Billy Cypress, Chairman

Roy Cypress Jr., Assistant Chairman
Jerry L. Cypress, Treasurer

Talbert Cypress, Secretary
Petties Osceola Jr., Lawmaker

COL Andrew Kelly
Commander, Jacksonville District
US Army Corps of Engineers
701 San Marco Boulevard
Jacksonville, Florida 32207-8175

March 13, 2020

SUBJECT: Miccosukee Tribe Comments on Draft Environmental Impact Statement (DEIS) on the Combined Operational Plan (COP), dated January 31, 2020.

Dear COL Kelly:

The Miccosukee Tribe of Indians of Florida (Tribe) appreciates the opportunity to comment on the DEIS for COP, dated January 31, 2020. The Tribe understands that the purpose of the COP is to define the operations of the Central and South Florida Flood Control Project (C&SF Project) for previously constructed features of Modified Water Deliveries (Mod Waters) to Everglades National Park (ENP). The COP attempts to balance the ecologic restoration objectives of the Mod Waters project by the redistribution of water budgets of Water Conservation Area 3A (WCA3A) and ENP. Until future restoration projects are built and operational, all users of water in south Florida will continue to be adversely impacted by the over-drainage caused by the C&SF Project.

Winners & Losers: Obviously, the preferred alternative (ALTQ+), will increase water deliveries from WCA-3A to ENP through Northeast Shark River Slough and should ultimately improve hydrologic conditions in Taylor Slough and the Rocky Glades. Unfortunately, the benefits to the ENP create many devastating impacts to Tribal lands in WCA-3A. The devastating impacts to Tribal lands include: (1) lower water levels in WCA-3A will prevent the Tribal members from accessing tree islands for cultural and religious practices, (2) permanent loss of muck substrate due to soil oxidation in

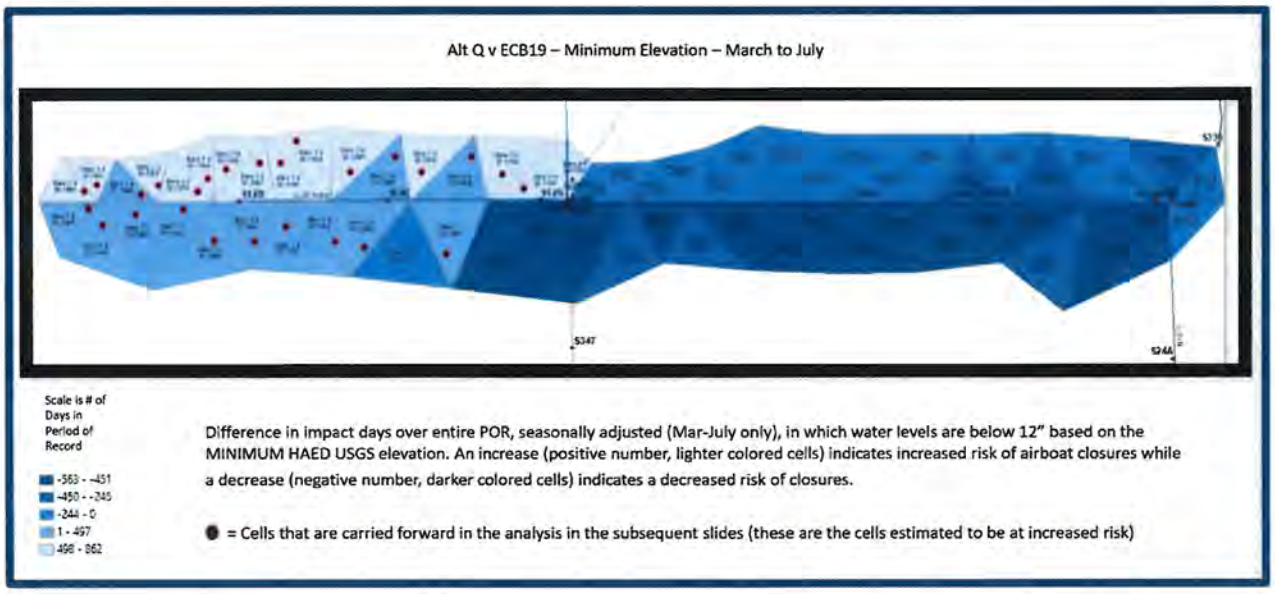
P.O. Box 440021, Tamiami Station, Miami, Florida 33144, (305) 223-8380, fax (305) 223-1011
Constitution Approved by the Secretary of the Interior, January 11, 1962

northern WCA-3A, (3) increased risk of wildfires in a dryer WCA-3A, (4) lack of access for Tribal members to enter their lands for hunting, fishing, frogging, gathering of traditional medicine, (5) disproportionate impacts to tribal commercial airboat operations and (6) increased phosphorous loading in WCA-3A causing an anticipatory breach of the Settlement Agreement and Consent Decree.

The Environmental Justice (EJ) analysis reaches an **inaccurate and deceitful** conclusion. There is no doubt that the impacts to the Miccosukee Tribe caused by the COP are entirely disproportionate. In fact, no other group of persons actually live in the area to be impacted other than the Miccosukee Tribe. The lands which are contemplated to be damaged by the COP are either federal Indian Reservation or Leased in perpetuity by the Miccosukee Tribe, both lands were created by an act of congress. The only group to lose their ability to practice their religion is the Miccosukee Tribe. The only group to lose the right of subsistence hunting and fishing are the Miccosukee Tribe. The only group whose culture is dependent on the Everglades, in its natural state, is the Miccosukee Tribe. The damaged caused by increased phosphorous loading is on Miccosukee lands. The only commercial airboat operation allowed in WCA-3A is the Miccosukee Tribe and that will be impacted. The DEIS attempts to dismiss these disproportionate impacts by comparing possible flooding impacts to south Dade agriculture (located 25 miles southeast) to the inability to practice our culture and religion, the devastation of our lands, the violation of a Congressional Act (which may result in the extinguishment of the Settlement Agree and the revision of lands back to the sole possession of the Tribe) and a complete violation of the legal principles of federal trust responsibility and economic self-sufficiency of tribes. Therefore, the EJ section is of the DEIS is completely flawed.

Decreased water levels in WCA-3A may have a beneficial effect on the Tree islands which have been subject to decades of flooding by the Corps of Engineers. This flooding has decimated wildlife in the 915 square miles of Tribal land. Acknowledgement of this benefit does not alleviate the devastating effects this plan will have on tribal rights and the effectual taking of the Tribe's reservation lands and codified rights by completely eliminating access. The Miccosukee Tribe and its members still use airboats to gain access to the tree islands where traditional chickees are located and corn is grown for religious ceremonies. Our traditional practices of hunting and fishing are dependent upon having enough water to float an airboat to have access to our lands. The COP will impact the Tribe by completely eliminating our ability to continue our traditional and customs and religion.

Previous to the publication of this DEIS, an airboat accessibility analysis was conducted by the Corps. The analysis specifically examined the areas along Tamiami Trail, where the Miccosukee Tribe are the **ONLY** authorized commercial airboat operators in WCA-3A through a duly authorized congressional act. The Corps analysis unquestionably showed that the only area negatively impacted by COP is where the Tribe operates their commercial airboat operations. The areas shown in light blue (see modeling results below) are where the Tribe is the <u>only commercial airboat operation</u> that is authorized. It is also the area where the water will be below the minimum to float an airboat 25% of the time. These drastic impacts will last <u>at least 10 years</u> until new water is made available from the northern projects.



Note: In this diagram the x-axis is Tamiami Trail from 40 mile bend (west) to Dade Corners (east) and the y-axis is the divide between WCA-3A and WCA-3B. There are no commercial operations south of Tamiami Trail and west of the divide.

The Tribe also requested the Corps conduct an analysis of their Trust Responsibility. The federal Indian trust responsibilities requires the United States to support Tribal sovereignty and economic prosperity. Unfortunately, this DEIS makes the following erroneous statement: *"However, unless a statute, regulation, treaty, or agreement places a specific duty on the Government, the trust responsibility is satisfied by the agency's compliance with general regulations and statutes not specifically aimed at protecting Indian Tribes."* The Indian Trust Doctrine would be meaningless if this statement were true. It is this specific project which will disproportionately impact the Miccosukee Tribe and it is this specific project that requires an adequate analysis of cultural and economic impacts that are contemplated by COP. Perhaps the drafters of the DEIS did not read Title 25 of the Code of Federal Regulations, or the plethora of

case law from the Circuit Courts and even the Supreme Court of the United States which sets out this obligation to Tribes. Also, the drafters of the DEIS failed to even take into account the actual Settlement Agreement between the State of Florida and the Miccosukee Tribe of Indians of Florida, PL 97-399 (1982), which legal provides for these rights that the DEIS so callously extinguishes. Furthermore, that Congressional Act specifically states:

Revocation of Settlement Sec. 10. In the event the Settlement Agreement between the Miccosukee Tribe and the State of Florida is ever invalidated,

(1) The transfers, waivers, releases, relinquishments and other commitments made by the Miccosukee Tribe is paragraph 3 of the Settlement Agreement **shall no longer be of any force or effect**, (Emphasis added)
(2) Section 5 of this Act shall be inapplicable to the lands, interest in lands, or natural resources of the Miccosukee Tribe and its members **as if never enacted**, and (Emphasis added)
(3) The approvals of prior transfers and the **extinguishment of claims and aboriginal title of the Miccosukee Tribe otherwise effected by section 5 shall be void ab initio**. (Emphasis added)

This duly enacted act of Congress, implemented into law provides specifically that if the Settlement Agreement is violated, such as by implementing this Combined Operating Plan, then the Settlement Agreement is void as if it never happened and the Tribe gets back its aboriginal title. Make no mistake that the Miccosukee Tribe will do everything and fight to the bitter end to protect our rights, our culture, our freedom of religion and our traditional way of life, including taking back all of our land.

Finally, the DEIS admits, *"Decreases in water levels in WCA 3A may limit airboat access to tree islands by the Miccosukee Tribe during extremely dry periods. The Miccosukee Tribe maintain a traditional life style that is intricately connected to the Everglades. Traditional practices of hunting, fishing, frogging, trapping, and general living are still maintained, along with modern entrepreneurship with tourism related businesses (airboat concessionaires) along Tamiami Trail. These practices continue to tie the Miccosukee tribe to the Everglades in such a way that careful consideration of effects on tribal cultural, well-being, and way of life is warranted. Tree islands were and still are important places to the Native American populations of Florida. It is generally agreed that most of the tree islands of any reasonable size contain archaeological sites and many contain burial components. Potential limitations to accessing tree islands via airboat may affect the ability of the Miccosukee Tribe to participate in cultural and religious practices that take place on these islands..... Decreases in water levels in WCA 3A as a result of the Alternatives may prohibit airboat access to tree islands on lands leased by the Miccosukee Tribe during extremely dry periods."*

In what can only be described as Cognitive Dissonance and/or Forced Compliance Behavior, the DEIS concludes *"A detailed analysis of the Miccosukee Tribe's concerns related to access of tree islands did not find a disproportionate impact."* This intellectually dishonest conclusion is offensive to the Tribe and its members. The Corps of Engineers own DEIS admits that there are

numerous adverse and disproportionate impacts to the Miccosukee Tribe who are the ONLY people who actually live in the Everglades.

The problems resulting from the COP arise because the Department of Interior has pushed an agenda to put their projects ahead of all others. Putting the cart before the horse, the DOI ignored the Integrated Delivery Schedule and has continually added one project on top of another project under the pork barrel appropriations of "Mod Waters". More water supply is needed from the north end of the system before we pull the plug from the bottom and drain the Water Conservation Areas. Tread carefully in the actions that you take.

Sincerely yours,

Billy Cypress
Tribal Chairman

Cc:

Drew Bartlett, SFWMD
Chauncey Goss, SFWMD
MG Diana M. Holland, COE SAD
LTC Todd Polk, COE JAX
Cindy G. Thomas, COE
Ron DeSantis, Governor of FL

APPENDIX D.1 NATIONAL ENVIRONMENTAL POLICY ACT CORRESPONDENCE

FINAL ENVIRONMENTAL IMPACT STATEMENT NOTICE OF AVAILABILITY

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Comment Date: 5:00 p.m. Eastern Time on, July 13, 2020.

Dated: June 26, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–14281 Filed 7–1–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Number: PR20–67–000.

Applicants: Gulf Coast Express Pipeline LLC.

Description: Tariff filing per 284.123(b),(e)+(g): Estimated Fuel Adjustment to be effective 7/1/2020 under PR20–67.

Filed Date: 6/25/2020.

Accession Number: 202006255085.

Comments Due: 5 p.m. ET 7/16/2020.

284.123(g) Protests Due: 5 p.m. ET 8/24/2020.

Docket Numbers: RP20–966–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rates—Bay State to UGI Energy to be effective 7/1/2020.

Filed Date: 6/25/20.

Accession Number: 20200625–5032.

Comments Due: 5 p.m. ET 7/7/20.

Docket Numbers: RP20–967–000.

Applicants: NEXUS Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Tariff Revisions—Contracting for Service to be effective 8/1/2020.

Filed Date: 6/25/20.

Accession Number: 20200625–5035.

Comments Due: 5 p.m. ET 7/7/20.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 26, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–14275 Filed 7–1–20; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9051–6]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EIS).

Filed June 22, 2020, 10 a.m. EST

Through June 26, 2020, 10 a.m. EST.

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20200134, Final, USACE, FL, Combined Operational Plan, Review Period Ends: 08/03/2020, Contact: Melissa Nasuti 904–232–1368.

Amended Notice

EIS No. 20200068, Draft, NMFS, MA, Northeast Multispecies Fishery Management Plan Draft Amendment 23, Comment Period Ends: 08/31/2020, Contact: Mark Grant 978–281–9145.

Revision to FR Notice Published 5/29/2020; Extending the Comment Period from 6/30/2020 to 8/31/2020.

EIS No. 20200100, Draft Supplement, NCPC, DHS, GSA, DC, St. Elizabeth's Master Plan Amendment 2, Comment Period Ends: 07/16/2020, Contact: Paul Gyamfi 202–440–3405.

Revision to FR Notice Published 5/8/2020; Extending the Comment Period from 7/2/2020 to 7/16/2020.

EIS No. 20200120, Draft, FRA, DC, Washington Union Station Expansion Project, Comment Period Ends: 09/28/2020, Contact: David Valenstein 202–493–6368.

Revision to FR Notice Published 6/12/2020; Extending the Comment Period from 7/27/2020 to 9/28/2020.

Dated: June 29, 2020.

Cindy S. Barger,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2020–14301 Filed 7–1–20; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1208; FRS 16899]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

DATES: Written comments should be submitted on or before August 31, 2020. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: The FCC may not conduct or sponsor a collection of information unless it displays a

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

Planning and Policy Division
Environmental Branch

July 2, 2020

To Whom It May Concern:

Pursuant to the National Environmental Policy Act (NEPA) and the U.S. Army Corps of Engineers (Corps) Regulation 33 Code of Federal Regulations 230.18, this letter constitutes the Notice of Availability of the Final Environmental Impact Statement (EIS) for the Combined Operational Plan (COP). The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries to Everglades National Park and Canal 111 South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern Florida Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation. The proposed action within the Final EIS would occur within the Everglades of southeastern Florida in Broward and Miami-Dade counties.

The Final EIS is available for your review on the Corps Environmental planning website:

http://www.saj.usace.army.mil/About/Divisions-Offices/Planning/Environmental-Branch/Environmental-Documents/

(On that page, click on the "+" next to "Multiple Counties". Scroll down to the project name.)

Due to current circumstances, the Corps is requesting that any comments you may have must be submitted in writing to COPFEISComments@usace.army.mil within 30 days of the date of this letter. Correspondence may also be sent to the letterhead address above, however due to limited staff availability at the District office, electronic submittal of comments via email is preferred. Questions concerning the proposed action can also be submitted to Mrs. Melissa Nasuti by telephone at 904-232-1368.

Sincerely,

Digitally signed by DUNN.ANGELA.E.1300303923
Date: 2020.06.24 09:14:50 -04'00'

Angela E. Dunn
Chief, Environmental Branch

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

Planning and Policy Division
Environmental Branch

July 2, 2020

Chris Stahl, Coordinator
Florida State Clearinghouse
Florida Department of Environmental Protection
2600 Blair Stone Road, M.S. 47
Tallahassee, FL 32399-2400

Dear Mr. Stahl:

Pursuant to the National Environmental Policy Act (NEPA) and the U.S. Army Corps of Engineers (Corps) Regulation 33 Code of Federal Regulations 230.18, this letter constitutes the Notice of Availability of the Final Environmental Impact Statement (EIS) for the Combined Operational Plan (COP). The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries to Everglades National Park and Canal 111 South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern Florida Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation. The proposed action within the Final EIS would occur within the Everglades of southeastern Florida in Broward and Miami-Dade counties.

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http://www.saj.usace.army.mil/About/Divisions-Offices/Planning/Environmental-Branch/Environmental-Documents/

(On that page, click on the “+” next to “Multiple Counties”. Scroll down to the project name.)

The Clearinghouse stated “no objection” on the COP via review of the draft EIS. The Corps is requesting a final consistency determination pursuant to the Coastal Zone Management Act through the circulation of the Final EIS. Due to current circumstances, the Corps is requesting the State’s response be submitted in writing to COPFEISComments@usace.army.mil within 30 days of the date of this letter. Correspondence may also be sent to the letterhead address above,

however due to limited staff availability at the District office, electronic submittal of comments via email is preferred. Questions concerning the proposed action can also be submitted to Mrs. Melissa Nasuti by telephone at 904-232-1368.

Sincerely,

Digitally signed by DUNN.ANGELA.E.1300303923
Date: 2020.06.24 09:15:47 -04'00'

Angela E. Dunn
Chief, Environmental Branch

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

July 2, 2020

Planning and Policy Division
Environmental Branch

The Honorable Billy Cypress
Chairman, Miccosukee Tribe of Indians of Florida
Post Office Box 440021, Tamiami Station
Miami, Florida 33144

Dear Chairman Cypress:

Pursuant to the National Environmental Policy Act (NEPA) and the U.S. Army Corps of Engineers (Corps) Regulation 33 Code of Federal Regulations 230.18, this letter constitutes the Notice of Availability of the Final Environmental Impact Statement (EIS) for the Combined Operational Plan (COP). The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries to Everglades National Park and Canal 111 South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern Florida Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation. The proposed action within the Final EIS would occur within the Everglades of southeastern Florida in Broward and Miami-Dade counties.

The Final EIS is available for your review on the Corps Environmental planning website:

http://www.saj.usace.army.mil/About/Divisions-Offices/Planning/Environmental-Branch/Environmental-Documents/

(On that page, click on the “+” next to “Multiple Counties”. Scroll down to the project name.)

We intend to pursue an open and public process and recognize the Federal obligations that we have to our tribal partners. The Corps is currently coordinating this action with all known appropriate tribal staff members and will continue to consult with your staff through implementation of this project. To improve future consultation efforts, please provide us with names and contact information for those that we have inadvertently left off this correspondence. At this time, we respectfully request comments on the Final EIS be submitted in writing within 30 days of the date of this letter.

Please forward all comments to the Project NEPA Coordinator, Ms. Melissa Nasuti, by email at COPFEISComments@usace.army.mil, or to the address listed in the letterhead above.

If you have any questions regarding the information in this letter, feel free to contact me, or you may contact Ms. Cindy Thomas, Tribal Liaison, at 918-581-4200 or by email at Cynthia.G.Thomas@usace.army.mil.

Sincerely,

KELLY.ANDREW.DONALD.JR.1025510875

Digitally signed by KELLY.ANDREW.DONALD.JR.1025510875
Date: 2020.06.23 17:49:24 -04'00'

Andrew D. Kelly, Jr.
Colonel, U.S. Army
District Commander

cc:
Mr. Gene Duncan, Water Resources Director, Miccosukee Tribe of Indians of Florida, GeneD@miccosukeetribe.com
Mr. Kevin Donaldson, Section 106 Representative and Real Estate Services, Miccosukee Tribe of Indians of Florida, KevinD@miccosukeetribe.com
Mr. Craig Van der Heiden, Fish and Wildlife Director, Miccosukee Tribe of Indians of Florida, CraigV@miccosukeetribe.com

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

July 2, 2020

Planning and Policy Division
Environmental Branch

The Honorable Marcellus Osceola, Jr.
Chairman, Seminole Tribe of Florida
6300 Stirling Road
Hollywood, Florida 33024

Dear Chairman Osceola:

Pursuant to the National Environmental Policy Act (NEPA) and the U.S. Army Corps of Engineers (Corps) Regulation 33 Code of Federal Regulations 230.18, this letter constitutes the Notice of Availability of the Final Environmental Impact Statement (EIS) for the Combined Operational Plan (COP). The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries to Everglades National Park and Canal 111 South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern Florida Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation. The proposed action within the Final EIS would occur within the Everglades of southeastern Florida in Broward and Miami-Dade counties.

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We intend to pursue an open and public process and recognize the Federal obligations that we have to our tribal partners. The Corps is currently coordinating this action with all known appropriate tribal staff members and will continue to consult with your staff through implementation of this project. To improve future consultation efforts, please provide us with names and contact information for those that we have inadvertently left off this correspondence. At this time, we respectfully request comments on the Final EIS be submitted in writing within 30 days of the date of this letter.

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Sincerely,

KELLY.ANDREW.DONALD.JR.1025510875

Digitally signed by KELLY.ANDREW.DONALD.JR.1025510875
Date: 2020.06.23 17:49:06 -04'00'

Andrew D. Kelly, Jr.
Colonel, U.S. Army
District Commander

cc:
Mr. Mitchell Cypress, Vice Chairman and TW Board President, Seminole Tribe of Florida, Mitchell.Cypress@semtribe.com
Mr. David Cypress, Big Cypress Councilman, Seminole Tribe of Florida, DavidCypress@semtribe.com
Mr. Larry Howard, Brighton Councilman, Seminole Tribe of Florida, LarryHoward@semtribe.com
Mr. Chris Osceola, Hollywood Councilman, Seminole Tribe of Florida, ChristopherOsceola@semtribe.com
Mr. Jim Shore, Esquire, General Counsel, Seminole Tribe of Florida, JimShore@semtribe.com
Mr. Andrew J. Bowers, Executive Director of Operations, Seminole Tribe of Florida, AndrewJBowers@semtribe.com
Dr. Paul Backhouse, Senior Director, HERO and Tribal Historic Preservation Officer, Seminole Tribe of Florida, PaulBackhouse@semtribe.com
Mr. Kevin Cunniff, Director, ERMD, Seminole Tribe of Florida, KevinCunniff@semtribe.com
Mr. Stacy Myers, Senior Scientist/Liaison, HERO, Seminole Tribe of Florida, StacyMyers@semtribe.com
Ms. Anne Mullins, Director, Tribal Historic Preservation Office, AnneMullins@semtribe.com
Mr. Bernard Howard, Project Manager, HERO, Seminole Tribe of Florida, BernardHoward@semtribe.com
Mr. Stephen A. Walker, Esquire, Lewis, Longman and Walker, swalker@llw-law.com
Ms. Michelle Diffenderfer, Esquire, Lewis, Longman and Walker, mdiffenderfer@llw-law.com
Ms. Patricia Power, Bose Public Affairs Group, PPower@bpagdc.com

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

July 2, 2020

Planning and Policy Division
Environmental Branch

The Honorable Greg Chilcoat
Principal Chief, Seminole Nation of Oklahoma
Post Office Box 1498
Wewoka, Oklahoma 74884

Dear Principal Chief Chilcoat:

Pursuant to the National Environmental Policy Act (NEPA) and the U.S. Army Corps of Engineers (Corps) Regulation 33 Code of Federal Regulations 230.18, this letter constitutes the Notice of Availability of the Final Environmental Impact Statement (EIS) for the Combined Operational Plan (COP). The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries to Everglades National Park and Canal 111 South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern Florida Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation. The proposed action within the Final EIS would occur within the Everglades of southeastern Florida in Broward and Miami-Dade counties.

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(On that page, click on the “+” next to “Multiple Counties”. Scroll down to the project name.)

We intend to pursue an open and public process and recognize the Federal obligations that we have to our tribal partners. The Corps is currently coordinating this action with all known appropriate tribal staff members and will continue to consult with your staff through implementation of this project. To improve future consultation efforts, please provide us with names and contact information for those that we have inadvertently left off this correspondence. At this time, we respectfully request comments on the Final EIS be submitted in writing within 30 days of the date of this letter.

Please forward all comments to the Project NEPA Coordinator, Ms. Melissa Nasuti, by email at COPFEISComments@usace.army.mil, or to the address listed in the letterhead above.

If you have any questions regarding the information in this letter, feel free to contact me, or you may contact Ms. Cindy Thomas, Tribal Liaison, at 918-581-4200 or by email at Cynthia.G.Thomas@usace.army.mil.

Sincerely,

KELLY.ANDREW.DONALD.JR.1025510875

Digitally signed by KELLY.ANDREW.DONALD.JR.1025510875
Date: 2020.06.23 17:48:44 -04'00'

Andrew D. Kelly, Jr.
Colonel, U.S. Army
District Commander

cc:
Mr. David Frank, Seminole Nation of Oklahoma, Tribal Historic Preservation Officer, Franks.D@sno-nsn.gov

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

July 2, 2020

Planning and Policy Division
Environmental Branch

The Honorable Ryan Morrow
Town King, Thlopthlocco Tribal Town
Post Office Box 188
Okemah, Oklahoma 74859

Dear Town King Morrow:

Pursuant to the National Environmental Policy Act (NEPA) and the U.S. Army Corps of Engineers (Corps) Regulation 33 Code of Federal Regulations 230.18, this letter constitutes the Notice of Availability of the Final Environmental Impact Statement (EIS) for the Combined Operational Plan (COP). The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries to Everglades National Park and Canal 111 South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern Florida Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation. The proposed action within the Final EIS would occur within the Everglades of southeastern Florida in Broward and Miami-Dade counties.

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We intend to pursue an open and public process and recognize the Federal obligations that we have to our tribal partners. The Corps is currently coordinating this action with all known appropriate tribal staff members and will continue to consult with your staff through implementation of this project. To improve future consultation efforts, please provide us with names and contact information for those that we have inadvertently left off this correspondence. At this time, we respectfully request comments on the Final EIS be submitted in writing within 30 days of the date of this letter.

Please forward all comments to the Project NEPA Coordinator, Ms. Melissa Nasuti, by email at COPFEISComments@usace.army.mil, or to the address listed in the letterhead above.

If you have any questions regarding the information in this letter, feel free to contact me, or you may contact Ms. Cindy Thomas, Tribal Liaison, at 918-581-4200 or by email at Cynthia.G.Thomas@usace.army.mil.

Sincerely,

KELLY.ANDREW.DONALD.JR.1025510875

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Andrew D. Kelly, Jr.
Colonel, U.S. Army
District Commander

cc:
Mr. Gaylen Cloud, Thlopthlocco Tribal Town, Tribal Historic Preservation Officer, thpo@tttown.org

APPENDIX D.1 NATIONAL ENVIRONMENTAL POLICY ACT CORRESPONDENCE

COMMENTS RECEIVED FINAL ENVIRONMENTAL IMPACT STATEMENT

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Table D.1-9. Combined Operational Plan (COP) Final Environmental Impact Statement (EIS) Comment Response Matrix. The following matrix has been prepared to address comments on the COP Final EIS submitted in response to a Notice of Availability (NOA) published in the Federal Register (Volume 85, Number 128) and mailed to interested stakeholders on July 2, 2020 for a 30 day review.

COMMENT ID	DATE COMMENT RECEIVED	COMMENTER	COMMENT	U.S. ARMY CORPS OF ENGINEERS (USACE) RESPONSE
1	July 6, 2020	George Basler	Please include protecting the health of the ecosystem, including human beings, as a priority purpose of the project. Thank you for your consideration.	Thank you for your comment.
2	July 15, 2020	Pedro Ramos, Superintendent Everglades National Park	The National Park Service (NPS) wants to take this opportunity to express our enthusiastic support for the implementation of new operational rules for Water Conservation Area 3 that define how water is delivered to Everglades National Park (ENP) and the South Dade Conveyance System. Implementing the Combined Operations Plan (COP) is an important milestone for both Everglades Restoration and optimizing water management in south Florida. Now that we've completed construction on the Modified Water Deliveries Project and the C-111 South Dade Project, we are ready to formalize our strategy to shift more water flow eastward via the Tamiami canal (L-29) into the historic Northeast Shark River Slough (SRS) flow-way. Prioritizing water deliveries into northeast SRS - the primary natural drainage feature of the southern Everglades - has already demonstrated significant benefits to the ecosystem during the five-years of incremental testing, conducted in support of COP development. We are anticipating even more benefits to the south Florida ecosystem once we fully implement the COP. We are excited about the completion of two critical foundation projects, MWD and C-111 South Dade projects, and implementing the COP. This plan can enable us to realize long-term benefits beyond those derived from traditional operational plan updates, because COP includes important policy developments. The COP Adaptive Management Plan contains water management options that provide greater flexibility to help water mangers deal with extreme rainfall events, balance marsh water depths and flooding durations within WCA 3 and ENP and reduce the risks of delivering water with high nutrient contents to Everglades marshes. Through close coordination with the USACE, the SFWMD, the USFWS, and over a dozen other government agencies, sovereign tribal nations, and stakeholder groups, we were able to comprehensively identify and address several long-standing challenges that exist within the current water management system. From managing recession rates to help ensure wading bird reproductive success to delivering dry season water flows to stop soil consuming fires, COP Adaptive Management options are designed as practical approaches for protecting and improving the Everglades. The last five years of incremental field testing has demonstrated that the current water management system still has significant challenges during dry conditions. We are encouraged that the COP includes a new Tamiami Trail Flow Formula that can help avoid drought-related degradation. This new operational plan creates a more flexible, forward looking approach to watershed management that follows NPS recommendations dating back to an early NPS letter to USACE in October 1967, which highlighted the need to assure persistent water deliveries to ENP throughout the year. The COP continues this path of improved water management established by Congress in its original authorization of the Central and Southern Florida Project in 1948 (House	Thank you for your comment and participation as a cooperating agency in development of the COP Water Control Plan and supporting EIS. The USACE will continue to coordinate with ENP throughout implementation of the COP.

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			Document 643). "Insofar as Everglades National Park is concerned...the question is not one of too much water but a guaranty that there shall not be too little". Shared adversity during dry conditions, maximizing flows into ENP to preserve freshwater availability during wet conditions, and managing upstream consumptive use that would restrict the volumes of water which flow southward into Florida Bay are all watershed scale challenges that are improved by the COP. Finally, we want to express our gratitude to the USACE for leading the development of the COP and for completion of the Modified Water Deliveries and C-111 South Dade Projects. The patient, persistent, and systematic approach that the USACE employed over the past 35 years has resulted in a plan that makes the most of the limited water resources present in the current system and provides a strong foundation for continued progress toward the restoration of the Everglades watershed. The NPS is committed to continuing our close and extensive collaboration with USACE as we transition into the Central Everglades Project, and we look forward to achieving even greater success in the future.	
3	July 31, 2020	Stacy Myers, Senior Scientist, Seminole Tribe of Florida	The Tribe has previously commented on the COP Draft EIS. Based on the Final EIS, the USACE has addressed all of the issues that we had identified by updating correspondence in the various sections of the EIS. However, there is one new issue/concern (#1) that we noticed in the Final EIS and a general outstanding issue (#2) – not addressed, please see below.	Thank you for your comments. Responses are provided below.
4	July 31, 2020	Stacy Myers, Senior Scientist, Seminole Tribe of Florida	1. On page 4-257, it says that in a letter date January 24th, 2020 STOF declined to comment on the USACE's determination of effects. This is not entirely accurate. It would be more precise to say STOF responded "we do not feel there is currently sufficient information for us to comment on the USACE's determination of effects to cultural resources within the Area of Potential Effect (APE)", (as per the original letter).	Thank you for your comment. On page 4-258 the text in the fourth paragraph, sixth sentence says, "In a letter dated January 24, 2020, the STOF declined to comment on the USACE's determination of effects." This was changed to "...responded that they did not feel there was sufficient information to comment on the USACE's determination of effects." On page 4-282 the text in the seventh sentence says, "In a letter dated January 24, 2020, the STOF declined to comment on the USACE's determination of effects." This was changed to "...responded that they did not feel there was sufficient information to comment on the USACE's determination of effects."

COMMENT ID	DATE COMMENT RECEIVED	COMMENTER	COMMENT	U.S. ARMY CORPS OF ENGINEERS (USACE) RESPONSE
5	July 31, 2020	Stacy Myers, Senior Scientist, Seminole Tribe of Florida	2. The STOF has on multiple occasions expressed concerns about the sample size of the tree islands used in the USACE's modeling and the treatment of the tree islands in the APE as a single resource. The USACE provided a response to STOF concerns that restated their reasoning behind the no adverse effects decision and stated that cultural resources will be monitored for effects during the action. The USACE's response does not directly address either of the STOF's concerns. The adequacy or inadequacy of the sample size is not addressed, and neither is the treatment of the tree islands as single resource versus individual resources.	Thank you for your comments. Page 4-258 states the STOF's concern "over a lack of adequate sampling of the various types and range of sizes of tree islands found within the APE. It is the STOF's position that the significance of all tree islands are not equal and thus cannot be treated as one resource."
6	July 31, 2020	Stacy Myers, Senior Scientist, Seminole Tribe of Florida	We look forward to the USACE Response on these two issues that have been identified by the Tribe. Thank you for your consideration of this matter.	Thank you for your comments. Responses are provided above.
7	July 31, 2020	Drew Bartlett, Executive Director, South Florida Water Management District	Thank you for the opportunity to comment on the Final Environmental Impact Statement for the Combined Operational Plan (July 2020) (COP EIS). The goal of the Modified Water Deliveries to Everglades National Park (MWD) and the Canal 111 South Dade (C-111 SD) projects is to increase flows to Northeast Shark River Slough (NESRS) and improve the spatial and seasonal distribution of flow into Everglades National Park (ENP). The health of ENP and the Southern Everglades depends on improved flows of water south through the Greater Everglades Ecosystem. The operations of COP will take advantage of additional infrastructure and operational changes that will help prevent excess water from sent to tide and instead can be directed into Everglades National Park. The COP EIS accomplishes that goal by redistributing water through the newly constructed MWD and C-111 SD infrastructure. The South Florida Water Management District (District) worked closely with the United States Army Corps of Engineers (USACE) during the COP planning process to produce a plan that will significantly enhance the current system. Changes to the final COP EIS have improved the document and will help to ensure its successful joint implementation by USACE and the District. However, the District's concerns, as noted in its letter dated March 16, 2020, remain. The District continues to urge the USACE to make the following changes: 1. Remove the Extreme High-Water Line and its proposed operation of sending flows to the South Dade Conveyance System rather than to ENP; 2. Maintain S-333 deliveries to NESRS given that mitigation measures have been constructed for the Las Palmas Community (8.5 square mile area); 3. Remove the Adaptive Management and Monitoring Plan from the water control plan; and 4. Maintain flows to NESRS in accordance with the targets and objectives of Everglades restoration rather than diverging from them through a water quality adaptive management strategy.	Thank you for your comment and participation as a cooperating agency in development of the COP Water Control Plan and supporting EIS. The USACE will continue to coordinate with the SFWMD throughout implementation of the COP. The following responses are provided regarding each of the recommended changes identified by the SFWMD: 1. The inclusion of EHWL was deemed necessary by the Water Management Section of the USACE-SAJ and by USACE-SAD to provide both USACE and SFWMD water managers more operational flexibility to deal with extreme high water conditions in the WCA-3A and in the C&SF system. The need to include the EHWL in the COP WCP was based on real-time operations over the last 4 years through the El Nino event of 2016, highest June 2017 rainfall, Hurricane Irma in September 2017, and highest May 2018 rainfall. Three out of four events required SAD approval for either an emergency deviation or planned deviation to move more water out of WCA-3A including using ENP-SDCS and S-197. The proposed EHWL was coordinated among technical staff members from SFWMD, ENP, FDACS, FWC, FDEP, USFWS, and the Corps during the development of the COP Water Control Plan in 2019. 2. The hydrologic modeling for COP Alternative Q+ , which principally relies on the MWD 8.5 SMA flood mitigation infrastructure with conditional supplemental use of the adjacent S-331 pump station, indicated that the COP hydrologic benefits for ENP can be attained without the suspension of S-333 inflows to NESRS. This operational option remains in the water control plan out of an abundance of caution; the operations prescribed in the Water Control Plan were developed in an effort to achieve the COP restoration objectives and to altogether avoid and, if needed, minimize the duration of such operations. Within the Water Control Plan, the suspension of flows into NESRS when 8.5 SMA flood mitigation requirements are not met is necessary to adhere to the added assurances and conditions of the ROD for the 2000 GRR for the 8.5 SMA, specifically: "*The periodic flooding of landowners east of the proposed levee, bef+F13ore and after project implementation, will remain unchanged from conditions in existence prior to implementation of the MWD Project except where flowage easements are required. As with the 1992 General Design Memorandum (GDM) plan, flood mitigation, not flood protection, should be provided by the design and operation of the Recommended Plan. No deviations are intended from the operations specified in the operations and maintenance manual (i.e. increased pumping in the seepage canal or the inclusion of additional pumps) due to anticipated public demand for increased flood relief inside the perimeter levee of the 8.5 SMA project.*" 8.5 SMA flood mitigation performance will continue to be monitored and

COMMENT ID	DATE COMMENT RECEIVED	COMMENTER	COMMENT	U.S. ARMY CORPS OF ENGINEERS (USACE) RESPONSE
				assessed under the COP AMMP. An after-action report will be required anytime WCA-3A releases to NESRS are suspended because 8.5 SMA flood mitigation criteria are not being met. It is the intention of the reporting process to ensure that water managers and adaptive management reviewers learn what portions of 8.5 SMA are at risk of violating flood mitigation requirements, if any, the degree of risk of flooding, and over time, if these reports accumulate, the information they provide will be used as part of the record for addressing and resolving flood risks for the 8.5 SMA. The USACE is committed to continued hydrologic modeling and technical evaluations of the 8.5 SMA flood mitigation performance, to assess conditions beyond the infrastructure and operational constraints evaluated as part of the COP, to ensure future CERP restoration flows to ENP and Florida Bay are fully realized. 3. The COP AMMP provides the strategies to address prioritized project uncertainties that will be faced as COP progresses toward achieving goals and objectives while remaining within constraints. Reference Section C.2.6 (COP AMMP Implementation) in Appendix C and Table C.2.23 that provides a link between adaptive management uncertainties, their corresponding actions, and whether additional NEPA or permitting would be required. Two adaptive management options have been identified as being defined within the 2020 COP Water Control Plan and supported by the Draft EIS (AM Uncertainty ID #12b (Tamiami Trail Flow Formula (TTFF) and Drought) and AM Uncertainty ID #16b (Water Quality in NESRS)). Potential effects to the existing environment will be monitored through implementation of the COP AMMP. 4. Water quality considerations, including formal operational recommendations from the COP PDT+ water quality sub-team, will be considered as part of the broader USACE water management decision-making process that considers all the congressionally authorized project purposes for the WCAs, and sub-team recommendations may not be feasible to implement in all instances as a result consideration of the collective C&SF authorized purposes. As further detailed in the COP Water Control Plan, this information includes but is not necessarily limited to: C&SF Project conditions, estuary conditions and projected needs (e.g., Biscayne Bay, Florida Bay), WCAs conditions and projected needs, WCA water levels, ENP conditions and projected needs, East Coast Canals (ECC) available capacity, ENP-SDCS available capacity, current climate conditions, climate forecasts, hydrologic outlooks, projected WCAs level ascension and recession rates, and water supply conditions and projected needs.

COMMENT ID	DATE COMMENT RECEIVED	COMMENTER	COMMENT	U.S. ARMY CORPS OF ENGINEERS (USACE) RESPONSE
8	July 31, 2020	Drew Bartlett, Executive Director, South Florida Water Management District	The District also appreciates the USACE's recognition of Everglades water quality. The proposed adaptive management water quality strategy driven by Appendix A of the 1991 Settlement Agreement reduces flows to ENP when it is most needed and is counter to the hydrologic restoration available with Tamiami Trail Flow Formula implementation. Given the progress we are making under the Comprehensive Everglades Restoration Program (CERP), it is critical that USACE engage State and Federal parties to reconcile the expectations of Appendix A with the goals of CERP. As COP recognizes, there is a well-known correlation between higher phosphorus levels entering ENP and low water levels in the southern WCA-3A marsh and canals. Until this concept is fully incorporated into evaluating water quality under Appendix A, there will remain a tension between restoration flows under CERP and regulatory programs guided by the federal consent decree. In the meantime, the District supports an operational plan that promotes continuing flows to ENP in accordance with the objectives of CERP.	Water quality improvement is not an authorized purpose for C&SF as modified by the MWD and C-111 South Dade Projects, collectively encompassed by the COP. While water quality was not considered in the formulation of the selected alternative, it was evaluated for potential water quality impacts. Based on the water quality modeling and evaluations described in the COP EIS, the USACE recognizes phosphorus levels delivered toward Shark River Slough are affected by low water levels within WCA 3A as well as the location of discharge. There is a time period where until upstream programs and projects are completed (CEPP, Restoration Strategies primarily) and functioning as designed (Restoration Strategies WQBEL compliance remains pending), water quality delivered to the ENP will not be as close to desired phosphorus levels envisioned for restoration. The USACE also recognizes that as the Restoration Strategies Features and CEPP features are completed and operating as designed, dryout conditions in WCA 3A (a significant WQ factor in the water delivered to ENP) will be reduced with an expected improvement in the water quality of volumes delivered to the ENP. Based on the water quality analysis performed for COP, the USACE COP EIS provides supporting documentation that any potential negative impacts to ENP water quality will be short term and can be mitigated for until the upstream projects (Restoration Strategies, CEPP) are online. Prescriptive approaches to consider WCA 3A water quality conditions to inform real-time operations of inflow structures to ENP have not been explicitly included in previous Water Control Plans, including the 2012 ERTP, or the Operational Strategies developed for the MWD incremental field tests. The COP water quality analyses documented in the EIS show that through minor adjustment to water delivery timing, nutrient spikes into ENP can be reduced under some conditions. The WQ AM measures proposed and analyzed during the WQ sub team work up indicated this can be done without reducing the volumes of water deliver to the ENP. Do not concur that this section be deleted from the document. Water quality considerations, including formal operational recommendations from the COP PDT+ water quality sub-team, will be considered as part of the broader USACE water management decision-making process that considers all the congressionally authorized project purposes for the WCAs, and sub-team recommendations may not be feasible to implement in all instances as a result consideration of the collective C&SF authorized purposes. As further detailed in the COP Water Control Plan, this information includes but is not necessarily limited to: C&SF Project conditions, estuary conditions and projected needs (e.g., Biscayne Bay, Florida Bay), WCAs conditions and projected needs, WCA water levels, ENP conditions and projected needs, East Coast Canals (ECC) available capacity, ENP-SDCS available capacity, current climate conditions, climate forecasts, hydrologic outlooks, projected WCAs level ascension and recession rates, and water supply conditions and projected needs. The purpose of the Consent Decree is to achieve water quality that prevents imbalances in the aquatic ecosystem so as to "restore, preserve and protect the unique flora and fauna" in the Park and the Refuge. The Consent Decree is a judicially enforceable legal instrument overseen by a federal district court judge. Changes to that Decree or the Clean Water Act permits obtained by the SFWMD in association with it are not within the unilateral authority of the United States and/or the State of Florida. Any changes are subject to review and actions by

COMMENT ID	DATE COMMENT RECEIVED	COMMENTER	COMMENT	U.S. ARMY CORPS OF ENGINEERS (USACE) RESPONSE
				the several parties involved in the litigation and ultimately are subject to the review, alteration, rejection, and/or order of the court. Such action is not within the scope of the COP project and therefore would not be appropriate to attempt to accomplish it through COP. Discussions about adjusting the Water Quality compliance methodology for water entering the ENP are ongoing under the purview of the Technical Oversight Committee, based on direction provided by the Consent Decree Principals.
9	July 31, 2020	Drew Bartlett, Executive Director, South Florida Water Management District	The District supports the Final Environmental Impact Statement for the Combined Operational Plan (July 2020) as a means to realize the goals of Everglades restoration. The District looks forward to working together to implement an approved COP EIS as we work to send more water south and restore the Everglades.	Thank you for your comment.

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10	July 31, 2020	Inger Hansen, Alyssa Gilhooly, Office of Water Policy and Ecosystems Restoration, Florida Department of Environmental Protection	The purpose of the Combined Operations Plan (COP) is to define operations for the constructed features of the Modified Water Deliveries (MWD) to Everglades National Park (ENP) and Canal 111 (C-111) South Dade project components, while maintaining the congressionally authorized purposes of the Central and Southern Florida Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation. The proposed action within this Final Environmental Impact Statement (EIS) would occur within the Everglades of southeastern Florida in Broward and Miami-Dade counties. The Final EIS presents a preferred plan, Alternative Q+ (ALTQ+), and examines the environmental consequences of implementation of this alternative. Under the COP, Central and Southern Florida (C&SF) infrastructure would be operated to deliver hydrologic benefits to the environment as defined by ALTQ+: improving water deliveries into ENP given current C&SF infrastructure; maximizing progress toward restoring historic hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern Panhandle of ENP; protecting the intrinsic ecological values associated with Water Conservation Area (WCA) 3A and ENP; minimizing damaging freshwater flows to Manatee Bay/Barnes Sound through the S-197 structure and increasing flows through Taylor Slough and coastal creeks; and consideration of cultural values and tribal interests and concerns within WCA 3A and ENP. Operations would also support a broad set of defined needs, including flood control; water supply for agricultural, municipal, and industrial uses; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation. The COP will supersede the 2012 Water Control Plan for the WCAs, ENP, and ENP to South Dade Conveyance System (SDCS). ALTQ+ was chosen based upon hydrological modeling of system conditions using the Regional Simulation Model. Results of the modeling efforts demonstrate significant enhancements of Northeast Shark River Slough (NESRS) and southern WCA 3A and negligible to minor reductions in hydroperiods in northern WCA 3A. The adaptive management processes supporting ALTQ+ should allow managers the needed operational flexibility to reduce remaining challenges and to help identify what aspects of future Comprehensive Everglades Restoration Plan (CERP) projects can be used to resolve observed challenges. Implementation of the COP is anticipated to increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. The Florida Department of Environmental Protection (Department) previously provided comments to the Corps for the Draft EIS on March 13, 2020, as well as COP Scoping Notices on July 7, 2011, and October 18, 2017.	Thank you for your comments. Responses are provided below.

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11	July 31, 2020	Inger Hansen, Alyssa Gilhooly, Office of Water Policy and Ecosystems Restoration, Florida Department of Environmental Protection	Comments: The Department appreciates the Corps addressing some of our previous comments and concerns in the Final EIS. Specifically, the Department appreciates the consideration and inclusion of the 9.2-ft NGVD29 stage trigger at the S-333 headwater (HW) in the Water Control Plan and Adaptive Management and Monitoring Plans. The Department welcomes this recognition of the consensus that violations of water quality standards in ENP are due to localized effects within the marsh and canals near the S-333 during low water stages that can be minimized through appropriate operational modifications by the USACE. Starting discussions among the cooperating agencies about water quality and stage conditions in WCA-3A and potential adaptive management options prior to stages reaching 9.2 ft at the S-333 HW is a proactive approach to minimizing water quality impacts of COP.	Thank you for your comments and participation. The purpose of the Consent Decree is to achieve water quality that prevents imbalances in the aquatic ecosystem so as to "restore, preserve and protect the unique flora and fauna" in the Park and the Refuge. The Consent Decree is a judicially enforceable legal instrument overseen by a federal district court judge. Changes to that Decree or the Clean Water Act permits obtained by the SFWMD in association with it are not within the unilateral authority of the United States and/or the State of Florida. Any changes are subject to review and actions by the several parties involved in the litigation and ultimately are subject to the review, alteration, rejection, and/or order of the court. Such action is not within the scope of the COP project. The consent decree provides for a Technical Oversight Committee (TOC), with a representative from each settling party, to make technically based recommendations concerning research, monitoring and Consent Decree compliance. The TOC regularly discusses the status of compliance and potential causes when there are exceedances of Consent Decree limitations.
12	July 31, 2020	Inger Hansen, Alyssa Gilhooly, Office of Water Policy and Ecosystems Restoration, Florida Department of Environmental Protection	The Department remains supportive of implementation of COP and looks forward to participating in the review and assessments of the operations including implementation of any potential adaptive protocols. The Final EIS states that USACE, the SFWMD, and ENP will establish an interagency collaborative forum (referenced in the COP AMMP as the "PDT+") that succeeds the COP interagency PDT, consisting of the COP implementing agencies, oversight agencies, and stakeholder groups that will meet one to two times per year during implementation of the COP. The Department has regulatory oversight over COP and how implementation may affect water quality; and we have been participating on the ongoing Increment 1 and Increment 2 interagency meetings for the incremental operations of the MWD project. The Department, therefore, formally requests to continue to be included in the "PDT+" team meetings.	The USACE will include FDEP as part of the PDT+.
13	July 31, 2020	Inger Hansen, Alyssa Gilhooly, Office of Water Policy and Ecosystems Restoration, Florida Department of Environmental Protection	Based on the information contained in the Final EIS, the Department has determined that, at this stage, COP is consistent with the Florida Coastal Management Program (FCMP). All subsequent environmental documents prepared for this project must be reviewed to determine the project's continued consistency with the FCMP. The Department's concurrence of the implementation of specific project components' consistency with the FCMP will be also be determined during the review performed as part of the state's environmental permitting process that includes water quality certification under Section 401 of the Clean Water Act, as applicable. Should you have any questions regarding our comments, please contact Ed Cambeiro at (850) 245-3176.	Thank you for your comments and participation.

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14	August 3, 2020	Celeste De Palma Shannon Estenoz S. Ansley Samson Cara Capp, Audubon Florida, The Everglades Foundation, Everglades Law Center, and National Parks Conservation Association	Audubon Florida, The Everglades Foundation, Everglades Law Center, and National Parks Conservation Association submit the following comments on the Final Environmental Impact Statement (EIS) for the Combined Operations Plan (COP). The Final EIS offers no changes or improvements to unacceptably low dry season flows to Everglades National Park and Florida Bay in spite of significant stakeholder feedback that COP performance must provide significantly more water to the Everglades. We reiterate and incorporate by reference our comments offered during the Draft EIS comment period with the continued assertion that this final operations plan does not represent an acceptable outcome to the $1 billion investment by taxpayers to restore America's Everglades. We understand that COP is one piece of the restoration puzzle, and will work collaboratively with other projects to improve the overall health of the Greater Everglades. To that end, we appreciate that finalizing this operations plan is needed to be able to enjoy the full benefits of the Central Everglades Planning Project (CEPP) South and the Everglades Agricultural Area (EAA) Reservoir in the years ahead. We further understand that COP will perform better when there is more water to flow. However, we should not wait until CEPP South or the EAA Reservoir are complete before sending more water to the Everglades - these projects will take years to complete, and the Everglades cannot afford to wait. It is the responsibility of the U.S. Army Corps of Engineers to find more water to send south to Everglades National Park via operational flexibility at every opportunity. This includes prioritizing sending more water south during the dry season as part of Lake Okeechobee Systems Operational Manual (LOSOM) planning. The Corps must do everything it can to ensure that taxpayers' $1 billion investment enables commensurate benefits to the federal parkland and natural resources.	The COP balances ecological restoration objectives of the MWD and C-111 South Dade projects completed infrastructure by redistributing the existing WCA 3A and ENP water budget, including a new TTFF that is forward compatible with future expected flow increases. The COP's TTFF achieves the long-term restoration goal and improves upon the 1980s WCA 3A Rainfall Plan, achieving the hydrologic objectives of; 1) delivering surface water flow that resembles more natural processes; 2) delivering surface water flows in a more gradual rate change; and 3) spatially distributing surface water flow across Shark River Slough. ALTQ+ provides a significant increase in freshwater needed for the restoration of NESRS and Taylor Slough, the headwaters of Florida Bay. However, the USACE recognizes that additional actions are needed, such as the completion of CERP components, to further increase freshwater flows to Florida Bay; in addition to the CERP, the ongoing Lake Okeechobee System Operating Manual (LOSOM) study, planned for implementation in 2022, is comprehensively evaluating operational criteria for Lake Okeechobee, including consideration of existing conditions and potential environmental effects for the Lake, Northern Estuaries, and the Greater Everglades. Relative to the No Action Alternative, ALTQ+ maximizes progress toward restoring historic hydrologic conditions in Taylor Slough by increasing annual inflow by approximately 7% and in the Eastern Panhandle of ENP towards northeast Florida Bay by approximately 27%. Increased freshwater flows towards Florida Bay may improve salinities, resulting in better conditions for the diversity of sea grasses and other estuarine plant and animal species that inhabit the Bay. Alternative performance was measured by evaluating changes in salinity conditions in both the wet (June through November) and dry season (December through May) by utilizing the RECOVER Florida Bay performance measure. Decreases in dry season salinity, observed under ALTQ+ (COP Preferred Plan), exceeded decreases in wet season salinity, with dry season decreases up to 1.29 psu. While these modeled salinity differences are small, these differences may be ecologically significant because they reflect long-term seasonal means and not short-term or even annual extremes (e.g., periods with hypersalinity). Also, the timing of lowered salinity, being more in the dry season, may be ecologically significant because salinity peaks associated with ecological damage are most common in the late dry season and early wet season if precipitation delays occur. Florida Bay salinity conditions are heavily rainfall dependent, with forty-five percent of its water budget contributed from rainfall. When drier conditions occur, it is difficult to replace the rainfall deficits with surface water sources from the C&SF project. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration.

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15	August 3, 2020	Celeste De Palma Shannon Estenoz S. Ansley Samson Cara Capp, Audubon Florida, The Everglades Foundation, Everglades Law Center, and National Parks Conservation Association	From the outset of this planning process, we have been consistent with our request: COP should deliver the project benefits we were promised decades ago by delivering more water to Everglades National Park and Florida Bay during the dry season when it is most needed. The project set forth in the EIS fails to do that. The flow formula upon which COP was developed is fundamentally flawed, as it under-performs for the Everglades when water is scarce in the system. This shortfall will leave Everglades National Park and the waters of the Florida Keys vulnerable to continued harmful drought impacts including high salinity, seagrass die-offs, and fish kills.	The COP balances ecological restoration objectives of the MWD and C-111 South Dade projects completed infrastructure by redistributing the existing WCA 3A and ENP water budget, including a new Tamiami Trail Flow Formula that is forward compatible with future expected flow increases. The COP's Tamiami Trail Flow Formula (TTFF) achieves the long-term restoration goal and improves upon the 1980s WCA 3A Rainfall Plan, achieving the hydrologic objectives of; 1) delivering surface water flow that resembles more natural processes; 2) delivering surface water flows in a more gradual rate change; and 3) spatially distributing surface water flow across Shark River Slough. ALT Q+ includes a new and robust Tamiami Trail Flow Formula (TTFF) to implement real-time "rainfall driven operations" that are geared towards more scientifically based ecological targets than the current WCA 3A Rainfall Plan. During the interagency COP PDT meetings, the NPS reviewed the code and regression analysis provided by the Everglades Foundation and provided a summary of this information to the Cooperating Agencies. The detailed review by the NPS confirmed there is no clear evidence to suggest that the proposed alterations to the TTFF enhances the performance of the preliminary preferred alternative consistently across the period of record. Instead, the comparison indicates a similar pattern of information that was observed when comparing many variations of the TTFF formulas within the COP modeling sub-team; the Foundations' proposed altered formula increases flows to ENP in some dry year cases, and reduces flows to ENP other dry year cases. The benefits realized in the TTFF and COP ALT Q+ are significant over ECB19RR and in the same range of performance of ALT O based on the evaluations of the COP technical sub-teams. Moving forward, the best way to realize any possible improvements considering multiple factors (precedent setting, schedule, etc.) is to carry the conversation into the COP adaptive management framework and/or subsequent CERP efforts. The COP EIS acknowledges that concerns expressed by stakeholders included the performance of the TTFF in ALTQ+ during regional droughts in the WCAs, ENP, and Florida Bay. Adaptive management strategies have been developed to address uncertainty associated with the TTFF and include a structured approach as to how monitoring data may inform implementation of ALTQ+ and/or potential future revisions to the TTFF. Specific operational triggers and operational criteria to address SRS low water conditions have been developed through the COP AMMP process, with technical support from water managers. Addressing this uncertainty with the TTFF will help the COP AM team and water managers continue to evaluate operational planning to further enhance the ecological performance of the regional system without violating system constraints or considerations. AM Uncertainty ID #12b (Tamiami Trail Flow Formula (TTFF) and Drought) was specifically identified to determine whether there an opportunity to deliver water to NESRS in a specific manner such that the delivery enhances freshwater flows to Florida Bay by delivering more water during the dry season without harming the ecological condition of WCA 3 (Reference Appendix C.2, Section C.2.2.4). At each COP PDT+ meeting the team will identify if a field test is possible in the upcoming wet-dry season transition (based upon closures in WCA 3A during the previous season and anticipated water levels in WCA 3). If suitable conditions appear likely, the managers will be notified of intent to further investigate whether conditions warrant initiation of the field test, and a series of monthly meetings will be used to formulate the specific field test strategy, including consideration of conditional probabilities of future water levels and flows. As monitoring

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				information continues to be collected and evaluated through the COP Adaptive Management process (post implementation), it is expected that the TTFF will continue to evolve as conditions change in the future through the combination of new information and new CERP infrastructure, including features which will enable increased flow deliveries into the WCAs, ENP, and Florida Bay. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration.
16	August 3, 2020	Celeste De Palma Shannon Estenoz S. Ansley Samson Cara Capp, Audubon Florida, The Everglades Foundation, Everglades Law Center, and National Parks Conservation Association	While water quality is an important consideration for the Everglades ecosystem, there continues to be an overemphasis on and overly myopic approach to examining it in the EIS to the detriment of the project as a whole. The Consent Decree in United States v. South Florida Water Management District, Case No. 88-1886-Civ-Moreno (S.D. Fla.) ("Moreno Case") sets forth a process to resolve water quality issues involving Appendix A by bringing together experts on the Technical Advisory Committee (TOC). That process has stood the test of time and should be deferred to in resolving any future water quality issues.	Please see response to Comment ID# 8 above.

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17	August 3, 2020	Celeste De Palma Shannon Estenoz S. Ansley Samson Cara Capp, Audubon Florida, The Everglades Foundation, Everglades Law Center, and National Parks Conservation Association	Finally, existing federal law requires the U.S. Army Corps of Engineers to ensure a minimum threshold of water is delivered to Everglades National Park during the dry season and drought. The operations plan set forth in the final EIS fails to do that. We urge the Corps to use adaptive management and available operational flexibility to avoid violating the law's minimum deliveries requirement.	COP is the plan for full implementation contemplated under Section 107 of the Energy and Water Development Appropriations Act, 1992, Public Law 102-104, which amended section 1302 of the Experimental Program, Public Law 98-181, and allowed the Experimental Program to continue until the modifications to the C&SF project authorized under Section 104 of Public Law 101-229, are completed and implemented. COP does not call for continuation of Minimum Deliveries as identified in Section 2 of the River Basin Monetary Authorization and Miscellaneous Civil Works Amendments Act of 1970, Public Law 91-282, but is aimed at more natural deliveries to ENP that are tied to rainfall and are based on the operations developed under the Experimental Program. Nevertheless, the modeling shows that the COP should far exceed the Minimum Deliveries required under Public Law 91-282 on an average annual basis. Compared to the Existing Condition Baseline (ECB19RR), the recommended COP Alternative Q+ increases the average monthly delivery from WCA 3A to ENP during 11 of the 12 calendar months (for the month of October, while Alternative Q+ shows a 2.5% reduction in average monthly deliveries versus the ECB19RR, the average monthly flow volume exceeds the PL 91-282 target by 57%). Alternative Q+ represents an improvement over the ECB19RR -- as described in Section 4.2, five out of 41 years of simulated years are expected to deliver below 260,000 acre-feet total yearly volume for ALTQ+, versus seven out of 41 years for ECB19RR. It is also important to understand the context in which Congress approved the Minimum Deliveries law. In approving Minimum Deliveries, Congress referenced the National Park Service's letter of October 20, 1967. In the letter, the NPS recognized that there would be "occasional years in which 315,000 acre-feet could not be provided without causing substantial reduction of the water supply to other existing water users, but it was also seen that at least 200,000 acre-feet could be delivered to the park even in extremely dry years…." The NPS recognized that in dry years, the minimum amount delivered to the Park would be reduced. The letter does not contain monthly minimum targets for these dry years but anticipates a proportional reduction in deliveries to the Park. The legislation itself also recognizes this by specifically authorizing a proportional reduction in deliveries, stating: "or 16.5 per centum of total deliveries from the project for all purposes including the park, whichever is less." We recognize the challenges of delivering sufficient water during dry conditions, and in the COP planning process we used simulations to estimate water budget transfers among basins within the Everglades Protection Area. Prior to operating the simulations, we had to make assumptions about upstream operations and the volume of inflows into the Everglades Protection Area. Over the course of the planning process we explored a series of flow-stage relationships in order to understand the connection between inflows to ENP and ecological conditions in WCA3. It became clear that low rainfall/low upstream delivery conditions were very challenging to manage, and that stabilizing ecological conditions over the largest possible area was a shared goal of the planning team. Our simulations are based on our best understanding of the range of possible rainfall conditions, and we also recognize that unique combinations of climate can emerge which may be outside of the ranges used in planning, or outside of the range of conditions used to inform the 1970 law. That said, we have a strong partnership with the National Park Service and South Florida Water Management District, an effective information environment to help us remain aware of climate conditions and drought

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				risks and a shared desire to responsibly manage water resources. By using our Adaptive Management process during implementation of COP we can continue to work with our partners to evaluate the relationship between observed weather patterns, what we've simulated in COP, and the level of water deliveries to WCA3. Should the challenging context of consecutive dry years emerge during the period of COP implementation, the agencies will work together to responsibly manage the system to protect against the full range of threats that emerge during dry conditions.

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18	August 3, 2020	Celeste De Palma Shannon Estenoz S. Ansley Samson Cara Capp	We ask that the U.S. Army Corps of Engineers address the shortfalls documented here before the Record of Decision is signed on the Final EIS, for the health of America's Everglades and in accordance with the restoration benefits warranted by the $1 billion taxpayer investment in this project.	ALTQ+ is expected to best meet the objectives and constraints identified in the Final EIS. Implementation of the recommended plan is anticipated to increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP relative to the Existing Conditions Baseline (ECB19RR). Please see response to Comment ID# 14 through #17. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration.

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19	August 3, 2020	William Lodder, Acting Director, Office of Environmental Policy and Compliance, US Department of Interior	The Department of the Interior (Department) has reviewed the U.S. Army Corps of Engineers' (USACE's_ final Environmental Impact Statement (FEIS) for the Combined Operational Plan (COP) - Broward, Miami-Dade, and Monroe Counties, Florida. The USACE proposes to control the amounts of water and timing of releases from adjacent upgradient areas contributing to Everglades National Park (ENP) in southern Florida. The operation of canals and existing infrastructure controlling flows into the ENP would be regulated to increase environmental benefits within the park and downstream adjacent bays and estuaries. The COP is expected to increase annual flow to ENP, schedule water deliveries in consonance with local precipitation events, restore historic vegetative communities and faunal habitats and improve development of endemic peat soils and tree islands. The Department thanks for the USACE for undertaking the COP and FEIS. We submit the following comments regarding the water quality and hydrology monitoring plan and references to U.S. Geological Survey (USGS) research for USACE's consideration as you finalize the FEIS.	Thank you for your comments. Responses are provided below.
20	August 3, 2020	William Lodder, Acting Director, Office of Environmental Policy and Compliance, US Department of Interior	COMMENT: Recommend revisions to the monitoring plan. The Department recommends that the water quality and hydrology monitoring plan (monitoring plan) be revised to reflect and clarify the current objectives applicable to the COP and that USACE include the monitoring of mercury. In Appendix-C (Section C.4.5: "Primary Objectives of Water Quality and Hydrology Monitoring Plan"), seven objectives are listed below introductory text which includes the following statement: "The objectives of the COP water quality and hydrology monitoring plan were carried forward from the previous field test increments." However, individual descriptions in objectives 1, 2, and 4 include the repeated statement: "This objective is no longer applicable to COP based on testing results." Objectives 5 and 6 "ensure existing levels" at specific sites. Objectives 3 and 7 either "support" or "evaluate" water quality at specific structures in the COP area. Differently worded or confusing objectives are in other sections. In Appendix-C (Section C.4.3: "Introduction"), monitoring plan objectives are stated as: "After the initial testing period, detailed data evaluation will attempt to fulfill the three basic objectives (water budget, mass balance, seepage quantification) and also provide information to modify the monitoring plan for future, longer-term operational periods. " In section C.5.3, "Primary Objectives of Water Quality and Hydrology Monitoring Plan South of S-311", the statement "There are four primary objectives," precedes a list of five objectives, none of which directly address water quality.	COP is an operational plan that only changes the operation of existing structures. The State of Florida has a mercury monitoring program that includes ENP. ENP/DOI has performed extensive monitoring for mercury within ENP (personal communication Jim Riley-USACE with Dr Surratt-ENP). The POC for the ENP monitoring conducted with USFWS is Jeff Kline. DOI mercury sampling within ENP was conducted with full sample collection (all media) from 2008-2018. Funding is uncertain for continuation of the DOI mercury sampling within the ENP. The State of Florida has a mercury monitoring program that covers the everglades including ENP. The COP water quality monitoring plan does not have the objective to take over or supplement the State of Florida's Mercury Monitoring Program. Please see the SFWMD SFER report 2020 volume 1, chapter 3b for further information on the State Mercury Monitoring Program. The water quality monitoring program objectives evolved over the various field test phases. Initially it was thought the source of the water to the S-356 pump station could be determined as there were concerns that urban water or deep aquifer water with higher phosphorus levels would be mobilized by extensive S-356 pumping. It was found that source characterization was not possible without much more extensive funding and resources. The point of concern became moot when it was determined that discharge water from the S-356 did not contain the higher levels of phosphorus that would be expected if the deeper aquifer water or the urban water was mobilized. The monitoring of the S-356 indicated that seepage water from WCA 3B and ENP was the source of the S356 intake water (contained levels consistent with ENP/WCA 3B, which have low total phosphorus levels). Objectives 5 and 6 on page C194 were intended to evaluate flooding impacts from COP. Objective 3 was to evaluate if there was a negative impact to water quality. Objective 7 was to better under S-328 water quality. Section C.5.3 page C-235 refers to the area south of S-331. This refers to the C-111 project area primarily and has different objectives than the inflows to the NESRS. Objective 5 refers the WQ monitoring required by the existing mandates and permits. The C-111/coastal basins area does not have the water quality concerns that the NESRS currently has.

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21	August 3, 2020	William Lodder, Acting Director, Office of Environmental Policy and Compliance, US Department of Interior	Mercury is a well-researched topic and known contaminant in the Everglades ecosystem, acknowledged as such in the FEIS section 3.12 ("Water Quality"), "Water quality impairment within the study area can generally be attributed to nutrients and bioavailable forms of mercury." Mercury is not among the twenty parameters listed for surface water quality sampling listed in Appendix C. FEIS, section 3.12, several references are made to mercury concentrations in fish and in the following statement: "Mercury methylation patterns are tracked by collection/analysis of fish tissue by the ENP and the State of Florida." However, there is no clear description of monitoring for mercury by media (water, sediment, fish tissue, etc.) or form (inorganic or organic). The Department recommends that the FEIS describe the effects of the COP on mercury levels in the Everglades ecosystem and if mercury levels are currently monitored by USACE or another agency, and if not, it is recommended that mercury be added as a specific and critical objective in the monitoring plan. As written, it is difficult to understand what the objectives of the COP monitoring plan are, or how they will be accomplished. The Department recommends that the FEIS include one consolidated section on monitoring to concisely describe the monitoring objectives for evaluating the effects of activities proposed in the COP, including mercury.	The Combined operational Plan (COP) is not adding mercury to the system. Primary input of mercury to the everglades is atmospheric deposition (2020 SFER Volume 1, chapter 3b). COP is not expected to change mercury methylation in the everglades. The State of Florida has a mercury monitoring program that includes a monitoring point within the ENP (see 2020 SFER volume 1, chapter 3b). The COP water quality monitoring plan is not intended to replace the State of Florida Mercury Monitoring Program and therefore does not address mercury. COP is expected to shift flows to some degree further east into the historic flow path (Shark River Slough) using existing structures that currently deliver water to the ENP. This may or may not shift methylation patterns in the ENP as sulfate deliveries will be changed by the shifting of ENP water deliveries further east. It is unclear that sulfate is the controlling factor for methylation in the everglades (see 2020 SFER volume 1, chapter 3b) once you reach a certain concentration of sulfate. Water sampling for mercury after many years of sampling in the everglades has been determined to be much less useful than fish tissue sampling (see CGM 42 which has been reviewed by USGS with USGS comments incorporated in 2018) The State of Florida Mercury Monitoring Program is described in the 2020 SFER volume 1, chapter 3b, and focuses on fish tissue from mosquito fish and game fish (bass etc.). Total mercury is what the fish tissue is currently analyzed for. Fish muscle tissue in the everglades has been found to have at least 85% methyl mercury and total mercury has been found acceptable by USGS (concurrence with CGM 42 in 2018). The COP water quality monitoring plan is a description of the existing water quality monitoring regimes required by the various State of Florida issued permits and other legal requirements. COP is not adding flow to any new discharge points and is not building any structures. COP is not proposing that the existing water quality monitoring is insufficient or needs additional monitoring frequencies/parameters at existing locations. The State of Florida, the authority for water quality within the State of Florida, has determined for the existing structures what the required WQ monitoring is outside of the COP effort. Additionally, in the Settlement Agreement between the State of Florida and the Federal Government regarding flows into the ENP additional water quality monitoring requirements have been added to the project area monitoring regime. The primary concern with the full extended operation of the S-356 under COP was that higher phosphorus content water from the deep aquifer and/or urban areas would be drawn into the S-356 intake. The data supported that this did not occur and the S356 discharge water was representative of seepage water from WCA 3B and ENP (low phosphorus concentrations).

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22	August 3, 2020	William Lodder, Acting Director, Office of Environmental Policy and Compliance, US Department of Interior	COMMENT: Provide supporting references for statements describing specific USGS research. There are references to USGS within the FEIS without citations. The Department requests that any statements regarding specific USGS research be noted in the text with references to accessible publications or documented communications with USGS staff. Such statements include: - Appendix C (Page C-93) includes the following statement describing USGS observations of coastal saltwater intrusion into the ENP and frontal migration in the aquifer system: "Observations of coastal saltwater intrusion into ENP (or associated peat collapse) or landward migration of the aquifer saltwater intrusion front as reported by USGS, SFWMD or Miami-Dade County." - The EIS (Pages 3-25 and 4-182) includes the following statement describing USGS research on the role of sulfur reducing bacteria in the methylation of mercury: "Sulfur reducing bacteria (SRB) is currently considered by USGS as one of the primary drivers to mercury methylation within the everglades system."	References have been added to the appendix.
23	August 3, 2020	William Lodder, Acting Director, Office of Environmental Policy and Compliance, US Department of Interior	Thank you for the opportunity to review and comment on the FEIS. If you have any questions concerning our comments, please contact J. Michael Norris, USGS Coordinator for Environmental Assessment Reviews, at 603-226-7847 or at mnorris@usgs.gov.	Thank you for your comments

COMMENT ID	DATE COMMENT RECEIVED	COMMENTER	COMMENT	U.S. ARMY CORPS OF ENGINEERS (USACE) RESPONSE
24	August 3, 2020	Emma Haydocy, Florida Bay Forever	Florida Bay Forever represents the citizens of Monroe County and the estuary that supports our island chain. Our community sits in the receiving end to benefit (or lack thereof) of the activities of the COP. The Final EIS for the COP has not changed drastically, and as such, the same issues raised in the previous comment made in Islamorada during the draft EIS period remain. Florida Bay based been systematically dehydrated, and the impacts of hypersalinity have sent shockwaves across the ecosystem. The drought that leads to a toxic cycle of seagrass die-offs, harmful algal blooms, and fish kills is a result of woefully inadequate clean, freshwater supply to Everglades National Park and Florida Bay. The COP does little to augment water flow to Florida Bay. Marginal benefit is realized during the wet season, when the system is naturally saturated by rainfall. The Florida Bay community is rightfully concerned during the peak of the dry season, when the current COP does not provide water for the estuary. Florida Bay requires more freshwater during the dry season to keep waters clean and communities safe from the devastating impacts of drought events.	ALTQ+ is expected to best meet the objectives and constraints identified in the Final EIS. Implementation of the recommended plan is anticipated to increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP relative to the Existing Conditions Baseline (ECB19RR). Please see response to Comment ID# 14 through #17. The USACE concurs that changes in the quantity, quality, timing, and distribution of freshwater flows is essential to restoration of the south Florida ecosystem, including Florida Bay, and is committed to implementing the CERP in order to continue progress in Everglades restoration.
25	August 3, 2020	Mark Fite, Director Strategic Programs Office, Protection Agency, Environmental Protection Agency	The U.S. Environmental Protection Agency reviewed the above-referenced document in accordance with Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act. The purpose of this U.S. Army Corps of Engineers (USACE) project is to define operations for the constructed features of the Modified Water Deliveries to the Everglades National Park and Canal C-111 South Dade project components. The USACE examined several alternatives that adjusted the operations of the water delivery system while balancing a set of defined needs, including the following: flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation. The EPA provided comments on the Draft Environmental Impact Statement on March 16, 2020. Based on our review of the revised language in the Final Environmental Impact Statement (FEIS), our comments have been adequately addressed. The EPA appreciates the opportunity for early engagement and collaboration, and we look forward to continued participation in the USACE's planning process for Comprehensive Everglades Restoration Plan projects. When the record of decision for the project becomes available, please send us a copy for our records. If you have questions regarding out review of the FEIS, please contact Ms. Jim Gates of my staff at (404) 562-9261 or by email at gates.kim@epa.gov.	Thank you for your comments and participation. The ROD will be posted on the Jacksonville District's website when signed. A copy of the signed ROD will be forwarded as requested.

COMMENT ID	DATE COMMENT RECEIVED	COMMENTER	COMMENT	U.S. ARMY CORPS OF ENGINEERS (USACE) RESPONSE
26	August 11, 2020	Chris Stahl, Florida State Clearinghouse	Florida State Clearinghouse staff has reviewed the proposal under the following authorities: Presidential Executive Order 12372; § 403.061(42), Florida Statutes; the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended; and the National Environmental Policy Act, 42 U.S.C. §§ 4321-4347, as amended. The Florida Department of Environmental Protection and the South Florida Water Management District have reviewed the proposed action and independently submitted comments for your consideration. These have been attached to this letter and are incorporated hereto. Florida Fish and Wildlife Conservation Commission's specific comments and recommendations for fish and wildlife resources remain the same as for the Draft EIS and are attached as well. The Florida Department of Agriculture and Consumer Services appreciates the opportunity to provide Clearinghouse comments on the Final EIS for the COP, Project FL202007029003C. Concerns and comments on the Final EIS are consistent with the ones submitted for the Draft EIS for COP in March 2020. Please find the OAWP technical comments previously submitted attached for reference and inclusion in comments submitted for the Final EIS for COP. A change in the COP Water Control Plan (WCP) Chapter 7 numbering did change the Adaptive Management and Monitoring Plan operational test scenarios from 7.16.1 and 7.16.2 to 7.15.1 and 7.15.2. The Florida Department of Transportation offers the following comments: Any work proposed within the FDOT Right of Way will require a FDOT Permit or other type of Agreement to work within the FDOT Right of Way. If work is proposed within the FDOT R/W and a permit or agreement is initiated, then an environmental impact review would be conducted at that time.	With respect to comments received from the FWC and the FDACS dated March 6, 2020 and March 13, 2020, respectively, responses are provided in Table D.1-5 in Appendix D.1. All comments submitted during the public review period of the COP Draft EIS have been responded to Table D.1-5. Responses to comments received from the SFWMD and FDEP are provided above in Comment ID # 7 through # 13 above. With respect to the comments received from the FDOT, the proposed action would not result in construction. The proposed action consists of an operational change to the 2012 Water Control Plan. The EIS addresses an operational change to the 2012 Water Control Plan for the WCAs, ENP, and ENP to SDCS. The COP redistributes the existing water budget in WCA 3A and ENP to balance the ecological objectives of the MWD and C-111 South Dade projects while adhering to project constraints.

Nasuti, Melissa A CIV USARMY CESAJ (USA)

From: [redacted]
Sent: Monday, July 6, 2020 12:39 PM
To: COPFEISComments
Subject: [Non-DoD Source] COP Final EIS Comments

Please include protecting the health of the ecosystem, including human beings, as a priority purpose of the project.

Thank you for your consideration.

Kind regards,

George Basler
[redacted]

Sent from my Verizon, Samsung Galaxy Tablet

United States Department of the Interior

NATIONAL PARK SERVICE
Everglades and Dry Tortugas National Parks
40001 State Road 9336
Homestead, Florida 33034

IN REPLY REFER TO:
9.B.

7/15/20

Ms. Melissa Nasuti
Environmental Branch
Jacksonville District Corps of Engineers
Department of the Army
701 San Marco Blvd
Jacksonville, Florida 32207-8175

Dear Ms. Nasuti:

The National Park Service (NPS) wants to take this opportunity to express our enthusiastic support for the implementation of new operational rules for Water Conservation Area 3 that define how water is delivered to Everglades National Park (ENP) and the South Dade Conveyance System. Implementing the Combined Operations Plan (COP) is an important milestone for both Everglades Restoration and optimizing water management in south Florida. Now that we've completed construction on the Modified Water Deliveries Project and the C-111 South Dade Project, we are ready to formalize our strategy to shift more water flow eastward via the Tamiami canal (L-29) into the historic Northeast Shark River Slough (SRS) flow-way. Prioritizing water deliveries into northeast SRS - the primary natural drainage feature of the southern Everglades - has already demonstrated significant benefits to the ecosystem during the five-years of incremental testing, conducted in support of COP development. We are anticipating even more benefits to the south Florida ecosystem once we fully implement the COP.

We are excited about the completion of two critical foundation projects, MWD and C-111 South Dade projects, and implementing the COP. This plan can enable us to realize long-term benefits beyond those derived from traditional operational plan updates, because COP includes important policy developments. The COP Adaptive Management Plan contains water management options that provide greater flexibility to help water managers deal with extreme rainfall events, balance marsh water depths and flooding durations within WCA3 & ENP and reduce the risks of delivering water with high nutrient contents to Everglades marshes. Through close coordination with the USACE, the SFWMD, the USFWS, and over a dozen other government agencies, sovereign tribal nations, and stakeholder groups, we were able to comprehensively identify and address several long-standing challenges that exist within the current water management system. From managing recession rates to help ensure wading bird reproductive success to delivering dry season water flows to stop soil consuming fires, COP Adaptive Management options are designed as practical approaches for protecting and improving the Everglades.

The last five years of incremental field testing has demonstrated that the current water management system still has significant challenges during dry conditions. We are encouraged that the COP includes a new Tamiami Trail Flow Formula that can help avoid drought-related degradation. This new operational plan creates a more flexible, forward looking approach to

watershed management that follows NPS recommendations dating back to an early NPS letter to USACE in October 1967, which highlighted the need to assure persistent water deliveries to ENP throughout the year. The COP continues this path of improved water management established by Congress in its original authorization of the Central and Southern Florida Project in 1948 (House Document 643). "Insofar as Everglades National Park is concerned, ...the question is not one of too much water but a guaranty that there shall not be too little". Shared adversity during dry conditions, maximizing flows into ENP to preserve freshwater availability during wet conditions, and managing upstream consumptive use that would restrict the volumes of water which flow southward into Florida Bay are all watershed scale challenges that are improved by the COP.

Finally, we want to express our gratitude to the USACE for leading the development of the COP and for completion of the Modified Water Deliveries and C-111 South Dade Projects. The patient, persistent, and systematic approach that the USACE employed over the past 35 years has resulted in a plan that makes the most of the limited water resources present in the current system and provides a strong foundation for continued progress toward the restoration of the Everglades watershed. The NPS is committed to continuing our close and extensive collaboration with USACE as we transition into the Central Everglades Project, and we look forward to achieving even greater success in the future.

Sincerely,

Pedro M. Ramos
Superintendent

Nasuti, Melissa A CIV USARMY CESAJ (USA)

From: Thomas, Cynthia G (Cindy) CIV USARMY CESAJ (USA)
Sent: Friday, July 31, 2020 10:30 AM
To: Stacy Myers; Nasuti, Melissa A CIV USARMY CESAJ (USA)
Cc: Paul Backhouse; Anne Mullins; Juan Cancel; Victoria Menchaca; Bradley Mueller; Moreno, Meredith A CIV USARMY CESAJ (US)
Subject: STOF COP Public Comment on the Final EIS

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Stacy,

Thank you for your comments. I have forward them on the Melissa Nasuti and Meredith Moreno for their awareness and response.

Respectfully,
Cindy

Cindy Thomas
Jacksonville District Tribal Liaison
Executive Office

-----Original Message-----
From: Stacy Myers [mailto:StacyMyers@semtribe.com]
Sent: Thursday, July 30, 2020 5:53 PM
To: Thomas, Cynthia G (Cindy) CIV USARMY CESAJ (USA) <Cynthia.G.Thomas@usace.army.mil>
Cc: Paul Backhouse <PaulBackhouse@semtribe.com>; Anne Mullins <AnneMullins@semtribe.com>; Juan Cancel <JuanCancel@semtribe.com>; Victoria Menchaca <VictoriaMenchaca@semtribe.com>; Bradley Mueller <bradleymueller@semtribe.com>
Subject: [Non-DoD Source] COP Public Comment on the Final EIS

Good Evening Cindy,

The Tribe has previously commented on the COP Draft EIS. Based on the Final EIS, the USACE has addressed all of the issues that we had identified by updating correspondence in the various sections of the EIS. However, there is one new issue/concern (#1) that we noticed in the Final EIS and a general outstanding issue (#2) – not addressed, please see below.

1. On page 4-257, it says that in a letter date January 24th 2020 STOF declined to comment on the USACE's determination of effects. This is not entirely accurate. It would be more precise to say STOF responded "we do not feel there is currently sufficient information for us to comment on the USACE's determination of effects to cultural resources within the Area of Potential Effect (APE)", (as per the original letter).

2. The STOF has on multiple occasions expressed concerns about the sample size of the tree islands used in the USACE's modeling and the treatment of the tree islands in the APE as a single resource. The USACE provided a response to STOF concerns that restated their reasoning behind the no adverse effects decision and stated that cultural resources will be monitored for effects during the action. The USACE's response does not directly address either of the STOF's concerns. The adequacy or inadequacy of the sample size is not addressed and neither is the treatment of the tree islands as single resource versus individual resources.

We look forward to the USACE Response on these two issues that have been identified by the Tribe. Thank you for your consideration of this matter.

Best regards,

Stacy D. Myers | Senior Scientist/Liaison, Seminole Tribe of Florida
6363 Taft Street, Suite 309 | Hollywood, Florida 33024

stacymyers@semtribe.com | (o) 954.965-4380 ext. 10624 | (m) 954-770-7474 stofhero.com

July 31, 2020

Mr. Chris Stahl
Coordinator, Florida State Clearinghouse
Florida Department of Environmental Protection
2600 Blairstone Road, MS 47
Tallahassee, FL 32399-2400

Subject: Comments on the Final Environmental Impact Statement Combined Operational Plan July 2020

Dear Mr. Stahl:

Thank you for the opportunity to comment on the Final Environmental Impact Statement for the Combined Operational Plan (July 2020) (COP EIS). The goal of the Modified Water Deliveries to Everglades National Park (MWD) and the Canal 111 South Dade (C-111 SD) projects is to increase flows to Northeast Shark River Slough (NESRS) and improve the spatial and seasonal distribution of flow into Everglades National Park (ENP). The health of ENP and the Southern Everglades depends on improved flows of water south through the Greater Everglades Ecosystem. The operations of COP will take advantage of additional infrastructure and operational changes that will help prevent excess water from sent to tide and instead can be directed into Everglades National Park. The COP EIS accomplishes that goal by redistributing water through the newly constructed MWD and C-111 SD infrastructure.

The South Florida Water Management District (District) worked closely with the United States Army Corps of Engineers (USACE) during the COP planning process to produce a plan that will significantly enhance the current system. Changes to the final COP EIS have improved the document and will help to ensure its successful joint implementation by USACE and the District. However, the District's concerns, as noted in its letter dated March 16, 2020, remain. The District continues to urge the USACE to make the following changes:

1. Remove the Extreme High-Water Line and its proposed operation of sending flows to the South Dade Conveyance System rather than to ENP;
2. Maintain S-333 deliveries to NESRS given that mitigation measures have been constructed for the Las Palmas Community (8.5 square mile area);
3. Remove the Adaptive Management and Monitoring Plan from the water control plan; and
4. Maintain flows to NESRS in accordance with the targets and objectives of Everglades restoration rather than diverging from them through a water quality adaptive management strategy.

The District also appreciates the USACE's recognition of Everglades water quality. The proposed adaptive management water quality strategy driven by Appendix A of the 1991 Settlement Agreement reduces flows to ENP when it is most needed and is counter to the hydrologic restoration available with Tamiami Trail Flow Formula implementation. Given the progress we are making under the Comprehensive Everglades Restoration Program (CERP), it is critical that USACE engage State and Federal parties to reconcile the expectations of Appendix A with the goals of CERP. As COP recognizes, there is a well-known correlation between higher phosphorus levels entering ENP and low water levels in the southern WCA-3A marsh and canals. Until this concept is fully incorporated into evaluating water quality under Appendix A, there will remain a tension between restoration flows under CERP and regulatory programs guided by the federal consent decree. In the meantime, the District supports an operational plan that promotes continuing flows to ENP in accordance with the objectives of CERP.

The District supports the Final Environmental Impact Statement for the Combined Operational Plan (July 2020) as a means to realize the goals of Everglades restoration. The District looks forward to working together to implement an approved COP EIS as we work to send more water south and restore the Everglades.

Sincerely,

Drew Bartlett
Executive Director

DB/bm

Attachment

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

March 16, 2020

Mr. Chris Stahl
Coordinator, Florida State Clearinghouse
Florida Department of Environmental Protection
2600 Blairstone Road, MS 47
Tallahassee, FL 32399-2400

Subject: Comments on the Draft Environmental Impact Statement Combined Operational Plan January 2020

Dear Mr. Stahl:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement for the Combined Operational Plan (January 2020) (COP EIS). The goal of the Modified Water Deliveries to Everglades National Park (MWD) and the Canal 111 South Dade (C-111 SD) projects is to increase flows to Northeast Shark River Slough (NESRS) and improve the spatial and seasonal distribution of flow into Everglades National Park (ENP). The COP EIS accomplishes that goal by redistributing water through the newly constructed MWD and C-111 SD infrastructure. The COP EIS brings more water into ENP than previously possible. These projects, coupled with the Comprehensive Everglades Restoration Plan (CERP), will restore, preserve, and protect the entire south Florida ecosystem while providing for other water-related needs of the region.

The South Florida Water Management District (District), as a cooperating agency in developing the COP EIS and the local sponsor of the Central and Southern Florida(C&SF) Project, supports the U.S. Army Corps of Engineers' (USACE) effort to revise the operations for Water Conservation Area 3 (WCA 3), ENP, and the Southern Dade Conveyance System (SDCS). For more than two decades, the CERP and other plans have sought to implement more robust real-time "rainfall driven operations" that adhere to the constraints of the existing system while integrating the scientifically-based ecological restoration targets. The COP's Tamiami Trail Flow Formula (TTFF) achieves the long-term restoration goal and improves upon the 1980s Rainfall Plan, achieving the hydrologic objectives of: 1) delivering surface water flow that resembles more natural processes; 2) delivering surface water flows in a more gradual rate change; and 3) spatially distributing surface water flow across Shark River Slough.

The District worked closely with the USACE and stakeholders during the COP planning process to produce a plan that will enhance the current system. However, the District does not agree with the proposed operations of sending flows to the SDCS rather than ENP with use of the Extreme High Water Line (EHWL); suspending S-333 deliveries to NESRS when mitigation measures have been constructed for the Las Palmas Community (8.5 square mile area); and the proposed water quality adaptive management strategy. The District encourages the USACE to take full advantage of raising the L-29 up to 8.5 feet NGVD and to operate the system to achieve all the benefits available with the COP WCP.

Extreme High Water Line

The COP Water Control Plan (WCP) modifies the WCA-3A Regulation Schedule by adding an EHWL. The USACE anticipates infrequent use of this operation; however, in three consecutive years (2016, 2017, and 2018) monitoring data show the EHWL criteria would have been met. Each recent extreme event requiring the use of the EHWL presents unique challenges and potential solutions. Inclusion of the EHWL in the COP potentially forgoes further input on what those solutions may be, given the conditions present at the time. In addition, one of the COP's most effective achievements is elimination of Column 2 deliveries during normal operations. Inclusion of the EHWL solidifies those operations for years to come and reduces flows to NESRS in the long term. The District requests the USACE to remove this action to allow for future operational flexibility as new infrastructure comes online.

Suspension of S-333 deliveries to NESRS

The COP WCP suspends S-333 deliveries to NESRS during normal operations when concerns over 8.5 square mile area flood mitigation requirements arise. Construction of the MWD Project, including its flood mitigation features, is complete and should perform as intended. In order to provide restoration flows to ENP, the District encourages the USACE to remove the immediate suspension of S-333 deliveries, continue evaluating performance of the MWD Project, and identify solutions to potential flood risks.

Water Quality and Adaptive Management Strategy

Under the current system, phosphorus levels entering ENP are strongly correlated to water stages in the southern WCA-3A marsh and canals. Generally, lower stages produce S-333 discharges with higher phosphorus concentrations. The goal of COP operations is to increase total flows to ENP and flows from the S-333 structure.

The USACE conducted extensive modeling and evaluations of flows and water quality during the COP planning process which indicate an increased risk of violating Appendix A of the Consent Decree. To address this risk, the COP WCP proposes a water quality adaptive management strategy that alters the timing and quantity of water delivered from WCA 3A to ENP. The District appreciates the USACE's recognition of the potential risk to water quality; however, the proposed water quality strategy reduces flows to ENP when it is most needed and is counter to the hydrologic restoration available with implementation of the TTFF.

The COP EIS, specifically the WCP, contemplates forming yet another group of individuals to review and make recommendations regarding water quality and operations. The District suggests the USACE remove this proposal and implement the COP flows to pursue CERP goals for delivery to ENP and rely on the already identified processes within the Consent Decree to address water quality.

Implementation of the Adaptive Management and Monitoring Plan (AMMP)

Unlike CERP projects, which require an adaptive management plan for restoration projects, the COP EIS is the first non-CERP project to include an AMMP and adaptive management strategies within the WCP. The COP EIS differs from the REstoration COordination & VERification (RECOVER) team's approach of clearly identifying options and the criteria to implement them. The WCP and AMMP identify multiple groups or teams tasked with recommending operational

options. This is unnecessary and should be removed from the COP EIS. The WCP and AMMP should clarify that operational decisions rest with the District and USACE water managers.

The District supports the USACE's revision of the C&SF Project operations to realize the goals of Everglades Restoration. We look forward to working together to address the issues identified above and the approval of the COP EIS in August 2020.

Sincerely,

Drew Bartlett
Executive Director

DB/bm

Memorandum

TO: Chris Stahl, Florida State Clearinghouse

THROUGH: Edward C. Smith, Director ECS
Office of Water Policy and Ecosystems Restoration

FROM: Inger Hansen and Alyssa Gilhooly
Office of Water Policy and Ecosystems Restoration

DATE: July 31, 2020

SUBJECT: Department of the Army, Jacksonville District Corps of Engineers — Final Environmental Impact Statement (EIS) for the Combined Operations Plan (COP), in Broward, Miami-Dade, and Monroe Counties, Florida

SAI #: FL202007029003C

Summary:

The purpose of the Combined Operations Plan (COP) is to define operations for the constructed features of the Modified Water Deliveries (MWD) to Everglades National Park (ENP) and Canal 111 (C-111) South Dade project components, while maintaining the congressionally authorized purposes of the Central and Southern Florida Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation.

The proposed action within this Final Environmental Impact Statement (EIS) would occur within the Everglades of southeastern Florida in Broward and Miami-Dade counties. The Final EIS presents a preferred plan, Alternative Q+ (ALTQ+), and examines the environmental consequences of implementation of this alternative. Under the COP, Central and Southern Florida (C&SF) infrastructure would be operated to deliver hydrologic benefits to the environment as defined by ALTQ+: improving water deliveries into ENP given current C&SF infrastructure; maximizing progress toward restoring historic hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern Panhandle of ENP; protecting the intrinsic ecological values associated with Water Conservation Area (WCA) 3A and ENP; minimizing damaging freshwater flows to Manatee Bay/Barnes Sound through the S-197 structure and increasing flows through Taylor Slough and coastal creeks; and consideration of cultural values and tribal interests and concerns within WCA 3A and ENP.

Operations would also support a broad set of defined needs, including flood control; water supply for agricultural, municipal, and industrial uses; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation. The COP will supersede the 2012 Water Control Plan for the WCAs, ENP, and ENP to South Dade

Conveyance System (SDCS). ALTQ+ was chosen based upon hydrological modeling of system conditions using the Regional Simulation Model. Results of the modeling efforts demonstrate significant enhancements of Northeast Shark River Slough (NESRS) and southern WCA 3A and negligible to minor reductions in hydroperiods in northern WCA 3A. The adaptive management processes supporting ALTQ+ should allow managers the needed operational flexibility to reduce remaining challenges and to help identify what aspects of future Comprehensive Everglades Restoration Plan (CERP) projects can be used to resolve observed challenges. Implementation of the COP is anticipated to increase the availability of water deliveries from WCA 3A to ENP through NESRS and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP.

The Florida Department of Environmental Protection (Department) previously provided comments to the Corps for the Draft EIS on March 13, 2020, as well as COP Scoping Notices on July 7, 2011, and October 18, 2017.

Comments:

The Department appreciates the Corps addressing some of our previous comments and concerns in the Final EIS. Specifically, the Department appreciates the consideration and inclusion of the 9.2-ft NGVD29 stage trigger at the S-333 headwater (HW) in the Water Control Plan and Adaptive Management and Monitoring Plans. The Department welcomes this recognition of the consensus that violations of water quality standards in ENP are due to localized effects within the marsh and canals near the S-333 during low water stages that can be minimized through appropriate operational modifications by the USACE. Starting discussions among the cooperating agencies about water quality and stage conditions in WCA-3A and potential adaptive management options prior to stages reaching 9.2 ft at the S-333 HW is a proactive approach to minimizing water quality impacts of COP.

The Department remains supportive of implementation of COP and looks forward to participating in the review and assessments of the operations including implementation of any potential adaptive protocols. The Final EIS states that USACE, the SFWMD, and ENP will establish an interagency collaborative forum (referenced in the COP AMMP as the "PDT+") that succeeds the COP interagency PDT, consisting of the COP implementing agencies, oversight agencies, and stakeholder groups that will meet one to two times per year during implementation of the COP. The Department has regulatory oversight over COP and how implementation may affect water quality; and we have been participating on the ongoing Increment 1 and Increment 2 interagency meetings for the incremental operations of the MWD project. The Department, therefore, formally requests to continue to be included in the "PDT+" team meetings.

Based on the information contained in the Final EIS, the Department has determined that, at this stage, COP is consistent with the Florida Coastal Management Program (FCMP). All subsequent environmental documents prepared for this project must be reviewed to determine the project's continued consistency with the FCMP. The Department's concurrence of the implementation of

specific project components' consistency with the FCMP will be also be determined during the review performed as part of the state's environmental permitting process that includes water quality certification under Section 401 of the Clean Water Act, as applicable. Should you have any questions regarding our comments, please contact Ed Cambeiro at (850) 245-3176.

Electronic copies to:
Ed Smith
Frank Powell
Jordan Tedio
Natalie Barfield
Kelli Edson
Deinna Nicholson
Chad Kennedy
Inger Hansen
Paul Julian
Alyssa Gilhooly
Cortney Deal
Ed Cambeiro

August 3, 2020

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District Headquarters
701 San Marco Boulevard
Jacksonville, FL 32207
Melissa.A.Nasuti@usace.army.mil

Re: Comments on the Final Environmental Impact Statement for the Combined Operations Plan

Dear Ms. Nasuti:

Audubon Florida, The Everglades Foundation, Everglades Law Center, and National Parks Conservation Association submit the following comments on the Final Environmental Impact Statement (EIS) for the Combined Operations Plan (COP). The Final EIS offers no changes or improvements to unacceptably low dry season flows to Everglades National Park and Florida Bay in spite of significant stakeholder feedback that COP performance must provide significantly more water to the Everglades. **We reiterate and incorporate by reference our comments offered during the Draft EIS comment period with the continued assertion that this final operations plan does not represent an acceptable outcome to the $1 billion investment by taxpayers to restore America's Everglades.**

We understand that COP is one piece of the restoration puzzle, and will work collaboratively with other projects to improve the overall health of the Greater Everglades. To that end, we appreciate that finalizing this operations plan is needed to be able to enjoy the full benefits of the Central Everglades Planning Project (CEPP) South and the Everglades Agricultural Area (EAA) Reservoir in the years ahead. We further understand that COP will perform better when there is more water to flow. However, we should not wait until CEPP South or the EAA Reservoir are complete before sending more water to the Everglades - these projects will take years to complete, and the Everglades cannot afford to wait. **It is the responsibility of the U.S. Army Corps of Engineers to find more water to send south to Everglades National Park via operational flexibility at *every opportunity*. This includes prioritizing sending more water south during the dry season as part of Lake Okeechobee Systems Operational Manual (LOSOM) planning.** The Corps must do everything it can to ensure that taxpayers' $1 billion investment enables commensurate benefits to the federal parkland and natural resources.

From the outset of this planning process, we have been consistent with our request: COP should deliver the project benefits we were promised decades ago by delivering more water to Everglades National Park and Florida Bay during the dry season when it is most needed. The project set forth in the EIS fails to do that. The flow formula upon which COP was developed is fundamentally flawed, as it under-performs for the Everglades when water is scarce in the system. This shortfall will leave Everglades National Park and the waters of the Florida Keys vulnerable to continued harmful drought impacts including high salinity, seagrass die-offs, and fish kills.

While water quality is an important consideration for the Everglades ecosystem, there continues to be an overemphasis on and overly myopic approach to examining it in the EIS to the detriment of the project as a whole. The Consent Decree in *United States v. South Florida Water Management District*, Case No.

88-1886-Civ-Moreno (S.D. Fla.) ("Moreno Case") sets forth a process to resolve water quality issues involving Appendix A by bringing together experts on the Technical Advisory Committee (TOC). That process has stood the test of time and should be deferred to in resolving any future water quality issues.

Finally, existing federal law requires the U.S. Army Corps of Engineers to ensure a minimum threshold of water is delivered to Everglades National Park during the dry season and drought. The operations plan set forth in the final EIS fails to do that. We urge the Corps to use adaptive management and available operational flexibility to avoid violating the law's minimum deliveries requirement.

We ask that the U.S. Army Corps of Engineers address the shortfalls documented here before the Record of Decision is signed on the Final EIS, for the health of America's Everglades and in accordance with the restoration benefits warranted by the $1 billion taxpayer investment in this project.

Sincerely,

Celeste De Palma
Director of Everglades Policy
Audubon Florida

Shannon Estenoz
Chief Operating Officer
The Everglades Foundation

S. Ansley Samson
General Counsel
Everglades Law Center

Cara Capp
Senior Everglades Program Manager
National Parks Conservation Association

Everglades
Law Center, Inc.

March 16, 2020

Melissa Nasuti
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232
Melissa.A.Nasuti@usace.army.mil

Re: Comments on the Draft Environmental Impact Statement for the Combined Operations Plan

Dear Ms. Nasuti:

I write on behalf of Audubon Florida, Everglades Foundation, National Parks Conservation Association, and Everglades Law Center to provide comments on the Draft Environmental Impact Statement (Draft EIS or D-EIS) for the Combined Operations Plan (COP). COP is the long-awaited operations guide for restoration infrastructure that has been constructed over decades to deliver clean freshwater to Everglades National Park (ENP) and Florida Bay. This infrastructure includes the Modified Water Deliveries Project, C-111 South Dade, C-111 Spreader Canal, and bridged portions of Tamiami Trail. The above-mentioned organizations have remained closely involved in COP development since operations planning began in 2017, and worked for decades before that to support the authorization, funding, and construction of the projects in question.

From the earliest scoping comments submitted in 2017, our collective message has been consistent: **Everglades National Park and Florida Bay need more water during the dry season and drought.** The plan presented in the Draft EIS fails to deliver on this critical need, which should have been the central focus and goal of the operations plan. Comprising a suite of projects funded by Congress with nearly $1 billion in American taxpayer investment, the final plan will leave the public lands and waters of ENP at significant risk of detrimental drought impacts, including seagrass die-offs and fishery declines in Florida Bay. As made clear in prior technical comments, adaptive management will not suffice to remedy the shortcomings of the plan. We urge the Project Delivery Team (PDT) to improve COP performance during drought periods before the plan is finalized later this year.

<u>Draft COP Fails to Ensure Congressionally-Mandated Minimum Flows for ENP During Drought</u>
Catastrophic seagrass die-offs plagued ENP and Florida Bay in the late 1980s, and were the catalyst that set the wheels of restoration in motion and convinced Congress to invest significantly in the suite of projects under consideration today. Again in 2015, failure to deliver adequate freshwater to the Southern Everglades led to ecosystem collapse in Florida Bay, including fish kills and significant impacts to the Florida Keys economy. In the aftermath of these catastrophes, Congress charged the United States Army Corps of Engineers (Corps) with drafting an operations plan that would deliver significantly more water to ENP year-round. In spite of that clear direction and urgent need, the preferred alternative as presented in the Draft EIS does not ensure that adequate flows for ENP will be met in times of moderate and severe drought.

A final operations plan that specifies water flows for months and years which do not meet minimum deliveries is a violation of federal law. We understand that COP is a stepping-stone to the Central Everglades Planning Project (CEPP), which will deliver higher levels of restoration benefits. However, that does not mean that COP can legally deliver *less* than the legal minimum for water deliveries that this operations plan was intended to achieve and argue that CEPP will make-up for those differences. CEPP will provide restoration flows *above* the legally required minimum, and it is not up to CEPP to make up for COP's shortcomings. COP's mandate is to provide no less than minimum flows of water year-round for ENP as ordered by Congress.

Modeling described in the D-EIS indicates that Alt Q+ operations will result in several years in which Everglades flows are below the absolute floor of "minimum deliveries" that Congress set in 1970. *See* D-EIS at Section 4.2.5.3 ("Five out of 41 years of simulated years are expected to deliver below 260,000 acre-feet total yearly volume for ALTQ" to Everglades National Park); Section 4.2.5.4 ("possible that, under very dry conditions, monthly deliveries will be lower than what is indicated in 1996 WCM. . . . Two out of 41 years of simulation are expected to deliver [to Taylor Slough] below 36,940 acre-feet total yearly volume for ALTQ. . ."); Section 4.2.5.5 (" Despite the considerable increases in annual deliveries for both ALTQ and ECB19RR, monthly deliveries [to Florida Bay] under very dry conditions may be lower than what is indicated in 1996 WCM.")

The 1970 law sets a floor on water deliveries to Everglades National Park. The intent was to forbid water managers from cutting off water to the Park. However, the Corps interpreted the law by either providing the minimum monthly volume or opening the gates full, resulting in wild flow variations and ecological damage. Recognizing that this operational rule was inadequate, in 1983 Congress approved a temporary (two-year) experimental deliveries program that could modify those minimum deliveries "for the purpose of determining an improved schedule for . . . delivery." In 1989, Congress authorized a plan to "construct modifications" to the Central & Southern Project for the purpose of "restor[ing] natural hydrological conditions within the park." Congress officially extended the 1983 experimental program in 1991 (and thus the waiver of minimum deliveries), until the modifications authorized in the 1989 law were "completed and implemented."

Neither the 1989 law, nor the 1991 extension of the experimental program, authorized permanent changes to *minimum deliveries operations*. If the permanent new operations plan (which Alt Q+ would be, as the result of the COP Process) fails to make those deliveries, the Corps must return and ask Congress to override the minimum deliveries set forth in the 1970 law.

One major reason why the Tamiami Trail Flow Formula (TTFF) does not send adequate flows to the Park is that the use of a regression formulation to represent the "optimal flows" underpredicts at the high and low conditions. The high flows are addressed by the retention of Zone A, but the TTFF underpredicts flows beginning at about the 1-in-5 year annual totals. This problem is implicitly acknowledged by the inclusion of Section C.2.3.4 of Appendix C, page 7-32 of Appendix A. However, the proposed solution, using Adaptive Management, is unlikely to address the problem. First, droughts are not amenable to flexible operations, as by the time it is recognized as a drought, the range of options are limited. Therefore, language to increase flexibility will likely have little practical impact. Second, the Adaptive Management testing protocols do not use conditional probabilities of water levels flows, and hence, will likely not be invoked as envisioned. Since the Corps chose not to rectify the problem when raised, we recommend that the operations manual not go below that specified by the Minimum Deliveries Schedule during low flows, which is similar to the decision to retain Zone A for high flows.

We remain unsure whether the Corps is in fact conceding that COP will violate the minimum deliveries law, or is questioning the accuracy of its modeling and planning to adjust operations as needed to ensure minimum deliveries are met as part of adaptive management and plan implementation. *See* D-EIS at Section 1.3.10.4 ("Nevertheless, the modeling shows that the COP should far exceed the Minimum Deliveries required under PL 91-282 on an annual basis.") In either case, we emphasize that the minimum deliveries law acts as a constraint on the permissible final operations plan -- at least until the law is changed by Congress. If the Corps intends to honor that legal constraint, we request additional clarification in the EIS on how it intends to do so as part of plan implementation.

<u>"Extreme High Water Line" Continues Damaging Practice of Discharging Water into the South Dade Conveyance System</u>

Our organizations (and nearly every other stakeholder in the area) have been on record multiple times objecting to the harmful and wasteful practice of shunting water into the South Dade Conveyance System as an outlet for Water Conservation Area 3A. The primary goal of the Modified Water Deliveries Project was to use Northeast Shark Slough, the natural outlet for flows from the north, rather than extreme western Shark Slough or the South Dade Conveyance System and out S-197. Yet the Corps has now embedded this objectionable practice into the operations manual without investigating alternatives.

Of strongest concern for us is the proposed use of the S-197 structure, which hurts the marine ecosystem of Biscayne Bay and steals water needed in Florida Bay. Instead of moving towards *eliminating* the use of S-197 discharges as stipulated in the 1994 GRR for the C-111 South Dade Project, this PDT chose to modify that original goal from *eliminating* this practice, to simply *reducing* it, while continuing to maintain low canal stages at S-18C that further promote seepage and over-reliance of discharges via the S-197 structure.

Alternative Q+ in the D-EIS stipulates the ability to discharge up to 2400 cfs of freshwater via S-197 during "extreme" conditions, which had been triggered "only three times during the 41 year of continuous simulations" (*see* D-EIS at ES-xi, 4-38). Yet in the following paragraph the D-EIS recognizes that those three occurrences happened within the past five years, suggesting a much higher probability of opening. It certainly does not point to this kind of practice being used sparingly, especially with storms intensified by climate change. This is extremely concerning to the environmental community, especially taking into consideration the very clear, negative impacts of S-197 discharges on indicator species like the Roseate Spoonbill.

In 2018, wading birds had a banner nesting season the likes of which have not been seen since the 1930s. The extreme rainfall associated with Hurricane Irma in 2017, along with the very dry season that immediately followed, were the driving forces behind the 138,834 wading bird nests recorded across the Everglades ecosystem. However, when looking at individual species' efforts, Roseate Spoonbills in Florida Bay exhibited subpar nesting efforts by comparison. The Roseate Spoonbill colonies around Florida Bay produced only 278 nests in 2018. Audubon Florida's research showed that the S-197 structure was left open longer than needed to attenuate flood concerns. Therefore, despite an overabundance of fresh water, excessive discharges through S-197 led to increased salinity along the coastal wetlands of Florida Bay, salinity which was further increased by the compounding effect of higher sea levels observed in this area. Higher salinity made the wetland less productive in terms of

Spoonbill prey. Without high prey abundance, Spoonbills were not stimulated to nest in nearby locations in Florida Bay.

Further analysis revealed that between August 18 and September 18, 2018, the S-197 structure was open daily with a total flow of 28,563 acre-feet. Prior to that, the structure was also used May 25 to June 6, 2018 with daily flows totaling 6,590 acre-feet. That is a significant loss of freshwater to Florida Bay, especially when considering that total flow via Taylor Slough for the entire 2018 year was about 41,000 acre-feet. More importantly, over the last five hydrologic years, S-197 has been used every year. The last hydrologic year to have zero discharge out of the S-197 was 2014-15. Taking a step back, out of the last 25 hydrologic years (back to 1994-95), 2017-18 had the highest S-197 flow in the period of record, 2015-16 was the 4th highest, 2016-17 was 5th, and 2018-19 was the 8th. Decreasing frequency of discharge events might sound like an improvement, but looking at the volumes of flow lost each time and comparing them to the overall annual flow sent to ENP shows that these result in harm to the resource. Such a practice should not be written into the Final EIS for the COP.

The PDT must find a better way to deal with emergencies instead of using the long recognized as harmful "release valve" of discharging water that Florida Bay needs via S-197. As long as S-197 offers an option for quickly eliminating high water levels in the northern parts of the Everglades ecosystem, managers will continue to avoid the work of designing operational strategies that work for *all* parts of the Everglades. Neither the environmental nor the agricultural communities support the Extreme High Water Line (EHWL) operations.

<u>The Draft COP Maintains Constraints on the L-29 Water Levels and S-333/S-333N Operations Based upon the 8.5 Square Mile Area</u>

The D-EIS calls for the suspension of flows into Northeast Shark Slough based upon conditions in the 8.5 Square Mile Area (8.5 SMA). The Corps includes this constraint based upon modeling documented in Appendix H, Annex 2 and upon data analysis documented in Appendix C, Section 6. The simulations show a potential to increase water levels above the base condition in a small area in the northwest corner of the 8.5 SMA. Although this is within the model's estimation capabilities, the Corps offers only one and only one mitigation option: suspension of inflows into Northeast Shark Slough and a reduction in L-29 water levels.

This is of grave concern for several reasons. First, it suggests that the Corps does not have confidence in their solution for the 8.5 SMA, and so must maintain constraints. As in the similar situation with the EHWL, the Corps does not seem to be able to solve this particularly contentious issue, even after spending hundreds of millions of dollars on infrastructure that was supposed to be a solution. Second, this apparent inability to address the 8.5 SMA means that it will continue as an issue in subsequent projects, such as CEPP. One central tenet of CERP is the restoration of water flow south, through the Everglades and across Tamiami Trail. If the Corps has no confidence in the 8.5 SMA solution and it remains a constraint to flow water south, the entire future of CERP is jeopardized.

Adaptive Management is well-suited to prospective problems like this. Rather than proscribe one problematic solution that does immense damage and is contrary to the primary objectives of the Modified Water Deliveries Project and CERP, the Corps should observe the problem, determine if there is an actual concern, and then take action to address the observed issue. The constraint to flow into Northeast Shark Slough should be removed from the Operations Manual.

Water Quality Operations Introduce Unnecessary Complexity

Section 7.4.3 of Appendix A in the D-EIS contains a lengthy process description and three potential actions that could be taken in the event of a concern over water quality at S-333. While it is important to recognize that, because of the increased flows across Tamiami Trail, the potential for an excursion from Appendix A of the Consent Decree (*United States v. South Florida Water Management District*, Case No. 88-1886-Civ-Moreno) may increase, the process of how to address any deviation from Appendix A has already been defined in the Consent Decree. There is no need to develop an alternative process or duplicate effort. If the intent of the proposed actions is "to implement these minor operational adjustments to improve water quality," then one need not limit actions to this small number of possibilities or identify specific conditions that trigger investigation (such as a S-333 HW stage). We would recommend this entire section be removed and to simply reference existing protocols of bringing any issues to the Technical Advisory Committee (TOC) for recommendations and the existing decision-making process in the Consent Decree.

Adaptive Management Plan Has No Mechanism for Implementation

Nothing about the Adaptive Management Plan in the D-EIS describes how it will be used to change operations in real time or how it will be used to update a future EIS. One specific example: the COP adaptive management plan (Appendix C Section 2.6.2) calls for the continuation of the Wildlife Coordination Calls as part of the Adaptive Management Plan; however no one from operations is participating in these calls, nor is there a clear process by which reports from the group are reported to and incorporated into operations. Because there is no feedback or interaction mechanism for the Wildlife Coordination Calls and the Weekly Operations Meetings, there is no mechanism to consider recommendations presented by those calls. It is therefore unlikely that this part of the Adaptive Management Plan will influence weekly operations to ameliorate or recover from harmful practices. This specific oversight must be addressed, as well as the larger failure to spell how any lessons learned by way of the Adaptive Management Plan will drive operational changes.

Modeling Constraints Limited Ecosystem Benefits

Significant constraints were included in COP modeling that limited potential ecosystem benefits for ENP and Florida Bay -- most of which were related to flood control operations for nearby urban and agricultural communities. Beginning in 2017, our organizations requested that the PDT run one unconstrained model to show what is possible to achieve in terms of ecosystem restoration, so that we might have an "ideal world" scenario to compare against the "real world" implementation, and better demonstrate the trade-offs between restoration and flood mitigation. The request to run an unconstrained model to show maximum ecosystem benefits was denied.

Draft COP Fails to Maximize Taxpayer Investment

American taxpayers have spent $1 billion to restore the public lands and waters of the Everglades, and the return on that investment is marginal benefits to ENP and Florida Bay in the rainy months, when water is already abundant in the system. The Corps has failed to produce a bold plan to restore Florida Bay. The Draft EIS does not prioritize the health of our nation's Everglades over private interests, but rather continues the same type of operations that have degraded the Everglades and Florida Bay and will continue to do so until meaningful operational changes are made.

* * * * *

We recognize that the operations proposed for the COP in the D-EIS contain several innovations that will improve the environmental performance of the C&SF Project. We also understand that timely implementation of COP is a prerequisite for moving to other critical restoration projects. However, the time and resources that have been expended on this project, as well as its critical role as the gateway on the path forward to the larger project of Everglades restoration, make addressing the critical infirmities we outline in these comments imperative. We urge the Corps to modify the D-EIS, addressing the shortfalls documented here so that new operations can be brought to Congress and progress on Everglades restoration continues apace.

Sincerely,

S. Ansley Samson
General Counsel

United States Department of the Interior

Office of the Secretary
Office of Environmental Policy and Compliance
1849 C Street, NW - MS 2629 - MIB
Washington, D.C. 20240

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PEP/ER

ER 20/0247

Ms. Angela E. Dunn
Chief, Environmental Branch
U.S. Army Corps of Engineers
701 San Marco Boulevard
Jacksonville, Florida 32207-8175

Re: Combined Operational Plan - Broward, Miami-Dade, and Monroe Counties, Florida – Final Environmental Impact Statement

Dear Ms. Dunn:

The Department of the Interior (Department) has reviewed the U.S. Army Corps of Engineers' (USACE's) final Environmental Impact Statement (FEIS) for the Combined Operational Plan (COP) - Broward, Miami-Dade, and Monroe Counties, Florida.

The USACE proposes to control the amounts of water and timing of releases from adjacent upgradient areas contributing to the Everglades National Park (ENP) in southern Florida. The operation of canals and existing infrastructure controlling flows into the ENP would be regulated to increase environmental benefits within the park and downstream adjacent bays and estuaries. The COP is expected to increase annual flow to ENP, schedule water deliveries in consonance with local precipitation events, restore historic vegetative communities and faunal habitats and improve development of endemic peat soils and tree islands.

The Department thanks for the USACE for undertaking the COP and FEIS. We submit the following comments regarding the water quality and hydrology monitoring plan and references to U.S. Geological Survey (USGS) research for USACE's consideration as you finalize the FEIS.

COMMENT: Recommend revisions to the monitoring plan.

The Department recommends that the water quality and hydrology monitoring plan (monitoring plan) be revised to reflect and clarify the current objectives applicable to the COP and that USACE include the monitoring of mercury.

In Appendix-C (Section C.4.5: "*Primary Objectives of Water Quality and Hydrology Monitoring Plan*"), seven objectives are listed below introductory text which includes the following statement: "*The objectives of the COP water quality and hydrology monitoring plan were carried forward from the previous field test increments.*" However, individual descriptions in objectives 1, 2, and 4 include the repeated statement: "*This objective is no longer applicable to*

COP based on testing results." Objectives 5 and 6 "*ensure existing levels*" at specific sites. Objectives 3 and 7 either "*support"* or "*evaluate"* water quality at specific structures in the COP area.

Differently worded or confusing objectives are in other sections. In Appendix-C (Section C.4.3: "Introduction"), monitoring plan objectives are stated as: "*After the initial testing period, detailed data evaluation will attempt to fulfill the three basic objectives (water budget, mass balance, seepage quantification) and also provide information to modify the monitoring plan for future, longer-term operational periods. "* In section C.5.3, *"Primary Objectives of Water Quality and Hydrology Monitoring Plan South of S-311",* the statement *"There are four primary objectives,"* precedes a list of five objectives, none of which directly address water quality.

Mercury is a well-researched topic and known contaminant in the Everglades ecosystem, acknowledged as such in the FEIS section 3.12 ("*Water Quality*"), "*Water quality impairment within the study area can generally be attributed to nutrients and bioavailable forms of mercury."* Mercury is not among the twenty parameters listed for surface water quality sampling listed in Appendix C. FEIS, section 3.12, several references are made to mercury concentrations in fish and in the following statement: "*Mercury methylation patterns are tracked by collection/analysis of fish tissue by the ENP and the State of Florida."* However, there is no clear description of monitoring for mercury by media (water, sediment, fish tissue, etc) or form (inorganic or organic). The Department recommends that the FEIS describe the effects of the COP on mercury levels in the Everglades ecosystem and if mercury levels are currently monitored by USACE or another agency, and if not, it is recommended that mercury be added as a specific and critical objective in the monitoring plan.

As written, it is difficult to understand what the objectives of the COP monitoring plan are, or how they will be accomplished. The Department recommends that the FEIS include one consolidated section on monitoring to concisely describe the monitoring objectives for evaluating the effects of activities proposed in the COP, including mercury.

COMMENT: Provide supporting references for statements describing specific USGS research.

There are references to USGS within the FEIS without citations. The Department requests that any statements regarding specific USGS research be noted in the text with references to accessible publications or documented communications with USGS staff. Such statements include:

- Appendix C (Page C-93) includes the following statement describing USGS observations of coastal saltwater intrusion into the ENP and frontal migration in the aquifer system: *"Observations of coastal saltwater intrusion into ENP (or associated peat collapse) or landward migration of the aquifer saltwater intrusion front as reported by USGS, SFWMD or Miami-Dade County."*
- The EIS (Pages 3-25 and 4-182) includes the following statement describing USGS research on the role of sulfur reducing bacteria in the methylation of mercury: *"Sulfur reducing bacteria (SRB) is currently considered by USGS as one of the primary drivers to mercury methylation within the everglades system."*

Thank you for the opportunity to review and comment on the FEIS. If you have any questions concerning our comments, please contact J. Michael Norris, USGS Coordinator for Environmental Assessment Reviews, at 603-226-7847 or at mnorris@usgs.gov.

Sincerely,

WILLIAM LODDER Digitally signed by WILLIAM LODDER
Date: 2020.08.03 10:55:29 -04'00'

William B. Lodder Jr.
Acting Director, Office of Environmental Policy and Compliance

Electronic distribution: COPFEISComments@usace.army.mil

cc: Joyce Stanley, REO Atlanta: joyce_stanley@ios.doi.gov
J. Michael Norris, USGS: mnorris@usgs.gov

Nasuti, Melissa A CIV USARMY CESAJ (USA)

From: emma@floridabayforever.org
Sent: Monday, August 3, 2020 8:45 PM
To: COPFEISComments
Subject: [Non-DoD Source] COP Final EIS Comments

Florida Bay Forever represents the citizems of Monroe County and the estuary that supports our island chain. Our community sits in the receiving end to benefit (or lack thereof) of the activities of the COP.

The Final EIS for the COP has not changed drastically, and as such, the same issues raised in the previous comment made in Islamorada during the draft EIS period remain.

Florida Bay based been systematically dehydrated, and the impacts of hypersalinity have sent shockwaves across the ecosystem. The drought that leads to a toxic cycle of seagrass die-offs, harmful algal blooms, and fish kills is a result of woefully inadequate clean, freshwater supply to Everglades National Park and Florida Bay.

The COP does little to augment water flow to Florida Bay. Marginal benefit is realized during the wet season, when the system is naturally saturated by rainfall.

The Florida Bay community is rightfully concerned during the peak of the dry season, when the current COP does not provide water for the estuary. Florida Bay requires more freshwater during the dry season to keep waters clean and communities safe from the devastating impacts of drought events.

Emma Haydocy
Florida Bay Forever

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW
ATLANTA, GEORGIA 30303-3104

August 3, 2020

Colonel Andrew Kelly, Jr., Commander
U.S. Army Corps of Engineers Jacksonville District
P.O. Box 4970
Jacksonville, Florida 32232-0019

Re: Review of Final Environmental Impact Statement for the Combined Operations Plan, Broward, Miami-Dade, and Monroe Counties, Florida, CEQ No.: 20200020

Dear Colonel Kelly:

The U.S. Environmental Protection Agency reviewed the above-referenced document in accordance with Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act. The purpose of this U.S. Army Corps of Engineers (USACE) project is to define operations for the constructed features of the Modified Water Deliveries to the Everglades National Park and Canal C-111 South Dade project components.

The USACE examined several alternatives that adjusted the operations of the water delivery system while balancing a set of defined needs, including the following: flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation. The EPA provided comments on the Draft Environmental Impact Statement on March 16, 2020. Based on our review of the revised language in the Final Environmental Impact Statement (FEIS), our comments have been adequately addressed.

The EPA appreciates the opportunity for early engagement and collaboration, and we look forward to continued participation in the USACE's planning process for Comprehensive Everglades Restoration Plan projects. When the record of decision for the project becomes available, please send us a copy for our records.

If you have questions regarding our review of the FEIS, please contact Ms. Kim Gates of my staff at (404) 562-9261 or by e-mail at gates.kim@epa.gov.

Sincerely,

NTALE KAJUMBA
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Date: 2020.08.03 19:19:36 -04'00'

Mark Fite
Director
Strategic Programs Office

Nasuti, Melissa A CIV USARMY CESAJ (USA)

From: Stahl, Chris <Chris.Stahl@dep.state.fl.us>
Sent: Tuesday, August 11, 2020 8:24 AM
To: Nasuti, Melissa A CIV USARMY CESAJ (USA)
Cc: State_Clearinghouse; Caroline Hanes; 'FWC Conservation Planning Services'; Cambeiro, Ed; Elliott, Rebecca
Subject: [Non-DoD Source] State Clearance Letter for FL202007029003C- Final Environmental Impact Statement (EIS) For The Combined Operational Plan (Cop), Broward And Miami-Dade Counties, Florida
Attachments: CLH Memo_COP-Final EIS_31July2020.pdf; 2020_07_31_Bartlett_Stahl_FEIS.pdf; 2020_03_16_Bartlett_Stahl_COP (1).pdf; Combined Operational Plan_41087_03062020.pdf; COP WCP Draft EIS FL 202001318830C FDACS Staff Tech Comments Submitted RE 031320 (003).pdf

August 11, 2020

Melissa A. Nasuti

U.S. Army Corps of Engineers

Jacksonville District, Planning Division

P. O. Box 4970

Jacksonville, Florida 32232-0019

RE: Department of the Army, Jacksonville District Corps of Engineers - Final Environmental Impact Statement (EIS) for the Combined Operational Plan (COP), Broward and Miami-Dade Counties, Florida

SAI # FL202007029003C

Dear Melissa:

Florida State Clearinghouse staff has reviewed the proposal under the following authorities: Presidential Executive Order 12372; § 403.061(42), Florida Statutes; the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended; and the National Environmental Policy Act, 42 U.S.C. §§ 4321-4347, as amended.

The Florida Department of Environmental Protection and the South Florida Water Management District have reviewed the proposed action and independently submitted comments for your consideration. These have been attached to this letter and are incorporated hereto. Florida Fish and Wildlife Conservation Commission's specific comments and recommendations for fish and wildlife resources remain the same as for the Draft EIS and are attached as well.

The Florida Department of Agriculture and Consumer Services appreciates the opportunity to provide Clearinghouse comments on the Final EIS for the COP, Project FL202007029003C. Concerns and comments on the Final EIS are consistent with the ones submitted for the Draft EIS for COP in March 2020. Please find the OAWP technical comments previously submitted attached for reference and inclusion in comments submitted for the Final EIS for COP. A change in the COP Water Control Plan (WCP) Chapter 7 numbering did change the Adaptive Management and Monitoring Plan operational test scenarios from 7.16.1 and 7.16.2 to 7.15.1 and 7.15.2.

The Florida Department of Transportation offers the following comments: Any work proposed within the FDOT Right of Way will require a FDOT Permit or other type of Agreement to work within the FDOT Right of Way. If work is proposed within the FDOT R/W and a permit or agreement is initiated, then an environmental impact review would be conducted at that time.

Based on the information submitted and minimal project impacts, the state has no objections to the subject project and, therefore, it is consistent with the Florida Coastal Management Program (FCMP). Thank you for the opportunity to review the proposed project. If you have any questions or need further assistance, please don't hesitate to contact me at (850) 717-9076.

Sincerely,

Chris Stahl

Chris Stahl, Coordinator

Florida State Clearinghouse

Florida Department of Environmental Protection

3800 Commonwealth Blvd., M.S. 47

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March 6, 2020

Chris Stahl
Florida State Clearinghouse
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, MS 47
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Chris.Stahl@dep.state.fl.us

RE: SAI FL202001298829C, Department of the Army, Jacksonville District Corps of Engineers Draft Environmental Impact Statement Combined Operations Plan, Broward, Miami-Dade and Monroe Counties

Dear Mr. Stahl,

Florida Fish and Wildlife Conservation Commission (FWC) staff reviewed the above-referenced project and provides the following comments and recommendations for your consideration in accordance with Chapter 379, Florida Statutes (F.S.), and pursuant to the federal National Environmental Policy Act (NEPA), the federal Coastal Zone Management Act, and the State of Florida's Coastal Management Program.

Project Description

The U.S. Army Corps of Engineers (USACE) provided a Draft Environmental Impact Statement for the Combined Operations Plan (COP) as an integrated water control operations plan for two modifications of the Central and Southern Florida (C&SF) project – known as Modified Water Deliveries (MWD) to Everglades National Park (ENP) and the Canal 111 (C-111) South Dade projects.

The purpose of the COP is to define the water management operations for the Water Conservation Area (WCA) 3A, WCA-3B, structures in the L-31N and the C-111 basins constructed as part of the C&SF project, and the constructed components of the MWD and C-111 South Dade projects. Implementation of the COP is expected to increase water deliveries from Water Conservation Area 3 (WCA-3) to ENP through North East Shark River Slough (NESRS) and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. The COP will implement management operations that are consistent with their respective project purposes and the original purposes of the C&SF project as authorized by the Flood Control Act of 1948 to provide flood control, water supply for agricultural irrigation, municipalities and industry, and ENP; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation.

Alternatives

A Project Delivery Team conducted multiple rounds of modeling, identified six alternatives for consideration, and conducted six sensitivity runs to determine the operational sensitivity to constraints. Alternatives were compared against the no action alternative, which is the future without condition as defined by the current water control plan. The alternatives were as follows:

- Alternative K (Alt K) was more focused on the southern part of the system, below the S-331 structure with lowered canal levels providing an opportunity for enhanced flood protection for South Dade agriculture.

- Alternative l (Alt l) was more focused on the northern portion of the project area providing the most flows into NESRS and into ENP.

- Alternative N (Alt N) attempts to provide both enhanced flood protection to the South Dade Agriculture and increased flows to NESRS and ultimately ENP.

- Alternative N2 (Alt N2) was formulated to balance additional inflows to ENP with potential dry-out concerns within WCA-3A and WCA-3B, and maintain Taylor Slough flow volumes observed in Alt N.

- Alternative O (Alt O) was formulated to provide increased flexibility under the WCA-3A Regulation Schedule to provide the water deliveries to ENP and promote the maximum return of ENP seepage losses.

- Alternative Q (Alt Q) was derived from Alt O and simplifies the WCA-3A regulation schedule, incorporates a rainfall driven formula for water deliveries to ENP, and operational modifications to promote flow to Biscayne Bay, among other refinements.

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FWC staff reviewed the list of state listed species provided in the Draft COP EIS (Table 3.2) and find the information to be consistent with the most recent version of the Imperiled Species Management Plan. A complete copy of the *Florida's Imperiled Species Management Plan* (2016) can be downloaded from the MyFWC.com website at https://myfwc.com/media/2030/imperiled-species-management-plan.pdf.

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Comments and Recommendations

Implementation of the COP is expected to increase water deliveries from WCA-3 to ENP through North East Shark River Slough (NESRS) and improve hydrologic conditions in NESRS, Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. WCA-3 is divided into WCA-3A and WCA-3B which are areas of the Everglades and Francis S. Taylor Wildlife Management Area (EWMA).

The FWC has fish and wildlife and land management responsibilities for the EWMA and has found that hydrology, water depth, and duration of standing water are very important components of wildlife conservation and habitat protection (see endnote). The COP is an operational plan that redistributes the amount of water, and timing of water, deliveries from the EWMA to ENP based on the historical record of hydrology from 1965-2006. The COP increases the annual average water deliveries to NESRS from 263,000 to 540,000 acre-feet per year (106% increase).

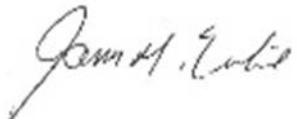
The increased water deliveries to ENP and the changes in water distribution from implementing COP are anticipated to rehydrate over-drained areas in ENP and provide wildlife and ecological benefits.

As COP redistributes the available water, the COP modeling results show that many restoration targets across the EWMA, ENP, and Florida Bay are not often achieved in the future without condition or any of the model alternatives. Although this was expected at the project team level, it highlights the need to accelerate the introduction of new water into the system by capturing and redirecting freshwater discharges that have historically been lost to tide. Projects such as the Central Everglades Planning Project (CEPP), Everglades Agriculture Area (EAA) Storm Water Treatment Area (STA) and Reservoir, Lake Okeechobee System Operating Manual (LOSOM), and Tamiami Trail Next Steps Phase II are essential to incrementally restoring the systemwide hydrology.

An area of concern is the northern portion of the EWMA (WCA-3AN) which can become over-drained. This can result in a hydroperiod that is too short to support nesting and foraging wading birds throughout the breeding season, and an increased risk of soil oxidation and damaging wildfires that can result in muck fires and negative impacts to tree islands. One of the largest and most productive wading bird nesting colonies in the Everglades, the Alligator Alley North (Rescue Strand) colony is located in northeastern EWMA. The COP modeling output for Alt Q average annual stage and hydroperiod difference (1965-2005) predicts a reduction in stage of 0.068 feet and a hydroperiod reduction of 10 days in the areas around Alligator Alley North colony and drier years may experience a greater reduction in stage and hydroperiod. To help address these potential reductions, FWC staff recommend the continuation of the regular Periodic Scientist Calls (PSC) as a way for biologists to provide ecological recommendations and technical assistance for water management decisions and the implementation of the Adaptive Management Plan with a focus on the identified Uncertainty #18 which focuses on wading bird responses.

FWC staff fully supports the ecological benefits provided by operating the constructed features of the Modified Water Deliveries to Everglades National Park and Canal 111 (C-111) South Dade project as identified by the preferred plan alternative (Alt Q+). The COP water control plan Alt Q+ is an incremental step that provides significant benefits to NESRS and ENP by redistributing regional water resources. FWC staff appreciate the opportunity to work collaboratively with the USACE throughout the development of the COP and will continue to assist until a record of decision is final. If you have questions or would like to coordinate further on any of the recommendations contained within this letter please contact me directly at (561) 625-5704 or by email at James.Erskine@MyFWC.com.

Sincerely,



James Erskine, Everglades Coordinator
Office of Executive Director

Note: FWC staff recommend adding language to identify the Everglades and Francis S. Taylor Wildlife Management Area (EWMA) and FWC's fish and wildlife and land management responsibilities to the Affected Environments Section 3.5.1 that describes Water Conservation Areas 3A and 3B.

Florida Fish and Wildlife Conservation Commission

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MyFWC.com

March 6, 2020

Chris Stahl
Florida State Clearinghouse
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, MS 47
Tallahassee, FL 32399-3000
Chris.Stahl@dep.state.fl.us

RE: SAI FL202001298829C, Department of the Army, Jacksonville District Corps of Engineers Draft Environmental Impact Statement Combined Operations Plan, Broward, Miami-Dade and Monroe Counties

Dear Mr. Stahl,

Florida Fish and Wildlife Conservation Commission (FWC) staff reviewed the above-referenced project and provides the following comments and recommendations for your consideration in accordance with Chapter 379, Florida Statutes (F.S.), and pursuant to the federal National Environmental Policy Act (NEPA), the federal Coastal Zone Management Act, and the State of Florida's Coastal Management Program.

Project Description

The U.S. Army Corps of Engineers (USACE) provided a Draft Environmental Impact Statement for the Combined Operations Plan (COP) as an integrated water control operations plan for two modifications of the Central and Southern Florida (C&SF) project – known as Modified Water Deliveries (MWD) to Everglades National Park (ENP) and the Canal 111 (C-111) South Dade projects.

The purpose of the COP is to define the water management operations for the Water Conservation Area (WCA) 3A, WCA-3B, structures in the L-31N and the C-111 basins constructed as part of the C&SF project, and the constructed components of the MWD and C-111 South Dade projects. Implementation of the COP is expected to increase water deliveries from Water Conservation Area 3 (WCA-3) to ENP through North East Shark River Slough (NESRS) and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP. The COP will implement management operations that are consistent with their respective project purposes and the original purposes of the C&SF project as authorized by the Flood Control Act of 1948 to provide flood control, water supply for agricultural irrigation, municipalities and industry, and ENP; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation.

Alternatives

A Project Delivery Team conducted multiple rounds of modeling, identified six alternatives for consideration, and conducted six sensitivity runs to determine the operational sensitivity to constraints. Alternatives were compared against the no action alternative, which is the future without condition as defined by the current water control plan. The alternatives were as follows:

- Alternative K (Alt K) was more focused on the southern part of the system, below the S-331 structure with lowered canal levels providing an opportunity for enhanced flood protection for South Dade agriculture.

- Alternative l (Alt l) was more focused on the northern portion of the project area providing the most flows into NESRS and into ENP.

- Alternative N (Alt N) attempts to provide both enhanced flood protection to the South Dade Agriculture and increased flows to NESRS and ultimately ENP.

- Alternative N2 (Alt N2) was formulated to balance additional inflows to ENP with potential dry-out concerns within WCA-3A and WCA-3B, and maintain Taylor Slough flow volumes observed in Alt N.

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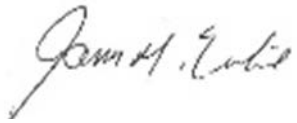

James Erskine, Everglades Coordinator
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