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U.S. ARMY CORPS OF ENGINEERS, SOUTH ATLANTIC DIVISION
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CESAD-DE

28 August 2020

RECORD OF DECISION

COMBINED OPERATIONAL PLAN Broward, Miami-Dade, Monroe Counties, Florida

The Final Environmental Impact Statement (EIS) dated July 2, 2020 for the Combined Operational Plan (COP) defines operations for the constructed features of the Modified Water Deliveries (MWD) to Everglades National Park (ENP) and Canal 111 (C-111) South Dade projects components in Broward, Miami-Dade, and Monroe Counties, Florida. The COP redistributes the existing water budget in Water Conservation Area (WCA) 3A and ENP to balance the ecological objectives of the MWD and C-111 South Dade projects while adhering to project constraints. Based on the Final EIS, the reviews by other Federal, State, and local agencies, Tribes, input from the public, and the review by my staff, I find the recommended plan to be technically feasible, environmentally justified, in accordance with environmental statutes, and in the public interest. The MWD and C-111 South Dade Projects are part of the foundation projects for the Comprehensive Everglades Restoration Plan (CERP). Alternative Q+ (ALTQ+) has been identified to be the environmentally preferable and the least environmentally damaging practicable alternative and is expected to best meet the objectives and constraints identified in the Final EIS. Implementation of the recommended plan (ALTQ+) is anticipated to increase the availability of water deliveries from WCA 3A 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 relative to the no action plan (ECB19RR) and is selected for the reasons stated below.

The Final EIS, incorporated herein by reference, evaluated various alternatives to achieve project objectives and constraints in the study area. A description of the recommended plan is provided below:

- Under the COP, the Central and Southern Florida (C&SF) infrastructure would be operated to deliver hydrologic benefits to the environment as defined by the recommended plan (ALTQ+), hereafter referred to as the 2020 Water Control Plan. Operations would also support a broad set of C&SF project purposes, 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 main component of the 2020 Water Control Plan (Appendix A) that improves water deliveries to ENP is the Tamiami Trail Flow Formula (TTFF). The TTFF governs WCA 3A to ENP target flows, developed based on ecological restoration stage targets in WCA 3A and ENP. The TTFF replaces the 1985 WCA 3A Rainfall Plan. The TTFF

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uses information from water stages (WCA 3A and NESRS), rainfall, potential evapotranspiration, and recent structure flows to compute a flow target across Tamiami Trail for the upcoming week.

- To facilitate increased flows out of WCA 3A, the L-29 canal is operated up to 8.5 feet, National Geodetic Vertical Datum of 1929 (NGVD) which allows for improved water deliveries to ENP via NESRS. The maximum duration for operating the L-29 canal stage between 8.3 and 8.5 feet, NGVD is limited to 90 days per water year (May 1 to April 30), which is the interim Florida Department of Transportation (FDOT) constraint until Tamiami Trail Next Steps (additional bridging of Tamiami Trail to improve connectivity and sheetflow between the marshes north and south of the road) construction is completed. Outside the 90-day FDOT limit, the L-29 canal level would be maintained below 8.3 feet, NGVD subject to downstream constraints. The 2020 Water Control Plan includes the capability to further extend and/or remove the cumulative duration criteria for operating the L-29 canal above 8.3 feet, NGVD, while continuing to adhere to the maximum operating stage limit of 8.5 feet, NGVD. Implementation of this change would not occur without: (1) written approval from the FDOT to remove the L-29 canal constraint identified in Appendix A (Water Control Plan), based on a joint evaluation of monitoring data by the U.S. Army Corps of Engineers (Corps) and the FDOT (this data evaluation is ongoing with the MWD Increment 2 Field Test); (2) demonstration of the capability of the completed MWD project components to maintain flood mitigation requirements for the 8.5 Square Mile Area (SMA) under the raised L-29 canal maximum operating limit of up to 8.5 feet, NGVD; and (3) consideration of increased low water stages within WCA 3A, including along the western L-29 canal between S-12A and S-333.
- Regulatory releases from WCA 3A to South Dade are removed from the 2020 Water Control Plan, except during Extreme High Water Levels in WCA 3A defined by the extreme high water line (EHWL varies 11.0-12.0 feet, NGVD) which will occur with reduced frequency following implementation of the COP and the associated TTF operations.
- The seasonal closures for the S-12A, S-12B, S-343A and S-343B remain unchanged from the 2016 Everglades Restoration Transition Plan (ERTP) Biological Opinion (BO). However, the 2020 Water Control Plan includes removal of the seasonal closures for the Cape Sable seaside sparrow (*Ammodramus maritimus mirabilis*) at S-344 and includes limited adjustments to the S-332D seasonal pump restrictions. Lifting of S-344 closure dates and extending S-332D full pumping by an additional month, from November 30 to December 31, were based on coordination with the U.S. Fish and Wildlife Service (USFWS).
- The 2020 Water Control Plan includes the capability to supplement local basin flows to Taylor Slough and the Rocky Glades from the L-30 canal and the adjacent WCA 3B, including conditional low-volume deliveries from WCA 3A. South Dade Canal levels are

maintained consistent with the MWD Incremental Field Tests (0.2-0.3 lower than 2002-2015 operating levels) with full usage of the completed C-111 Detention Areas and the South Florida Water Management District (SFWMD) CERP C-111 Spreader Canal project to function as a hydraulic ridge along the eastern boundary of ENP.

- Discharges at S-197 to Manatee Bay are significantly reduced with removal of S-177 remote trigger criteria and use of low-volume releases.
- The 8.5 SMA and C-111 South Dade Basins are operated to maintain authorized flood risk management, consistent with the established project constraints.
- The 2020 Water Control Plan includes additional operational flexibility to address uncertainties identified in the COP Adaptive Management and Monitoring Plan (AMMP) regarding: (a) water quality inflows to Shark River Slough (SRS) (Adaptive Management Uncertainty # 16b); and (b) TTF dry season operations for SRS (Adaptive Management Uncertainty #12b). The adaptive management processes supporting the 2020 Water Control Plan should allow managers the needed operational flexibility to reduce remaining challenges and to help identify what aspects of future CERP projects can be used to resolve observed challenges.

Where possible, monitoring for the COP relies on existing monitoring resources. While most of the monitoring will rely on continuation of existing monitoring efforts, the total estimated cost for proposed new monitoring and modeling in the COP AMMP is approximately \$280,000 per year for at least 5 years following COP implementation plus \$50,000 for supplemental hydrologic modeling cost. Additional funding would need to be sought for this new monitoring and modeling. If funding is provided but not sufficient to execute all proposed monitoring identified in the COP AMMP, staff from the implementing agencies (the Corps, ENP, and the SFWMD) will need to prioritize the recommended monitoring. USFWS BO costs based on monitoring requirements identified in the 2020 COP BO and reflected in the COP AMMP have an estimated cost of \$845,800 per year. The Corps currently funds surveys for federally listed species as required by the 2016 ERTF BO. The 2020 COP BO requires continuation of these efforts and is currently funded by Aquatic Ecosystem Restoration (AER) Operations and Maintenance. Some of the monitoring is legally required by the 2020 COP BO. Modifications to the monitoring and/or implementation of the management options identified in the COP AMMP will be coordinated with the South Atlantic Division (SAD), as the SAD provides the approval authority for the 2020 Water Control Plan.

The COP is anticipated to be in place until construction of new CERP infrastructure, including features which would enable increased flow deliveries into the WCAs, ENP, and Florida Bay. If new information becomes available through implementation of the COP Water Control Plan and/or the COP AMMP that would necessitate a need to modify water management operations, this information will be incorporated as

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appropriate in accordance with laws and regulations including the National Environmental Policy Act (NEPA).

In addition to a “no action” plan (referred to as the Existing Condition Baseline (ECB19RR)), four alternatives were evaluated in detail in the environmental effects section of the Final EIS (Section 4). The alternatives included the 2020 Water Control Plan (ALTQ+) described above, Alternative N2 (ALT N2), Alternative O (ALTO), and Alternative Q (ALTQ). The formulation process, as described in Section 2 of the Final EIS, was a collaborative multi-agency effort governed by the MWD and C-111 South Dade project objectives and constraints, and lessons learned from a series of MWD Field Tests conducted under the authority of the MWD project (i.e. Increment 1, Increment 1.1 and 1.2, and Increment 2) to raise the L-29 canal maximum operating limit for the purpose of increasing flows to NESRS in ENP. Alternatives differed based on: (1) modifications to the 1985 WCA 3A Rainfall Plan which currently guides water delivery to NESRS in ENP; (2) operational modifications to ensure flood mitigation within 8.5 SMA and in the C-111 Basin consistent with congressional authorizations; (3) inclusion of operational changes to C-111 canal structure S-197; (4) delivery of supplemental flows to Taylor Slough; (5) additional operational flexibilities during high water conditions in WCA 3A, and; (6) operational modifications to the WCA 3A regulation schedule. ALTQ+ has been identified to be the environmentally preferable and the least environmentally damaging practicable alternative and 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 no action plan (ECB19RR). Reference the Executive Summary in the Final EIS for a brief summary of benefits of the recommended plan.

For all alternatives, the potential effects were evaluated, as appropriate. An evaluation of potential environmental effects can be found in Section 4 of the Final EIS. A summary assessment of the potential effects of the recommended plan are listed in Table 1.

Table 1: Summary of Potential Effects of the Recommended Plan

	Significant adverse effect	Insignificant effects due to mitigation	Insignificant effects	Resource unaffected by action
Aesthetics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Air quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Aquatic resources/wetlands	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Invasive species	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	Significant adverse effect	Insignificant effects due to mitigation	Insignificant effects	Resource unaffected by action
Fish and wildlife habitat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Threatened/Endangered species	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic properties	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other cultural resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Floodplains	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hazardous, toxic & radioactive waste	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Land use	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Navigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise levels	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Public infrastructure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socio-economics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Environmental justice	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Soils	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tribal trust resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Climate change	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The COP, as defined by the 2020 Water Control Plan, is an operational plan that changes the amount and timing of releases from WCA 3A to ENP. No compensatory mitigation is required as part of the recommended plan however, all practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the 2020 Water Control Plan. In addition, the COP AMMP was included in order to address uncertainties related to potential adverse effects and to assist in avoiding and/or minimizing those effects. The COP AAMP identifies the monitoring necessary to inform decision-makers, partner agencies, and the public on progress towards achieving restoration success and to minimize adverse effects. The Corps, the SFWMD, and ENP will establish an interagency collaborative forum (referenced as the “COP PDT+”) that succeeds the COP interagency project delivery team (PDT) consisting of the COP implementing agencies, other interested Federal and state agencies, Tribes, and stakeholder groups during COP implementation. The COP PDT+ will participate in the COP AMMP identified annual or biannual (twice per year) interagency workshops to describe the performance of operations of the completed MWD and C-111 South Dade projects 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.

Furthermore, regularly scheduled interagency Periodic Scientist Calls (PSCs) will allow the Corps to gather input on desired long-term (annual and/or seasonal) conditions within the system. The PSCs occur on an as needed basis with the frequency of the calls determined based upon ongoing or anticipated conditions within the WCAs, SDCS, and ENP, 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 to address Tribal concerns. The 2020 COP Water Control Plan recognizes that water management operations are determined through a decision-making process that considers all the congressionally authorized project purposes for the WCAs. The decision-making process to make 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.

Potential unavoidable adverse effects that may occur as a result of the 2020 Water Control Plan (ALTQ+) are expected to be minimized to insignificant because of the COP AMMP. These effects are summarized below and include: (1) increased risk to accessibility of tree islands for cultural and religious practices by the Miccosukee Tribe (Tribal Trust Resources); (2) increased risk to soils in WCA 3 due to reduced water levels (Aquatic Resources/wetlands; Fish and Wildlife Habitat); (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 (Water Quality); and (5) potential for high volume discharges through S-197 to Barnes Sound/Manatee Bay associated with the Extreme High Water Line (EHWL) (Fish and Wildlife Habitat). Information on the effect to Endangered and Threatened species is covered in the discussion on the USFWS BO further below.

Tribal Concerns: 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 maintains a traditional lifestyle 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. Tree islands were and still are important

places to the Native American populations of Florida. Potential limitations to accessing tree islands may affect the ability of the Miccosukee Tribe to participate in cultural and religious practices that take place on these islands. Independent of implementation of the COP, tribal airboat access is currently limited during the dry season; however, durations of limited access would be expected to be extended with the COP during periods of below average annual rainfall. Based on modeling conducted to support the COP, ALTQ+ slightly increases the risk of potential impact days (stage levels fell below 12”) in southern WCA 3A by 6% over the entire simulated 41-year period of record. Access during these times may be limited to walking and/or use of swamp buggies. This potential risk is not a certainty but will rather only be realized under specific weather conditions. If the trend under implementation of the 2020 Water Control Plan 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 the COP formulation (for example, from revisions to the Lake Okeechobee Regulation Schedule (presently anticipated in 2022)), the potential risk to airboat operations as characterized in the COP Final EIS will be reduced.

The Seminole Tribe of Florida (STOF) have expressed concerns on the effects of the COP on cultural resources in correspondence on the COP Draft EIS on March 23, 2020 and on the COP Final EIS on July 30, 2020. In addition to previous research conducted within the COP study area, a sample size of 394 tree islands with mapped elevations was utilized to analyze effects of the COP on cultural resources. The STOF is concerned that there is a lack of adequate sampling of the various types and range of sizes of tree islands found within the area of potential effects (APE) and that the sample size is not statically significant given the total number tree islands that exist within the APE. Additionally, it is the Seminole Tribe’s position that the significance of all tree islands are not equal and thus cannot be treated as one resource.

The COP has the potential for beneficial effects to tree islands and cultural resources contained within in the chronically inundated portions of southern WCA 3A. 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 during the period until construction of new CERP infrastructure to provide increased outlet capacity for WCA 3A. 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. A cultural resources monitoring plan has been developed to allow the Corps to continue the consideration of effect during implementation of the COP.

In addition, the Miccosukee Tribe provided correspondence on the COP Draft EIS on March 13, 2020, indicating that implementation of the COP would create impacts to

tribal lands in WCA 3A and disagreed with the Corp's Environmental Justice (EJ) analysis, stating that the Miccosukee Tribe will be disproportionately impacted. The EJ analysis was conducted to determine if there were disproportionate adverse impacts to low-income, minority communities within the study area. The two main risks of adverse impacts within the study area were groundwater stage increases potentially impacting agricultural parcels and the potential for increased dry outs in WCA 3A potentially impacting tribal access to certain lands. Ultimately, ALTQ+ was used as the basis for the EJ analysis since the adverse impacts within the study area for each alternative followed similar spatial patterns (i.e. the same communities were adversely impacted to similar degrees amongst the alternatives). Though the impact analysis did determine that the 2020 Water Control Plan (ALTQ+) showed an increased risk of adverse impacts when compared to ECB19RR, these adverse impacts were not shown to be holistically disproportionate to the EJ communities analyzed, including the Miccosukee Tribe. The Corps maintains support for its analysis and through implementation of the COP AMMP and operational flexibility provided in the COP Water Control Plan, has identified actions to minimize potential impacts to the Tribe and to appropriately address the Tribe's concerns. The Corps will continue to engage in government to government consultation throughout the implementation of the COP regarding Tribal resources.

WCA 3 Water Levels: A potential increase in dry event severity was observed in portions of WCA 3 which 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. A potential increase in foraging conditions for wading birds is expected to improve in portions of ENP due to increases in the availability of water; however, 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 COP AMMP has been developed to allow the Corps to continue the consideration of effect during implementation of the COP.

Recreational Access: Due to lowering of water levels in WCA 3, the COP may potentially reduce airboat access and recreational fishing within the marsh during extremely dry periods; however access to canals for recreation would not change relative to ECB19RR. Differences in the number of days the Florida Fish and Wildlife Conservation Commission (FWC) considers closure in the Everglades and Francis S. Taylor Wildlife Management Area (EWMA) due to low water stages were observed to be less than a 2% period of record change relative to ECB19RR. ALTQ+ performed equivalent to ECB19RR in the number of low water closures events anticipated. Specific access points along Tamiami Trail west of the L-67 Extension canal face an increased risk of being inaccessible for recreational finishing, air boating, and paddling to an estimated average of 5% period of record change relative to ECB19RR. The COP

AMMP has been developed to allow the USACE to continue the consideration of effect during implementation of the COP.

Water Quality: Potentially adverse impacts on water quality over the next several years could occur with implementation of ALTQ+. However, the adaptive management options evaluated by the PDT demonstrate that it is possible to reduce those potential water quality impacts. The water quality adaptive management measures can be found in Section 4.9 of the Final EIS, the COP AMMP (Appendix C), and within the COP Water Control Plan (Appendix A). The water quality strategies were developed and designed to avoid any net reduction of water volumes delivered to the ENP during a given water year. The water quality adaptive management measures may or may not be implemented, based on consideration of the monitoring data. If implemented, the quantity of water delivered to ENP may temporarily be reduced. When water quality adaptive management measures are enacted, the duration will initially be less than 4 weeks. The implemented option will be re-evaluated at a frequency not to exceed every 4 weeks. Because stages in WCA3A and ENP affect the weekly flow volumes calculated by the TFFF, system response will naturally correct for any short-term deviations, and explicit action to mitigate changes in flow resulting from adaptive management should not be made.

EHWL: The 2020 Water Control Plan includes additional operational flexibility by inclusion of an EHWL for water management operations when extreme high water levels in WCA 3A exist. This operational flexibility 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. Concerns expressed by stakeholders include the effects of the EHWL on flood risk in agricultural areas of Miami-Dade County and potential effects of S-197 discharges to the Eastern Panhandle and Manatee Bay and Barnes Sound. Under this condition discharges at S-197 may be increased up to a maximum of 2400 cubic feet per second (cfs). The S-197 provides a gravity outlet for stormwater runoff, as well as seepage water from ENP, which is conveyed through the SDCS during high water and flood conditions. Releases at S-197 have the potential to decrease flows to Taylor Slough, and subsequently Florida Bay. This operational flexibility is not expected to be triggered frequently and monitoring through the COP AMMP will allow the Corps to continue the consideration of effect during implementation of the COP.

During the MWD Incremental Field Tests, this occurred during three events (2016 and twice in 2017) which required the Corps to seek planned temporary deviations from the current water control plan and has required the State of Florida to issue emergency

orders, both of which require a tremendous amount of analysis and coordination. The inclusion of the EHWL in the COP would streamline the process (and the need for additional NEPA) required to implement changes due to extreme high water levels to apply more attention to alleviating future high water condition.

Public review of the Draft EIS was completed on March 16, 2020. All comments submitted during the public comment period were responded to in the Final EIS. A 30-day waiting period and state and agency review of the Final EIS was completed on August 3, 2020. Comments received were consistent with those submitted on the Draft EIS. Comments were provided from the SFWMD, ENP, the Department of the Interior Office of Environmental Policy and Compliance, the Seminole Tribe of Florida, the U.S. Environmental Protection Agency, the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Agriculture and Consumer Services, and stakeholders to include Audubon Florida, the Everglades Foundation, Everglades Law Center, and the National Parks Conservation Association. The SFWMD, a cooperating agency and non-Federal sponsor, supports the Final EIS as a means to realize the goals of Everglades restoration, however comments on the Draft EIS were reiterated in correspondence received on the Final EIS. The SFWMD requested the following: (1) removal of the EHWL from the Final EIS; (2) S-333 deliveries to NESRS to be maintained given that mitigation measures have been constructed for the Las Palmas Community (8.5 SMA); (3) removal of the AMMP from the COP Water Control Plan; and (4) flows to NESRS to be maintained in accordance with the targets and objectives of Everglades restoration rather than diverging from them through a water quality adaptive management strategy. Justification for inclusion of the EHWL and COP AMMP, as well as rationale for S-333 deliveries was included in the Draft EIS. Comments from state and federal agency review did not result in any significant changes to the Final EIS. A comment response matrix detailing comments received during public review of the COP Final EIS has been included in Appendix D.1 (NEPA Correspondence) as Table D.1-9. An errata sheet has been prepared to document corrections and clarifications that have been made to the Final EIS published in the Federal Register on July 2, 2020. Reference Section 4.28 of the Final EIS regarding environmental commitments.

Pursuant to Section 7 of the Endangered Species Act of 1973, as amended, the USFWS issued a BO dated May 5, 2020, that determined that the recommended plan will not jeopardize the continued existence of the following federally listed species or adversely modify designated critical habitat: Cape Sable seaside sparrow (*Ammodramus maritimus mirabilis*), Everglade snail kite (*Rostrhamus sociabilis plumbeus*), and wood stork (*Mycteria americana*). All terms and conditions, conservation measures, and reasonable and prudent measures resulting from these consultations will be implemented in order to minimize take of endangered species and avoid jeopardizing the species. The Corps determined that the recommended plan may affect but is not likely to adversely affect the following federally listed species or their designated critical habitat: Florida panther (*Puma concolor coryi*), Florida bonneted bat

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(*Eumpos floridanus*), Florida manatee (*Trichus manatus latirostris*), Eastern black rail (*Laterallus jamaicensis jamaicensis*), American alligator (*Alligator mississippiensis*), American crocodile (*Crocodylus acutus*) and its designated critical habitat, Eastern indigo snake (*Drymarchon corais couperi*), Bartram's hairstreak (*Strymon acis bartrami*) and its designated critical habit, Florida leafwing (*Anaea troglodyte floridalis*) and its designated critical habitat, Blodgett's silverbush (*Argethamnia blodgettii*), Deltoid spurge (*Chamaesyce deltoidea spp. Deltoidea*), Everglades bully (*Sideroxylon reclinatum spp. austrofloridense*), Florida pineland crabgrass (*Digitaria pauciflora*), Florida prairie clover (*Dalea carthagenesis var. floridana*), Garber's spurge (*Chamaesyce garberi*), Pineland sandmat (*Chaemaesyce deltoidea ssp. pinetorium*), Small's milkpea (*Galactica smallii*), and Tiny polygala (*Polygala smallii*). The USFWS concurred with the Corp's determination on March 16, 2020. The Corps determined that the recommended plan will have no effect on federally listed species or their designated critical habitat under the purview of the National Marine Fisheries Service (NMFS).

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, the Corps determined that historic properties would not be adversely affected by the recommended plan. The Florida State Historic Preservation Officer concurred with the determination on December 20, 2019.

A determination of consistency with the State of Florida Coastal Zone Management program pursuant to the Coastal Zone Management Act of 1972 was obtained from the Florida Department of Environmental Protection. In a letter dated August 11, 2020, based on the information submitted and minimal project impacts, the state of Florida indicated it had no objections to the subject project and, therefore, it is consistent with the Florida Coastal Management Program (FCMP).

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed. Documentation of compliance of the recommended plan with environmental requirements can be found in Section 4 of the Final EIS.

Technical and environmental criteria have been used in the formulation of alternative plans. All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives. Based on the review of these evaluations, I find that benefits of the recommended plan outweigh the costs and any adverse effects. This Record of Decision completes the National Environmental Policy Act process.

28 August 2020

Date

 Digitally signed by
KELLY.JASON.ERI
K.1095067405

Jason E. Kelly, PMP
Colonel, U.S. Army
Commanding