APPENDIX B – PERTINENT CORRESPONDENCE

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DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-0019

REPLY TO
ATTENTION OF

JUN 19 2018

Planning and Policy Division
Environmental Branch

Mr. Fred Dayhoff, Tribal Representative
NAGPRA, Section 106
Miccosukee Tribe of Indians of Florida
HC 61 SR 68
Ochopee, Florida 34141

Re: June 2018 Temporary Deviation from the 1988 Regulation Schedule for Water Conservation Area (WCA) 2A

Dear Mr. Dayhoff:

The U.S. Army Corps of Engineers, Jacksonville District (Corps) is preparing an Environmental Assessment associated with a planned temporary deviation from the 1988 Regulation Schedule for Water Conservation Area (WCA) 2A. A series of mid-May rainfall events have caused have caused conditions to change rapidly from very dry conditions to very wet in south Florida (Figure 1). This record area-wide rainfall has caused water levels in the three WCAs to rise above their maximum regulation schedules and the maximum exceedance elevations per the Water Control Plan. These high water levels in the WCAs at the beginning of the wet season threaten wildlife, tree islands, and levee safety, particularly in WCA 3A. If the rate of the rise of water is not mitigated to limit the prolonged duration of high water conditions, there is the potential for these high water levels to pose significant environmental risks due to reduced flood storage as the wet season and hurricane season continue.

The purpose of this deviation is to provide high water relief for WCA 3A by raising the regulation schedule of WCA 2A to accommodate additional storage therefore reducing inflows into WCA 3A through the S-11 structures (Figure 2). The Corps, in coordination with the South Florida Water Management District, is proposing to temporarily increase the regulation schedule in WCA 2A, not to exceed a peak height of 14 feet NGVD (Figure 3). WCA 2A has sufficient capacity to hold more than the current regulation schedule (the regulation schedule prior to 1988 allowed for these higher water levels) and the Corps is proposing to utilize this capacity to help alleviate conditions in WCA 3A. The Corps is also maximizing flows out of WCA 3A and coordinating with the U.S. Fish and Wildlife Service on options to open structures prior to the July 15, 2016 Everglades Restoration Transition Plan Biological Opinion closure dates for the S-343A, S-343B, S-344, S-12A and S-12B structures. These actions, if implemented, will further help to reduce the stage in WCA 3A and relive potential flooding in the Miccosukee Tribe of Indians of Florida's Reserved Area.

This deviation would remain in effect until WCA 3A falls below Zone A of the Water Control Plan, at which point a recovery period would be initiated to reduce the WCA 2A stage to the pre-deviation regulation schedule (normal operations). The deviation, including the recovery period, shall not extend past 30 April 2019. All other structure release guidance will remain unchanged (i.e. releases of water to tide). The proposed action is expected to increase water stages within WCA 2A temporarily; however, water elevations will not exceed those historically experienced as a result of the previous water control plan (1951-1988) and current rainfall events under the existing regulation schedule (Figure 4). Additionally, this temporary deviation is consistent with the WCA 2A temporary deviation conducted last year (July 2017) and coordinated with your office (letter dated July 27, 2017). Although no previously identified cultural resources exist within WCA 2A, should unidentified historic properties be located within the area of potential effects, these properties would experience similar water levels to those proposed approximately once a year. Pursuant to these water control operational deviations, the Corps is currently contracting an archaeological reconnaissance survey and a limited Phase I cultural resources assessment including a literature search and background review, field surveys, and associated reporting of WCA 1 and WCA 2. The Corps expects this contract to be awarded in July 2018 and the results of this investigation will be coordinated with your office.

Due to temporary nature and short duration of the project, and based on the recurrent condition of water levels that cultural resources have been exposed to since the late 1950's, the Corps has determined that the proposed temporary deviation will have no adverse effects on historic properties listed or eligible for listing in the National Register of Historic Places. Pursuant to the National Environmental Policy Act and Section 106 of the National Historic Preservation Act (16 USC 470) and it's implementing regulations (36 CFR 800), and in consideration of the Corps' Trust Responsibilities to the Miccosukee Tribe of Indians of Florida, the Corps kindly requests your comments on the determination of no adverse effect within 30 days from receipt of this letter. If there are any questions or comments, please contact Ms. Meredith Moreno at (904) 232-1577 or by e-mail at Meredith.A.Moreno@usace.army.mil.

Sincerely,

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

Enclosures

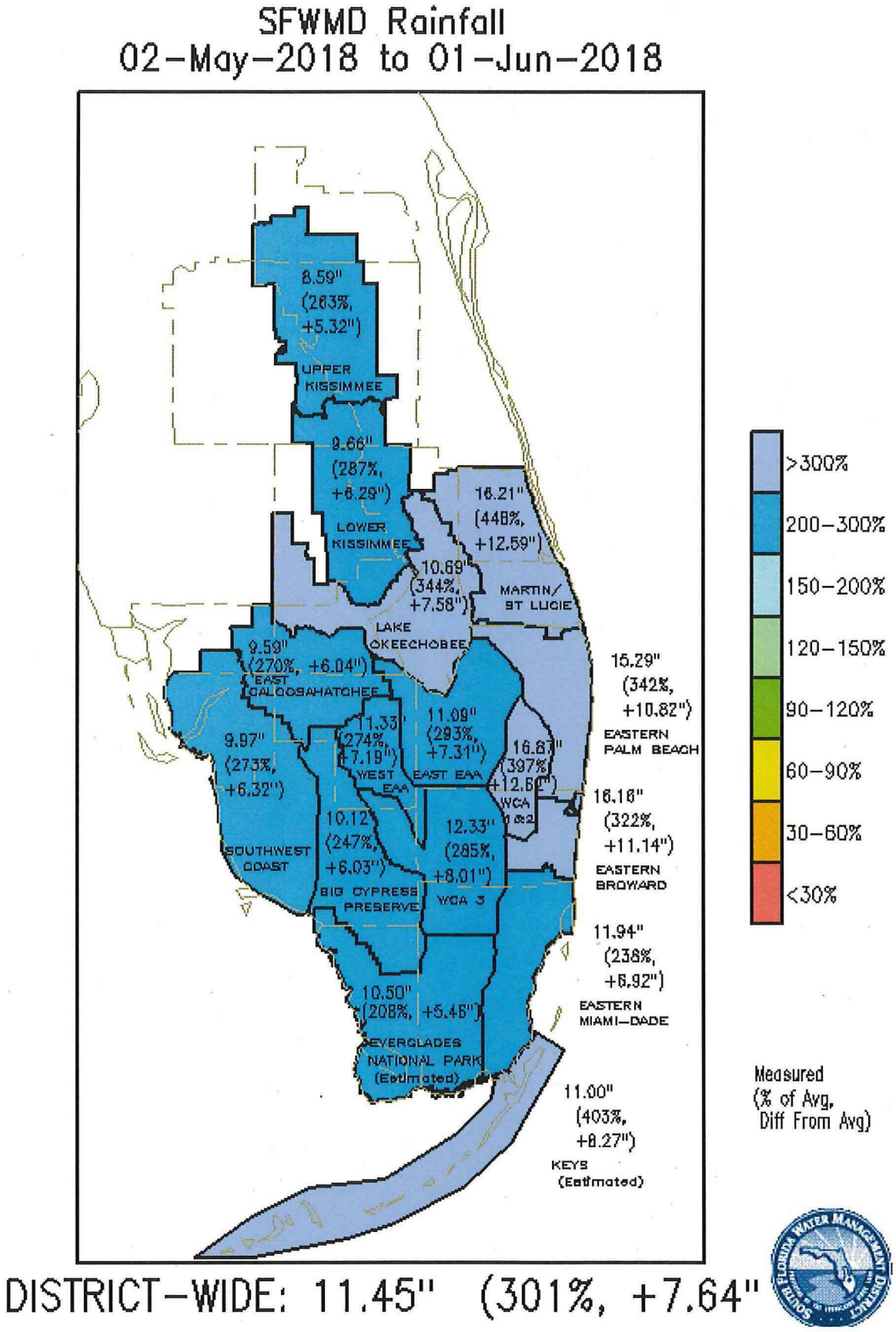
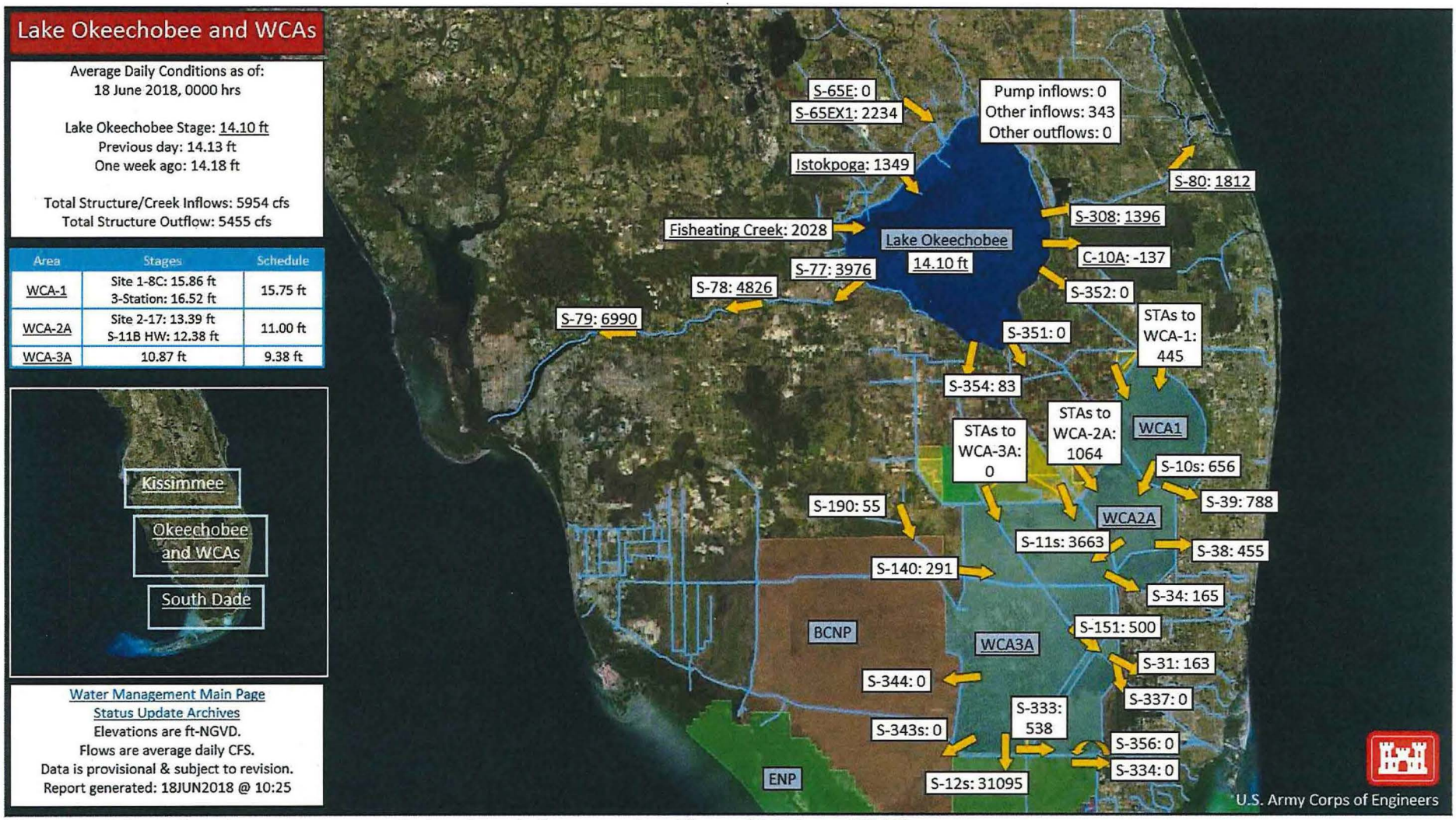


Figure 1. South Florida Water Management District Rainfall Map (02 May 2018 to 01 June 2018).



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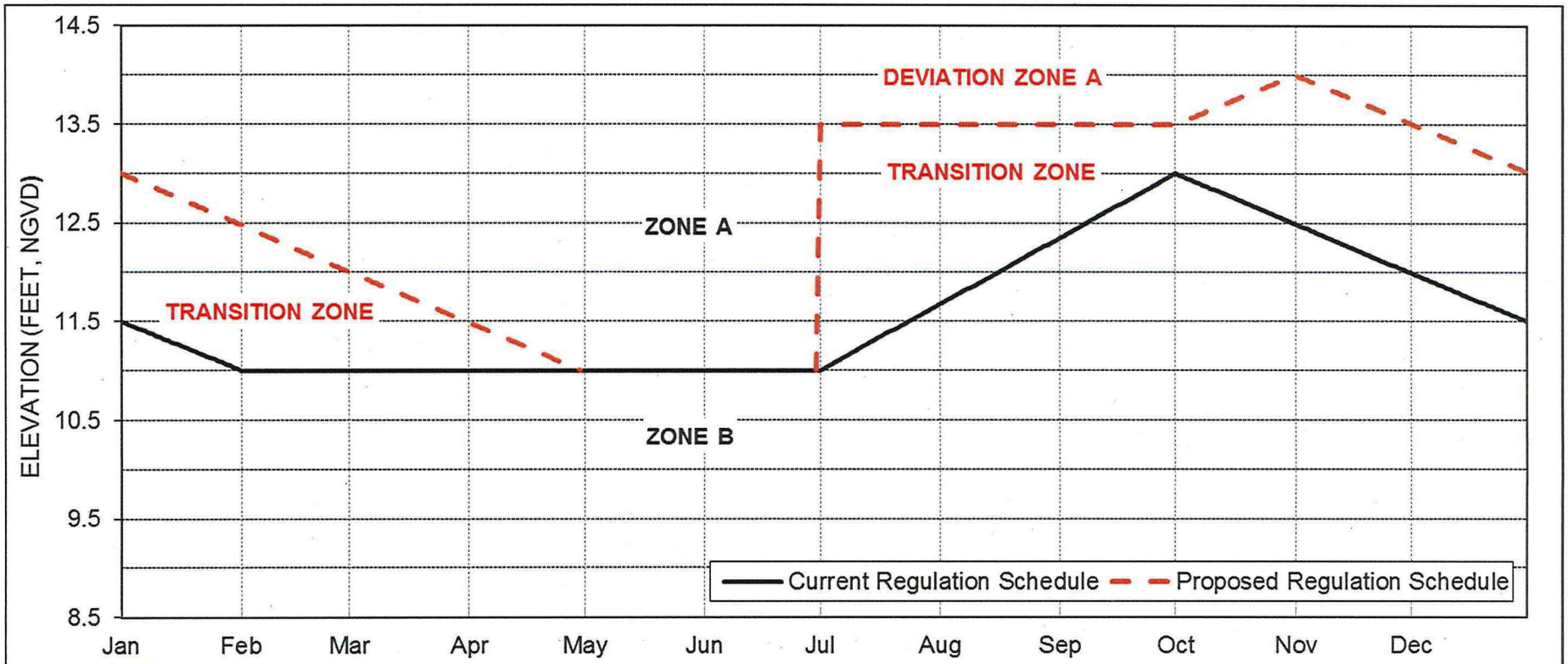

ZONE	RELEASES THROUGH OUTLETS AS INDICATED
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INDICATOR GAGES FOR REGULATION WILL BE AS FOLLOWS:

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1 JAN - 31 JAN	2-17	IF 2-17 STAGE RECEDES TO 11.5 FEET, NGVD SWITCH TO S-118 HEADWATER GAGE.
1 FEB - 30 JUN	S-118	ALL
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CENTRAL AND SOUTHERN FLORIDA PROJECT
WATER CONSERVATION AREA

REGULATION SCHEDULE
WCA 2A

US ARMY ENGINEER DISTRICT
JACKSONVILLE, FLORIDA

AUGUST 2017 - APRIL 2018 DEVIATION

Figure 3. Proposed WCA-2A Regulation Schedule during the Temporary Deviation.

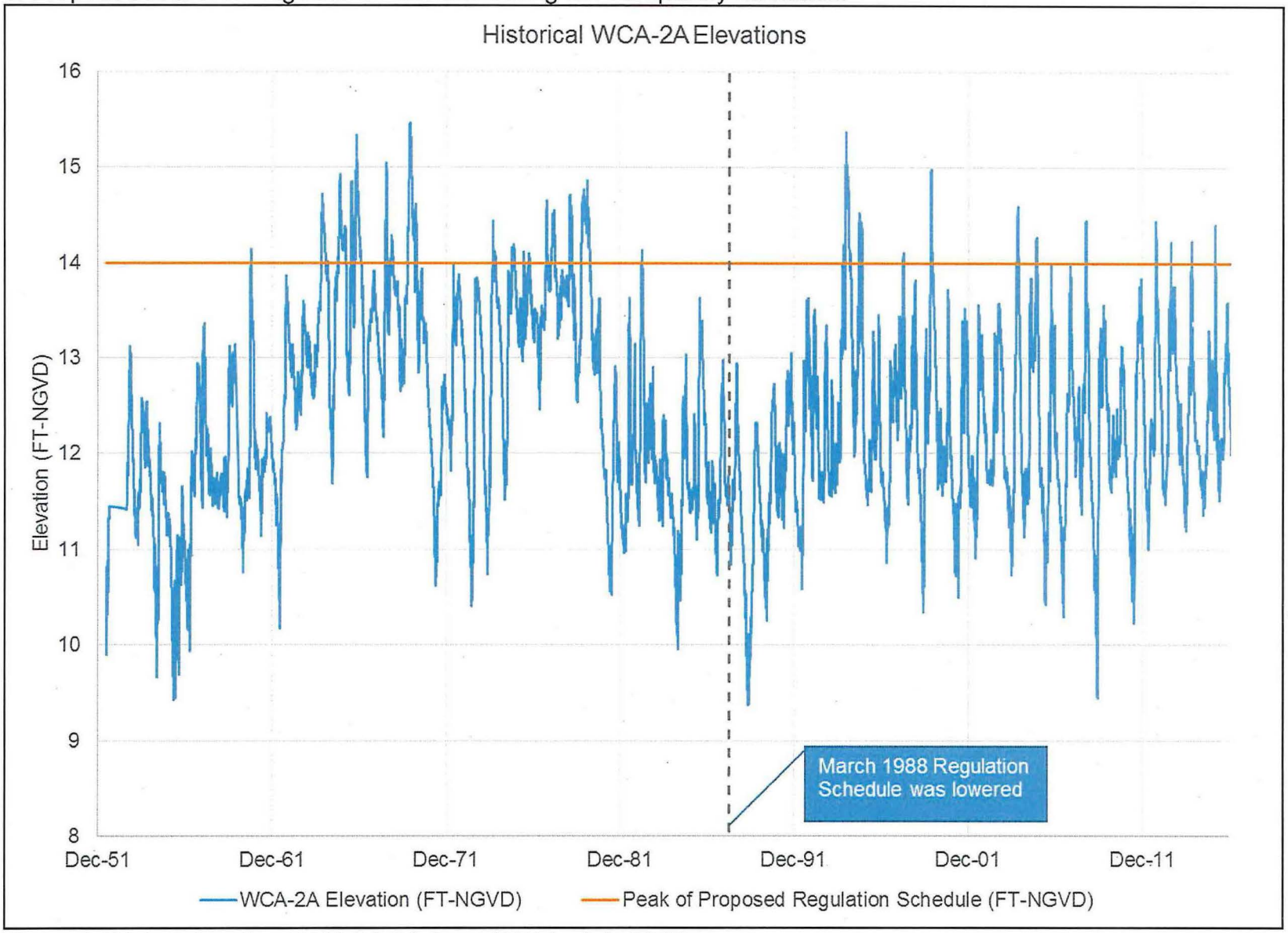

Figure 4. Water elevations in WCA 2A from 1951 to July 2017.

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 SAN MARCO BOULEVARD
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Planning and Policy Division
Environmental Branch

JUN 19 2018

Dr. Paul Backhouse, THPO
Seminole Tribe of Florida
Tribe Historic Preservation Office
30290 Josie Billie Highway
PMP 1004
Clewiston, FL 33440

Re: Temporary Deviation from the 1988 Regulation Schedule for Water Conservation Area (WCA) 2A

Dear Dr. Backhouse:

The U.S. Army Corps of Engineers, Jacksonville District (Corps) is preparing an Environmental Assessment associated with a planned temporary deviation from the 1988 Regulation Schedule for Water Conservation Area (WCA) 2A. A series of mid-May rainfall events have caused have caused conditions to change rapidly from very dry conditions to very wet in south Florida (Figure 1). This record area-wide rainfall has caused water levels in the three WCAs to rise above their maximum regulation schedules and the maximum exceedance elevations per the Water Control Plan. These high water levels in the WCAs at the beginning of the wet season threaten wildlife, tree islands, and levee safety, particularly in WCA 3A. If the rate of the rise of water is not mitigated to limit the prolonged duration of high water conditions, there is the potential for these high water levels to pose significant environmental risks due to reduced flood storage as the wet season and hurricane season continue.

The purpose of this deviation is to provide high water relief for WCA 3A by raising the regulation schedule of WCA 2A to accommodate additional storage therefore reducing inflows into WCA 3A through the S-11 structures (Figure 2). The Corps, in coordination with the South Florida Water Management District, is proposing to temporarily increase the regulation schedule in WCA 2A, not to exceed a peak height of 14 feet NGVD (Figure 3). WCA 2A has sufficient capacity to hold more than the current regulation schedule (the regulation schedule prior to 1988 allowed for these higher water levels) and the Corps is proposing to utilize this capacity to help alleviate conditions in WCA 3A. The Corps is also maximizing flows out of WCA 3A and coordinating with the U.S. Fish and Wildlife Service on options to open structures prior to the July 15, 2016 Everglades Restoration Transition Plan Biological Opinion closure dates for the S-343A, S-343B, S-344, S-12A and S-12B structures. These actions, if implemented, will further help to reduce the stage in WCA 3A and relive potential flooding in the Miccosukee Tribe of Indians of Florida's Reserved Area.

This deviation would remain in effect until WCA 3A falls below Zone A of the Water Control Plan, at which point a recovery period would be initiated to reduce the WCA 2A stage to the pre-deviation regulation schedule (normal operations). The deviation, including the recovery period, shall not extend past 30 April 2019. All other structure release guidance will remain unchanged (i.e. releases of water to tide). The proposed action is expected to increase water stages within WCA 2A temporarily; however, water elevations will not exceed those historically experienced as a result of the previous water control plan (1951-1988) and current rainfall events under the existing regulation schedule (Figure 4). Additionally, this temporary deviation is consistent with the WCA 2A temporary deviation conducted last year (July 2017) and coordinated with your office (THPO Compliance Tracking No.: 0029879). Although no previously identified cultural resources exist within WCA 2A, should unidentified historic properties be located within the area of potential effects, these properties would experience similar water levels to those proposed approximately once a year. Pursuant to these water control operational deviations, the Corps is currently contracting an archaeological reconnaissance survey and a limited Phase I cultural resources assessment including a literature search and background review, field surveys, and associated reporting of WCA 1 and WCA 2. The Corps expects this contract to be awarded in July 2018 and the results of this investigation will be coordinated with your office.

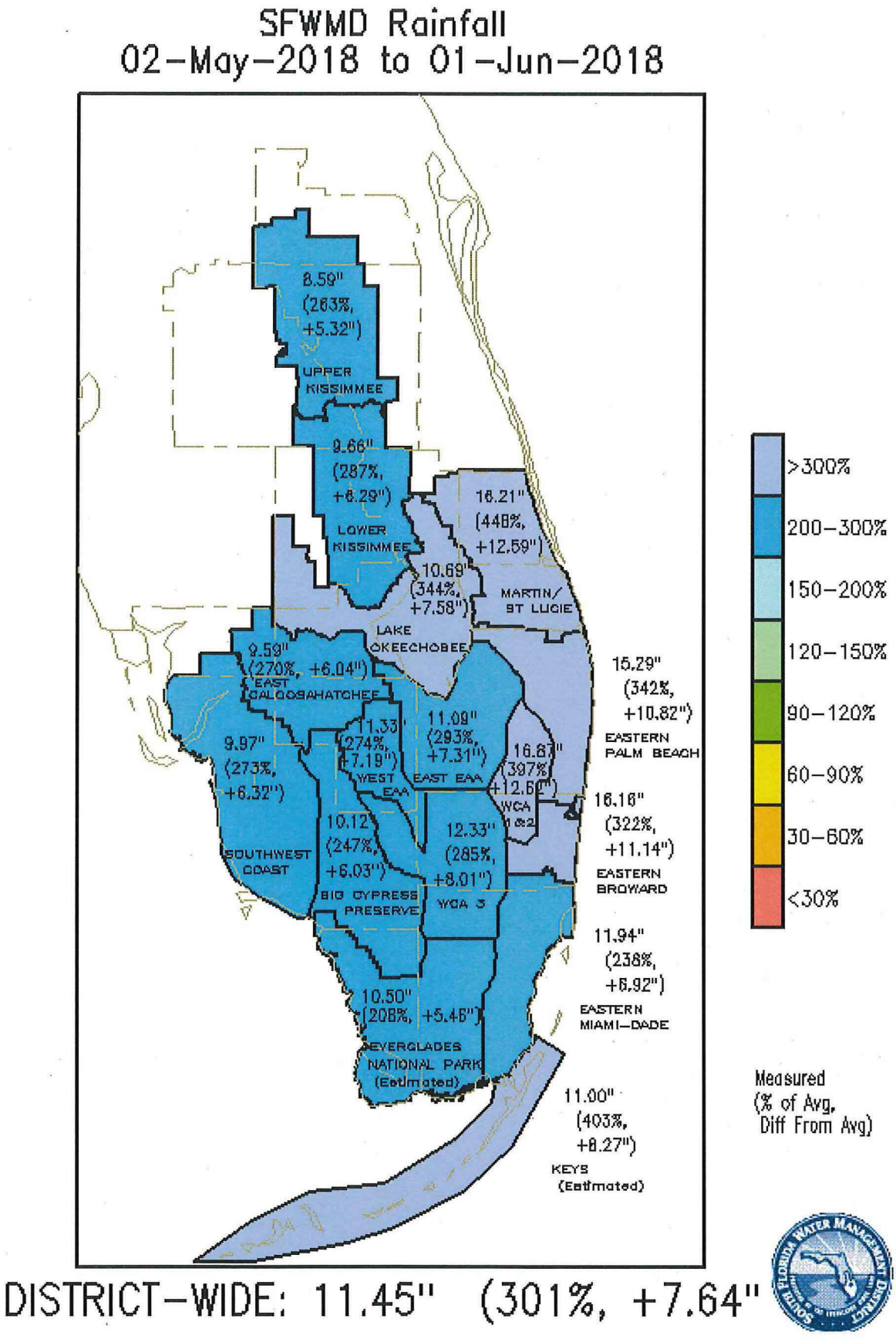
Due to temporary nature and short duration of the project, and based on the recurrent condition of water levels that cultural resources have been exposed to since the late 1950's, the Corps has determined that the proposed temporary deviation will have no adverse effects on historic properties listed or eligible for listing in the National Register of Historic Places. Pursuant to the National Environmental Policy Act and Section 106 of the National Historic Preservation Act (16 USC 470) and it's implementing regulations (36 CFR 800), and in consideration of the Corps' Trust Responsibilities and the Burial Resources Agreement with the Seminole Tribe of Florida, the Corps kindly requests your comments on the determination of no adverse effect within 30 days from receipt of this letter. If there are any questions or comments, please contact Ms. Meredith Moreno at (904) 232-1577 or by e-mail at Meredith.A.Moreno@usace.army.mil.

Sincerely,

6-19-18

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

Enclosures



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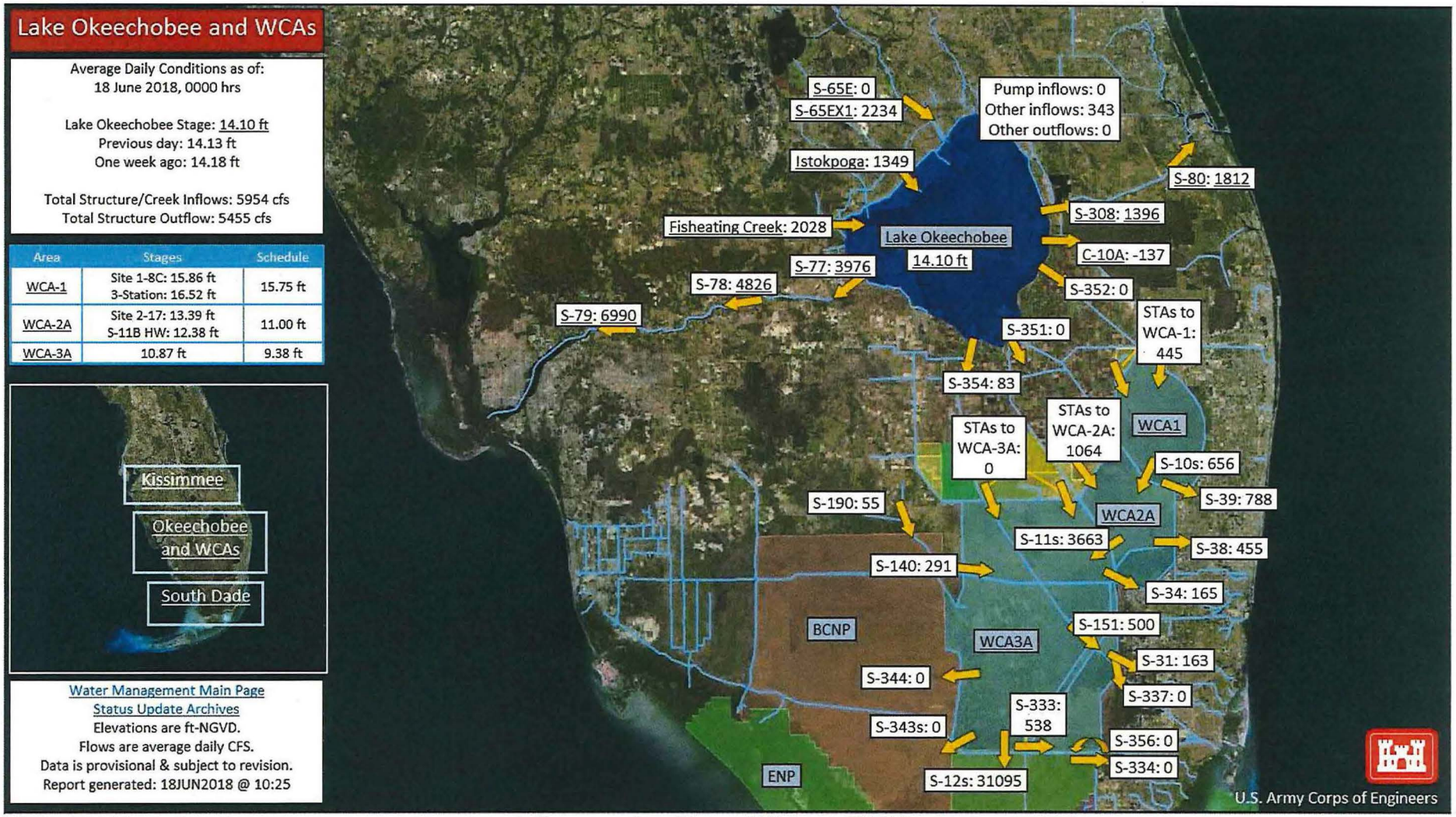

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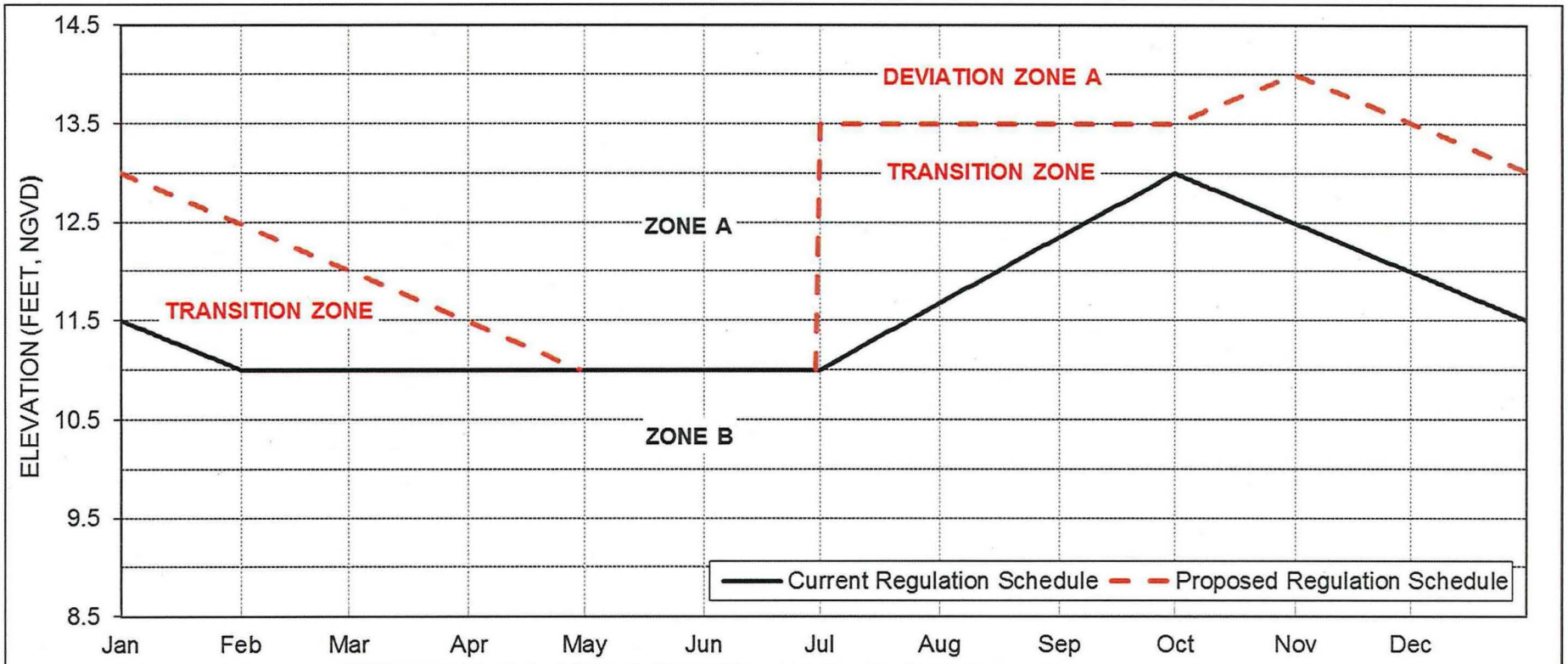

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CENTRAL AND SOUTHERN FLORIDA PROJECT
WATER CONSERVATION AREA

REGULATION SCHEDULE
WCA 2A

US ARMY ENGINEER DISTRICT
JACKSONVILLE, FLORIDA

AUGUST 2017 - APRIL 2018 DEVIATION

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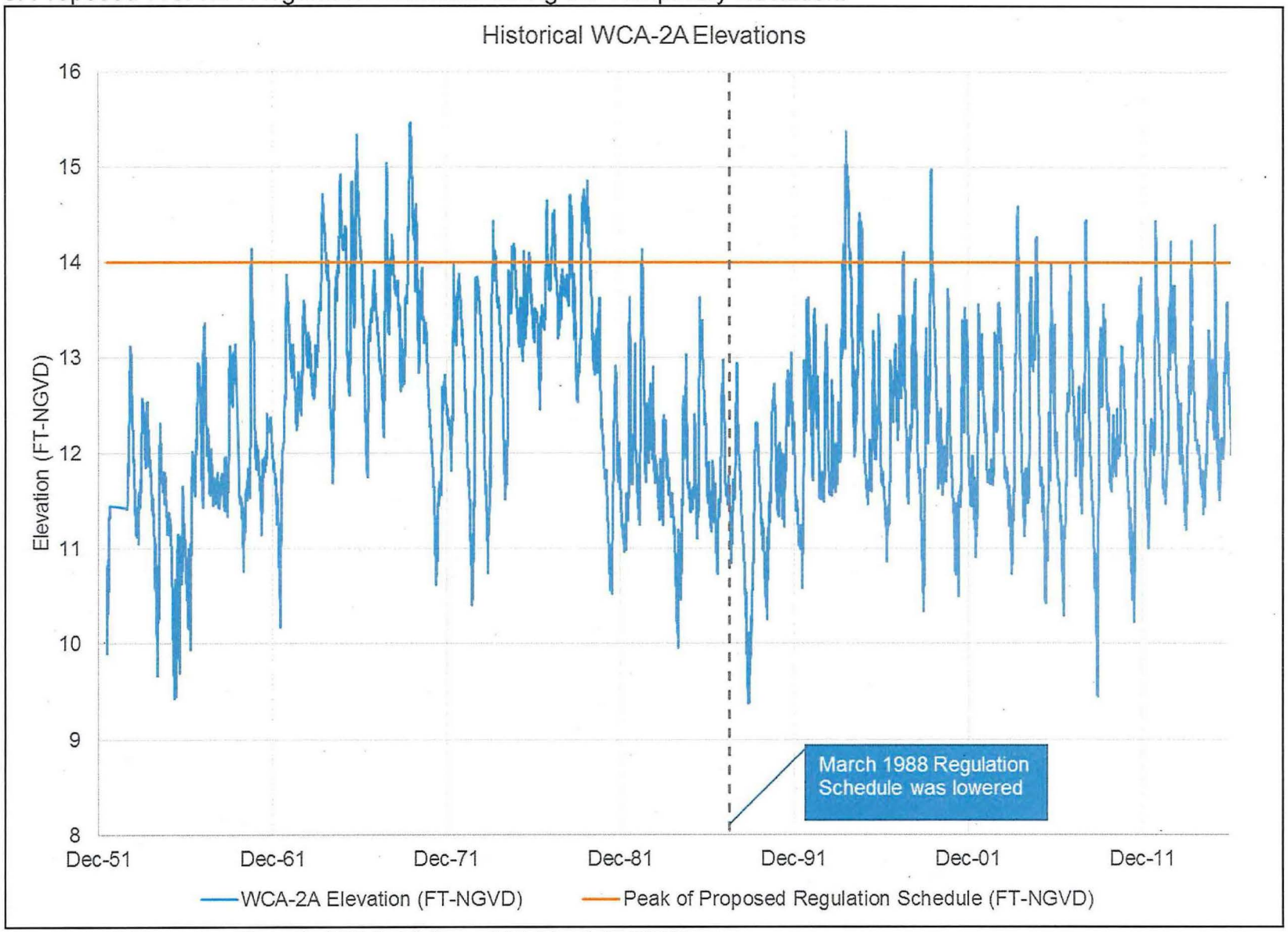

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701 SAN MARCO BOULEVARD
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REPLY TO
ATTENTION OF

Planning and Policy Division
Environmental Branch

JUN 19 2018

Tim Parsons, Ph.D.
Division of Historical Resources
State Historic Preservation Officer
500 South Bronough Street
Tallahassee, Florida 32399-0250

Re: June 2018 Temporary Deviation from the 1988 Regulation Schedule for Water Conservation Area (WCA) 2A

Dear Dr. Parsons:

The U.S. Army Corps of Engineers, Jacksonville District (Corps) is preparing an Environmental Assessment associated with a planned temporary deviation from the 1988 Regulation Schedule for Water Conservation Area (WCA) 2A. A series of mid-May rainfall events have caused have caused conditions to change rapidly from very dry conditions to very wet in south Florida (Figure 1). This record area-wide rainfall has caused water levels in the three WCAs to rise above their maximum regulation schedules and the maximum exceedance elevations per the Water Control Plan. These high water levels in the WCAs at the beginning of the wet season threaten wildlife, tree islands, and levee safety, particularly in WCA 3A. If the rate of the rise of water is not mitigated to limit the prolonged duration of high water conditions, there is the potential for these high water levels to pose significant environmental risks due to reduced flood storage as the wet season and hurricane season continue.

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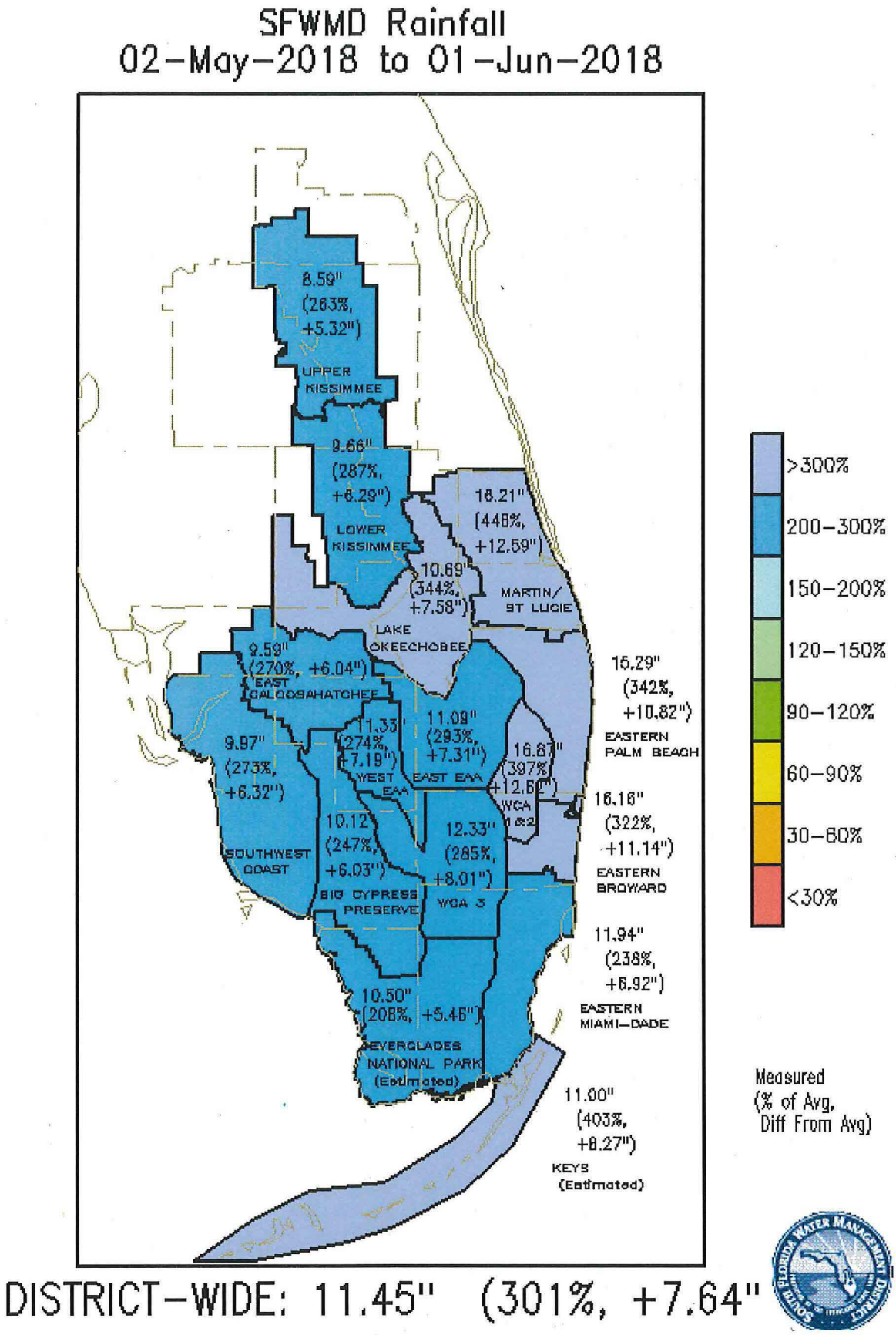
Gina Paduano Ralph, Ph.D.
Environmental Branch Chief, Planning Division

Enclosure



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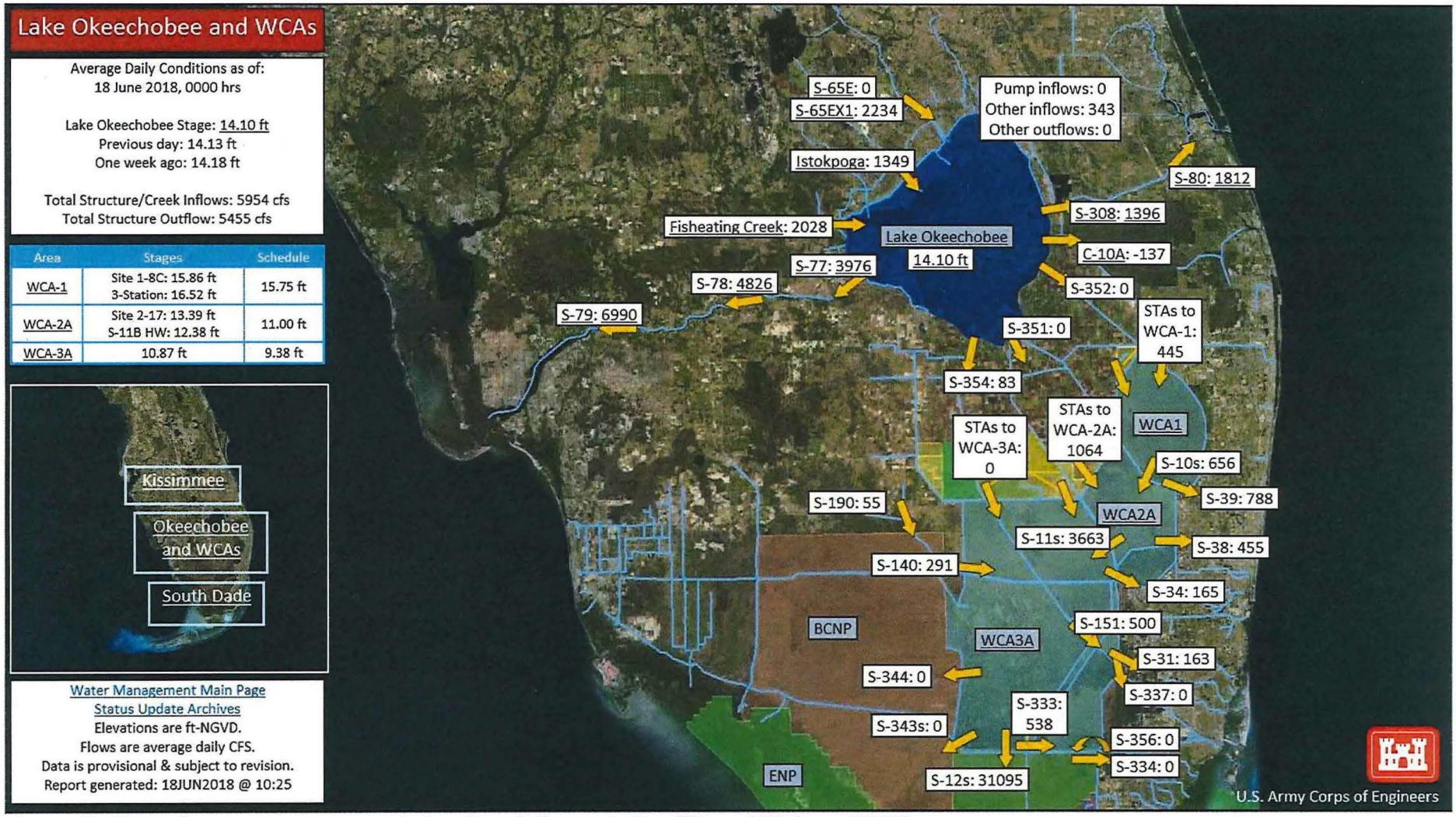

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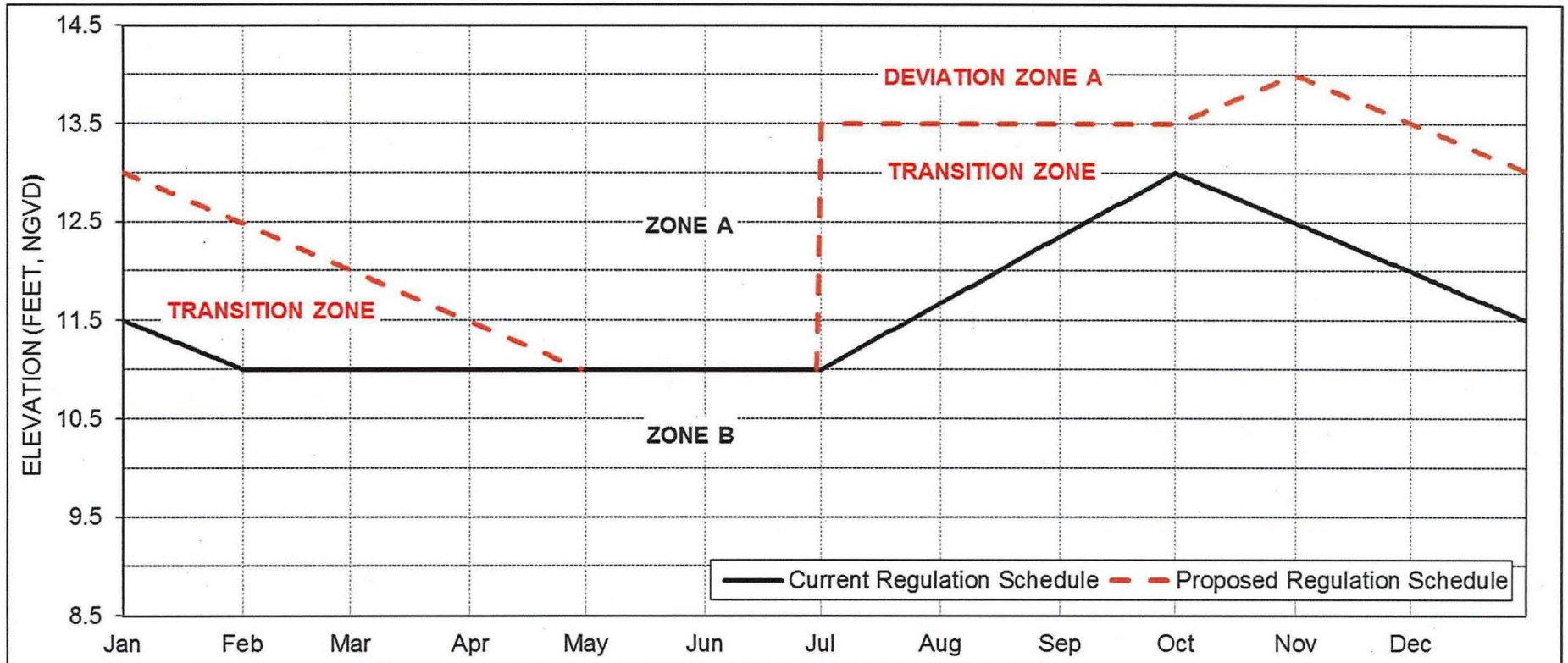

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CENTRAL AND SOUTHERN FLORIDA PROJECT
WATER CONSERVATION AREA

REGULATION SCHEDULE
WCA 2A

US ARMY ENGINEER DISTRICT
JACKSONVILLE, FLORIDA

AUGUST 2017 - APRIL 2018 DEVIATION

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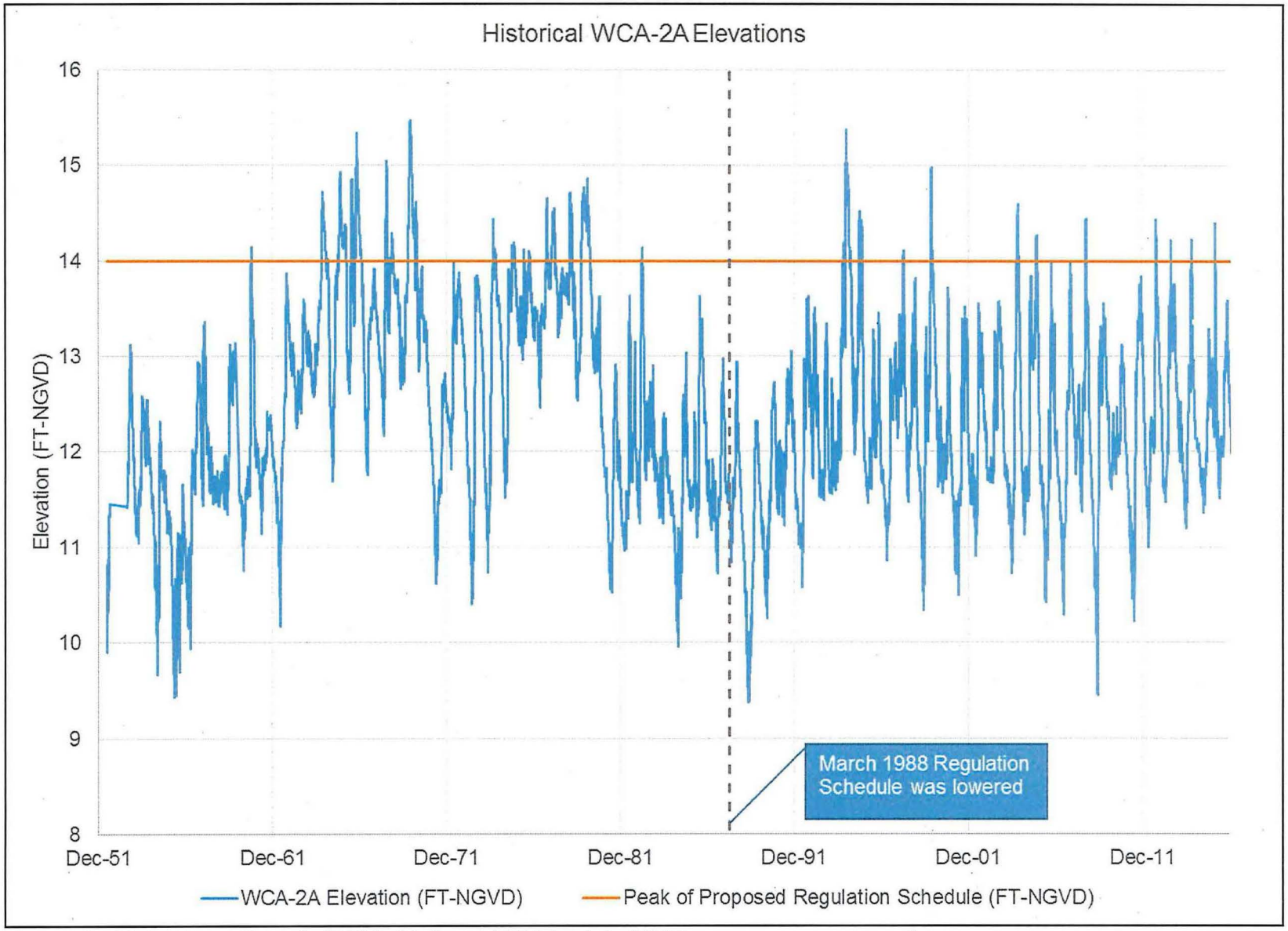

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JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-0019

REPLY TO
ATTENTION OF

Planning and Policy Division
Environmental Branch

JUN 19 2018

Mr. Theodore Isham
Historic Preservation Officer
Seminole Nation of Oklahoma
PO Box 1498
Wewoka, Ok 74884

Re: June 2018 Temporary Deviation from the 1988 Regulation Schedule for Water Conservation Area (WCA) 2A

Dear Mr. Isham:

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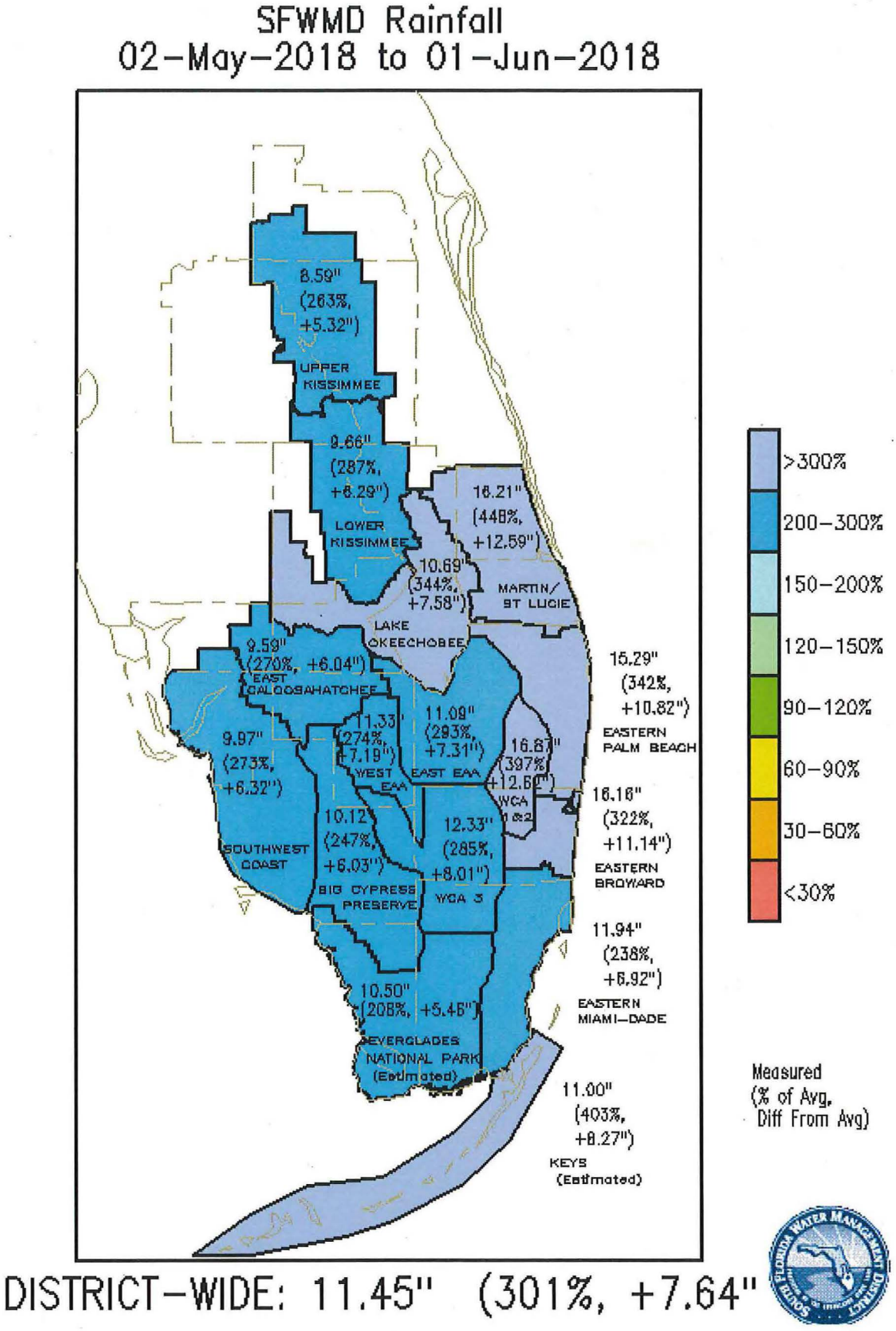

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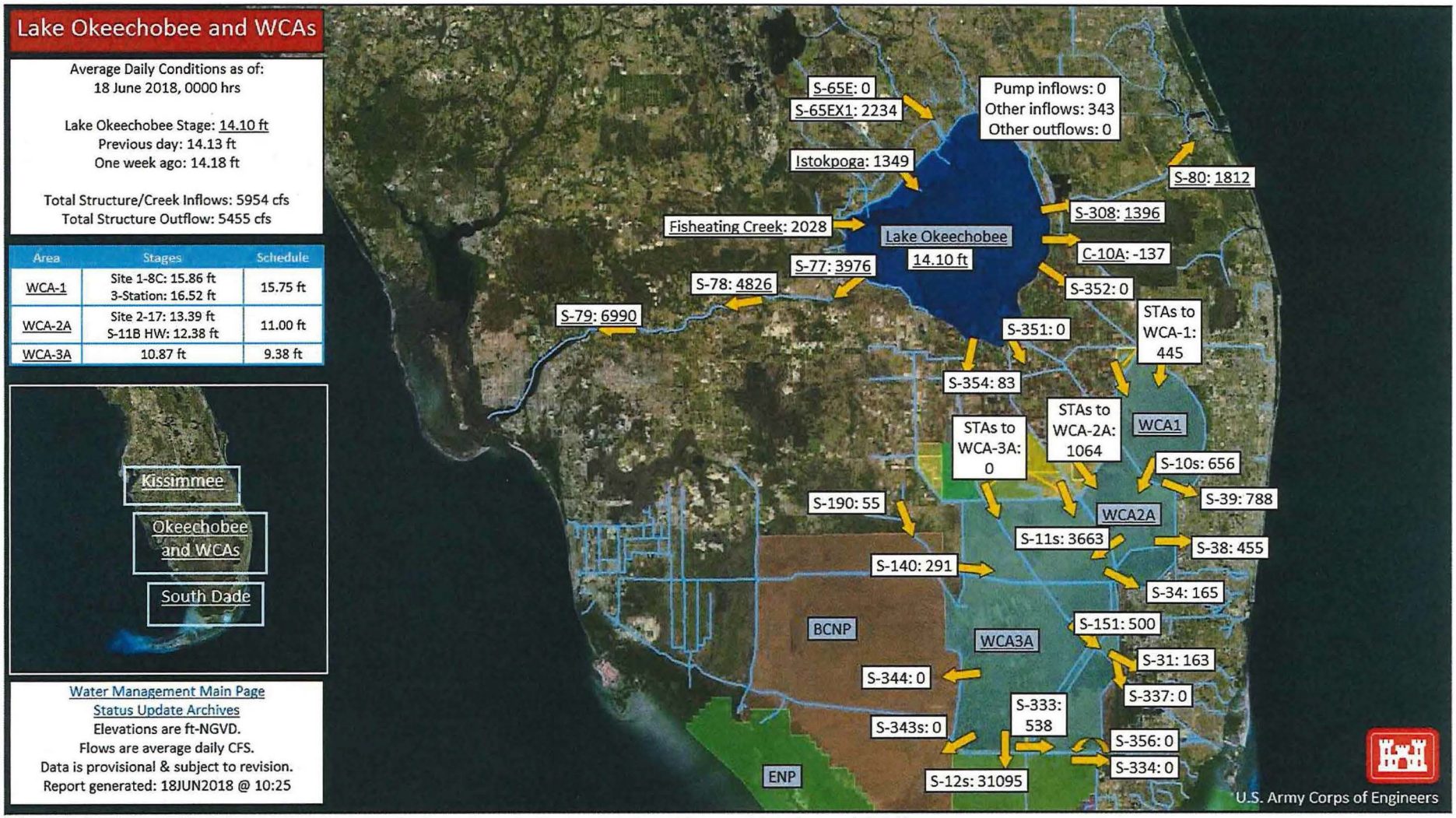

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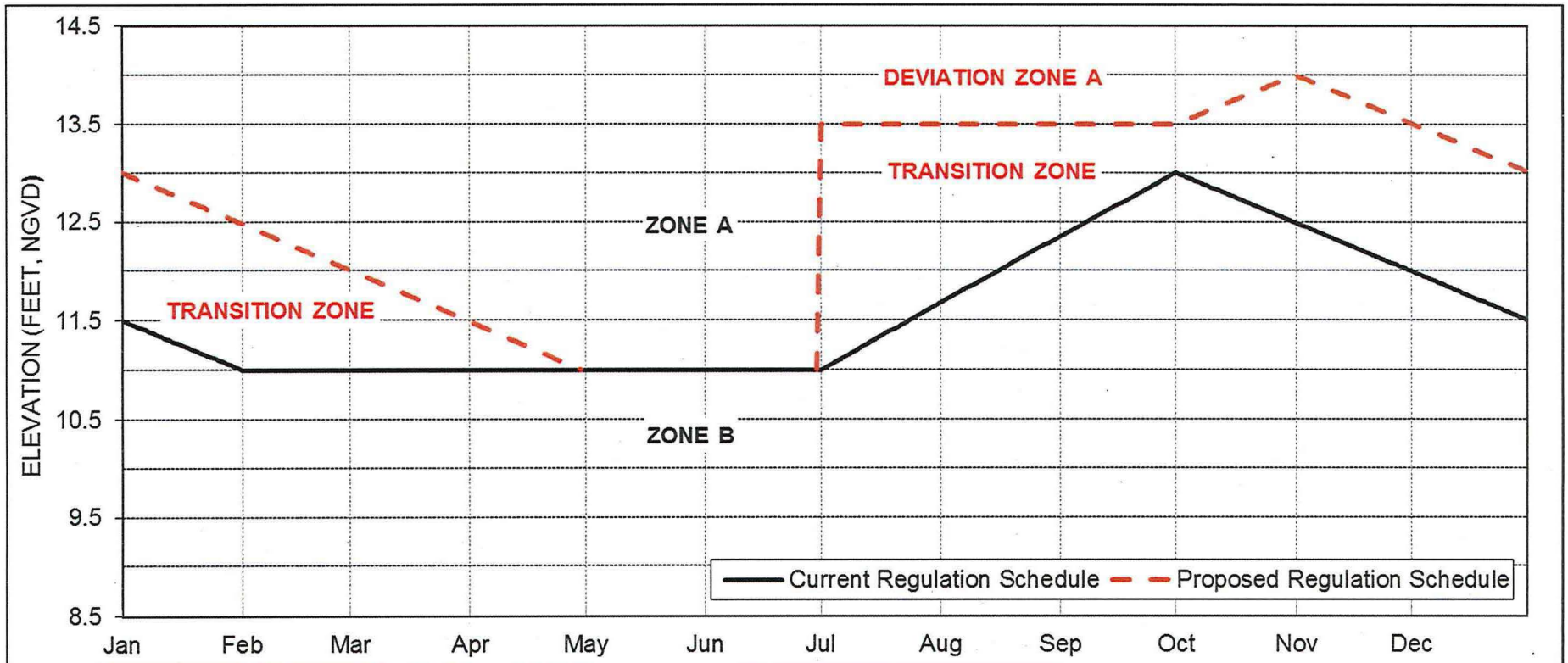

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JACKSONVILLE, FLORIDA

AUGUST 2017 - APRIL 2018 DEVIATION

Figure 3. Proposed WCA-2A Regulation Schedule during the Temporary Deviation.

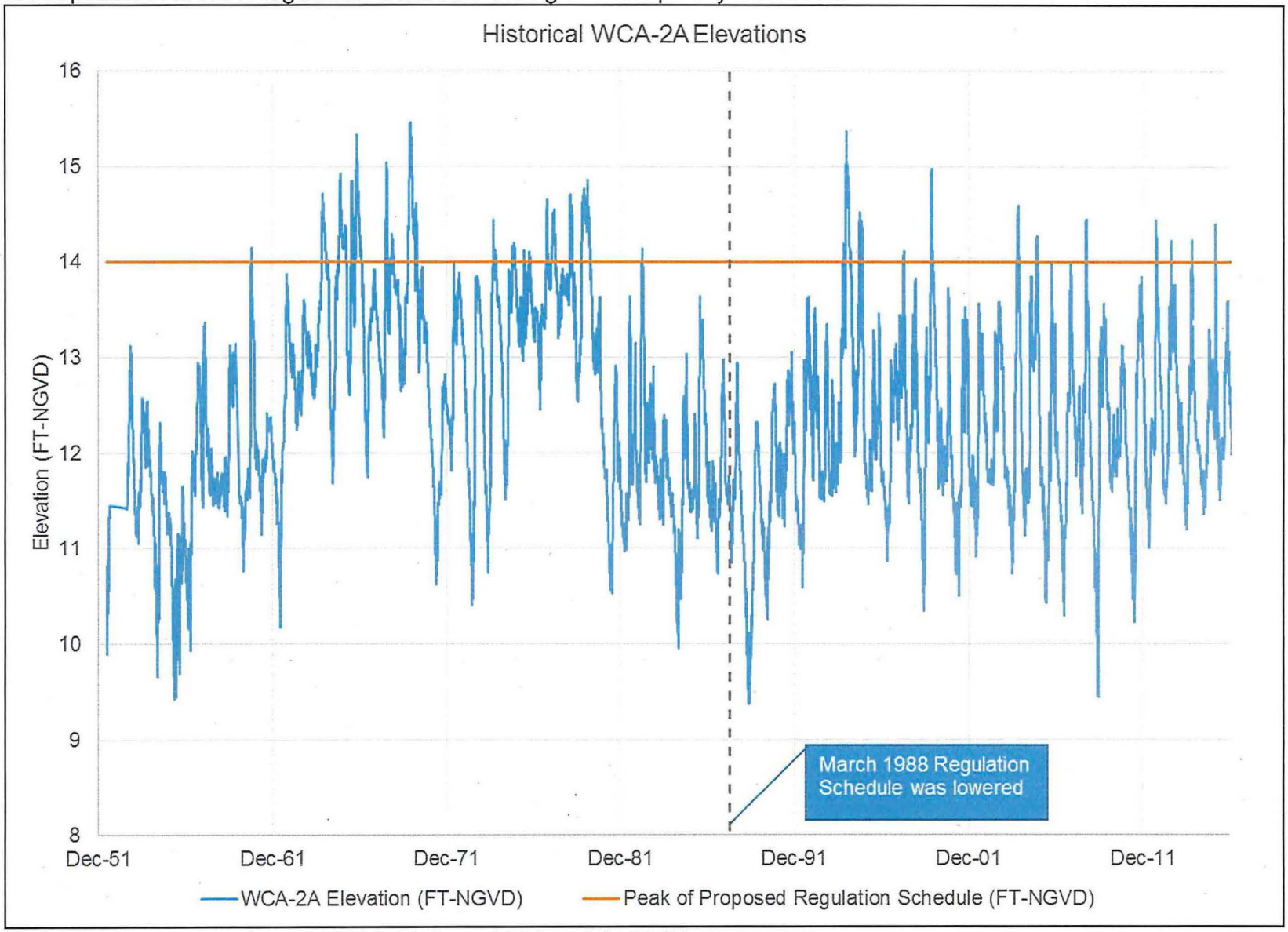


Figure 4. Water elevations in WCA 2A from 1951 to July 2017.

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-0019

REPLY TO
ATTENTION OF

Planning and Policy Division
Environmental Branch

JUN 19 2018

Mr. Terry Clouthier
Tribal Historic Preservation Officer
Thlopthlocco Tribal Town
PO Box 188
Okemah, Ok 74859

Re: June 2018 Temporary Deviation from the 1988 Regulation Schedule for Water Conservation Area (WCA) 2A

Dear Mr. Clouthier:

The U.S. Army Corps of Engineers, Jacksonville District (Corps) is preparing an Environmental Assessment associated with a planned temporary deviation from the 1988 Regulation Schedule for Water Conservation Area (WCA) 2A. A series of mid-May rainfall events have caused have caused conditions to change rapidly from very dry conditions to very wet in south Florida (Figure 1). This record area-wide rainfall has caused water levels in the three WCAs to rise above their maximum regulation schedules and the maximum exceedance elevations per the Water Control Plan. These high water levels in the WCAs at the beginning of the wet season threaten wildlife, tree islands, and levee safety, particularly in WCA 3A. If the rate of the rise of water is not mitigated to limit the prolonged duration of high water conditions, there is the potential for these high water levels to pose significant environmental risks due to reduced flood storage as the wet season and hurricane season continue.

The purpose of this deviation is to provide high water relief for WCA 3A by raising the regulation schedule of WCA 2A to accommodate additional storage therefore reducing inflows into WCA 3A through the S-11 structures (Figure 2). The Corps, in coordination with the South Florida Water Management District, is proposing to temporarily increase the regulation schedule in WCA 2A, not to exceed a peak height of 14 feet NGVD (Figure 3). WCA 2A has sufficient capacity to hold more than the current regulation schedule (the regulation schedule prior to 1988 allowed for these higher water levels) and the Corps is proposing to utilize this capacity to help alleviate conditions in WCA 3A. The Corps is also maximizing flows out of WCA 3A and coordinating with the U.S. Fish and Wildlife Service on options to open structures prior to the July 15, 2016 Everglades Restoration Transition Plan Biological Opinion closure dates for the S-343A, S-343B, S-344, S-12A and S-12B structures. These actions, if implemented, will further help to reduce the stage in WCA 3A and relive potential flooding in the Miccosukee Tribe of Indians of Florida's Reserved Area.

This deviation would remain in effect until WCA 3A falls below Zone A of the Water Control Plan, at which point a recovery period would be initiated to reduce the WCA 2A stage to the pre-deviation regulation schedule (normal operations). The deviation, including the recovery period, shall not extend past 30 April 2019. All other structure release guidance will remain unchanged (i.e. releases of water to tide). The proposed action is expected to increase water stages within WCA 2A temporarily; however, water elevations will not exceed those historically experienced as a result of the previous water control plan (1951-1988) and current rainfall events under the existing regulation schedule (Figure 4). Additionally, this temporary deviation is consistent with the WCA 2A temporary deviation conducted last year (July 2017) and coordinated with the Florida State Historic Preservation Officer, the Miccosukee Tribe of Indians of Florida, and the Seminole Tribe of Florida in letters dated July 27, 2017. Although no previously identified cultural resources exist within WCA 2A, should unidentified historic properties be located within the area of potential effects, these properties would experience similar water levels to those proposed approximately once a year. Pursuant to these water control operational deviations, the Corps is currently contracting an archaeological reconnaissance survey and a limited Phase I cultural resources assessment including a literature search and background review, field surveys, and associated reporting of WCA 1 and WCA 2. The Corps expects this contract to be awarded in July 2018 and the results of this investigation will be coordinated with your office.

Due to temporary nature and short duration of the project, and based on the recurrent condition of water levels that cultural resources have been exposed to since the late 1950's, the Corps has determined that the proposed temporary deviation will have no adverse effects on historic properties listed or eligible for listing in the National Register of Historic Places. Pursuant to the National Environmental Policy Act and Section 106 of the National Historic Preservation Act (16 USC 470) and it's implementing regulations (36 CFR 800), and in consideration of the Corps' Trust Responsibilities to the Thlopthlocco Tribal Town, the Corps kindly requests your comments on the determination of no adverse effect within 30 days from receipt of this letter. If there are any questions or comments, please contact Ms. Meredith Moreno at (904) 232-1577 or by e-mail at Meredith.A.Moreno@usace.army.mil.

Sincerely,

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

Enclosures

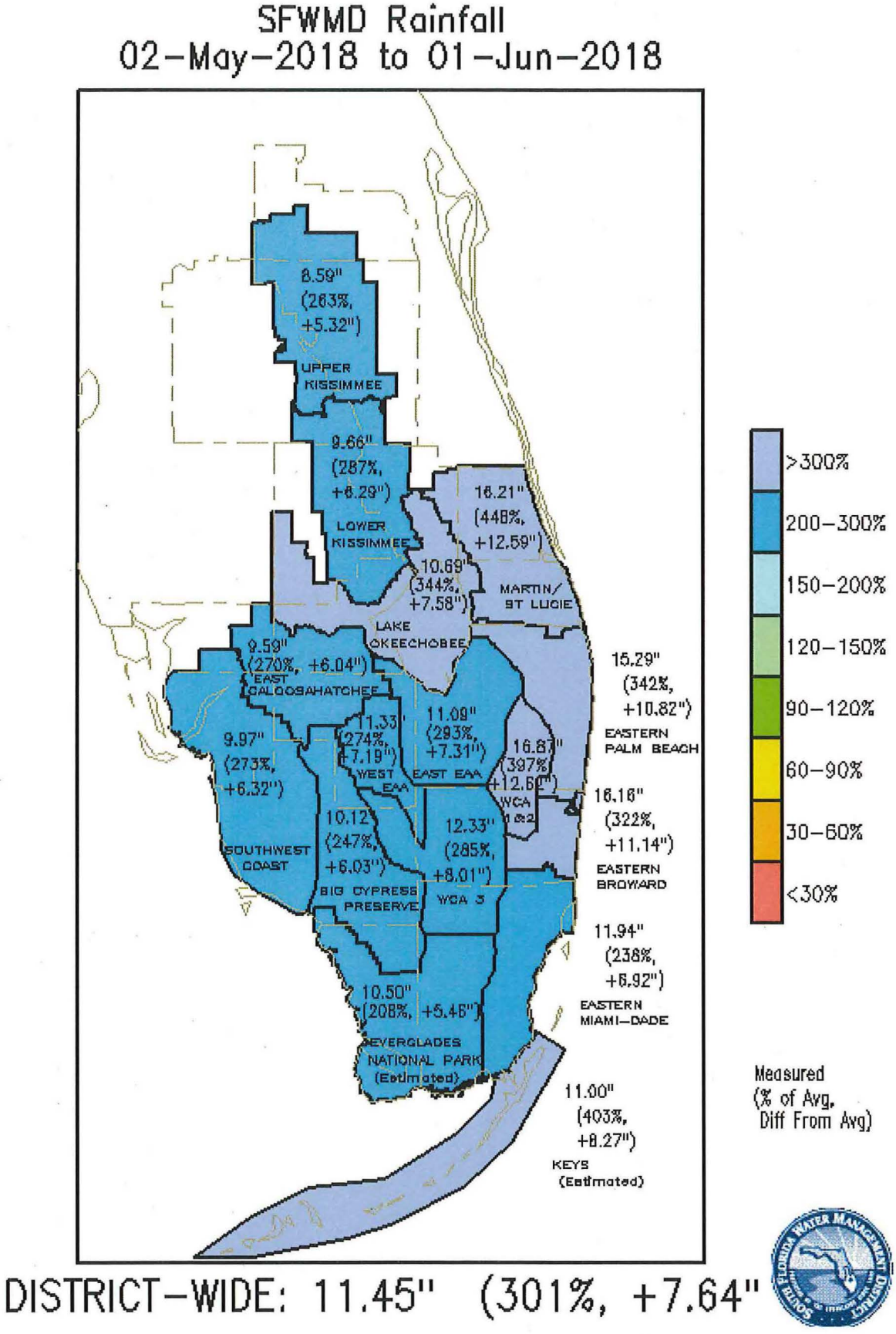


Figure 1. South Florida Water Management District Rainfall Map (02 May 2018 to 01 June 2018).

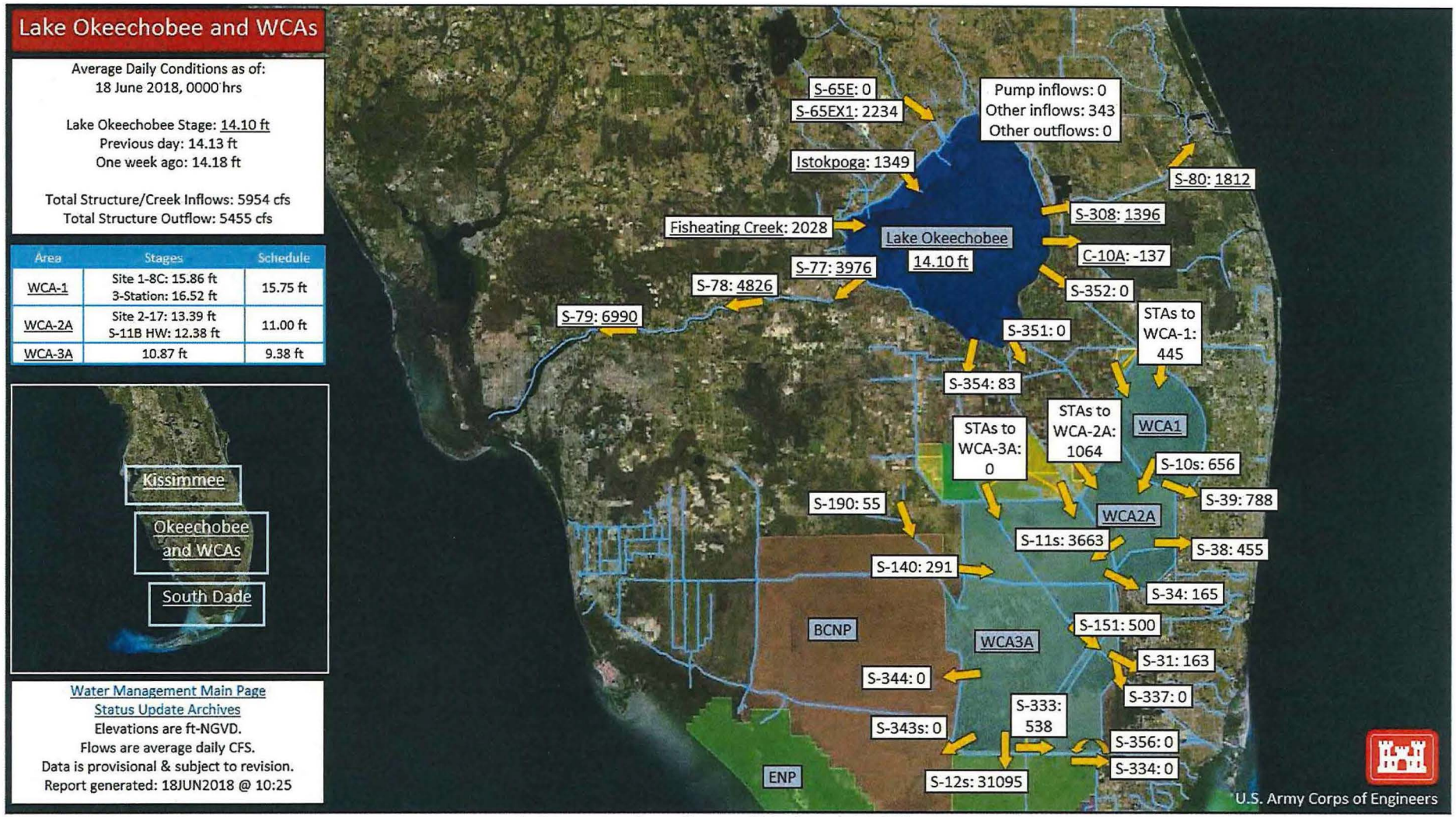
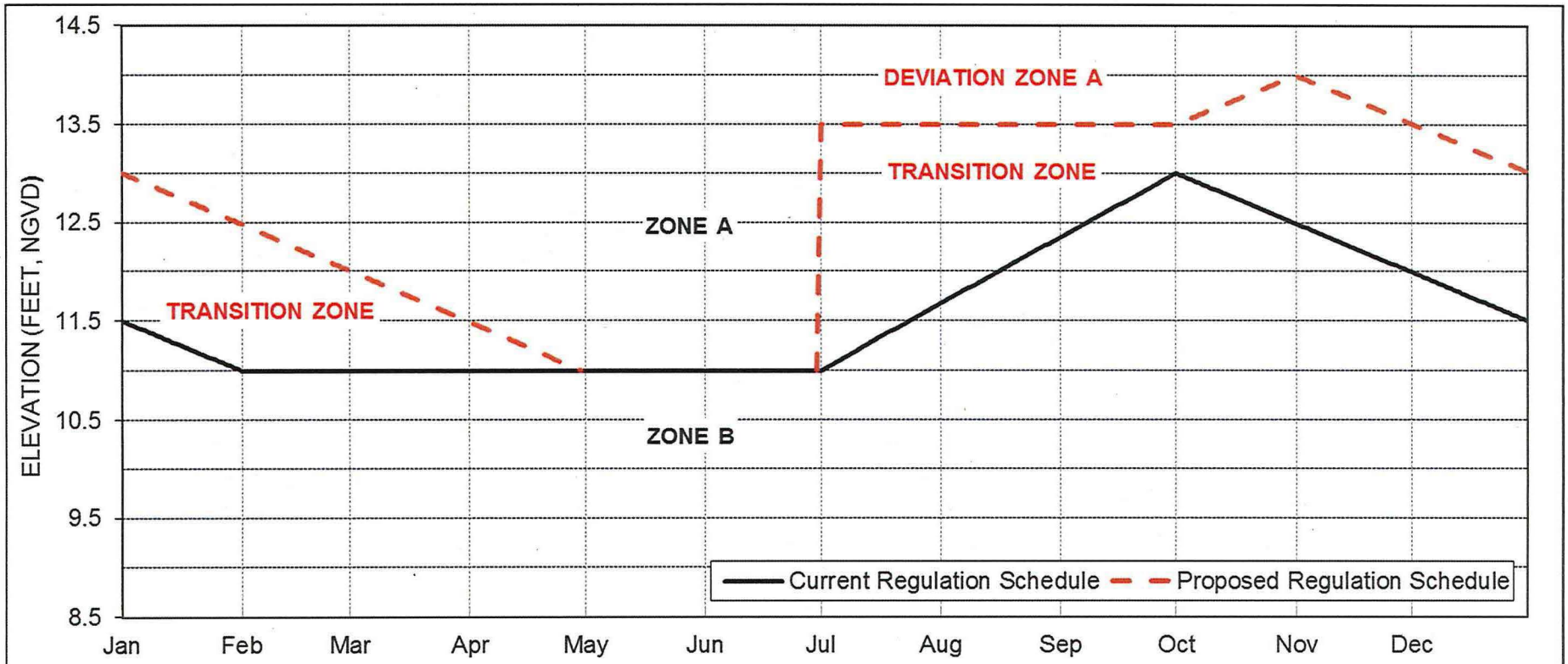


Figure 2. Map of water management structure inflows and outflows (18 June 2018).



ZONE	RELEASES THROUGH OUTLETS AS INDICATED
A	UP TO MAXIMUM CAPACITY AT S-11; MAXIMUM CAPACITY AT S-144, 145, & 146; MAXIMUM PRACTICABLE AT S-143 & S-38 WHEN REQUESTED BY THE CORPS OF ENGINEERS BUT NOT TO EXCEED 11.0 FT., NGVD. IN POOL 2B. L-35B & L-38 BORROW CANALS SHOULD NOT BE DRAWN DOWN BELOW 10.5 FT., NGVD.
B	WATER SUPPLY. L-35B & L-38 BORROW CANAL SHOULD NOT BE DRAWN DOWN BELOW 10.5 FT., NGVD. UNLESS WATER IS SUPPLIED FROM ANOTHER SOURCE.

INDICATOR GAGES FOR REGULATION WILL BE AS FOLLOWS:

DATE	USE GAGE	CONDITIONS
1 JAN - 31 JAN	2-17	IF 2-17 STAGE RECEDES TO 11.5 FEET, NGVD SWITCH TO S-118 HEADWATER GAGE.
1 FEB - 30 JUN	S-118	ALL
1 JUL - 31 DEC	2-17	ALL

CENTRAL AND SOUTHERN FLORIDA PROJECT
WATER CONSERVATION AREA

REGULATION SCHEDULE
WCA 2A

US ARMY ENGINEER DISTRICT
JACKSONVILLE, FLORIDA

AUGUST 2017 - APRIL 2018 DEVIATION

Figure 3. Proposed WCA-2A Regulation Schedule during the Temporary Deviation.

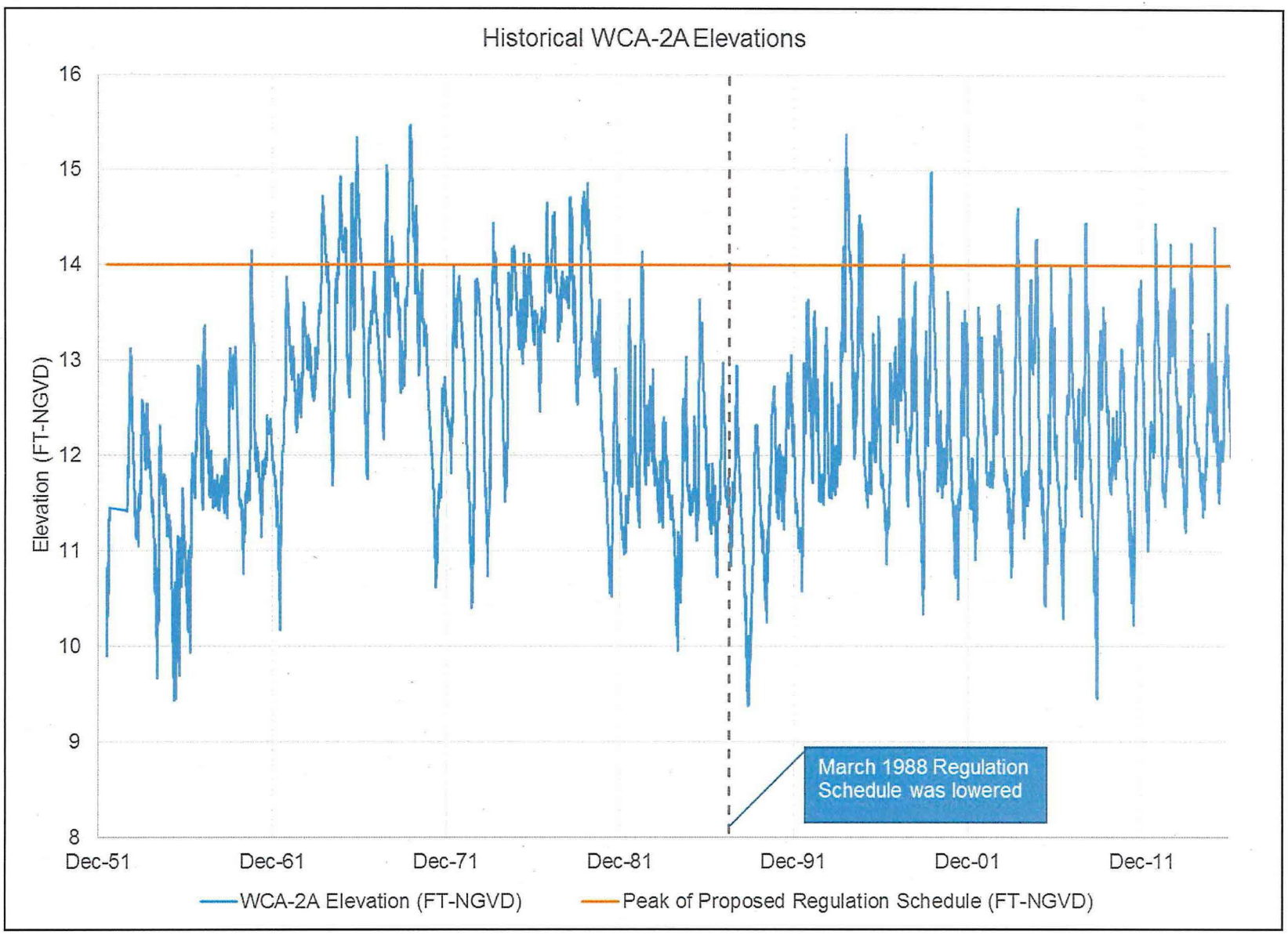


Figure 4. Water elevations in WCA 2A from 1951 to July 2017.

From: Theodore Isham
To: Moreno, Meredith A CIV USARMY CESAJ (US)
Subject: [Non-DoD Source] SNO Response to RE: Temporary Deviation WCA 2
Date: Tuesday, June 19, 2018 12:16:10 PM

This Opinion is being provided by Seminole Nation of Oklahoma's Cultural Advisor, pursuant to authority vested by the Seminole Nation of Oklahoma General Council. The Seminole Nation of Oklahoma is an independently Federally-Recognized Indian Nation headquartered in Wewoka, OK.

In keeping with the National Environmental Policy Act (NEPA)d, and Section 106 of the National Historic Preservation Act (NHPA), 36 CFR Part 800, this letter is to acknowledge that the Seminole Nation of Oklahoma has received notice of the proposed project at the above mentioned location.

The Seminole Nation of Oklahoma concurs with the recommendation of 'no adverse effect'. Therefore, we have no other comment on the project as proposed.

We do request that if cultural or archeological resource materials are encountered that all activity cease and the Seminole Nation of Oklahoma and other appropriate agencies be contacted immediately.

Furthermore, due to the historic presence of our people in the project area, inadvertent discoveries of human remains and related NAGPRA items may occur, even in areas of existing or prior development. Should this occur we request all work cease and the Seminole Nation of Oklahoma and other appropriate agencies be immediately notified.

Theodore Isham
Seminole Nation of Oklahoma
Historic Preservation Officer
PO Box 1498
Seminole, Ok 74868
Phone: 405-234-5218
Cell: 918-304-9443
e-mail: isham.t@sno-nsn.gov

-----Original Message-----
From: Moreno, Meredith A CIV USARMY CESAJ (US) [mailto:Meredith.A.Moreno@usace.army.mil]
Sent: Tuesday, June 19, 2018 10:33 AM
To: Theodore Isham
Cc: Moreno, Meredith A CIV USARMY CESAJ (US)
Subject: Temporary Deviation WCA 2

Mr. Isham,

Due to high stages in WCA 3A, the Corps is preparing an Environmental Assessment associated with a temporary deviation from the 1988 Regulation Schedule for Water Conservation Area 2A. Attached is a letter with a determination of effects regarding cultural resources in WCA 2A. The deviation is exactly the same as last year and supported by the Miccosukee Tribe of Indians of Florida to alleviate potential flooding. Please do not hesitate to call or email with any questions or concerns.

Kind regards,

Meredith A. Moreno, M.A., RPA
Lead Archaeologist

Planning Division, Environmental Branch
Jacksonville District, US Army Corps of Engineers
Office: 904-232-1577
Mobile: 904-861-9967

CONVERSATION RECORD	TIME 10:00 am	DATE 6/19/2018

TYPE

☐ VISIT ☐ CONFERENCE ☒ TELEPHONE

☐ INCOMING
☒ OUTGOING

Location of Visit / Conference:

ROUTING	
NAME/SYMBOL	INT

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU	ORGANIZATION (Office, dept., bureau,	TELEPHONE NO.
Fred Dayhoff	Miccosukee Tribe	(239) 695-4360

SUBJECT

Consultation for WCA 2 and 3 deviation

SUMMARY

Phone call with Mr. Dayhoff to inform the Miccosukee Tribe of Indians of Florida on the Corps' upcoming EA for a deviation of WCA 2 and 3. The Corps is proposing to hold stages in WCA 2 higher and coordinate the early opening of the S12 structures to alleviate flooding in WCA 3. Mr. Dayhoff indicated that the Miccosukee Tribe supports the opening of the S12 structures and would prefer the S12 structures to be open year-round.

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION	SIGNATURE	DATE
Meredith Moreno		

ACTION TAKEN

SIGNATURE	TITLE	DATE
	Lead Archaeologist	5/14/2018

This form was electronically produced by Elite and modified by USDA/ARS/ITD using Informs Software.

From: Bradley Mueller
To: Moreno, Meredith A CIV USARMY CESAJ (US)
Subject: [Non-DoD Source] RE: Temporary Deviation for WCA 2A
Date: Wednesday, June 20, 2018 8:25:44 AM
Attachments: image002.png

SEMINOLE TRIBE OF FLORIDA
TRIBAL HISTORIC PRESERVATION OFFICE
AH-TAH-THI-KI MUSEUM

TRIBAL HISTORIC PRESERVATION OFFICE

SEMINOLE TRIBE OF FLORIDA
AH-TAH-THI-KI MUSEUM

30290 JOSIE BILLIE HIGHWAY
PMB 1004
CLEWISTON, FL 33440

THPO PHONE: (863) 983-6549
MUSEUM PHONE: (863) 902-1113
FAX: (863) 902-1117

THPO WEBSITE: WWW.STOFTHPO.COM
MUSEUM WEBSITE: WWW.AHTAHTHIKI.COM

TRIBAL OFFICERS

MARCELLUS W. OSCEOLA JR.
CHAIRMAN

MITCHELL CYPRESS
VICE CHAIRMAN

LAVONNE ROSE
SECRETARY

PETER A. HAHN
TREASURER

June 20, 2018

Subject: USACE P&P - WCA 2A Temporary Deviation 6/19/2018
THPO Compliance Tracking Number: 0030953

Good Morning Meredith,

Thank you for contacting the Seminole Tribe of Florida – Tribal Historic Preservation Office (STOF-THPO) regarding the WCA 2A Temporary Deviation. I was out of the office Monday and Tuesday of this week which is why you couldn't reach me. The proposed undertaking does fall within the STOF Area of Interest. We have no objections to the deviation at this time. Please notify us if anything changes.

Respectfully,

Bradley M. Mueller

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
Fax: 863-902-1117
Email: bradleymueller@semtribe.com
Web: Blockedwww.stofthpo.com

-----Original Message-----
From: Moreno, Meredith A CIV USARMY CESAJ (US) [mailto:Meredith.A.Moreno@usace.army.mil]
Sent: Tuesday, June 19, 2018 11:28 AM

To: Bradley Mueller
Cc: THPO Compliance; Moreno, Meredith A CIV USARMY CESAJ (US)
Subject: Temporary Deviation for WCA 2A

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Brad,

I tried calling you yesterday and today about the attached. Due to high stages in WCA 3A, the Corps is preparing an Environmental Assessment associated with a temporary deviation from the 1988 Regulation Schedule for Water Conservation Area 2A. Attached is a letter with a determination of effects regarding cultural resources in WCA 2A. The deviation is exactly the same as last year. Please do not hesitate to call or email with any questions or concerns.

Kind regards,

Meredith A. Moreno, M.A., RPA
Lead Archaeologist
Planning Division, Environmental Branch
Jacksonville District, US Army Corps of Engineers
Office: 904-232-1577
Mobile: 904-861-9967

From:	Higgins, Jamie
To:	Ralph, Gina P CIV USARMY CESAJ (US)
Cc:	Higgins, Jamie; Militscher, Chris; Mancusi-Ungaro, Philip; Harper, Cecelia
Subject:	[Non-DoD Source] RE: U.S. Army Corps of Engineers 2018 Planned Temporary Deviation
Date:	Wednesday, June 20, 2018 2:26:45 PM

Hi Gina,
The EPA has no comments on the action described in your email at this time. Please forward us the link to the EA once it is released for public comment.
Thanks,
Jamie

Jamie Higgins
National Environmental Policy Act (NEPA) Program Office
Resource Conservation Restoration Division
Region 4, Environmental Protection Agency
61 Forsyth Street, NW
Atlanta, GA 30303
404-562-9681

-----Original Message-----
From: Ralph, Gina P CIV USARMY CESAJ (US) [mailto:Gina.P.Ralph@usace.army.mil]
Sent: Tuesday, June 19, 2018 5:59 PM
To: Higgins, Jamie <Higgins.Jamie@epa.gov>; Harper, Cecelia <Harper.Cecelia@epa.gov>
Cc: Summa, Eric P CIV USARMY CESAJ (US) <Eric.P.Summa@usace.army.mil>; Tyson, Sharon L CIV USARMY CESAJ (US) <Sharon.L.Tyson@usace.army.mil>; LoSchiavo, Andrew J CIV USARMY CESAJ (US) <Andrew.J.Loschiavo@usace.army.mil>; Nasuti, Melissa A CIV USARMY CESAJ (US) <Melissa.A.Nasuti@usace.army.mil>; Alejandro, Luis Alberto CIV USARMY CESAJ (US) <Luis.A.Alejandro@usace.army.mil>; Do, Lan V CIV USARMY CESAJ (US) <Lan.V.Do@usace.army.mil>; Riley, James M (jim) CIV USARMY CESAJ (US) <James.M.Riley@usace.army.mil>
Subject: U.S. Army Corps of Engineers 2018 Planned Temporary Deviation
Importance: High

Good Evening,

The U.S. Army Corps of Engineers, Jacksonville District (Corps) is preparing an Environmental Assessment associated with a planned temporary deviation from the 1988 Regulation Schedule for Water Conservation Area (WCA) 2A. A series of mid-May rainfall events have caused conditions to change rapidly from very dry conditions to very wet in south Florida. This record area-wide rainfall has caused water levels in the three WCAs to rise above their maximum regulation schedules and the maximum exceedance elevations per the 2012 Water Control Plan. These high water levels in the WCAs at the beginning of the wet season threaten wildlife, tree islands, and levee safety, particularly in WCA 3A. If the rate of the rise of water is not mitigated to limit the prolonged duration of high water conditions, there is the potential for these high water levels to pose significant environmental risks due to reduced flood storage as the wet season and hurricane season continue.

The purpose of this deviation is to provide high water relief for WCA 3A by raising the regulation schedule of WCA 2A to accommodate additional storage, therefore, reducing inflows into WCA 3A through the S-11 structures. The Corps, in coordination with the South Florida Water Management District, is proposing to temporarily increase the regulation schedule in WCA 2A, not to exceed a peak height of 14 feet National Geodetic Vertical Datum of 1929. WCA 2A has sufficient capacity to hold more than the current regulation schedule (the regulation schedule prior to 1988 allowed for these higher water levels) and the Corps is proposing to utilize this capacity to help alleviate conditions in WCA 3A. The Corps is also maximizing flows out of WCA 3A and coordinating with the U.S. Fish and Wildlife Service on options to open structures prior to the July 15, 2016 Everglades Restoration Transition Plan

Biological Opinion closure dates for the S-343A, S-343B, S-344, S-12A and S-12B structures. These actions, if implemented, will further help to reduce the stage in WCA 3A.

This deviation would remain in effect until WCA 3A falls below Zone A of the WCA 3A Regulation Schedule, at which point a recovery period would be initiated to reduce the WCA 2A stage to the pre-deviation regulation schedule (normal operations). The deviation, including the recovery period, shall not extend past April 30, 2019. All other structure release guidance will remain unchanged (i.e. releases of water to tide). The proposed action is expected to increase water stages within WCA 2A temporarily; however, water elevations will not exceed those historically experienced as a result of the previous water control plan (1951- 1988) and current rainfall events under the existing regulation schedule.

The Corps has completed an Environmental Assessment (EA) and Proposed Finding of No Significant Impact (FONSI) that will accompany our deviation request to the Corps' South Atlantic Division (SAD) for approval. Once SAD approves, Jacksonville District plans to sign the FONSI and post for public notification and comment for a period of 15 days. Due to the nature and immediate need for this deviation, we are not able to solicit public comment prior to signature. The Corps will determine the need for a supplemental EA once we have received public comment and the temporary deviation has expired. The Corps has determined that this action is consistent to the maximum extent practicable with Florida's Coastal Management Program.

Please feel free to give me a call with any questions or if you would like to set up a meeting to further discuss.

Cheers,
Gina

Gina Paduano Ralph, Ph.D.
Chief, Environmental Branch
Planning Division
US Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019
(904) 232-2336
Gina.P.Ralph@usace.army.mil

From:	Stahl, Chris
To:	Ralph, Gina P CIV USARMY CESAJ (US)
Cc:	Summa, Eric P CIV USARMY CESAJ (US); Tyson, Sharon L CIV USARMY CESAJ (US); LoSchiavo, Andrew J CIV USARMY CESAJ (US); Nasuti, Melissa A CIV USARMY CESAJ (US); Alejandro, Luis Alberto CIV USARMY CESAJ (US); Do, Lan V CIV USARMY CESAJ (US); Riley, James M (jim) CIV USARMY CESAJ (US); Powell, Frank; Barfield, Natalie; Trisha Stone; "FWC Conservation Planning Services"; "relliott@sfwmd.gov"
Subject:	[Non-DoD Source] RE: U.S. Army Corps of Engineers 2018 Planned Temporary Deviation
Date:	Wednesday, June 20, 2018 9:12:17 AM

June 20, 2017

Gina,

I agree with your determination that the Environmental Assessment and proposed FONSI for your deviation request is consistent to the maximum extent practicable with Florida's Coastal Management Program. You are clear to proceed as needed.

Sincerely,

Chris Stahl

Chris Stahl, Coordinator
Florida State Clearinghouse
Florida Department of Environmental Protection
2600 Blair Stone Road, M.S. 47
Tallahassee, FL 32399-2400
ph. (850) 717-9076
State.Clearinghouse@dep.state.fl.us

-----Original Message-----
From: Ralph, Gina P CIV USARMY CESAJ (US) [mailto:Gina.P.Ralph@usace.army.mil]
Sent: Tuesday, June 19, 2018 6:00 PM
To: Stahl, Chris <Chris.Stahl@dep.state.fl.us>
Cc: Summa, Eric P CIV USARMY CESAJ (US) <Eric.P.Summa@usace.army.mil>; Tyson, Sharon L CIV USARMY CESAJ (US) <Sharon.L.Tyson@usace.army.mil>; LoSchiavo, Andrew J CIV USARMY CESAJ (US) <Andrew.J.Loschiavo@usace.army.mil>; Nasuti, Melissa A CIV USARMY CESAJ (US) <Melissa.A.Nasuti@usace.army.mil>; Alejandro, Luis Alberto CIV USARMY CESAJ (US) <Luis.A.Alejandro@usace.army.mil>; Do, Lan V CIV USARMY CESAJ (US) <Lan.V.Do@usace.army.mil>; Riley, James M (jim) CIV USARMY CESAJ (US) <James.M.Riley@usace.army.mil>
Subject: U.S. Army Corps of Engineers 2018 Planned Temporary Deviation
Importance: High

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This deviation would remain in effect until WCA 3A falls below Zone A of the WCA 3A Regulation Schedule, at which point a recovery period would be initiated to reduce the WCA 2A stage to the pre-deviation regulation schedule (normal operations). The deviation, including the recovery period, shall not extend past April 30, 2019. All other structure release guidance will remain unchanged (i.e. releases of water to tide). The proposed action is expected to increase water stages within WCA 2A temporarily; however, water elevations will not exceed those historically experienced as a result of the previous water control plan (1951- 1988) and current rainfall events under the existing regulation schedule.

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Please feel free to give me a call with any questions or if you would like to set up a meeting to further discuss.

Cheers,
Gina

Gina Paduano Ralph, Ph.D.
Chief, Environmental Branch
Planning Division
US Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019
(904) 232-2336
Gina.P.Ralph@usace.army.mil

[Dep Customer Survey]<Blockedhttp://survey.dep.state.fl.us/?refemail=Chris.Stahl@dep.state.fl.us>

From:	Erskine, James
To:	Ralph, Gina P CIV USARMY CESAJ (US)
Cc:	Summa, Eric P CIV USARMY CESAJ (US); Tyson, Sharon L CIV USARMY CESAJ (US); LoSchiavo, Andrew J CIV USARMY CESAJ (US); Nasuti, Melissa A CIV USARMY CESAJ (US); Alejandro, Luis Alberto CIV USARMY CESAJ (US); Do, Lan V CIV USARMY CESAJ (US); Riley, James M (jim) CIV USARMY CESAJ (US)
Subject:	[Non-DoD Source] Re: U.S. Army Corps of Engineers 2018 Planned Temporary Deviation
Date:	Wednesday, June 20, 2018 8:43:13 AM

Gina,
Thank you for the timely information. I have shared the notice with our Executive Office and Commissioners.

Respectfully,
James

Sent from my iPhone

> On Jun 19, 2018, at 6:01 PM, Ralph, Gina P CIV USARMY CESAJ (US) <Gina.P.Ralph@usace.army.mil> wrote:
>
> Good Evening,
>
> The U.S. Army Corps of Engineers, Jacksonville District (Corps) is preparing an Environmental Assessment associated with a planned temporary deviation from the 1988 Regulation Schedule for Water Conservation Area (WCA) 2A. A series of mid-May rainfall events have caused conditions to change rapidly from very dry conditions to very wet in south Florida. This record area-wide rainfall has caused water levels in the three WCAs to rise above their maximum regulation schedules and the maximum exceedance elevations per the 2012 Water Control Plan. These high water levels in the WCAs at the beginning of the wet season threaten wildlife, tree islands, and levee safety, particularly in WCA 3A. If the rate of the rise of water is not mitigated to limit the prolonged duration of high water conditions, there is the potential for these high water levels to pose significant environmental risks due to reduced flood storage as the wet season and hurricane season continue.
>
> The purpose of this deviation is to provide high water relief for WCA 3A by raising the regulation schedule of WCA 2A to accommodate additional storage, therefore, reducing inflows into WCA 3A through the S-11 structures. The Corps, in coordination with the South Florida Water Management District, is proposing to temporarily increase the regulation schedule in WCA 2A, not to exceed a peak height of 14 feet National Geodetic Vertical Datum of 1929. WCA 2A has sufficient capacity to hold more than the current regulation schedule (the regulation schedule prior to 1988 allowed for these higher water levels) and the Corps is proposing to utilize this capacity to help alleviate conditions in WCA 3A. The Corps is also maximizing flows out of WCA 3A and coordinating with the U.S. Fish and Wildlife Service on options to open structures prior to the July 15, 2016 Everglades Restoration Transition Plan Biological Opinion closure dates for the S-343A, S-343B, S-344, S-12A and S-12B structures. These actions, if implemented, will further help to reduce the stage in WCA 3A.
>
> This deviation would remain in effect until WCA 3A falls below Zone A of the WCA 3A Regulation Schedule, at which point a recovery period would be initiated to reduce the WCA 2A stage to the pre-deviation regulation schedule (normal operations). The deviation, including the recovery period, shall not extend past April 30, 2019. All other structure release guidance will remain unchanged (i.e. releases of water to tide). The proposed action is expected to increase water stages within WCA 2A temporarily; however, water elevations will not exceed those historically experienced as a result of the previous water control plan (1951- 1988) and current rainfall events under the existing regulation schedule.
>
> The Corps has completed an Environmental Assessment (EA) and Proposed Finding of No Significant Impact (FONSI) that will accompany our deviation request to the Corps' South Atlantic Division (SAD) for approval. Once SAD approves, Jacksonville District plans to sign the FONSI and post for public notification and comment for a period of 15 days. Due to the nature and immediate need for this deviation, we are not able to solicit public comment prior to signature. The Corps will determine the need for a supplemental EA once we have received

public comment and the temporary deviation has expired. The Corps has determined that this action is consistent to the maximum extent practicable with Florida's Coastal Management Program.
>
> Please feel free to give me a call with any questions or if you would like to set up a meeting to further discuss.
>
> Cheers,
> Gina
>
> Gina Paduano Ralph, Ph.D.
> Chief, Environmental Branch
> Planning Division
> US Army Corps of Engineers
> P.O. Box 4970
> Jacksonville, Florida 32232-0019
> (904) 232-2336
> Gina.P.Ralph@usace.army.mil
>
>
>

From: Linton,
Paul [mailto:plinton@sfwmd.gov] Sent:
Thursday, June 14, 2018 4:41 PM
To: DLL-CESAJ-OD-MW <DLL-CESAJ-OD-MW@usace.army.mil>; Do, Lan V CIV USARMY CESAJ (US)
<Lan.V.Do@usace.army.mil>
Cc: Water Managers <watermanagers@sfwmd.gov>; Mitnik, John <jmitnik@sfwmd.gov>
Subject: [Non-DoD Source] E-Mail Supporting 2018 WCA-32 Deviation

Lan,

Based on the current water levels and expected rain the SFWMD supports a one-year deviation to WCA-2A. To expedite the development and approval process the SFWMD recommend using the same line as used in 2017 extending the line (13.5 feet NGVD) that started in September to start when the deviation is approved or July first or whichever occurs first.

Paul

Paul Ferguson Linton, PE

Office Chief – Water Management

Office South Florida Water

Management District 561-682-2871

From:	Progulske, Donald
To:	Ralph, Gina P CIV USARMY CESAJ (US)
Cc:	Do, Lan V CIV USARMY CESAJ (US); miles meyer; Lori Miller; Kevin Palmer; Guy Schein; Tim Breen
Subject:	[Non-DoD Source] Potential Request for Temporary Deviations to address High Water in Water Conservation Areas
Date:	Friday, June 15, 2018 1:43:52 PM

Gina - as requested, this email serves as the Service's input to a Deviation Request the Corps-Jax is going to make to the Corps - South Atlantic Division (SAD) to help alleviate high water conditions in the Everglades, specifically the water conservation areas.

As has been discussed in our previous meetings, we understand that water levels in WCA-3A are above the regulation schedule and actions may need to be taken in the near future to reduce impacts to infrastructure and ecological communities. We also understand that the Corps plans on submitting their request to SAD on June 26 outlining the proposed operational deviations for the S-12A/B, S-344 and S-343A/B and other structures to lower water levels within the WCAs . We had a discussion with Larry Williams concerning the Corps' request for operational deviations and our response follows.

As a result of our discussion, the Service agrees that the operational deviation being sent to SAD should include a request for deviation from the WCA-2A Regulation Schedule and for the early opening (June 30) of the S-12A/B, S-344 and S-343A/B structures, if necessary. Based on calculations provided by the Corps opening those structures along Tamiami Trail on June 30 instead of July 15 would reduce the stage in WCA 3A by less than an inch. We also support including a deviation request for increasing discharge limits for the S-332D above 250 cfs (to 500 cfs) prior to July 15, if needed. We also understand that the construction which currently is constraining the system should be completed by June 30, allowing for increased flows and stages within the L-29 canal and into the South Dade system.

The Service requests that, prior to opening any of the structures listed in the ERTP-2016 Biological Opinion, the Corps and Service, as well as representatives from the SFWMD, meet to discuss current and forecasted conditions to evaluate the need to open these structures prior to the normal July 15 opening date. Additionally, all agencies involved should assess risks to listed species as a major factor prior to any decision. Our current plan is to have a discussion on June 25, prior to the Corps June 26 submittal to SAD, and a follow-up conversation prior to June 30 if the Corps feels that the structures need to be utilized (opened earlier than July 15). We will likely request some additional water level monitoring associated with specific structures if they are opened earlier than allowed under the ERTP-2016 Biological Opinion.

The Service does not support the proposal to include a request for a deviation from the respective October - December closure dates that are required as part of the ERTP-2016 Biological Opinion. We believe that operational flexibility will be present within Increment 2 (increased capacity in the L-29 canal) which will not require the S-12A/B, S-344 and S-343A/B structures to remain open beyond their scheduled closure dates. If conditions change and high water conditions persist or increase in severity, we will be available to have further discussions at that time.

The Service would also like to emphasize that Increment 2 was scheduled to be in place by March 1, 2018, but due to construction delays encountered by the Corps and above normal rainfall, we are not able to utilize the planned flexibilities until after June 30. These schedule delays, along with the heavy rainfall we have had over the last three years, have had a significant impact on the habitat of the Cape Sable seaside sparrow and the Service's ability to implement actions that are necessary to maintain and restore the existing populations.

We appreciate the Corps willingness to discuss these options and look forward to working with you in the near future to enhance our Everglades system.

Sincerely,

Bob Progulske

Bob Progulske
U.S. Fish and Wildlife Service

Everglades Program Supervisor
South Florida Ecological Services Field Office
1339 20th Street

Vero Beach, Florida 32960

Office: 772-469-4299
Cell: 772-559-7167
Fax: 772-562-4288
email: donald_progulske@fws.gov <mailto:donald_progulske@fws.gov>

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NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

From:	Ralph, Gina P CIV USARMY CESAJ (US)
To:	"Progulske, Donald"
Cc:	Do, Lan V CIV USARMY CESAJ (US); miles meyer; Lori Miller; Kevin Palmer; Guy Schein; Tim Breen; Nasuti, Melissa A CIV USARMY CESAJ (US); LoSchiavo, Andrew J CIV USARMY CESAJ (US); Moore, Brooks W CIV USARMY CESAJ (US); Tyson, Sharon L CIV USARMY CESAJ (US); Summa, Eric P CIV USARMY CESAJ (US)
Subject:	RE: [Non-DoD Source] Potential Request for Temporary Deviations to address High Water in Water Conservation Areas
Date:	Tuesday, June 19, 2018 5:18:00 PM
Importance:	High

Bob,

Thank you for your email dated June 15, 2015 regarding the Corps' intent to implement a planned temporary deviation from our approved 2012 Water Control Plan. As indicated, the U.S. Army Corps of Engineers, Jacksonville District (Corps) is seeking a planned temporary deviation from the 2012 Water Control Plan and the Modified Water Deliveries to Everglades National Park Project Increment 1.2/Increment 2 Operational Strategy in order to provide relief from high water stages within Water Conservation Area (WCA) 1, WCA-2A, and WCA-3A. A series of mid-May storms have caused conditions to change very rapidly from very dry conditions to very wet in south Florida, with Lake Okeechobee, the WCAs and the eastern coast of Florida accumulating most of the rainfall (301% of average rainfall). This record area-wide rainfall has caused water levels in the three WCAs to rise above their maximum regulation schedules. In addition, Lake Okeechobee and the Everglades Agricultural Area (EAA), which sends excess water south into the WCAs when capacity is available, has also received a significant amount of rainfall, further exacerbating the sharp rate of rise in the WCAs in May and June 2018. There are currently 1.13 million acre-feet of excess water retained within the three primary WCAs, computed based on the volume difference between current water stages and the floor of the respective WCA Regulation Schedules.

The Planned Temporary Deviation consists of two major components to include 1) revisions to the WCA 2A Regulation Schedule to allow stages to be held higher in WCA 2A; and 2) opening of S12A, S-12B, S-343A, S-343B and S-344 structures (referred to herein as CSSS Closure Structures) on June 30, 2018 prior to their official opening date of July 15, 2018, pending further consultation with FWS on June 30. The WCA 2A Planned Temporary Deviation will be implemented until April 30, 2019 and will provide relief from high water stages within WCA 3A by reducing total inflows into WCA 3A through the S-11 structures. Potential opening of the S-12A, S-12B, S-343A, S-343B and S-344 structures on June 30 would also assist to reduce stages in WCA 3A by up to 0.07 feet.

The Corps has completed an Environmental Assessment and Finding of No Significant Impact (FONSI) that will accompany our deviation request to the Corps' South Atlantic Division (SAD) for approval. Once SAD approves, Jacksonville District plans to sign the EA/FONSI and post for public notification and comment for a period of 15 days. Due to the nature and immediate need for this deviation, we are not able to solicit public comment prior to signature. The Corps will determine the need for a supplemental EA once we have received public comment and the temporary deviation has expired.

The Corps is requesting via this email emergency consultation under the Endangered Species Act of 1973, as amended. The Corps has made the following species effects determinations as related to the three species identified within the 2016 ERTP BO. Specifically, the Corps has determined that the proposed temporary deviation may affect, but is not likely to adversely affect, the endangered Cape Sable seaside sparrow (CSSS), endangered Everglade snail kite or threatened wood stork. Our effects determinations are highlighted below:

CSSS:

WCA 2A Planned Temporary Deviation: The WCA 2A Planned Temporary Deviation will have no effect on CSSS.

CSSS Closure Structures: The S-12A, S-12B, S-343A, S-343B and S-344 are all closed until July 15 annually for protection of the endangered CSSS as outlined within the July 22, 2016, U.S. Fish and Wildlife Service (USFWS) Jeopardy BO. In that BO, USFWS determined that unless alternatives to current water operational practices are explored and implemented, continued implementation of ERTP is likely to jeopardize the continued existence of the

CSSS. The July 22, 2016 BO presented a Reasonable and Prudent Alternative (RPA) that would avoid jeopardizing the CSSS. The RPA identified operational modifications and expediting restoration initiatives for some of the structures in the southern portion of the Everglades ecosystem to provide suitable nesting habitat for the endangered CSSS. One main element of the RPA was additional seasonal closures to outlet structures within WCA 3A (i.e. S-12A, S-12B, S-343A, S-343B, S-344), with the flexibility to open under high water conditions between October and November.

The 2016 ERTP BO also included hydrological targets to include 90 dry days in CSSS habitat during the CSSS nesting season defined as March 1 through July 15. It is important to note that the Corps has not yet met the 2016 ERTP BO nesting window target during the 2018 CSSS breeding season. Furthermore, the EDEN Sparrow Viewer indicates that less than 9.4% of CSSS-Ax habitat is currently available for breeding, and South Florida Water Management District positional analysis projections for stage levels at NP-205 indicate a zero percent probability of water stages receding below ground for the remainder of the 2018 wet season based on the historical simulated rainfall period. It is also at the end of the CSSS nesting season and previous research has indicated that nests are most successful prior to June 1.

Based upon the facts as outlined above, the Corps concludes that the temporary deviation to the CSSS closure structures may affect, but is not likely to adversely affect, CSSS.

Everglade snail kite (WCA 2A Planned Temporary Deviation AND CSSS Closure Structures):
Everglade snail kite forage and nest within WCA 3A. Elevated stages within WCA 3A may adversely affect forage availability and vegetation upon which snail kites and apple snails rely for nesting and foraging. Reduction of high water stages within WCA 3A will provide a beneficial effect to snail kites.

Cattau et al. (2008) identified prolonged high water levels as an adverse effect on the Everglade snail kite. High water levels during the wet season are important in maintaining quality wet prairie and emergent slough habitat (FWS 2010). However, high water levels and extended hydroperiods have resulted in vegetation shifts within WCA-3A, degrading snail kite critical habitat. The extended flooding from September to January resulting either from weather conditions, IOP, or both, appears to be shifting plant communities from wet prairies to open water sloughs (Zweig 2008; Zweig and Kitchens 2008). These shifts from one vegetation type to another may occur in a relatively short time frame (1 to 4 years) following hydrological alteration (Armentano et al. 2006; Zweig 2008; Zweig and Kitchens 2008; Sah et al. 2008).

This vegetation transition directly affects snail kites in several ways, most importantly by reducing the amount of suitable foraging and nesting habitat, and reducing prey abundance and availability. Wetter conditions reduce the amount of woody vegetation within the area upon which snail kites rely for nesting and perch hunting. In addition, prolonged hydroperiods reduce habitat structure in the form of emergent vegetation, which is critical for apple snail aerial respiration and egg deposition (Turner 1996; Darby et al. 1999). Drying events are essential in maintaining the mosaic of vegetation types needed by a variety of wetland fauna (Sklar et al. 2002), including the snail kite (FWS 2010) and its primary food source, the apple snail (Karunaratne et al. 2006; Darby et al. 2008). However, little annual variation in water depths has occurred within WCA-3A since 1993, virtually eliminating the drying events necessary to maintain this mosaic. This is particularly apparent in southwestern WCA-3A, which has experienced excessive ponding in recent years.

Prey availability has also been affected by the vegetation transition. Apple snails tend to avoid areas where water depths are greater than 50 centimeters (Darby et al. 2002). Avoidance of deeper depths may be related to the type and density of vegetation in deeper water areas, food availability or energy requirements for aerial respiration (van der Walk et al. 1994; Turner 1996; Darby 1998; Darby et al. 2002). Water-lily sloughs support lower apple snail densities as compared with wet prairies (Karunaratne et al. 2006). Limited food quality and lack of emergent vegetation in the sloughs may account for the lower densities. Research indicates that apple snails depend upon periphyton for food (Rich 1990; Browder et al. 1994; Sharfstein and Steinman 2001), which may be limited within deeper water environments. Karunaratne et al. (2006) observed little or no submerged macrophytes and epiphytic periphyton in the sloughs they studied in WCA-3A. In contrast, species commonly encountered within wet prairie habitat (e.g. Eleocharis spp., Rhynchospora tracyi, Sagittaria spp.), along with sawgrass that grows within the ecotones between the two vegetative communities, support abundant populations of epiphytic periphyton (Wetzel 1983; Browder et al. 1994; Karunaratne et al. 2006). Apple snails also depend upon emergent vegetation for aerial respiration and oviposition. A reduction in the number of available emergent stems for egg deposition would also

contribute to the observed lower snail densities within sloughs. Drying events are needed to maintain the emergent plant species characteristic of typical apple snail and snail kite habitat (Wood and Tanner 1990; Davis et al. 1997). As shown by Darby et al. (2008), apple snails can survive these events and it is the timing and duration of the dry down event that are critical determinants of apple snail survival and recruitment.

Reduction of high water stages within WCA 3A under the temporary deviation will provide a beneficial effect to snail kites. Based upon the facts as outlined above, the Corps concludes that the temporary deviation may affect, but is not likely to adversely affect, Everglade snail kite.

Wood stork (WCA 2A Planned Temporary Deviation AND CSSS Closure Structures):

Wood storks forage and nest within WCA 3A. Elevated stages within WCA 3A may adversely affect forage availability and vegetation upon which wood storks rely for nesting and foraging. Reduction of high water stages within WCA 3A will provide a beneficial effect to wood storks.

Researchers have shown that wood storks forage most efficiently and effectively in habitats where prey densities are high, the water shallow and canopy open enough to hunt successfully (Ogden et al. 1978; Browder 1984; Coulter 1987). Wood stork prey availability is dependent on a composite variable consisting of density (number or biomass/m2) and the vulnerability of the prey items to capture (Gawlik 2002). For wood storks, prey vulnerability appears to be largely controlled by physical access to the foraging site, water depth, the density of submerged vegetation, and the species-specific characteristics of the prey. For example, fish populations may be very dense, but not available (vulnerable) because the water depth is too great (greater than 30 centimeters) for storks or the tree canopy at the site is too dense for wood storks to land.

Gawlik (2002) characterized wood storks as "searchers" that employ a foraging strategy of seeking out areas of high density prey and optimal (shallow) water depths, and abandoning foraging sites when prey density begins to decrease below a particular efficiency threshold, but while prey was still sufficiently available that other wading bird species were still foraging in large numbers (Gawlik 2002). Wood stork choice of foraging sites was significantly related to both prey density and water depth (Gawlik 2002). Because of this strategy, wood stork foraging opportunities are more constrained than many of the other wading bird species (Gawlik 2002).

Prolonged high water depths within WCA 3A have the ability to adversely affect wood stork foraging opportunities. Reduction of high water stages within WCA 3A will provide a beneficial effect to wood storks.

Based upon the facts as outlined the Corps concludes that the planned temporary deviation may affect, but is not likely to adversely affect, the wood stork.

Please refer to the 2016 ERTP BO for a complete list of references cited.

Due to the emergency nature of this request, the Corps respectfully requests your written concurrence on our species effects determinations by June 25, 2017.

Thank you,
Gina

Gina Paduano Ralph, Ph.D.
Chief, Environmental Branch
Planning Division
US Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019
(904) 232-2336
Gina.P.Ralph@usace.army.mil

-----Original Message-----
From: Progulske, Donald [mailto:donald_progulske@fws.gov]

Sent: Friday, June 15, 2018 1:43 PM
To: Ralph, Gina P CIV USARMY CESAJ (US) <Gina.P.Ralph@usace.army.mil>
Cc: Do, Lan V CIV USARMY CESAJ (US) <Lan.V.Do@usace.army.mil>; miles meyer <miles_meyer@fws.gov>; Lori Miller <lori_miller@fws.gov>; Kevin Palmer <kevin_palmer@fws.gov>; Guy Schein <guy_schein@fws.gov>; Tim Breen <timothy_breen@fws.gov>
Subject: [Non-DoD Source] Potential Request for Temporary Deviations to address High Water in Water Conservation Areas

Gina - as requested, this email serves as the Service's input to a Deviation Request the Corps-Jax is going to make to the Corps - South Atlantic Division (SAD) to help alleviate high water conditions in the Everglades, specifically the water conservation areas.

As has been discussed in our previous meetings, we understand that water levels in WCA-3A are above the regulation schedule and actions may need to be taken in the near future to reduce impacts to infrastructure and ecological communities. We also understand that the Corps plans on submitting their request to SAD on June 26 outlining the proposed operational deviations for the S-12A/B, S-344 and S-343A/B and other structures to lower water levels within the WCAs . We had a discussion with Larry Williams concerning the Corps' request for operational deviations and our response follows.

As a result of our discussion, the Service agrees that the operational deviation being sent to SAD should include a request for deviation from the WCA-2A Regulation Schedule and for the early opening (June 30) of the S-12A/B, S-344 and S-343A/B structures, if necessary. Based on calculations provided by the Corps opening those structures along Tamiami Trail on June 30 instead of July 15 would reduce the stage in WCA 3A by less than an inch. We also support including a deviation request for increasing discharge limits for the S-332D above 250 cfs (to 500 cfs) prior to July 15, if needed. We also understand that the construction which currently is constraining the system should be completed by June 30, allowing for increased flows and stages within the L-29 canal and into the South Dade system.

The Service requests that, prior to opening any of the structures listed in the ERTP-2016 Biological Opinion, the Corps and Service, as well as representatives from the SFWMD, meet to discuss current and forecasted conditions to evaluate the need to open these structures prior to the normal July 15 opening date. Additionally, all agencies involved should assess risks to listed species as a major factor prior to any decision. Our current plan is to have a discussion on June 25, prior to the Corps June 26 submittal to SAD, and a follow-up conversation prior to June 30 if the Corps feels that the structures need to be utilized (opened earlier than July 15). We will likely request some additional water level monitoring associated with specific structures if they are opened earlier than allowed under the ERTP-2016 Biological Opinion.

The Service does not support the proposal to include a request for a deviation from the respective October - December closure dates that are required as part of the ERTP-2016 Biological Opinion. We believe that operational flexibility will be present within Increment 2 (increased capacity in the L-29 canal) which will not require the S-12A/B, S-344 and S-343A/B structures to remain open beyond their scheduled closure dates. If conditions change and high water conditions persist or increase in severity, we will be available to have further discussions at that time.

The Service would also like to emphasize that Increment 2 was scheduled to be in place by March 1, 2018, but due to construction delays encountered by the Corps and above normal rainfall, we are not able to utilize the planned flexibilities until after June 30. These schedule delays, along with the heavy rainfall we have had over the last three years, have had a significant impact on the habitat of the Cape Sable seaside sparrow and the Service's ability to implement actions that are necessary to maintain and restore the existing populations.

We appreciate the Corps willingness to discuss these options and look forward to working with you in the near future to enhance our Everglades system.

Sincerely,

Bob Progulske

Bob Progulske
U.S. Fish and Wildlife Service

Everglades Program Supervisor
South Florida Ecological Services Field Office
1339 20th Street

Vero Beach, Florida 32960

Office: 772-469-4299
Cell: 772-559-7167
Fax: 772-562-4288
email: donald_progulske@fws.gov <mailto:donald_progulske@fws.gov>

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From:	Ralph, Gina P CIV USARMY CESAJ (US)
To:	"Gene Duncan Miccosukee"
Cc:	Summa, Eric P CIV USARMY CESAJ (US); Tyson, Sharon L CIV USARMY CESAJ (US); LoSchiavo, Andrew J CIV USARMY CESAJ (US); Nasuti, Melissa A CIV USARMY CESAJ (US); Alejandro, Luis Alberto CIV USARMY CESAJ (US); Do, Lan V CIV USARMY CESAJ (US); Riley, James M (jim) CIV USARMY CESAJ (US); Taplin, Kimberley A CIV USARMY CESAJ (US)
Subject:	RE: U.S. Army Corps of Engineers 2018 Planned Temporary Deviation
Date:	Tuesday, June 19, 2018 6:02:00 PM
Importance:	High

Good Evening,

The U.S. Army Corps of Engineers, Jacksonville District (Corps) is preparing an Environmental Assessment associated with a planned temporary deviation from the 1988 Regulation Schedule for Water Conservation Area (WCA) 2A. A series of mid-May rainfall events have caused conditions to change rapidly from very dry conditions to very wet in south Florida. This record area-wide rainfall has caused water levels in the three WCAs to rise above their maximum regulation schedules and the maximum exceedance elevations per the 2012 Water Control Plan. These high water levels in the WCAs at the beginning of the wet season threaten wildlife, tree islands, and levee safety, particularly in WCA 3A. If the rate of the rise of water is not mitigated to limit the prolonged duration of high water conditions, there is the potential for these high water levels to pose significant environmental risks due to reduced flood storage as the wet season and hurricane season continue.

The purpose of this deviation is to provide high water relief for WCA 3A by raising the regulation schedule of WCA 2A to accommodate additional storage, therefore, reducing inflows into WCA 3A through the S-11 structures. The Corps, in coordination with the South Florida Water Management District, is proposing to temporarily increase the regulation schedule in WCA 2A, not to exceed a peak height of 14 feet National Geodetic Vertical Datum of 1929. WCA 2A has sufficient capacity to hold more than the current regulation schedule (the regulation schedule prior to 1988 allowed for these higher water levels) and the Corps is proposing to utilize this capacity to help alleviate conditions in WCA 3A. The Corps is also maximizing flows out of WCA 3A and coordinating with the U.S. Fish and Wildlife Service on options to open structures prior to the July 15, 2016 Everglades Restoration Transition Plan Biological Opinion closure dates for the S-343A, S-343B, S-344, S-12A and S-12B structures. These actions, if implemented, will further help to reduce the stage in WCA 3A.

This deviation would remain in effect until WCA 3A falls below Zone A of the WCA 3A Regulation Schedule, at which point a recovery period would be initiated to reduce the WCA 2A stage to the pre-deviation regulation schedule (normal operations). The deviation, including the recovery period, shall not extend past April 30, 2019. All other structure release guidance will remain unchanged (i.e. releases of water to tide). The proposed action is expected to increase water stages within WCA 2A temporarily; however, water elevations will not exceed those historically experienced as a result of the previous water control plan (1951- 1988) and current rainfall events under the existing regulation schedule.

The Corps has completed an Environmental Assessment (EA) and Proposed Finding of No Significant Impact (FONSI) that will accompany our deviation request to the Corps' South Atlantic Division (SAD) for approval. Once SAD approves, Jacksonville District plans to sign the FONSI and post for public notification and comment for a period of 15 days. Due to the nature and immediate need for this deviation, we are not able to solicit public comment prior to signature. The Corps will determine the need for a supplemental EA once we have received public comment and the temporary deviation has expired. The Corps has determined that this action is consistent to the maximum extent practicable with Florida's Coastal Management Program.

Please feel free to give me a call with any questions or if you would like to set up a meeting to further discuss.

Cheers,
Gina

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

Planning Division
US Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019
(904) 232-2336
Gina.P.Ralph@usace.army.mil

From:	Ralph, Gina P CIV USARMY CESAJ (US)
To:	"Jamie Higgins EPA"; "Harper, Cecelia"
Cc:	Summa, Eric P CIV USARMY CESAJ (US); Tyson, Sharon L CIV USARMY CESAJ (US); LoSchiavo, Andrew J CIV USARMY CESAJ (US); Nasuti, Melissa A CIV USARMY CESAJ (US); Alejandro, Luis Alberto CIV USARMY CESAJ (US); Do, Lan V CIV USARMY CESAJ (US); Riley, James M (jim) CIV USARMY CESAJ (US)
Subject:	U.S. Army Corps of Engineers 2018 Planned Temporary Deviation
Date:	Tuesday, June 19, 2018 5:59:00 PM
Importance:	High

Good Evening,

The U.S. Army Corps of Engineers, Jacksonville District (Corps) is preparing an Environmental Assessment associated with a planned temporary deviation from the 1988 Regulation Schedule for Water Conservation Area (WCA) 2A. A series of mid-May rainfall events have caused conditions to change rapidly from very dry conditions to very wet in south Florida. This record area-wide rainfall has caused water levels in the three WCAs to rise above their maximum regulation schedules and the maximum exceedance elevations per the 2012 Water Control Plan. These high water levels in the WCAs at the beginning of the wet season threaten wildlife, tree islands, and levee safety, particularly in WCA 3A. If the rate of the rise of water is not mitigated to limit the prolonged duration of high water conditions, there is the potential for these high water levels to pose significant environmental risks due to reduced flood storage as the wet season and hurricane season continue.

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This deviation would remain in effect until WCA 3A falls below Zone A of the WCA 3A Regulation Schedule, at which point a recovery period would be initiated to reduce the WCA 2A stage to the pre-deviation regulation schedule (normal operations). The deviation, including the recovery period, shall not extend past April 30, 2019. All other structure release guidance will remain unchanged (i.e. releases of water to tide). The proposed action is expected to increase water stages within WCA 2A temporarily; however, water elevations will not exceed those historically experienced as a result of the previous water control plan (1951- 1988) and current rainfall events under the existing regulation schedule.

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Cheers,
Gina

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

US Army Corps of Engineers
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Jacksonville, Florida 32232-0019
(904) 232-2336
Gina.P.Ralph@usace.army.mil

From:	Ralph, Gina P CIV USARMY CESAJ (US)
To:	"Elliott, Rebecca"
Cc:	Summa, Eric P CIV USARMY CESAJ (US); Tyson, Sharon L CIV USARMY CESAJ (US); LoSchiavo, Andrew J CIV USARMY CESAJ (US); Nasuti, Melissa A CIV USARMY CESAJ (US); Alejandro, Luis Alberto CIV USARMY CESAJ (US); Do, Lan V CIV USARMY CESAJ (US); Riley, James M (jim) CIV USARMY CESAJ (US)
Subject:	U.S. Army Corps of Engineers 2018 Planned Temporary Deviation
Date:	Tuesday, June 19, 2018 6:00:00 PM

Good Evening,

The U.S. Army Corps of Engineers, Jacksonville District (Corps) is preparing an Environmental Assessment associated with a planned temporary deviation from the 1988 Regulation Schedule for Water Conservation Area (WCA) 2A. A series of mid-May rainfall events have caused conditions to change rapidly from very dry conditions to very wet in south Florida. This record area-wide rainfall has caused water levels in the three WCAs to rise above their maximum regulation schedules and the maximum exceedance elevations per the 2012 Water Control Plan. These high water levels in the WCAs at the beginning of the wet season threaten wildlife, tree islands, and levee safety, particularly in WCA 3A. If the rate of the rise of water is not mitigated to limit the prolonged duration of high water conditions, there is the potential for these high water levels to pose significant environmental risks due to reduced flood storage as the wet season and hurricane season continue.

The purpose of this deviation is to provide high water relief for WCA 3A by raising the regulation schedule of WCA 2A to accommodate additional storage, therefore, reducing inflows into WCA 3A through the S-11 structures. The Corps, in coordination with the South Florida Water Management District, is proposing to temporarily increase the regulation schedule in WCA 2A, not to exceed a peak height of 14 feet National Geodetic Vertical Datum of 1929. WCA 2A has sufficient capacity to hold more than the current regulation schedule (the regulation schedule prior to 1988 allowed for these higher water levels) and the Corps is proposing to utilize this capacity to help alleviate conditions in WCA 3A. The Corps is also maximizing flows out of WCA 3A and coordinating with the U.S. Fish and Wildlife Service on options to open structures prior to the July 15, 2016 Everglades Restoration Transition Plan Biological Opinion closure dates for the S-343A, S-343B, S-344, S-12A and S-12B structures. These actions, if implemented, will further help to reduce the stage in WCA 3A.

This deviation would remain in effect until WCA 3A falls below Zone A of the WCA 3A Regulation Schedule, at which point a recovery period would be initiated to reduce the WCA 2A stage to the pre-deviation regulation schedule (normal operations). The deviation, including the recovery period, shall not extend past April 30, 2019. All other structure release guidance will remain unchanged (i.e. releases of water to tide). The proposed action is expected to increase water stages within WCA 2A temporarily; however, water elevations will not exceed those historically experienced as a result of the previous water control plan (1951- 1988) and current rainfall events under the existing regulation schedule.

The Corps has completed an Environmental Assessment (EA) and Proposed Finding of No Significant Impact (FONSI) that will accompany our deviation request to the Corps' South Atlantic Division (SAD) for approval. Once SAD approves, Jacksonville District plans to sign the FONSI and post for public notification and comment for a period of 15 days. Due to the nature and immediate need for this deviation, we are not able to solicit public comment prior to signature. The Corps will determine the need for a supplemental EA once we have received public comment and the temporary deviation has expired. The Corps has determined that this action is consistent to the maximum extent practicable with Florida's Coastal Management Program.

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Cheers,
Gina

Gina Paduano Ralph, Ph.D.
Chief, Environmental Branch
Planning Division
US Army Corps of Engineers

P.O. Box 4970
Jacksonville, Florida 32232-0019
(904) 232-2336
Gina.P.Ralph@usace.army.mil

From:	Ralph, Gina P CIV USARMY CESAJ (US)
To:	"Stahl, Chris"
Cc:	Summa, Eric P CIV USARMY CESAJ (US); Tyson, Sharon L CIV USARMY CESAJ (US); LoSchiavo, Andrew J CIV USARMY CESAJ (US); Nasuti, Melissa A CIV USARMY CESAJ (US); Alejandro, Luis Alberto CIV USARMY CESAJ (US); Do, Lan V CIV USARMY CESAJ (US); Riley, James M (jim) CIV USARMY CESAJ (US)
Subject:	U.S. Army Corps of Engineers 2018 Planned Temporary Deviation
Date:	Tuesday, June 19, 2018 5:59:00 PM
Importance:	High

Good Evening,

The U.S. Army Corps of Engineers, Jacksonville District (Corps) is preparing an Environmental Assessment associated with a planned temporary deviation from the 1988 Regulation Schedule for Water Conservation Area (WCA) 2A. A series of mid-May rainfall events have caused conditions to change rapidly from very dry conditions to very wet in south Florida. This record area-wide rainfall has caused water levels in the three WCAs to rise above their maximum regulation schedules and the maximum exceedance elevations per the 2012 Water Control Plan. These high water levels in the WCAs at the beginning of the wet season threaten wildlife, tree islands, and levee safety, particularly in WCA 3A. If the rate of the rise of water is not mitigated to limit the prolonged duration of high water conditions, there is the potential for these high water levels to pose significant environmental risks due to reduced flood storage as the wet season and hurricane season continue.

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Chief, Environmental Branch
Planning Division

US Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019
(904) 232-2336
Gina.P.Ralph@usace.army.mil

From:	Ralph, Gina P CIV USARMY CESAJ (US)
To:	Powell, Frank; Smith, Ed
Cc:	Summa, Eric P CIV USARMY CESAJ (US); Tyson, Sharon L CIV USARMY CESAJ (US); LoSchiavo, Andrew J CIV USARMY CESAJ (US); Nasuti, Melissa A CIV USARMY CESAJ (US); Alejandro, Luis Alberto CIV USARMY CESAJ (US); Do, Lan V CIV USARMY CESAJ (US); Riley, James M (jim) CIV USARMY CESAJ (US)
Subject:	U.S. Army Corps of Engineers 2018 Planned Temporary Deviation
Date:	Tuesday, June 19, 2018 5:58:00 PM
Importance:	High

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Chief, Environmental Branch
Planning Division

US Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019
(904) 232-2336
Gina.P.Ralph@usace.army.mil

From:	Ralph, Gina P CIV USARMY CESAJ (US)
To:	"james.erskine@myfwc.com"
Cc:	Summa, Eric P CIV USARMY CESAJ (US); Tyson, Sharon L CIV USARMY CESAJ (US); LoSchiavo, Andrew J CIV USARMY CESAJ (US); Nasuti, Melissa A CIV USARMY CESAJ (US); Alejandro, Luis Alberto CIV USARMY CESAJ (US); Do, Lan V CIV USARMY CESAJ (US); Riley, James M (jim) CIV USARMY CESAJ (US)
Subject:	U.S. Army Corps of Engineers 2018 Planned Temporary Deviation
Date:	Tuesday, June 19, 2018 6:01:00 PM
Importance:	High

Good Evening,

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This deviation would remain in effect until WCA 3A falls below Zone A of the WCA 3A Regulation Schedule, at which point a recovery period would be initiated to reduce the WCA 2A stage to the pre-deviation regulation schedule (normal operations). The deviation, including the recovery period, shall not extend past April 30, 2019. All other structure release guidance will remain unchanged (i.e. releases of water to tide). The proposed action is expected to increase water stages within WCA 2A temporarily; however, water elevations will not exceed those historically experienced as a result of the previous water control plan (1951- 1988) and current rainfall events under the existing regulation schedule.

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Chief, Environmental Branch
Planning Division

US Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019
(904) 232-2336
Gina.P.Ralph@usace.army.mil

From:	Ralph, Gina P CIV USARMY CESAJ (US)
To:	"Cherise Maples"
Cc:	Summa, Eric P CIV USARMY CESAJ (US); Tyson, Sharon L CIV USARMY CESAJ (US); LoSchiavo, Andrew J CIV USARMY CESAJ (US); Nasuti, Melissa A CIV USARMY CESAJ (US); Alejandro, Luis Alberto CIV USARMY CESAJ (US); Do, Lan V CIV USARMY CESAJ (US); Riley, James M (jim) CIV USARMY CESAJ (US); Taplin, Kimberley A CIV USARMY CESAJ (US)
Subject:	U.S. Army Corps of Engineers 2018 Planned Temporary Deviation
Date:	Tuesday, June 19, 2018 6:02:00 PM
Importance:	High

Good Evening,

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Planning Division
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P.O. Box 4970
Jacksonville, Florida 32232-0019
(904) 232-2336
Gina.P.Ralph@usace.army.mil

From:	Ralph, Gina P CIV USARMY CESAJ (US)
To:	Bob Johnson (Robert_Johnson@nps.gov); "Jed Redwine"; "tylan_dean@nps.gov"
Cc:	Summa, Eric P CIV USARMY CESAJ (US); Tyson, Sharon L CIV USARMY CESAJ (US); LoSchiavo, Andrew J CIV USARMY CESAJ (US); Nasuti, Melissa A CIV USARMY CESAJ (US); Alejandro, Luis Alberto CIV USARMY CESAJ (US); Do, Lan V CIV USARMY CESAJ (US); Riley, James M (jim) CIV USARMY CESAJ (US); Taplin, Kimberley A CIV USARMY CESAJ (US)
Subject:	U.S. Army Corps of Engineers 2018 Planned Temporary Deviation
Date:	Wednesday, June 20, 2018 10:51:00 AM
Importance:	High

Good Morning,

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STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In re:

EMERGENCY MEASURES DUE TO HIGHWATER CONDITIONS IN SOUTH FLORIDA REGION

OGC No.: 18-1066

_____/

EMERGENCY FINAL ORDER

Under Sections 120.569(2)(n), 252.46, 373.119(2), and 373.439, Florida Statutes, and upon consideration of the following findings of fact, the State of Florida Department of Environmental Protection (Department) enters this Emergency Final Order (Order), including the Findings of Fact and Conclusions of Law, in response to high rainfall and flooding in the South Florida Region, specifically the Everglades Protection Area, that threatens certain stormwater management systems, works and impoundments and also poses an imminent or immediate danger to valuable natural resources, the public health, safety or welfare.

FINDINGS OF FACT

1. Historic high rainfall events have occurred across the South Florida Region during the month of May 2018 causing high water conditions and flooding in the Everglades Protection Area, especially in Water Conservation Area 3A.

2. These massive rainfall events and flooding have resulted in water levels in Water Conservation Area 3A rising by more than 2.2 feet, to 10.87 feet. High water levels inundate tree islands and other wildlife habitats and if sustained will cause stress and loss of

life particularly for birds and mammals. Water levels also need to be managed to ensure maintenance of the East Coast Protection Levee.

3. On June 11, 2018, the Florida Fish and Wildlife Conservation Commission (FWC) issued Order No. EO 18-26 establishing special regulations regarding wildlife in the Everglades Wildlife Management Area. The high water conditions also pose an immediate threat and impact to valuable natural resources that underpin local economies that surround the Everglades Protection Area. Loss of natural resources will lead to losses in outdoor recreation opportunities, as well as ecotourism and related economic benefits.

4. The Department finds that the rainfall and high-water events described above have created a state of emergency threatening valuable natural resources, as well as, the public health, safety, welfare, and property in the South Florida Region. The actions under this Order are necessary to minimize adverse impacts and significant environmental harm. As a result of the emergency, immediate action is necessary to cope with the emergency situation.

5. The Department has issued permits to the South Florida Water Management District (District) for the following projects: Lake Okeechobee Protection Permit (Permit No. O174552-011) for the operation and control of 35 water control structures discharging into or from Lake Okeechobee; Everglades Construction Project (Permit Nos. 0311207 and FL077845); Non-Everglades Construction Project Discharge Structures Project (Permit No. 0237803), including the S-344 and S-343 water control structures; Modified Water Deliveries to the Everglades National Park Project (Permit No. 0317442), C-111 Spreader Canal Project (Permit No. 0293559), including the S-199 and S-200 Pump Stations, and the S-737 and S-18C

water control structures;S-197 Control Structure Project (Permit No. 0306639), including the S-197 water control structure.

6. The Department has issued permits to the U.S. Army Corps of Engineers (Corps) for the following projects: WCA 3 Decompartmentalization and Sheetflow Enhancement Physical Model Project (Permit No. 0304879), including the S-152 water control structure; Modified Water Deliveries to the Everglades National Park Project (Permit No. 0246512), including the S-355A and S-355B water control structures; Ninth Amended Emergency Final Order to Operate the S-332B, S- 332C, S-332D Pump Stations and Appurtenant Structures (OGC Case Nos. 00-0889 and 99-2242).

7. Immediate action is necessary to deviate from permitted water management practices in order to move significant volumes of flood water out of the Water Conservation Areas.

8. Under the current emergency conditions, it is appropriate to temporarily modify operations of the projects and immediately employ any remedial means deemed necessary to redress the emergency.

9. The Corps shall continue water quality and hydrologic monitoring of the existing permitted Corps project features, to identify and evaluate water quality and hydrologic conditions. The monitoring work provides water quality data associated with state water quality standards and the long-term phosphorus concentration limits contained within the Settlement Agreement to the Federal Everglades lawsuit (Case No. 88-1886), and hydrologic data necessary for the adaptive operation of the pump stations to evaluate the effects on wildlife, water supply and flood protection in the C&SF project.

10. The District shall continue water quality and hydrologic monitoring of the existing permitted District project features, to identify and evaluate water quality and hydrologic conditions. The monitoring work provides water quality data associated with state water quality standards and the long-term phosphorus concentration limits contained within the Settlement Agreement to the Federal Everglades lawsuit (Case No. 88-1886), and hydrologic data necessary for the adaptive operation of the pump stations to evaluate the effects on wildlife, water supply and flood protection in the C&SF project.

CONCLUSIONS OF LAW

11. Based on the findings of fact above, it is hereby concluded that the emergency caused by the high rainfall events and flooding pose an immediate danger to valuable natural resources, the public health, safety, or welfare and requires an immediate order of the Department.

12. Under Sections 120.569(2)(n), 252.46, 373.119(2), and 373.439, Florida Statutes, the Secretary of the Department, or designee, is authorized to issue this Emergency Final Order.

13. Suspension of statutes and rules as noted within this order is required so as to not prevent, hinder, or delay necessary action that the Department, South Florida Water Management District or the Corps may need to take in coping with the emergency.

THEREFORE, IT IS ORDERED:

14. Based upon the above Findings of Fact and Conclusions of Law, and pursuant to the above cited laws, I hereby order that:

A. The Corps and the District are hereby authorized to make temporary

operational changes in order to minimize detrimental impacts (including harmful flooding and degradation of water quality) to the environment, to the public, to adjacent properties, and to downstream receiving water to the greatest extent practicable.

B. Permits described in the Findings of Facts are temporarily modified to authorize relief from the operations permit conditions. All other permit conditions shall remain in full force and effect.

C. The District and Corps are authorized to conduct construction activities necessary to alleviate the emergency conditions. Prior to, or concurrent with, commencing construction activities the District or the Corps shall contact the Office of Ecosystem Projects. Within 30 days of completion of construction, the District or the Corps shall apply to the Office of Ecosystem Projects for the necessary authorizations.

D. General Conditions

a. The Corps and District shall implement the emergency operation activities in a manner that will minimize detrimental impacts (including harmful flooding and degradation of water quality) to the environment, to the public, to adjacent properties, and to downstream receiving waters to the greatest extent practicable, pursuant to federal law and Sections 373.413 and 373.414, Florida Statutes.

b. All activities authorized by this Emergency Final Order shall be performed using appropriate best management practices. For activities conducted in or discharging to wetlands or other surface waters, best management practices shall include properly installed and maintained erosion and turbidity control devices, to prevent erosion and shoaling and to control turbidity. These turbidity/erosion controls shall be installed prior to any clearing,

excavation or placement of fill material and shall be maintained in an effective condition at all locations until construction is completed, and disturbed areas are stabilized. The Corps and the District shall be responsible for ensuring that erosion control devices/procedures are inspected /maintained during all phases of construction authorized by this Order. Additional activities, as described in the document entitled, "The Florida Development Manual - A Guide to Sound Land and Water Management" (revised February 1993), shall be conducted as needed to prevent degradation of adjacent wetlands and surface waters, to prevent violations of state water quality standards.

c. If, for any reason, the Corps and/or the District does not comply with any condition or limitation specified in this Emergency Final Order, the Corps and/or the District shall immediately provide the Department's Office of Ecosystem Projects and Southeast District Office with a written report containing the following information: a description and cause of noncompliance; the period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue; and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. Reports shall be provided to the above-referenced Department offices at the following addresses:

Florida Department of Environmental Protection Office of Ecosystem Projects
3900 Commonwealth Boulevard, MS 45
Tallahassee, Florida32399-3000
Telephone (850) 245-2228

d. This Emergency Final Order does not authorize any entrance upon or activities on property that is not owned or controlled by the Corps and/or the District.

e. The Corps and the District specifically agree to allow authorized Department personnel access to the premises where the authorized activity is located or

conducted for the purpose of ascertaining compliance with the terms of the Emergency Final Order; to have access to and copy any records that must be kept under conditions of the Emergency Final Order; to inspect the facility, equipment, practices, or operations regulated or required under this Emergency Final Order; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this Emergency Final Order.

f. The Corps and the District are responsible for coordinating the emergency operations with stakeholders including the Department of Interior, the Florida Department of Agriculture and Consumer Services, FWC, Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida. Prior to commencement of the emergency operations, the District shall provide information to the Department that documents that this coordination has taken place and that there are no major objections.

g. The Corps and the District shall coordinate with the U.S. Fish and Wildlife Service and FWC to limit adverse impacts to endangered or threatened species as a result of the proposed operations.

E. Specific Conditions

a. Monitoring shall be in accordance with all applicable permits and monitoring plans on file with the Department. Monitoring results shall include salinity and ecological monitoring at the S-197 water control structure. Seepage monitoring results shall include seepage monitoring along the C-111 Canal between the S-176 water control structure and the S-199 Pump Station. All reports and data generated as a result of this monitoring shall be submitted to the Office of Ecosystem Projects (at the address listed above) upon receipt

by the Corps and/or the District and within a timely manner.

b. Activities shall be closely monitored to maximize intended benefit and avoid unintended consequences. Close coordination with the Department and stakeholders shall be maintained to address any potential water quality, flood protection, and environmental resource issues in a timely fashion. To this end, the Corps and the District will submit an Emergency Operations After Action Report as soon as practicable after cessation of all emergency operations to the addresses listed above. The report shall include details of operation activities, pumping dates and times, volume of water pumped, gauge readings, flow measurements, flow direction and other visual observations, seepage monitoring results, water quality monitoring results (including provisional data), and a comparison with previous years' data and results.

F. Suspension of Statutes and Rules

The following provisions of permits, statutes and rules are hereby suspended for the activities authorized by this Order for the duration of this Order:

a. For those activities noted above, subject to the limitations, duration and other provisions of this Order, all requirements for permits, leases, consents of use or other authorizations under Chapters 253, 373, 376 and 403, Florida Statutes, and rules adopted thereunder.

b. Notice requirements of Sections 253.115, and 373.413, Florida Statutes, and Rules 18-21, 62-4, and 62-312 of the Florida Administrative Code; and,

c. Application fee, lease fee, and easement fee requirements of Sections 373.109, Florida Statutes, and Rules 18-21, and 62-4 of the Florida Administrative Code.

15. Nothing in this Emergency Final Order shall eliminate the necessity for obtaining any other federal, state, water management district, or local permits or other authorizations that may be required.

16. Adverse Off-Site Impacts

a. The Corps and the District shall implement the emergency operation activities in a manner that will minimize detrimental impacts (including harmful flooding and degradation of water quality) and shall fully monitor conditions related to the activities authorized by this order.

b. The correction of any erosion, shoaling, water quality, or flooding problems that result from the operation of the structures authorized by this order shall be the sole responsibility of the Corps and the District. In addition, the Corps and the District shall immediately resolve such problems to the Department' s satisfaction.

c. If any adverse water quality, water quantity, or other negative environmental impacts occur as a result of this Emergency Final Order, the Department reserves the right to immediately revoke or modify this authorization upon written notice.

17. The Department's immunity from liability under Section 373.443, Florida Statutes, for any damages that might result from the activities authorized by this Emergency Final Order shall not be diminished by the terms of this order or any activities taken pursuant to this order.

18. The Department waives water quality certification for those activities authorized by this Emergency Final Order.

19. Failure to comply with the conditions set forth in this Emergency Final Order

shall constitute a violation of a Department Final Order under Chapters 373, 376, and 403, Florida Statutes, and enforcement proceedings may be brought in any appropriate administrative or judicial forum.

20. This Emergency Final Order shall take effect immediately upon execution by the Secretary of the Department, or designee, and shall expire on November 30, 2018, unless rescinded, modified or extended by further order of the Department.

NOTICE OF RIGHTS

Any person to whom this emergency order is directed may petition the Department for a hearing in accordance with Section 373.119, Florida Statutes.

Pursuant to Section 120.569(2)(n), F.S., any party adversely affected by this Order has the right to seek an injunction of this Order in circuit court or judicial review of it under Section 120.68, F.S. Judicial review must be sought by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this Order is filed with the Clerk of the Department.

DONE AND ORDERED on this 20th day of June 2018, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Noah Valenstein, Secretary
3900 Commonwealth Blvd.
Tallahassee, Florida 32399-3000

FILED on this date, pursuant to § 120.52,
F.S., with the designated Department Clerk,
receipt of which is hereby acknowledged.

Lea Crandall 6-20-18

Clerk Date

FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

Gina Paduano Ralph, Ph.D.
Chief, Environmental Branch
Jacksonville District Corps of Engineers
701 San Marco Boulevard
Jacksonville, Florida 32207-0019

June 29, 2018

RE: DHR Project File No.: 2018-3122, Received by DHR: June 19, 2018
Project: *June 2018 Temporary Deviation from the 1988 Regulation Schedule for Water Conservation Area (WCA) 2A*

Dr. Ralph:

The Florida State Historic Preservation Officer reviewed the referenced project for possible effects on historic properties listed, or eligible for listing, in the *National Register of Historic Places (NRHP).* The review was conducted in accordance with Section 106 of the *National Historic Preservation Act of 1966*, as amended, and its implementing regulations in *36 CFR Part 800: Protection of Historic Properties.*

Thank you for providing our office with an opportunity to review and comment regarding the temporary deviation for WCA2. Based on the information provided and the temporary nature of the deviation, we concur with the Corps' determination of no adverse effect to historic properties listed, or eligible for listing, in the National Register of Historic Places.

If you have any questions, please contact me by email at *Jason.Aldridge@dos.myflorida.com*, or by telephone at 850-245-6344.

Sincerely,

Jason Aldridge
For

Timothy A. Parsons, Ph.D.
Director, Division of Historical Resources
& State Historic Preservation Officer