

APPENDIX B – PERTINENT CORRESPONDENCE

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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, Florida 32399-3000
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.



Clerk



Date

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: LoSchiavo, Andrew J CIV USARMY CESAJ (US)
Sent: Tuesday, July 03, 2018 10:03 AM
To: Tyson, Sharon L CIV USARMY CESAJ (US); Nasuti, Melissa A CIV USARMY CESAJ (US)
Subject: FW: WCA 3B S-71 constraint ---SFWMD request for deviation.

WCA 3B information from SFWMD. Still need specific structure names for getting water out. As well as graphic of hydrograph (historic exceedence stage S-71) and graphic representing change s-71 from 8.5 to 9.0.

Andy

Andrew (Andy) LoSchiavo
Restoration and Resources Section Chief,
Planning and Policy Division - Environmental Branch
U.S. Army Corps of Engineers - Jacksonville District
E: Andrew.J.LoSchiavo@usace.army.mil
P: 904-232-2077; C: 904-305-1421

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

From: Mitnik, John [mailto:jmitnik@sfwmd.gov]
Sent: Monday, July 2, 2018 4:16 PM
To: Williams, Olice E CIV USARMY CESAJ (US) <Olice.E.Williams@usace.army.mil>; LoSchiavo, Andrew J CIV USARMY CESAJ (US) <Andrew.J.Loschiavo@usace.army.mil>
Cc: 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>; McMillen, Richard Irving CIV USARMY CESAJ (US) <Richard.I.Mcmillen@usace.army.mil>; Bernstein, Carol L CIV USARMY CESAJ (US) <Carol.L.Bernstein@usace.army.mil>; Ralph, Gina P CIV USARMY CESAJ (US) <Gina.P.Ralph@usace.army.mil>; Linton, Paul <plinton@sfwmd.gov>
Subject: [Non-DoD Source] RE: WCA 3B S-71 constraint ---SFWMD request for deviation.

Andy / Olice - The District is looking to continue the operation of the S-152 structure as stages in WCA-3B rise from 8.5ft NGVD to 9.0ft NGVD to alleviate the high-water conditions in WCA-3A. The volume of water will be approximately 500 acre-feet per day which equates to approximately 15,000 acre-feet per month. In absence of above average rainfall it is expected that the continued operation of S-152 will provide a total of approximately 0.1 feet of high water relief to WCA-3A. Discharges from each of the outflows structures for WCA-3B will be regulated to ensure the 9.0ft NGVD limit is not exceeded. In addition, these same outflow structures will be utilized to return WCA-3B to 8.5ft NGVD at the end of the high-water emergency. The expected duration of this operation is through the end of the Emergency Order issued by the FDEP. If you have any further questions, please let me know. Thanks

John Mitnik, P.E.
Chief District Engineer
South Florida Water Management District
Office: (561) 682-2679
Blockedwww.sfwmd.gov

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

From: Olice E. Williams <Olice.E.Williams@usace.army.mil>
Sent: Friday, June 29, 2018 3:54 PM
To: Linton, Paul <plinton@sfwmd.gov>; Mitnik, John <jmitnik@sfwmd.gov>

Cc: Andrew LoSchiavo <Andrew.J.Loschiavo@usace.army.mil>; Tyson, Sharon L CIV USARMY CESAJ (US) <Sharon.L.Tyson@usace.army.mil>; Luis A. Alejandro <Luis.A.Alejandro@usace.army.mil>; Lan V. Do <Lan.V.Do@usace.army.mil>; Richard McMillen <Richard.I.Mcmillen@usace.army.mil>; Bernstein, Carol L CIV USARMY CESAJ (US) <Carol.L.Bernstein@usace.army.mil>; Ralph, Gina P CIV USARMY CESAJ (US) <Gina.P.Ralph@usace.army.mil>; Hensch, Michael T CIV USARMY CESAJ (US) <Michael.T.Hensch@usace.army.mil>
Subject: FW: WCA 3B S-71 constraint ---SFWMD request for deviation.

Paul,

As discussed please see the below e-mail with respect to the SFWMD request for deviation regarding the WCA-3B site-71 constraint relaxation from 8.5 to 9.0 ft, NGVD that was mentioned by SFWMD in the June 28, 2018 water managers ops call. Would you please provide a deviation request that includes an operational strategy with the below information?

VR,

Olice Williams
Water Management Section
Multi Project Branch
U.S. Army Corps of Engineers - Jacksonville District
701 San Marco Blvd.
P.O. Box 4970
Jacksonville, Florida 32232-0019
(904) 232-2160 - office
(904) 613-8276 - mobile
(904) 232-1772 - fax
HYPERLINK <mailto:Olice.e.williams@usace.army.mil>

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

From: LoSchiavo, Andrew J CIV USARMY CESAJ (US)
Sent: Friday, June 29, 2018 3:02 PM
To: Williams, Olice E CIV USARMY CESAJ (US) <Olice.E.Williams@usace.army.mil>; Tyson, Sharon L CIV USARMY CESAJ (US) <Sharon.L.Tyson@usace.army.mil>
Cc: Nasuti, Melissa A CIV USARMY CESAJ (US) <Melissa.A.Nasuti@usace.army.mil>; Ralph, Gina P CIV USARMY CESAJ (US) <Gina.P.Ralph@usace.army.mil>; Riley, James M (jim) CIV USARMY CESAJ (US) <James.M.Riley@usace.army.mil>; Moreno, Meredith A CIV USARMY CESAJ (US) <Meredith.A.Moreno@usace.army.mil>; Alejandro, Luis Alberto CIV USARMY CESAJ (US) <Luis.A.Alejandro@usace.army.mil>; May, Jenna C CIV USARMY CESAJ (US) <Jenna.C.May@usace.army.mil>
Subject: WCA 3B S-71 constraint

Olice,

I am checking to see if you have an operational strategy request from SFWMD regarding the WCA 3B site-71 constraint relaxation from 8.5 to 9.0 ft. In particular, we want to know what volume of water this will be, how much it removes from WCA 3A (ft of stage), and structures being utilized to ensure water levels don't exceed 9.0 ft and can be brought down back to 8.5 ft, and what the duration of this temporary relation will be (confirm it is no later than 30-NOV-2018, per state of Florida's Emergency Final Order).

Please let us know if you have any questions.

Sincerely,

Andy

Andrew (Andy) LoSchiavo

Restoration and Resources Section Chief, Planning and Policy Division - Environmental Branch U.S. Army Corps of Engineers - Jacksonville District

E: Andrew.J.LoSchiavo@usace.army.mil

P: 904-232-2077; C: 904-305-1421

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Higgins, Jamie <Higgins.Jamie@epa.gov>
Sent: Friday, July 06, 2018 2:05 PM
To: LoSchiavo, Andrew J CIV USARMY CESAJ (US); Harper, Cecelia
Cc: Summa, Eric P CIV USARMY CESAJ (US); Ralph, Gina P CIV USARMY CESAJ (US); Alejandro, Luis Alberto CIV USARMY CESAJ (US); Williams, Olice E CIV USARMY CESAJ (US); Riley, James M (jim) CIV USARMY CESAJ (US); Tyson, Sharon L CIV USARMY CESAJ (US); Nasuti, Melissa A CIV USARMY CESAJ (US); Militsher, Chris; Mancusi-Ungaro, Philip; Harper, Cecelia; Scheidt, Dan
Subject: [Non-DoD Source] RE: U.S. Army Corps of Engineers Planned Temporary Deviation from DECOMP Physical Model Operational Strategy

Hi Andy,
We appreciate your efforts to coordinate with us. Please notify us when the EA is posted to your website.
Thanks,
Jamie

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

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

From: LoSchiavo, Andrew J CIV USARMY CESAJ (US) [mailto:Andrew.J.Loschiavo@usace.army.mil]
Sent: Friday, July 6, 2018 1:40 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>; Ralph, Gina P CIV USARMY CESAJ (US) <Gina.P.Ralph@usace.army.mil>; Alejandro, Luis Alberto CIV USARMY CESAJ (US) <Luis.A.Alejandro@usace.army.mil>; Williams, Olice E CIV USARMY CESAJ (US) <Olice.E.Williams@usace.army.mil>; Riley, James M (jim) CIV USARMY CESAJ (US) <James.M.Riley@usace.army.mil>; Tyson, Sharon L CIV USARMY CESAJ (US) <Sharon.L.Tyson@usace.army.mil>; Nasuti, Melissa A CIV USARMY CESAJ (US) <Melissa.A.Nasuti@usace.army.mil>
Subject: U.S. Army Corps of Engineers Planned Temporary Deviation from DECOMP Physical Model Operational Strategy
Importance: High

Good Afternoon,

The U.S. Army Corps of Engineers, Jacksonville District (Corps), in coordination with South Florida Water Management District is preparing an Environmental Assessment associated with a planned temporary deviation from the Phase 2 Decompartmentalization Physical Model (DECOMP Physical Model) operational strategy. 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 Water Conservation Areas (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. Due to the continued critical nature of elevated water levels in WCA 3A and in compliance with the Florida Department of Environmental Protection (FDEP) Emergency Final Order (EFO) for Highwater Conditions, this action is being proposed in conjunction with the June 2018 temporary deviation for WCA 2A.

Water management operations at Structure 152 (S-152), are currently governed by Phase 2 of the DECOMP Physical Model operational strategy. Under current operations, S-152 may discharge up to 750 cubic feet per second (cfs) until either DECOMP Physical Model objective(s) are met or S-152 is closed subject to operational constraints. When WCA 3B stages (at gages SRS-1 and/or Site_71) equal or exceed 8.5 feet (ft.) National Geodetic Vertical Datum of 1929 (NGVD), S-152 releases are reduced or discontinued. In order to provide relief from high water stages within WCA 3A, the Corps is initiating a planned temporary deviation from Phase 2 of the DECOMP Physical Model operational strategy to raise the stage at gages SRS-1 and/or Site_71 from 8.5 ft. NGVD to 9.0 ft. NGVD, allowing approximately 15,000 acre feet per month discharges out of WCA 3A. The operational actions which occur when the trigger stage is met remain the same. Discharges from each of the outflow structures for WCA 3B (S-31, S-355A, S-355B, S-335 (by way of seepage into the L-30 Canal)) will be regulated to ensure the 9.0 ft. NGVD limit is not exceeded. These same outflow structures will be utilized to return WCA 3B to 8.5 ft. NGVD upon conclusion of the planned temporary deviation. The planned temporary deviation will extend no later than the duration of the Emergency Final Order ending November 30, 2018. The proposed action is expected to increase water stages within WCA 3B temporarily; however, water elevations will not exceed those historically experienced as a result of periodic rain events. The proposed action is expected to mitigate for severe ecologic and economic losses that could result from prolonged high water levels within WCA 3A. Loss of natural resources directly affects fisheries and fishing, seafood harvesting and ecotourism.

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 the EA 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 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 at the number below with any questions or if you would like to set up a meeting to further discuss.

Sincerely,
Andy

Andrew (Andy) LoSchiavo
Restoration and Resources Section Chief, Planning and Policy Division - Environmental Branch U.S. Army Corps of Engineers - Jacksonville District
E: Andrew.J.LoSchiavo@usace.army.mil
P: 904-232-2077; C: 904-305-1421

From: LoSchiavo, Andrew J CIV USARMY CESAJ (US)
To: "[Higgins, Jamie](#)"; "[Cecelia Harper \(harper.cecelia@epamail.epa.gov\)](#)"
Cc: [Summa, Eric P CIV USARMY CESAJ \(US\)](#); [Ralph, Gina P CIV USARMY CESAJ \(US\)](#); [Alejandro, Luis Alberto CIV USARMY CESAJ \(US\)](#); [Williams, Olice E CIV USARMY CESAJ \(US\)](#); [Riley, James M \(jim\) CIV USARMY CESAJ \(US\)](#); [Tyson, Sharon L CIV USARMY CESAJ \(US\)](#); [Nasuti, Melissa A CIV USARMY CESAJ \(US\)](#)
Subject: U.S. Army Corps of Engineers Planned Temporary Deviation from DECOMP Physical Model Operational Strategy
Date: Friday, July 6, 2018 1:40:00 PM
Importance: High

Good Afternoon,

The U.S. Army Corps of Engineers, Jacksonville District (Corps), in coordination with South Florida Water Management District is preparing an Environmental Assessment associated with a planned temporary deviation from the Phase 2 Decompartmentalization Physical Model (DECOMP Physical Model) operational strategy. 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 Water Conservation Areas (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. Due to the continued critical nature of elevated water levels in WCA 3A and in compliance with the Florida Department of Environmental Protection (FDEP) Emergency Final Order (EFO) for Highwater Conditions, this action is being proposed in conjunction with the June 2018 temporary deviation for WCA 2A.

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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 the EA 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 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 at the number below with any questions or if you would like to set up a meeting to further discuss.

Sincerely,
Andy

Andrew (Andy) LoSchiavo
Restoration and Resources Section Chief,
Planning and Policy Division - Environmental Branch
U.S. Army Corps of Engineers - Jacksonville District
E: Andrew.J.LoSchiavo@usace.army.mil
P: 904-232-2077; C: 904-305-1421

From: [Elliott, Rebecca](#)
To: [LoSchiavo, Andrew J CIV USARMY CESAJ \(US\)](#)
Cc: [Summa, Eric P CIV USARMY CESAJ \(US\)](#); [Tyson, Sharon L CIV USARMY CESAJ \(US\)](#); [Nasuti, Melissa A CIV USARMY CESAJ \(US\)](#); [Alejandro, Luis Alberto CIV USARMY CESAJ \(US\)](#); [Williams, Olice E CIV USARMY CESAJ \(US\)](#); [Riley, James M \(jim\) CIV USARMY CESAJ \(US\)](#)
Subject: [Non-DoD Source] RE: U.S. Army Corps of Engineers Planned Temporary Deviation DECOMP Physical Model operational strategy
Date: Friday, July 6, 2018 2:54:57 PM

Andy,

Upon review, it appears the operations proposed below should not create any substantial issues for agriculture in this area.

Have a good weekend.

Rebecca Elliott
Environmental Manager
Florida Department of Agriculture and Consumer Services
Office of Agricultural Water Policy
561-682-6040
Cell 850-688-5767

Blockedwww.floridaagwaterpolicy.com

Please note that Florida has a broad public records law (Chapter 119, Florida Statutes). Most written communications to or from state employees are public records obtainable by the public upon request. Emails sent to me at this email address may be considered public and will only be withheld from disclosure if deemed confidential pursuant to the laws of the State of Florida.

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

From: Elliott, Rebecca
Sent: Friday, July 06, 2018 2:06 PM
To: 'LoSchiavo, Andrew J CIV USARMY CESAJ (US)' <Andrew.J.Loschiavo@usace.army.mil>
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>; Nasuti, Melissa A CIV USARMY CESAJ (US) <Melissa.A.Nasuti@usace.army.mil>; Luis A. Alejandro <Luis.A.Alejandro@usace.army.mil>; Olice E. Williams <Olice.E.Williams@usace.army.mil>; Riley, James M (jim) CIV USARMY CESAJ (US) <James.M.Riley@usace.army.mil>
Subject: RE: U.S. Army Corps of Engineers Planned Temporary Deviation DECOMP Physical Model operational strategy

Andy,

Appreciate the update. The S-152 operations being implemented as part of the Emergency Deviations is being reviewed. I will let you know if we have concerns.

Thanks,

Rebecca Elliott
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-----Original Message-----

From: LoSchiavo, Andrew J CIV USARMY CESAJ (US) <Andrew.J.Loschiavo@usace.army.mil>

Sent: Friday, July 06, 2018 1:46 PM

To: Elliott, Rebecca <relliott@sfwmd.gov>; Rebecca.Elliott@FreshFromFlorida.com

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>; Nasuti, Melissa A CIV USARMY CESAJ (US) <Melissa.A.Nasuti@usace.army.mil>; Luis A. Alejandro <Luis.A.Alejandro@usace.army.mil>; Olice E. Williams <Olice.E.Williams@usace.army.mil>; Riley, James M (jim) CIV USARMY CESAJ (US) <James.M.Riley@usace.army.mil>

Subject: U.S. Army Corps of Engineers Planned Temporary Deviation DECOMP Physical Model operational strategy

Importance: High

Good Afternoon,

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Andy

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Subject: U.S. Army Corps of Engineers Planned Temporary Deviation DECOMP Physical Model operational strategy
Date: Friday, July 6, 2018 1:45:00 PM
Importance: High

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From: LoSchiavo, Andrew J CIV USARMY CESAJ (US)
To: ["Chris.Stahl@dep.state.fl.us"](mailto:Chris.Stahl@dep.state.fl.us)
Cc: [Summa, Eric P CIV USARMY CESAJ \(US\)](#); [Ralph, Gina P CIV USARMY CESAJ \(US\)](#); [Riley, James M \(jim\) CIV USARMY CESAJ \(US\)](#); [Alejandro, Luis Alberto CIV USARMY CESAJ \(US\)](#); [Williams, Olice E CIV USARMY CESAJ \(US\)](#); [Nasuti, Melissa A CIV USARMY CESAJ \(US\)](#); [Tyson, Sharon L CIV USARMY CESAJ \(US\)](#)
Subject: U.S. Army Corps of Engineers Planned Temporary Deviation from DECOMP Physical Model Operational Strategy
Date: Friday, July 6, 2018 1:45:00 PM
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P: 904-232-2077; C: 904-305-1421

From: LoSchiavo, Andrew J CIV USARMY CESAJ (US)
To: [Powell, Frank; "ed.smith@dep.state.fl.us"](mailto:ed.smith@dep.state.fl.us)
Cc: [Summa, Eric P CIV USARMY CESAJ \(US\)](#); [Tyson, Sharon L CIV USARMY CESAJ \(US\)](#); [Nasuti, Melissa A CIV USARMY CESAJ \(US\)](#); [Alejandro, Luis Alberto CIV USARMY CESAJ \(US\)](#); [Williams, Olice E CIV USARMY CESAJ \(US\)](#); [Riley, James M \(jim\) CIV USARMY CESAJ \(US\)](#)
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Date: Friday, July 6, 2018 1:46:00 PM
Importance: High

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From: LoSchiavo, Andrew J CIV USARMY CESAJ (US)
To: [james erskine](#)
Cc: [Summa, Eric P CIV USARMY CESAJ \(US\)](#); [Ralph, Gina P CIV USARMY CESAJ \(US\)](#); [Alejandro, Luis Alberto CIV USARMY CESAJ \(US\)](#); [Williams, Olice E CIV USARMY CESAJ \(US\)](#); [Nasuti, Melissa A CIV USARMY CESAJ \(US\)](#); [Tyson, Sharon L CIV USARMY CESAJ \(US\)](#)
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To: gened@miccosukeetribe.com
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Nasuti, Melissa A CIV USARMY CESAJ (US)

From: LoSchiavo, Andrew J CIV USARMY CESAJ (US)
Sent: Friday, July 06, 2018 3:48 PM
To: miles meyer; Guy_Shein@fws.gov
Cc: Summa, Eric P CIV USARMY CESAJ (US); Ralph, Gina P CIV USARMY CESAJ (US); Nasuti, Melissa A CIV USARMY CESAJ (US); Tyson, Sharon L CIV USARMY CESAJ (US); Progulske, Donald; Tim Breen - FWS (timothy_breen@fws.gov); Alejandro, Luis Alberto CIV USARMY CESAJ (US); Williams, Olice E CIV USARMY CESAJ (US); Moore, Brooks W CIV USARMY CESAJ (US); Lori Miller (Lori_miller@fws.gov); Kevin_palmer@fws.gov
Subject: U.S. Army Corps of Engineers Planned Temporary Deviation from DECOMP Physical Model Operational Strategy

Importance: High

Good Afternoon Mr. Meyer and Mr. Shein,

The U.S. Army Corps of Engineers, Jacksonville District (Corps), in coordination with South Florida Water Management District is preparing an Environmental Assessment associated with a planned temporary deviation from the Phase 2 Decompartamentalization Physical Model (DECOMP Physical Model) operational strategy. A series of mid-May rainfall events have caused conditions to change rapidly from very dry conditions to very wet in south Florida (301% of average rainfall). This record area-wide rainfall has caused water levels in the three Water Conservation Areas (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. 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.

Water management operations at Structure 152 (S-152), are currently governed by Phase 2 of the DECOMP Physical Model operational strategy. Under current operations, S-152 may discharge up to 750 cubic feet per second (cfs) until either DECOMP Physical Model objective(s) are met or S-152 is closed subject to operational constraints. When WCA 3B stages (at gages SRS-1 and/or Site_71) equal or exceed 8.5 feet (ft.) National Geodetic Vertical Datum of 1929 (NGVD), S-152 releases are reduced or discontinued. In order to provide relief from high water stages within WCA 3A, the Corps is initiating a planned temporary deviation from Phase 2 of the DECOMP Physical Model operational strategy to raise the stage at gages SRS-1 and/or Site_71 from 8.5 ft. NGVD to 9.0 ft. NGVD, allowing approximately 15,000 acre feet per month discharges out of WCA 3A. The operational actions which occur when the trigger stage is met remain the same. Discharges from each of the outflow structures for WCA 3B (S-31, S-355A, S-355B, S-335 (by way of seepage into the L-30 Canal) will be regulated to ensure the 9.0 ft. NGVD limit is not exceeded. These same outflow structures will be utilized to return WCA 3B to 8.5 ft. NGVD upon conclusion of the planned temporary deviation. The planned temporary deviation will extend no later than the duration of the State of Florida Emergency Final Order Due to Highwater Conditions in South Florida Region ending November 30, 2018. The proposed action is expected to increase water stages within WCA 3B temporarily; however, water elevations will not exceed those historically experienced as a result of periodic rain events. The proposed action is expected to mitigate for severe ecologic and economic losses that could result from prolonged high water levels within WCA 3A. Loss of natural resources directly affects fisheries and fishing, seafood harvesting and ecotourism.

Raising the stage at gages SRS-1 and/or Site_71 from 8.5 ft. NGVD to 9.0 ft. NGVD under the planned deviation will result in an increase in the volume of water by approximately 500 acre-feet per day which equates to approximately 15,000

acre-feet per month. In absence of above average rainfall it is expected that the continued operation of S-152 will provide a total of approximately 0.1 feet of high water relief to WCA 3A. Discharges from each of the outflows structures for WCA 3B will be regulated to ensure the 9.0 ft. NGVD limit is not exceeded. In addition, these same outflow structures will be utilized to return WCA 3B to 8.5 ft. NGVD at the end of the high-water emergency.

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 the EA 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 has determined that this action is consistent to the maximum extent practicable with Florida's Coastal Management Program.

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. Specifically, the Corps has determined that the proposed temporary deviation may affect, but is not likely to adversely affect, the Everglade snail kite and its designated critical habitat, the threatened wood stork, the threatened eastern indigo snake and the Florida Bonneted Bat. The Corps has determined that there will be "No Effect" on the endangered Florida panther, threatened Florida manatee and its designated critical habitat, the endangered Cape Sable seaside sparrow (CSSS) and its designated critical habitat.

An EA and Design Test Documentation Report (DTDR) was completed for the DECOMP Physical Model with the signing of a FONSI on April 13, 2010. The 2010 EA and DTDR anticipated operational testing of the DPM to begin in early 2011 and continue until late 2014. A Supplemental FONSI was signed July 8, 2015 to document NEPA compliance for a third and fourth year of testing in 2015 and 2016. A second Supplemental EA and FONSI was then signed on November 9, 2017 extending operations of the DECOMP Physical Model year round through 2021, subject to downstream constraints.

During prior consultation efforts for the DECOMP Physical Model, the Corps requested written confirmation of federally listed threatened and endangered species that are either known to occur or are likely to occur within the project area from the USFWS by letter dated March 16, 2007. Concurrence on the presence of listed species was received April 4, 2017. The Corps had determined that the plan identified in the 2017 Supplemental EA and FONSI would have the following effects on federally listed species and critical habitat.

- a. May effect, not likely to adversely affect, Eastern indigo snake (*Drymarchon corais couperi*), wood stork (*Mycteria americana*), Everglade snail kite (*Rostrhamus sociabilis*), and Everglade snail kite critical habitat.
- b. No effect on West Indian Manatee (*Trichechus manatus*), Cape Sable seaside sparrow (*Ammodramus maritimus mirabilis*) and Florida panther (*Felis concolor coryi*).

Concurrence on these determinations was received from USFWS July 27, 2017.

Operations of S-152 under the planned temporary deviation has not been subsequently modified in a manner that causes an effect to listed species or critical habitat that was not previously considered under ESA consultation for the DECOMP Physical Model. The increased use of S-152 will reduce the likelihood of WCA 3A water levels compelling the opening of 12A and 12B prior to July 15, 2018. The addition of pumps by SFWMD releasing waters to tide to compensate for S-151 being off-line, will also reduce the likelihood of needing to open the structures listed above. The Corps reaffirms the 2017 Supplemental DECOMP Physical Model EA and FONSI species effect determinations for listed species that may potentially occur within the action area under this planned temporary deviation. The Proposed Action includes raising the stage constraint from 8.5 ft. NGVD at gages SRS-1 and/or Site 71 at up to 9.0 feet NGVD. Monitoring of stage levels in WCA 3B, at SRS-1 and/or Site 71 demonstrate that WCA 3B has experienced stages slightly above 8.5 ft. NGVD historically from rain driven events. Environmental effects of the temporary deviation are expected to be of a short duration. Due to the emergency nature of this request, the Corps respectfully requests your written concurrence on our species effects determinations by July 10, 2018. Please don't hesitate to contact me regarding any questions. I look forward to hearing from you shortly.

Andrew (Andy) LoSchiavo

Restoration and Resources Section Chief,
Planning and Policy Division - Environmental Branch
U.S. Army Corps of Engineers - Jacksonville District
E: Andrew.J.LoSchiavo@usace.army.mil
P: 904-232-2077; C: 904-305-1421

From: LoSchiavo, Andrew J CIV USARMY CESAJ (US)
To: [Cherise Maples](#)
Cc: [Summa, Eric P CIV USARMY CESAJ \(US\)](#); [Tyson, Sharon L CIV USARMY CESAJ \(US\)](#); [Nasuti, Melissa A CIV USARMY CESAJ \(US\)](#); [Alejandro, Luis Alberto CIV USARMY CESAJ \(US\)](#); [Williams, Olice E CIV USARMY CESAJ \(US\)](#); [Taplin, Kimberley A CIV USARMY CESAJ \(US\)](#); [Riley, James M \(jim\) CIV USARMY CESAJ \(US\)](#); [Ralph, Gina P CIV USARMY CESAJ \(US\)](#)
Subject: U.S. Army Corps of Engineers 2018 Planned Temporary Deviation
Date: Friday, July 6, 2018 1:40:00 PM
Importance: High

Good Afternoon,

The U.S. Army Corps of Engineers, Jacksonville District (Corps), in coordination with South Florida Water Management District is preparing an Environmental Assessment associated with a planned temporary deviation from the Phase 2 Decompartmentalization Physical Model (DECOMP Physical Model) operational strategy. 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 Water Conservation Areas (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. Due to the continued critical nature of elevated water levels in WCA 3A and in compliance with the Florida Department of Environmental Protection (FDEP) Emergency Final Order (EFO) for Highwater Conditions, this action is being proposed in conjunction with the June 2018 temporary deviation for WCA 2A.

Water management operations at Structure 152 (S-152), are currently governed by Phase 2 of the DECOMP Physical Model operational strategy. Under current operations, S-152 may discharge up to 750 cubic feet per second (cfs) until either DECOMP Physical Model objective(s) are met or S-152 is closed subject to operational constraints. When WCA 3B stages (at gages SRS-1 and/or Site_71) equal or exceed 8.5 feet (ft.) National Geodetic Vertical Datum of 1929 (NGVD), S-152 releases are reduced or discontinued. In order to provide relief from high water stages within WCA 3A, the Corps is initiating a planned temporary deviation from Phase 2 of the DECOMP Physical Model operational strategy to raise the stage at gages SRS-1 and/or Site_71 from 8.5 ft. NGVD to 9.0 ft. NGVD, allowing approximately 15,000 acre feet per month discharges out of WCA 3A. The operational actions which occur when the trigger stage is met remain the same. Discharges from each of the outflow structures for WCA 3B (S-31, S-355A, S-355B, S-335 (by way of seepage into the L-30 Canal)) will be regulated to ensure the 9.0 ft. NGVD limit is not exceeded. These same outflow structures will be utilized to return WCA 3B to 8.5 ft. NGVD upon conclusion of the planned temporary deviation. The planned temporary deviation will extend no later than the duration of the Emergency Final Order ending November 30, 2018. The proposed action is expected to increase water stages within WCA 3B temporarily; however, water elevations will not exceed those historically experienced as a result of periodic rain events. The proposed action is expected to mitigate for severe ecologic and economic losses that could result from prolonged high water levels within WCA 3A. Loss of natural resources directly affects fisheries and fishing, seafood harvesting and ecotourism.

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

Sincerely,
Andy

Andrew (Andy) LoSchiavo
Restoration and Resources Section Chief,
Planning and Policy Division - Environmental Branch
U.S. Army Corps of Engineers - Jacksonville District
E: Andrew.J.LoSchiavo@usace.army.mil
P: 904-232-2077; C: 904-305-1421



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

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

August 1, 2018

RE: DHR Project File No.: 2018-3504, Received by DHR: July 13, 2018
Project: *July 2018 Temporary Deviation from the Decompartmentalization Physical Model (DECOMP Physical Model) For Water Conservation Area (WCA) 3B*

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*. 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*.

Based on the information provided it is our understanding that the increase in water levels will be temporary and will not exceed those historically experienced as a result of periodic rain events. Therefore, our office concurs with the Corps' determination that the proposed undertaking will have no adverse effects 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,

A handwritten signature in blue ink that reads "Jason Aldridge" with "For" written below it.

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



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

June 28, 2018

Colonel Jason A. Kirk
District Commander, Jacksonville District
U.S. Army Corps of Engineers
701 San Marco Boulevard
Jacksonville, FL 32207-8175

Subject: S-151 Temporary Bypass Pump Installation in L-67A Levee

Dear Colonel Kirk:

The South Florida Water Management District (SFWMD) has been working with your staff to develop a standard template to facilitate the review and permitting process for modifications to original USACE facilities within the Central and Southern Florida (C&SF) project. The revised template that has been developed by the SFWMD takes into account the latest USACE requirements for levee maintenance, canal bank repairs, and structural modifications.

Due to the recent high rainfall events and subsequent flooding in the South Florida Region, and in support of the emergency order issued by the State of Florida Department of Environmental Protection associated with the high water conditions in the Water Conservation Areas, the SFWMD proposes to install temporary pumping systems in the L-67A Levee in order to help reduce water levels in these areas while structure S-151 is under construction.

The attached package contains additional details of the temporary pump installations, which will be completed by SFWMD at no cost to USACE. It is the intent of the SFWMD that these pumping systems will remain in place throughout the duration of the high water event, at which time they will be removed and any disturbed areas will be returned to the original condition. As such, the work effort is a temporary modification to the existing project features.

If you have any questions or require any additional steps, please contact Teri R. Swartz, P.E. at (561) 682-2505 or via email tswartz@sfwmd.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "John P. Mitnik".

John P. Mitnik, P.E.
Chief District Engineer

JPM/ts
Attachments

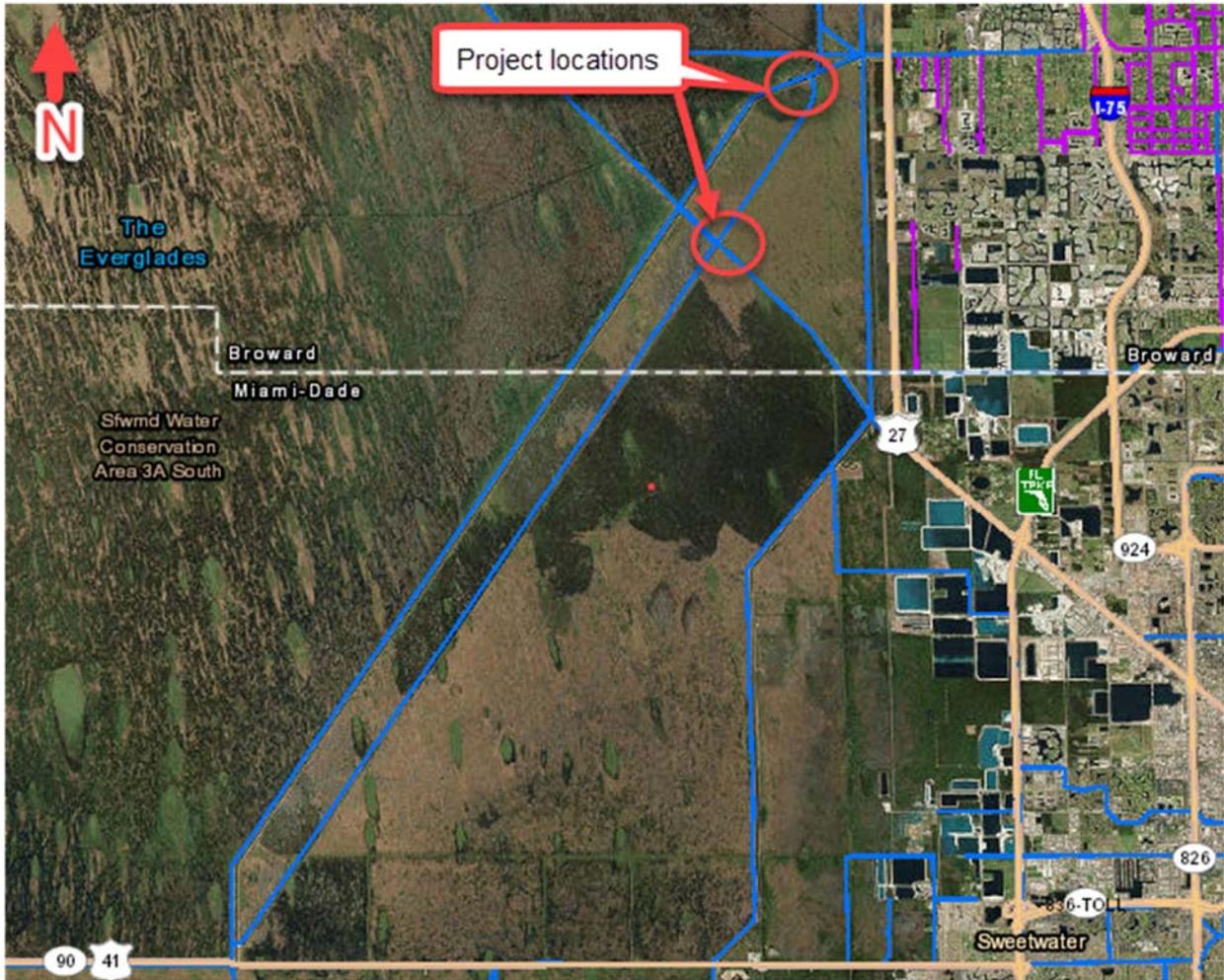
Colonel Jason A. Kirk
June 28, 2018
Page 2

c: Laureen Boročaner, USACE
Trisston Brown, USACE
Eduardo Marin, USACE
Teri Swartz, SFWMD

Project Description and Location:

The South Florida Water Management District (SFWMD) is proposing to install two 42-inch temporary pumps (with a total installed capacity of approximately 200 cfs) through the L-67A levee, approximately 4.4 miles northeast of structure S-151. An open connection will also be excavated between the L-67C borrow canal and C-304. See Figures 1 through 4 for the location of these installations.

Figure 1 – Location Map of Proposed Project



Circumstances:

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, including Water Conservation Area 3 (WCA 3), posing an immediate threat to wildlife, public health, safety, or welfare. As a result of these conditions, the Florida Department of Environmental Protection (FDEP) issued an Emergency Final Order (OGC NO.: 18-1066) on June 20, 2018, authorizing the SFWMD and USACE to make temporary operational changes, and temporarily suspending requirements for permits and other specific state authorizations.

Benefits:

The proposed discharges from WCA 3 will help alleviate the high water conditions currently present within WCA 3.

Scope:

SFWMD proposes to install two 42-inch temporary submersible pumps (with a total installed capacity of approximately 200 cfs) through the L-67A levee, approximately 4.4 miles northeast of structure S-151, to divert water around S-151 which is currently under construction. The water will move from L67A to the L-67C borrow canal, and ultimately discharge into C-304 through an open connection excavated between the two canals approximately 1.2 miles southeast of structure S-151.

The hydraulic pumping units will be placed on the upland portion of L-67A, directly across from the L67C borrow ditch. Excavation of the levee along the intake and discharge pipes will support the pump installation and will minimize disruption of vehicular traffic. There is no levee at the proposed location of the open connection, which will be approximately 30 feet wide with a bottom elevation of approximately 5 feet. SFWMD will follow its standard procedures for levee excavation and backfilling activities, which will include compaction and slope stabilization. See Figure 5 for additional pump installation details.

Schedule:

SFWMD intends to commence pump installation immediately, and to operate them as needed through the duration of the declared emergency, which is currently scheduled to end on November 30, 2018.

Figure 2 – Location of Proposed Temporary Pumps and Open Connection

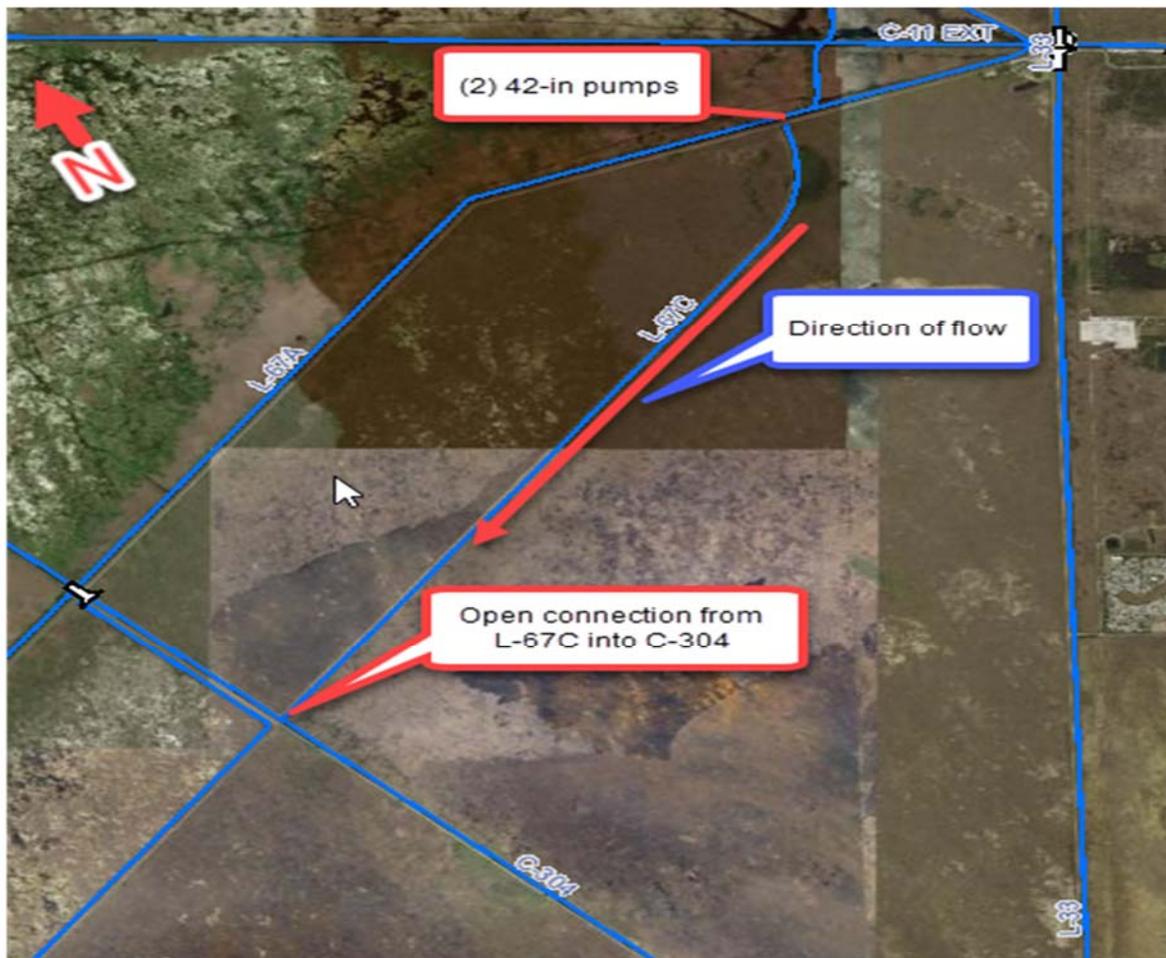


Figure 3 – Location of Proposed Temporary Pumps



Figure 4 – Location of Proposed Temporary Open Connection

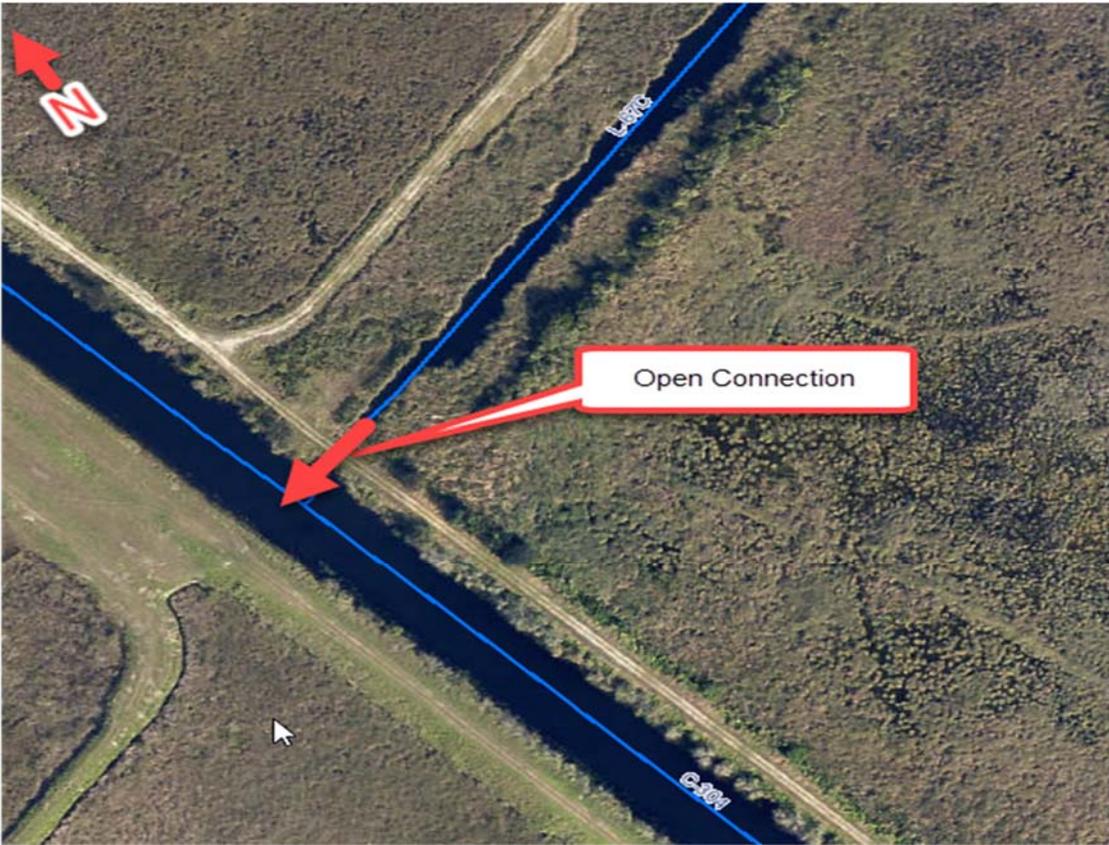
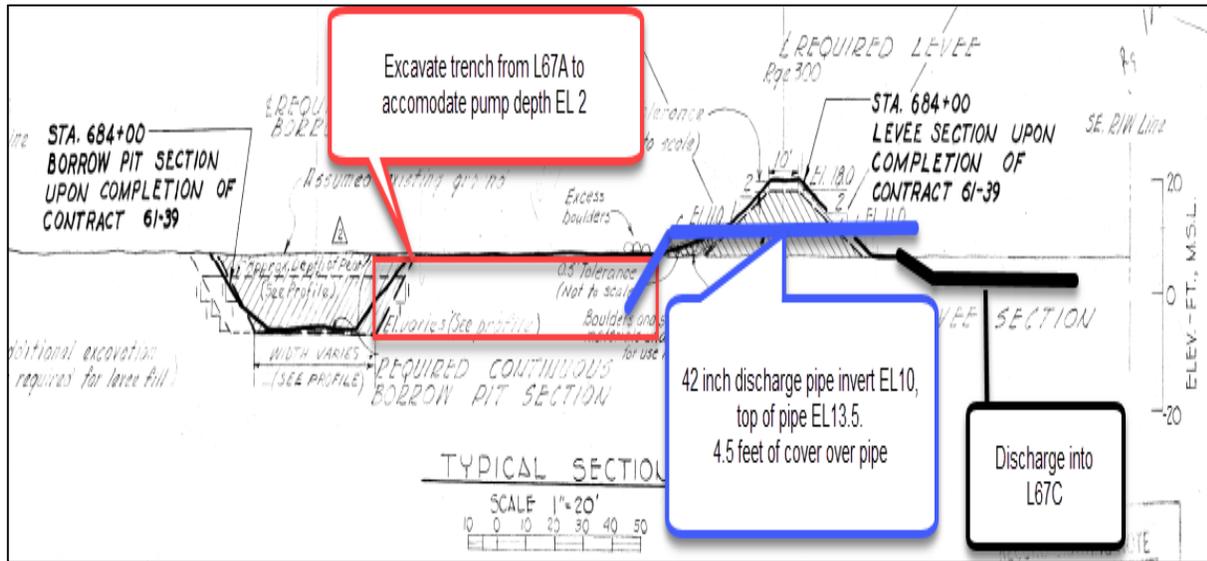


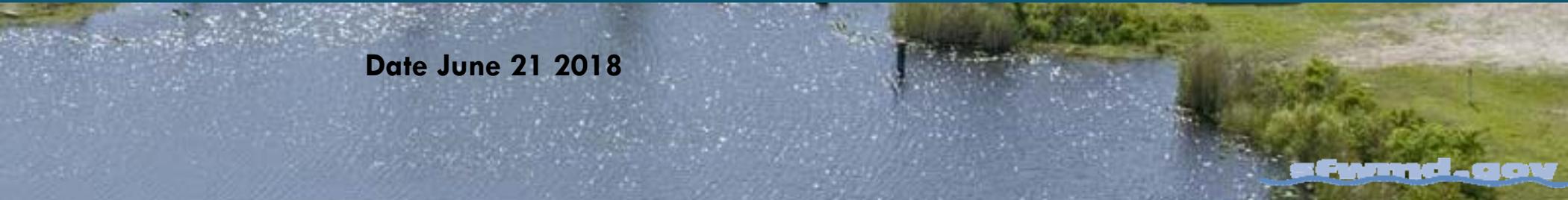
Figure 5 – Pump Installation Cross Section





MIAMI FIELD STATION OPERATIONS AND MAINTENANCE L-29 PUMP INSTALLATION

Date June 21 2018



L-29 Temporary Pump Operations



- The movement of water from Water Conservation Area 3A through Water Conservation Area 3B required pumping from Water Conservation Area 3B to the L-29.
- Four 30-inch pumps were installed over the L-29 levee (200 cubic feet per second)



L-29 Temporary Pump Operations



During



tract track hoe, loader and personnel were used to install the pumps

During



Illustrates how the pipes went over the levee

L-29 Temporary Pump Operations

During



brought in and track hoe places fill er pipes. Necessary to keep levee open to traffic.

After



Shows the layout of the pumps from an aerial view.

QUOTE FOR 4- 36" PUMPS 6/21/17

Customer South Florida Water Management
9001 N.W. 58th t
Miami, Florida. 33178

Project Pump Station # S355A
1 mile west of Krone Ave on RT 41 (S.W 8st)
Miami, Florida

Contact Andrew Wolf
Phone 305-513-3420 ext-7102
Email awolf@sflwmd.gov
Term 4 Week

Qty	Item	Day	Week	4 Week	4 Week
4	HAC330 Hydraflo pumps w/Drive unit	\$1,666.67	\$3,333.33	\$10,000.00	\$ 40,000.00
1	HAC330 Hydraflo pump w/Drive unit (Back up)	\$1,250.00	\$2,500.00	\$7,500.00	\$ 7,500.00
4	Telemetry systems	\$58.33	\$116.67	\$350.00	\$ 1,400.00
720	Linear feet Discharge pipe	\$19.44	\$58.33	\$15.75	\$ 11,340.00
8	90 Degree elbows	\$26.25	\$78.75	\$236.25	\$ 1,890.00
24	45 Degree elbows	\$26.25	\$78.75	\$236.25	\$ 5,670.00

Monthly Rental \$67,800.00

3 Mo. estimate \$203,400.00

Services	Item	Price	Total
5	Installation days	\$4,800.00	\$ 24,000.00
4	Removal days	\$4,800.00	\$ 19,200.00
8	Delivery per truck load (Estimated)	\$600.00	\$ 4,800.00
8	Pick up per truck load (Estimated)	\$600.00	\$ 4,800.00
24	Unit services	\$350.00	\$ 8,400.00
2	Delivery (Boom Truck)	\$150.00	\$ 300.00
2	Pick Up (Boom Truck)	\$150.00	\$ 300.00

Services Total \$61,800.00

Subtotal \$129,600.00

Env. Fee \$400.00

Estimated Tax Tax Exempt

1st Month Estimated Total* \$129,600.00

Project Estimated Total* \$265,200.00

*This is an estimate. Actual site conditions can vary which may affect the final pricing.

Cost of project



1. Install, removal and one months rental of four (4) 36" pumps is \$129,600.00 This is a year old quote. MWI is updating quote.
2. We will use 3-1000, 2-500 gallon tanks from Okeechobee F.S.
3. Will need a spill kit for pump setup \$350.00 one time charge.
4. Porto let is \$316.00 first month and light towers for \$415.00 per month will be rented for jobsite
5. Total cost to startup one month is \$130,681.00 (Based on old quotes). This does not include fuel for pumps.

Installation of project



1. To install pumps fill will need to be hauled in to create a pad for tanks and power units to be located . A track hoe will be operated by District staff to assist with the installation of the pumps by MWI personnel.
2. Fill will be placed over the discharge pipes to keep the levee open to the Tribe and public.
3. Personnel will monitor pumps 24 hours a day.

From: [Palmer, Kevin](#)
To: [LoSchiavo, Andrew J CIV USARMY CESAJ \(US\)](#)
Cc: [miles meyer](#); [Guy Shein@fws.gov](#); [Summa, Eric P CIV USARMY CESAJ \(US\)](#); [Ralph, Gina P CIV USARMY CESAJ \(US\)](#); [Nasuti, Melissa A CIV USARMY CESAJ \(US\)](#); [Tyson, Sharon L CIV USARMY CESAJ \(US\)](#); [Progulske, Donald](#); [Tim Breen - FWS \(timothy_breen@fws.gov\)](#); [Alejandro, Luis Alberto CIV USARMY CESAJ \(US\)](#); [Williams, Olice E CIV USARMY CESAJ \(US\)](#); [Moore, Brooks W CIV USARMY CESAJ \(US\)](#); [Lori Miller \(Lori_miller@fws.gov\)](#)
Subject: [Non-DoD Source] Re: [EXTERNAL] U.S. Army Corps of Engineers Planned Temporary Deviation from DECOMP Physical Model Operational Strategy
Date: Monday, July 9, 2018 10:53:32 AM

Hi Andy,

Thank you for coordinating the proposed emergency deviation for operations regarding the Decompartmentalization Physical Model (DPM). The Service supports these and other actions to help reduce high water concerns in the Conservation Areas. We concur with the Corps' species effects determinations which are similar to those we have provided during past emergency deviations, permit renewals and during the original permitting of the project (most recently July 27, 2017). We hope that the scientific data collection associated with this project can continue during the deviation.

When/if system-wide water levels recede to an acceptable level, the Service recommends the Corps prioritize the removal of excess water in WCA-3B.

If you have any questions or need anything further from the Service please do not hesitate to contact us.

Sincerely,

Kevin

On Fri, Jul 6, 2018 at 3:47 PM, LoSchiavo, Andrew J CIV USARMY CESAJ (US) <Andrew.J.Loschiavo@usace.army.mil <<mailto:Andrew.J.Loschiavo@usace.army.mil>> > wrote:

Good Afternoon Mr. Meyer and Mr. Shein,

The U.S. Army Corps of Engineers, Jacksonville District (Corps), in coordination with South Florida Water Management District is preparing an Environmental Assessment associated with a planned temporary deviation from the Phase 2 Decompartmentalization Physical Model (DECOMP Physical Model) operational strategy. A series of mid-May rainfall events have caused conditions to change rapidly from very dry conditions to very wet in south Florida (301% of average rainfall). This record area-wide rainfall has caused water levels in the three Water Conservation Areas (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. 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.

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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. Specifically, the Corps has determined that the proposed temporary deviation may affect, but is not likely to adversely affect, the Everglade snail kite and its designated critical habitat, the threatened wood stork, the threatened eastern indigo snake and the Florida Bonneted Bat. The Corps has determined that there will be "No Effect" on the endangered Florida panther, threatened Florida manatee and its designated critical habitat, the endangered Cape Sable seaside sparrow (CSSS) and its designated critical habitat.

An EA and Design Test Documentation Report (DTDR) was completed for the DECOMP Physical Model with the signing of a FONSI on April 13, 2010. The 2010 EA and DTDR anticipated operational testing of the DPM to begin in early 2011 and continue until late 2014. A Supplemental FONSI was signed July 8, 2015 to document NEPA compliance for a third and fourth year of testing in 2015 and 2016. A second Supplemental EA and FONSI was then signed on November 9, 2017 extending operations of the DECOMP Physical Model year round through 2021, subject to downstream constraints.

During prior consultation efforts for the DECOMP Physical Model, the Corps requested written confirmation of federally listed threatened and endangered species that are either known to occur or are likely to occur within the project area from the USFWS by letter dated March 16, 20017. Concurrence on the presence of listed species was received April 4, 2017. The Corps had determined that the plan identified in the 2017 Supplemental EA and FONSI would have the following effects on federally listed species and critical habitat.

- a. May effect, not likely to adversely affect, Eastern indigo snake (*Drymarchon corais couperi*), wood stork (*Mycteria americana*), Everglade snail kite (*Rostrhamus sociabilis*), and Everglade snail kite critical habitat.
- b. No effect on West Indian Manatee (*Trichechus manatus*), Cape Sable seaside sparrow (*Ammodramus maritimus mirabilis*) and Florida panther (*Felis concolor coryi*).

Concurrence on these determinations was received from USFWS July 27, 2017.

Operations of S-152 under the planned temporary deviation has not been subsequently modified in a manner that causes an effect to listed species or critical habitat that was not previously considered under ESA consultation for the DECOMP Physical Model. The increased use of S-152 will reduce the likelihood of WCA 3A water levels compelling the opening of 12A and 12B prior to July 15, 2018. The addition of pumps by SFWMD releasing waters to tide to compensate for S-151 being off-line, will also reduce the likelihood of needing to open the structures listed

above. The Corps reaffirms the 2017 Supplemental DECOMP Physical Model EA and FONSI species effect determinations for listed species that may potentially occur within the action area under this planned temporary deviation. The Proposed Action includes raising the stage constraint from 8.5 ft. NGVD at gages SRS-1 and/or Site 71 at up to 9.0 feet NGVD. Monitoring of stage levels in WCA 3B, at SRS-1 and/or Site 71 demonstrate that WCA 3B has experienced stages slightly above 8.5 ft. NGVD historically from rain driven events. Environmental effects of the temporary deviation are expected to be of a short duration. Due to the emergency nature of this request, the Corps respectfully requests your written concurrence on our species effects determinations by July 10, 2018. Please don't hesitate to contact me regarding any questions. I look forward to hearing from you shortly.

Andrew (Andy) LoSchiavo
Restoration and Resources Section Chief,
Planning and Policy Division - Environmental Branch
U.S. Army Corps of Engineers - Jacksonville District
E: Andrew.J.LoSchiavo@usace.army.mil <<mailto:Andrew.J.LoSchiavo@usace.army.mil>>
P: 904-232-2077; C: 904-305-1421

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Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov <mailto:Kevin_Palmer@fws.gov>

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.

Nasuti, Melissa A CIV USARMY CESAJ (US)

From: Palmer, Kevin <kevin_palmer@fws.gov>
Sent: Monday, July 09, 2018 10:53 AM
To: LoSchiavo, Andrew J CIV USARMY CESAJ (US)
Cc: miles meyer; Guy_Shein@fws.gov; Summa, Eric P CIV USARMY CESAJ (US); Ralph, Gina P CIV USARMY CESAJ (US); Nasuti, Melissa A CIV USARMY CESAJ (US); Tyson, Sharon L CIV USARMY CESAJ (US); Progulske, Donald; Tim Breen - FWS (timothy_breen@fws.gov); Alejandro, Luis Alberto CIV USARMY CESAJ (US); Williams, Olice E CIV USARMY CESAJ (US); Moore, Brooks W CIV USARMY CESAJ (US); Lori Miller (Lori_miller@fws.gov)
Subject: [Non-DoD Source] Re: [EXTERNAL] U.S. Army Corps of Engineers Planned Temporary Deviation from DECOMP Physical Model Operational Strategy

Hi Andy,

Thank you for coordinating the proposed emergency deviation for operations regarding the Decompartmentalization Physical Model (DPM). The Service supports these and other actions to help reduce high water concerns in the Conservation Areas. We concur with the Corps' species effects determinations which are similar to those we have provided during past emergency deviations, permit renewals and during the original permitting of the project (most recently July 27, 2017). We hope that the scientific data collection associated with this project can continue during the deviation.

When/if system-wide water levels recede to an acceptable level, the Service recommends the Corps prioritize the removal of excess water in WCA-3B.

If you have any questions or need anything further from the Service please do not hesitate to contact us.

Sincerely,

Kevin

On Fri, Jul 6, 2018 at 3:47 PM, LoSchiavo, Andrew J CIV USARMY CESAJ (US) <Andrew.J.Loschiavo@usace.army.milmailto:Andrew.J.Loschiavo@usace.army.mil> > wrote:

Good Afternoon Mr. Meyer and Mr. Shein,

The U.S. Army Corps of Engineers, Jacksonville District (Corps), in coordination with South Florida Water Management District is preparing an Environmental Assessment associated with a planned temporary deviation from the Phase 2 Decompartmentalization Physical Model (DECOMP Physical Model) operational strategy. A series of mid-May rainfall events have caused conditions to change rapidly from very dry conditions to very wet in south Florida (301% of average rainfall). This record area-wide rainfall has caused water levels in the three Water Conservation Areas (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. 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.

Water management operations at Structure 152 (S-152), are currently governed by Phase 2 of the DECOMP Physical Model operational strategy. Under current operations, S-152 may discharge up to 750 cubic feet per second (cfs) until either DECOMP Physical Model objective(s) are met or S-152 is closed subject to operational constraints. When WCA 3B stages (at gages SRS-1 and/or Site_71) equal or exceed 8.5 feet (ft.) National Geodetic Vertical Datum of 1929 (NGVD), S-152 releases are reduced or discontinued. In order to provide relief from high water stages within WCA 3A, the Corps is initiating a planned temporary deviation from Phase 2 of the DECOMP Physical Model operational strategy to raise the stage at gages SRS-1 and/or Site_71 from 8.5 ft. NGVD to 9.0 ft. NGVD, allowing approximately 15,000 acre feet per month discharges out of WCA 3A. The operational actions which occur when the trigger stage is met remain the same. Discharges from each of the outflow structures for WCA 3B (S-31, S-355A, S-355B, S-335 (by way of seepage into the L-30 Canal) will be regulated to ensure the 9.0 ft. NGVD limit is not exceeded. These same outflow structures will be utilized to return WCA 3B to 8.5 ft. NGVD upon conclusion of the planned temporary deviation. The planned temporary deviation will extend no later than the duration of the State of Florida Emergency Final Order Due to Highwater Conditions in South Florida Region ending November 30, 2018. The proposed action is expected to increase water stages within WCA 3B temporarily; however, water elevations will not exceed those historically experienced as a result of periodic rain events. The proposed action is expected to mitigate for severe ecologic and economic losses that could result from prolonged high water levels within WCA 3A. Loss of natural resources directly affects fisheries and fishing, seafood harvesting and ecotourism.

Raising the stage at gages SRS-1 and/or Site_71 from 8.5 ft. NGVD to 9.0 ft. NGVD under the planned deviation will result in an increase in the volume of water by approximately 500 acre-feet per day which equates to approximately 15,000 acre-feet per month. In absence of above average rainfall it is expected that the continued operation of S-152 will provide a total of approximately 0.1 feet of high water relief to WCA 3A. Discharges from each of the outflows structures for WCA 3B will be regulated to ensure the 9.0 ft. NGVD limit is not exceeded. In addition, these same outflow structures will be utilized to return WCA 3B to 8.5 ft. NGVD at the end of the high-water emergency.

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 the EA 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 has determined that this action is consistent to the maximum extent practicable with Florida's Coastal Management Program.

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. Specifically, the Corps has determined that the proposed temporary deviation may affect, but is not likely to adversely affect, the Everglade snail kite and its designated critical habitat, the threatened wood stork, the threatened eastern indigo snake and the Florida Bonneted Bat. The Corps has determined that there will be "No Effect" on the endangered Florida panther, threatened Florida manatee and its designated critical habitat, the endangered Cape Sable seaside sparrow (CSSS) and its designated critical habitat.

An EA and Design Test Documentation Report (DTDR) was completed for the DECOMP Physical Model with the signing of a FONSI on April 13, 2010. The 2010 EA and DTDR anticipated operational testing of the DPM to begin in early 2011 and continue until late 2014. A Supplemental FONSI was signed July 8, 2015 to document NEPA compliance for a third and fourth year of testing in 2015 and 2016. A second Supplemental EA and FONSI was then signed on November 9, 2017 extending operations of the DECOMP Physical Model year round through 2021, subject to downstream constraints.

During prior consultation efforts for the DECOMP Physical Model, the Corps requested written confirmation of federally listed threatened and endangered species that are either known to occur or are likely to occur within the project area from the USFWS by letter dated March 16, 20017. Concurrence on the presence of listed species was

received April 4, 2017. The Corps had determined that the plan identified in the 2017 Supplemental EA and FONSI would have the following effects on federally listed species and critical habitat.

- a. May effect, not likely to adversely affect, Eastern indigo snake (*Drymarchon corais couperi*), wood stork (*Mycteria americana*), Everglade snail kite (*Rostrhamus sociabilis*), and Everglade snail kite critical habitat.
- b. No effect on West Indian Manatee (*Trichechus manatus*), Cape Sable seaside sparrow (*Ammodramus maritimus mirabilis*) and Florida panther (*Felis concolor coryi*).

Concurrence on these determinations was received from USFWS July 27, 2017.

Operations of S-152 under the planned temporary deviation has not been subsequently modified in a manner that causes an effect to listed species or critical habitat that was not previously considered under ESA consultation for the DECOMP Physical Model. The increased use of S-152 will reduce the likelihood of WCA 3A water levels compelling the opening of 12A and 12B prior to July 15, 2018. The addition of pumps by SFWMD releasing waters to tide to compensate for S-151 being off-line, will also reduce the likelihood of needing to open the structures listed above. The Corps reaffirms the 2017 Supplemental DECOMP Physical Model EA and FONSI species effect determinations for listed species that may potentially occur within the action area under this planned temporary deviation. The Proposed Action includes raising the stage constraint from 8.5 ft. NGVD at gages SRS-1 and/or Site 71 at up to 9.0 feet NGVD. Monitoring of stage levels in WCA 3B, at SRS-1 and/or Site 71 demonstrate that WCA 3B has experienced stages slightly above 8.5 ft. NGVD historically from rain driven events. Environmental effects of the temporary deviation are expected to be of a short duration. Due to the emergency nature of this request, the Corps respectfully requests your written concurrence on our species effects determinations by July 10, 2018. Please don't hesitate to contact me regarding any questions. I look forward to hearing from you shortly.

Andrew (Andy) LoSchiavo
Restoration and Resources Section Chief,
Planning and Policy Division - Environmental Branch
U.S. Army Corps of Engineers - Jacksonville District
E: Andrew.J.LoSchiavo@usace.army.mil <mailto:Andrew.J.LoSchiavo@usace.army.mil>
P: 904-232-2077; C: 904-305-1421

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Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov <mailto:Kevin_Palmer@fws.gov>

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CONVERSATION RECORD

TIME 12:10 pm

DATE 7/10/2018

TYPE

VISIT

CONFERENCE

TELEPHONE

ROUTING

NAME/SYMBOL INT

INCOMING

OUTGOING

Location of Visit / Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

Fred Dayhoff

ORGANIZATION (Office, dept., bureau,

Miccosukee Tribe

TELEPHONE NO.

(239) 695-4360

SUBJECT

Temporary Deviation from the Decompartmentalization Physical Model (DECOMP Physical Model) for Water Conservation Area (WCA) 3B

SUMMARY

Ms. Moreno called Mr. Dayhoff to discuss the effects to cultural resources associated with deviating from the Phase 2 DECOMP Physical Model operational strategy. Under current operations, when WCA 3B stages (as measured at gages SRS-1 and/or Site 71) equal or exceed 8.5 feet NGVD, S-152 releases are reduced or discontinued. The Corps is currently proposing a temporary deviation to raise the stage at gages SRS-1 and/or Site 71 from 8.5 ft. NGVD to 9.0 feet NGVD. Due to temporary nature and short duration of the deviation and based on the recurrent condition of water levels that cultural resources have been exposed to naturally, the Corps has determined that the proposed undertaking poses no adverse effects to historic properties listed or eligible for listing in the National Register of Historic Places. Mr. Dayhoff concurred with the Corps determination of effects.

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION

Meredith Moreno

SIGNATURE

DATE

7/10/2018

ACTION TAKEN

SIGNATURE

MORENO.MEREDITH.ASHLEY.15140
43007

TITLE

Lead Archaeologist

DATE



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

JUL 10 2018

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

Re: July 2018 Temporary Deviation from the Decompartmentalization Physical Model
(DECOMP Physical Model) for Water Conservation Area (WCA) 3B

Dear Mr. Dayhoff:

The U.S. Army Corps of Engineers, Jacksonville District (Corps), in coordination with South Florida Water Management District, is preparing an Environmental Assessment associated with a planned temporary deviation from the Phase 2 DECOMP Physical Model operational strategy. 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. Due to the continued critical nature of elevated water levels in WCA 3A and in compliance with the Florida Department of Environmental Protection (FDEP) Emergency Final Order (EFO) for Highwater Conditions, this action is being proposed in conjunction with the June 2018 temporary deviation for WCA 2A which was previously coordinated with your office (letter dated June 19, 2018).

Per the Phase 2 DECOMP Physical Model operational strategy, water inflows to WCA 3B are managed through operational releases at Structure 152 (S-152) (Figure 1). Under current operations, S-152 may discharge up to 750 cubic feet per second (cfs) until either DECOMP Physical Model objective(s) are met or S-152 is closed subject to operational constraints. When WCA 3B stages (as measured at gages SRS-1 and/or Site 71) equal or exceed 8.5 feet (ft.) National Geodetic Vertical Datum of 1929 (NGVD), S-152 releases are reduced or discontinued. In order to provide relief from high water stages within WCA 3A, the Corps is proposing a temporary deviation from Phase 2 of the DECOMP Physical Model operational strategy to raise the stage at gages SRS-1 and/or Site 71 from 8.5 ft. NGVD to 9.0 ft. NGVD.

The proposed action is expected to increase water stages up to 0.5 ft. within WCA 3B temporarily; however, water elevations will not exceed those historically experienced as a result of periodic rain events (Figures 2 and 3). This deviation would remain in effect until WCA 3A falls below Zone A of the Water Control Plan or when the EFO issued by FDEP expires on November 30, 2018, whichever occurs first. The proposed action is expected to further help to reduce the stage in WCA 3A and prevent potential flooding in the Miccosukee Tribe of Indians of Florida's Reserved Area.

Due to temporary nature and short duration of the deviation and based on the recurrent condition of water levels that cultural resources have been exposed to naturally, the Corps has determined that the proposed undertaking poses no adverse effects to historic properties listed or eligible for listing in the National Register of Historic Places. Pursuant to Section 106 of the National Historic Preservation Act (16 USC 470) and its implementing regulations (36 CFR 800), and in consideration of the Corps' Trust Responsibilities to the Miccosukee Tribe of Indians of Florida, the Corps requests your concurrence on the determination of no adverse effect. Due to the nature of these high water conditions, the Corps is kindly requesting an expedited consultation period. I understand that a seven day consultation process is a shortened period and appreciate your assistance. If there are any questions, please contact Ms. Meredith Moreno at 904-232-1577 or e-mail at Meredith.a.moreno@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gina Paduano Ralph', written over a circular stamp or seal.

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

Enclosures

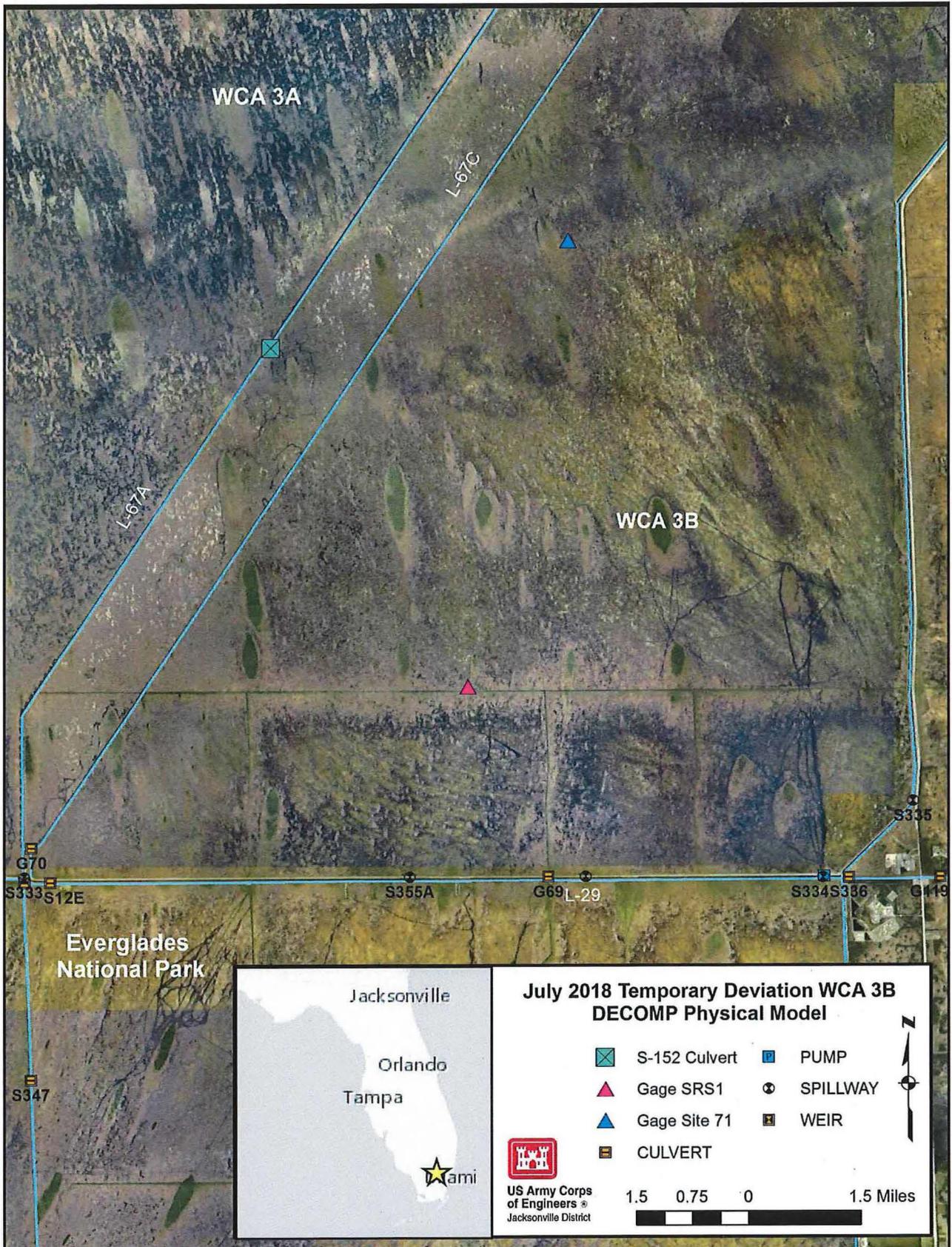


Figure 1. Location of WCA 3B and water control structures.

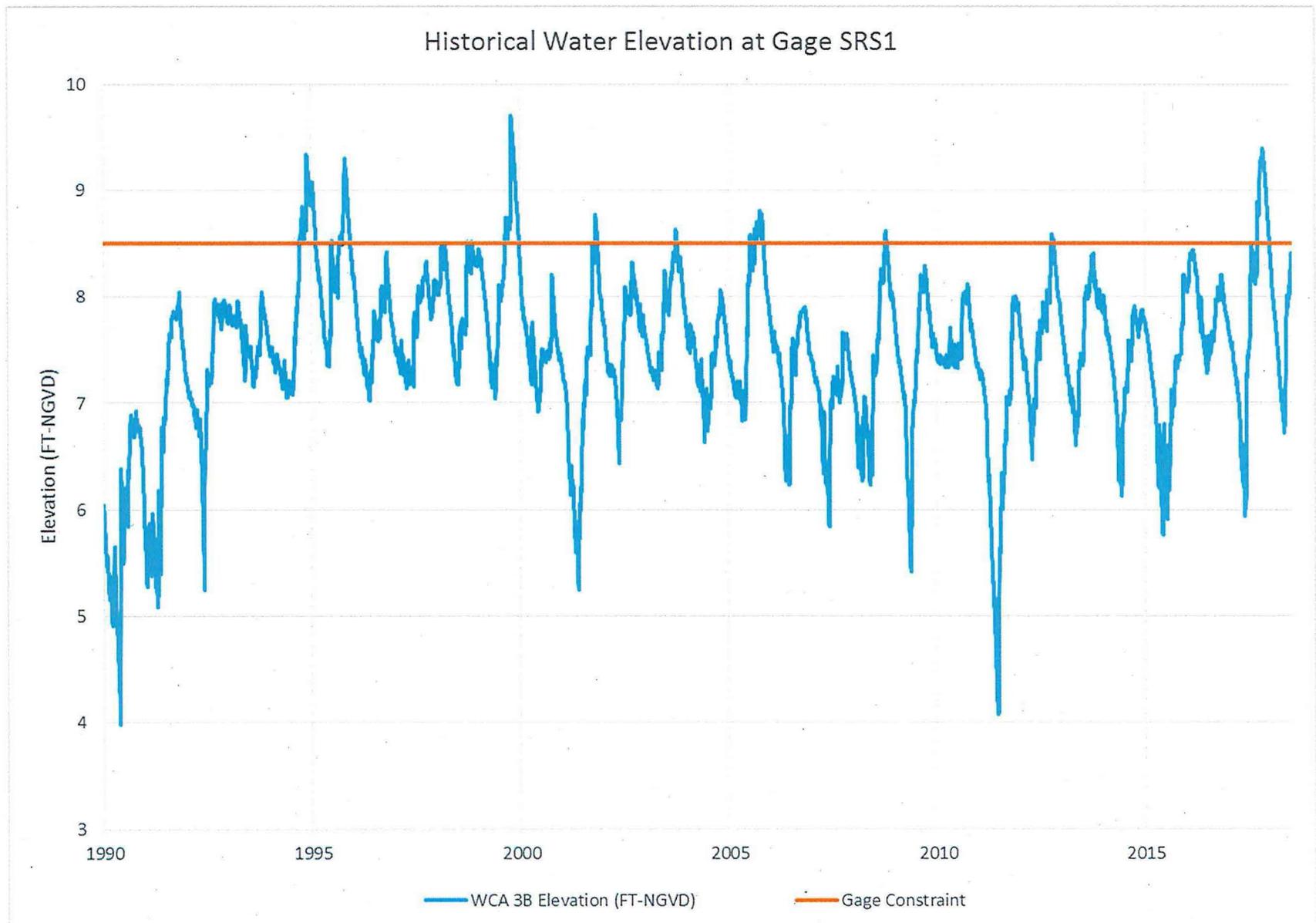


Figure 2. Historical water elevation in WCA 3B as measured at SRS-1.

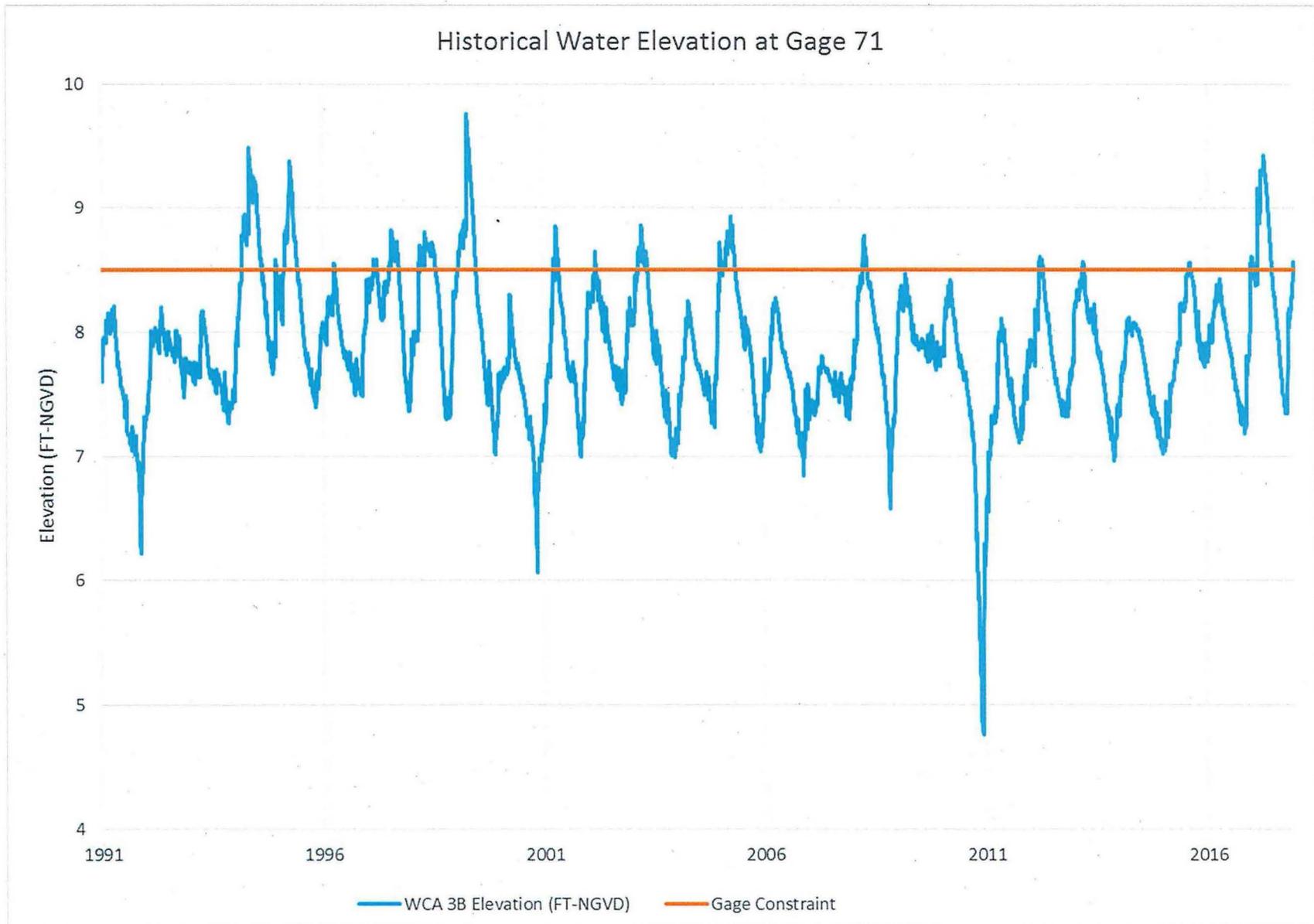


Figure 3. Historical water elevation in WCA 3B as measured at Site 71.



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

Planning and Policy Division
Environmental Branch

JUL 10 2018

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

Re: July 2018 Temporary Deviation from the Decompartmentalization Physical Model (DECOMP Physical Model) for Water Conservation Area (WCA) 3B

Dear Dr. Backhouse:

The U.S. Army Corps of Engineers, Jacksonville District (Corps), in coordination with South Florida Water Management District, is preparing an Environmental Assessment associated with a planned temporary deviation from the Phase 2 DECOMP Physical Model operational strategy. 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. Due to the continued critical nature of elevated water levels in WCA 3A and in compliance with the Florida Department of Environmental Protection (FDEP) Emergency Final Order (EFO) for Highwater Conditions, this action is being proposed in conjunction with the June 2018 temporary deviation for WCA 2A which was previously coordinated with your office (letter dated June 19, 2018).

Per the Phase 2 DECOMP Physical Model operational strategy, water inflows to WCA 3B are managed through operational releases at Structure 152 (S-152) (Figure 1). Under current operations, S-152 may discharge up to 750 cubic feet per second (cfs) until either DECOMP Physical Model objective(s) are met or S-152 is closed subject to operational constraints. When WCA 3B stages (as measured at gages SRS-1 and/or Site 71) equal or exceed 8.5 feet (ft.) National Geodetic Vertical Datum of 1929 (NGVD), S-152 releases are reduced or discontinued. In order to provide relief from high water stages within WCA 3A, the Corps is proposing a temporary deviation from Phase 2 of the DECOMP Physical Model operational strategy to raise the stage at gages SRS-1 and/or Site 71 from 8.5 ft. NGVD to 9.0 ft. NGVD.

The proposed action is expected to increase water stages up to 0.5 ft. within WCA 3B temporarily; however, water elevations will not exceed those historically experienced as a result of periodic rain events (Figures 2 and 3). This deviation would remain in effect until WCA 3A falls below Zone A of the Water Control Plan or when the EFO issued by FDEP expires on November 30, 2018, whichever occurs first. The proposed action is expected to further help to reduce the stage in WCA 3A and prevent potential flooding in the Miccosukee Tribe of Indians of Florida's Reserved Area.

Due to temporary nature and short duration of the deviation and based on the recurrent condition of water levels that cultural resources have been exposed to naturally, the Corps has determined that the proposed undertaking poses no adverse effects to historic properties listed or eligible for listing in the National Register of Historic Places. Pursuant to Section 106 of the National Historic Preservation Act (16 USC 470) and its implementing regulations (36 CFR 800), and in consideration of the Corps' Trust Responsibilities to the Seminole Tribe of Florida, the Corps requests your concurrence on the determination of no adverse effect. Due to the nature of these high water conditions, the Corps is kindly requesting an expedited consultation period. I understand that a seven day consultation process is a shortened period and appreciate your assistance. If there are any questions, please contact Ms. Meredith Moreno at 904-232-1577 or e-mail at Meredith.a.moreno@usace.army.mil.

Sincerely,



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

Enclosures

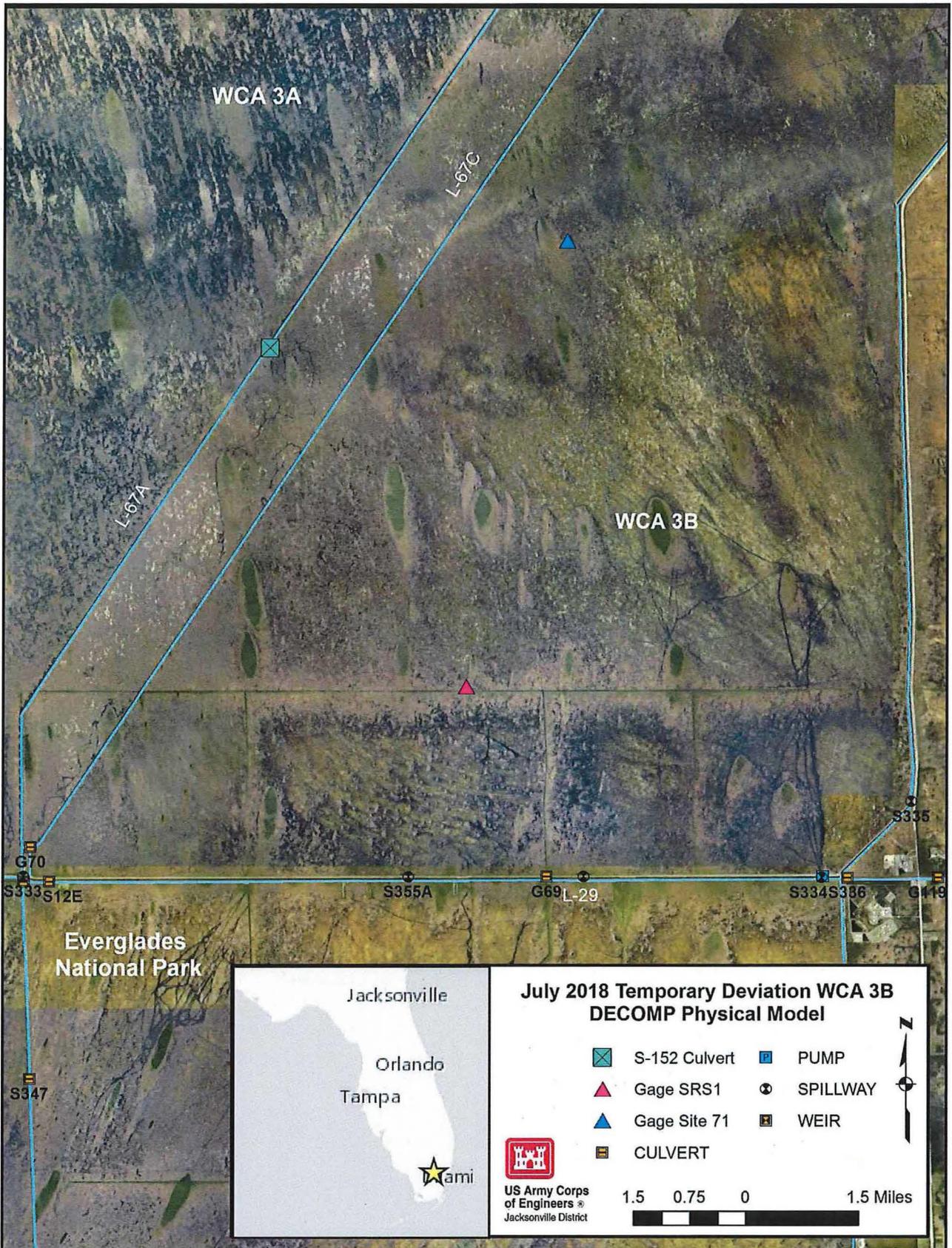


Figure 1. Location of WCA 3B and water control structures.

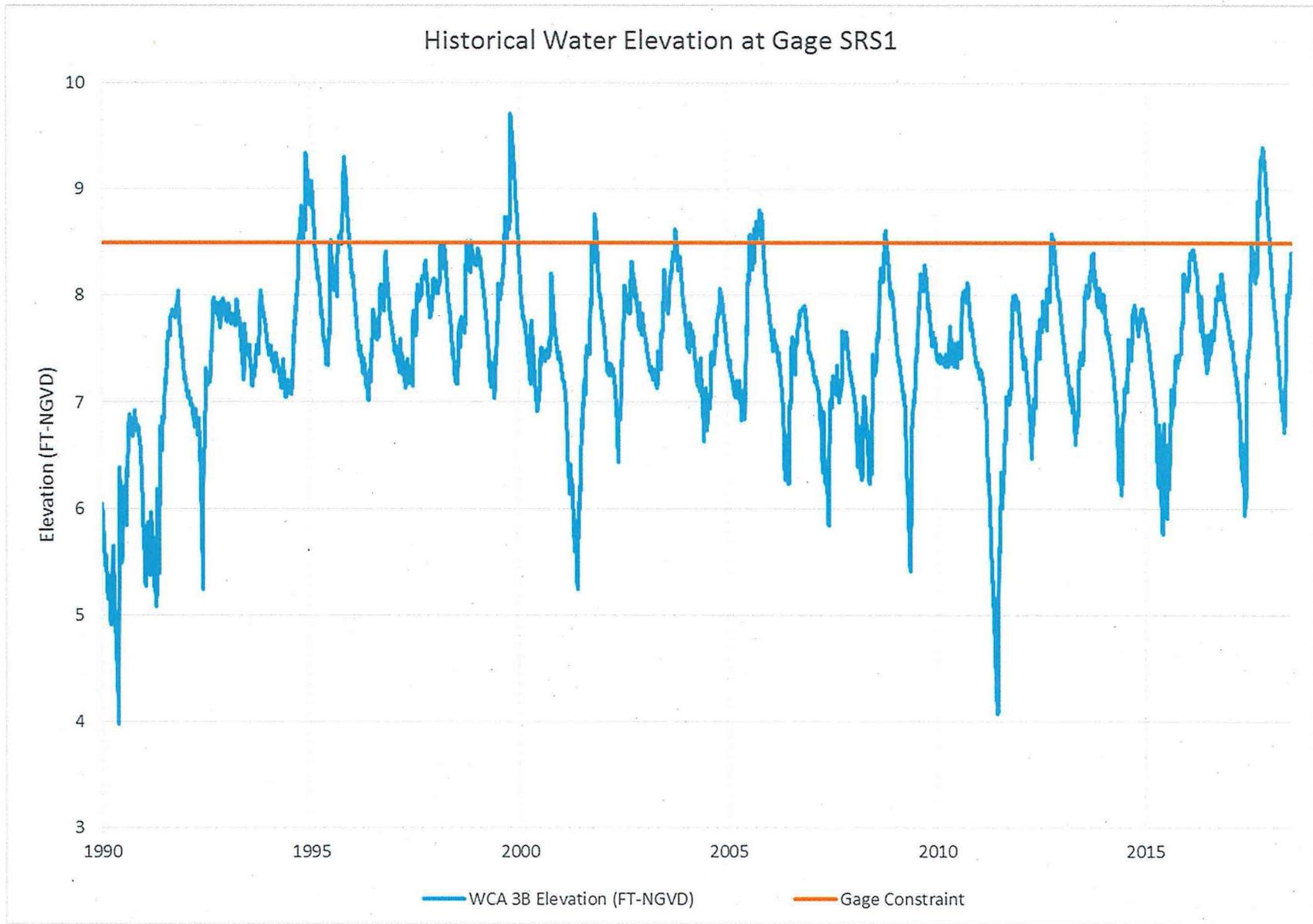


Figure 2. Historical water elevation in WCA 3B as measured at SRS-1.

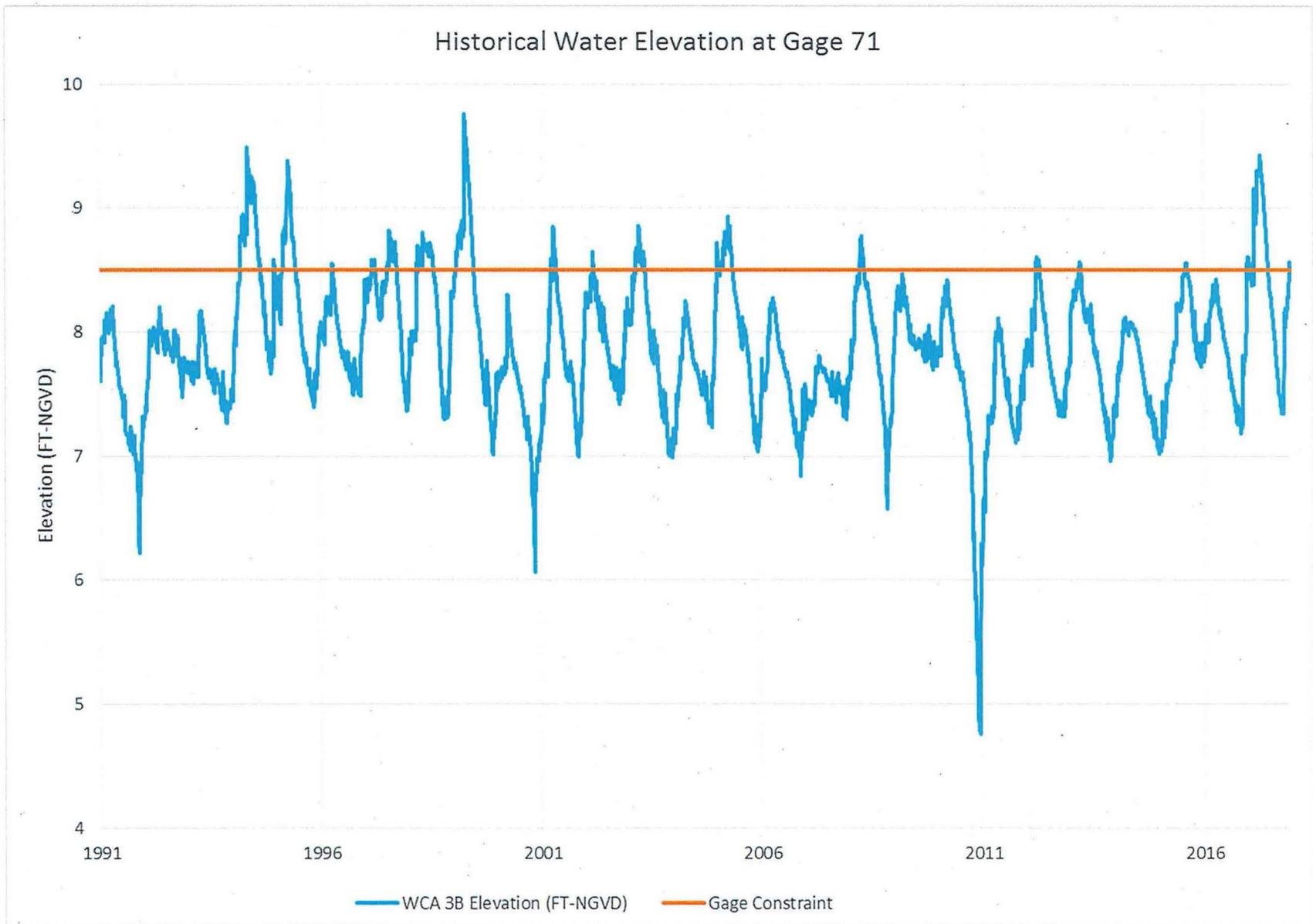


Figure 3. Historical water elevation in WCA 3B as measured at Site 71.



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

JUL 10 2018

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

Re: July 2018 Temporary Deviation from the Decompartmentalization Physical Model (DECOMP Physical Model) for Water Conservation Area (WCA) 3B

Dear Dr. Parsons:

The U.S. Army Corps of Engineers, Jacksonville District (Corps), in coordination with South Florida Water Management District, is preparing an Environmental Assessment associated with a planned temporary deviation from the Phase 2 DECOMP Physical Model operational strategy. 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. Due to the continued critical nature of elevated water levels in WCA 3A and in compliance with the Florida Department of Environmental Protection (FDEP) Emergency Final Order (EFO) for Highwater Conditions, this action is being proposed in conjunction with the June 2018 temporary deviation for WCA 2A which was previously coordinated with your office (letter dated June 19, 2018).

Per the Phase 2 DECOMP Physical Model operational strategy, water inflows to WCA 3B are managed through operational releases at Structure 152 (S-152) (Figure 1). Under current operations, S-152 may discharge up to 750 cubic feet per second (cfs) until either DECOMP Physical Model objective(s) are met or S-152 is closed subject to operational constraints. When WCA 3B stages (as measured at gages SRS-1 and/or Site 71) equal or exceed 8.5 feet (ft.) National Geodetic Vertical Datum of 1929 (NGVD), S-152 releases are reduced or discontinued. In order to provide relief from high water stages within WCA 3A, the Corps is proposing a temporary deviation from Phase 2 of the DECOMP Physical Model operational strategy to raise the stage at gages SRS-1 and/or Site 71 from 8.5 ft. NGVD to 9.0 ft. NGVD.

The proposed action is expected to increase water stages up to 0.5 ft. within WCA 3B temporarily; however, water elevations will not exceed those historically experienced as a result of periodic rain events (Figures 2 and 3). This deviation would remain in effect until WCA 3A falls below Zone A of the Water Control Plan or when the EFO issued by FDEP expires on November 30, 2018, whichever occurs first. The proposed action is expected to further help to reduce the stage in WCA 3A and prevent potential flooding in the Miccosukee Tribe of Indians of Florida's Reserved Area.

Due to temporary nature and short duration of the deviation and based on the recurrent condition of water levels that cultural resources have been exposed to naturally, the Corps has determined that the proposed undertaking poses no adverse effects to historic properties listed or eligible for listing in the National Register of Historic Places. Pursuant to Section 106 of the National Historic Preservation Act (16 USC 470) and its implementing regulations (36 CFR 800), the Corps requests your concurrence on the determination of no adverse effect. Due to the nature of these high water conditions, the Corps is kindly requesting an expedited consultation period. I understand that a seven day consultation process is a shortened period and appreciate your assistance. If there are any questions, please contact Ms. Meredith Moreno at 904-232-1577 or e-mail at Meredith.a.moreno@usace.army.mil.

Sincerely,



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

Enclosure

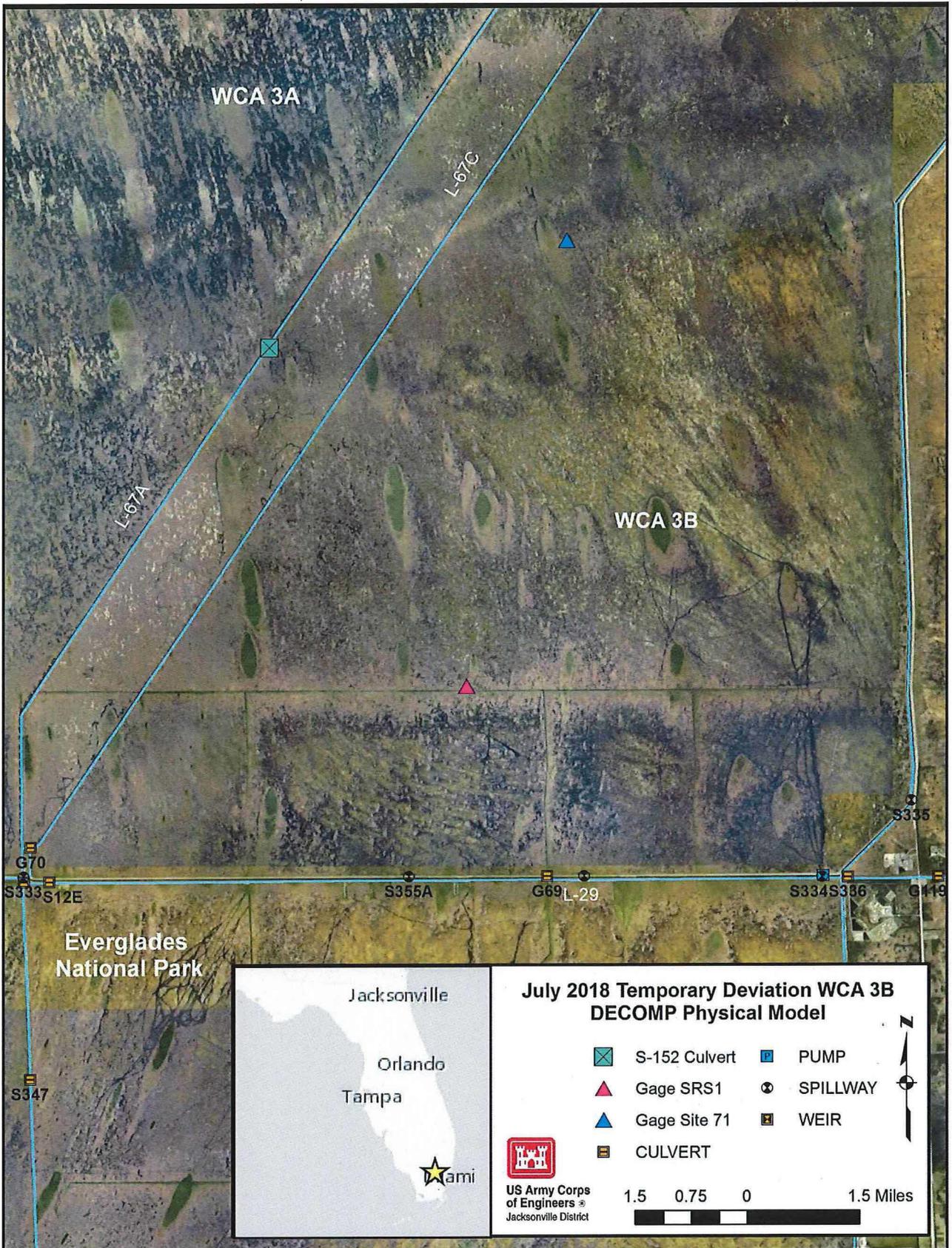


Figure 1. Location of WCA 3B and water control structures.

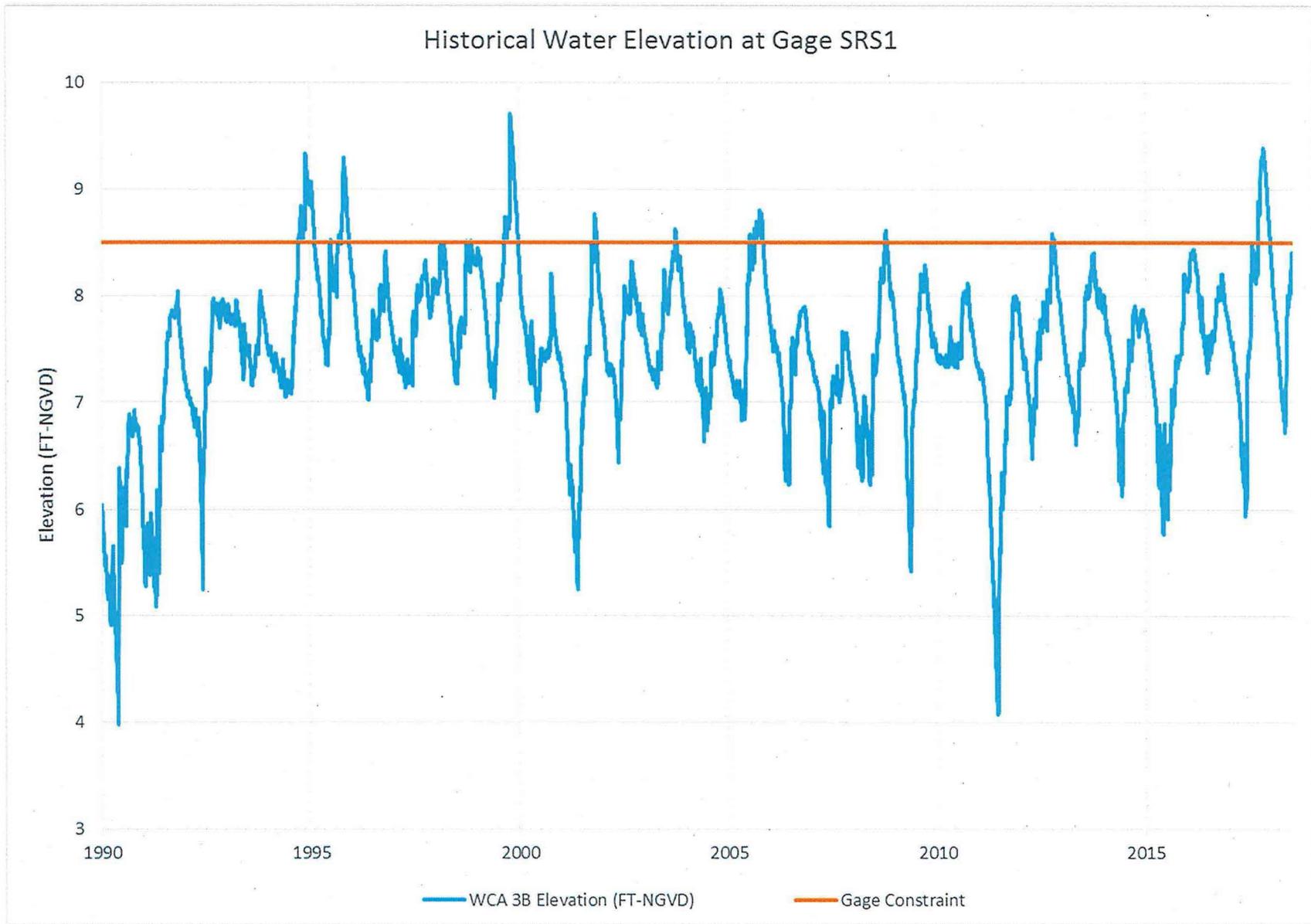


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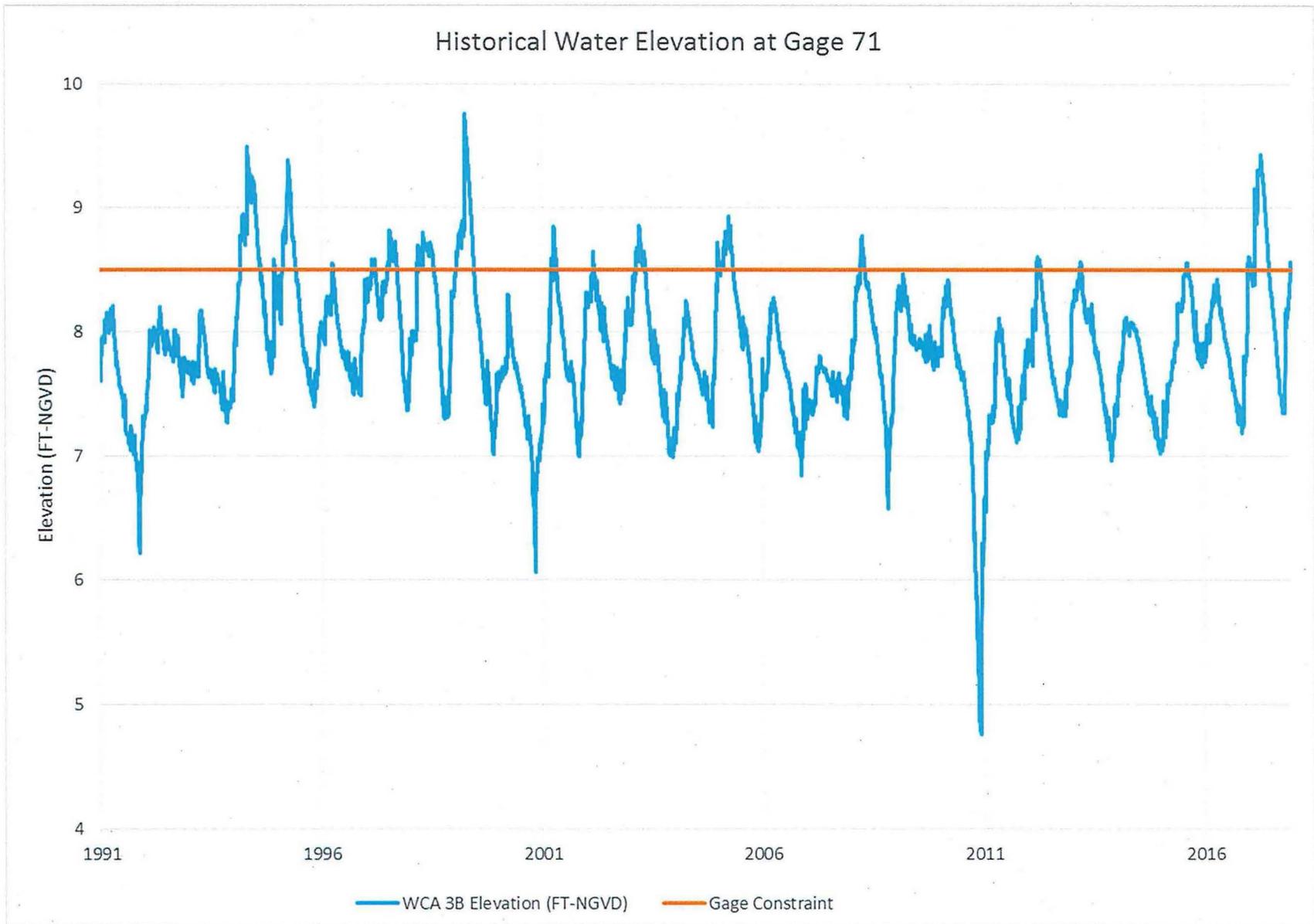


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DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-0019

REPLY TO
ATTENTION OF

Planning and Policy Division
Environmental Branch

JUL 10 2018

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

Re: July 2018 Temporary Deviation from the Decompartmentalization Physical Model (DECOMP Physical Model) for Water Conservation Area (WCA) 3B

Dear Mr. Isham:

The U.S. Army Corps of Engineers, Jacksonville District (Corps), in coordination with South Florida Water Management District, is preparing an Environmental Assessment associated with a planned temporary deviation from the Phase 2 DECOMP Physical Model operational strategy. 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. Due to the continued critical nature of elevated water levels in WCA 3A and in compliance with the Florida Department of Environmental Protection (FDEP) Emergency Final Order (EFO) for Highwater Conditions, this action is being proposed in conjunction with the June 2018 temporary deviation for WCA 2A which was previously coordinated with your office (letter dated June 19, 2018).

Per the Phase 2 DECOMP Physical Model operational strategy, water inflows to WCA 3B are managed through operational releases at Structure 152 (S-152) (Figure 1). Under current operations, S-152 may discharge up to 750 cubic feet per second (cfs) until either DECOMP Physical Model objective(s) are met or S-152 is closed subject to operational constraints. When WCA 3B stages (as measured at gages SRS-1 and/or Site 71) equal or exceed 8.5 feet (ft.) National Geodetic Vertical Datum of 1929 (NGVD), S-152 releases are reduced or discontinued. In order to provide relief from high water stages within WCA 3A, the Corps is proposing a temporary deviation from Phase 2 of the DECOMP Physical Model operational strategy to raise the stage at gages SRS-1 and/or Site 71 from 8.5 ft. NGVD to 9.0 ft. NGVD.

The proposed action is expected to increase water stages up to 0.5 ft. within WCA 3B temporarily; however, water elevations will not exceed those historically experienced as a result of periodic rain events (Figures 2 and 3). This deviation would remain in effect until WCA 3A falls below Zone A of the Water Control Plan or when the EFO issued by FDEP expires on November 30, 2018, whichever occurs first. The proposed action is expected to further help to reduce the stage in WCA 3A and prevent potential flooding in the Miccosukee Tribe of Indians of Florida's Reserved Area.

Due to temporary nature and short duration of the deviation and based on the recurrent condition of water levels that cultural resources have been exposed to naturally, the Corps has determined that the proposed undertaking poses no adverse effects to historic properties listed or eligible for listing in the National Register of Historic Places. Pursuant to Section 106 of the National Historic Preservation Act (16 USC 470) and its implementing regulations (36 CFR 800), and in consideration of the Corps' Trust Responsibilities to the Seminole Nation of Oklahoma, the Corps requests your concurrence on the determination of no adverse effect. Due to the nature of these high water conditions, the Corps is kindly requesting an expedited consultation period. I understand that a seven day consultation process is a shortened period and appreciate your assistance. If there are any questions, please contact Ms. Meredith Moreno at 904-232-1577 or e-mail at Meredith.a.moreno@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gina Paduano Ralph', is written over the typed name and title.

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

Enclosures

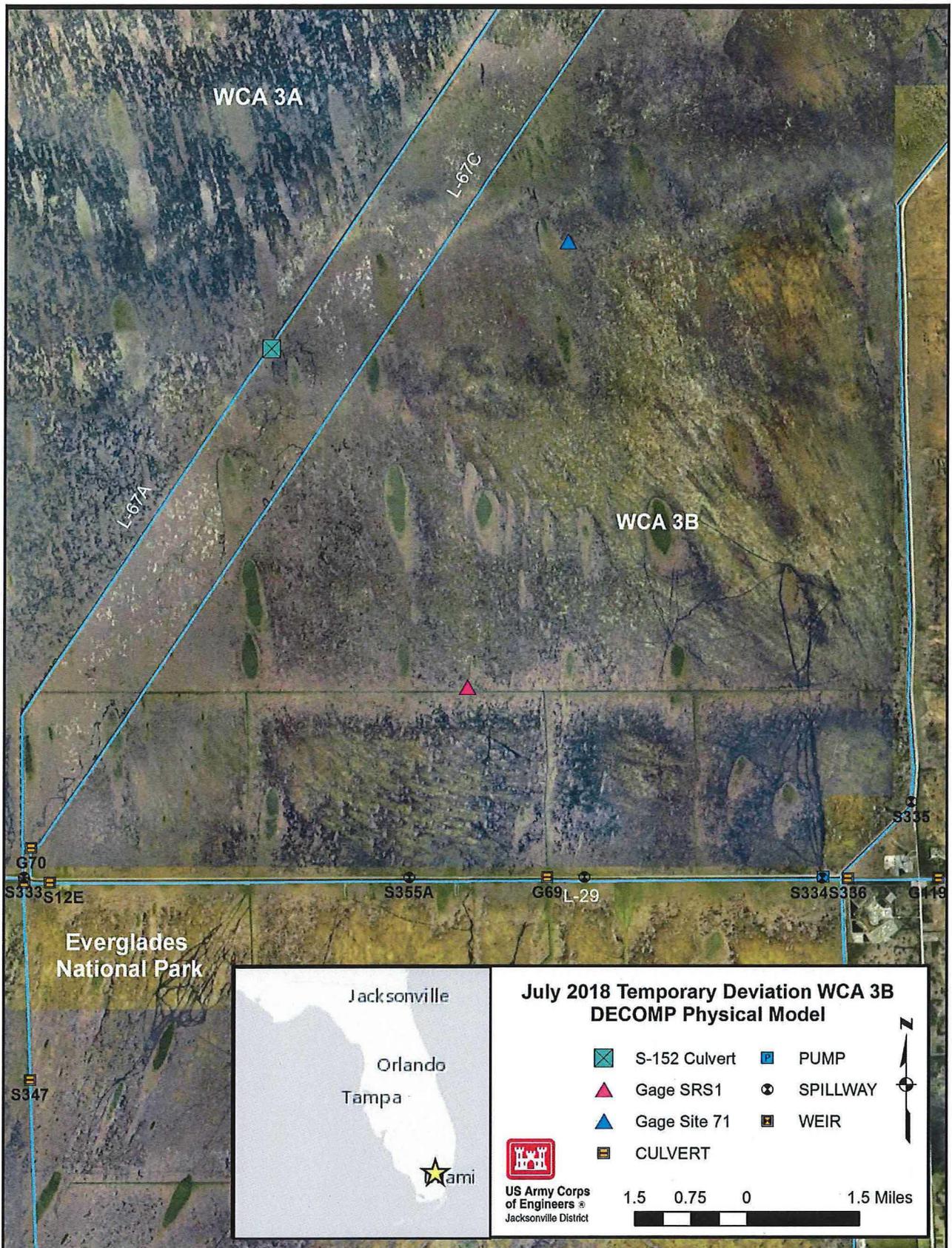


Figure 1. Location of WCA 3B and water control structures.

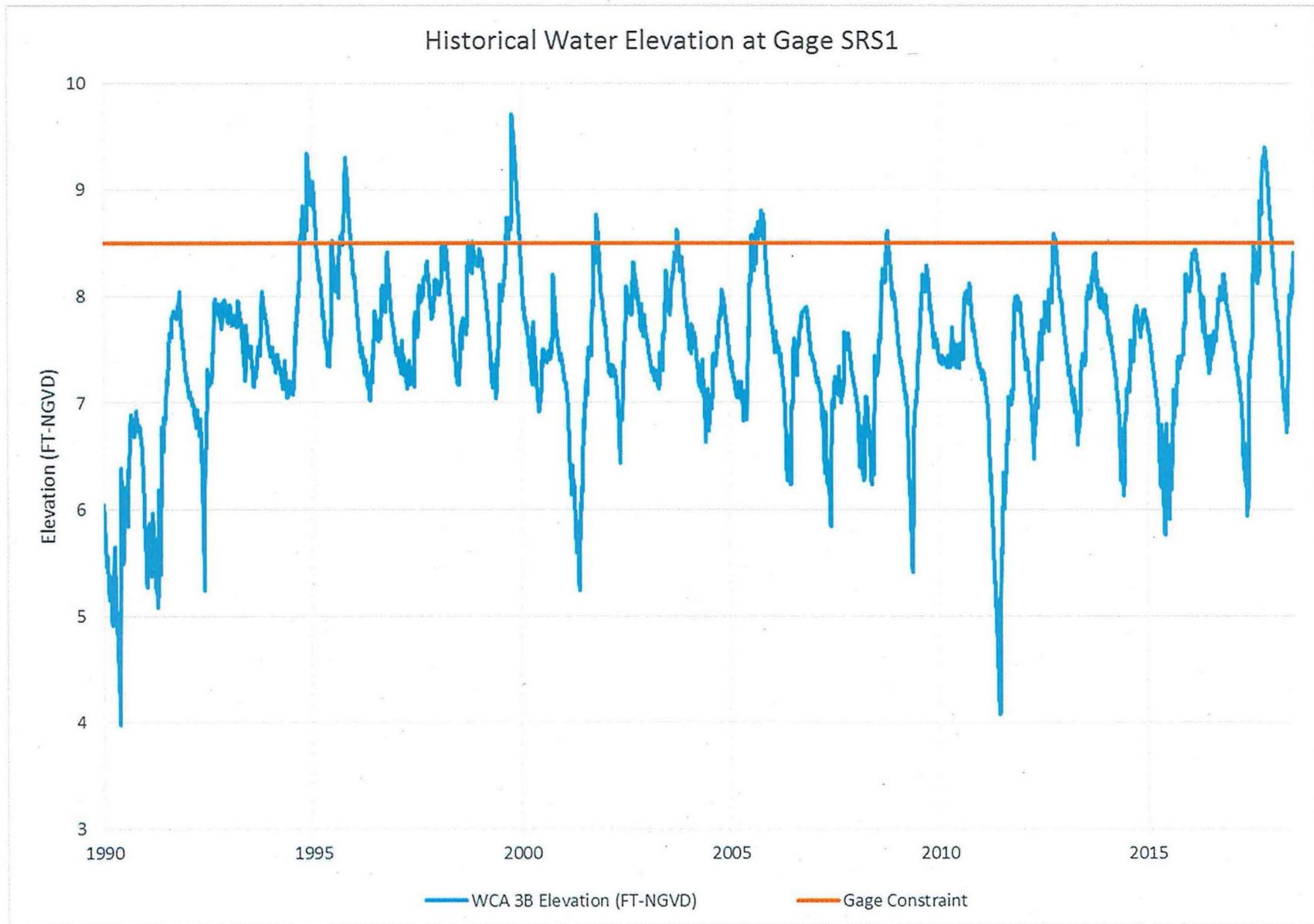


Figure 2. Historical water elevation in WCA 3B as measured at SRS-1.

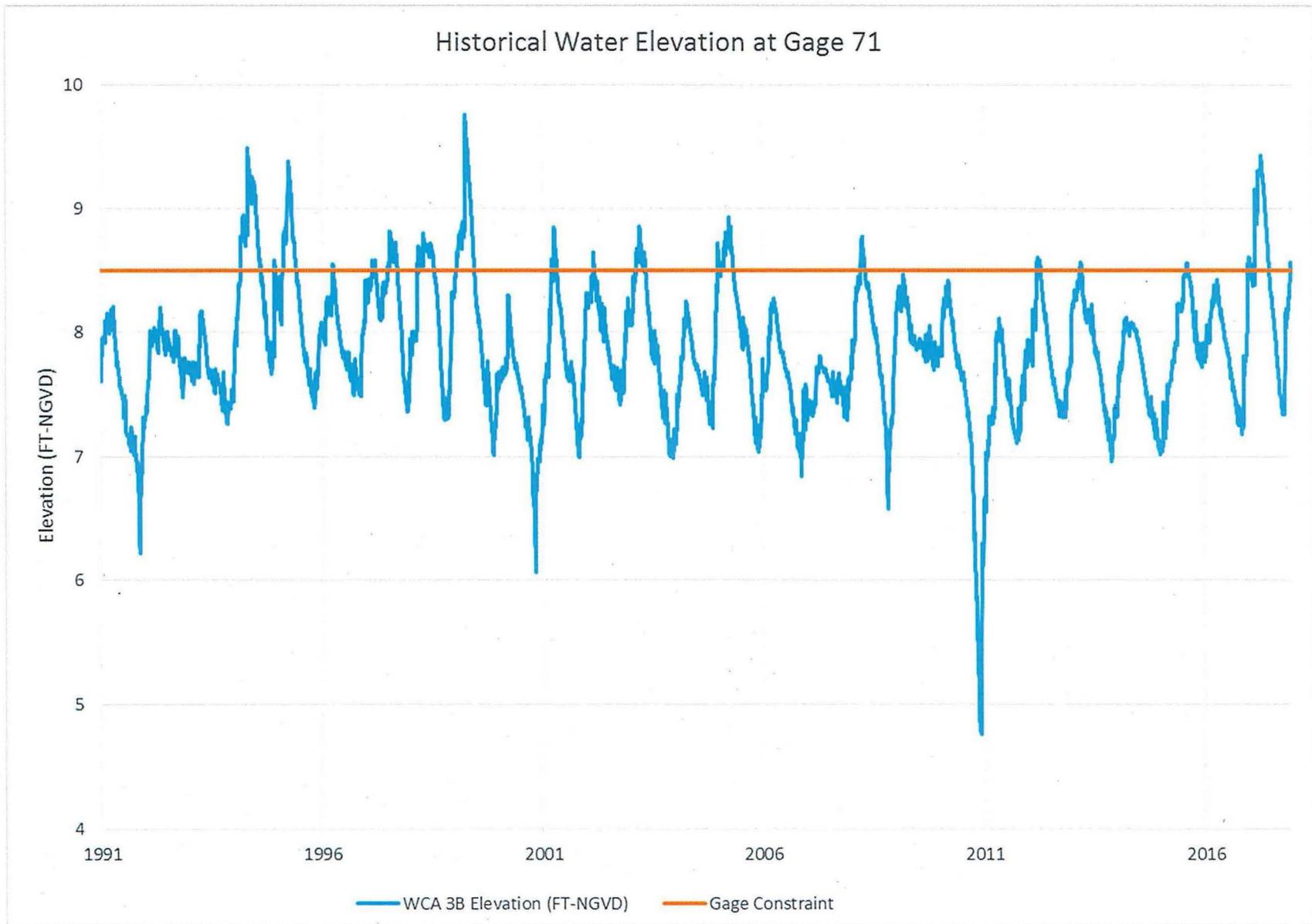


Figure 3. Historical water elevation in WCA 3B as measured at Site 71.



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

JUL 10 2018

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

Re: July 2018 Temporary Deviation from the Decompartmentalization Physical Model (DECOMP Physical Model) for Water Conservation Area (WCA) 3B

Dear Mr. Clouthier:

The U.S. Army Corps of Engineers, Jacksonville District (Corps), in coordination with South Florida Water Management District, is preparing an Environmental Assessment associated with a planned temporary deviation from the Phase 2 DECOMP Physical Model operational strategy. 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. Due to the continued critical nature of elevated water levels in WCA 3A and in compliance with the Florida Department of Environmental Protection (FDEP) Emergency Final Order (EFO) for Highwater Conditions, this action is being proposed in conjunction with the June 2018 temporary deviation for WCA 2A which was previously coordinated with your office (letter dated June 19, 2018).

Per the Phase 2 DECOMP Physical Model operational strategy, water inflows to WCA 3B are managed through operational releases at Structure 152 (S-152) (Figure 1). Under current operations, S-152 may discharge up to 750 cubic feet per second (cfs) until either DECOMP Physical Model objective(s) are met or S-152 is closed subject to operational constraints. When WCA 3B stages (as measured at gages SRS-1 and/or Site 71) equal or exceed 8.5 feet (ft.) National Geodetic Vertical Datum of 1929 (NGVD), S-152 releases are reduced or discontinued. In order to provide relief from high water stages within WCA 3A, the Corps is proposing a temporary deviation from Phase 2 of the DECOMP Physical Model operational strategy to raise the stage at gages SRS-1 and/or Site 71 from 8.5 ft. NGVD to 9.0 ft. NGVD.

The proposed action is expected to increase water stages up to 0.5 ft. within WCA 3B temporarily; however, water elevations will not exceed those historically experienced as a result of periodic rain events (Figures 2 and 3). This deviation would remain in effect until WCA 3A falls below Zone A of the Water Control Plan or when the EFO issued by FDEP expires on November 30, 2018, whichever occurs first. The proposed action is expected to further help to reduce the stage in WCA 3A and prevent potential flooding in the Miccosukee Tribe of Indians of Florida's Reserved Area.

Due to temporary nature and short duration of the deviation and based on the recurrent condition of water levels that cultural resources have been exposed to naturally, the Corps has determined that the proposed undertaking poses no adverse effects to historic properties listed or eligible for listing in the National Register of Historic Places. Pursuant to Section 106 of the National Historic Preservation Act (16 USC 470) and its implementing regulations (36 CFR 800), and in consideration of the Corps' Trust Responsibilities to the Thlopthlocco Tribal Town, the Corps requests your concurrence on the determination of no adverse effect. Due to the nature of these high water conditions, the Corps is kindly requesting an expedited consultation period. I understand that a seven day consultation process is a shortened period and appreciate your assistance. If there are any questions, please contact Ms. Meredith Moreno at 904-232-1577 or e-mail at Meredith.a.moreno@usace.army.mil.

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

Enclosures

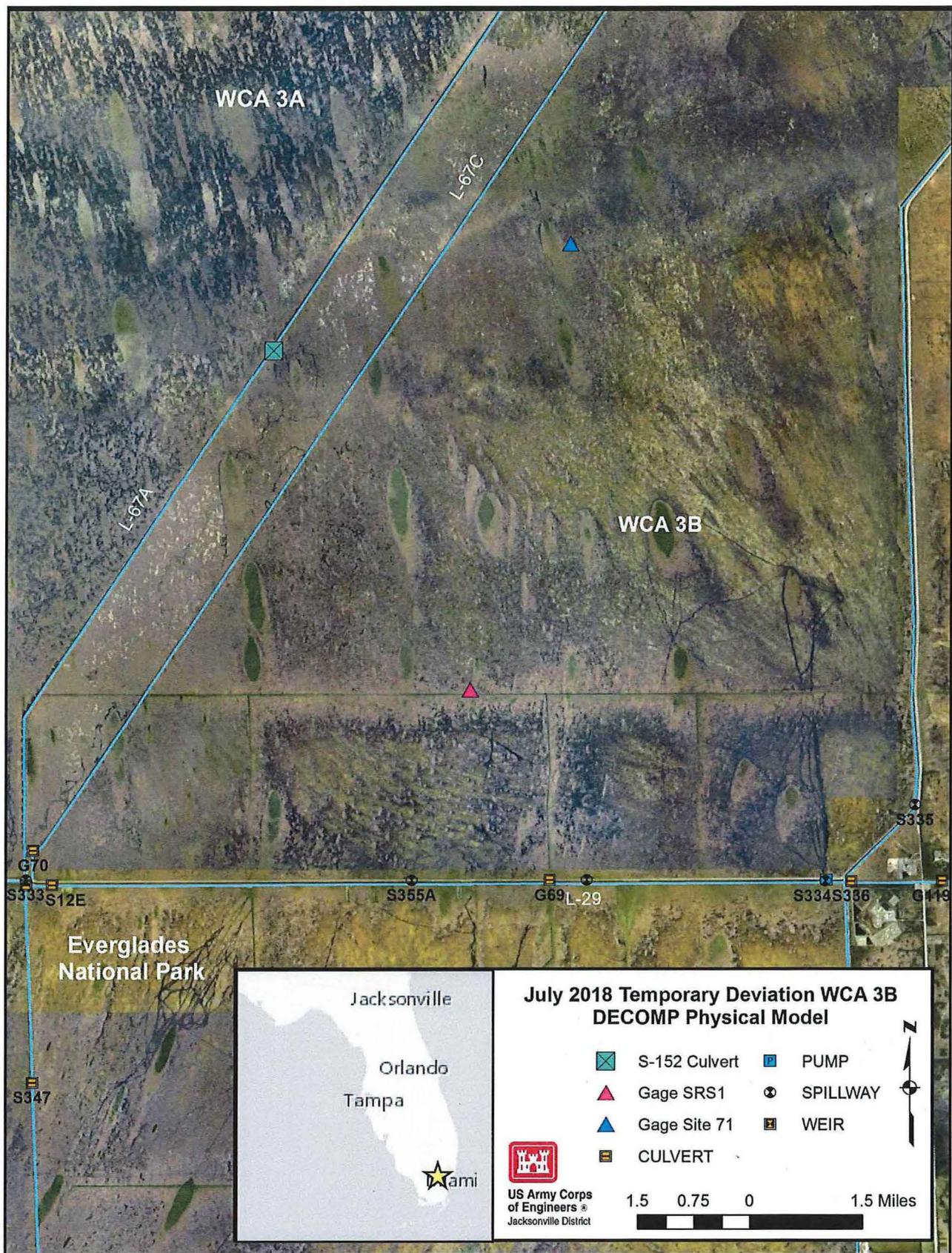


Figure 1. Location of WCA 3B and water control structures.

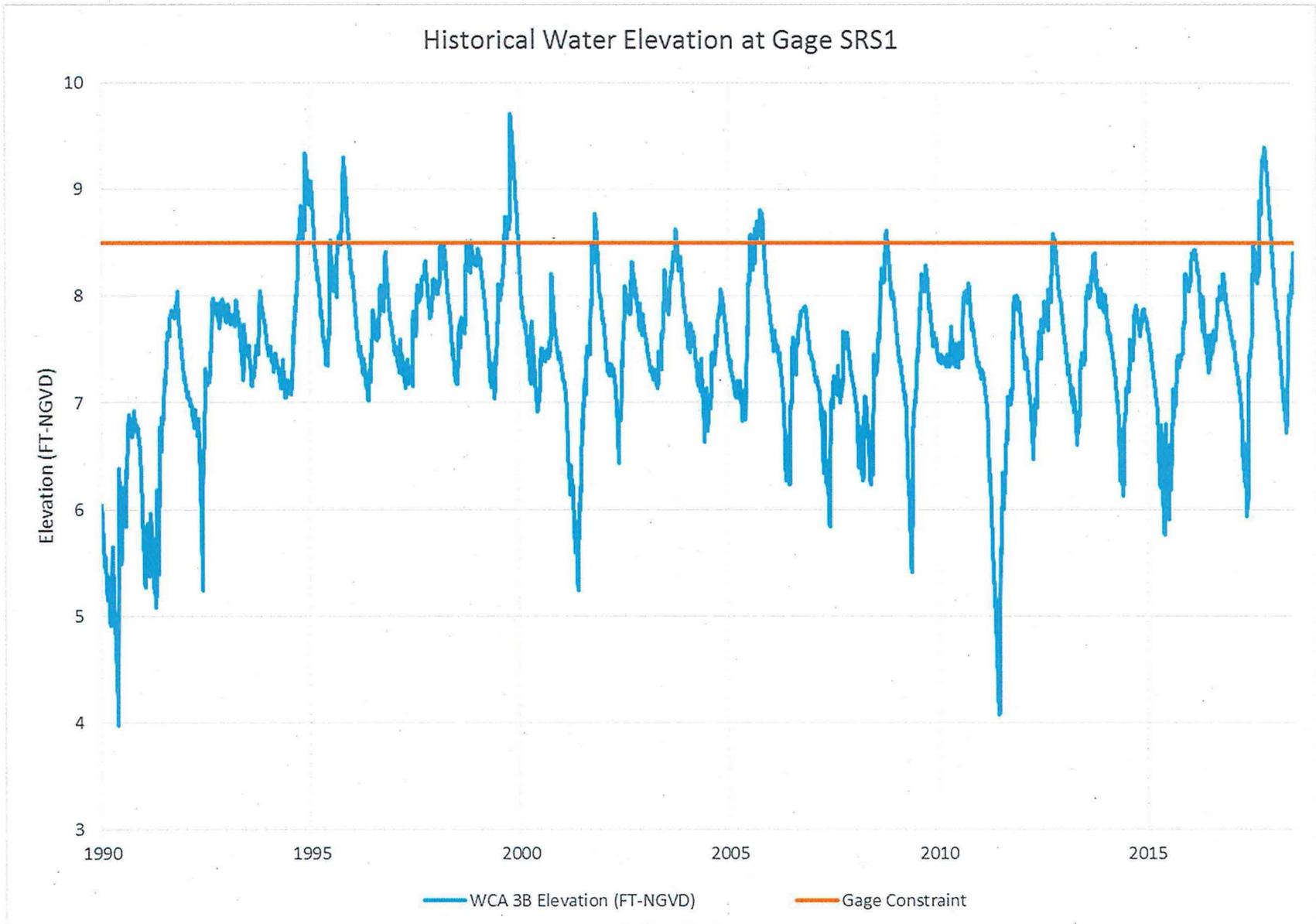


Figure 2. Historical water elevation in WCA 3B as measured at SRS-1.

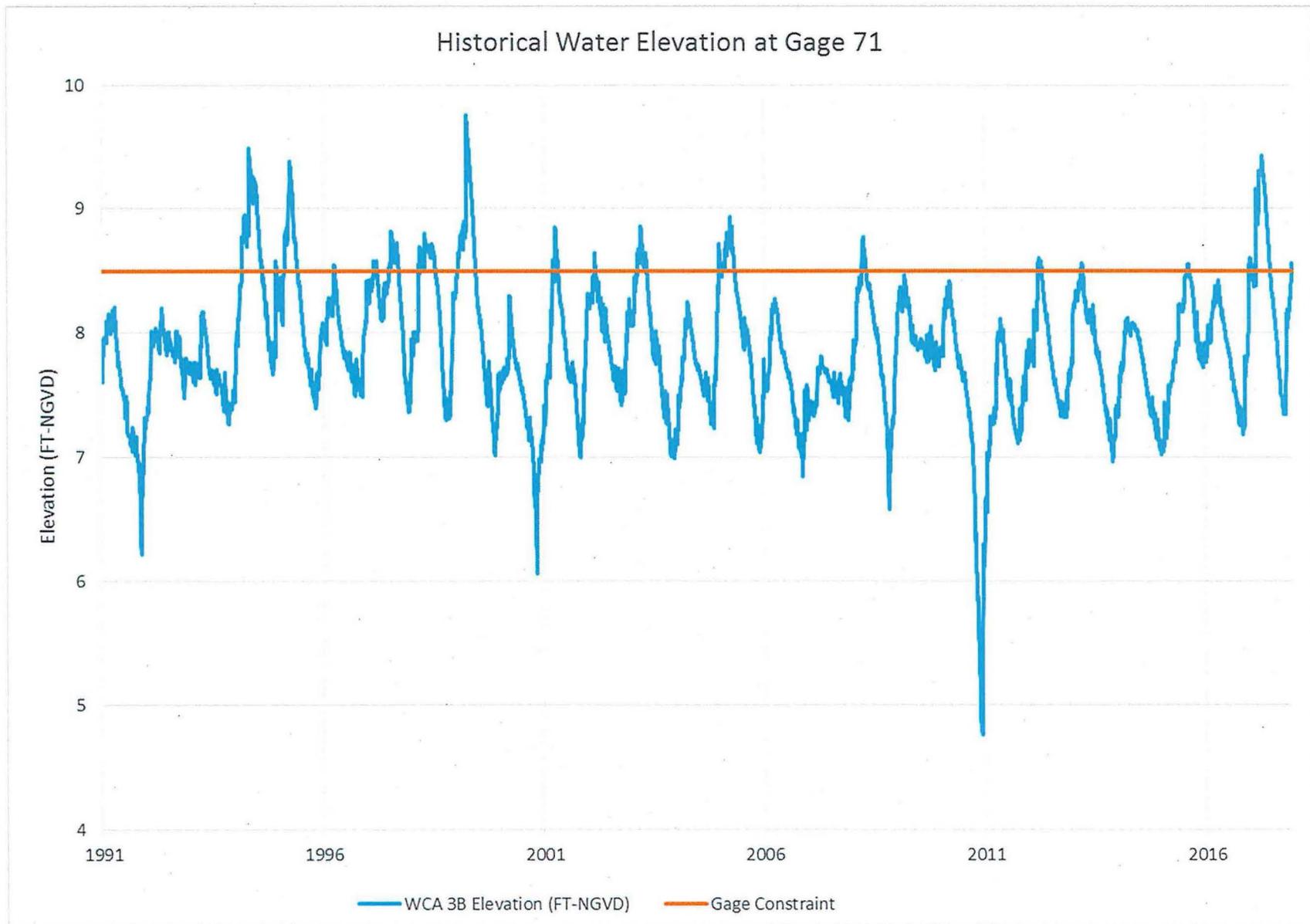


Figure 3. Historical water elevation in WCA 3B as measured at Site 71.

From: [Theodore Isham](#)
To: [Moreno, Meredith A CIV USARMY CESAJ \(US\)](#)
Subject: [Non-DoD Source] RE: Temporary Deviation WCA 3B
Date: Friday, July 13, 2018 4:08:26 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.

Based on the information provided showing the topographic setting, the proposed project has a low potential of affecting archaeological resources, some of which may be eligible for listing in the National Register of Historic Places (NRHP).

We request that if cultural or archeological resource materials are encountered/damaged at 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.

Therefore, we recommend an expedient finding of "No Adverse Effect to Historic Properties" for the proposed undertaking.

If you have any questions, please feel free to contact me at (405) 234-5218 or by e-mail at isham.t@sno-nsn.gov. Thank you for your time and cooperation in this matter.

Sincerely,

Theodore Isham
Seminole Nation of Oklahoma
Historic Preservation Officer
PO Box 1498
Wewoka, Ok 74884
Phone: 405-234-5218
e-mail: isham.t@sno-nsn.gov

From: Moreno, Meredith A CIV USARMY CESAJ (US) [Meredith.A.Moreno@usace.army.mil]
Sent: Tuesday, July 10, 2018 11:18 AM
To: Theodore Isham
Cc: Moreno, Meredith A CIV USARMY CESAJ (US)
Subject: Temporary Deviation WCA 3B

Mr. Isham,

Due to continued high stages in WCA 3A and the continued risk of hurricanes, the Corps is preparing an Environmental Assessment associated with a temporary deviation from the Phase 2 DECOMP Physical Model operational strategy for Water Conservation Area 3B. Attached is a letter with a determination of effects regarding cultural resources in WCA 3B. The deviation will not raise water levels above those that occur historically and is

supported by the Miccosukee Tribe of Indians of Florida to alleviate potential flooding. If possible, the Corps is requesting a response to the determination of effects within seven days. I appreciate your help with this matter. 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