Appendix L

PUBLIC INVOLVEMENT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

OCT 07 2005

District Engineer
Jacksonville District, Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232

SUBJECT: **Tamiami Trail Feature Revised General Reevaluation Report and Second Supplement to the 1992 Final Environmental Impact Statement (GRR/SEIS) on Modified Water Deliveries to Everglade National Park; Central and Southern Florida Project; Dade County, Florida; CEQ No. 20050349; ERP# COE-E 36167-E-FL [dated August, 2005]**

Dear Sir:

Pursuant to Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act [NEPA], the U.S. Environmental Protection Agency [EPA], Region 4 has evaluated the long-term environmental consequences of a change in the means [design] which will be used to facilitate water movement under the Tamiami Trail [Trail] and then into the Everglades National Park [ENP]. This modification became necessary when further analysis revealed that water in the L-29 Canal would be at a higher design stage than had been cited in previous NEPA documentation. These increased high water stages will unavoidably raise the costs [both in terms of amount and type of construction materials necessary] to mitigate anticipated structural impacts to the Trail. In the absence of some resolution of this situation the Trail's integrity could be threatened via erosion/water penetration and/or low points of the roadway being overtopped. Since the Trail is an important east-west connector in South Florida, especially during hurricane evacuation scenarios, this would be very problematic. This is a particularly compelling issue given recent events, viz. Hurricanes Katrina and Rita.

Nine additional action alternatives [various combinations of bridging lengths and locations] were examined which could both convey the required water volume and avoid overtopping/damaging the Trail. Minimizing the unavoidable adverse impacts to wetland resources and sensitive flora/fauna within the project effect's area together with addressing societal considerations [user access] also played a role in the screening process. After deliberation, the Two-Mile Bridge West and One-Mile Bridge East [**#14**] became the tentatively selected alternative. Specifically, the existing embankment segments of these reaches of the Trail would be removed and replaced by bridging comprised of two 12-foot-wide travel lanes with 10-foot shoulders and accompanying safety barriers. The lower limit of the bridge superstructure [12+ feet] would be based on

vertical clearance requirements of rising water potential and maintenance considerations. The bridges will also include a pollution abatement system to collect and treat runoff. The ultimate design of this system will be predicated on the water quality stipulations mandated by the Florida Department of Environmental Protection. Bridging the entire ten-mile reach might have engendered incrementally lesser adverse environmental impacts and would more closely approximate historical sheet flow patterns , but its cost was deemed to be prohibitive. It is possible, however, that if funding were secured the "skyway" design could be retrofitted to the termini of the selected two-bridge design at some point in the future.

Approximately 39 acres of vegetated wetlands will be impacted from activities attendant to construction of the two-bridge option. This loss will be mitigated by reconstituting 27.2 acres of wetland habitat via removal of the existing road bed within these two reaches. After these mitigation measures are accomplished, there will be a net deficit of 11.8 acres. According to the GRR/SEIS this short fall will be addressed by the wide-ranging ecological enhancement [increased hydrological conductivity] that the project will provide to the ENP ecosystem. In this regard, the final document would be improved by explaining how the restoration of a significant portion of the historical sheet flow will provide the anticipated functional improvements. The proposal to remove exotics within the project effects' area should also improve the value of this and adjacent wetland habitat as well as maintain their augmented functionality.

Because of the overall societal and environmental benefits anticipated from this proposal and the fact that future projects associated with the Comprehensive Everglades Restoration Plan [CERP] will improve potential upstream water quality problems, EPA has assigned a rating of LO, i.e., Lack of Objections to this action. However, we believe that an adaptive management approach would be beneficial to take maximum advantage of information gained from the proposed water quality monitoring and wetland functions' analysis. EPA appreciated the opportunity to review the document and intends to continue its collaboration with all involved parties on this and future CERP projects. Mr. Eric Hughes [EPA's Jacksonville District Liaison -904-232-2464] and Mr. Ron Miedema [EPA's South Florida Office - 561 616-8741] will serve as initial points of contact for wetland issues while Dr. Gerald Miller [404 562-9626] can be contacted regarding over all NEPA matters.

Sincerely,

Heinz J. Mueller, Chief
NEPA Program Office

Technical Comments

Draft Revised General Reevaluation Report/Second Supplemental Environmental Impact Statement RGRR/SSEIS) for the Tamiami Trail Modifications,
Modified Water Deliveries to Everglades National Park (ENP)

Everglades National Park
National Park Service
October 2, 2005

Abstract

1. Abstract, second paragraph - Revise last sentence to read "The tentatively selected plan calls for a two-mile bridge located at the western end of the project corridor, a one mile-bridge at the eastern end, and raising the profile of the remaining portions of the Tamiami Trail within the project area."

Executive Summary

2. Page ES-ii, Alternatives – The description of Alternatives 9-16 should include raising the profile of unbridged portions.

3. Page ES-ii, Major Findings and Conclusion, first sentence - Define "required water volumes."

4. Page ES-ii, Major Findings and Conclusions, second sentence - Revise potential impacts to include: "incorporation of airboat tour operators' property into the right of way, and potential impacts to airboat tour businesses and Park visitation."

5. Page ES-ii, Tentatively Selected Plan - Revise first sentence to read: "The Tentatively Selected Plan is Alternative 14, Raised Profile with Two-Mile Bridge West, and One Mile Bridge East."

6. Page ES-ii, second to last paragraph – Clarify "clearance" between bridge superstructure and the water surface below. For example, does the reference to 14.75 feet and 8.75 feet mean that there will be 6 feet of clearance?

7. Page ES-ii, second to last paragraph, last sentence – Revise the statement that the bridge will provide access to the Airboat Association of Florida (AAOF). According to Figure 9, the western bridge is approximately a mile away from the AAOF.

8. Page ES-ii, last paragraph, third and fourth sentences - This text suggests the only reason for proposing to move the highway south into the Park is due to the FDOT criteria for stable slopes and resulting need for additional right-of-way. Text elsewhere in the document indicates that another reason, among others, for the southward shift is to avoid impacting the L-29 canal. Therefore, it would be more accurate to change the fourth sentence to read: "The preferred alignment of the roadway to the south would necessitate an encroachment into ENP."

9. Page ES-ii, last paragraph, last sentence - The varying width of encroachment into ENP should be specified (e.g., a range of distance should be identified; for example, e.g., X feet to Y feet), as opposed to simply stating that "The width of the encroachment would vary." Further, the total acreage of Park encroachment should be specified. It should also be noted that this encroachment into the Park is controversial and will be minimized to the maximum extent practicable.

10. Page ES-iii, first paragraph - Construction cost estimates should be consistent throughout document. For example, Table 23 (page 103) identifies construction costs for the TSP (Alt 14) as $145,806,000. In addition, include a brief explanation of the term "total annualized cost."

11. Page ES-iii, sixth paragraph – Briefly describe impacts to Everglades Safari due to the effects of losing much of its Parking and a building. (A more complete analysis of these impacts and potential impacts to visitation to ENP should be provided in Section 6 [e.g., expanding the impact description provided in the Draft RGRR/SSEIS on pages 123 and 132].)

12. Page ES-iii, sixth paragraph – Consideration should be given to including a statement that final design of the eastern terminus of the western bridge of the TSP may mitigate or avoid these impacts.

13. Page ES-iii, sixth paragraph – Indicate potential encroachment of the reconstructed roadway onto the Gator Park and Coopertown properties and note the type and level of impact to these commercial facilities and Park visitation. (See Comment #91 below.)

14. Page ES-iii, ninth paragraph - This section indicates there would be temporary impacts to fishing. This section should also note that there will be temporary impacts to Park operations (e.g., Park law enforcement and research that launch airboats from Frog City). A discussion should also be provided on temporary impacts to airboat tours into the Park during construction.

15. Page ES-iv, first paragraph – There are several references to "wildlife enhancement features" not being authorized as part of this project. Provide the rationale for this statement and, to the extent practicable, expected additional/incremental costs of such features (e.g., box culverts, strategic fencing, etc.).

16. Page ES-iv, last paragraph - The last statement suggests that if a funding source is found, airboat crossings between the north and south side of Tamiami Trail could be implemented. The document should indicate that, consistent with the 1989 Expansion Act, ENP is evaluating airboat usage in this area as part of its on on-going effort to prepare a new General Management Plan for the Park. Any consideration of additional airboat access points into the Park would be most appropriately addressed in the context of that Plan.

<u>Section 1.0 Introduction</u>

17. Page 1, third paragraph – Cite the document in which the U.S. Department of the Interior determined that water in the L-29 Canal would be at a higher design stage than previously calculated.

18. Page 3, Purpose and Need - Define "authorized flow" in terms of volume.

19. Page 4, first paragraph - Last sentence indicates that Tamiami Trail is primarily bounded by ENP. Include, with references to locations, the private properties that also bound the southern right-of-way of Tamiami Trail.

20. Page 4, second paragraph – Edit this paragraph to describe the entire MWD project area and the Tamiami Trail component area. The two areas are used interchangeably throughout the document (see page 30, Section 2.13, second paragraph and page 88, section 5.6.6, third paragraph). A distinction of these two areas, and a definition of what is considered the project area, would aid in reader understanding.

21. Page 8, Section 1.6.1 - A map showing all the components of the MWD Project should be included in this section to aid readers in understanding the extent and components of the MWD Project.

22. Page 8, Section 1.6.2 - A map showing the features of the C-111 Project should be included to aid reader understanding. This could be combined with the MWD map recommended above.

23. Page 9, Section 1.6.3 - Include a brief description of operations of C&SF structures in the project vicinity. These should include the Experimental Deliveries Program, the Interim Structural and Operational Plan (ISOP), Interim Operational Plan for Protection of the Cape Sable Seaside Sparrow (IOP), and the Combined Structural and Operational Plan (CSOP) currently under development.

24. Page 10, Section 1.6.5 - Include a brief description of the CERP Decompartmentalization Project and its current status.

25. Page 10, Section 1.6.5 - Two NPS projects should be described that will affect ENP operations, visitor use, and resources in the project area. They are the "Temporary Airboat Concession Contracts Environmental Assessment" which will be in public scoping in October 2005, and the "Everglades General Management Plan," currently in preparation. Please contact ENP's Planning and Compliance Division (303-242-7700) in regard to providing text on the purpose and status of each.

<u>Section 2.0 Existing Conditions/Affected Environment</u>

26. Page 12, Section 2.2, last paragraph – Given the need to convey the peak design flow under Tamiami Trail and the capacity of all structures discharging water into the L-29 Canal (as explained in this paragraph), the Final RGRR/SSEIS should clarify why "the Combined Structural and Operational Plan is considering adding additional structures to the L-29 Levee to move more water with a more even distribution of flow. Also, the current capacity of S-356 is 500 cfs (not 950 cfs).

27. Page 14, Section 2.3.1, first paragraph – Several physical parameters are listed as "pollutants of concerns". This may be true for oil and grease, but not for dissolved oxygen, for example. As such, the bullet should be revised.

28. Page 14, Section 2.3.1, second paragraph – A statement is made that canals have very low DO levels "typical of marsh waters". This statement is incorrect. Interior Everglades habitats exhibit 24-hr fluctuations of water column DO; however, aerobic conditions are maintained throughout most of the cycle.

29. Page 14, Section 2.3.1, third paragraph, third sentence – Specific conductance is listed as having a concentration. This statement is incorrect as specific conductance is a unit of measure itself.

30. Page 14, Section 2.3.1, fourth paragraph – "Movement of seawater at the west" should read "movement of seawater to the west."

31. Page 15, Table 3 – To put the information in this table in perspective, concentrations and levels should be compared to applicable water quality criteria such as OFW standards and Class III fresh water standards.

32. Page 16, Section 2.3.1, Runoff from Tamiami Trail – The first paragraph indicates that "studies from other locations" are used as a basis for expecting a minimal pollutant load from runoff. These off-site studies should be cited and a general comparison of expected pollutant concentrations with applicable water quality standards should be provided.

33. Page 18, Section 2.5.1 – A full-page regional location map should be provided, showing the ecosystem and different management areas such as the Parks, WCAs, etc. and other key features. The www.evergladesplan.org website has a number of excellent graphics that would give the reader a good understanding of the area.

34. Page 18, Section 2.5.1 – Provide a description of the Park that captures its superlatives, such as Park purpose and significance and designation as an International Biosphere Reserve, World Heritage Site, and Wetland of International Significance (see Section VI of Appendix F of the Draft RGRR/SSEIS for more information).

35. Page 18, section 2.5.1, third paragraph, third sentence - USFWS has listed 16 protected species within the project area (page 18) yet the document only assesses the impacts to six of them (Everglades snail kite, wood stork, Florida panther, Eastern indigo snake, West Indian manatee, and Cape Sable seaside sparrow) (see pages 23-25). Indicate the basis for only assessing these six species.

36. Page 18, section 2.5.1, third paragraph, third sentence – Expand species descriptions to include details on where they are found in the Park in relation to the project area, population status and trends, location of nearest critical habitat to project area, etc. Please contact the South Florida Natural Resources Center, Everglades National Park (305-224-4200) for this information.

37. Page 21, last paragraph – There is evidence of water management impacts to WCA-3B wetlands.

38. Page 23, section 2.5.5, fourth paragraph, third sentence - Significant habitat reduction for the Florida panther continues today.

39. Page 25, Section 2.7 - The air quality "affected environment" should mention that ENP is a Class I airshed.

40. Page 25, Section 2.8 - There is no mention of recreation within the Park. Between the three commercial airboat tour operators with 300,000 plus visitors, AAOF use and other users, there is substantial recreation and eco-tourism occurring in the East Everglades area of ENP.

41. Page 26, Section 2.9, Cultural Resources – Impacts to cultural resources, including nearby sacred and tribal sites, should be included. Please contact ENP's Planning & Compliance Division (305-242-7700) and the Southeast Archeological Center for assistance.

42. Page 28, Section 2.10 - To be consistent with the description of the north side, the text should mention the three airboat operators as among the points of interest on the south side of the Trail.

43. Page 28, Section 2.11 – Paragraph 4 mentions 16.5 hours of noise recording for 2 camps, but does not describe the monitoring performed at airboat operator locations. Indicate if noise is highway noise or if it includes airboat startups and other noises.

44. Page 30, Section 2.13, last paragraph, last sentence – The construction work for the elevation of Osceola Camp will be conducted by the Corps of Engineers. This work needs to be completed so that water levels can be raised.

45. Pages 30-33, Section 2.14 – A description should be provided regarding impacts to the Park from the standpoints of both visitors and Park operations and also to commercial airboat tour operations. The first paragraph states no new development will be allowed; however, the document should recognize that new Park operation/visitor sites are possible in light of the on-going General Management Planning process. Sources of the population demographics and employment data should be provided.

<u>Section 3.0 Future Without Project Condition</u>

46. Page 35, Section 3.2, second paragraph – A reference to the "Conveyance and Seepage" study should be provided in the references section.

47. Pages 35-36, Section 3.2, Future Water Deliveries - Sec 3.2 discusses features under study in the MWD Conveyance and Seepage element and CSOP to move water from WCA 3-A to WCA 3-B. From a layman reader's point of view, it would be helpful to understand the implications of passive vs. gated structures on water flow and how that

might affect the performance of the TSP in providing improved flows into the Park.

48. Page 36, Section 3.2, last paragraph - The "safety needs of ENP" should be defined.

49. Page 36, Section 3.3 – Define the "Seven Point Plan" and include in the references section.

50. Page 37, Section 3.4, second paragraph – Is the limestone base 18 inches below the asphalt base or the asphalt surface? What is the thickness of the asphalt?

Section 4.0 Problems and Opportunities

51. Page 40, Section 4.4 – A discussion should be included as how the TSP for Tamiami Trail will be compatible with the currently planned structural features of the CERP Decomp Phase 1 project.

Section 5.0 Formulation of Alternative Plans

52. Page 43, Section 5.2.3, first paragraph – Summarize the other reasons for removing five performance measures and the extent of the revision of the other two performance measures.

53. Page 43, PM1.D bullet – Use 10.7 miles instead of 10.1 miles.

54. Page 43, Point 2, first bullet point – Provide a brief explanation for the 0-7 scale (i.e., zero represents continuation of existing conditions that are resulting in slough degradation and 7 represents maximum potential for restoration of sloughs).

55. Page 43, Point 2, second bullet point – Provide a brief explanation for the range in values from zero to 1.0.

56. Page 44, PM2.C bullet – Use 10.7 miles instead of 10.1 miles.

57. Page 44, PM3.A bullet – Use "scale" instead of "score."

58. Page 48, Section 5.3.3 - Reference is made to "great egrets". Are these "great white egrets"?

59. Page 48, Section 5.3.5, second paragraph - NPS Director's Order 87D contains procedural requirements that address 4(f) determinations and provide for conveyance of easement rights by FHWA (on behalf of NPS). If, in fact, a 4(f) determination is not required, it needs to be determined how such rights would be conveyed to FDOT. ENP is

coordinating with the NPS Southeast Regional Office and Office of the Solicitor, U.S. Department of the Interior in regard to this matter.

60. Page 48, Section 5.3.6 – This section should be clarified to indicate that at this point in time, granting of a perpetual easement to FDOT for construction, operation, and maintenance of the roadway in ENP, as part of the Tamiami Trail component of the MWD Project, is contemplated. To clarify, the "up to 200-acre authority" refers to a minor boundary adjustment authority where lands are added to (not transferred from) a unit of the National Park System; such a boundary adjustment will not take place in this case. At a later date, it may be advantageous for Park management efficiencies to seek a legislative boundary revision that would allow for divesting of all lands north of the highway's new southern right-of-way line. The northern boundary of the Park would then be coincident with the southern right-of-way boundary of the newly aligned US 41, as is presently the case.

61. Page 49, Section 5.3.7 - The last three sentences speak of CERP compatibility in "negative terms" (i.e., …should minimize hindrances…, …should not prevent implementation….,….should minimize retrofit…) Instead, it would also be appropriate to state this compatibility in positive terms (i.e., maximize opportunities for decomp…, should enhance implementation…,…maximize efficient connections…)

62. Page 51, Sec. 5.4.2, third bullet point – Provide an explanation as to why this alternative was not retained.

63. Page 52, Table 6 – This table should be divided into three tables for clarity.

64. Page 54, Section 5.4.4, general – Include an opening paragraph that explains that the alternatives to follow are the ones evaluated in the 2005 RGRR/SEIS (the subject document).

65. Page 55, Section 5.4.4, third paragraph – Plans showing the location of the TSP in relation to the authorized northern boundary of Everglades National Park (which coincides with the southern right-of-way of US 41) need to be provided in order for the Park to assess wetlands protection and floodplain management impacts.

66. Section 5.4.4, general – Bridges are located half a mile away from the Osceola Camp and the Tigertail Camp. This design constraint should be explained in the document.

67. Section 5.4.4, general – Do construction costs include construction management? What does a total investment figure include? Are design costs considered? These questions could be answered by providing a brief definition of the terms before going into the description of alternatives.

68. Page 55, Sec. 5.4.4, third paragraph, third sentence - Provide a range of acreage of encroachment among the alternatives.

69. Pages 54-77, Sec. 5.4.4 – Provide an explanation for not including alternatives that place construction of bridges north of Tamiami Trail rather than south in the Park. Provide an explanation for not considering six or eight mile bridges (the choices for single bridges go from a 4 mile bridge to a 10.7 mile bridge, yet an array of multiple small bridges in different locations are studied).

70. Page 65 - For Alternatives 13 and 14, could the two mile bridge be located farther west between Osceola Camp and Everglades Safari to avoid impacts to Everglades Safari and eliminate the costs of providing down and up ramps? Provide the total investment figure.

71. Page 77, Section 5.5.2, first sentence – Add "National Park" at end of sentence.

72. Page 77, Section 5.6 – This section includes subsections that are not related to the environment such as recreation, cultural resources, aesthetics, transportation, economics/ socioeconomics, Flight 592 memorial, real estate, and environmental justice. Rename or split section into environmental effects and non-environmental (other) effects.

73. Page 77, Section 5.6 – Provide a definition of terms used to characterize impacts of alternatives, (i.e., negligible, minor, moderate major, short-term, and long-term).

74. Page 79, Section 5.6.3 - The last sentence on page 79 mentions ENP's designation as an Outstanding Florida Water (OFW). The significance of this should be briefly discussed along with the water quality protection afforded these areas.

75. Page 80, second bullet - Explain the difference between a Class III surface water (north side) and OFW (south side).

76. Page 81, Sec 5.6.3, third paragraph - Text states that "During high flow the runoff will bypass the treatment unit." Discuss what the impact of bypassing treatment would be.

77. Pages 81 and 82, Section 5.6.3 – The terms “Stormceptor®” and “Stormwater®” are used interchangeably. Correct as necessary.

78. Page 82, bullets – Include a sketch to better illustrate the treatment system described by the bullets.

79. Page 82, Section 5.6.3, second to last paragraph – Based on the statements made in this paragraph, it is unclear whether costs associated with runoff treatment are included in the construction figures. Please clarify.

80. Page 83, Section 5.6.4, second paragraph, last sentence – A more accurate statement would be that a safety zone would be established and work within the zone cannot resume until the site is remediated.

81. Page 83, Section 5.6.5.1 – Provide a discussion of other potential effects on the Park besides providing additional water, such as general effects of the project on visitor use, Park operations, and management of the East Everglades.

82. Page 84, Section 5.6.5.4, third paragraph - Discuss the impacts of installing bridges vs. maintaining culverts on exotic fish and apple snails among the alternatives. One method (bridge or culvert) may be more conducive to allowing exotic fish and apple snail entry into ENP.

83. Page 85, Section 5.6.5.5 – Provide a table similar to Table 7 illustrating the differences among the alternatives with respect to encroachment into ENP.

84. Page 85, Section 5.6.5.5, Wetlands, Direct Effects - The first sentence states “The action alternatives would require encroachment southward into ENP as a result of meeting current FDOT standards for roadway geometry.” Provide an explanation as to why the centerline cannot be shifted north to meet the wider footprint requirement.

85. Page 86, Section 5.6.5.5, Exotic Vegetation - Indicate how many acres of Brazilian pepper would be removed.

86. Page 87, Sec 5.6.5.6, Protected Species - The Action Area for evaluating impacts to protected species is not included in this section or the draft Biological Assessment in Appendix K. 36 CFR defines the action area as “all areas to be affected directly or indirectly by the Federal action and not merely the immediate project area.”

87. Page 87, Section 5.6.5.6, Action Alternatives, third paragraph - Reference is made to "great egrets." Are these "great white egrets?"

88. Page 88, Section 5.6.6, Habitat Units – This is the only subsection within the environmental effects section where performance measures are mentioned. Were performance measures used in evaluating other environmental effects? If so, how?

89. Page 88, Section 5.6.6, third paragraph –In evaluating performance measures/ alternative benefits, a study area comprising a 63,195 acre area bounded by Tamiami Trail, L-31N, L-67 Extension, and a southern boundary with a line connecting L-67 Extension with the 8.5 SMA is used. Clarify if other analyses carried out in the Draft RGRR/SSEIS utilize that "project area."

90. Page 92, Section 5.6.9 – Clarify that bank fishing would only be eliminated on the south side of the L-29 Canal alongside of bridges.

91. Page 93, Section 5.6.9 – The first sentence on the page indicates that access to airboat businesses would be maintained under all alternatives; however, it was previously mentioned that Everglades Safari would lose up to one-half of its parking and a building. Text on page 99 states that all three businesses would lose at least some of their parking area. Please modify Table 22 (pages 100-101) to more accurately reflect and, to the extent possible, quantify substantive differences/impacts to each property under each alternative.

92. Page 93, Section 5.6.10 - Text should state that the SHPO has determined that Coopertown Airboats is eligible for listing on the National Register of Historic Places. Include the letter in Appendix C. Also, encroachment on Coopertown would likely result in adverse impacts that would need to be included in the MOA developed with the SHPO.

93. Page 93, Section 5.6.10, fourth paragraph – Include any correspondence on the MOA with the SHPO in Appendix C.

94. Page 93, Section 5.6.10, fourth paragraph, last sentence – Indicate what agency would responsible for funding and managing these interpretive features along Tamiami Trail.

95. Page 94, Table 15 – Please revise this Table, as appropriate, following completion of on-going consultation with the SHPO.

96. Page 95, Section 5.6.12 – Provide an explanation of the 5 receivers discussed in reference to noise measurement. Why are there 5 receivers

at Osceola Camp, but only 2 at Gator Park and Tigertail, and 3 at the other sites?

97. Page 97, Section 5.6.12, second paragraph – Only three of the structures on Osceola Camp are residences.

98. Page 98, Section 5.6.14 – The Corps of Engineers plans to perform the construction work to raise Osceola Camp.

99. Page 99, Businesses, first paragraph – Address the two commercial radio tower properties. Also, describe the potential impacts of increased water levels on the businesses listed in this section and the radio towers and discuss plans for mitigation.

100. Page 99, Section 5.6.15, Businesses, second paragraph – What will be done to mitigate the impact to Everglades Safari?

101. Page 99, Section 5.6.15, Businesses, second paragraph – The last sentence indicates that Table 22 summarizes the effects of the project on businesses. Everglades Safari may lose up to one-half of its parking area and a building yet Table 22 describes this substantial loss as "reduced parking; possible building loss". Revise table to accurately describe impacts on businesses.

102. Page 99, Businesses, third paragraph – Utilize following language in lieu of first three sentences: "Six properties south of the Tamiami Trail have been authorized for ENP acquisition by the Everglades National Park Protection and Expansion Act of 1989. The assumption is that ENP will acquire sufficient interests in all six of these properties while noting that disposition of the FPL property is a matter of ongoing interagency discussions. The businesses currently owned by Coopertown Airboats, Gator Park, and Everglades Safari are located on these properties."

103. Page 101, Section 5.6.17, Action Alternatives – Suggest the following text: "All necessary interests in lands outside the existing Tamiami Trail right-of-way required for the construction, operation, and maintenance of the Tamiami Trail modifications are being purchased by DOI and USACE. Interests in lands required for the operation and maintenance of the project would be conveyed to FDOT when construction is complete."

104. Page 103, Table 23 – What do real estate costs (identified for all alternatives) include? Do they include planned acquisition of all necessary easement interests? Do construction costs include any flood-

proofing measures required for the remaining privately owned businesses? Please clarify.

105. Page 104, Section 5.7.1, first paragraph – The text indicates that the cost for a Stormceptor® system was prorated and included in the cost of bridge options. This statement contradicts Section 5.6.3 (pages 81-82), which indicates that the same system was cost prohibitive. Clarify whether runoff treatment costs using the Stormceptor® system were included in the construction estimates.

106. Page 105, Figure 14 – The alternative numbers should be used for clarity and consistency.

107. Page 106, Figure 15 – The alternative numbers should be used for clarity and consistency.

108. Page 106, 5.7.2 (Table 24) and elsewhere in Chapter 5 - From a layman's point of view it is unclear how Alt. 14 was selected as the preferred alternative when the analysis identified Alts. 10, 12 and 17 as "Best Buys". This should be clarified in the document.

109. Page 109, first paragraph – "Alternative 12" should read "Alternative 17".

110. Page 110, Table 27 – Some of the features/conditions are not "environmental." Suggest revising the table title to "Summary of Selected Effects."

111. Page 111, Section 5.7.5, Fiscal Constraints – An obsolete version of the Capital Asset Plan is being cited. Cite the current April 2005 version and include in the references.

112. Page 118, Section 5.8 – "Sections 5.7 and 5.8" should read "Sections 5.6 and 5.7."

113. Page 118, Section. 5.8, Selection of Tentatively Selected Plan - Habitat units were described on page 88 as "the metric that best integrated information regarding the quality and quantity of improved hydrologic and ecologic functions within the study area." Table 8 indicates there is less than 1% difference in performance between Alt 12 (3 mile bridge) and Alt 14 (TSP) both of which have a total of 3 miles of bridge. Table 21 on page 100 indicates Alt 14 construction costs would be $8.4 million greater than construction costs for Alt 12. Table 22 on page 103 indicates Alternative 14 construction costs would be $9.6 million more than same costs for Alt 12. Regardless of which estimate is more accurate, Alt 12 is more cost effective than Alt 14, and

this is reflected in Figures 14, 15, and Table 24 on pages 105-106 where Alt 12 is designated as "cost effective best buy". In contrast, Alt 14 is only rated as "cost effective." In addition, Table 28 (page 113) lists Alt 12 as the "most efficient" alternative. It is equal to Alt 14 in terms of the other COE planning criteria (except for slightly fewer AAHUs, 27,973 vs. 28,422). Given these rankings and the fiscal constraints of this project, the Final RGRR/SSEIS must provide the rationale and supporting analysis for selecting Alt 14 as the TSP instead of Alt 12. What performance measure ranking/scoring was used to determine that Alt 14 scored better overall? This needs to be clearly explained in the Final GRRR/SSEEIS.

114. Page 119, Section 5.8, first paragraph and Page 122, Section 6.6 - It is our understanding that FDOT will receive compensation through provision of the replacement facilities and that there will be no monetary remuneration for the reciprocal granting of easement rights. Please clarify.

Section 6.0 Tentatively Selected Plan

115. Page 123, Section 6.6.1, second paragraph - It should be noted that NPS will be determining whether and what type interests to acquire in the remaining privately owned properties.

116. Page 123, Section 6.6.1, second paragraph - It should be noted that use of Land and Water Conservation Fund (LWCF) funds to acquire perpetual flowage and highway easements needs to be confirmed by the National Park Service.

117. Page 123, Section 6.6.1, second paragraph – Revise text to read as follows: "Acquisition of these lands was authorized by the Everglades National Park Expansion and Protection Act."

118. Page 123, Section 6.6.1, second paragraph – It should be noted that the National Park Service Southeast Regional Office and the Office of the Solicitor, U.S. Department of the Interior, need to determine how such easement rights will be conveyed.

119. Page 123, Section 6.6.2, first paragraph - If LWCF funds cannot be utilized for purchase of perpetual flowage and highway easements, any resultant relocation costs may need to be considered for funding via the MWD Project.

120. Page 123, Section 6.6.2, second paragraph – Revise text to read as follows: "Impacts to buildings will be avoided to the greatest extent possible but may necessitate relocations."

121. Page 125, Table 31, Real Estate - Real Estate costs may increase if it is determined that LWCF funds cannot be used for acquisition of perpetual flowage and highway easement interests. It should be noted that construction costs may increase as well for any related flood-proofing measures required.

Section 7.0 Environmental Effects of the Tentatively Selected Plan

122. Page 128, Section 7.6.1 – The Final RGRR/SSEIS should provide a comprehensive description of the environmental effects of the TSP on Everglades National Park (e.g., encroachment, filling of wetlands within the Park, impacts to wildlife, and effects on to visitors). Please contact the South Florida Natural Resources Center, Everglades National Park (303-224-4200) for assistance.

123. Page 128, Section 7.6.5, second paragraph – State how many acres of wetlands in ENP would be lost due to encroachment of the road into the Park. Also, indicated how many acres of wetlands are expected to be restored in ENP through implementation of the MWD Project.

124. Page 128, Section 7.6.5, third paragraph - How many acres of exotic vegetation will be removed? How much would be within ENP, and how much would be within private property? This benefit is not described for the other alternatives. Is this benefit true for all alternatives or does the # of acres differ among alternatives?

125. Page 130, Section 7.9 – Include a description of the effects of the TSP on recreation in ENP.

126. Page 130, Section 7.10, second paragraph – The text states there was coordination with the SHPO and copies of correspondence are included in Appendix C; however, they are missing. Please include.

127. Page 130, Section 7.10, second paragraph – Reevaluate the impact of encroachment and increased water levels on Coopertown.

128. Page 135, Section 7.15, first paragraph - Explain the economic impacts to the commercial airboat tour operations and radio tower sites from highway construction encroachment and increased water levels.

129. Page 131, Section 7.15, third paragraph – Alternative 14 should be referenced (not Alternative 10).

130. Page 132, Section 7.18 - This section on Cumulative Impacts is incomplete. There is no list of past, present or reasonably foreseeable

projects in the project region that may have cumulative effects on Park resources in combination with the proposed action. The Dec 2003 GRR/SEIS had a cumulative impact table that could be incorporated in this section and expanded to describe the cumulative impact of each project individually and an overall determination of cumulative effects. The last sentence in this section should be revised to state that implementation of this project as part of the larger CERP action will constitute an important step toward restoring natural hydrological conditions within ENP…."

131. Page 134, Section 7.21 – Include a discussion of specific beneficial or adverse secondary effects associated with this project. The appendices contain a wealth of information that could be summarized in this section.

132. Page 134, Section 7.23 - State that encroachment of the highway into ENP is controversial among environmental advocacy organizations and members of the general public. The attitude of the airboat operators to potential encroachment onto their property should be determined and documented here.

133. Page 135, Section 7.27 - Compliance with environmental requirements. Table 32 indicates the project is in full compliance with all listed laws and Executive Orders. We recognize that consultation is ongoing with several agencies and anticipate that documents supporting this conclusion will be included in the Final RGRR/SSEIS. There is no evidence of coordination with NOAA Fisheries to support the conclusion that an Essential Fish Habitat Assessment is not required. A Statement of Findings (SOF) for Wetlands Protection and Floodplain Management, and an MOA with the SHPO to resolve adverse effects on cultural resources should be completed prior to publication of the Record of Decision. The SOF will be prepared by ENP upon receipt of conceptual design plans for the TSP and related information on effects to wetlands and floodplains.

<u>Section 8.0 Recommendations</u>

134. Page 137, Section 8.0 - The Tentatively Selected plan consists of the following components. Add a statement regarding raising the profile of the unbridged portions of the Trail.

135. <u>Appendix C – Cultural Resources</u>

1. Page C-7, top of page – It should be noted that frogging is not permitted within Everglades National Park.

135. Appendix D - Hydraulics and Hydrology

1. General - Appendix D describes a RMA-2 modeling effort that is aimed to evaluate the impacts of proposed Tamiami Trail bridge alternatives on the hydrology and ecology. RMA-2 can simulate detailed hydrodynamic responses of different bridge spans, which is not obtainable from regional hydrologic models such as SFWMM and ModBranch. In particular, this appendix presents various modeling information and resulting graphs that will be very useful for assessing alternative bridge options.

The present modeling approach seems reasonable; most assumptions are valid; and the presentation is very clear. However, the last part of this appendix needs to be expanded by adding key modeling results with discussion and conclusions that will support the benefit analysis in Appendix E.

2. Section 6. NSM, last paragraph: NSM predicts daily (end-of-day) stages rather than daily averaged stages. The document should specify the probability distribution function used to construct the stage frequency curves on Figure 3.

3. Section 8. Recession Rates: Based on the hydrographs on Figure 7, a maximum recession rate of 0.046 ft/day is not from the result of CSOP Alternative 4, but from the historical records or some other source. What are the period of records used here to compute the recession rates?

4. Section 10, B: Specify the parameter values used for the Manning's equation. What is the unit of water depth in Equation 1?

5. Section 10, C: There is not mutual agreement that the accuracy of topography data in the model is 0.5 feet. It should be much smaller than that value.

6. Section 12 & 13: These two sections need to be expanded by including some critical results of the modeling with discussion and conclusions. The text in Section 13 is repeated on the subsequent appendix (page E-9).

7. Table 2: This table needs to describe how the culvert discharge rating was computed. Also needed are assumptions and parameters used in the calculation.

8. Figure 7: Manning's n values for high water depths seem too high (0.9). Is there any justification for these values?

136. Appendix H – Real Estate

1. Page H-2, third paragraph – Revise text to read as follows: "There are six privately owned parcels located along the trail that will be acquired by the U.S. Department of Interior (DOI)."

2. Page H-2, third paragraph – Delete "The DOI, thru the National Park Service, is currently scheduled to acquire the appropriate interest in these parcels by August 2006." It would be more accurate to say "The DOI, through the National Park Service, will be determining whether and what type interests to acquire in 5 of these properties. Disposition of the 6th property (FP&L) is the subject of ongoing interagency discussions."

3. Page H-2, third paragraph – Delete "Margaret Hutton".

4. Page H-2, third paragraph - It is critical that the impact of the highway construction and the raised water levels on the airboat and radio tower properties be determined. Such impacts may dictate the viability of their operations post-project, whether they can functionally exist at all, and what engineering measures might be taken to allow them to do so.

5. Page H-2, fourth paragraph - The funding source to acquire such rights is undetermined. If LWCF funds cannot be used, these costs need to be accounted for, as well as the cost to cure for any flood-proofing measures necessary to maintain operable facilities.

6. Page H-2, fourth paragraph – Revise text to read as follows: "DOI and the landowners may enter into such agreements; however, at a minimum, a perpetual flowage easement is required over these parcels and highway easement rights, to the extent the new right-of-way would encroach." DOI is preparing a long term management plan to determine whether or not concessions within the Park boundary will be allowed.

7. Page H-2, fourth paragraph, last sentence - This statement is inappropriate since planning to determine future concessions operations, that would affect all three commercial airboat operators, is underway.

8. Page H-3, last paragraph – The document states that "FDOT will grant to SFWMD the right to operate and maintain the conveyance features located under the Tamiami Trail." It is our understanding that FDOT will receive just compensation through provision of the

replacement facilities, and there will be no monetary remuneration. If so, it would be good to clearly state that here.

9. Page H-4, section 3, first paragraph – Revise text to read as follows: "The Department of Interior through the Federal Highway Administration will grant the Florida Department of Transportation a perpetual road easement, or alternative document with equivalent rights, for the ENP lands required for construction, operation and maintenance of the road." (Note: This is our understanding of NPS procedural requirements for the conveyance of easement rights involving the Federal Highway System; the National Park Service's Southeast Regional Office and Office of the Solicitor, U.S. Department of the Interior are currently evaluating this matter.)

10. Page H-7, Section 9 - If it is determined that Project funds are to be utilized for acquisition of easement interests, it is critical to include such costs in this Section. (Note: If associated flood-proofing measures are required the costs should be accounted for with this project as well.)

11. Page H-9, Section 13 - The achievability of such dates cannot be substantiated until such time that the impacts to the six privately owned properties can be defined, which in turn may influence pending decisions as to their continued operation, as well as the extent of the interest to be acquired.

12. Page H-9, Section 4, Subsection A – Revise text to read as follows: "The National Park Service is acquiring sufficient interests or owns the underlying fee to those portions not owned in fee by the Florida Department of Transportation."

13. Page H-12, Section 17 - If it is determined that Project funds are to be utilized for acquisition of easement interests on the remaining six privately owned properties, these costs should be addressed here. (NOTE: If associated flood-proofing measures are required, these costs should be accounted for as well.)

October 11, 2005

Colonel Robert Carpenter
Commander
United States Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Colonel Carpenter:

Thank you for the opportunity to review and provide comments on the *Draft Revised General Reevaluation Report/Second Supplemental Environmental Impact Statement for the Tamiami Trail Modifications, Modified Water Deliveries to Everglades National Park, U.S. Army Corps of Engineers and South Florida Water Management District, August 2005* (RGRR/SSEIS). We recognize and appreciate the tremendous effort by your staff to produce the draft report. The completion of the Modified Water Deliveries to Everglades National Park Project remains as the highest Everglades restoration priority for the Department of the Interior (Department).

The Department supports the selection of Alternative 14 as the Tentatively Selected Plan (TSP) because it achieves the goal of restoring more natural flows of water to Everglades National Park—and thereby habitat within the park--as set forth in the legislation authorizing the project. Our comments, including the attached technical comments, are intended to improve the TSP alternative and its justification. While Alternative 17 (Ten-Mile Bridge) is the Environmentally Preferred Alternative, the Department agrees that the fiscal constraints regarding Alternative 17 preclude its selection. We also agree that the TSP provides significant improvement over the plan identified in the 2003 GRR/SEIS that included a 3,000-foot bridge.

The Department believes that the TSP can be improved with a few minor adjustments, such as the relocation of the eastern terminus of the Two-Mile Bridge span, which could reduce project costs and improve its environmental performance. We also believe that other measures can be taken to increase and ensure ecological benefits of the TSP. We believe that a significant increase in ecological benefits would result from aligning the weirs in the L-29 Canal with the bridge segments to achieve the maximum amount of overland sheetflow from Water Conservation Area 3B to Northeast Shark River Slough and we recommend that alignment. We recommend that the Corps clarify the sections of the report regarding the construction cost estimates and the corresponding benefits analysis that provides the basis for selecting the TSP.

The Department supports the wildlife protection features in the TSP and agrees that the wetland enhancement features in the proposed plan are certain to compensate for any wetland loss due to direct construction activities. We believe the report could be clarified by reference to recommendations in the Final Fish and Wildlife Coordination Act (FWCA) Report (Service 2003) with regard to potential wetland enhancement sites. With respect to protected species, the Department recommends the Corps include the Biological Assessment and effect determination consistent with the provisions of the Endangered Species Act for the listed species identified in the FWCA Report. The Final RGRR/SSEIS should indicate that the Corps will integrate the Construction Restrictions for Wood Storks and Migratory Birds, (as described in the FWCA Report), into the detailed design and specifications and construction documents during project implementation. Finally, the Department recommends that the Corps develop and implement jointly with the Fish and Wildlife Service, Florida Fish and Wildlife Conservation Commission, and Everglades National Park (ENP) a wood stork monitoring plan to assess wood stork behavior (roosting, nest building, breeding, nesting, and fledging of young) during and after project implementation.

The draft report needs to expand its assessment of the impacts of the TSP on Everglades National Park. We are ready to work with the Corps to more fully describe and evaluate potential impacts to ENP operations, resource protection, visitor experience, and ecotourism and include these potential impacts in the final RGRR/SSEIS. Additionally, the Department requests that the Corps provide more specific information with respect to:

- lands required for approach ramps, elevations, road shoulders, and importantly, an identification and analysis of what specific lands within ENP will be required for implementation of the TSP;
- The analysis utilized in the decision to align the road utilizing ENP lands;
- Encroachments into ENP and onto privately owned commercial lands adjacent to Tamiami Trail, including plan and cross-section views of the TSP; and
- Types and extent of impacts to wetlands and flood plains in affected areas of ENP which information is needed to allow the ENP to prepare documents required to approve an encroachment into ENP.

The draft report also needs to expand its assessment of the impacts of the TSP on the seven privately owned properties located on the south side of Tamiami Trail (Cooperstown, Gator Park and Everglades Safari commercial airboat tour operations; a private airboat association; two communications towers and a tract of land owned by Florida Power and Light). The Department looks forward to working with the Corps to include in the Final RGRR/SSEIS an improved assessment of the direct, indirect, and cumulative impacts on these existing private interests and seek ways to minimize potential impacts. For example, the scenario mentioned earlier to relocate the eastern terminus of the bridge span slightly to the west would make the TSP more compatible with the existing facilities at Everglades Safari and alleviate the need for a down ramp, thereby resulting in a cost savings. Finally, the Department requests the Corps consider opportunities to facilitate the passage of airboats under the Tamiami Trail as it completes the final designs of the western bridge section.

The Department appreciates the Corps' extraordinary effort to develop this proposal. We look forward to working with you as you prepare the Final RGRR/SSEIS. The technical comments prepared by Everglades National Park are attached.

Sincerely,

Terrence C. Salt
Director of Everglades Restoration Initiatives

Attachment

National Marine Sanctuary Program
Florida Keys

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
SANCTUARIES & RESERVES DIVISION
Florida Keys National Marine Sanctuary
P.O. Box 500368
Marathon, FL 33050
e-mail Billy.Causey@noaa.gov
(305) 743-2437 Voice (305) 743-2357 Fax

FAX COVER SHEET

To: Col. Robert Carpenter, District Engineer
US Army Corps of Engineers

From: Billy Causey, Superintendent
Florida Keys National Marine Sanctuary

Subject: Public Comment on the "Skyway" Alternatives for the Modified Delivery Project – Tamiami Trail - Time Sensitive Public Comment

Fax Number: (305) 743-2357
If there are any problems receiving this fax please call, (305) 743-2437

5 pages to follow, not including this cover sheet

Dear Col Carpenter,
The Sanctuary Advisory Council passed two Resolutions during their meeting today (October 11, 2005). Both Resolutions were passed unanimously by the Advisory Council, which is made up over 20 Florida Keys stakeholders, with each seat having an alternate.

The first Motion in this fax was moved by Monroe County Commissioner George Neugent and seconded by Debra Harrison of WWF. The motion was a request of support for the attached Resolution that supports the endorsement of the "skyway" alternatives in the modified water delivery project. Please see attached Resoltion and accept it as Public Comment.

The second Motion in this fax was again, unanimous support of the attached Resolution that support the C-SOP project and Advisory Team. Please refer to the attached resolution.

The FKNMS SAC is composed of Recreational fishers, commercial fishermen, scientists, divers, tourism representatives, citizens at large, an elected official, educators and other members of the Keys citizenry.

Florida Keys National Marine Sanctuary
Sanctuary Advisory Council

MOTION

Meeting Date: 10-11-05

Moved by: NEUGENT

Seconded by:

Motion: Request support for the following resolution endorsing "the SKYWAY" alternative in the modified water delivery project.

A RESOLUTION OF THE FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL (FKNMSAC) ENDORISNG THE 11-MILE ELEVATED "SKYWAY OVER THE EVERGLADES" (TAMIAMI TRAIL) ALTERNATIVE IN THE MODIFIED WATER DELIVERY PROJECT

WHEREAS, FKNMSAC supports the restoration of America's Everglades, and

WHEREAS, the 70 mile two-lane stretch of Tamiami Trail that links east and west coasts of South Florida from Miami to Naples cuts through the heart of the Everglades, interrupting the natural flow of water to America's most threatened wetlands wilderness, and

WHEREAS, the FKNMSAC recognizes that in order to protect and enhance the natural flow of water to the Everglades and Florida Bay, the Tamiami Trail, built in 1928, must be transformed into a modern 'skyway', and environmentally sound elevated roadway that would allow unrestricted flow and restoration to Shark River Slough, the central artery of the Everglades, and

WHEREAS, an alternative project has been proposed to build a "skyway" over the 11-mile stretch with the most critical significance to restoration of the water flow, and

WHEREAS, in 2001, the Science Coordination Team of the South Florida Restoration Task Force recommended in a consensus letter to the Army Corp of Engineers that the preferred alternative is to raise the entire 11-mile section and stated that only by building the "skyway" could full restoration be achieved, and

NOW, THEREFORE, BE IT RESOLVED by the FKNMSAC of Florida, that the FKNMSAC requests that the Sanctuary Superintendent recommend that the U. S. Army Corp of Engineers choose the preferred environmental alternative, an 11-mile elevated skyway over Tamiami Trail in the Modified Waters Delivery Project.

RESOLUTION OF THE FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL TO THE SOUTH FLORIDA ECOSYSTEM RESTORATION TASK FORCE AND THE C-SOP ADVISORY TEAM

OCTOBER 11, 2005

WHEREAS, The Florida Keys National Marine Sanctuary and Protection Act (Public Law 101-605) finds the following:

Sec. 2 (2) Adjacent to the Florida Keys Land mass are located spectacular, unique and nationally significant marine environments, including seagrass meadows, mangrove islands, and extensive living coral reefs.

Sec. 2 (3) these marine environments support rich biological communities possessing extensive conservation, recreational, commercial, ecological, historical, research, educational and esthetic values which give this area special national significance.

Sec. 2 (4) these environments are the marine equivalent of tropical rain forests in that they support high levels of biological diversity, are fragile and easily susceptible to damage from human activities, and possess high value to human beings if properly conserved.

Sec. 2 (5) these marine environments are subject to damage and loss of their ecological integrity from a variety of sources of disturbance.

Sec. 2 (8) the agencies of the United States must cooperate fully to achieve the necessary protection of sanctuary resources.

Sec. 8.(a)(1)(A) recommend priority corrective actions and compliance schedules addressing point and nonpoint sources of pollution to restore and maintain the chemical, physical and biological integrity of the Sanctuary, including restoration and maintenance of a balances, indigenous population of corals, shellfish, fish and wildlife, and recreation activities in and on the water; and

WHEREAS, the Florida Keys National Marine Sanctuary includes waters located within Florida Bay, Manatee Bay, Barnes Sound, Card Sound, Buttonwood Sound, Tarpon Basin and Blackwater Sound, and

WHEREAS, re-establishment of appropriate quality, quantity, timing and distribution of freshwater flows through Everglades National Park is critical to the restoration of Florida Bay and the resources of the FKNMS; and

WHEREAS, the South Florida Ecosystem Restoration Task Force has convened an Advisory Team to make recommendations regarding the Combined Structural and Operational Plan which is intended to restore those necessary freshwater flows; and

WHEREAS, the Florida Keys National Marine Sanctuary Advisory Council does not have formal representation on the C-SOP Advisory Team, although the results of that process will dramatically impact the resources of the FKNMS,

THEREFORE, the Florida Keys National Marine Sanctuary Advisory Council, through its Superintendent, recommends the following conditions be achieved in the C-SOP Alternative to be adopted by the South Florida Ecosystem Restoration Task Force:

(1) Restore the headwaters of Taylor Slough by restoring flows and water levels in Northeast Shark Slough; and

(2) Maintain an effective hydrological barrier to keep water in Taylor Slough, and

(3) Do not discharge polluted stormwater into pristine wetlands; and

(4) Fill in L31W (from S175 south) and the aerojet canals to prohibit water from moving into C-111 thereby keeping it in Taylor Sough and moving toward central Florida Bay; and

(5) Maintain canal levels and structural operations in C-111 and L31N to eliminate destructive pulses of freshwater entering Florida Bay and Barnes Sound.

THE CITIZEN
The Florida Keys' Only Daily Newspaper, Est. 1876

'Glades bird numbers are down

THE ASSOCIATED PRESS

MIAMI — Too much rain and high water caused a drop in wading bird nests this year, according to a new survey.

Downpours in the middle of the birds' spring breeding period lifted water levels in wetlands and disrupted the birds' foraging for food, according to the South Florida Wading Bird Report.

The report found 31,869 nests from the Kissimmee River to Florida Bay — a drop of 41 percent from last year and 54 percent from 2002's historic high of 68,750 nests.

Five species — white ibis, snowy egret, wood stork, great egret and tricolored heron — are considered "indicator species" or barometers for the broader Everglades system and surrounding natural areas.

This year's survey was broadened to include the Lake Okeechobee and Kissimmee River watersheds.

The year began with high numbers of wading birds foraging in the Everglades, but the rising water drowned nests close to the ground and forced many birds to abandon nests in shrubs and trees, said Mark Cook, the South Florida Water Management District's senior environmental scientist.

All 210 wood stork nests in the Corkscrew Swamp Sanctuary in Collier and Lee counties were abandoned after the spring rains.

"This continues a disturbing downward spiral of both nesting effort and breeding success" for the endangered wood storks, the report said.

The wood storks began breeding in March, two months later than in the past, which left them more vulnerable when the rains disrupted their feeding, Cook said.

"Basically, it's a race against time for these birds," he said.

MIKE DENZ/The Citizen

A tricolored heron gazes across a slough in Big Cypress National Preserve. A recent survey found that the number of wading birds has declined in the Everglades.

Miccosukee Tribe of Indians
of Florida

Business Council Members
Billy Cypress, Chairman

Jasper Nelson, Ass't. Chairman
Max Billie, Treasurer

Andrew Bert Sr., Secretary
Jerry Cypress, Lawmaker

September 26, 2005

Mr. Stuart Applebaum
Chief, Planning Division
Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232-0019

RE: Draft Revised General Reevaluation Report and Second Supplemental Environmental Impact Statement on the Modified Water Deliveries to Everglades National park project, Tamiami Trail feature

Dear Chief Applebaum:

The Miccosukee Tribe of Indians of Florida has reviewed the above-referenced draft. Our comments are below:

There is no discussion whatsoever on what the impacts will be to the archaeological sites located on the tree islands in North Shark River Slough. While this may not be in the scope of this project, by implementing this project, there will be impacts to these sites. What are the expected water levels? Will they cause the tree islands to erode, thereby exposing and destroying the archaeological sites? The Tribe is opposed to flooding these tree islands. It is against Tribal culture, religion, and tradition to flood these archaeological sites.

I cannot be emphatic enough to state that the Tribe is unalterably opposed to the two proposed bridges. The cost of the bridges is too much. The length of time involved in the construction of these proposed bridges is too long. An alternative solution proposed by the Tribe would be to place numerous box culverts (or some other equivalent) all along Tamiami Trail. This would allow for better sheet flow across the length and breadth of North Shark River Slough rather than concentrating water flows on the west and east ends of the slough. The time involved in placing these culverts is considerably less than the time involved in bridge construction. Thus, speeding up Everglades Restoration rather than slowing it down.

The construction of these bridges would also allow for airboat crossings underneath Tamiami Trail. There has never been airboat crossings under the Tamiami Trail. Airboats have been launched into Water Conservation Area 3B at the L-31 pump station and at L-67 levee. This

P.O. Box 440021, Tamiami Station, Miami, Florida 33144, (305) 223-8380, fax (305) 223-1011
Constitution Approved by the Secretary of the Interior, January 11, 1962

appears to the Tribe to allow commercial operators in Everglades National Park to commence commercial operations north of the Trail. Everglades National Park can then close commercial airboat rides in the East Everglades south of the Trail.

The breaching of the L-28 Tieback levee is key to the removal of high water conditions in Water Conservation Area 3A. However, before the L-28 Tieback levee can be breached, the Tamiami Trail Phase I - culverts and Tamiami Trail Phase II - Milling and resurfacing of US 41 must be implemented as per the plans submitted by the Corps of Engineers. This is a simple plan which can be implemented immediately. The Governor of the State of Florida withdrew state funding for this project only because the Corps of Engineers withdrew this project. The Tribe is certain that if the Corps were to implement this project, the State of Florida would reinstate their funding.

Thank you for allowing the Tribe to consult on this project. Please contact Mr. Steve Terry of my staff if you require additional information.

Sincerely,

Billy Cypress
Tribal Chairman

PC: Dennis Duke, COE
Terence Salt, DOI
Gene Duncan, Water Resources
Steve Terry, Land Resources Manager
Dionè Carroll, Tribal Counsel

LEHTINEN VARGAS & RIEDI
ATTORNEYS AT LAW
A PROFESSIONAL ASSOCIATION

October 11, 2005

Colonel Robert Carpenter
District Commander
Jacksonville District
Army Corps of Engineers
701 San Marco Blvd.
Jacksonville, Florida 32207

Via Fax, E-mail, and Regular Mail

Re: Miccosukee Tribe's Comments on the Draft Revised General Reevaluation Report/Second Supplemental Environmental Impact Statement (RGRR/SEIS) for the Tamiami Trail Modifications

Dear Colonel Carpenter,

The Miccosukee Tribe of Indians of Florida hereby provides comments on the U.S. Army Corps of Engineers ("Corps") Draft Revised General Reevaluation Report/Second Supplemental Environmental Impact Statement ("RGRR/SEIS") for the Tamiami Trial Modifications dated August 2005. The Tribe also incorporates by reference its Comments on the Final GRR/EIS on Tamiami Trail dated 2003, the Draft GRR/SEIS dated February 4, 2002, and the comments made at all public meetings.

The Miccosukee Tribe ("Tribe") objects to the so-called "Tentatively Selected Plan," Alternative 14. The Tribe does not believe that Alternative 14 is a legally viable option. The Corps has no authority for a Tamiami Trail Project. It only has authority for the Modified Water Deliveries Project ("MWD") of which Tamiami Trail is only a component. Any Tamiami Trail modification must be consistent with MWD authority and Congressional directives. The Corps' selection of <u>any</u> bridging option is nothing more than a thinly veiled attempt to build the CERP decompartmentalization component. Congress authorized MWD in 1989 and promised it would be completed by 1997. After nearly a decade of delay, Congress wanted to ensure that MWD would get the attention it deserves and be implemented. Therefore, when the Congress passed WRDA 2000, it specifically required completion of the MWD Project prior to authorization of the Comprehensive Everglades Restoration Plan ("CERP") Decompartmentalization Project. WRDA 2000 mandates: <u>"No appropriation shall be made to construct the Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project (including...Raise and Bridge East</u>

7700 N. KENDALL DRIVE, SUITE 303 MIAMI, FLORIDA 33156 TELEPHONE (305) 279-1166 FAX (305) 279-1365

Portion of Tamiami Trail...) until the completion of the project to improve water deliveries to Everglades National Park authorized by section 104 of the Everglades national Park Protection Act of 1989 (16 U.S.C. 410 r-8)." Congress clearly anticipated exactly what the Park and Corps are now attempting to do - and prohibited it. Alternative 14 and any alternative that bridges Tamiami Trail as part of MWD, cannot, and will not, stand up to a legal challenge.

The Tribe contends that Alternative 14 is unnecessary, expensive, and delay provoking. The Tribe is disappointed that the Corps has not analyzed the reasonable alternative of clearing, enlarging, and if necessary, constructing some additional culverts to allow the 4,000 cfs MWD flows to pass. Alternative 14, the Two-Mile Bridge West and 1 Mile Bridge East Alternative, is estimated to cost the taxpayers over $125 million dollars and is totally unnecessary to the completion of the MWD Project. Under the provisions of the 1898 Everglades National Park Protection and Expansion Act, Secretary of the Army is only authorized to take those steps necessary to restore natural hydrologic conditions to the extent practicable under MWD authority. That is to say, even if the desired 4000 cfs flows are not practicable, then the Secretary of the Army will meet his legal obligation to restore flows to the extent practicable. The Draft RGRR/SEIS, however, shows that the current system has the hydraulic capacity to pass the required MWD flows. (Section 5.6.5.1 and Appendix D at para 3.) Appendix D also shows that the modeling used NSM 4.6.2 for the design high water for roadway improvements, which means that 1372 acre feet, which is even greater than the 921 acre feet of CERP D13R flows used in the Yellow Book adopted by Congress in WRDA 2000, was improperly used to model alternatives. (Appendix D, Table 3.) The Corps is not obligated, or authorized, to send every drop of water demanded by the Park.

By the Corps' own admission, the culverts under Tamiami Trail, which have existed for 50 years, should continue to provide service for an additional 50 years. Unfortunately, the culverts are currently blocked with sediment and heavy vegetation built up on the discharge side. Incredibly, Everglades National Park ("Park") staff have stubbornly refused to allow the sediment/vegetation blockage to be removed. Thus, the Park is preventing the water - which they claims they want - from being delivered through the existing culverts. Moreover, the S-12s also show extreme blockage and restriction of flow and should also be cleaned out. Instead, based on faulty assumptions and modeling chicanery, the Park has manipulated the Corps into building a bridge which wastes taxpayer money and violates the prohibition against constructing CERP Decompartmentalization before the MWD is completed. Now, both agencies are attempting to fool Congress into thinking the white elephant bridge is necessary to complete MWD.

It is clear that if the Park only wanted the additional 4000 cfs water, they would insist on cleaning the downstream discharge areas of the culverts. Table 2 of the RGRR/SEIS shows the discharge ratings of the Tamiami Trail culverts. It is obvious that the culverts are not currently discharging at the capacity which they were designed for, and for which they are capable. Over the past 50 years, sediment and heavy vegetation have created small islands immediately downstream of the culvert discharge points. Only after these blockages have been cleared, and the requirements in Tribe's Tamiami Trial Tenets described below are met, will it ever support the bridging of Tamiami Trail. In reality, the modeling trick used in the RGRR/SEIS shows that the Park, not happy with MWD flows, is attempting to get more acre feet of water than Congress even

authorized for CERP. (*See*, Section 4.62 and Appendix D, Table 3.) The RGRR/SEIS is a veiled attempt to fool Congress and the public into wasting money on an unnecessary bridge for a Pre-CERP project the cost of which has all ready escalated more than 300%. Contrary to NEPA, the woefully deficient Draft RGRR/SEIS even fails to contain an Engineering Report on the design of the bridges and reconstruction of the roadways for the public to comment on.

The Corps claims they have reopened the EIS process because the Department of Transportation's ("DOT's") safety concerns have increased the costs of the prior selected Alternative 7a, the 3,000 ft. bridge. It fails to tell the public that DOT was provided with modeling for far more water than MWD was authorized to deliver. The real reason for the new SEIS is hinted at on page 1 which states that DOI determined that water in the L-29 canal would be at a higher design stage than had been previously calculated. The Corps again fails to disclose that DOI modeling was also based on much more water than MWD was authorized to deliver. Moreover, the Corps' dismal failure to implement a plan once it was selected in 2003 has caused a price increase in all the alternatives. The cost of the skyway, 4 mile bridge, and skyway has escalated dramatically. The Corps also continues to refuse to calculate the costs, both economic and environmental, that have occurred to the Everglades as a result of their failure to act. The lengthy, unwieldy title of this document is indicative of the delay to the MWD Project that has been caused by DOI's continued attempts to implement the 8.4 billion dollar CERP through this originally estimated $81 million dollar Pre-CERP project. The expeditious implementation of this long delayed restoration project is vital to the Tribal Everglades, which supports the culture and way of life of the Miccosukee Tribe.

In the first Tamiami Trail EIS process, the Tribe provided its Tamiami Trail Tenets. The Tribe's goal was then, and is now, to help the Corps select a plan that is economical and within its statutory authority under PL 101-229, so that MWD would be implemented expeditiously. Completion of MWD, as the Draft RGRR/SEIS correctly states is a prerequisite to WCA 3A Decompartmentalization under CERP. Thus, any delay in the MWD Project, or its Tamiami Trail component, would delay CERP. The Tribe has reiterated its Ten Tamiami Trail Tenets in Section I below, while recognizing that unfortunately both for the Tribe and the Everglades, the December 31, 2003 deadline for the completion of MWD has long ago passed. The Tribe recalls that under Colonel Salt in 1992, the MWD EIS was presented to Congress and claimed that the $81 million dollar project would be completed by 1997. Under Colonel Rice, the Project Cooperation Agreement ("PCA") was signed to construct what had already escalated from an $81 million to a $141 million dollar project. Under Colonel Miller, the MWD Project was supposed to be completed by December 31, 2001. Colonel May, who followed Miller, set a completion date of December 31, 2003, which again was not met. When Colonel Carpenter took over he pledged to complete the project by December 31, 2006. The project cost has now escalated to at least $400 million dollars and its completion date has been delayed to at least 2010. Today, this Pre-CERP restoration project, so important to the Tribe and the Everglades, remains mired in morass. The selection of Alternative 14 will only add to the cost and contribute to more delay.

I. THE MICCOSUKEE TRIBE'S TEN TAMIAMI TRAIL TENETS

The Tribe submitted the following Ten Tamiami Trail Tenets in the prior EIS process and incorporates them again herein without updating them noting that the 2003 date has passed. The Tribe believes that the Corps could still meet the December 31, 2006 deadline if it adopted a culvert alternative and operated to pass as much water as is practicable while maintaining flood control and public health and safety. The Tribe's Ten Tamiami Trail Tenets are:

1. The Tribe is opposed to all plans that will elevate Tamiami Trail before the Modified Water Deliveries Project is completed and implemented, including the protection for the 8.5 Square Mile Area mandated by PL101-229. (The Tribe opposes a *skyway*.) The Tribe believes that the Corps should take maximum advantage of existing infrastructure in place, and should only add new infrastructure that is absolutely essential to protect public health and safety and to meet the requirements of the Modified Water Deliveries Project, as directed by PL101-229.

2. The Corps' selected alternative must ensure that the Modified Water Deliveries Project is completed and operational on, or before, December 31, 2003. (Note: 2003 date has passed.)

3. Any alternatives that have no funding and would delay the Modified Water Deliveries Project beyond December 31, 2003, should be deemed "unreasonable" and removed from further consideration as the Tamiami Trail component of the Modified Water Deliveries Project Draft RGRR/SEIS. (Note: 2003 date has passed.)

4. Any plan recommended by the Corps for Tamiami Trail must be consistent with the requirements of PL101-229, the Water Resources and Development Act of 2000 (WRDA 2000), the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA) and the Corps' trust responsibility to the Tribe.

5. The Tribe will oppose any plan to modify Tamiami Trail that has an adverse impact on the Tiger Tail and Osceola Camps. Any interference with the traditional use of these camps is non-negotiable.

6. The Tribe will oppose all plans to elevate Tamiami Trail until I-75 is also elevated.

7. The Tribe will oppose all plans to elevate Tamiami Trail until all the levees are pushed into the canals (e.g. the L-29 and Miami canal); and will oppose any plan that elevates Tamiami Trail that does not remove the levee that separates WCA-3A and WCA-3B from the L-29 canal, with any such decompartmentalization plans being contingent upon the provisions in Tenet 8.

8. Control of the water at Tamiami Trail must not be given up under any future CERP decompartmentalization plans until it is absolutely certain that the flow north and south of the Trail are compatible. This cannot be done until the component of the flow lost to Miami-Dade and Broward Counties has been reinstated via the Comprehensive Everglades Restoration Plan (CERP), which is based on technologies that are so suspect that each requires a pilot study prior to proceeding.(i.e. in ground reservoirs, wastewater reuse and L-31 North seepage control.)

9. The Corps must operate the water management system to ensure that the access and egress of the Miccosukee Tribe is not jeopardized until such time as Tamiami Trail is modified to the extent necessary to protect it from degradation due to higher water levels during those events which would threaten the stability of the road.

10. While attempting to make the Tamiami Trail component of the Modified Water Deliveries Project compatible with CERP is a noble goal, it must not delay this already seriously delayed project, which only authorizes those flows directed in PL101-229, or compromise the health and safety of the public or the Tribe.

II. SPECIFIC COMMENTS ON THE DRAFT RGRR/SEIS

A. AN AD HOC ADVISORY TEAM, WHICH FAILED TO COMPLY WITH FACA, MADE RECOMMENDATIONS ON PLAN & BRIDGE PLACEMENT

Contrary to the Federal Advisory Committee Act ("FACA"), the Corps assembled a team of non-federal entities and consultants who developed performance measures and screened alternatives at two secret, non-public meetings on May 23-26 and July 6-7, 2005. (Section 5.21.) This advisory group adopted the faulty Park analysis and allegedly prepared the MWD Tamiami Trail Modification Benefits Analyses Procedures dated August 2005 attached as Appendix E to the Report. While the Corps attempts to paint this advisory group as a fact finding team, it is clear that it made policy recommendations. The Corps improperly delegated their statutory authority to this advisory group. This group not only deleted performance measures from the last EIS process, it also deleted old one, created new ones, and revised and changed objectives.

Moreover, contrary to the National Environmental Policy Act ("NEPA",) the group failed to analyze all reasonable alternatives for Tamiami Trail. Thus, the Draft RGRR/SEIS fails to contain the viable culvert alternative. Instead, the document analyzes and rubber stamps new alternatives that were screened and developed by an ad hoc advisory team that met in a non-public process. The new words for the recommended alternative, "tentatively selected plan," do not hide the fact that an advisory group that is not constituted under the Federal Advisory Committee Act ("FACA"), screened and "recommended" alternatives. The "Tentatively Selected Plan," Alternative 14, consists of two bridges. The western bridge is to be sited between the Blue Chanty Canal and one-half mile east of the Osceola camp. The eastern bridge is to be sited approximately one mile west of the S-334 and will extend to the west for approximately one mile.

The Tribe continues to contend from a hydrologic, hydraulic, and environmental point of view, that the best way to distribute flows across Tamiami Trail is by clearing out and utilizing the existing culvert system. Depending on the ultimate flows to be passed, it may be necessary to increase the size and/or number of culverts, but passing the water on a broad front that mimics historic flow patterns and distribution must be better than concentrating flows at one point as the bridge will. Even if the two bridge alternative was necessary, which the Tribe contends it is not, it should be positioned to be both effective and non-obtrusive. The current proposed location meets neither of these goals. The heart of Shark River Slough is several miles to the east of the proposed

location, roughly in the middle of the 6.5-foot contours. This is readily apparent from topographic maps or satellite images. It would be only logical and prudent to place the longer bridge in the east, so that it passes larger quantities of waters along historic flow lines. Alternative 14 does not. Also, the current proposed location for the western bridge could force water to flow to the southeast, in an unnatural way, until it intersects the historic flow path and turns back to the southwest. In addition, the proposed locations forces the water to circumvent a good portion of NE Shark River Slough, thus losing restoration benefits and wasting the tens of millions of dollars spent to forcibly buy out many residences in the 8.5 Square Mile Area allegedly to permit the raising of water in this area. Placing the larger bridge to the east would also help abate any impacts to the Tiger Tail and Osceola Indian Camps, which is a Tribe priority. The Corps should also conduct modeling to analyze how Alternative 14 would impact the Miccosukee Reserve Area (MRA). With the entire L-67 Extension removed, and with most of the water being released much closer to the MRA, one can logically expect that water levels around and/or in the MRA will increase, thus potentially creating flooding problems for the Tribe. This must be analyzed in the Final Draft RGRR/SEIS.

B. DRAFT RGRR/SEIS FAILS TO COMPLY WITH NEPA

1. RGRR/SEIS Improperly Segments the Modified Water Deliveries Project

Contrary to the conclusion in Section 1.4, the Tribe contends the Draft RGRR/SEIS fails to comply with the National Environmental Policy Act ("NEPA"). The Tribe contends that the Corps has improperly segmented the MWD Project into separate components, such as the 8.5 Square Mile Area, Tamiami Trail, and Seepage Control components, contrary to the National Environmental Policy Act (NEPA). The 1992 General Design Memorandum ("GDM") and EIS for the MWD Project detailed the condition of the environmental and resources within a much larger study area than is currently being analyzed in the Draft RGRR/SEIS. Tribal lands in WCA 3A, a 915 square mile area, were included in the impacted area in the 1992 GDM but are excluded from the analysis in the Final GRR/SEIS. NEPA clearly provides that connected projects should be evaluated in a single Environmental Impact Statement (EIS). (40 C.F.R. § 1502.4). The Council on Environmental Quality (CEQ) regulations governing NEPA state that, p*roposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement.* When the Corps prepared its GDM for the MWD Project in 1992, it evaluated all aspects of this interrelated project in a single EIS. This improper segmentation has caused the Draft RGRR/SEIS to fail to adequately assess impacts on Tribal lands and resources.

2. The Draft RGRR/SEIS Improperly Narrows the Purpose, Scope and Study Area

The narrow purpose and scope in Section 1.3 of the Draft RGRR/SEIS allows the impacts of delay, especially those to the Tribal lands in WCA-3A, to remain unassessed and skews the analysis of the alternatives. It should be noted that Section 104(3)(d) of PL. 101-229, which directed the Corps to construct the Modified Water Deliveries Project, says that the *project modifications are justified by the environmental benefits to be derived by the Everglades ecosystem in general and by the Park in particular.* The purpose and scope should be that of the MWD that is

contained in the 1992 GDM, which included the Water Conservation Areas, Northeast Shark River Slough and the Shark River Slough Basin of Everglades National Park (ENP). The 1992 GDM stated that: *when fully operational the MWD project will benefit the ecosystem function and habitat value of approximately 100,000 acres of wetlands in NESRS, 600,000 acres of wetlands in WCA-3A and 200,000 acres of wetlands within the Shark River Slough basin of ENP.* Thus, the described benefits in the Draft RGRR/SEIS should include these areas that comprise 900,000 acres of Everglades wetlands.

Due to the failure of the Corps to broaden the study area, and consider the serious environmental harm being caused by the failure to complete MWD, the Draft RGRR/SEIS omits issues of vital importance, such as the impact of the project and project delays on Tribal Everglades and the endangered and threatened species that inhabit these areas. The Corps has admitted in the Final GRR/SEIS on the 8.5 Square Mile Area component of the MWD project that *the loss of tree islands has an impact on critical habitats and cultural resources in WCA 3A, delayed implementation of the MWD project will cause an estimated loss of 8.4 islands and 246 acres per year at an estimated cost of $50,000 to $500, 000 per acre.* (Final GRR/SEIS on the 8.5 Square Mile Area, Section 5.2.7, page 64 and Table 7.) In light of the serious environmental and economic costs of delay, the Corps must assess the cost of delay associated with the selection of each of the alternatives in the Final RGRR/SEIS.

3. The Future Without Project Condition Is Improperly Defined

The Draft RGRR/SEIS improperly defines the future without project conditions under NEPA in Section 3. Tamiami Trail modifications are not a Congressionally authorized project. The project is Modified Water Deliveries. Thus, the *future without project condition* for the Modified Water Deliveries Project is NO MODIFIED WATER DELIVERIES PROJECT and not "the future of the study area as it would be expected to develop, if no improvements were made to Tamiami Trail." It violates NEPA to segment the MWD project. (It should be noted that the Final GRR/SEIS had a "design flow" of 4,000 cfs which has been removed from this section of the new report.) There is no Congressionally authorized Tamiami Trail "project." It is merely a component of the MWD project. The failure to define the true without project condition of MWD, as required by NEPA, has resulted in a skewed analysis of alternatives in both the Draft RGRR/SEIS and the Fish and Wildlife Service (FWS) Draft Coordination Act Report (Draft CAR). The CAR analysis also fails to properly assess the impact that the delay of the MWD,, which will be caused by the selection of bridging alternatives, will have on hundreds of thousands of acres of Tribal Everglades and the wildlife in WCA 3A, as well as other areas of the Everglades. Nor does it properly analyze the benefits that MWD will have on hundreds of thousands of acres of wetlands, which would negate any claim that the Corps should somehow mitigate for the Tamiami Trail impacts.

4. Cumulative Impacts Are Not Adequately Assessed in the Draft RGRR/SEIS

NEPA and its implementing regulations require that the cumulative impacts of past, present, and future actions be analyzed in the Draft RGRR/SEIS. Section 7.18 of the Draft RGRR/SEIS is woefully inadequate in that it only discusses the future impacts of CERP while it

turns a blind eye to past and present actions. The Draft FWS also does the same. The Tribe contends that the cumulative impacts analysis must analyze the combined impacts that the delay of the MWD Project, coupled with the impacts of seven years of interim operational plans implemented due to that delay (such as ISOP and IOP), have had on the Tribal lands and endangered species in WCA 3A and other areas of the Everglades. For instance, the endangered Snail Kite population has declined 50% during the years of IOP operations and will be further jeopardized by another five years of these damaging interim water management operations. The Draft RGRR/SEIS must analyze the cumulative impacts that at least five more years of IOP that will result from Alternative 14 will have on the Everglades, endangered species, and Tribal lands.

5. The Draft RGRR/SEIS Fails to Analyze Reasonable Alternatives and Incorrectly Analyzes, But Correctly Rejects, the Unreasonable *Skyway* Alternative 17

As stated previously, the Tribe supports the additional placement of culverts or minimal road raising, only as necessary, to restore flows to the extent practicable without adversely impacting flood protection and degrading the road bed. The Tribe rejects the cost excessive, delay producing Alternative 17 listed in Section 5.4 and believes it should not have been analyzed in the Draft RGRR/SEIS because it is *unreasonable* in the NEPA context. Indeed, years have been wasted because the Corps did not reject the *skyway* alternative early in the last EIS process. The Tribe supports the Corps' decision to not select the ten mile bridge due to fiscal restraints, but contends the Corps also does not have the authority to construct it. The Tribe contends that all bridging alternatives should be rejected from being analyzed in the FEIS for lack of funding and authority. Instead, the Corps should analyze the cleaning, widening, and possible placement of additional culverts as a reasonable alternative. It should be noted that the *reasonable* culvert alternative which the Tribe is requesting to be analyzed is not the same as the complicated and expensive $44.3 million dollar Alternative 8 that was analyzed in Section 5.7.2.9 of the previous Draft EIS.

6. The Draft FWS CAR Analysis of Alternatives is Fundamentally Flawed

The FWS CAR analysis in Appendix F of the Draft RGRR/SEIS is flawed because its scope and study area are also woefully inadequate. It only analyzes the impacts that the road will have on the direct area of 11 miles and does not assess the impact that the delay of building alternatives, such as the skyway or two bridges, would have on wetlands throughout 900,000 acres of Everglades that are included in the study area of the 1992 GDM on the MWD project. Additionally, it does not analyze the overwhelming wetland benefits that the completion of the MWD project would bring. The alternatives analysis is also incorrectly based on a *future without project condition* that is really a *future with project condition* because it considers the MWD project completed, instead of the *project not completed condition* that would result from the delay. A proper analysis that factored in the wetland destruction being caused by the failure to implement the MWD project would result in the selection of the alternative that would allow MWD to be completed expeditiously, and would not have resulted in the delay producing *skyway* alternative being selected as an *environmentally preferred alternative*.

7. Any Plan Must Be Based on Statutory Authority & Fiscal Constraints

The Tribe suggested and supports the Corps' inclusion of the WRDA 2000 constraint language on the MWD Project, and statutory authority and fiscal constraints, in the Draft RGRR/SEIS. WRDA 2000 clearly prevents the bridge alternatives from being selected. Moreover, neither the Corps nor DOI have the funding to build them. The Tribe contends that the *reasonable* culvert alternative, which includes the clearing and widening of culverts, and constructs any more necessary to pass flows, must be analyzed in the Final RGRR/SEIS. The skyway and other bridge alternatives are *unreasonable* and *unimplementable* under MWD and contrary to the mandate of WRDA 2000, which requires that MWD be completed prior to raising and bridging the Trail. The Tribe is concerned that Alternative 14, which places a longer bridge is the area of lesser flows, may be a trick, and that there is some undisclosed plan to substitute the *skyway* before it is built. Since NEPA is a full disclosure document, the Corps must clearly outline any potential future plans that they are aware of in the Final GRR/SEIS, and any failure to do so would be a NEPA violation.

8. Modeling Trickery and the Changed Federal Objective Not Based on PL 10l-229

PL 101-229 is the legislation that authorizes the MWD Project of which Tamiami Trail is only a component. The Tribe notes that the 2003 GRR/SEIS recognized that the federal objective was to only pass the MWD Project *design flow* of 4,000 cfs. Yet, the Draft RGRR/SEIS shows that greater than CERP D13R acre feet of water flows were used to model alternatives and assess impacts to the Trail. (Appendix D, Table 3 and Section 3.21.) This inappropriate bait and switch has resulted in this unnecessary SEIS process in which even more expensive alternatives have been analyzed. While the Tribe recognizes that the technical solution for the Tamiami Trail component needs to be compatible with the expected hydraulic conveyance of CERP, the 4,000 CFS hydraulic conveyance of PL 101-229 should be the only federal objective for MWD. The fact that greater than CERP flows were used to screen alternatives and predict impacts to the Trail is proof that the Corps continues to allow those who seek to improperly accomplish CERP under the Pre-CERP MWD Project continue to get their way with the Corps.

9. Performance Measures for Alternatives Must Include the Cost of Delay

The cost of delay that will be caused to the Miccosukee Tribal lands, and other parts of the Everglades, should have been listed as a performance measure for analyzing the alternatives in the Draft RGRR/SEIS and should be a factor in the Final RGRR/SEIS. Delay was a performance measure in Table 7 of the GRR/SEIS on the 8.5 Square Mile Area Component of the MWD Project, which estimated that about 246 acres of tree islands in WCA-3A are being lost for each year of delay of MWD and that the cost of restoration would be from $50,000 to $500,000 per acre. Thus, for each year of delay of MWD, the cost to restore tree islands lost by delay is $23-$123 million dollars a year, if they can ever even be restored. Delay of the MWD project also causes damage to Lake Okeechobee, the Caloosahatchee and St. Lucie estuaries and Everglades National Park. These cumulative impacts and indirect costs are required to be assessed by NEPA. The cost of delay that will be caused by the selection of an alternative that will delay the completion of the MWD Project should be estimated and factored into the analysis of alternatives in the Draft RGRR/SEIS.

10. The Draft RGRR/ SEIS Improperly Excludes the Engineering Report on the Design of the Bridges and Reconstruction of Roadway from the EIS

The Draft RGRR/SEIS has improperly excluded the Engineering Report on the design of the bridges and roadway reconstruction from Appendix D of the RGRR/SEIS. This is contrary to NEPA, which requires that the public be given the opportunity to comment on these important engineering reports. The Tribe contends that the Corps must release another SEIS with these documents before completing the EIS process if the bridge alternative is to be selected by the Corps.

11. Any Plan That Maximizes Environmental Outputs Without Regard to Costs Should be Rejected As Not Meeting the Project Purpose

Section 5.7.3 claims that Alternative 17, the skyway, is recognized as the plan that maximizes environmental outputs without regard to fiscal or other constraints. The faulty FWS CAR analysis also designated Alternative 17 as the environmentally preferred alternative. Yet, the FWS Draft CAR totally ignores the fact that the MWD Project will benefit 900,000 acres of wetlands and the excessive delay of this project caused by Alternative 17 would allow thousands of acres to continue to be destroyed. Certainly the selection of an alternative that meets the project purpose and will allow the expeditious completion of a project that will benefit 900,000 acres of the Everglades, such as the quick and economical culvert cleaning, is the real environmentally preferred alternative. The costly Alternative 17 would clearly fail as the environmentally preferred plan if the Corps had not improperly segmented and narrowed the scope of the MWD project and used flows greater than CERP to model alternatives.

Moreover, Alternative 17 should not have been assessed without regard to costs and the purpose of the MWD Project. Failure to have the money necessary to construct this alternative would both further delay MWD and compromise CERP, since WRDA 2000 requires that the MWD project be completed before important restoration components are funded. Under NEPA, the Corps is only required to analyze *reasonable alternatives.* This alternative is not reasonable under the MWD statutory authority and funding. The Corps admits in the RGRR/SEIS because of cost but has apparently removed its prior finding that cannot be implemented based on WRDA 2000. The Corps had no responsibility or authority to analyze such an unreasonable and unimplementable alternative. Section 902 of WRDA 1986 clearly prohibits the adoption of this alternative without authorization by Congress, as the cost is a whopping $343, 299, 369 (up from $142,156,700 in the 2003 EIS) which is more than three times the $81 million dollars that Congress initially authorized for the entire MWD project of which the Trail was a minor component. <u>While the Draft RGRR/SEIS states at Section 5.7.5 that the $109, 760, 000 contained in the DOI Capital Assets Plan is available for Tamiami Trail, it fails to note that Congress has not authorized that funding for the Trail.</u> The amount of funding currently available should be disclosed in the Final RGRR/SEIS.

Note: an example of the confusion caused by obfuscation are tables 24 and 25, which somehow conclude that the four mile and ten mile bridges are a cost effective best buy. This

absurd analysis is reflective of the back-door Tamiami Trail process that has been ongoing for a number of years.

C. THE DRAFT RGRR/SEIS FAILS TO COMPLY WITH THE ESA

The project area assessed under the Endangered Species Act (ESA) in the Draft RGRR/SEIS in Section 5.6.5.6 is woefully inadequate. The FWS Section 7 consultation looked at Tamiami Trail construction impacts only (See, Appendix F, August 10, 2005 letter.) The Tribe continues to contend that the area assessed under the ESA should be the entire area analyzed in the 1992 GDM/EIS on MWD. Such an analysis must include any potential adverse impacts to the endangered species on Tribal Everglades in WCA 3A, including the snail kite and the wood stork, that have been caused, and will continue to be caused, by the delay of the MWD Project. This should include the impacts of delay which has caused the IOP to be implemented, which is adversely impacting 88,300 acres per year of snail kite critical habitat as referenced in the March 2002 FWS Amended Biological Opinion. Under Alternative 14, IOP will be in place for another five years and those adverse environmental impacts must be assessed in the Final RGRR/SEIS. There has also been a 50% decline in the endangered Snail Kite population under IOP operations which is not analyzed, or even discussed, in the letter or the report. It also fails to mention that MWD completion is also vital to other threatened and endangered species, including the wood stork, snail kite, American crocodile and manatee.

D. SPECIFIC COMMENTS ON THE DRAFT RGRR/SEIS

1. Project Partners, Section 1.2: The Project Partners described in this report, SFWMD, DOI, FWS, ENP, FWC, FDOT and DERM are not all true project partners. The MWD Project is a federal responsibility. It appears that the Corps is merely using this term to disguise the fact that it has created an ad hoc advisory team, which consists of non-federal entities and consultants, to provide recommendations without complying with the Federal Advisory Committee Act (FACA).

2. Study Authority: The Tribe notes that the Corps accepted the Tribe's suggestion from the previous EIS process and provided the exact language of the law in the Draft RGRR/SEIS. Section 1 now correctly states that: *Pl 101-229...authorized the Secretary of the Army to undertake certain action to improve water deliveries to ENP and shall, to the extent practicable, to restore natural hydrologic conditions...* Unfortunately, the Corps' use of a model that provides greater than CERP acre feet of water to assess impacts shows they do not intend to follow this directive of Congress.

3. Biological Opinion and Interim Flow Targets: The Tribe disagrees with the discussion of the interim flow targets from the Biological Opinion contained in section 3.3. This section fails to state that the closing of the S-12 structures was the option selected and has been going on for nearly eight years and has, and continues to be, enormously environmentally destructive to Tribal lands in WCA-3A. The Corps should not base interim flow targets on a faulty Biological Opinion that has never been subject to NEPA review, nor an Amended Biological Opinion,

which arbitrarily removed the requirement that the MWD Project be completed by December 31, 2003.

4. **Cultural Resources**: Section 5.6.5.6 of the Draft SEIS mentions the historical importance of the Coopertown Airboat rides, but again fails to mention the historical importance of the authentic Miccosukee Indian Village along old Tamiami Trail, because it claims these areas are outside the project boundary. The Tribe contends the project area is that of the MWD Project. Thus, the Village, which is an historic family camp and the cultural resources that could be impacted by this project, include the cultural resources of the Miccosukee Tribe and peoples, including the tree islands in WCA-3A and other parts of the Everglades. The Tribe also urges the Corps to ensure that access to the Osceola and Tiger Tail Camps is not impeded.

5. Tribal Lands: The Draft GRR/SEIS states at Section 7.14 that there will be no DIRECT impacts on Tribal lands. Section 5.6.14 also claims that NO TRIBAL LANDS WILL BE AFFECTED. The Tribe contends that the Corps can only make this statements because it has not conducted the analysis necessary to find any harm and because it has improperly narrowed the scope of its analysis to only the Tiger Tail and Osceola Camps. Under NEPA, the impacts on Tribal lands analyzed should include direct and indirect and cumulative impacts to both Tribal reservation and lease lands in WCA 3A, and the Miccosukee Reserved Area. These lands will all be either adversely or beneficially impacted by the selection of a Tamiami Trail alternative. The scope of the Tribal lands should be the same as it was in the 1992 GDM, and the impact of delay that would be caused by selection of certain alternatives should be quantitatively and qualitatively assessed. Also, the Tribe is concerned that the statement of no impact to the Tiger Tail and Osceola camps is also inaccurate. The Draft RGRR/SEIS has not identified precisely what impact the MWD project water levels, which now appear to have been modeled using even greater than CERP acre feet of water, will have on the Osceola Camp. It merely states that, "DOI is coordinating with the Osceola Camp to complete its raising prior to implementation of this component of MWD." Section 5.6.14. Moreover, Appendix H at 10, contains the following disconcerting statements: " Relocation of the Osceola Camp is outside the scope of the authorized Corps project. The Everglades National Park (NPS) has accepted responsibility and will make all necessary arrangements for relocation or elevation of the camp." As stated earlier, the Tribe will not accept adverse impacts on the Osceola camp or any interference with their traditional practices. The Tribe will also vigorously oppose any forced relocation of this camp, which existed long before DOI even existed. Any attempt at "Indian Removal" will not be tolerated by the Tribe.

6. Hurricane Evacuation: Section 5.3.2 discusses hurricane evacuation. The Tribe has continuously told the Corps that even though the Trail may not be a DOT hurricane evacuation route, it is the only route out for the Tribal members who live along the Trial in a hurricane. As the Miccosukee Tribal members and others in the Service Area use Tamiami Trail to travel across the Everglades, we reiterate our request that the Corps make certain that access is always maintained to protect the health and safety of both Tribal members and the public.

7. Compatibility With CERP: As stated previously, the Tribe supports the federal government's desire for compatibility with CERP in Section 5.7.8, but it must not delay the

implementation of the MWD Project. The Tribe does not believe that Alternative 14 offers that compatibility and reiterates that the two bridge Alternative 14 has a potential for political and bureaucratic mischief plus delay. The Corps apparently thinks that despite the WRDA prohibition against bridging the Trail prior to MWD completion, it is okay to bridge the Trail as long as the L-29 levee remains in place. The prohibition against bridging the Trail in WRDA 2000 makes no such distinction. This quibling is an attempt to hood wink Congress into wasting taxpayer money to build a bridge with the levee still in place. The reasonable culvert cleaning/widening alternative proposed by the Tribe would allow MWD to be expeditiously completed so that CERP decompartmentalization, including any Tamiami Trail modifications deemed necessary, could proceed. Again, the use of the NSM model of greater than CERP acre feet of water to assess impacts on the Trail is improper and attempts to fool Congress into wasting vast sums of money.

8. Socioeconomic Factors: In reference to the socioeconomic factors outlined in Section 5.6.15 it appears that the Corps has discarded the performance measure used in the previous EIS to avoid and minimize impacts to the Tiger Tail and Osceola Camps as a constraint in evaluating the alternatives. In the last EIS, the Corps had developed a performance measure to assess the impacts to the camps, including access, privacy and encroachment, both during and after the construction phase. The Tribe is concerned that the secret advisory team discarded this PM and insists that access to the camps not be impeded. The Tribe reiterates that it will not accept any adverse impacts to either the Tiger Tail or Osceola Camps and that any interference with the traditional use of these camps is non-negotiable. The Tribe will also vigorously oppose any attempt to forcibly relocate the Osceola Camp.

9. Hydraulics and Hydrology: In Section 5.3.4, the Corps also appears to have changed its requirement from Section 5 of the 2003 GRR/FEIS, that the final alternative selected need only pass MWD flows of 4,000 cfs in favor of a model that passes acre feet of water greater than CERP. This section now substitutes language concerning the L-29 canal only. The Draft RGRR/SEIS should contain a hydrological analysis of NE Shark River Slough to show whether Alternative 14 is necessary using 4,000 cfs and how the placement of the bridges was decided.

10. Costs and Section 902: Section 4.16.3 contained a $20.215 million dollar cost constraint on the Tamiami Trail component of the MWD project. The Draft RGRR/SEIS replaces this with the $109, 760, 000 contained in the DOI Capital Assets Plan. This DOI funding has not been provided by Congress and this should be so stated. The Draft RGRR/SEIS is supposed to be a full disclosure document and must include only the funding currently available as a cost constraint. The blank check mentality of DOI and the Corps continues due to the failure to comply with Section 902, which provides that the costs of MWD water can not exceed those allowed by Section 902 without going back to Congress. When the PCA was signed in 1994, the $81 million dollar project cost escalated to $114 million. The cost is now at $400 million. Additionally, even the cost of the Tamiami Trail alternatives have dramatically escalated since 2003: For instance, the cost of the skyway went from $142 million dollars to $343 million dollars. It is astounding to think that the Corps would even think of spending $343 million dollar for a mere component of MWD which was initially authorized at $81 million dollars for the

entire project. Only through the application of Section 902 will this blank check mentality of the agencies be stopped.

11. WRDA Constraint Language: Although the Draft RGRR/SEIS contains the WRDA 2000 constraint language, the selection of alternatives defies it. Section 601(b)(2) of WRDA 2000 prevents CERP components from being funded until the MWD Project is completed. Despite this Congressional mandate, the Corps refuses to recognize that it is incumbent on them to select an alternative that is within the funding constraints and statutory authority of PL 101-229, so that the MWD Project can be completed expeditiously. The Corps and/or DOI does not have the funding for Alternative 14. Moreover, the Corps appears to incorrectly think that raising and bridging Tamiami Trail is not contrary to WRDA 2000, as long as the L-29 levee is not removed. This "quibling" is dangerous and will not bode well with Congress if they discover they are funding the raising and bridging that WRDA 2000 prohibits. Moreover, they will be even more incensed to learn that the Corps is wasting precious tax dollars by constructing white elephant bridges that will do little for flow with the levee still in place.

12. Betterments: The Draft RGRR/SEIS finds that betterments to protect and enhance wildlife are not part of the project purpose. The Tribe urges the Corps to make certain that any DOI or SFWMD decision to incorporate them not delay MWD.

13. Flood Damage to Road: Section 4.3 raises concerns about saturation and overtopping of the road but fails to contain an analysis using 4,000 cfs that shows that this would happen. Instead, the Corps and DOI have used N.S.M. modeling that provide acre feet of water that are even greater than those authorized for CERP. (Appendix D, Table 3.) The Tribe believes that a proper analysis that uses 4,000 cfs to model impacts, along with the cleaning, widening and placement of additional culverts as necessary, would provide such flows as are "practicable" and would allow MWD to be completed and CERP to move forward. The Tribe has consistently supported only such infrastructure as is necessary for the Tamiami Trail component of the MWD Project, but has also emphasized that Tribal and public safety are of the utmost importance and must be protected both during and after construction. It should be noted that Section 3.4 states that water would begin overtopping the highway at an event frequency of between 200 and 500 years, which is well above the 100 year frequency that is usually the design basis. Finally, this section also states that Tamiami Trail is currently in need of maintenance, which is not a federal responsibility but a state responsibility. This state maintenance could be combined with the federal government's selection of the culvert clearing/widening alternative to reduce the cost and delay of the project

14. No Schedule or Project Implementation Date: The Draft RGRR/SEIS contains no schedule for completion for Alternative 14. The 2003 Final GRR/SEIS which stated in Section 6.12 states that the duration of the construction of the Plan would be 24 months. The Tribe contends that the date the project could be completed should have been a factor in screening alternatives and must be included in the Final EIS. Under Project Implementation in Section 6.10, the document states that "If the Tenatively selected Plan is approved, <u>design and construction would be completed approximately four years following the Record of Decision</u>.

Thus, there is no project completion date! A prolonged EIS process could cause the project to be delayed indefinitely even beyond the new delayed December 2010 completion date.

15. Transportation: In reference to Section 5, although the Draft RGRR/SEIS states that Tamiami Trail will continue to be accessible during storms and hurricanes under the proposed Alternative 14, the Tribe reiterates that the Corps must take all precautions that both transportation and the safety of the Tribe and the public not be compromised during, or after, construction.

16. Impact on Tribal Lands: The statement in Sections 7.14 and 5.6.14 that no tribal lands would be affected and that there will be no direct impacts of any alternatives on Tribal lands is not supported by evidence in the record. The Draft RGRR/SEIS fails to assess the indirect and secondary and cumulative impacts to Tribal lands that all bridge alternatives would have by delaying the MWD project will continue to have on Tribal Everglades in WCA 3A. Moreover, the use of greater than CERP flows must also be analyzed for impacts to the Tiger Tail and Osceola Camps. An analysis of the impacts these flows will have on the MRA and other Tribal properties must also be conducted.

17. Impact on Businesses: The Draft RGRR/SEIS does not adequately assess the impact that would be caused to Tribal businesses by any alternative that delayed MWD or provided greater than CERP acre feet of water. Nor does this section adequately assess the potential impacts that construction activities will have on the Miccosukee Resort and Gaming Facility, and the Tribe's Miccosukee Indian Village, Airboats, Restaurant, and Gas Station whose customers use Tamiami Trail.

18. Osceola Camp: It appears that the Corps has removed the analysis of impacts to the Osceola Camp as a Performance Measure. Without such a PM, the Tribe is concerned that the statement of no impact to the Osceola Camp may be inaccurate. The Draft RGRR/SEIS does not analyze the impact that providing the greater than CERP acre feet of water, as used in the modeling, will have on the Osceola Camp and wants this analyzed in the Final RGRR/SEIS. It merely states that "DOI is coordinating with the Osceola Camp to complete its raising prior to implementation of this component of MWD." Section 5.6.14. The Real Estate Appendix H at 10, contains the following disconcerting statements: " Relocation of the Osceola Camp is outside the scope of the authorized Corps project. The Everglades National Park (NPS) has accepted responsibility and will make all necessary arrangements for **relocation** or elevation of the camp." As stated earlier, the Tribe will not accept adverse impacts on the Osceola camp, or any interference with their traditional practices. The Tribe will also vigorously oppose any attempt to forcibly relocate this Camp.

19. Tiger Tail Camp: It appears that the Corps has removed the analysis of impacts to the Tiger Tail Camp as a Performance Measure. Without such a PM, the Tribe is concerned that the statement of no impact to the Tiger Tail camp is inaccurate. The Draft RGRR/SEIS has not identified precisely what impact providing greater than CERP acre feet of water, as used in the modeling, will have on the Tiger Tail Camp and wants the Corps to analyze this in the Final RGRR/SEIS. As stated earlier, the Tribe will not accept adverse impacts on the Tiger Tail Camp,

or any interference with their traditional practices. The Tribe will oppose any plan that has adverse impacts on the Tiger Tail Camp.

20. Environmental Justice: Section 5.6.18 claims, without the requisite analysis, that no long term impacts would be created for the residents of the Tiger Tail and Osceola Camps. The Tribe is concerned that the advisory team has removed the previous Performance Measure that would allow them to analyze the potential adverse impacts of alternatives on the Tiger Tail and Osceola Camps. The Tribe contends that the Corps must ensure that the project is not likely to affect the environmental health or safety, and traditional way of life, of either the Tiger Tail or Osceola Camps. Moreover, the statement about "relocation" of the Osceola Camp contained in Appendix H is reminiscent of the deplorable practice of Indian Removal, contrary to environmental justice, and should be removed from any further consideration and this document. The Tribe also continues to contend that the disparate impacts to Tribal Everglades and its culture and way of life due to the failure to implement the MWD Project, should also be analyzed in this section. Any alternative that delays this project should be identified as adversely and disproportionately impacting the Miccosukee Tribe of Indians.

21. Public Involvement: Section 9.1 claims that the Corps complied with USACE and NEPA policies and sought public input. In reality, the process conducted by the Corps was a secretive back door process which excluded the public. An ad hoc advisory group, which did not comply with FACA, met in private and invited the public in after the decisions were made to feign "public involvement." This is contrary to both FACA and NEPA.

22. Public Agency Meetings: This section contains a misleading statement about the Miccosukee Tribe which we have asked to have removed in the prior process.
It fails to acknowledge that the Tribe ultimately rejected the *skyway* in its comments on the prior Draft and Final EIS and continues to do so, because it would delay the completion of the MWD Project. The Tribe does not understand why the Corps stubbornly insists on contending that this is still the Tribe's position, when the Tribe, a sovereign government, has asked that this be corrected numerous times. The Tribe once again requests that the Corps state its position accurately in this section.

23. Water Quality: Section 2.3 purports to analyze water quality of the project. In the prior EIS process, the Tribe contended that its unanalyzed culvert alternative would allow any traffic runoff to continue to be treated at the shoulder. Section 2.2 discusses the massive S-9 pump, which discharges water to the Everglades and the Park under MWD. This section should contain an analysis of the pollutants that will have to be cleaned up from these S-9 discharges before the project is implemented.

24. Natural System Model: Section 3.2.1 shows that an Natural System Model (NSM) which uses greater acre feet than CERP D13R was improperly used to predict water levels in WCA 3B and the L-29 canal and to determine the potential impacts to Tamiami Trail. The Tribe contends that it was improper to use NSM 4.6.2 to determine Tamiami Trail modifications and that this has resulted in unnecessary and expensive alternatives being analyzed and selected. Appendix H states this model run was chosen because it represents stage and duration target for the Greater

Everglades System, but fails to acknowledge these targets are for CERP and not for MWD. While this appendix claims that using this NSM model is prudent, the Tribe believes it is unauthorized and has resulted in the selection of an unnecessary and expensive alternative that would not be required if proper MWD modeling that passed 4,000 cfs MWD flows was used. (Note: Appendix H admits the current system has the hydraulic capacity to pass MWD flows and provides a hydraulic connection to the sloughs.)

25. Safety: As stated throughout these comments, the Tribe insists that both Tribal and public health and safety be strictly maintained both during, and after, construction of the Tamiami Trail modifications. The Tribe contends that if the Corps had not allowed modeling to be used that incorporates greater than CERP acre feet of water on a project that only needs to pass 4,000 cfs, the current system would be able to pass flows to the extent practicable and safety would not be an issue.

26. Tamiami Trail List of Preparers: NEPA requires an EIS to be a full disclosure document. The Tribe disputes that the list of preparers at page 145 is the full list of people who contributed to this document. NEPA requires this document to include the name of the advisory team and anybody else who worked on the Draft RGRR/SEIS.

E. THE CORPS' DID NOT MEET ITS TRUST RESPONSIBILITY TO THE MICCOSUKEE TRIBE IN THE DRAFT RGRR/SEIS PROCESS

The RGRR/SEIS process was not consistent with the Corps' trust responsibility to the Tribe. The Tribe was asked to attend "interagency meetings" in the prior Tamiami Trail EIS process, which it insisted be public meetings. This time, despite the fact that the Tribe directly asked the Corps to be included in the process, it was excluded from the meetings which were secretly held without both the Tribe and the public. The Tribe only found out about these meetings, which discussed matters that had a direct impact on the Tribe and its natural resources, when documents prepared for the meetings were somehow released. This is not only discouraging, it is also contrary to the Corps' Trust responsibility to the Tribe. The Corps has a duty to conduct meaningful pre-decisional consultation. The Corps also has a solemn trust responsibility to choose a plan that will protect Tribal natural resources and trust resources and should reject any alternative that will cause further destruction of Tribal lands.

III. CONCLUSION

The Tamiami Trail modifications selected must be consistent with the Project Purpose in PL 101-229, WRDA 2000 language, and the Corps' trust responsibility to the Miccosukee Tribe. The review process must select a plan that meets the project purpose, and that will allow the expeditious completion of the MWD Project that will benefit 900,000 acres of the Everglades. The Tribe believes that Alternative 14 is expensive and unnecessary to pass MWD flows. The Tribe urges the Corps to resist political pressure from those who refuse to abide by the purpose and authority of MWD and urge it to embrace an unwise plan that causes further delay to the detriment of the Everglades.

The MWD Project is not CERP. It was intended to be an interim restoration project designed to protect and preserve 900,000 acres of Everglades wetlands, including hundreds of thousands of acres of Tribal Everglades in WCA 3A. The Tribe urges the Corps to abide by its Trust responsibility and select a Tamiami Trail modification, such as the cleaning and widening of culverts, and possible construction of new ones, that would allow the MWD Project to be constructed expeditiously. The culture and way of life of the Miccosukee Tribe of Indians, and the future of the Everglades, and its restoration as directed by WRDA 2000, depends on it.

Sincerely,

Dexter W. Lehtinen

cc: Chairman Billy Cypress

Department of Environmental Protection

Jeb Bush
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Colleen M. Castille
Secretary

October 7, 2005

Mr. Jon Moulding
Planning Division, Jacksonville District
U.S. Army Corps of Engineers
Post Office Box 4970
Jacksonville, FL 32232-0019

RE: Department of the Army, Corps of Engineers and South Florida Water Management District – Central and Southern Florida Project – Draft Revised General Reevaluation Report/Second Supplemental Environmental Impact Statement (RGRR/SEIS) for the Tamiami Trail Modified Water Deliveries to Everglades National Park – Miami-Dade County, Florida.
SAI # FL200508191442C

Dear Mr. Moulding:

The Florida State Clearinghouse, pursuant to Presidential Executive Order 12372, Gubernatorial Executive Order 95-359, the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended, and the National Environmental Policy Act, 42 U.S.C. §§ 4321, 4331-4335, 4341-4347, as amended, has coordinated a review of the referenced Draft Revised General Reevaluation Report/Second Supplemental Environmental Impact Statement (RGRR/SEIS).

Florida Department of Environmental Protection (DEP) staff concurs that Alternative 14, Two-Mile Bridge West and One-Mile Bridge East, is the best overall alternative and supports its selection as the Tentatively Selected Plan (TSP). Compared to the previously recommended 3,000-foot bridge, the revised Alternative 14 will restore more natural flows to both Northeast and Northwest Shark River Slough. It has been determined to be cost effective as well. This alternative reduces direct wetland impacts and increases ecological benefits by treating bridge stormwater runoff and providing greater hydrologic connectivity between the waters north of Tamiami Trail and the downstream wetlands and sloughs within the expansion portion of Everglades National Park. Staff recommends, however, that the draft report be revised to more effectively communicate the details of the TSP and reasons for its selection. Inconsistencies and extraneous information should be eliminated from the report and additional detail provided to better assess wetland impacts, ownership, and right-of-way issues. Please continue to coordinate with DEP staff on the design of the stormwater treatment system, construction schedule and techniques, erosion and turbidity control measures, and application for permit modification. For additional information, please see the enclosed memorandum from the DEP.

The Florida Department of Transportation (FDOT) has identified several key issues of concern that should be addressed by the U.S. Army Corps of Engineers (Corps). FDOT requests that: future documentation clearly state the Corps' responsibility for all aspects of the project; the

Corps obtain FDOT approval on design, plans, and specifications prior to construction; information regarding emergency operations of the water management system and their impacts on the TSP be provided; and stormwater management facility details be provided for an evaluation of maintenance issues. FDOT notes that relocation of the affected utilities may take up to one year. Staff has also provided FDOT cost estimates for construction and maintenance and a number of specific comments and recommended revisions to the draft RGRR/SEIS. Please refer to the enclosed letter and attachments from the FDOT for further information.

The Florida Fish and Wildlife Conservation Commission (FWC) states that Alternative 14 appears to offer the most benefits for fish and wildlife resources, while avoiding potential impacts. This alternative would allow increased wildlife crossing opportunities and avoid possible impacts to two important wading bird rookeries south of Tamiami Trail. In the FWC's preliminary Fish and Wildlife Coordination Act Report for the GRR/SEIS, dated June 24, 2003, staff had previously agreed that a 3,000-foot bridge length would suffice due to fiscal constraints at that time. Should budget shortfalls for this project occur, FWC would continue to support the construction of one or more bridges intermediate in combined length between two and three miles, in order to avoid any further delays in completing the Tamiami Trail, and ultimately the Modified Water Deliveries to Everglades National Park Project. Please refer to the enclosed FWC letters for additional comments and recommendations.

Based on the information contained in the draft RGRR/SEIS and the comments provided by our reviewing agencies, the state has determined that, at this stage, the referenced project is consistent with the Florida Coastal Management Program (FCMP). The applicant must, however, address the concerns identified by the state agencies prior to project implementation. The state's continued concurrence with the project will be based, in part, on the adequate resolution of issues identified during this and subsequent reviews. The state's final concurrence of the project's consistency with the FCMP will be determined during the environmental permitting stage.

Thank you for the opportunity to review the proposed project. If you have any questions regarding this letter, please contact Ms. Lauren P. Milligan at (850) 245-2170.

Sincerely,

Sally B. Mann

Sally B. Mann, Director
Office of Intergovernmental Programs

SBM/lm
Enclosures

cc: Greg Knecht, DEP, MS 3560
John Outland, DEP, MS 45
Tim Gray, DEP, Southeast District
Charlotte Hand, FDOT
Mary Ann Poole, FWC

Florida State Clearinghouse

Project Information	
Project:	FL200508191442C
Comments Due:	09/19/2005
Letter Due:	10/10/2005
Description:	DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS AND SOUTH FLORIDA WATER MANAGEMENT DISTRICT - CENTRAL AND SOUTHERN FLORIDA PROJECT - DRAFT REVISED GENERAL REEVALUATION REPORT/SECOND SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (RGRR/SEIS) FOR THE TAMIAMI TRAIL MODIFIED WATER DELIVERIES TO EVERGLADES NATIONAL PARK - MIAMI-DADE COUNTY, FLORIDA.
Keywords:	ACOE/SFWMD - TAMIAMI TRAIL MODIFIED WATER DELIVERIES TO EVERGLADES RGRR/SEIS
CFDA #:	99.997

Agency Comments:

SOUTH FL RPC - SOUTH FLORIDA REGIONAL PLANNING COUNCIL

The project must be consistent with the goals and policies of the Miami-Dade County comprehensive plan and its corresponding land development regulations. Staff also recommends that the goals and policies of the Strategic Regional Policy Plan for South Florida be observed when making decisions regarding this project.

MIAMI-DADE -

AGRICULTURE - FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

No comment

COMMUNITY AFFAIRS - FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

FISH and WILDLIFE COMMISSION - FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

The project is consistent with our authorities under the Florida Coastal Management Program. Alternative 14, or a derivative thereof, appears to be the most reasonable interim alternative to implement prior to the approval of a more permanent solution under Comprehensive Everglades Restoration Project. In our preliminary FWCAR for the GRR, dated June 24, 2003, we had previously agreed that a 3,000-foot bridge length would suffice due to fiscal constraints at that time. Should budget shortfalls for this project occur, we would continue to support the construction of one or more bridges intermediate in combined length between two and three miles, in order to avoid any further delays in completing the Tamiami Trail, and ultimately the Modified Water Deliveries to Everglades National Park Project.

STATE - FLORIDA DEPARTMENT OF STATE

No Comments Received

TRANSPORTATION - FLORIDA DEPARTMENT OF TRANSPORTATION

Comments sent to the U.S. Army Corps of Engineers and the Clearinghouse via letter and email.

ENVIRONMENTAL PROTECTION - FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP staff concurs that Alternative 14, Two-Mile Bridge West and One-Mile Bridge East, is the best overall alternative and supports its selection as the Tentatively Selected Plan (TSP). Compared to the previously recommended 3,000-foot bridge, the revised Alternative 14 will restore more natural flows to both Northeast and Northwest Shark River Slough. It has been determined to be cost effective as well. This alternative reduces direct wetland impacts and increases ecological benefits by treating bridge stormwater runoff and providing greater hydrologic connectivity between the waters north of Tamiami Trail and the downstream wetlands and sloughs within the expansion portion of Everglades National Park. Staff recommends, however, that the draft report be revised to more effectively communicate the details of the TSP and reasons for its selection. Inconsistencies and extraneous information should be eliminated from the report and additional detail provided to better assess wetland impacts, ownership, and right-of-way issues. Please continue to coordinate with DEP staff on the design of the stormwater treatment system, construction schedule and techniques, erosion and turbidity control measures, and application for permit modification.

Memorandum

TO: Florida State Clearinghouse

THROUGH: Greg Knecht John Outland for

FROM: Inger Hansen, Temperince Morgan, and John Outland

DATE: September 19, 2005

SUBJECT: Department of the Army, Jacksonville District Corps of Engineers, Revised General Reevaluation Report and Second Supplemental Environmental Impact Statement on Tamiami Trail as part of Modified Water Deliveries to Everglades National Park, Miami-Dade County, Florida

SAI # FL05-1442C

The Department has reviewed the above-referenced General Reevaluation Report (GRR) and Environmental Impact Statement (EIS) and offers the following comments:

The Department has been involved in the project formulation and reevaluation process for this project. We have been actively involved in the recent reevaluation efforts by participating in the benefits analysis workshops that were carried out to help identify and further refine bridge alternatives. In addition, we have coordinated closely with the Corps of Engineers providing inputs to the planning process to help identify stormwater treatment requirements for the proposed roadway improvements.

As a result of these coordination efforts, we are familiar with the alternatives that were considered and the performance measures that were utilized to screen the alternatives. We concur that Alternative 14, Two-Mile Bridge West and One-Mile Bridge East, is the best overall alternative and support its selection as the Tentatively Selected Plan (TSP). Alternative 14 will restore more natural flows to both NE and NW Shark River Slough. It performed well during the evaluation in terms of ecological and hydrological benefits, Corps planning criteria, and avoidance of constraints. In addition it was determined to be cost effective. However, it should be noted that the report and its selected plan is not intended to prejudge the results of a Project Implementation Report to raise Tamiami Trail as part of CERP.

Background

The purpose of the Modified Water Deliveries Project (MWD) is to help restore flows to Everglades National Park. Specifically, the project will convey greater volumes of water into the L-29 Canal for the restoration of flows to Northeast Shark River Slough (NESRS). Modifications to Tamiami Trail are required to allow for these improved water deliveries. The reevaluation of the 2003 Revised GRR/SEIS was required to address concerns that predicted

higher water levels would damage Tamiami Trail and increasing cost of construction materials. The higher cost also required a reevaluation of cost and benefits. The revised GRR addresses not only the requirement to provide improved conveyance and connectivity across the existing highway, but also addresses improvements required to protect the existing road base from the increased stages that will be realized when implementing operations for the MWD project.

General Comments

The Department fully supports the Corps Tentatively Selected Plan (Alternative 14) providing for a two-mile bridge to the west and a one-mile bridge to the east in addition to raising the un-bridged portions of the existing highway. Compared to the previously recommended 3,000-foot bridge that was part of the December 2003 GRR, the revised Alternative 14 significantly improves ecological benefits by providing greater connectivity and conveyance between the waters north of the Trail and the downstream wetlands and sloughs within the expansion portion of Everglades National Park.

Having not only one westerly located bridge, but also an easterly located flow-way will be critical to prevent high water stages in the Southeast portion of WCA-3B, as additional MWD features are implemented allowing for conveyance of water through this WCA. Although we recognize that additional ecological benefits may be realized by constructing a skyway across the entire 11.7-mile stretch, please be aware that we do not support further delays of this project to obtain the additional funding needed. Moving this project ahead is critical to the restoration of the greater Everglades, as future CERP projects that will further restore flow to the Park can not move forward before the MWD project is complete.

When evaluating localized impacts, we note that the re-evaluation effort has led to additional environmental improvements beyond the regional ecological lift. Alternative 14 has reduced the direct impact to wetlands as compared to the previously selected plan. In addition, the Corps plan will mitigate potential water quality impacts by providing for a pollution abatement system to provide stormwater treatment for the bridge runoff to protect adjacent waters. The previously selected plan did not include stormwater treatment. The Department will continue to participate in the development and optimization of the treatment system for the bridges during the PED phase of the project.

However, based upon reviewing the Draft RGRR report and in consideration of information and comments provided during the recent Public Workshop for the Draft RGRR, it has become clear that the Draft report should be revised to more effectively communicate the details of the TSP. It should specify the reasons why merely clearing out the existing culverts is not acceptable, and most importantly clearly state the reasons for selecting Alternative 14 and associated recommendations. Inconsistencies and information carried over from previous Tamiami GRR reports, unrelated to the alternatives considered, should be eliminated from the report. Additional detail should be provided to better assess wetland impacts, ownership, and right-of-way issues.

Permitting

The recommended plan involves modifications to an existing surface water management system, and includes dredging and filling in wetlands and other surface waters. These activities are regulated by the Department under Chapters 373 and 403, Florida Statutes. Tamiami Trail road improvements, which include paving, grading and construction of a stormwater system, are proposed as part of bridging and raising the existing roadway. These road improvements will allow for modification to the existing conveyance system that directs water from the L-29 canal to Everglades National Park. The recommended plan calls for SFWMD, as the local sponsor, to be responsible for operation, repair and maintenance of the resulting conveyance system. However, the plan does not identify what entity will be responsible for the maintenance of the road and associated stormwater system. The report should provide clarification on this matter.

On September 5, 2005 the Department issued a Comprehensive Everglades Restoration Plan Regulation Act (CERPRA) permit to allow construction of the 8.5 Square Mile Area project phase of the MWD Project. This permit recognized all the MWD components, including the Tamiami Trail Modifications, but only allowed for commencement of construction of the 8.5 Square Mile Area works as part of the phased construction of the larger project. A major modification to the CERPRA permit is required prior to proceeding with construction of the Tamiami Trail Phase of the MWD project. Not only construction, but also operation and maintenance of the conveyance system will be part of this permit.

Stormwater or surface water management is regulated by the State of Florida under Part IV of Chapter 373, Florida Statutes. Our understanding is that the Corps will be responsible for the construction associated with the roadway improvements, and then the FDOT will take on the maintenance and operation of the roadway and associated surface water management system. If this is the case, then it may be appropriate to authorize these activities through a separate ERP permit with FDOT. Once division of operation and maintenance responsibilities for the various aspects of the project are clarified, the Corps should contact the Department to set up a pre-application meeting to resolve permitting specifics.

Ownership and right-of-way issues

The plan should provide a clear description of proposed right-of-ways and how the ownership issues will be resolved. A map should be provided showing all parcels (property owners) that will be impacted. The report should also explain how these impacts will be addressed. The current plan calls for moving portions of the existing roadway into Everglades National Park, however provides little or no detail on how this will occur. Details such as how the loss of land (notably wetlands) within the park boundary will be handled have not been adequately addressed.

Specific details about the flowage easement should be provided to ensure that adequate operation and maintenance of the system can be provided. The observed accumulation of sediments within and downstream of the existing culverts , clearly speaks to this issue. The existing culverts are partially clogged, with additional sediment buildup just downstream of each culvert forming

small islands that are covered with woody vegetation (a mixture of native species and Brazilian pepper). There is a clear need to maintain the existing system to provide for better flow distribution to the park, yet the plan does not specifically address this issue.

In fact, the plan dismisses the need to maintain/clear out the existing flow ways based upon an FDOT statement that they found that the exotic vegetation south of the Trail does not impede flow through the culverts (pages 50 and 51). Selective clearing to minimize impacts to native species to include removal of some of the accumulated sediments downstream of these culverts should be part of the scope of this project. Effectively conveying water around the downstream islands can perhaps be best achieved by incorporating a slightly deeper distribution ditch or spreader swales at the terminus of each culvert.

Wetland impacts and disturbance to natural areas within the park

The report does not provide specifics about proposed wetland impacts, other than providing a number of different and inconsistent estimates for acreage of wetland impacts. As previously discussed in teleconferences, details regarding wetlands loss should be provided. Our understanding was that an existing WRAP survey would be used as basis of evaluating the impacts. Avoidance and minimization should part of the analysis. In addition, there should be a discussion of how temporal and permanent wetland loss will be addressed.

The plan states that the removal of exotic vegetation on the southern side of the Trail would be necessary for the modifications and reconstruction associated with all alternatives (page 95). The benefits of removing the exotics are justified based on improved aesthetics, but notably, environmental factors are not considered. We note that on page 50, as part of evaluating preliminary alternatives, clearing exotic vegetation south of the trail was dismissed because the removal and associated land disturbance could result in further spread of the exotics into the park.

The Department supports clearing of the exotics along the trail, but note that the clearing work will have to be done with care to minimize the spread of seeds into the park. In addition an aggressive maintenance plan should be developed to ensure that exotics do not re-colonize areas that have been disturbed. A conceptual level of detail pertaining to exotic removal and control should be included in the Draft Report to ensure that the project does not contribute to migration of exotic species into the park (to ensure compliance with Executive Order 13112).

Water Quality (Section 2.3, Section 5.6.3 and Section 7.4 of the report)

As mentioned previously, the Department has coordinated closely with the Corps to help identify stormwater treatment requirements. We have provided written guidance and recommendations on how the Corps should move forward in finalizing the project design. Our written recommendations were included in section 5.6.3 of the report and are briefly summarized below.

The State's stormwater regulations require that runoff from impervious surface areas be discharged through retention areas, detention devices, filtering and cleaning devices, or subject

to some other type of Best Management Practices, prior to discharge from the site. For the proposed project, the Department has determined that stormwater treatment is required to provide a level of treatment commensurate with what is provided by the existing conditions.

The proposed bridging will increase the total impervious surface area, but has no practicable means of providing grassed shoulders or traditional swales for treatment of stormwater, without causing further impacts to wetlands. Implementation of Best Management Practices (BMPs) such as incorporating pollution abatement devices into the stormwater system for the bridges to collect and trap sediments and floatables (oil and grease) from polluted stormwater runoff (treatment of first flush) is necessary prior to discharge. That portion of the improved roadway which does not add additional impervious surface areas will only be required to provide grassed shoulders similar to the existing design.

The Department recommends that the Corps contractor responsible for the stormwater system design, consult with the Department, FDOT and the SFWMD during the design phase to ensure that the treatment system is effective in terms of cost, treatment, and operation and maintenance and meets the expectations of all parties involved.

Water quality issues are discussed in a number of other places throughout the report, including in Section 2.3, which refers to a 1999 USGS study reporting water quality along the Tamiami Trail. Further discussions are provided in this section about how stormwater runoff from Tamiami Trail must be "inferred". The section concludes that pollution from the runoff is minimal based upon a count of 5,200 vehicles per month based upon some 1990 study by Discoll et. al. The Department believes that much of the information presented in Section 2.3 is out of date, inaccurate, and misleading. We recommend moving some of the text presented in section 5.6.3 to Section 2.3 or rewriting section 2.3 to be consistent with the State's stormwater requirements.

Section 7.4 deals with water quality issues for the tentatively selected plan. Again, this section is written without any reference to the inclusion of pollution abatement system as part of the plan. It should be noted that since the receiving waters for this project include Everglades National Park, an Outstanding Florida Water (OFW), existing ambient water quality can not be lowered (e.g., turbidity), except on a temporary basis during construction, within a restricted mixing zone approved by the Department. Suitable management practices and technologies approved by the Department must be utilized to minimize degradation of water quality.

Manatees

Section 7.6.6 of the report concludes that the project would not adversely affect manatees because no work is being implemented within the L-29. Since there will be works in waters that are directly connected to the L-29 canal as part of removing the existing road to create bridged flow ways, the Corps should address protection of manatees as part of their plan. As part of protecting water quality, turbidity curtains will likely have to be deployed in the L-29 canal, which may impact the migration of manatees if not installed properly. Additionally, the plan should be specific about the need for blasting as this may impact protected species.

Section 8.0
The recommendation section is confusing and does not clearly or accurately describe the TSP. In fact, the second paragraph implies that features will be provided to convey additional flows from WCA 3B south. The need to raise the road is not discussed in the recommendations, nor is there a mention of the stormwater treatment system and the need to optimize the design.

Section 10.0
Based upon the title of this chapter, we would expect the Corps to give credit to the actively participating agencies and recognize all team members.

Specific comments on the draft document are provided below.

Section 5.6.3, pg 82, 2nd paragraph, delete following sentence "The system will be designed to meet FDEP requirements providing treatment for first flush."

Section 5.6.3, pg 82, 4th paragraph, after last sentence add "Coordination with FDEP will occur during PED to ensure that the final stormwater system design is consistent with FDEP requirements."

Section 5.6.3, pg 82, last paragraph, delete entire paragraph and revise to read "Because there is an existing WQC/permit for portions of the MWD project, the USACE would be seeking a modification to the existing permit. A modification application will be submitted when an appropriate level of detail exists regarding project design and environmental impacts."

Section 6.3 Drainage, revise to be more consistent with Section 5.6.3; Also, it is our understanding that an analysis was conducted to evaluate differences in seepage rates resulting from the various alternatives in an effort to determine potential impacts to agricultural and urban interests to the east and south of the project area. Please include a discussion of this analysis in this report.

Section 6.7 Operations and Maintenance, this section does not indicate what entity will be responsible for maintenance of the stormwater treatment system.

Section 7.6.2, please clarify "flow would be distributed through a conveyance channel of up to four miles wide." Shouldn't this be revised to be consistent with TSP of two mile and one mile bridges?

Appendix G, G-4, revise last sentence to read "Full compliance with State regulations is anticipated."

Appendix I, 2.6.2 Mixing Zone Determination, please revise to be consistent with aforementioned comment re: OFWs and temporary mixing zones during construction

Conclusion

In general, and after consideration of the lack of funds to implement the most environmentally acceptable plan, the selected plan appears to the best interim solution to restore natural flows to Northeast Shark River Slough by improved conveyance of water from the L-29 canal into Everglades National Park. This enhanced connection will provide improved hydraulic connectivity to NESRS, benefit ridge and slough habitat restoration and allow for improved fish and wildlife movement. The completion of MWD will also allow federal funds to be appropriated for other CERP components including the CERP WCA 3 Decompartmentalization project. This project may include further conveyance enhancements such as the removal of the L-29 canal and levee and elevating more of Tamiami Trail.

Project issues which will require additional coordination with the Department as the project proceeds include: design of the stormwater treatment system, construction schedule and techniques, erosion and turbidity control measures, and application for permit modification. It is our understanding that the stormwater treatment system will be evaluated during the PED phase of the project and that the Corps will coordinate with the Department as necessary to ensure that State requirements are met.

cc: Inger Hansen (email)
Tim Gray (email)
Kim Shugar (email)
Temperince Morgan (email)
John Outland (email)
Stacey Feken (email)

Florida Department of Transportation

JEB BUSH
GOVERNOR

DENVER J. STUTLER, JR.
SECRETARY

September 30, 2005

Colonel Robert Carpenter
U. S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232-0019

Re: FDOT Comments on the Central and Southern Florida Project, Draft Revised General Reevaluation Report/Second Supplemental Environmental Impact Statement (RGRR/SEIS) for the Tamiami Trail Modifications

Dear Colonel Carpenter:

The Florida Department of Transportation (FDOT) has reviewed the Draft Revised General Reevaluation Report/Second Supplemental Environmental Impact Statement (RGRR/SEIS) for the Tamiami Trail Modification of the Modified Water Deliveries to Everglades National Park (MWD) Project, dated August 2005. Our comments are intended to support your efforts to meet the requirements of the National Environmental Policy Act (NEPA) and to successfully provide a substitute facility for the current roadway, consistent with the MWD project authority.

The interests of FDOT are unique. From the Corps' perspective, the Tamiami Trail is a structure in the midst of an important water management project. From FDOT's perspective, it is a vital roadway that serves the transportation needs of South Florida. As the owner of this facility before, during and after its reconstruction, we have reviewed this RGRR/SEIS carefully to try to understand the impacts of the proposed project alternative on the Tamiami Trail itself and the surrounding environment.

We began with the following assumptions:

1. FDOT is in favor of the restoration of the Everglades and is not opposed to modifications of the Tamiami Trail to support these efforts.

2. FDOT is, in effect, a condemnee in this process as the owner of a facility being taken for a larger public project.

3. FDOT is not the designer, builder or permittee of this project and does not assume any responsibility/liability for those functions.

4. FDOT is appropriately concerned about:

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(a) Long-term maintenance cost of the Tamiami Trail.
(b) Functionality of the proposed design.
(c) Maintaining an adequate margin of safety with design elevations to assure long-term serviceability of the roadway [considering anticipated changes in operations of the overall Everglades system].
(d) Long-term exposure as the owner of the facility resulting from design changes in the facility and the operation of the adjacent waterways and access to adjacent properties.
(e) The consistency of this project design with future restoration objectives and projects.
(f) The inability to review final engineering information for this project alternative at this time, including all interagency correspondence on this information.

At this time, we believe that thorough planning and compliance with NEPA will result in a long-term benefit to the project. (Some of our prior comments have not been fully addressed). FDOT hereby incorporates by reference all comments previously provided on the July 8, 2005 Engineering Appendix for the Tamiami Trail Modifications, Alternative 10 (Central).

We do not advocate any choice among the alternatives your draft statement has identified.

Regardless of the ultimate choice of alternatives, we have identified several key issues which merits your further attention in this NEPA process. We are confident that a vigorous NEPA review will move the Corps towards implementing the MWD project and providing FDOT with a worthy substitute facility for its venerable Tamiami Trail. Your response to our comments will also facilitate the negotiation of the agreements between our agencies by helping us to understand this project more completely.

All FDOT comments to the Modified Water Deliveries ("MWD") Project, including, but not limited to, the 1992 Final MWD EIS, subsequent planning and engineering documents and previous comments on the Tamiami Trail General Reevaluation Report/Environmental Impact Statement, are incorporated by reference to these comments.

For purposes of executive review we have identified several key issues which are further developed in the subsequent more specific comments:

1. The document should clearly state the Corps is responsible for all aspects of this project including designing, building, permitting and effectuating this project.

2. The Corps needs to get FDOT approval on design, plans and specifications before proceeding to construction. The Corps' commitment to do so should be stated in the Final RGRR/SEIS.

3. The FDOT continues to evaluate the proposed project with the following background constraints or concerns:

   a. Our comments on the document are limited by the information currently available.

b. Information on current and future restoration efforts and operations outside the project footprint, which effect water elevations, are not identified and discussed in the document. We assume future projects will be constrained based on the parameters of this project.

c. Please provide information regarding emergency operations of the water management system and their impact on the TSP.

4. Stormwater management issues are a concern to FDOT. Please indicate the nature of the facilities that are required so that FDOT can evaluate maintenance issues.

5. The project potentially impacts five major utilities. It is our experience that it may require up to one year for utility relocation to occur prior and/or during the commencement of project construction.

6. FDOT cost estimates for construction and maintenance differ from the Corps. FDOT estimates are attached.

The following comments to the RGRR/SEIS are provided in an order which follows the document. A chart form has been adopted to facilitate review.

Page	Comment
Abstract	**Second paragraph: "The tentatively selected plan calls for a two-mile bridge located at the western end of the project corridor and a one-mile bridge at the eastern end."** State that the Tentatively Selected Plan (TSP), "calls for a two-mile bridge located at the western end of the project corridor, a one-mile bridge at the eastern end and includes raising the profile of the unbridged portions of Tamiami Trail. This matches the description in Section 6.0, p. 121. **Second paragraph: "The recommended plan consisted of a 3,000-foot bridge and an escrow fund to assist with maintenance of the remaining 10-mile length section of Tamiami Trail."** This statement needs to be changed to more accurately reflect that: "the recommended plan in the 2003 GRR/SEIS consisted of a 3,000-foot bridge [conveyance channel easement] and a proposed real estate agreement to pay compensation for a flowage easement along the unbridged portion of Tamiami Trail."
Page ES-i	Prior to the 2003 GRR/SEIS, the USACE and the FDOT had discussed the potential of establishing an escrow fund for maintenance of Tamiami Trail, to be accompanied by a temporary asphalt overlay, until the roadway could be permanently reconstructed under Decompartmentalization. However, the GRR proposed compensation only, in lieu of construction, for pavement upgrades to the unbridged portions of roadway as a substitute facility. Per the 2003 GRR/SEIS Abstract, "funding would be allocated to elevate the pavement along the unbridged portion of Tamiami Trail within the project limits, at the discretion of FDOT". The FDOT could not accept the NEPA documentation, scheduling and permitting ramifications associated with this proposed approach. The FDOT has agreed to maintenance if others build the project. **Second paragraph: "Concerns regarding probable damage to Tamiami Trail were raised during and subsequent to the public and agency review of the final report."**

	This statement needs to be changed to; "Concerns regarding probable damage to Tamiami Trail were raised prior to, during and subsequent to the public and agency review of the final report." **Third paragraph: "Additionally, the escrow approach proposed in the December 2003 report would provide for some additional maintenance and repairs; however, safety concerns on Tamiami Trial would potentially require a more costly method to mitigate for the effects of the higher design stage."** Change to: "Although prior to completion of the 2003 GRR/SEIS, there had been coordination discussions between the USACE and the FDOT regarding the potential use of a temporary asphalt overlay in addition to a maintenance agreement with escrow funds to be utilized until such time that the roadway could be reconstructed to its ultimate condition under Decompartmentalization, the 2003 GRR/SEIS proposed a 3,000-foot bridge [conveyance easement] and one-time compensation to FDOT for construction of a substitute facility for the impacted Tamiami Trail. FDOT could not assume responsibility for completing NEPA analysis and permitting associated with the reconstruction of the remaining roadway within the necessary timeframe. Reconstruction of the unbridged portions of roadway would need to be complete prior to implementation of the MWD project and associated occurrence of higher water elevations in the L-29 canal, in order to insure the integrity and safe public use of the highway." The first paragraph references subsequent hydrological analyses that were completed after the 1992 GDM with the results showing the need for higher elevations in the L-29 Canal. This paragraph should provide more details on the need to convey the increased water required for the project as well as when that modeling actually occurred.
Page ES-ii	**First paragraph, first sentence. "The construction cost is estimated to be $125,106,000".** Table 23 on page 103 lists a Total Construction Cost for Alt. 14 as $145,806,000 and Table 30 lists a Refined Construction Cost Estimate at $125,106,000. Please reconcile. **Second paragraph, first sentence. "The bridges would provide sufficient hydraulic opening to convey the projected DHW."** Change to: "The bridges would provide sufficient hydraulic opening to convey authorized flows under the MWD project, while not exceeding maximum allowable stage elevations in the L-29 Canal. The raised profile of the unbridged portions of Tamiami Trail will be constructed to accommodate a maximum stage, or Design High Water elevation (DHW) of 9.7-feet NGVD for a 24 hour, 20 year event." **Third paragraph: "All alternatives except the No-Action plan would convey required water volumes without having water either damage or overtop the highway".** Alternatives 9 through 16, describe various proposed bridge configurations but all exclude "raising the existing profile of the remaining roadway portions". So that this statement is accurate, please change the descriptions of Alternatives 9 through 16 to incorporate "raising the existing profile of the remaining roadway portions". **Fifth paragraph:** In the middle of the paragraph, it shows "two 10-foot-wide shoulders" as

	compared to "eight-foot shoulders" shown on page 122 (top of page). Please reconcile. Notes an 8.75 foot control water elevation. Please reconcile with 9.7' NGVD or define control water elevation.
Page ES-ii	**Sixth paragraph: "In order to meet FDOT criteria for stable slopes, the increased height of the roadway would require additional highway right-of-way. This would necessitate an encroachment, south, into ENP.** Rewrite: "The action alternatives would require encroachment southward into ENP due to necessary avoidance of encroachment into the L-29 Canal. In meeting current FDOT standards for roadway geometry, the higher profile of the roadway will result in a wider roadbed than currently exists." FDOT standards do not require the alignment to be shifted to the south nor for the road to be wider. Avoidance of encroachment into the L-29 Canal dominates this decision.
Page ES-iii.	**Eleventh paragraph:** The last section should include language regarding the compatibility of Alternative 14, the tentatively selected plan ("TSP") with the Decompartmentalization project for the Comprehensive Everglades Restoration Plan ("CERP"). Potentially higher stages associated with the need to pass more water south may be necessary to implement that project. An "Area of Controversy/Unresolved Issue" is how planning will occur to insure the design of Alternative 14 is compatible with future restoration objectives for the area, such as explaining the relationships between the TSP and the current thinking on the CERP alternative for Decompartmentalization. Also, please explain the relationship between the elevation targets of 9.7 feet in this alternative and potentially higher elevations under CERP.
Page 1	**Section 1.0 Introduction: "Alternative 7a, which included the construction of a 3,000-foot bridge, no additional water quality features, and an escrow fund to assist with maintenance of the remaining 10-mile length section of Tamiami Trail, was selected as the recommended plan. Because of concerns regarding probable damage to the Tamiami Trail raised during and subsequent to public and agency reviews of the final report, the Final GRR/SEIS was withdrawn without a signed Record of Decision."** Change to: "Prior to completion of the 2003 GRR/SEIS there had been coordination discussions between the USACE and the FDOT regarding the potential use of a temporary asphalt overlay in addition to a maintenance agreement with escrow funds to be utilized until such time that the roadway could be reconstructed to its ultimate condition under Decompartmentalization. However the 2003 GRR/SEIS proposed Alternative 7a which included a 3,000-foot bridge [conveyance easement] and one-time compensation to FDOT for construction of a substitute facility for the impacted Tamiami Trail. FDOT could not assume responsibility for completing NEPA analysis and permitting associated with the reconstruction of the remaining roadway. Reconstruction of the unbridged portions of roadway would need to be complete prior to implementation of the MWD project and associated occurrence of higher water elevations in the L-29 Canal, in order to insure the integrity and safe public use of the highway. Because of concerns regarding probable damage to the Tamiami Trail raised prior to, during and subsequent to public and agency reviews of the final report, the Final GRR/SEIS was withdrawn without a signed Record of Decision." **Section 1.0 Introduction, third paragraph: "Additionally, the escrow approach proposed in the December 2003 report would provide for some additional maintenance and repairs; however, safety concerns on Tamiami Trail would potentially require a more costly method**

	to mitigate the effects of the higher design stage." Delete this sentence. The 2003 GRR/SEIS did not propose escrow funds for "some additional maintenance and repairs"; it proposed a one-time compensation to FDOT for replacement/relocation of the roadway as a substitute facility. See previous comments in this regard. **Section 1.0 Introduction, third paragraph:** The third paragraph on this page makes reference to the fact that the Department of the Interior ("DOI") has determined that water in the L-29 Canal would be at a higher design stage than had previously been calculated. The document should reflect more details on the rationale and timing of that decision by DOI. Please elaborate on why this decision was made.
Pages 2-3	**Section 1.1 Study Authority:** The section lists out the basic authorities for the project in the Everglades National Park Protection and Expansion Act (PL 101-229, Section 104, 16 U.S.C. Part 410r-5), December 1989. The Water Resources Development Act of 2000 ("WRDA 2000") also authorized a project to "Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within Water Conservation Area 3 at a total cost of $26,946,000. Section 601(b)(2)(C)(viii). Please provide a discussion between the linkage between the WRDA 2000 project authorization and the RGRR/SEIS and also any possible implications from WRDA 2005.
Page 3	**Section 1.2 Project Partners:** the term "Project Partners" is undefined and potentially misleading. FDOT is listed under "participating agencies" which is also undefined. FDOT has been a commenting agency. **Section 1.3.1 Purpose and Need for Action, second paragraph: "The purpose of this project is to identify a means to enable the conveyance of the authorized flow of water from WCA-3B and the L-29 Canal north of the Tamiami Trail to Northeast Shark River Slough and ENP south of Tamiami Trail, as provided by the 1992 GDM/FEIS."** Add to end of sentence: "... and to provide for appropriate measures so that increased water associated with the MWD Project will not adversely affect the structural integrity of Tamiami Trail." Additionally, this section should define the term "authorized flow" and identify what authorization that level of flow is based upon.
Pages 7-10	**Section 1.6 Prior Studies/Reports/Related Project:** A section should be added to address the authority, status and development of the operations for the area, deviations from Test 7 of the Experimental Program of Water Deliveries to Everglades National Park for Protection of the Cape Sable Seaside Sparrow. These operational programs include, but are not limited to, the Interim Structural and Operational Plan ("ISOP") implemented in 2000 and 2001; the Interim Operational Plan ("IOP") currently in place, and the Combined Structural and Operational Plan ("CSOP") under development now. This discussion should probably be located as a new item between 1.6.3 and 1.6.4. A discussion on the Decompartmentalization CERP project should also be added, most appropriately at the end.
Page 12	**Section 2.2 Surface Waters:** The last sentence in Section 2.2 discusses the fact that the CSOP project may be adding additional structures to the L-29 Levee to move more water with a more even distribution flow. Although the TSP for the CSOP has not been chosen, this discussion should be expanded to discuss what these potential structures may be and what predicted effect

	this might have on Alternative 14.
Page 13	**Section 2.2.3 Flooding:** The second paragraph in Section 2.2.3 on flooding makes a definitive statement in that stages in the L-29 Canal are artificially controlled at 7.5 feet or below. This statement should be revised to reflect that while operational protocols currently in place may require this trigger of 7.5 feet, other factors may influence this stage preventing it from being held at 7.5 feet. These other factors include, but are not limited to, certain rain events, the Interim Operational Plan ("IOP"), the Lake Okeechobee Water Supply and Environment ("WSE") regulation schedule and the Water Conservation Area regulation schedules, including deviations from them. While the target may be 7.5 feet, many times this stage is exceeded. The current level of L-29 appears to be above the "controlled" 7.5 feet. Is it anticipated that the new operation will have exceedences similar to the current experience?
Page 28	**Section 2.11 Noise Environment:** Level of Service ("LOS") C is normally used on FDOT projects because it represents the worst case from a traffic noise standpoint. However, assuming no projected reduction in average speeds using LOS D as compared to LOS C, use of LOS D may be appropriate.
Pages 28-29	Table 5 – It is not clear which data is existing-measured versus existing-modeled (peak hour). Please clarify. Note 2 is not necessary. It appears that these two sites can be presented together as a single site based on the information provided in the RGRR/SEIS.
Page 29 Page 33	**Section 2.12 Existing Roadway, third paragraph: "The limestone base is substantially saturated due to capillary action and is significantly deteriorated."** The source of this statement is unknown. Provide a citation in the document supporting this statement or delete it. In this Section, there are comments about the current roadway condition that are misleading in that the water level in L-29 has already been elevated and flow velocities have been increased and the existing deterioration appears to be the direct result of these changes. But for the MWD project and current C&SF operations, the expected maintenance costs would not increase as outlined. **Section 2.15 Flight 592 Memorial:** Define distance between Flight 592 Memorial site and Tamiami Trail.
Page 35	**Section 3.1 Introduction, second paragraph**: This Section should provide more detail on the authorization and definition of "greater volumes of water" that will be delivered into the L-29 for the restoration of original hydrologic conditions in Northeast Shark River Slough. This section should also provide a statement regarding the consistency of Alternative 14 with potentially higher stages resulting from the Decompartmentalization CERP project.
Page 35	**Section 3.2 Future Water Deliveries, first paragraph:** In this Section, there is a discussion regarding the proposal to include additional weirs in the L-29 Levee. Acknowledging that these structures are currently undergoing study, a greater level of detail should be provided regarding potential impacts of these additional weirs on the performance of Alternative 14. Section 3.2 also includes a discussion between the "Control Water Elevation" of 8.75 feet. The

Page 36	linkage between this stage and stages in the L-29 Canal being "artificially controlled at 7.5 feet or below" in Section 2.2.3 should be further described. This comment is also relevant to the discussion in Section 3.4 wherein the design high water elevation is identified as being raised from 7.5 feet to 9.7 feet. Please clarify the relationship between all of these various elevations. The text states, "additional weirs in the L-29 Levee are proposed". In addition, the text suggests that basing the DHW upon the NSM results are conservative in comparison to anticipated CSOP configurations. Have the additional flows from these proposed weirs been accounted for when looking at future proposed CSOP operations? Why is the Control Water Elevation defined as the mean of annual peak flows? This value is then found on the daily exceedance curve to be exceeded 12.5% of the time. What bearing does the computation of this number have on evaluating the impact on the "without project" condition? What is the correlation between Control Water Elevation and when problems occur?
Page 37	**Section 3.4 Effects of Future Flows on Roadway, first paragraph: "The limestone base is substantially saturated due to capillary action and is significantly deteriorated."** Either substantiate or delete this sentence. The source of this statement is unknown. **Section 3.4 Effects of Future Flows on Roadway, Second paragraph: "According to FDOT the water elevation must be at least a minimum of two inches below the base of the roadway for the limestone base to maintain its integrity."** This must be changed to: "....water elevation must be a minimum of **two-feet** below the limerock base...". In Section 3.4, there are statements regarding the current condition of the road. It appears that this is the direct result of the water levels currently exceeding elevation 7.5 and higher velocities. Coordination for utilities to be attached to the bridges may be required since the existing utilities are located within the existing roadway typical section. AT&T main line fiber optic is located on the south side of the existing roadway and in some cases directly under the guardrail were special guardrail post had been used. If a water and or force main needs to be attached to the bridge, it may require longer overhangs to accommodate these utilities as well as the bridge drainage pipes.
Page 39	**Section 4.3 Flood Damage to Road:** This Section reports a cost estimate of maintenance for this portion of the roadway that is approximately $40,000 annually. These figures are based on the 2003 report and are no longer valid. This figure should be updated to current accurate numbers.
Page 40	**Section 4.4 CERP Compatibility:** This discussion should be expanded to describe how Alternative 14 is compatible with the future goals of the Decompartmentalization CERP project from a technical standpoint, rather than just a conceptual one. Ongoing discussions have resulted in a desire to ensure that implementation of Alternative 14 does not create a situation where more money has to be spent to modify those features. Please include a discussion on how the design of Alternative 14 is consistent with CERP.
Page 50-	**Section 5.4.2 Preliminary Array of Alternatives: Clearing Exotic Vegetation South of**

51	**Tamiami Trail: "This alternative was not retained for further evaluation because an FDOT evaluation concluded that vegetation was not restricting flow"** Delete this reference. This issue regarding flow was greater than simply the flow inside the culverts themselves. FDOT has inspected culvert conditions and found the culverts to be clear and functioning.
Page 54	**Section 5.4.4 Final Array of Alternatives; Action Alternatives: "All include bridge construction and reconstruction of the remaining highway."** The bridge low-chord is not based upon the same DHW as the road base. FDOT defers to SFWMD criteria for clearance determinations.
Page 55	**Section 5.4.4 Final Array of Alternatives:** FDOT may consider the excavated material as "salvageable materials" that may need to be delivered to FDOT for other purposes.
Page 79	**Section 5.6.3 Water Quality:** This section describes the implementation of Best Management Practices (BMPs) to collect and trap sediments and floatables from polluted strowmater runoff from the proposed bridge. This section should be expanded to describe any maintenance costs associated with the infrastructure to implement the BMPs.
Page 81	**Section 5.6.3 Water Quality continued:** Is the 95% performance achievable during high flow periods? Additionally, FDOT reserves the right to comment further on the selected treatment units and stormwater design as details are developed. FDOT has concerns related to the logistics of accessing the units for maintenance. Because the discussion in the last two paragraphs on page 82 is somewhat vague, this section should also clearly describe the timeframes and responsible entities for stormwater management permitting.
Page 82	**Section 5.6.3 Water Quality continued:** Bullet no. 1 on this page states that the crown to edge of bridge slope will be 0.3 percent. Please note that the minimum cross slope allowed by FDOT is 2%. Bullet no. 2 on this page states that the slope towards the water quality inlets is 0.2 percent. As we understand it, this is the longitudinal slope of the road. Please note that FDOT has commented that the minimum required longitudinal slope of the roadway in conditions where a gutter section is formed is 0.3%. The rationale for deviating from FDOT standards should be provided. This comment still remains unresolved. Bullet no. 4 on this page calls for the placement of scuppers one foot from the edge of the driving lane to provide a positive outfall independent of the water quality inlets. If the scuppers intercept the runoff generated by the roadway before it reaches the water quality inlets then the polluted runoff would simply be discharged untreated. Please review the design in that regard.
Page 84	**Section 5.6.5.5 Wetlands, Direct Effects of Project: "The action alternatives would require encroachment southward into ENP as a result of meeting current FDOT standards for roadway geometry."**

	Rewrite: "The action alternatives would require encroachment southward into ENP due to necessary avoidance of encroachment into the L-29 Canal. In meeting current FDOT standards for roadway geometry, the higher profile of the roadway will result in a wider roadbed than currently exists." FDOT standards do not require the alignment to be shifted to the south nor for the road to be wider. Avoidance of encroachment into the L-29 Canal dominates this decision.
Page 89	**Section 5.6.8 Air Quality, Table 12:** This table should present the methodology first. The results presented in this table should be related to the National Ambient Air Quality Standards (NAAQS) in this report.
	Section 5.6.10 Cultural Resources: The language regarding historic markers is vague. Adequate provision must be made for pulloff, parking, etc., for any historic markers. **Section 5.6.11 Aesthetics:** Traffic noise impacts are typically evaluated for noise sensitive sites. Commercial airboat facilities would not be considered noise sensitive. **Table 16 Note at bottom of table:** All noise levels should be presented as peak hour noise levels and all should be presented in LA eq 1h. This note is applicable to all other predicted noise level tables in this section. **Table 17:** Please provide a note defining the "+" and "<" in the column for Alt. 17. This note is applicable to all other predicted noise level tables in this section. This note is applicable to all other predicted noise level tables in this section. 10 dBA is a design goal. The minimum insertion loss criteria used by FDOT is 5 dBA. All noise barrier designs providing insertion losses of at least 5 dBA should be considered for reasonableness and feasibility.
Page 103	**Section 5.7 Evaluation of Alternatives:** Figures regarding maintenance for the No-Action Alternative. This section identifies a $3.3 million total average annual cost for routine and periodic maintenance costs for the No-Action Alternative. Please provide a break down of these costs for our review.
Page 103	**Section 5.7.1 Cost Estimates, Table 23:** Table 23 provides an O&M cost of $18,602. A source and breakdown of these costs should be provided. Three different total costs are given for Alternative 14 on pages 103, and 137. Please provide an explanation on these differences. For FDOT's estimated construction and O&M, please see the attached documents.
Page 104	**Section 5.7.1 Cost Estimates:** The first paragraph on this page states that costs of the Stormceptor system have been prorated for the other bridge lengths and included in the construction cost of each alternative. More detail on these figures should be provided.
Page 115	**Section 5.7.8 CERP Compatibility:** Section 5.7.8 and this document do not address the impact,

	if any, resulting from the removal of the L-29 Levee. The FDOT has no information to comment on that possibility and no ability to contemplate the impact that act might have on the Tamiami Trail. Please expand the discussion regarding compatibility of Alternative 14 with CERP. In the fourth paragraph of Section 5.7.8, the document states that **"Alternative 14 would provide the most linear feet of hydraulic connectivity and the highest percent distribution of flows from the L-29 Canal to NESS."** In the previous paragraph, it states that implementation of other alternatives might require the removal of the newly improved road to enable CERP flows to conform to Natural Systems Model distributions. The document should provide greater detail as to the need, or lack of, need for similar road removal to achieve CERP target flows. How does the design of Alternative 14 account of Natural Systems Model flows if the design elevation will be 9.7 feet and there may be a higher target for Decompartmentalization?
Page 117-118	**Section 5.7.9 Risk and Uncertainty: "Geotechnical surveys were conducted to identify subsurface conditions, preliminary design was done through contracting with experienced highway engineers, and standard construction methods are planned. FDOT has reviewed and will continue to be involved in the design of the proposed project."** Add to this section: "The USACE will need a permit from FDOT for work within FDOT right-of-way and will need FDOT's full approval of design, plans and specifications prior to beginning construction" . The text states that the models used in this study have low uncertainties. Can a reference be provided to back up this statement? It has been established that significant uncertainties exist when using the NSM or SFWMM (2x2) model. Page 1 of USGS Report 97-4039 states that when using the NSM, *simulated water levels should be interpreted with about a plus or minus 1 ft uncertainty.* The same report acknowledges that the error varies throughout the model. Can the Corps provide information about how well the NSM (and the 2x2) perform in the L-29 canal? This is relevant to establishing the DHW value. Use of the CSOP West Bookend. The third paragraph in this section states that the hydrologic analysis used the CSOP West Bookend Alternative for flows within all the different bridge configurations. While it is appropriate for alternatives to be compared under a similar hydrologic regime, this section should provide the basis and rationale, as well as a brief description of the assumptions, for the use of the West Bookend.
Page 119	**Section 5.8 Selection of the Tentatively Selected Plan: "As part of the Tentatively Selected Plan, the Federal Government will compensate FDOT for the real estate rights needed for the Tamiami Trail Project. In order to obtain the perpetual right to flow water, FDOT is entitled to compensation."** Add: "The FDOT has communicated with, and has been assured by the USACE that the USACE will design, obtain environmental permits for and construct the improvements needed to both the bridged and unbridged portions of the Tamiami Trail as a result of anticipated impacts to the highway due to increased water elevations caused by operation of the MWD project."
Page 119	First paragraph: **"It is the intention of the Federal Government not to expend any more**

	funds than necessary to construct facilities for the Tamiami Trail that a future project under CERP may impact." The document must be clear on what features may be impacted by a project under CERP so the gravity of this statement can be understood. Additionally, the drafting and approval of the "Real Estate Relocation and Raising Agreement" should address these issues. This comment is also relevant to Sections 6.6 and 6.6.1 on page 122.
Page 121 Page 122	**Section 6.1 Tentatively Selected Plan Description, first paragraph: "The Tentatively Selected Plan (TSP) would create two conveyance openings through Tamiami Trail by removing up to three miles (cumulative) of the existing highway and embankment..."** and **"The roadway with a raised profile would consist of two 12-foot-wide travel lanes and eight-foot-wide shoulders on each side of the roadway..."** From the format of these paragraphs, it is not clear that the "roadway with a raised profile" is a component of the TSP. Add: "Raising the profile of the roadway, is a component of the Tentatively Selected Plan." Also, to what elevation would the existing roadway and embankment be removed? It is necessary to understand whether the fill would be scraped down to match existing ground or below in order to verify costs and better envision the flow of water from L-29 in this area. Please identify the average depth of the L-29 Canal in the project area as part of this discussion. **Section 6.2 Access to Existing Facilities:** In addition to access, discuss whether or not there are other potential impacts to existing facilities which could have other mitigation ramifications. **Last sentence: "Connecting roads intersecting the bridged portion of the project would be provided for access to Everglades Safari Park."** Establish who would be responsible for maintaining these connecting roads. It cannot be assumed that FDOT would be responsible for this. **Section 6.3 Drainage: "No treatment to stormwater would be provided as part of the reconstruction of the roadway."** If the FDEP were to require stormwater treatment as part of the reconstruction of the roadway, it would influence the proposed roadway geometry and subsequently change the anticipated environmental impacts associated with the project. This section should include also how the surface water spread on the highway will be controlled at the structural bridge and at the Tamiami Trail roadway for Alternative 14. **Section 6.4 Utilities: "FDOT will be requested to invoke permit provisions requiring utilities to relocate."** The FDOT has not investigated its authority to require the relocation of utilities. Assuming the FDOT has the requisite authority, any costs associated with invoking those powers should be borne by the project sponsors and not FDOT. The document should state that FDOT will be reimbursed for its expenses in supporting project sponsors in this regard.

Page 122-123	**Section 6.6 Real Estate: "The Federal Government will compensate FDOT for the real estate rights needed for the Tamiami Trial project. In order to obtain the perpetual right to flow water, FDOT is entitled to compensation. This right includes both conveyance and easement interests. The appropriate organizations at the Federal and State levels will develop and approve an agreement containing the details and method of implementation. It is the intention of the Federal Government not to expend any more funds than necessary to construct alternative facilities for the Tamiami Trail that a future project under CERP may impact."** Add: "The FDOT has communicated with, and has been assured by the USACE that the USACE will design, obtain environmental permits for and construct the improvements needed to both the bridged and unbridged portions of the Tamiami Trail as a result of anticipated impacts to the highway due to increased water elevations caused by operation of the MWD project."
Page 123	**Section 6.6.1 Lands and Easements:** Any form of easement should specifically define words (i.e., road, right-of-way, periodic and routine maintenance, etc.) in the same manner as Section 334.03, Florida Statutes, and grant to the FDOT all of the powers necessary to operate and maintain the road (see Section 334.044, F.S.) as if the FDOT owned it in fee. Additionally, there may be issues associated with FDOT's authority to permit utilities in right-of-way not owned in fee by the FDOT. The FDOT will have to have the "jurisdiction and control" contemplated by Section 337.401, et seq., along with the specific authority to permit utilities to occupy the right-of-way without the need to further involve third parties. Design engineers should ensure adequate and uniform space for highway maintenance and the installation and maintenance of utilities. Prior to acquiring real estate for transfer to FDOT, it is requested that the acquiring agency perform All Appropriate Inquiry as outlined in CERCLA and as defined by EPA's developing rule. The Phase I Report should be certified to FDOT for reliance purposes by the firm performing the review.
Page 124	**Section 6.7 Operations and Maintenance: "Features identified as public highway relocation and flowage easement compensation are a bridge of up to four miles long and raising of the roadway."** Add: "The USACE will assume all responsibility for completing appropriate NEPA analysis and processes, acquiring all necessary environmental permits, designing and constructing the TSP proposed bridge structures and remaining roadway with raised profile."
Page 127	**Section 7.0 Environmental Effects of the Tentatively Selected Plan:** This section reads as the Tentatively Selected Plan for Alternative 14, yet there are multiple references to Alternative 10 throughout the section. Please reconcile.
Page 131	**Section 7.13 Transportation:** In Section 7.13, the statement that the project does not need FDOT approval is not accurate. A FDOT permit is required for all third-party work or a roadway owned by FDOT and FDOT must review and approve all design, plans and specifications prior to construction..

Page 131	**Section 7.13 Transportation:** The second paragraph should refer to Alternative 14 not 10. **Section 7.15 Economics/Socioeconomics:** Change Alt. 10 to Alt. 14.
Page 135	**Section 7.26 Environmental Commitments, see list (a) – (d):** Change (c) from: **"(c) The State of Florida shall be the operator of project for purposes of CERCLA liability,** " to, "(c) The State of Florida shall be the operator of the facility after completion of the MWD project for purposes of CERCLA liability."
Page 137	**Section 8.0 Recommendations: "The Tentatively Selected Plan consists of the following components"** (1) – (5) listed. (1) **"Construction of two raised bridges and acquisition of any conveyance channel easements where NESS passes under the Tamiami Trail."** The document should state from whom these channel easements shall be secured. In (4) and (5) the responsible entities for these maintenance obligations should be identified. Add: "(6) Raise the profile of the unbridged portion of Tamiami Trail together with all resulting modifications to insure structural integrity of the highway under anticipated higher stages in the L-29 Canal to result from implementation of the MWD project." Finally, the total estimated cost of $125,106,000 is consistent with Table 30 but does not appear to be consistent with Table 23. Please reconcile with Table 30.
Appendix D-General	FDOT hereby incorporates by reference all comments previously provided on the July 8, 2005 Engineering Appendix for the Tamiami Trail Modifications, Alternative 10 (Central). FDOT will respond further upon receipt of the Engineering Appendix for the TSP. The Corps needs to get FDOT approval on design, plans and specifications before proceeding to construction. The Corps' commitment to do so should be stated in the Final RGRR/SEIS. One of the stated goals is to make the Tamiami Trail hydraulically transparent. Will the selected Alternative achieve this goal? If the roadway is hydraulically transparent, what controls the stage in L-29 and thus establishes protection for the roadway that the 20-yr/24-hr DHW will not be exceeded? Which cells in the NSM are used to estimate values for the L-29 stage? Since the canal is within several cells that are 2x2 miles in size, are the values averaged east/west and north/south? How much variation exists in stage values within the individual cells? Similarly, how much cell-by-cell variation exists in the stage values from the CERP model runs which are compared to the NSM results?
Appendix D-5	The text states that the NSM is used to establish DHW because CSOP configuration has not been finalized. It has been shown that the NSM stages are higher than the CSOP stages and are therefore conservative. However, a larger pump is being planned to replace S-356, thereby increasing capacity from 500 cfs to 950 cfs. Although the CSOP Alternatives all include triggers to limit pumping when the L-29 stages reach 9.7ft, so called "emergency operations" take

	precedent over standard operating procedures. Under what circumstances would the S-356 pump be allowed to run despite L-29 stages exceeding the DHW or CSOP triggers? What guarantee does FDOT have that the road will be protected if future changes require emergency pumping. For instance, to alleviate greater than predicted seepage.
Appendix D-6	The text contains a good discussion of why the NSM is the appropriate choice for establishing DHW in consideration of the desire to restore natural conditions. However, the output that is subject to frequency analysis is stage data rather than discharge output. Since the 2x2 model is calibrated to stage (not discharge) it is understandable why it is desirable to use the more accurate stage data. But it is common to perform Flood Frequency Analysis with discharge, not stage. Can a reference be provided to establish this as a valid procedure? How well does the Log-Pearson distribution fit the stage data? Did you look at any other distribution such as fitting it to a normal distribution? Was a sensitivity analysis done to see the influence of skew value on the return period? What is the plus or minus on the 9.7 ft value as the 20-year/24-hour event?
Appendix D-8	Referring to Figure 6, the recession rate for the NSM results (which represent the target for future hydrology) is much slower than the existing conditions and the available historical data. Thus, even though the 20-yr/24-hour event may be represented by the DHW value, the future recession rates may result in the sub-base being wet for a longer time during extreme events. How will these recession rates affect the base? The 2x2 model is shown to predict lower stages that the NSM stages. Since the 2x2 is calibrated to existing vegetation conditions, what effect will the re-hydration have on future vegetation? Once addition water deliveries begin and the vegetation chages in response, will stages tend to be higher or lower than the 2x2 stages presented here? Will the margin of safety for the Tamiami roadway decrease or increase? It is stated that the NSM is the target for restoration projects. What actions is the Corps prepared to do in order to guarantee that the targets are not exceeded? How can the Corps implement control so that the 20-yr/24-hr event does not exceed 9.7 ft.? Who makes the decisions to open/close gates, turn pumps on/off, or move to emergency procedures?
Appendix E-5	**Appendix E, Tamiami Trail Modifications Benefits Analysis Procedures, PM 1.A. Average Annual Flow Volumes:** This section needs to include a discussion regarding the use of the CSOP West Bookend. **"A much smaller annual volume, 493,000 acre feet per year, is all that can safely pass."** This statement should clarify that this volume is associated with the current capacity in the system if that is the intent.
Appendix E-26	**Appendix E, Tamiami Trail Modifications Benefits Analysis Procedures, National Ecosystem Restoration (NER) Plan:** Please include the Decision making table/document referenced to be included in the document.

Appendix H	**Appendix H, Real Estate Appendix:** The FDOT reserves all comment on the Real Estate Plan. It is noted, however, that there is no placeholder for reimbursement to FDOT for its expenses related to the current process. As previously indicated, FDOT is attempting to capture its costs associated with this project and expects to be reimbursed as an expense related to the substitute facility. The Corps' intention in that regard should be noted.
Page H-3	**Appendix H, Real Estate Appendix, Staging/work areas:** This section states that there are no costs included in this report for the proposed staging/work areas to be located within existing FDOT right-of-way or on Government owned lands. Has the Corps determined if there will be any permitting associated with these staging/work areas?
Section 14(c)	**Appendix H, Real Estate Appendix, 14.C:** The FDOT has not formed a position regarding utility relocation issues and expressly reserves comment on that subject.

Attached as an Exhibit are the preliminary FDOT estimates of construction and maintenance costs which are provided as comments to the Corps' projections in the RGRR/SEIS.

The comments of FDOT are provided in advance of your deadline in order to allow the Corps the maximum opportunity to respond prior to the Final Environmental Impact Statement. If you have any questions regarding these comments please provide them to me. We look forward to continued interaction with you on this important project.

Sincerely,

Alice N. Bravo, P.E.
District Planning and Environmental Management Engineer

cc: Stuart Appelbaum, USACE
Dennis Duke, USACE
Rock Salt, DOI
Denver Stutler, Jr., FDOT
John Martinez, FDOT
State of Florida Clearinghouse

Attachments:
FDOT Construction Cost Analysis Alternative 14

LIFE CYCLE COST ANALYSIS: ALTERNATIVE 14

Category		Basis		Total Cost Over 50 Years
ROADWAY				
MOT Mobilization		Assumend 13 lifts of asphalt resulting in restriping at 13 occations.		$5,962,711.39
Asphalt		Includes 6" surchage. Local asphalt rates are $95.00/ton for Strucural and overbuild and $105.00/ton for friction course		$19,234,494.08
Earthwork		Assumend roadbed excavation to existing ground at elev. 6.5		$11,272,081.31
Final Signing and Pavement Markings				$156,275.00
Contingency 25%				$9,156,390.45
			Subtotal (2005)	**$45,781,952.23**
BRIDGE				
Substructure		Assumed average 6 piles per pier at 53'. Pier cap dimensions at 3'-6"x3'-6"x 47'-2".		$20,389,307.37
Superstructure		Assumed 4 gurders (FBT72) per 100' span, 160 spans, 6 diaphrams/span and 8-1/2" thick bridge deck.		$43,424,454.35
Contingency 25%				$15,953,440.43
			Subtotal (2005)	**$79,767,202.15**
DRAINAGE SYSTEM				
Polution Abatement Structures		Assumend 8 structures at $65,000.00		$520,000.00
Bridge Drainage System				$6,858,720.00
Contingency 25%				$1,844,680.00
			Subtotal (2005)	**$9,223,400.00**
ENVIRONMENTAL				
Embankment and Disposal Fee				$8,000,000.00
Contingency 25%				$2,000,000.00
			Subtotal (2005)	**$10,000,000.00**

Total (2005) $144,772,554.37

LIFE CYCLE COST ANALYSIS: ALTERNATIVE 14

Category	Cost Per Cycle	Basis	No of Cycles In 50 Years	Total Cost Over 50 Years
BASIC ROADWAY MAINTENANCE (7.97 MILES)				
Signing, Striping, Mowing, Patching	$300,275.00	Assumed signing and pavent marking maintenance contract every 10 years, mowing slopes 4 times per year and shoulders 20 times per year	50	$15,013,750.00
Culvert Cleaning	$518,400.00		7	$3,628,800.00
			50 Year Subtotal (2005)	**$18,642,550.00**
BRIDGE MAINTENANCE (3 MILES)				
Initial Inspection	$130,000.00	Once Initially	1	$130,000.00
Above Water Inspection	$75,000.00	Every 2 years @ $75,000.00 based on similar existing bridge inspection contracts	25	$1,875,000.00
Below Water Inspection	$75,000.00	Every 2 years @ $75,000.00 based on similar existing bridge inspection contracts	25	$1,875,000.00
Alowance for Minor Repairs and Maintenance	$198,741.58	Assumed expansion joint replacement every 10 years and spall repair contract every 25 years	50	$9,937,078.90
			50 Year Subtotal (2005)	**$13,817,078.90**
BRIDGE POLUTION ABATEMENT SYSTEM AND MAINTENANCE				
Periodic Inspection of Treatment Units	$30,000.00		50	$1,500,000.00
Periodic Mainenance of Treatment Units	$40,000.00	Assumed 8 treatment units cleaning them once per year at $5,000.00 per unit	50	$2,000,000.00
Periodic Inspection of Pipe Collection System	$24,000.00	Assumed inspecting system once per year at $24,000.00	50	$1,200,000.00
Periodic Mainenance of Pipe Collection System	$139,200.00	Assumed cleaning 30% of the system every 5 years.	9	$1,252,800.00
			50 Year Subtotal (2005)	**$5,952,800.00**
PERIODIC ROADWAY RESURFACING				
Periodic Roadway and Resurfacing	$8,730,632.49	Milling, leveling, overlay and resurfacing 7 miles to maintain level of service. Assumed guard rail adjustmentof 20% of guard rail each cycle.	6	$52,383,794.93
			50 Year Subtotal (2005)	**$52,383,794.93**

50 Year Subtotal (2005)	**$90,796,223.83**
Average Annual Cost (2005)	**$1,815,924.48**

		Quantity	Unit Cost	Cost/Cycle	No. of Cycles	50 Year Cost	Average 50 Year Cost
BASIC ROADWAY MAINTENANCE							
Signing		100 EA	$600.00 EA	$60,000.00	5	$300,000.00	
RPM's		3500 EA	$4.00 EA	$14,000.00	5	$70,000.00	
Striping Thermoplastic 6" Solid White	2 EA	10.97 MI	$2,900.00 NM	$63,626.00	5	$318,130.00	
Striping Thermoplastic 6" Skip Yellow	1 EA	10.97 MI	$1,700.00 NM	$18,649.00	5	$93,245.00	
Mowing						$0.00	
Slope 4 times/year	130 7	110 AC	$200.00 AC	$88,000.00	5	$440,000.00	
Flat 20 times/year	130 7	110 AC	$25.00 AC	$11,000.00	5	$55,000.00	
Patching		125 TN	$360.00 TN	$45,000.00	5	$225,000.00	
				$300,275.00	**SUBTOTAL**	**$1,501,375.00**	
Culvert Cleaning		2160 LF	$12.00 LF	$518,400.00	5	$2,592,000.00	
					SUBTOTAL	**$5,594,750.00**	
BRIDGE MAINTENANCE							$3,739,665.32
Initial Inspection		1	$130,000.00 EA	$130,000.00	1	$130,000.00	
2yr Above Water Inspection		1	$75,000.00 EA	$75,000.00	25	$1,875,000.00	
2yr Below Water Inspection		1	$75,000.00 EA	$75,000.00	25	$1,875,000.00	
Minor Repair & Mainenance Allowance							
Expansion Joint Seal (Strip Elastomeric)		5650 LF	$120.00 LF	$677,999.52	5	$3,389,997.60	
Elastic Joint Seal (No Nosing)		1883 LF	$225.00 LF	$423,749.70	3	$1,271,249.10	
Elastic Joint Seal (With Nosing)		1883 LF	$425.00 LF	$800,416.10	2	$1,600,832.20	
Spall Repairs		3500 CF	$525.00 CF	$1,837,500.00	2	$3,675,000.00	
				$3,739,665.32	**SUBTOTAL**	**$9,937,078.90**	**$198,741.58**
BRIDGE POLLUTION ABATEMENT SYSTEM MAINENANCE							
Periodic Inspection of Treatment Units		8 EA	$3,750.00 EA	$30,000.00	50	$1,500,000.00	
Periodic Mainenance of Treatment Units		8 EA	$5,000.00 EA	$40,000.00	50	$2,000,000.00	
Periodic Inspection of Pipe Collection Systm		32000 LF	$0.75 LF	$24,000.00	50	$1,200,000.00	
Periodic Mainenance of Pipe Collection Systm							
Inlets		120 EA	$10.00 LF	$24,000.00	9	$216,000.00	
Piping (Cleaned 30% per year)	32000 LF	9600 LF	$12.00 LF	$115,200.00	9	$1,036,800.00	
				$139,200.00		**$5,952,800.00**	

PERIODIC ROADWAY RESURFACING					Quantity	Unit Cost	Cost/Cycle	No. of Cycles	50 Year Cost
Traffic Controll Officer				180 DA	8 HR	$40.00 HR	$57,600.00	6	$345,600.00
MOT				180 DA		$520.00 DA	$93,600.00	6	$561,600.00
Milling and 3.5" Average	2 IN	34	7.97 MI	158974.9333 SY		$3.09 SY	$491,232.54	6	$2,947,395.26
Overbuild 1.5" Aveage	0.75 IN	34	7.97 MI	158974.9333 SY	5961.56 TN	$95.00 TN	$566,348.20	6	$3,398,089.20
Structural 2.5"	2.5 IN	34	7.97 MI	158974.9333 SY	19871.86667 TN	$95.00 TN	$1,887,827.33	6	$11,326,964.00
Friction	0.75 IN	26	7.97 MI	121569.0667 SY	4558.84 TN	$105.00 TN	$478,678.20	6	$2,872,069.20
Guardrail Adjustment 15%	0.2 %	2 SD	7.97 MI	84163.2 LF		$7.00 LF	$117,828.48	6	$706,970.88
Misclaneaous Asphalt 2"	2 IN	3 FT	7.97 MI	28054.4 SY	2805.44 TN	$160.00 TN	$448,870.40	6	$2,693,222.40
Striping	4 EA	7.97 MI		6 SW	$700.00 NM		$133,896.00	6	$803,376.00
RPM's	50 OC	7.97 MI	2524.896 EA	6 SW	$4.00		$60,597.50	6	$363,585.02
							$4,336,478.66	6	$26,018,871.97
Mobilization				$4,336,478.66		0.0133 %	$57,675.17	6	$346,051.00
						SUBTOTAL	**$8,730,632.49**		**$52,383,794.93**

Mobilization				$150,000,000.00			0.0133 %	$1,995,000.00
M.O.T.				1100 DA			$520.00 DA	$572,000.00
Field Office				1100 DA			$85.00 DA	$93,500.00
Service Patrol				1100 DA		24 HR	$40.00 HR	$1,056,000.00
Traffic Controll Officer				700 DA		10 HR	$40.00 HR	$280,000.00
Clear & Grub				50 AC			$25,000.00 AC	$1,250,000.00
Gurdrail Removal		2 LF	10 MI	105600 LF			$3.50 LF	$369,600.00
Temp. Barrier Wall F&I		2 LF	3.5 MI	36960 LF			$19.00 LF	$702,240.00
Temp. Barrier Wall Rel		6 LF	3.5 MI	110880 LF			$6.00 LF	$665,280.00
Temp. RPM's		50 O.C	7 MI	2217.6 EA		3 SW	$4.00	$26,611.20
Temp Pavement Mkgs		4 EA	7 MI			3 SW	$700.00 NM	$58,800.00
Trurbidity Barrier				6000 LF			$15.00	$90,000.00
Trurbidity Barrier				18000			$2.00	$36,000.00
Staked Silt Fence		2 LF	7 MI	73920 LF			$1.50 LF	$110,880.00
Mainline								
	IN	Width	Length					
Temporary Asphalt	2 IN	12	7 MI	49280 SY		4928 TN	$95.00 TN	$468,160.00
Type B Stabilization	12 IN	44	7 MI	180693 SY			$2.45 SY	$442,698.67
Base Option Group 11	6 IN	24	7 MI	98560 SY			$11.75 TN	$1,158,080.00
Structural	4 IN	24	7 MI	98560 SY		19712 TN	$95.00 TN	$1,872,640.00
Friction	0.75 IN	26	7 MI	106773 SY		4004 TN	$105.00 TN	$420,420.00
Geogrid		34	7 MI	139627 SY			$17.41 SY	$2,430,900.27
Shoulder								
Base		10 FT	7 MI	41067 SY			$9.10 SY	$373,706.67
Structural	1.5 IN	10 FT	7 MI	41067 SY		3080 TN	$95.00 TN	$292,600.00
Subgrade/Stabilization		20 FT	7 MI	82133 SY			$3.00 SY	$246,400.00
Embankment		3.7 CY	7 MI	136752 CY			$30.00 CY	$4,102,560.00
6" Finish Soil Layer		30 FT	7 MI	123200 SY			$1.03 SY	$126,896.00
Sod		12 FT	7 MI	49280 SY			$2.09 SY	$102,995.20
Seed & Mulch		18 FT	7 MI	73920 SY			$0.51 SY	$37,699.20
Guard Rail		2 LF	7 MI	73920 LF			$16.76 LF	$1,238,899.20
Misc. Asphalt 2"	2 IN	3 FT	7 MI	24640 SY		2464 TN	$160.00 TN	$394,240.00
Excavation		15 CY	3 MI	237600 CY			$9.75 CY	$2,316,600.00

$23,331,406.40

Mobilization				$150,000,000.00			0.0133 %	$1,995,000.00
M.O.T.				1100 DA			$520.00 DA	$572,000.00
Field Office				1100 DA			$85.00 DA	$93,500.00
Service Patrol				1100 DA		24 HR	$40.00 HR	$1,056,000.00
Traffic Controll Officer				700 DA		10 HR	$40.00 HR	$280,000.00
Clear & Grub				50 AC			$25,000.00 AC	$1,250,000.00
Gurdrail Removal		2 LF	10.97 MI	115843.2 LF			$3.50 LF	$405,451.20
Temp. Barrier Wall F&I		2 LF	3.5 MI	36960 LF			$19.00 LF	$702,240.00
Temp. Barrier Wall Rel		2 LF	3.5 MI	36960 LF			$6.00 LF	$221,760.00
Temp. RPM's		50 O.C	10.97 MI	3475.296 EA		13 SW	$4.00	$180,715.39
Temp Pavement Mkgs		4 EA	7.97 MI			13 SW	$700.00 NM	$290,108.00
Trurbidity Barrier				6000 LF			$15.00	$90,000.00
Trurbidity Barrier				18000			$2.00	$36,000.00
Staked Silt Fence		2 LF	7.97 MI	84163.2 LF			$1.50 LF	$126,244.80
Mainline								
	IN	Width	Length					
Mill 1/2"	0.5 IN	34	7.97 MI	158974.9333 SY			$3.09 SY	$491,232.54
Overbuild	15 IN	24	7.97 MI	112217.6 SY		84163.2 TN	$95.00 TN	$7,995,504.00
Black Base	6 IN	24	7.97 MI	112217.6 SY		33665.28 TN	$95.00 TN	$3,198,201.60
Structural	5 IN	24	7.97 MI	112217.6 SY		28054.4 TN	$95.00 TN	$2,665,168.00
Asphalt Surcharge	6 IN	24	7.97 MI	112217.6 SY		33665.28 TN	$95.00 TN	$3,198,201.60
Friction	0.75 IN	26	7.97 MI	121569.0667 SY		4558.84 TN	$105.00 TN	$478,678.20
Shoulder								
Base		10 FT	7.97 MI	46757.33333 SY			$9.10 SY	$425,491.73
Structural	1.5 IN	10 FT	7.97 MI	46757.33333 SY		3506.8 TN	$95.00 TN	$333,146.00
Subgrade/Stabilization		20 FT	7.97 MI	93514.66667 SY			$3.00 SY	$280,544.00
Misc. Asphalt 2"	2 IN	3 FT	7.97 MI	28054.4 SY		2805.44 TN	$160.00 TN	$448,870.40
Excavation		15 CY	3 MI	237600 CY			$9.75 CY	$2,316,600.00
Embankment		3.7 CY	7.97 MI	176701.92 CY			$30.00 CY	$5,301,057.60
6" Finish Soil Layer		30 FT	7.97 MI	140272 SY			$1.03 SY	$144,480.16
Sod		12 FT	7.97 MI	56108.8 SY			$2.09 SY	$117,267.39
Seed & Mulch		18 FT	7.97 MI	84163.2 SY			$0.51 SY	$42,923.23
Guard Rail		2 LF	7.97 MI	84163.2 LF			$16.76 LF	$1,410,575.23
Retaining Wall Perm				58000 SF			$25.00 SF	$1,450,000.00
Retaining Wall Temp				10000 SF			$15.00	$150,000.00
Signing						100 EA	$600.00 EA	$60,000.00
RPM's						3500 EA	$4.00 EA	$14,000.00
Striping Thermoplastic 6" Solid White			2 EA	10.97 MI		21.94 MI	$2,900.00 NM	$31,813.00
Striping Thermoplastic 6" Skip Yellow			1 EA	10.97 MI		10.97 MI	$1,700.00 NM	$18,649.00

SUPERSTRUCTURE

	CONCRETE	**CLASS II**		**UNITS**	**UNIT COST**	**SUBTOTAL**
	Width	Length	Thickness	C.Y.	C.Y.	
DECK	47.0833	15840	0.70833	19565.63	$1,100.00	$21,522,198.30
	STEEL					
		Lbs/CY		Lbs	Lbs	
		205		4010955	$1.75	$7,019,171.49
	PROPHIEGRAPH					
	Width	Length		S.Y.	S.Y.	
	47.0833	15840		82866.61	$2.50	$207,166.52
	GROOVING					
	Width	Length		S.Y.		
	47.0833	15840		82866.61	$2.50	$207,166.52
	BARRIER WALL					
		Length		L.F.	L.F.	
		15840		31680	$125.00	$3,960,000.00
	EXPANSION JOINTS					
		Length	No. of Piers	L.F.	L.F.	
	Strip Seal	47.0833	120	5649.996	$120.00	$677,999.52
	Preformed	47.0833	40	1883.332	$425.00	$800,416.10
	NOPRENE BEARING PADS					
	C.F. Pad	No. of Beams	No. of Piers	C.F.	C.F.	
	0.498	4	120	478.08	$650.00	$310,752.00
	AASHTO Beams (FBT72)					
	Span Length	No. of Beams	No. of Spans	L.F.	L.F.	
	100	4	119	47600	$200.00	$9,520,000.00
						$44,224,870.45
	BRIDGE DRAINAGE					
	Pipe Hangers					
		10 O.C.	3 MI	3168 EA	$450.00	$1,425,600.00
	Drainage Pipe					
		2 SD	3 MI	31680 LF	$165.00	$5,227,200.00
	Bridge Drains					
		100 O.C.	3 MI	317 EA	$650.00	$205,920.00

BRIDGE				**$63,813,761.72**	
DRAINAGE				**$7,378,720.00**	
ROADWAY				**$36,781,836.78**	
EMBANKMENT DISPOSAL FEE				**$8,000,000.00**	
			TOTAL	**$115,974,318.50**	

BRIDGE ELEMENT	**UNIT**	**QUANTITY**	**UNIT PRICE**	**PRICE**	
SUPERSTRUCTURE					
Class II Concrete		19566	$1,100.00	$21,522,198.30	
Reinforcing Steel (Substructure)		4010955	$1.75	$7,019,171.49	
Bridge Grooving		82867	$2.50	$207,166.52	
Prophiolograph		82867	$2.50	$207,166.52	
Expansion Joints		5650	$120.00	$677,999.52	
Traffic Railing Barrier		31680	$125.00	$3,960,000.00	
Neoprean Baring Pads		478	$650.00	$310,752.00	
AASHTO Beams FBT72		47600	$200.00	$9,520,000.00	
				Subtotal	**$43,424,454.35**
SUBSTRUCTURE					
Class II Concrete		11951	$900.00	$10,756,108.93	
Reinforcing Steel (Substructure)		1792685	$1.75	$3,137,198.44	
24" Test Piles		8960	$200.00	$1,792,000.00	
24" Piles		62720	$75.00	$4,704,000.00	
				Subtotal	**$20,389,307.37**
DRAINAGE SYSTEM					
Bridge Drainage					
Pipe Hangers		3168	$450.00	$1,425,600.00	
Drainage Pipe		31680	$165.00	$5,227,200.00	
Bridge Drains		317	$650.00	$205,920.00	$6,858,720.00
Polution abatement Structures		8	$65,000.00	$520,000.00	
				Subtotal	**$7,378,720.00**
ROADWAY ELEMENT					
MOT					
Mobilization		120000000	0.0133	$1,596,000.00	
M.O.T.		1100	$620.00	$682,000.00	
Field Office		1100	$85.00	$93,500.00	
Service Patrol		1100	$40.00	$44,000.00	
Traffic Controll Officer		7000	$40.00	$280,000.00	
Clear & Grub		50	$25,000.00	$1,250,000.00	
Gurdrail Removal		115843	$3.50	$405,451.20	
Temp. Barrier Wall F&I		36960	$19.00	$702,240.00	
Temp. Barrier Wall Rel		36960	$6.00	$221,760.00	
Temp. RPM's		45179	$4.00	$180,715.39	
Temp Pavement Mkgs		364	$700.00	$254,800.00	
Trurbidity Barrier		6000	$15.00	$90,000.00	
Trurbidity Barrier Relocate		18000	$2.00	$36,000.00	
Staked Silt Fence		84163	$1.50	$126,244.80	
				Subtotal	**$5,962,711.39**
Asphalt					
Mainline					
Mill 1/2"		158975	$3.09	$491,232.54	
Overbuild		84163	$95.00	$7,995,504.00	
Black Base		33665	$95.00	$3,198,201.60	
Structural		28054	$95.00	$2,665,168.00	
Asphalt Surcharge		33665	$95.00	$3,198,201.60	
Friction		4559	$105.00	$478,678.20	
Shoulder					
Base		46757	$9.10	$425,491.73	
Structural		3507	$95.00	$333,146.00	
Misc. Asphalt 2"		2805	$160.00	$448,870.40	
				Subtotal	**$19,234,494.08**
Earthwork					
Excavation		237600	$9.75	$2,316,600.00	
Embankment		176702	$30.00	$5,301,057.60	
Subgrade/Stabilization		93515	$3.00	$280,544.00	
Retaining Wall Perm		58000	$25.00	$1,450,000.00	
Retaining Wall Temp		10000	$15.00	$150,000.00	
6" Finish Soil Layer		140272	$1.03	$144,480.16	
Sod		84163	$2.09	$175,901.09	
Seed & Mulch		84163	$0.51	$42,923.23	
Guard Rail		84163	$16.76	$1,410,575.23	
				Subtotal	**$11,272,081.31**

Signing	100	$600.00	$60,000.00	
RPM's	3500	$4.00	$14,000.00	
Striping Thermoplastic 6" Solid White	21.94	$2,900.00	$63,626.00	
Striping Thermoplastic 6" Skip Yellow	10.97	$1,700.00	$18,649.00	
			Subtotal	**$156,275.00**

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

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September 19, 2005

RECEIVED
SEP 21 2005
OIP/OLGA

Ms. Lauren P. Milligan
Florida State Clearinghouse
Department of Environmental Protection
3900 Commonwealth Boulevard, Mail Station 47
Tallahassee, Florida 32399-3000

Re: SAI #FL200508191442C, Department of the Army, Corps of Engineers – Draft Revised General Reevaluation Report/Second Supplemental Environmental Impact Statement (RGRR/SEIS) for the Tamiami Trail Modified Water Deliveries to Everglades National Park, Miami-Dade County

Dear Ms. Milligan:

The Habitat Conservation Scientific Services Section of the Florida Fish and Wildlife Conservation Commission (FWC) has coordinated agency review of the referenced document and provides the following comments and recommendations. These comments are provided in accordance with the National Environmental Policy Act and the Coastal Zone Management Act of 1972.

We have previously provided comments directly to the U.S. Army Corps of Engineers regarding the supporting documents for the Draft RGRR in a preliminary supplemental Fish and Wildlife Coordination Act Report (FWCAR) dated August 11, 2005 (attached). The current document is a compilation of much of the same information presented in a more formal format, along with some additional ancillary information. For background information, project description, a comparison of the alternatives, our concerns, and our recommendations, please refer to the aforementioned Supplemental FWCAR. We wish to draw specific attention to corrections to the second recommendation in the August 11, 2005, FWCAR, which should read as follows:

2. Of the two most promising alternatives now being considered for this project, Alternative 14 would appear to offer the most benefits for fish and wildlife resources while avoiding potential impacts. This alternative would reduce the risk of wildlife mortality at the Blue Shanty Canal, particularly that of the threatened Everglades mink, since this canal would be situated within the bridge alignment, allowing for safe passage of animals under the bridge. This

alternative would also avoid possible impacts to two important wading bird rookeries located immediately south of the Tamiami Trail by placing the east 1-mile bridge between them.

Specific Comments on the Draft RGRR/SEIS

On page 86, Table 7 depicts impacts to wetlands for the various alternatives. The tentatively selected plan (two-mile west/one-mile east bridges) would result in a net loss of approximately 12 acres of wetlands. This amount of loss would be considerably less than had been projected under previous alternatives (see our letter to Col. James G. May dated June 24, 2003), and is less than the 19 acres predicted for the 3,000-foot bridge (Alternative 9). Scores from the Wetland Rapid Assessment Procedure were previously calculated for wetlands along the Tamiami Trail (see our letter to Col. James G. May dated June 24, 2003), and could be used to determine the loss in functional value of wetlands under Alternative14. Although the projected wetland losses are relatively minor considering the increased benefits to be realized through hydrological restoration of thousands of acres in Northeast Shark River Slough, every effort should be made to further reduce these impacts whenever possible.

In section 7.20, entitled Unavoidable Adverse Environmental Effects, the document states that the 2-mile west/1-mile east bridges alternative would involve a loss of approximately 23 to 31 acres of wetlands. This statement conflicts with the figures provided in Table 7 on page 86, and needs to be rectified in order to clarify project impacts.

On page 86, it is stated that the widening of the roadway footprint would provide benefits to adjacent wetlands through the removal of exotic vegetation which exist in a 10- to 30-foot-wide corridor along the highway. However, it is not made clear that this corridor harbors both native and exotic woody vegetation. It should be acknowledged that native fruit producing trees such as strangler fig (*Ficus aurea*), swamp bay (*Persea palustris*), and pond apple (*Annona glabra*) would also be removed by the expansion of the roadway and construction of the bridge spans. These trees provide valuable food, cover, and nesting sites for native wildlife. The loss of these resources to wildlife could be compensated for, at least in part, by the planting of native trees and shrubs on nearby elevated public lands. Some potential sites include the abandoned Frog City airboat concession area and artificial tree islands that could be created from L-67C levee material.

Under sections 7.6.2 and 7.6.3, the document states that sheetflow would be maintained through the remaining culverts under Tamiami Trail in the tentatively selected plan (Alternative 14), and that the project would reduce prolonged inundation in WCA-3B. We understand that flows through the existing culverts are retarded due to heavy vegetative growth at their outfalls. We would support the addition of shallow spreader swales or a comparable mechanism at culvert outfalls to help improve conveyance and distribution of flows from the L-29 canal into Northeast Shark River Slough. We believe that optimization of flows across all conveyance structures on the Tamiami Trail is paramount for achieving restoration goals both to the north and to the south of the Trail.

Summary

The project, at the current phase, is consistent with our authorities under the Florida Coastal Management Program. In our judgment, Alternative 14, or a derivative thereof, appears to be the most reasonable interim alternative to implement prior to the approval of a more permanent solution under Comprehensive Everglades Restoration Project. In our preliminary FWCAR for the GRR, dated June 24, 2003, we had previously agreed that a 3,000-foot bridge length would suffice due to fiscal constraints at that time. Should budget shortfalls for this project occur, we would continue to support the construction of one or more bridges intermediate in combined length between two and three miles, in order to avoid any further delays in completing the Tamiami Trail, and ultimately the Modified Water Deliveries to Everglades National Park Project.

If you or your staff would like to coordinate further on the recommendations contained in this report, please contact me at 850-488-6661 or email me at maryann.poole@MyFWC.com, and I will be glad to help make the necessary arrangements. If your staff has any specific questions regarding our comments, please contact Tim Towles at our office in Vero Beach (772) 778-5094; email tim.towles@MyFWC.com).

Sincerely,

Mary Ann Poole

Mary Ann Poole, Director
Office of Policy and Stakeholder Coord.

map/dtt
ENV 1-3-2
u:\traci.wallace FL200508191442C
Enclosure
CC: Mr. Jay Slack, FWS, Vero Beach
Mr. Stuart J. Appelbaum, USACE, Jacksonville
Mr. Chuck Collins, FWC, West Palm Beach
Mr. Dan Kimball, NPS, Homestead

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

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August 11, 2005

Colonel Robert M. Carpenter
District Engineer
U.S. Army Corps of Engineers
701 San Marco Boulevard, Room 372
Jacksonville, Florida 32207-8175

Re: Supporting documents for the Draft Revised General Reevaluation Report/Supplemental Environmental Impact Statement (RGRR/SEIS) for the Tamiami Trail, Modified Water Deliveries to Everglades National Park, Miami-Dade County

Dear Colonel Carpenter:

The Habitat Conservation Scientific Services Section of the Florida Fish and Wildlife Conservation Commission (FWC) has coordinated agency review of the supporting documents being used to craft the Draft Revised General Reevaluation Report/Supplemental Environmental Impact Statement (RGRR/SEIS) for the Tamiami Trail Project of Modified Water Deliveries to Everglades National Park (MWD). These documents include the MWD Tamiami Trail Modifications Benefits Analysis, results from RMA-2 modeling of bridge lengths in Tamiami Trail, an Alternative Optimization Report prepared by Everglades National Park (ENP Report), and a Tamiami Trail Road-kill Survey report prepared by the U.S. Fish and Wildlife Service (FWS). Our comments and concerns on the Tamiami Trail Project are included in the following preliminary supplemental Fish and Wildlife Coordination Act Report (FWCAR), which is being submitted under the authority of the Fish and Wildlife Coordination Act of 1958.

Background

This project is one of four components that have arisen from the original 1992 Modified Water Deliveries General Design Memorandum. The other highly interrelated components include flood protection of the 8.5 Square Mile Area residential development along the eastern side of Northeast Shark River Slough (NESRS); conveyance of water between Water Conservation Area (WCA)-3A, WCA-3B, and NESRS; and an overall operational plan for the newly constructed water control structures.

Project Description

The reason that the 2003 GRR/SEIS is being revised is that new information regarding probable damage to the Tamiami Trail was raised during and subsequent to the public and agency review of the final report, leading to a determination by the U.S. Army Corps of Engineers (COE) that the recommended plan did not contain all of the features necessary for implementation. Recent modeling indicates that an increase in the design high-water stage for the L-29 canal from 9.3 ft to 9.7 ft would be necessary, accompanied by the need for a different, and potentially more costly, method such as raising the road to mitigate effects to the Tamiami Trail. Compounding this added expense, worldwide cost of construction materials increased greatly, resulting in substantial increases in cost estimates for the alternatives. Due to these cumulative increases in costs, the tradeoffs between benefits and costs were reanalyzed for the purpose of determining whether a different alternative might make better use of limited funds.

Of the nine basic alternatives previously addressed by our FWCAR dated June 24, 2003, three have been retained for re-evaluation, and a new alignment has been proposed for one of these. Those retained for further evaluation include: Alternative 9, the 3,000-foot bridge located east of the Blue Shanty Canal (the previous Tentatively Selected Plan) with a higher roadway elevation; Alternative 10, a centrally located 4-mile bridge with a higher roadway elevation ("central 4-mile bridge"); Alternative 11, an eastern 4-mile bridge with a higher roadway elevation ("east 4-mile bridge"); and Alternative 17, a 10-mile bridge. The central 4-mile bridge is a slight realignment of Alternative 6a from the 2003 GRR/SEIS, and had been considered by Everglades National Park (ENP) and the COE as a strong contender for the new tentatively selected plan. However, further increases in construction cost estimates led the COE once again into alternative formulation to take into consideration shorter bridge lengths at various locations. Six additional alternatives were identified and are as follows: Alternative 12, a centrally located 3-mile bridge ("central 3-mile bridge"); Alternative 13, a centrally located 2-mile bridge ("central 2-mile bridge"); Alternative 14, a 2-mile bridge on the west end of the project area and a 1-mile bridge on the east end ("2-mile west/1-mile east bridges"); Alternative 15, a 1.3-mile bridge on the west end of the project area and a 0.7-mile bridge on the east end ("1.3-mile west/0.7-mile east bridges") ; and Alternative 16, three 3,000-foot bridges in the central portion of NESRS (Figure 1). We understand that the COE is now proposing the 2-mile west/1-mile east bridge (Alternative14) as the new Tentatively Selected Plan. The western 2-mile bridge would begin approximately 1.5 miles west of the L-67 Levee and extend to the east of the Blue Shanty Canal, requiring one access ramp to the Everglades Safari airboat concession located on the Blue Shanty Canal. The eastern 1-mile bridge would begin approximately 1.5 miles west of the L-31 N levee and extend to the west for 1 mile, capturing an old north-south agricultural canal. This bridge would lie between, and equidistant from, the two wading bird rookeries located immediately south of the Tamiami Trail. For our comments concerning Alternative 17, the 10-mile bridge (previously known as Alternative 5), please refer to our previous FWCAR dated June 24, 2003.

Our three major areas of concern with regard to the potential impacts of this project remain as follows: (1) impacts to existing recreational facilities and access points of the Francis S. Taylor Wildlife Management Area (WCA-3B), (2) impacts to fish and wildlife resources, and (3) potential loss or degradation of Everglades marsh. Many of our comments and concerns on the

Tamiami Trail feature have been conveyed previously to the COE in a letter dated March 17, 2004 (attached), to James C. Duck; in a review of a preliminary draft GRR/SEIS via a preliminary FWCAR (attached) dated June 24, 2003; through a Planning Aid Letter (PAL) dated February 26, 2001; and via the Florida State Clearinghouse in a letter dated January 16, 2002, to Ms. Jasmin Raffington. Our comments in this current letter focus on Alternatives 10 through 16, as well as the ecological benefits to be expected from each. We have already reviewed the design for the 10-mile bridge in our FWCAR dated June 24, 2003.

ENP Report and Benefits Analysis Procedures

The MWD Tamiami Trail Modifications Benefits Analysis was constructed largely from the ENP Report through two collaborative interagency workshops held by the COE in May and July, 2005. Although the ENP report integrated a great deal of historical and ecological information, its direct applicability to the Tamiami Trail RGRR is limited by a number of its assumptions. A screening process was therefore conducted by the interagency team whereby the number of performance measures (PMs) in the ENP Report was reduced from 33 to 12 PMs. The remaining 12 PMs address four important characteristics of ENP: hydrology, ridge and slough processes, vegetation, and fish and wildlife resources. An additional hydrologic PM for restoring water deliveries to ENP was added during the July workshop, resulting in a total of 13 PMs. The quantitative and qualitative values for the PMs were converted into scores (0 to 7) for each of the PMs. These scores were added together to produce an index of the quality of restoration for each alternative. Average annual habitat unit benefits were then calculated for each of the alternatives for relative comparison. The details of the above processes are explained in the COE document entitled "MWD Tamiami Trail Modification Benefits Analysis Procedures August 2005."

Although we support the overall objectives upon which the 13 performance measures for calculating benefits are based, we do not necessarily agree with all the hypotheses that the ENP Report used to justify the selected PMs. For example, we agree that the restoration of ridge and slough processes is an appropriate objective, and that the performance measure to reverse filling in of sloughs is appropriate. However, we do not believe that there is sufficient scientific evidence to support the higher water depths that the report suggests would be necessary to re-create ridge and slough habitat. The report states that the 100% restoration goal for the area downstream of the 4-mile centrally located bridge would require water depths greater than 2 feet for 80 - 100% of the time in the sloughs. On the contrary, we have supporting evidence from the current Everglades system that extreme high water depths of relatively long duration lead to a deterioration of ridge and slough landscape features and to declines in their associated wildlife populations. Southern WCA-3A has experienced severe degradation of its ridge components (sawgrass ridges and tree islands) due to excessive depths and durations during the past 40 years (Heisler et al. 2002, McPherson 1973, Patterson and Finck 1999). The Heisler et al. study found that marsh water levels exceeding 2.0 feet led to tree island flooding impacts demonstrated by a statistically significant ($P < 0.0001$) reduction in tree and shrub species richness. If we agree that tree islands, ridges, and sloughs are all defining components of a restored Everglades, then clearly more work needs to be done to reconcile the recommendation for a hydroperiod that promotes ridge and slough maintenance while also supporting tree islands.

The other objectives being used to calculate habitat units for alternative comparisons include restoring water deliveries to ENP, restoring vegetative communities, and restoring fish and wildlife resources. There appear to be credible sources of both historical and ecological information presented in the ENP Report that could be used to help evaluate the ecological benefits of the five remaining alternatives for conveying flows through the Tamiami Trail. These include hydrologic connectivity, velocity distributions downstream of the bridges, ground elevation, historic flow information, and historic slough locations based on an unpublished 1917 survey by J. W. King.

Comparison of the 4-Mile Bridge Alternatives (Alternatives 10 and 11) to a 3,000-Foot Bridge (Alternative 9)

The implementation of a 4-mile bridge alternative would provide for greater compatibility between MWD and the proposed Comprehensive Everglades Restoration Plan (CERP) Decompartmentalization ("Decomp") project by reducing the amount of retrofitting needed for the Tamiami Trail in that project. Information contained in the COE's Benefits Analysis determined that the central 4-mile bridge (Alternative 10) would produce 32,674 average annual habitat unit benefits and the east 4-mile bridge (Alternative 11) would produce 28,549 unit benefits. In contrast, the 3,000-foot bridge would only produce 12,453 average annual habitat unit benefits. Unfortunately, the COE has indicated that there are no longer sufficient funds to construct a 4-mile bridge.

The greater bridge lengths in Alternatives 10 and 11 would have augmented the hydrologic connectivity between the L-29 canal and ENP marshes to the south, facilitating the movement of aquatic biota between these two areas. As stated in the ENP Report, this enhanced connectivity may lead to improvements in micro-topography in the ridge and slough system in the long term by creating a larger area with open water or sparse vegetation. When water depths are shallow, such habitats are known to harbor greater fish densities and to be more productive foraging sites for wading birds (J.A. Surdick 1998). Improved foraging habitat should benefit the wading bird rookeries located in the vicinity of the Tamiami Trail. For additional comments on connectivity effects, please refer to our previous letter dated June 24, 2003.

The Tamiami Trail road-kill survey conducted by the FWS in 2002-03 documented 991 road-killed vertebrates along two miles of selected transects over 13 monthly sampling periods. Reptiles including turtles, snakes, and alligators were the most commonly found carcasses, constituting 84% of the total, while mammals, birds, and amphibians comprised the remaining 14% of the road-killed animals. Based on the two miles of transects surveyed in the FWS Tamiami Trail road-kill survey, there was an average of 262 road-kills/mile/year. An extrapolation of this data to a 4-mile bridge alternative may reduce the risk of wildlife mortality by seven-fold, resulting in 900 fewer road-killed animals per year than would occur with the 3,000-foot bridge alternative. Both the central and the east 4-mile bridge alternatives would result in a reduction of present road-related wildlife mortality by approximately 37% compared to only 5% reduction by the 3,000-foot alternative. If additional box culverts in these alternatives are strategically placed, further reductions in wildlife mortality could be realized. The FWS survey also reinforces the need for placement of a wildlife crossing at the juncture of

the L-30 and L-31 levees. For more details of our suggestions for reducing road-related mortality, please refer to our previous letter dated June 24, 2003.

Analysis by the COE using the RMA-2 hydrologic model was conducted to evaluate the velocity distribution of flows south of the Tamiami Trail for the different bridge configurations. The COE estimated that velocities in excess of 0.1 feet/second (ft/sec) would be excessive and destructive to the maintenance of the ridge and slough habitat. The RMA-2 modeling results predicted that 411 acres of marsh would be negatively affected by the 3,000-foot bridge, compared to only 98 acres by the central 4-mile bridge and 105 acres by the east 4-mile bridge. The ENP Report identified a lower velocity threshold of 0.045 ft/sec to evaluate differences between alternatives. Using this criterion, velocities greater than 0.045 ft/sec were estimated to negatively affect 1,649 acres under the east 4-mile bridge alternative and 438 acres under the central 4-mile bridge alternative. Although it is assumed that more natural flow velocities would provide greater benefits to aquatic biota, the appropriate target flow velocities, as well as the extent of benefits and their relative importance to wildlife populations is difficult to ascertain.

Another potential issue concerning the greater bridge lengths under Alternatives 10 and 11 is the longer construction time required. Under Alternative 7a (the 3,000-foot bridge) in the 2003 GRR, the construction period was estimated to last 24 months, whereas the length of time for completing construction of any one of the new alternatives is estimated to take 36 months. We hope that any additional time needed to complete the Tamiami Trail modifications does not delay the COE's ability to implement the portion of MWD that will be addressed under the Combined Structural and Operational Plan.

Comparison of central 4-mile (Alternatives 10) and east 4-mile bridge (Alternative 11)

Future plans under Decomp would remove the southern portion of the L-67A levee and the L-29 levee, facilitating sheetflow through the western portion of WCA-3B into NESRS. Alternative 10, with its more centrally located bridge, would provide the most direct routing for these future flows, and, we are hopeful, would reduce potential flooding impacts to WCA-3B.

According to the ENP Report, the average ground elevation at the central 4-mile bridge location is somewhat lower than it is at the east 4-mile bridge location. Culvert flow data during the peak of the 1947 flood were used to demonstrate that 51% of the flows across the Tamiami Trail occurred at the central location, while only 37% of the flows occurred at the eastern location. Information compiled by the COE using recent USGS survey data for ground surface elevations in NESRS 1,000 feet south of the Tamiami Trail confirms the more general ground elevation information contained in the ENP Report. A graphical presentation of this survey data depicts two "deep" sloughs at ground surface elevations less than 6.0 feet NGVD at both the east 4-mile bridge location and the west 4-mile bridge location (Figure 1). The ENP Report likewise analyzes historic photographs from 1917 in the project area and determines that a greater number of "deep" sloughs historically occurred at the central location than at the eastern location. We believe that further benefits could be accrued by placing additional box culverts at historic slough locations, particularly in the deep centrally located slough at Frog City.

The east 4-mile bridge could lead to greater impacts to the Tamiami East and Tamiami West rookery sites located immediately south of the roadway. Several listed species of wading birds, including the white ibis (*Eudocimus albus*), tricolored heron (*Egretta tricolor*), little blue heron (*Egretta caerulea*), and snowy egret (*Egretta thula*) (all state-listed as species of special concern), and the wood stork (*Mycteria americana*) (state- and federally listed as endangered) are known to nest in these colonies (T. Towles, FWC, personal observation, 1997). The FWS roadkill survey documented the mortality of wood storks and snowy egrets along the current roadway. An elevated bridge could lead to an increased risk of wading bird strikes by passing traffic, and reduce productivity through the visual disturbance created by traffic passing within the sight of canopy-nesting wading birds.

The Everglades mink (*Mustela vison evergladensis*) is listed as threatened by the FWC, and approaches the eastern limits of its distribution in the project area. The greatest number of historic Everglades mink roadkills documented for this portion of the Tamiami Trail was in the western portion of the project area, and specifically centered at the Blue Shanty Canal (Smith 1980). Consequently, the central location of Alternative 10, spanning the Blue Shanty Canal, may reduce the risk of Everglades mink road-related mortality to a greater extent than would the more easterly alignment of Alternative 11.

According to the RMA-2 analysis conducted by the COE, the central 4-mile bridge would result in fewer acres being negatively affected by relatively high flow velocities than would occur with the east 4-mile bridge. Using the COE's criterion of 0.1 ft/sec, an additional 187 acres of marsh would be affected by higher velocities in the central bridge alignment than in the eastern bridge alignment. No velocity estimates were calculated for Alternative 11 in the ENP Report.

Comparison of 2-mile west/1-mile east bridges (Alternative 14), a 3-mile central bridge (Alternatives 12), a 2-mile central bridge (Alternative 13), and a 3,000-foot bridge (Alternative 9)

Results of the Benefits Analysis demonstrated that the combined hydrologic and ecologic average annual lift of the 2-mile west/1-mile east alternative (28,371 habitat units [hu]) was slightly greater than the 3-mile central bridge alternative (27,973 hu), but the 2-mile central bridge alternative also demonstrated a considerable amount of lift (22,422 hu). All of these alternatives exceeded the performance of the 3,000-foot bridge (12,453 hu) by quite a margin. The 2-mile west/1-mile bridge design was shown to provide slightly greater hydrologic average lift (24,522 hu) than a single 3-mile bridge (23,998 hu). Improvements in hydrologic connectivity between the L-29 Canal and NESRS and in the distribution of flows from west to east along the Tamiami Trail in the 2-mile west/1-mile east bridges alternative were the primary contributors to this lift. The 2-mile west/1-mile east bridges alternative, with a connectivity value of 34%, offers greater connectivity than does a single central 3-mile bridge, with a value of 30%. As stated in the ENP Report, such enhanced connectivity may lead to improvements in micro-topography in the ridge and slough system in the long term by creating a larger area with open water or sparse vegetation. When water depths are shallow, such habitats are known to harbor greater fish densities and to be more productive foraging sites for wading birds (J.A. Surdick 1998). The creation of such habitat improvements at the eastern bridge location of

Alternative 14 may be of particular benefit to wading birds due to the two rookeries that would be situated at both the east and west ends of this bridge. The 2-mile west/1-mile east bridge alternative was also more effective in re-creating the normal east to west distribution of flows that would occur if the Tamiami Trail did not exist. This alternative matched 59% of the natural east to west distribution, whereas both the 3,000-foot bridge and the central 3-mile bridge matched 57% of the east to west distribution, and the single 2-mile bridge matched only 51% of this distribution. The redistribution of flows is important since it is a primary overarching objective of the MWD project.

We also learned from engineering staff of the South Florida Water Management District (SFWMD) that additional bridge capacity along the eastern reach of the L-29 canal may facilitate the transfer of greater quantities of water from WCA-3B into the L-29 canal and NESRS, which may help reduce the severity of extreme high water predicted to occur in eastern WCA-3B under the Combined Structural and Operational Plan. Flows from the L-29 canal under a 1-mile bridge into the three relatively deep sloughs in the east during dry conditions would also provide for a more uniform and gradual recession rate and reduce unnatural dry downs, possibly enhancing wading bird nesting success. There may also be a greater capacity in the eastern than in the western portion of NESRS for receiving flows due to the greater amount of subsidence that has occurred in the east since 1946 (from 2 to 3 feet) than in the west (none to 2 feet) (Scheidt et al. 2000). Such physical and hydrological characteristics that act to increase the conveyance of flows from the L-29 canal to the south, and augment the capacity of the L-29 canal to receive flows from WCA-3, would be considered as beneficial to Everglades habitat in both WCA-3 and in NESRS.

Both the 2-mile west/1-mile east bridge and the central 3-mile bridge alternatives would result in a reduction of present road-related wildlife mortality by approximately 29% compared to 19% for the central 2-mile bridge, and only 5% reduction by the 3,000-foot alternative. If additional box culverts in these alternatives are strategically placed, further reductions in wildlife mortality could be realized. Based on the two miles of transects on the Tamiami Trail roadway surveyed in the FWS Tamiami Trail road-kill survey, there was an average of 262 road-kills/mile/year. An extrapolation of this data to a three-mile bridge alternative may reduce the risk of wildlife related mortality by more than five-fold, resulting in 635 fewer road-killed animals per year than would occur with the 3,000-foot bridge alternative. The 2-mile bridge alternative may reduce the risk of wildlife related mortality by more than three-fold, resulting in 374 fewer road-killed animals per year than would occur with the 3,000-foot bridge alternative. For more details of our suggestions for reducing road-related mortality, please refer to our previous letter dated June 24, 2003.

The 2-mile west/1-mile east bridges, central 3-mile bridge, and central 2-mile bridge alternatives would not be expected to have any adverse effects on the two Tamiami Trail wading bird rookeries. The 2-mile west/1-mile east bridge alternative avoids potential impacts by locating the eastern 1-mile bridge in between the two wading bird rookeries. The increased flows and hydroperiods to be expected by this bridge alignment may improve foraging habitat for wading birds nesting in these colonies.

The greatest number of historic Everglades mink road-kills documented for the eastern portion of the Tamiami Trail was centered at the Blue Shanty Canal (Smith 1980). Since the western 2-mile bridge of Alternative 14 spans the Blue Shanty Canal, the risk of Everglades mink road-related mortality may be reduced. The reconnection of the linear and natural "upland" and aquatic features associated with the Blue Shanty may also facilitate safe passage for other terrestrial and aquatic wildlife that utilize the Blue Shanty as a travel corridor.

Information contained in the COE's Benefits Analysis determined that the RMA-2 modeling results predicted that 295 acres of marsh would be negatively affected by velocities > 0.1 ft/s under the 2-mile west/1-mile east alternative, compared to 411 acres affected by the 3,000-foot bridge alternative. The 3-mile and 2-mile bridge alternatives would affect somewhat fewer acres than the 2-mile west/1-mile east bridge. Since the ecological significance of these higher velocities is difficult to define and the acreage affected is relatively minor considering the larger benefits to be derived through lengthening inundation periods over much of NESRS, these relatively minor effects would be acceptable for any of the alternatives presently being considered.

Although the implementation of a 2-mile west/1-mile east bridge alternative would not provide as many benefits as a 4-mile bridge, it is believed to offer a sufficient amount of compatibility between MWD and future restoration under the Decomp project, and would reduce the amount of retrofitting needed for the Tamiami Trail under Decomp. We also understand that the central 3-mile bridge and 2-mile west/1-mile east bridge alternatives, as it now stands, both exceed the cost limitations for the project. In the event that construction costs further limit the length of bridge than can be built, we believe that the results obtained from the Benefits Analysis would support as a minimum either the 1.3-mile west/ 0.7-mile east bridge alternative or the 2-mile central bridge alternative as being adequate to convey and distribute MWD flows to ENP. We furthermore believe that the additional benefits identified in the split bridge alternatives warrant maintaining this design and that at least one-third of the total bridge length should be apportioned to the east portion of NESRS. This ratio would improve the redistribution of flows to the full breadth of NESRS, and would improve connectivity between the L-29 canal and ENP to a greater extent than would be afforded by a single bridge span.

Recreation concerns

Those concerns that were previously addressed pertaining to potential impacts to FWC recreational facilities and access points under Alternatives 1 through 8 (see attached June 24, 2003 preliminary FWCAR) remain. The only public recreational access that is anticipated to be lost under either Alternatives 12 or 14 would be the permanent loss of access to three miles of the south side of the L-29 canal and to culvert outfall sites on the south side of the Tamiami Trail for bank anglers. It is assumed that there would also be a temporary loss of access to the south bank of the remaining seven miles of the roadway during the construction period. Perhaps the reduced access to the south bank of the L-29 canal could be compensated for by providing scenic view pull-offs on the two bridges that could also serve as fishing platforms. The increase in connectivity between the L-29 canal and ENP marshes under either three-mile bridge alternative may enhance the recreational fishery value of the L-29 canal to a greater extent than would the

connectivity created by a 3,000-foot bridge. We further understand that Alternatives 12 and 14 would not affect vehicular access to the L-29 Levee or boat access to the L-29 canal.

Other related issues

We understand that water quality treatment for the roadway will probably not be required at this time since the impervious surface of the highway is not expected to significantly increase. On the other hand, we understand that an expensive water quality treatment system is being incorporated into the construction design for the bridge spans. We would support best management practices, such as using stormceptors or similar technologies for improving water quality of stormwater being discharged while minimizing wetland impacts. We encourage further investigation into cost effective treatment technologies for reducing bridge stormwater runoff, so that the bridge lengths and associated ecological benefits can be maximized.

We recognize that some private property issues related to increasing flood stages and possibly to rights of ways south of the Tamiami Trail are under resolution at the present time. We hope that these issues can be satisfactorily resolved such that the ecological benefits of project implementation can be realized in a timely manner.

Concerns and Recommendations

The stated authority limitations of the COE and the financial limitations of ENP will likely preclude them from implementing the more ecologically preferred alternatives, such as Alternatives 10 or 17 for the Tamiami Trail portion of the MWD project. Therefore, Alternative 14, or a derivative thereof, would appear to be the most reasonable interim alternative to implement prior to the approval of a more permanent solution under CERP. In our preliminary FWCAR for the GRR, dated June 24, 2003, we had previously agreed that a 3,000-foot bridge length would suffice due to fiscal constraints at that time. Should budget shortfalls for this project occur, we would continue to support the construction of one or more bridges intermediate in combined length between two and three miles, in order to avoid any further delays in completing the Tamiami Trail, and ultimately the MWD project. In summary, we offer the following recommendations concerning the alternatives under consideration.

1. We continue to support the idea of selecting an alternative that would be as compatible as possible with the upcoming CERP Decomp project, and reduce costly retrofitting of the Tamiami Trail in the future. Contingent on funding commitments from the Department of the Interior, we believe that Alternative 14 best addresses this compatibility.

2. Of the two most promising alternatives now being considered for this project, Alternative 14 would appear to offer the most benefits for fish and wildlife resources while avoiding potential impacts. This alternative would reduce the risk of wildlife mortality at the Blue Shanty Canal, particularly that of the threatened Everglades mink, since this canal would

bridge. This alternative would also avoid possible impacts to two important wading bird bridge between them.

3. Although Alternative 14 is expected to eliminate three miles of bank access along the south bank of the L-29 canal and cause a temporary loss of access to the remainder of the south bank during construction, we consider these impacts to be minimal when compared to some other alternatives. However, special attention will need to be given to the siting of construction staging areas so that access is not blocked to the three boat ramps and parking facilities associated with the popular Recreation Site No. 4, the boat ramp and parking facility at Recreation Site No. 1, or to the boat ramp facility located west of the S-12D structure.

4. Wading bird and snail kite nesting patterns, as well as Everglades mink territories, may vary with the prevailing hydrological conditions, during the multiple years that construction will likely be occurring. Therefore, surveys should be conducted by qualified biologists on an annual basis over the period of active construction to determine whether any mink territories or nesting efforts of state- and federally protected bird species would potentially be affected.

If you or your staff would like to coordinate further on the recommendations contained in this report, please contact me at 850-488-6661, or email me at maryann.poole@MyFWC.com, and I will be glad to help make the necessary arrangements. If your staff has any specific questions regarding our comments, I encourage them to contact Dr. Joseph Walsh at our office in Vero Beach (772-778-5094; email joe.walsh@MyFWC.com).

Sincerely,

Mary Ann Poole

Mary Ann Poole, Director
Office of Policy and Stakeholder Coord.

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Enclosures (2)
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CC: Mr. Jay Slack, USFWS, Vero Beach
Mr. Dan Kimball, ENP, Homestead
Ms. Tambour Eller, COE, Jacksonville
Mr. Chuck Collins, FWC, West Palm Beach
Mr. Larry Gerry, SFWMD, West Palm Beach

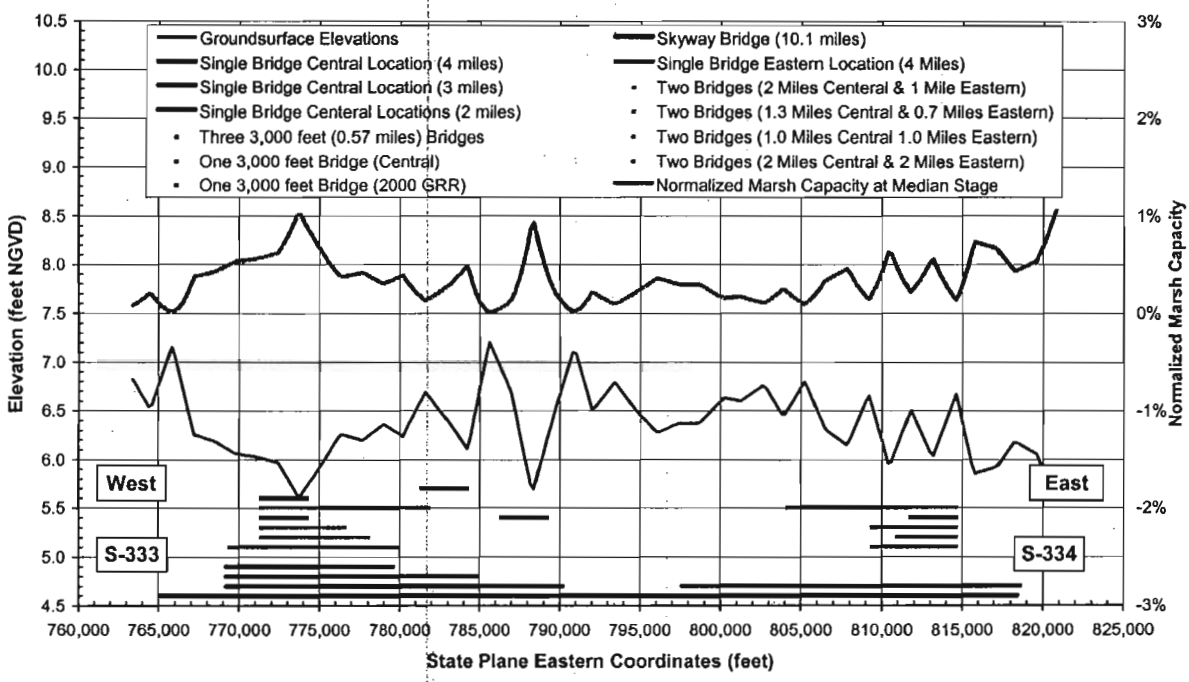

FIGURE 1
Proposed Bridge Locations and Normalized Marsh Capacity at the Median Stage of 7.5 feet NGVD

Literature Cited

Heisler, I.L, D.T. Towles, L.A. Brandt, and R.A. Pace. 2002. Chapter 9: Tree island vegetation and water management in the central Everglades. In: van der Valk, A., and F.H. Sklar (eds), Tree Islands of the Everglades, Kluwer Academic Publishing, Dordrecht, The Netherlands.

McPherson, B.F. 1973. Vegetation in Relation to Water Depths in Conservation Area 3, Florida. Open File Report 73025, United States Geological Survey, Tallahassee, Florida.

Patterson, K., and R. Finck. 1999. Tree Islands of WCA3 Aerial Photointerpretation and Trend Analysis Project Summary Report. Produced for the South Florida Water Management District, West Palm Beach, Florida, by Geonex Corporation, St. Petersburg, Florida.

Scheidt, D., J. Stober, R. Jones, and K. Thornton. 2000. South Florida Ecosystem Assessment: Everglades Water Management, Soil Loss, Eutrophication and Habitat. EPA 904-R-00-003. US EPA Region 4 Science and Ecosystem Support Division and Office of Research and Development. Athens, Gerogia. 38 p.

Smith, Andrew T. 1980. An Environmental Study of Everglades Mink (*Mustela vison*). Report T-555. South Florida Research Center, Everglades National Park.

Surdick, James A. 1998. Biotic and abiotic indicators of foraging site selection and Foraging success of four Ciconiiform species in the freshwater Everglades of Florida. M.S. Thesis, University of Florida.

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

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March 17, 2004

Mr. James C. Duck
Chief, Planning Division
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Re: Tamiami Trail Final General Reevaluation Report/Supplement to the 1992 Final Environmental Impact Statement (GRR/SEIS) on Modified Water Deliveries to Everglades National Park, Miami-Dade County

Dear Mr. Duck:

The Office of Environmental Services of the Florida Fish and Wildlife Conservation Commission (FWC) has reviewed the referenced document, and provides the following comments.

This project is one of four components that have arisen from the original 1992 Modified Water Deliveries General Design Memorandum. The other highly interrelated components include flood protection of the 8.5-square-mile-area residential development along the eastern side of Northeast Shark River Slough (NESRS); conveyance of water between Water Conservation Area (WCA)-3A, WCA-3B, and NESRS; and an overall operational plan for the newly constructed water control structures. Many of our comments and concerns on the Tamiami Trail Feature have previously been conveyed directly to the Army Corps of Engineers (COE) via a preliminary Coordination Act Report (attached) dated June 24, 2003, and through a Planning Aid Letter (attached) dated February 23, 2001, and through the Florida State Clearinghouse in a letter to Ms. Jasmin Raffington dated January 16, 2002 (attached). Our comments in this letter focus on the status of a real estate agreement between the COE and the Florida Department of Transportation (FDOT), timely integration with the Decompartmentalizaion and Sheetflow Enhancement project (Decomp), and proper sequencing of the various Mod Waters project components.

First of all, we understand that the COE is still seeking a real estate agreement with the FDOT on the potential maintenance of the Tamiami Trail in lieu of raising the entire road profile. In our letter to Ms. Jasmin Raffington dated January 16, 2002, we had previously requested that an agreement be formalized and made available for public review prior to the release of this final GRR/SEIS. It is stated in the GRR/SEIS that such an agreement will be finalized with FDOT during development of the construction Plans and Specifications for the final approved plan under Mod Waters, and that this timeframe should coincide with the final decision on a plan for Tamiami Trail under the Comprehensive Everglades Restoration Plan (CERP). To accommodate this integration, the Decomp project was split into two separate project implementation reports (PIR), one of which would focus solely on the necessary modifications to the Tamiami Trail in order to pass the additional CERP flows. According to the COE's current Master Program Implementation Schedule, it now appears that a separate PIR for the Tamiami

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Trail will not be developed. We also understand that delays in the development of the Decomp PIR are anticipated due to budget shortfalls. Consequently, we are concerned that these factors may result in a lack of integration of the two Tamiami Trail projects, and could result in costly retrofitting of the roadway under Decomp if the entire road profile were to be raised under Mod Waters.

Another area of concern is the sequencing of the Seepage and Conveyance, the 8.5-square-mile-area, and the Combined Structural Operational Plan (CSOP) components with the Tamiami Trail component of Mod Waters. The completion date for the Seepage and Conveyance component, which includes the construction of passive weir structures across the L-67 and L-29 levees, is now scheduled for June 2006. However, the Tamiami Trail component is not scheduled to be complete until 2007. We are concerned about the potential for ecological damage to WCA-3B and further delay in benefits to NESRS, if the Tamiami Trail is not capable of passing the augmented flows by the time these other conveyance features area in place.

We are encouraged that the COE has concurred with us on the placement of the 3,000-foot bridge immediately east of the Blue Shanty Canal. Please refer to our previous comments on the Draft GRR/SEIS in our letter to Ms. Jasmin Raffington, dated January 16, 2002, for a more detailed discussion of our concerns on wildlife passage beneath the bridge, the need for annual surveys of state-listed wildlife species prior to construction activities, and the need for an accurate accounting of impacts to recreational access along the Tamiami Trail.

In conclusion, we support the final recommended plan (7a) with the understanding that 1) a real estate agreement between the COE and FDOT will be formalized as soon as possible to avoid unnecessary delays in implementation of the CSOP and to avoid costly retrofitting during implementation of the Comprehensive Everglades Restoration Plan, 2) appropriate surveys will be conducted for state-listed wildlife species prior to construction, and 3) all potential recreational access impacts are fully addressed.

Sincerely,

Brian Barnett

Brian S. Barnett, Interim Director
Office of Environmental Services

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Enclosures
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Mr. Jay Slack, USFWS, Vero Beach
Mr. Dan Kimball, Acting Superintendent , ENP, Homestead
Regional Director, FWC, West Palm Beach

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June 24, 2003

Colonel James G. May
District Engineer
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Re: General Reevaluation Report/ Supplemental Environmental Impact Statement (GRR/SEIS) for the Tamiami Trail, Modified Water Deliveries to Everglades National Park, Miami-Dade County

Dear Colonel May:

The Office of Environmental Services of the Florida Fish and Wildlife Conservation Commission (FWC) has reviewed the revised preliminary draft GRR/SEIS for the Tamiami Trail Project of Modified Water Deliveries to Everglades National Park ("Mod Waters"), dated June 2001. This project is one of four components that have arisen from the original 1992 Modified Water Deliveries General Design Memorandum. The other highly interrelated components include flood protection of the 8.5-square-mile area residential development along the eastern side of Northeast Shark River Slough (NESRS); conveyance of water between Water Conservation Area (WCA)-3A, WCA-3B, and NESRS; and an overall operational plan for the newly constructed water control structures. This report is being submitted following a hiatus in activity on the Tamiami Trail Project due to a legal challenge to the 8.5-square-mile flood protection project, which has since been satisfactorily resolved. Our comments and concerns on the Tamiami Trail Project component are included in the following preliminary Coordination Act Report (CAR), which is being submitted under the authority of the Fish and Wildlife Coordination Act of 1958.

Description of Alternatives

This GRR/SEIS is being developed because new information acquired since the project was approved in 1992 indicates that the original design would be insufficient to pass the volume of water that would need to be conveyed under the Tamiami Trail via Mod Waters. In addition to the six basic alternatives (nine, if water quality treatment options are considered separately) previously addressed in our Planning Aid Letter (PAL), dated February 23, 2001, two completely

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new alternatives (seven and eight) have been developed, a modification of Alternative 5 (5C) has been added, and Alternative 6 has now been formally accepted. Also, a new bridge alternative, "Alternative 9 ", with a 2.7-mile span length, intermediate between that of Alternatives 6 and 7, is being floated by the Department of the Interior as a possible compromise. Since we have previously been informed by your staff that any alternatives with bridge expanses much longer than what is deemed necessary to convey Mod Water flows are considered to be outside of your authority for this project, we have opted not to discuss the tentative "9a" and "9b" alternative options any further. For a short description of these 18 alternatives and their associated options, please refer to Table 1. Our three major areas of concern with regard to the potential impacts of this project remain as follows: (1) impacts to existing recreational facilities and access points of the Francis S. Taylor Wildlife Management Area (WCA-3B), (2) impacts to fish and wildlife resources, and (3) potential loss of Everglades marsh.

Impacts to Existing Recreational Facilities and Access Points

Those concerns that were previously addressed pertaining to potential impacts to FWC recreational facilities and access points under Alternatives 1 through 5 remain (please refer to our previous PAL [attached] dated February 23, 2001 and to our Florida State Clearinghouse letter to Ms. Jasmin Raffington dated January 16, 2002), and also apply to the three new alternatives (Alternatives 6, 7, and 8) added in this document. Since the PAL, we have learned of an additional boat ramp, and also now provide supplementary information on the identification numbers of FWC boat ramps within or adjacent to the project area. We know of three boat ramps in the project area that provide access to the marsh of Francis S. Taylor Wildlife Management Area (FSTWMA). The westernmost ramp (#135) is located immediately east of the S-333 structure on the L-29 Levee and has unimproved parking capable of accommodating about ten vehicles. A popular marsh access ramp owned by the South Florida Water Management District is located on the L-29 Levee at Recreation Site No. 1, immediately south of the S-334 structure, and has unimproved parking. A third concrete boat ramp of unknown origin, previously unidentified, is located in a swale on the L-29 Levee opposite the Airboat Association of Florida. Of the three FWC maintained boat ramps that provide access to the canal system within the project area, two are located at Recreation Site No. 4. One of these (#96), immediately north of the S-333 structure, provides access to the popular L-67A canal, while the other boat ramp (#161), at the juncture of the L-67A and L-67C levees, provides access both to the L-67C canal and to the marsh in the "pocket" of WCA-3B. The remaining boat ramp (#153), located at Recreation Site No.2, is the sole access point for the eastern 11-mile stretch of the L-29 Canal.

A cursory look at the recreational fishing pressure along much of the 11-mile stretch of the L-29 Canal that is being examined under this project suggests that use may be relatively low, except near the S-334 and S-333 structures (FWC, unpublished data). However, changes that are soon anticipated to occur with implementation of the conveyance features of the Mod Waters Project, as well as certain features of the Comprehensive Everglades Restoration Plan (CERP),

are likely to improve hydrological connections between the L-29 Canal and the marsh interface, as well as prolong adjacent marsh hydroperiods both to the north and to the south of the L-29 Canal. Consequently, such predicted hydrological changes combined with the addition of new water management structures (bridges, culverts, weirs, etc.) are likely to lead to an increase in local sport fish populations, followed by an increase in recreational fishing demand and concomitant changes in angler distribution patterns along this eastern stretch of the Tamiami Trail. It should be noted that prior to the construction of the L-67 and L-29 levees, this section of the Tamiami Canal (precursor to the L-29 Canal) was one of the premiere fishing areas in the Everglades. Creel surveys conducted during a study in 1960 (Game and Fresh Water Fish Commission [GFC], unpublished report) revealed that the first four miles of the Tamiami Canal west of the L-30 canal received an exceptional amount of use, and that the 11-mile stretch west of the L-30 canal received considerably more fishing pressure than the 9 miles of the Tamiami Canal west of the present-day L-67 Canal. The imminent decline of this great fishery, effected through a separation of the Tamiami Canal from the marsh with the completion of the L-29 Levee, was predicted in the aforementioned GFC report.

Besides recreational access for sport fishing purposes, the airboat ramps provide access to the natural resources of the Everglades marsh contained within the Francis S. Taylor Wildlife Management Area. Recreational frogging, airboating, and seasonal hunting are the primary activities pursued here. Recreational use of these access points may be relatively high during short hunting seasons, particularly when game population levels allow a liberal harvest. For instance, there were 140 airboat permits issued for an approximately 3-week deer season in the FSTWMA in 1984, and 156 permits issued the following year. Although deer population levels in WCA-3B are anticipated to decline under the projected deeper water regime that will occur with the implementation of Mod Waters and CERP, overall recreational use of the area for frogging, general airboating, duck hunting, and fishing is expected to increase. The potential impacts associated with each group of alternatives are listed as follows.

Alternatives 2a, 2b to 2b6, 4a, and 4b to 4b6. This document describes creative water quality treatment options b1 to b3 of Alternatives 2 and 4 as encroaching into the L-29 Canal. We understand from statements made by your staff that it will be necessary to maintain the water supply conveyance capacity of the L-29 Canal for some undefined period of time, which would necessitate maintaining deeper water conditions in this section of the canal. Nevertheless, the above-mentioned water quality treatment options would encroach into the south portion of the L-29 Canal and require widening of the canal to the north. This option would essentially eliminate any existing littoral zone on the south bank of the canal and would result in the loss of boat ramp #153 and impact Recreation Site No. 2 located on the north bank of the L-29 Canal. In the event that a boat ramp is impacted, the Army Corps of Engineers (COE) would be responsible for building a replacement ramp at a new location to be selected by the FWC.

Alternatives 3a and 3b. A reduction in available parking space for recreational users on the north side of the L-29 Canal would negatively impact recreational access to the canal.

Recreation Site No. 2 would probably be negatively affected or eliminated by this northerly road alignment.

Alternatives 5a, 5b, and 5c. The effects of the new subalternative 5c are essentially the same as for Alternatives 5a and 5b, in that recreational access to all sites on the north bank of the L-29 Canal will not be affected. However, the entire south bank of the L-29 Canal would be inaccessible during the 4-year construction period. Following completion of the bridge, only culvert outfalls located within the first mile on the east end and within the last one-half mile on the west end of the project would potentially be available for angler use. This loss of access to the south bank of the L-29 Canal from the Tamiami Trail could possibly be ameliorated by the provision of some degree of fishing access from the elevated bridge span.

Alternatives 6a and 6b. Although approximately 4 miles of the southern bank of the L-29 Canal would be unavailable to bank anglers, the remaining 6 miles should still be accessible, as well as the entire northern canal bank. However, the employment of creative water quality treatment options 6b1 to 6b3 could potentially impact the L-29 Canal, as described previously under Alternatives 2 and 4. As in Alternative 5, less opportunity would be lost if fishing access were possible from the bridge span. The feasibility of providing limited fishing access from designated portions of such extensive bridge spans should be explored as a means of reducing public fishing access losses. All existing boat ramps would remain accessible under this alternative. Culvert outfalls south of the roadway would not be accessible during highway construction (18-24 months) in Alternative 6a, and would be plugged under Alternative 6b. The addition of eight box culverts at designated low points in Alternatives 6a and 6b may provide additional angler opportunities.

Alternatives 7a and 7b. Recreational access to all boat ramps and the north bank of the L-29 Canal would remain intact, while fishing access to the south bank of the canal would be blocked during the 2-year construction period. Most of the culvert outfall structures would be accessible during and after construction in Alternative 7a, but all would be filled and eliminated in Alternative 7b. Although the preliminarily selected preferred alternative is Alternative 7a, the decision as to whether additional water quality treatment will be required has not yet been officially decided. Should Alternative 7b be selected, it is not known how the channeling of all water outflows through the single 3,000-foot gap will affect the L-29 Canal fishery. Also, special attention would need to be given to the siting of construction staging areas so that access is not blocked to the three boat ramps and parking facilities associated with the popular Recreation Site No. 4 that provides access to the L-67 canals and FSTWMA, or to the boat ramp facility (#90) located 200 yards west of the S-12D structure.

Alternatives 8a and 8b. Alternative 8a should not impact existing recreation access sites, and could provide new fishing opportunities at the 24 additional box culverts, particularly

if the culvert outfalls are scalloped out to improve the passage of water into northeast Shark River Slough. Alternative 8b would require filling the existing culverts, and could result in a loss of fishing opportunities unless the 40 new box culverts are constructed in a way that creates shallow collection basins at the outfalls.

Impacts to Fish and Wildlife Resources

Of particular concern are the impacts that an alternative could have on state-listed species of wildlife or important habitat components. There are three historic wading bird rookeries containing species listed by the state as endangered or species of special concern, recent records of endangered snail kite nests in southern WCA-3B, a number of records of the threatened Everglades mink along the highway corridor, and a single documented occurrence of the endangered West Indian manatee in the L-29 Canal. In addition, other listed species such as the limpkin and roseate spoonbill (both listed as species of special concern) utilize marsh areas, and the least tern (threatened) forages in canal habitats that could be impacted under certain alternatives. The potential impacts that could occur are listed by alternative groups as follows.

Alternatives 1 and 2a. The temporary road for detouring traffic while proposed bridge #3 is under construction would encroach into the pond apple forest at the Tamiami West wading bird colony, on the south side of the Tamiami Trail, that provides nesting substrate for white ibis, tricolored herons, little blue herons, snowy egrets, and wood storks. Consequently, a portion of this forested area would be eliminated as a nesting substrate for an unknown number of years. Any heavy construction activity that would be expected to occur within 600 meters of a known rookery location, including construction of the temporary road, should be conducted outside of the wading bird nesting season, which normally extends from early February to the onset of the rainy season.

Alternative 2b. This alternative encroaches to a greater extent (average of 51 feet) into the marsh south of the existing Tamiami Trail, with incursions of 5 to 6 additional feet at bridge approaches. Consequently, this alternative would have a greater permanent impact on the Tamiami East and Tamiami West wading bird colonies due to a greater permanent loss of nesting substrate as well as a decrease in the amount of buffer capacity available. The Everglades mink has been documented to use both natural and artificial upland areas for denning purposes; therefore, this alternative could potentially impact mink denning areas that may occur in either native upland areas or at the artificially created upland areas where the airboat concession and radio tower sites are located. Option 2b1, which shifts the alignment to the north, is only a slight improvement over Alternative 2b.

The 2b creative water quality treatment options of 2b2 to 2b6 (Table 1) result in much more modest incursions into the two Tamiami wading bird colonies; however options 2b2 and 2b3 would eliminate littoral zone elements on the south shore of the L-29 Canal, eliminate reptile oviposition and basking sites on the south shore of the canal, and could result in the entrapment of terrestrial animals attempting to cross the canal.

Alternatives 3a and 3b. Both of these alternatives and the various 3b options presented would result in the loss of a significant amount of high quality wildlife habitat. The woody vegetation supporting the Frog City wading bird colony, which has been documented to contain nesting tricolored and little blue herons (both species of special concern), would be either eliminated or severely impacted by the road alignment, which would encroach further into the marsh at this point in order to avoid the Tigertail Camp. This northerly diversion of the road around the Tigertail Camp would also impact a high quality tree island (WRAP score of 0.83) that may also have a special cultural value to the Tigertail family. The relocation of a high-speed highway to the north of the L-29 Levee would result in much greater wildlife mortality during high water episodes in WCA-3B than presently occurs. There could be dens of the Everglades mink in the L-29 Levee or on adjacent tree islands that are impacted, as well.

Alternatives 4a and 4b. Both of these alternatives would produce significant incursions into the Tamiami West and Tamiami East wading bird rookeries, as well as eliminate important swamp forest habitat along the remainder of the corridor. Although options 4b1-4b6 would reduce the amount of encroachment from Alternative 4b, they are only slightly better than Alternative 2b. The Everglades mink has been documented to use some of the man-made upland sites along this alignment for denning purposes, and could potentially be impacted by construction activity.

Alternatives 5a, 5b, and 5c. These alternatives are believed to be the most beneficial to wildlife, with little known impacts. These alternatives would leave important rookery vegetation intact on both sides of the Tamiami Trail and reduce potential impacts to mink denning areas. Road-related mortality of the Everglades mink, with at least 14 documented occurrences, would essentially be eliminated. However, the leaving in place of renovated sections of the old roadbed under Alternatives 5a and 5b could possibly provide suitable habitat for Everglades mink and oviposition sites for alligators and other egg-laying reptiles, as well as provide safe havens for terrestrial wildlife during high water periods.

Alternatives 6a and 6b. Alternative 6a would produce impacts to the two Tamiami rookeries as described for alternatives 1 and 2a, above. Alternative 6b and its various options would result in impacts to these rookeries and to the L-29 Canal identical to those

described under Alternative 2b, above. Road-related mortality of the Everglades mink and other wildlife would be eliminated at the four-mile bridge, and mink survival could be further enhanced by providing elevated wildlife crossing shelves under the east and west ends of the extended bridge. Mink denning areas could also be protected by avoiding the need to encroach upon the upland sites south of the existing road. Mink habitat could actually be improved by planting the abandoned upland sites south of the Trail with shrubs and trees so as to resemble native Everglades tree island communities.

Alternatives 7a and 7b. Alternative 7a would have negligible permanent impacts on the two Tamiami rookeries, but Alternative 7b would result in impacts as described above for Alternative 2b. However, we believe that greater ecological and wildlife benefits may be derived from these alternatives by a shift of the 3,000-foot bridge to the east of the Blue Shanty Canal. This would result in water discharges onto a land surface with a slightly lower average ground elevation and would be more centrally located in present day northeastern Shark River Slough. This location may likewise facilitate the safe passage of wildlife, especially if the bridge were equipped with a wildlife shelf.

Alternatives 8a and 8b. Alternative 8a would likewise have little effect on the two Tamiami rookeries, as long as new box culverts are not constructed at the rookery locations. Alternative 8b would produce impacts similar to those described for Alternative 2b. The additional box culverts under these alternatives, if placed at strategic locations, could improve the passage of aquatic and semiaquatic fauna across the roadway, especially if animal barriers were erected to deflect animals to the culvert crossings.

Potential loss of Everglades marsh and connectivity effects

In order to ascertain the potential impacts that each alternative iteration would pose to the functionality of wetlands, a multi-agency team was assembled to apply the Wetland Rapid Assessment Procedure (WRAP) to the various wetland plant communities in the Tamiami Trail corridor. The results of this assessment found that the functional value of wetland communities immediately north of the L-29 Levee in WCA-3B were of somewhat higher quality (average score of 0.74) than similar wetlands situated immediately south of the Tamiami Trail in the Everglades Expansion Area of Everglades National Park (average score of 0.62).

Alternatives 1, 2a, 2b to 2b6, 4a, and 4b to 4b6. The nine water quality treatment options of 4b through 4b6, 2b, and 2b1 were predicted to result in the loss of from 34 (2b1) to 64 (4b) wetland functional units in the Everglades Expansion Area, whereas Alternative 4a (without water quality treatment) was little better, with a predicted loss of 40 wetland functional units (Table 1). By comparison, Alternative 2a, using the existing

highway alignment and four new bridges, resulted in a relatively low loss of wetland function (10 units) at a substantially lower cost than the 2b2 to 2b6 water quality treatment options. Each of these alternatives physically connect the L-29 Canal to the marsh in Everglades National Park for only 2.5% of the entire project corridor length (i.e., create a 2.5% marsh-canal interface) by means of the four new bridges; however, creative water quality treatment options b1 to b3 of Alternatives 2, 4, and 6 would encroach into the L-29 Canal.

Alternatives 3a and 3b. The seven water quality treatment options of 3b through 3b6 presented for Alternative 3 were predicted to result in the loss of from 15 to 30 wetland functional units in WCA-3B, whereas Alternative 3a (without water quality treatment) was predicted to result in the loss of 19 functional units (Table 1). Although north-south connectivity for these alternatives is stated to be 10%, the primary purposes of the eight bridges that supposedly create this connectivity are to cross the L-29 Canal, and to span the two S-355 and three weir water conveyance structures on the L-29 Levee. Connectivity between the L-29 Canal and wetlands to the south would be no greater in Alternative 3 than under Alternatives 2 or 4, since no additional breaching of the Tamiami Trail is included under this alternative.

Alternatives 5a, 5b, and 5c. This suite of alternatives performs the best in that there is actually a net gain in functional units of wetlands (from 29 units in 5b to 45 units in 5c) compared to the base condition. Connectivity under Alternatives 5a (98%) and 5c (nearly 100%) are excellent, but if in situ water quality treatment is required (5b), connectivity would decrease markedly to 75% due to the need to leave sections of the old highway bed in place for dry retention. From a purely ecological perspective, without regard to cost or authority, Alternative 5 appears to exhibit the best overall performance.

Alternatives 6a and 6b. Alternative 6a would result in the loss of only 6.6 wetland functional units (< 10 acres) whereas Alternative 6b would result in significantly greater losses (22.8 functional units) due to the broad footprint necessary for water quality treatment. Alternative 6a is also estimated to result in about a 36% opening of the entire 10.7-mile length of the Tamiami Trail corridor, providing for a significant improvement in aquatic connectivity. Alternative 6b would provide a reduced level of connectivity (27%) due to the necessity to leave portions of the old Tamiami Trail for water quality treatment.

Alternatives 7a and 7b. Alternative 7a would result in a minimal loss of only 3.4 functional units (5 acres) of marsh. In contrast, the acreage demand for standard water quality treatment along 10 miles of roadway in Alternative 7b would result in wetland losses approaching 50 functional units (72 acres). Both of these alternatives would result in a 5% increase in the connectivity of the L-29 Canal to Everglades marshes in the south

near the western end of the project area. The ground elevation of the Everglades marsh at the western end of the project area appears to be slightly higher than at other locations to the east. If this is actually the case, the aquatic connectivity between the L-29 Canal and the marshes south of the Tamiami Trail would be severed sooner during low water conditions than would occur if such an opening were situated at a point east of the Blue Shanty Canal. Aquatic connectivity may even be reduced beyond current levels during periods of low water if Alternative 7b were selected, since the existing culverts would be filled in.

Alternatives 8a and 8b. Alternative 8a would likewise produce a minimal loss of only 3.5 wetland functional units, resembling Alternative 7a. However, wetland losses under Alternative 8b would be considerably greater (46.6 functional units). These alternatives rely on additional box culverts to convey Mod Waters flows, and would increase connectivity between the L-29 Canal and the marsh south of the roadway by a mere 0.4%. These alternatives are not compatible with the CERP concept of removing the Tamiami Trail as an impediment to flow by elevating portions of the roadway.

Features for reducing road-related wildlife mortality

In an effort to obtain some data that could be used for evaluating the need for highway features that could be employed to reduce road-related wildlife mortality, and that could be used as an aid in determining the placement of such features along the project corridor, biologists from the FWC, the U.S. Fish and Wildlife Service, and the COE conducted a preliminary survey of wildlife mortality along five miles of the Tamiami Trail corridor. Remains representing 411 individual animals were found during a walking survey of 3 miles of the Tamiami Trail on December 19-20, 2000 (Tables 2, 3, and 4) and of 2 miles on April 18, 2001 (Tables 5 and 6). During these single visit surveys, an average of 82 wildlife deaths were recorded per mile. If this same level of mortality is extrapolated for the entire 10.7 mile road corridor, the number of road-kill casualties observable on a given day would equal 880 individuals. However, since 60% of the survey length was surveyed during the coldest part of the year when reptile activity is at its lowest point, and since many carcasses are quickly scavenged from the road before they can be counted, we believe that the actual mortality would likely be several times greater than this. For example, during December, an average of 2 dead snakes and 1 alligator were documented per mile of highway; these numbers increased dramatically, following a marsh dry-down in April, to an average of 22 dead snakes and 7 alligators per mile. Recent data collected by FWS staff similarly suggests that there may be an increase in road-killed snakes during the autumn (Mike Abney, pers.comm.) An Arizona study (Kline and Swann 1998) attempting to quantify wildlife road mortality found that only 24% of road-killed animals recorded during all-night surveys were discovered on surveys the following day. Likewise, a daily walking survey of a section of central Florida secondary highway found that most road-killed snakes were present for only a

day or two, with few remains detectable for as long as two weeks (Kristin Wood, pers com.). During our study, aquatic turtles were the most commonly encountered taxa group, accounting for 66% of the total recorded mortality, followed by snakes (13%), birds (10%), mammals (5.5%), alligators (4.5%), and frogs (1%). A total of 21 species were identifiable from the remains, including 4 turtles, 7 snakes, the alligator, 4 birds, and 5 mammals. Due to the tendency for turtle shell fragments to persist for long periods of time along the road, their prevalence may have actually been less than suggested in our surveys. Aquatic or semiaquatic reptiles dominated the survey with only one terrestrial snake (*Elape guttata*) detected. Of the mammals found, only the river otter and the marsh rat were semiaquatic. The other road-killed mammals, requiring an upland habitat component, included the raccoon, the opossum, and the armadillo.

The construction of animal barriers along the Tamiami Trail corridor in between the bridges or culverts on both sides of the road could aid in reducing road-related wildlife mortality. Perhaps a barrier based on the design currently being used at Payne's Prairie State Preserve south of Gainesville, Florida would serve well here also. The review of an unpublished evaluation by Dick Franz (1996) on the effectiveness of different barrier heights ranging from one to four feet suggests that a 2-foot barrier would be sufficient for deterring all turtles, all small snakes and most large-bodied aquatic snakes, all ranid frogs, most alligators, and all rabbits. The addition of a six-inch overhang would further increase the effectiveness of this barrier. It would be difficult to exclude arboreal animals such as raccoons, opossums, treefrogs, and rat snakes, and potentially large alligators, even with the 4-foot barrier design. Furthermore, the 4-foot barriers would be a difficult obstacle for bank fishermen to traverse, especially if an over-hanging lip is present. The scenic vistas of the Everglades from the highway would likewise be greatly reduced by a 4-foot barrier. For these reasons, and the high cost ($124.24/ linear foot) associated with constructing the higher concrete barriers, we recommend that a 2-foot barrier height be considered in project design. Further cost reductions could be achieved by using alternate barrier materials such as a low field fence with aluminum flashing at the base.

Since most mammal mortality was documented in the first and last mile of the project corridor (Tables 3 and 4, Mike Abney pers. comm.), we believe that the use of wildlife underpasses and diversion fences to connect the L-30 to the L-31 Levee and the L-67A to the L-67 Extension Levee would help alleviate much of the mammalian mortality. A wildlife crossing at the L-30 Levee would be of most value since no crossing of the L-29 Canal currently exists here, and because the L-30 and L-31 levees must remain in place for flood protection. Neither would this location impede boat use of the L-29 Canal. A successful and economical design used on State Road 29 by the Florida Department of Transportation to allow safe passage for the Florida panther consists of a 50-foot concrete slab bridge placed in the highway alignment, providing a 24-foot-wide passageway with a clearance height of 8 feet. The diversion fences for channeling animals to the crossings should be of a small mesh design and extend for one-half mile on each side of the underpass. The only other section of road surveyed that exhibited a

trend of greater mammal mortality and where the greatest number of historic Everglades mink road-kills have been documented was the 1-mile section centered at the Blue Shanty Canal (Table 5). Consequently, if the western end of the bridge expanse were relocated to the vicinity of the Blue Shanty Canal, the installation of a bridge shelf there could create a safe passage corridor for large mammals (including the endangered Florida panther), medium-sized mammals and other wildlife that utilize this tree-lined agricultural canal that traverses the Tamiami Trail. A shelf width of 10 to 15 feet placed at an elevation slightly above the mean high water line would accommodate the larger animals as well as the small.

Furthermore, an improved highway design will most likely lead to faster driving speeds by motorists, which may necessitate strict enforcement of posted speed limits and stiff fines to insure that wildlife mortality does not increase.

Concerns and Recommendations

Given the stated authority limitations of the COE and the financial limitations of Everglades National Park to implement alternatives such as Alternative 5 or 6 for the Tamiami Trail portion of the Mod Waters project, Alternative 7a, or a derivative thereof, would appear to be the most reasonable interim alternative to implement prior to the approval of a more permanent solution under CERP. Although implementation of Alternative 7a will not entirely remedy all of the predrainage flow characteristics that existed prior to construction of the Tamiami Trail, it is anticipated to be capable of handling a shift in the bulk of Shark River flow volumes that will be channeled from the west side of the L-67 Levee to the east and into northeastern Shark River Slough.

Lacking in-house hydrological expertise, we must rely on the COE's modeling results, which indicate that a design high water level of 9.3 feet is sufficient for protecting the integrity of the Tamiami Trail road base, as the basis for our support of Alternative 7a. We note that the approved CERP conceptual plan, Alternative D-13R, as designed, is not expected to return the Everglades entirely to its historical flow regimes. The CERP plan may, in fact, need to be improved upon in order to reduce unnaturally high water levels and inundation periods that have been predicted under Alternative D-13R for WCA-3B. However, should any re-evaluation by the COE suggest that the design high water level of 9.3 feet would not be adequate to efficiently move flood water out of WCA-3B, then we would favor the adoption of a higher criterion to lessen the likelihood of deleterious flooding impacts upon the wildlife and vegetative communities of WCA-3B.

In summary, we offer the following recommendations concerning the alternatives under consideration, including possible improvements to Alternative 7a, the preliminary preferred alternative.

1 We support the idea of selecting an alternative that would be as compatible as possible with the upcoming CERP Decompartmentalization Project, and recommend that a real estate agreement between the COE and the Florida Department of Transportation for the Tamiami Trail be pursued in lieu of raising the profile of the roadway. We understand that such an agreement is expected to occur when the COE completes its design and specification plans for the project.

2. We understand that water quality treatment will probably not be required at this time since the impervious surface of the highway is not expected to significantly increase. Due to the potential for significant losses of high quality wetlands, impacts to important wildlife habitats, impacts to bank fishing, and possible incompatibility with CERP that would occur by including water quality treatment, we support the implementation of a water quality monitoring plan to ascertain whether treatment would be desirable in the future.

3. We are concerned about the potential reduction in public recreational access to the FSTWMA and fishing sites along the Tamiami Trail that could occur under Alternatives 3a, 3b, and the water quality treatment options b1 to b3 of Alternatives 2, 4, and 6, since such access is anticipated to decline as a result of restoration activities associated with both the Conveyance and Seepage component of Mod Waters and with the Decompartmentalization of WCA-3A Project of CERP. We are pleased to see at this time that, apart from a temporary lack of access to the south bank of the L-29 Canal during construction, Alternative 7a is expected to have minimal impacts on recreational use. However, special attention will need to be given to the siting of construction staging areas so that access is not blocked to the three boat ramps and parking facilities associated with the popular Recreation Site No. 4, the boat ramp and parking facility at Recreation Site No. 1, or to the boat ramp facility located west of the S-12D structure.

4. Of the viable alternatives being considered for this project, Alternative 7a would appear to have the least amount of impact on fish and wildlife resources. However, we believe that greater ecological and wildlife benefits may be derived from this alternative by a shift of the bridge from the proposed site one mile east of the L-67 Levee to a location east of the Blue Shanty Canal. If feasible, the placement of the western end of the bridge span, equipped with a wildlife crossing shelf beneath it, at a location immediately east of the Everglades Safari Airboat concession could aid in the reduction of wildlife mortality, particularly of the threatened Everglades mink.

5. Since wading bird and snail kite nesting patterns, as well as Everglades mink territories may vary with the prevailing hydrological conditions, surveys should be conducted on an annual basis by qualified biologists to determine whether any nesting efforts of state and federally protected bird species, or mink dens, would potentially be affected, prior to the commencement of construction activities. There is, in particular, a need for the COE to support a detailed study of the status and current distribution of the threatened Everglades mink along the Tamiami Trail corridor prior to the completion of the CERP Decompartmentalization Phase 1 project plan.

6. Alternatives 2b, 3a, 3b, 4a, 4b, 6b, 7b, and 8b produce an unacceptable amount of wetland functional loss, result in permanent impacts to wading bird rookeries, and have the potential to impact the threatened Everglades mink population; therefore, we recommend that they be removed from further consideration as ecologically viable alternatives.

7. Results from our preliminary wildlife mortality surveys and historical information suggest that there is a need for a more detailed wildlife mortality study on this portion of the Tamiami Trail prior to the completion of the Decompartmentalization Phase I project design plans. We are pleased that the COE is now supporting such a wildlife mortality study through the U.S. Fish and Wildlife Service, and hope that some nighttime surveys will be incorporated to document the potential effects of nocturnal or early morning scavengers on road-kill results.

8. Any reduction in recreational access or use of the Francis S. Taylor Wildlife Management Area that occurs in connection with this project would need to be compensated for on terms amenable to the FWC. We urge that the COE devise a program whereby the development of the recreational potential, adequate to meet anticipated public-use requirements, is more fully incorporated into project plans.

Sincerely,

Brian Barnett

Brian S. Barnett, Interim Director
Office of Environmental Services

BSB/DTT
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Enclosures

cc: Mr. Jay Slack, FWS, Vero Beach
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Literature Cited

Florida Game and Fresh Water Fish Commission. 1960. Recommended Program for Conservation Area 3. Vero Beach, Florida.

Kline, N.C. and D.E. Swann. 1998. Quantifying Wildlife Road Mortality in Saguaro National Park *in* Proceedings of the International Conference on Wildlife Ecology and Transportation FL-ER-69-98, Florida Department of Transportation, Tallahassee, Florida. 263 pp.

Table 1. Description of Alternatives being considered for the Tamiami Trail Project and their effects on wetland extent and function as determined by the Wetland Rapid Assessment Procedure.

Alternative	Description	Acres Lost	Functional Units Lost- / Gained+
1	Existing alignment and profile with 4 new bridges without water quality treatment	-1.6	-2.9
2a	Existing alignment with raised profile and 4 new bridges without water quality treatment	-11.8	-10.1
2b	Existing alignment with raised profile, 4 new bridges, with standard dry detention water quality treatment	-86.0	-37.5
2b Options	"Creative" water quality treatment options		
2b 1	Shift alignment to north and compress swale with wall elements/south side	-44.6	-33.6
2b 2	Shift alignment to north and compress swale with wall elements/north side	-8.0	-8.4
2b 3	Shift typical section north encroaching approximately 50 ft. into L-29 Canal	-8.0	-8.4
2b 4	Grass strips	-8.0	-8.4
2b 5	Exfiltration trenches with curb and gutter	-8.0	-8.4
2b 6	Exfiltration trenches with shoulder gutter	-7.9	-8.3
3a	New north alignment in WCA-3B with raised profile and 8 new bridges without water quality treatment	-14.3	-18.8
3b	New north alignment in WCA-3B with raised profile, 8 new bridges, and standard dry detention water quality treatment	-28.9	-30.2
3b Options	"Creative" water quality treatment options		
3b 1	Modified 2b 1 Option	-22.8	-25.4
3b 2	Modified 2b 2 Option	-10.6	-16.0
3b 3	Modified 2b 3 Option	-13.5	-18.2
3b 4	Grass strips	-9.6	-15.2
3b 5	Same as 2b 5	-10.3	-15.8
3b 6	Same as 2b 6	-10.4	-15.9

Alternative	Description	Acres Lost	Functional Units Lost (-) / Gained
4a	New south alignment with raised profile and 4 new bridges without water quality treatment	-68.4	-40.4
4b	New south alignment with raised profile, 4 new bridges, and standard dry detention water quality treatment	-103.9	-64.4
4b Options	"Creative" water quality treatment options		
4b 1	Modified 2b 1 Option	-62.6	-36.5
4b 3	Modified 2b 3 Option	-62.5	-36.5
4b 4	Grass strips	-61.3	-35.6
4b 5	Same as 2b 5	-62.6	-36.5
4b 6	Same as 2b 6	-62.5	-36.5
5a	Elevated roadway within existing right-of-way without water quality treatment	57.3	39.3
5b	Elevated roadway within existing right-of-way with water quality treatment	43.0	29.5
5c	Elevated roadway within existing right-of-way, without water quality treatment, with degradation of the existing highway embankment	65.9	45.3
6a	Existing alignment with raised profile, 4-mile bridge and 8 new box culverts without water quality treatment	-9.6	-6.6
6b	Same as alternative 6a with standard dry detention water quality treatment	-33.3	-22.8
6b Options	"Creative" water quality treatment options		
6b 1	Same as Option 2b 1 applied to remaining roadway	-30.4	-20.9
6b 2-6b 5	Same as Option 2b 2 - 2b 5 applied to remaining roadway	-4.8	-3.3

Alternative	Description	Acres Lost	Functional Units Lost- / Gained+
7a	Existing alignment with raised profile and 3000-foot bridge without water quality treatment	-5.0	-3.4
7b	Existing alignment with raised profile and 3000-foot bridge with standard dry detention water quality treatment	-72.4	-49.5
7b Options	"Creative" water quality treatment options		
7b 1	Same as Option 2b 1 applied to remaining roadway	-10.4	-7.2
7b 2	Same as Option 2b 2 applied to remaining roadway	-5.0	-3.4
7b 3	Same as Option 2b3 applied to remaining roadway	-10.4	-7.2
8a	Existing alignment with raised profile and 24 additional culverts without water quality treatment	-5.1	-3.5
8b	Existing alignment with raised profile and 40 additional culverts with standard dry detention water quality treatment	-68.0	-46.6
8b Options	"Creative" water quality treatment options		
8b 1& 8b3	Same as Options 2b1& 2b 3 applied to remaining roadway	-15.9	-7.5
8b2	Same as Option 2b2 applied to remaining roadway	-5.1	-3.5
" 9a"	Existing alignment with raised profile, 2.7-mile bridge and 8 new box culverts without water quality treatment	-2.8	-1.9
"9b"	Existing alignment with raised profile, 2.7-mile bridge and 8 new box culverts with standard dry detention water quality treatment	-39.1	-33.4

Table 2. Wildlife remains identified along Tamiami Trail, one-half mile on each side of Agricultural Canal at Coopertown, located four miles west of S-334 (December 19, 2000).

NORTH SIDE OF TAMIAMI TRAIL			
Class	East ½ mile	West ½ mile	Total
Turtles	16	12	28
Snakes	1	2	3
Frogs	1	1	2
Alligators	0	0	0
Birds	0	0	0
Mammals	0	1	1
Unidentified	1	4	5
SOUTH SIDE OF TAMIAMI TRAIL			
	East ½ mile	West ½ mile	Total
Turtles	4	6	10
Snakes	0	3	3
Frogs	0	0	0
Alligators	0	1	1
Birds	4	1	5
Mammals	0	0	0
Unidentified	2	1	3

TOTAL: 61

Table 3. Wildlife remains identified along one mile of Tamiami Trail beginning at the Flight 592 Memorial adjacent to the L-67 Canals and ending ½ mile east of Osceola Camp (December 20, 2000).

NORTH SIDE OF TAMIAMI TRAIL			
Class	East ½ mile	West ½ mile	Total
Turtles	11	7	18
Snakes	0	0	0
Frogs	0	0	0
Alligators	0	0	0
Birds	3	0	3
Mammals	0	1	1
Unidentified	0	0	0

Table 3. Continued

SOUTH SIDE OF TAMIAMI TRAIL			
Class	East ½ mile	West ½ mile	Total
Turtles	5	4	9
Snakes	0	0	0
Frogs	0	0	0
Alligators	1	1	2
Birds	1	0	1
Mammals	2	4	6
Unidentified	2	2	4

TOTAL: 44

Table 4. Wildlife remains identified on December 20, 2000 along one mile of Tamiami Trail beginning at the L-30 Canal extending one mile west and ending at a bank of culverts (Begin: UTM 550299 N; 2849310 E End: 548615 N; 2849297 E).

NORTH SIDE OF TAMIAMI TRAIL			
Class	East ½ mile	West ½ mile	Total
Turtles	38	20	58
Snakes	0	0	0
Frogs	0	0	0
Alligators	0	0	0
Birds	3	0	3
Mammals	3	0	3
Unidentified	0	1	1
SOUTH SIDE OF TAMIAMI TRAIL			
	East ½ mile	West ½ mile	Total
Turtles	18	4	22
Snakes	0	0	0
Frogs	0	0	0
Alligators	1	1	2
Birds	1	2	3
Mammals	2	1	3
Snakes	1	1	2

TOTAL: 97

Table 5. Wildlife remains identified by FWC on April 18, 2001, along one mile of Tamiami Trail (between culverts #44 to #46 at the Blue Shanty Canal [culvert #45]).

NORTH SIDE OF TAMIAMI TRAIL			
Class	East ½ mile	West ½ mile	Total
Turtles	18	3	21
Snakes	1	0	1
Frogs	0	0	0
Alligators	2	2	4
Birds	0	0	0
Mammals	0	1	1
Unidentified	1	1	2
SOUTH SIDE OF TAMIAMI TRAIL			
Turtles	19	12	31
Snakes	4	2	6
Frogs	0	0	0
Alligators	2	1	3
Birds	3	3	6
Mammals	1	5	6
Unidentified	1	0	1

TOTAL: 82

Table 6. Wildlife remains identified by FWC on April 18, 2001, along one mile of Tamiami Trail (between culverts #56 to #54 at the Tamiami West woodstork colony [culvert #55]).

NORTH SIDE OF TAMIAMI TRAIL			
Class	East ½ mile	West ½ mile	Total
Turtles	16	20	36
Snakes	5	3	8
Frogs	2	1	3
Alligators	1	2	3
Birds	4	6	10
Mammals	0	0	0
Unidentified	1	1	2
SOUTH SIDE OF TAMIAMI TRAIL			
Turtles	9	15	24
Snakes	23	7	30
Frogs	0	0	0
Alligators	2	2	4
Birds	4	3	7
Mammals	0	0	0
Unidentified	0	0	0

TOTAL: 127

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South
Florida
Regional
Planning
Council

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September 26, 2005

Ms. Lauren P. Milligan
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, Mail Station 47
Tallahassee, Florida 32399-3000

RE: SFRPC #05-0915, SAI# FL200508191442C – Draft Revised General Reevaluation Report/Second Supplemental Environmental Impact Statement for the Tamiami Trail Modified Water Deliveries to Everglades National Park; Everglades National Park, Miami-Dade County.

Dear Ms. Milligan:

We have reviewed the above-referenced permit application and have the following comments:

- The project should be consistent with the goals and policies of the Miami-Dade County comprehensive plan and its corresponding land development regulations. It is important for the applicant to coordinate permits with all governments of jurisdiction.

- The project is located in the Everglades National Park, a natural resource of regional significance designated in the *Strategic Regional Policy Plan for South Florida (SRPP)*. The goals and policies of the *SRPP*, in particular those indicated below, should be observed when making decisions regarding this project.

GOAL 14 Preserve, protect, and restore Natural Resources of Regional Significance.

Policy 14.1 Address environmental issues, including the health of our air, water, habitats, and other natural resources, that affect quality of life and sustainability of our Region.

Policy 14.2 Improve the quality and connectedness of Natural Resources of Regional Significance and other natural areas by eliminating inappropriate uses of land, improving land use designations, and utilizing land acquisition where necessary.

Policy 14.3 Protect native habitat by first avoiding impacts to wetlands before minimizing or mitigating those impacts; development proposals should demonstrate how wetland impacts are being avoided and what alternative plans have been considered to achieve that objective.

Policy 14.8 Remove invasive exotic plants and animals from all Natural Resources of Regional Significance and associated buffer areas. Require the continued regular and periodic maintenance of areas that have had invasive exotics removed.

3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021
Broward (954) 985-4416, State (800) 985-4416
SunCom 473-4416, FAX (954) 985-4417, Sun Com FAX 473-4417
email: sfadmin@sfrpc.com, website: www.sfrpc.com

GOAL 15 Restore and protect the ecological values and functions of the Everglades Ecosystem by increasing habitat area, increasing regional water storage, and restoring water quality.

Policy 15.1 Encourage land uses and development patterns that are consistent with Everglades Ecosystem restoration and with the protection of Natural Resources of Regional Significance.

Policy 15.2 Restore natural volume, timing, quality, and distribution of water to the Everglades, Florida Bay, Biscayne Bay, other estuaries, and the Atlantic Ocean by:

a. implementing structural and operational modifications to the Central and Southern Florida Project including Modified Water Deliveries to Everglades National Park, the C-111 Project, and the Comprehensive Everglades Restoration Plan;
b. implementing the East Coast Buffer/Water Preserve Areas; and
c. implementing the Lower East Coast Water Supply Plan so that the needs of the natural system are met consistent with ecosystem restoration.

Thank you for the opportunity to comment. Please do not hesitate to call if you have any questions or comments.

Sincerely,

David Dahlstrom, AICP
Senior Planner

DD/kal

cc: Diane O'Quinn Williams, Miami-Dade County Department of Planning and Zoning
Lee Hefty, Miami-Dade County Department of Environmental Resources Management

DRAFT COVER LETTER
Colonel Robert M. Carpenter
Jacksonville District Commander and District Engineer
U.S. Army Engineer District, Jacksonville

Dear Colonel Carpenter

Subject: Comments on the Tamiami Trail Component of the Modified Water Deliveries to Everglades National Park Project.

The South Florida Water Management District (SFWMD) appreciates the opportunity to comment on the on the Tamiami Trail Modifications component of the Modified Water Deliveries (MWD) to Everglades National Park (ENP) project. The attached appendix provides both general and specific SFWMD's comments on the United States Army Corps of Engineers (USACE) Revised General Reevaluation Report Second Supplement Environmental Impact Statement (RGRR&SEIS) dated August 2005.

The SFWMD appreciates the commitment and follow through by the USACE to move this critical component for everglades restoration forward after years of delay. The SFWMD strongly supports the implementation of this vital component of the MWD ENP project. The three miles of bridge with approximately two thirds located West of the Tiger Tail Camp and the remaining one third located East of the Tiger Tail Camp will in combination with the remaining culverts:

- Distribute the water similarly to the distribution that would occur with the full bridge.
- Increase the conveyance capacity from the L-29 canal to Northeast Shark Slough by reducing the head loss for the 100 year flows from approximately 1.3 feet to 0.2 feet.
- Reduce the potential for high water impact to WCA-3B arising from the conveying of considerably more flow through WCA-3B than envisioned in the 1992 GDM.

While the three miles of bridge provided by the Tentatively Selected Plan (TSP) does not provide the complete ecological connectivity desired by some it does provide considerably more connectivity than identified by the Comprehensive Everglades Restoration Plan (CERP). This additional ecological connectivity is a collateral benefit of hydraulic benefits derived from the three mile bridge length and therefore, in the opinion the SFWMD, clearly within the authority of the MWD ENP project. The TSP provides a practical balance between authorized benefits and cost. The SFWMD look forward to the completion of the report and the development of a firm time schedule for implementation of this component and realization of the benefits anticipated since the 1992 GDM.

Please contact Paul Linton at 561-682-2871 if you have any question on the comments provided.

APPENDIX A - SFWMD COMMENTS ON THE RGRR&SEIS FOR THE TAMIAMI TRAIL COMPONENT OF THE MWD ENP PROJECT.

Report needs to be clear on what are FDOT responsibilities for both the Bridge and Raised Roadway as the report currently reads it is not clear that FDOT is responsible for the Operation, Maintenance, Repair, Replacement and Rehabilitation (OMRRR) of the bridge and raised roads. Chapter 8 has fifteen paragraphs (a through o) describing the responsibility of the SFWMD under the PCA but no text describing the responsibilities of FDOT. It is the SFWMD understanding that FDOT will be responsible for maintenance of the bridge and raised road including any maintenance required for the water quality features and mowing. This includes maintenance of the water quality treatment system of the bridge and the maintenance of the raised road including mowing of any grassed areas. The SFWMD bridge and roadway responsibilities are limited to vegetation control under the bridge and around the culverts.

- Given, that the full bridge is the environmentally preferred alternative and that public comments by several environmental groups have stated that, in their opinion, complete bridging is required for restoration the USACE should identify and communicate clear deadlines for when funding would have to be determined to allow the design and construction of a total bridge length longer than 3 miles. This should include a description of the type and certainty (e.g. existing funds) of funding required to be considered. The cost of complete bridging should include the cost of maintaining tribal access.

- The report should describe the deadline for funding to maintain the schedule for construction of the TSP and what bridge or bridges would be shortened should funding be inadequate or cost increase beyond the estimates or a combination of both.

- The culvert modifications should include the construction of spreader swales to increase the conveyance capacity, reduce the velocity in the marsh in the immediate vicinity of the culverts, and reduce conveyance capacity loss or increased vegetation maintenance or both due to the sediment and nutrient conveyed. A spreader swale can be economically constructed by excavating the muck overburden and thereby creating a swale approximately 2 feet deeper than the downstream marsh.

- The executive summary does not sufficiently describe the benefits of the TSP (2 mile and 1 mile). For example:

    - The TSP provides almost the same conveyance capacity as the full bridge and an approximately 80% reduction in the head required to move water from the L-29 Canal to NESS (over a five fold increase in capacity).

    - The bridge lengths and locations of the TSP were selected to provide flow similar to what would be provide by the full length bridge. Specifically, the TSP results in 66% of the flow to NESS West of Tiger Tail Camp and 34% East of Tiger Tail Camp. It is important to provide increased flow to the eastern portion of the lands acquired in the Park Expansion Act to restore this area to the extent practical within the authority of the MWD ENP project.

- Appendix D is missing what appears to be figure 10 (miss labeled in the text as figure 1) and has two figure eights (second figure should be figure 9).

QUESTIONS OR COMMENTS

The second paragraph of the executive summary (ES-i) does not make it clear whether the plan recommended by the 2003 GRR&SEIR included any road raising. SFWMD staff was under the impression that the 2003 included some road raising which based on the current FDOT standards and the expected future conditions is now considered insufficient.

Given, the uncertainty of funding and the fact that the environmentally preferred alternative was not selected due to the insufficient funding the executive summary should state very clearly the dead lines for funding to not delay construction schedule and the impacts and contingency plans should insufficient funding occur. Specifically, the executive summary and report should include the following information:

- The additional estimated cost increase associated with increasing the bridge length from 3 miles provided by the TSP to 10.1 miles (based on starting 0.3 miles East of S-333 and ending 0.3 miles West of S-334) of the environmentally preferred alternative.
- The funding amounts and dates required to meet the current schedule.
- The funding amounts and dates required to increase the bridge length to establish clear dead lines of when additional funding would need to be identified to maintain the current schedule.
- Clearly state the uncertainty in bridge length due to the cost uncertainty of factors such as the cost of water quality treatment features, bridge cost, and funding.
- Clearly stage whether the total bride length three miles (2 miles West 1 mile East) provided by the TSP is a minimum length. If a shorter bridge length could occur due to insufficient funding then identify where the bridge would be shortened and the minimum lengths.

RECOMMENDED CHANGES

<u>Modifications to Existing Culverts not Replaced by Bridge</u>

The construction of the bridges and approach ramps will result in the removal five of the existing 19 culvert sets. The five culvert sets removed contain fifteen individual culverts reducing the number of culverts from 55 to 40. The total bridge length of three miles will result in the removal 5 culvert sets (15 culverts) located within road to replaced by the bridge spans and two culvert set (6 culverts) located within the approach ramps. The proposed western two mile bridge of the TSP will result in the removal of the S-5, S-7, and S-9 culvert sets within the bridge span (with three culverts at each location results in a total of nine culverts). The proposed eastern one mile bridge of the TSP will result in the removal of the S-16 and S-17 culvert sets within the bridge span (with three culverts at each location resulting in a total of six culverts). Therefore, the TSP will leave 14 culvert sets containing a total of 40 culverts. The remaining culverts will need to be lengthened to extend beyond the widened roadway resulting from the raised roadway.

The culvert modifications should include the construction of spreader swales to increase the conveyance capacity, reduce the velocity in the marsh in the immediate vicinity of the culverts, and reduce the impacts (reduced conveyance capacity or increased vegetation maintenance or both) of sediment and nutrient conveyed. A spreader swale could be constructed by excavating the muck overburden and thereby creating a swale approximately 2 feet deeper than the downstream marsh. Excavation of the muck overburden will leave a limestone surface less susceptible to exotic or woody vegetation establishment and therefore reduce the vegetation maintenance required to prevent a reduction in conveyance capacity. The SFWMD recommends that the swales be constructed by excavating a 30 feet wide area with vertical side slopes with the North edge of the excavation located five feet south of the southern edge of Tamiami Trail side slope. No contouring of the side slope would be performed to reduce turbidity generation and the cost of excavation.

Based on the USACE's SMS model runs the remaining culverts are expected to convey the following flows to Northeast Shark Slough (NESS):

- 100 Year Return Period: 991 cfs (21 %) of the total flow to Northeast Shark Slough of 4,764 cfs; with 2,461 and 1,312 cfs through the 2 and 1 mile long bridges openings respectively.
- 1 Year Return Period: 219 cfs (21 %) of the total flow to Northeast Shark Slough of 1,021 cfs; with 508 and 294 cfs through the 2 and 1 mile long bridges openings respectively

These flows and the assumption that the flow will be equally distributed between the remaining 14 culvert sets results in a per culvert set flow rate of 71 and 16 cfs for the 100 year and 1 year events respectively. Construction of fourteen 400 feet wide spreader swales centered on the remaining fourteen culvert sets distributes the flow sufficiently to maintain marsh velocities of less than 2 cm per second (0.06 feet per second) for the 70 cfs of flow per culvert set expected in the 100 year event. Based on the proposed width (30 feet) and length (400 feet) construction of the swales would require the excavation and removal of approximately 20,000 cubic yards of muck overburden and temporarily impact a total area of approximately 4 acres.

Changes to the abstract (third sentence of first paragraph)

From:

> At that time, it was believed that the existing 19 sets of individual culverts under Tamiami Trail were sufficient to pass the required volume of water from the adjoining L-29 Canal on the north side of the roadway into ENP to the south without collateral effects. Later, if was determined that the required elevation of water in the canal would raise groundwater levels under the highway to the point that highway subgrade could b damaged. Under extreme conditions, low spots along the highway could be overtopped.

To:

> At that time, it was believed that the existing 19 sets of culverts (total of 55 individual culverts) under Tamiami Trail were sufficient to pass the required volume of water from the upstream L-29 Canal located on the north side of Tamiami Trail into ENP to the south without collateral effects. Later, if was determined that the required elevation of water in the canal would raise groundwater levels within the road to the point that highway subgrade could b damaged. In addition, under extreme conditions, low spots along the highway could be overtopped.

Change the fifth sentence of the first paragraph on page ES-I

From:

Subsequently hydrological analyses, however, revealed that the head height in the L-29 Canal required for the culverts to convey the increased water could adversely affect the structure of Tamiami Trail and overtop low areas along the highway under certain conditions.

To:

Subsequently hydrological analyses, however, revealed that the higher stage in the L-29 Canal required for the culverts to convey the increased flow could adversely affect the structure of Tamiami Trail and overtop low areas along the highway under certain conditions.

Change paragraphs two, three, and four of page ES-iii

From:

The bridge would provide sufficient hydraulic opening to convey the projected DHW. The existing culverts system under the highway, which would be retained, would assist in maintaining sheet flow from the L-29 Canal to ENP.

The location of the bridges in the project area is anticipated to assist in reestablishing the ridge and slough habitat that existed in this location prior to the construction of the Tamiami Trail.

The bridge would provide an opening that would provide partial connectivity between ENP and the L-29 Canal. Improving ecological connectivity would enhance aquatic biological communities south of the existing Tamiami Trail…

To:

The bridges would provide sufficient openings (hydraulic conveyance capacity) in combination with the conveyance capacity provided by the remaining culverts to convey the projected DHW. The 40 existing culverts (grouped into 14 culvert sets) under the highway not located within the foot print of the bridges will be retained and assist in providing sheet flow from the L-29 Canal to ENP. The three miles of bridge length provides a considerable improvement in the hydraulic conveyance capacity between the L-29 Canal and Northeast Shark Slough and between WCA-3B and Northeast Shark Slough as decompartmentalization is implemented in the Comprehensive Everglades Restoration Plan. The TSP reduces the head required to convey the 100 year flows of 4,764 cfs to Northeast Shark Slough from approximately 1.3 feet to 0.2 feet (85% reduction). The TSP also reduces the head required to convey the 1 year flows of 1,021 cfs to Northeast Shark Slough from approximately 0.5 feet to 0.1 feet (80% reduction). Reducing the head required to convey the flows arising from rainfall events ranging in average return periods from 100 to 1 year is important because these head differences result in higher stages in WCA-3B as the water level in WCA-3B must be higher than the L-29 Canal to allow flow from WCA-3B. Without the conveyance improvements provided by the TSP the water level depth in

WCA-3B would be prohibitively high resulting in a damaging combination of depth and durations for tree islands for the magnitude of flow through WCA-3B desired by ENP.

The location of the bridges in the project area is anticipated to establish a more natural flow pattern in northeast Shark Slough and thereby assist in reestablishing the ridge and slough habitat that existed in this location prior to the construction of the Tamiami Trail. The bridge locations and lengths of the TSP result in a flow distribution of approximately 66% west of Tiger Tail Camp and 34 percent east of Tiger Tail camp which is similar to the distribution provided by the full length bridge. It is important to provide increased flow East of Tiger Tail Camp to provide restoration to the eastern portion of the land acquired by the Everglades Expansion Act.

The bridges would provide openings that would provide substancial (3 miles out of a possible total of 10.1 miles) connectivity between ENP and the L-29 Canal. Improving ecological connectivity by the direct opening provided by the bridge opening is expected to provide enhancement to the aquatic biological communities south of the existing Tamiami Trail exceeding those demonstrated by water deliveries through S-333 and the existing culverts demonstrated in the MWD ENP testing program…

MIAMI-DADE COUNTY

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Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Urban Revitalization Task Force
Vizcaya Museum and Gardens
Water and Sewer

October 7, 2005

Colonel Robert Carpenter
U. S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232-0019

Re: Miami-Dade DERM Comments on the Central and Southern Florida Project, Draft Revised General Reevaluation Report/Second Supplemental Environmental Impact Statement (RGRR/SEIS) for the Tamiami Trail Modifications

Dear Colonel Carpenter:

The Miami-Dade Department of Environmental Resources Management (DERM) and the Water and Sewer Department (WASD) appreciate the opportunity to review the above report describing the recommended plan for Tamiami Trail modifications. Miami-Dade County staff recognizes the critical importance of the Modified Water Deliveries (MWD) project and the significance of the Tamiami Trail in conveyance of water to Everglades National Park (ENP) and southern estuaries. The project also has implications for addressing water supply and flood protection needs in the built systems of Miami-Dade County.

The MWD and Tamiami Trail elements provide a foundation necessary to the completion of other priority Comprehensive Everglades Restoration Plan (CERP) projects addressing conveyance and allocation of water. Therefore, we generally support your efforts to balance costs and environmental benefits in order to move the project toward implementation in a timely manner. However, we strongly recommend that additional technical information on the engineering design and benefits analyses be provided to refine the plan and support the conclusions presented in the report. We offer the following series of comments and recommendations for further enhancement of the proposed concept and to build support for the conclusions and ultimately selected plan.

- Although it is clear that proposed bridges and improved culverts would improve conveyance of water from the conservation areas to ENP, the report does not present enough information to determine if the Tentative Selected Plan (Alternative 14) is able to provide sufficient conveyance under the Tamiami Trail without impounding water. All the analyses and calculations presented in this report were based on the NSM and SFWMM. The SFWMM is large-scale model with a daily time step, able to provide information only on average daily stages and flows, making it inadequate to evaluate the conveyance capacity of the bridges and to evaluate the peak stages.

- The Revised GRR lacked the technical details necessary to complete an evaluation of the potential impacts to public water supply.

- The Tamiami Trail is a hurricane evacuation route and needs to be passable under extreme events. In order to support USACE's statement that the highway would overtop at a frequency between 200 and 500 years for the future without project scenario, to verify the DHW (Design High Water) and determine the safety level of

- the roadway (hurricane evacuation), this report needs to present details about the methodology used in the rainfall and stage frequency analysis

- The report does not present any analysis of the impacts resulting of the rise of the DHW from 7.5 to 9.7 feet NGVD to the adjacent communities and interests, which should be part of the EIS. In particular, DERM staff is concerned about potential for seepage or other effects on flood protection level of service in nearby urban areas.

- On the Appendix F-FWCAR_part3.pdf: DERM staff requests a capacity analysis and calculation based on proposed design stages and geometry of the proposed bridge and surrounding topography, for the Tentative Selected Plan (Alternative 14), in order to verify if the geometry of the bridge is really capable of conveying sufficient flow to the ENP, without causing adverse backwater effects to the WCA-3B and Tamiami Trail. An analysis of the conveyance for different flow regimes and different upstream/downstream boundary conditions is needed for the bridge since the volumes used in the calculations of the velocities were obtained through the SFWMM, which was calibrated for stages and control structure operations, not overland flows – since there are no flow measurement data in the marsh or slough.

- Please provide information regarding emergency operations of the water management system and their impact on the TSP.

- Consultation with DERM is needed prior to detailed design and regulatory approvals to verify that County design and regulatory standards for roads, drainage, and environmental resources permitting are addressed.

- Construction of the bridges and reconstruction of the remaining portions of roadway would need to be completed prior to the implementation of the high water stages, expected on the L-29 canal as the result of the CSOP, to ensure the safety of the roadway and no hindering of its use as evacuation route, during extreme storm events.

- Staff review suggests that relatively minor adjustments to bridge configuration or culvert placements could improve hydrologic benefits, as well as provide wildlife corridors and other environmental benefits, without significant cost increases. Such additional environmental improvements should be treated as measurable benefits when evaluating and comparing alternatives, and included as part of the project, rather than as optional "enhancements" that are not required. However, additional documentation of environmental benefits, economic impacts, and cost estimates must be provided in the report in order to objectively assess such refinements in the plan or verify the presented conclusions.

- The report suggests that impacts to more than 16 acres of wetlands in Everglades National Park will be impacted by the recommended plan. However, inadequate detail is provided to document this assessment. Environmental permitting standards generally require the use of engineering design and construction practices to minimize the direct and indirect impacts to wetlands and particularly sensitive areas, such as bird nesting or aggregation sites. DERM staff understands that the design must comply with transportation safety standards and minimize costs, but strongly urges that every effort be used to minimize the horizontal cross-section of the new wider road and shoulder footprint in high-quality wetlands. DERM supports use of construction methods and timing adjustments, as generally proposed, to avoid and minimize direct or indirect disturbance of wood storks and other birds. Unavoidable impacts to wetland habitats and wildlife should be offset with appropriate mitigation. DERM staff recognizes that overall environmental benefits afforded by hydrologic restoration and enhancement may offset physical impacts to wetlands, but more detailed information is required to reach this conclusion with certainty.

The staff of DERM and WASD look forward to receiving additional technical details and working with your staff on plan refinements to address water management, water supply and environmental goals of the Tamiami Trail elements of MWD. Please feel free to contact Carlos Espinosa, DERM Deputy Director, at 305 372-6796, or Bertha Goldenberg, WASD Assistant Director, at 786 552-8120, if you require additional information.

Sincerely,

John W. Renfrow, P.E.
Director

Audubon OF FLORIDA

444 Brickell Avenue
Suite 850
Miami, FL 33131
Phone: 305-371-6399
Fax: 305-371-6399

October 13, 2005

Stuart J. Appelbaum
Chief, Planning Division
Attn: Jon Moulding
Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019
Via E-mail: ttmcomments@usace.army.mil

Re: Comments on the *Revised General Reevaluation Report/Second Supplement Environmental Impact Statement (RGRR/SEIS) for Tamiami Trail Modifications, Modified Water Deliveries to Everglades National Park*

Dear Mr. Appelbaum:

Audubon of Florida thanks the U.S. Army Corps of Engineers (Corps) for the opportunity to comment on the Tamiami Trail Feature of the Modified Water Deliveries to Everglades National Park (Mod Waters) project. The following are Audubon's comments regarding the RGRR/SEIS dated August 2005.

The Mod Waters project is a critical step in the restoration of the Everglades. The completion of this project, along with new operational procedures, will reduce ponding in Water Conservation Area 3 and will improve water deliveries to many areas of Everglades National Park (ENP) and Florida Bay. Audubon strongly supports these project goals and urges the swift completion of the Mod Waters project along with implementation of improved operational plans. We emphasize that conveyance of improved flows to ENP is a priority above all else.

The goal of the Tamiami Trail component of Mod Waters is to provide conveyance capacity for the improved flows to ENP authorized in the 1989 ENP Protection and Expansion. Audubon prefers Alternative 17 - ten mile bridge, the Environmentally Preferred Alternative as identified by the Department of the Interior, because it provides maximum ecological benefits including complete hydrological and ecological connectivity. We understand the specific goals of Mod Waters. We strongly urge the most expedient manner to establish improved flows to ENP and Florida Bay.

The Water Resources Development Act of 2000 (Sec. 601 (b)(1)(B)), requires that Mod Waters be integrated with the decompartmentalization (decomp) project of the Comprehensive Everglades Restoration Plan (CERP). An important aspect of this integration is ensuring that money, resources, and time are not expended on Mod Waters project features that will need to be removed as part of the CERP decomp project. To ensure the projects are well integrated, it is reasonable to consider what project designs may be recommended by the CERP decomp project. Based on the enormous amount of planning, modeling, and research that has already been performed on this issue, it is likely that the CERP project will recommend extensive, if not full, bridging of the Tamiami Trail in the study area. The RGRR/SEIS acknowledges that the ten mile bridge would provide the most environmental benefits and may be the solution recommended by the CERP decomp project.

The Ten-Mile Bridge Alternative

- Consistently and significantly higher scores for all ecological performance measures

  The ten-mile bridge...

  - "*...would provide reduced velocities to the greatest proportion of the area, the best connectivity between the L-29 Canal and ENP, and the best distribution of flows from east to west.*"
  - "*...scored highest for reversing the filling in of sloughs, minimizing the difference between average velocities at the road and the marsh, and enhancing flows from the L-29 Canal into deep sloughs of NESS.*"
  - "*...scored highest for shifting communities to open water, spikerush marsh, and slough communities; reducing the risk of ridge and tree island burning; and reducing the invasion of exotic species.*"
  - "*...received the highest score for improving the total abundance of fishes in ENP marshes, improving conditions for wading bird foraging and nesting, and reducing wildlife mortality.*"

- Has a significantly larger habitat unit score than any other alternative (almost double that of the TSP), indicating the tremendous potential for additional ecological benefits
- Is the only alternative that results in an increase in wetlands rather than a decrease
- Is one of only 3 alternatives that is rated as "cost effective" and a "best buy" using the Corps's cost effectiveness and incremental cost analysis procedures

Given the great potential for restoration afforded by the ten-mile bridge, and considering the likelihood that the CERP decomp project will recommend extensive or full bridging, Audubon asks the Corps to continue efforts to improve the integration of Mod Waters with the CERP decomp project. Most importantly, Audubon recommends that the Corps avoid improving portions of the road that may soon be removed or altered under CERP. Any additional fill to raise the remaining roadbed should not be initiated until the Florida Department of Transportation can complete their study. Additional details on the potential design of the CERP decomp project may be available at that time. No bridging should preclude the full ten-mile span. We emphasize again that conveyance of improved flows to ENP is a priority above all else. Delays in completion of this project will result in continued harm to the Everglades and Florida Bay.

We appreciate the opportunity to comment on this critical project, and look forward to working with you throughout its implementation.

Sincerely,

David E. Anderson
Executive Director

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October 11, 2005

Stuart J. Appelbaum
Chief, Planning Division
Attn: Jon Moulding
Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Re: ***Draft Revised General Reevaluation Report / Second Supplemental Environmental Impact Statement (RGRR/SEIS) for Tamiami Trail Modifications***

Dear Mr. Appelbaum,

The Sierra Club appreciates the opportunity to comment upon the Draft Revised General Reevaluation Report / Second Supplemental Environmental Impact Statement ("RGRR/SEIS") for the Tamiami Trail Modification Project ("Project"). The Sierra Club is dedicated to exploring, enjoying and protecting wild places of the Earth; to practicing and promoting responsible uses of the Earth's resources and ecosystems; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry our these objectives.

One of the Sierra Club's priority national conservation campaigns is to protect and restore the Everglades. The Sierra Club and its Florida Chapter have been involved in the Everglades restoration effort for over two decades. The Sierra Club is a member of the Everglades Coalition, and the Sierra Club's Outings Program also leads trips (hiking, biking and canoeing) into the Everglades. The Florida Chapter's Everglades Committee operates a website concerning the Project at www.build-the-skyway.com. The Sierra Club thus has a strong interest in the Project and in the protection and restoration of the Everglades.

Congress authorized the Project under the Modified Water Deliveries ("MWD") component of the Everglades National Park Protection and Expansion Act of 1989, Pub. L. No. 101-229, 103 Stat. 1946. The statute aims to "increase the level of protection of the outstanding natural values of Everglades National Park and to enhance and restore the ecological values, natural hydrologic conditions … of such area…" *id. at* § 101(b)(1). The Sierra Club strongly supports this goal.

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The Sierra Club strongly urges the U.S. Army Corps of Engineers ("Corps") to select Alternative 17 – the 10.7 mile Skyway proposal – as the best alternative to restore water flow and ecological connection through the Everglades. The analysis contained in the RGRR/SEIS strongly supports our view that the Skyway proposal is by far the most environmentally superior alternative identified in the RGRR/SEIS.

Sierra Club strongly opposes the proposal to implement Alternative 14 – the Tentatively Selected Plan ("TSP"). The TSP would not adequately restore natural hydrologic conditions to Everglades National Park. Sierra Club believes that implementation of the TSP would jeopardize the success of the $7.8 billion Comprehensive Everglades Restoration Plan (CERP), Pub. L. No. 106-541, 601 (2000).

As detailed below, the RGRR/SEIS fails to meet the requirements of the National Environmental Policy Act ("NEPA"), 42. U.S.C. § 4321 et seq., and its implementing regulations, in numerous respects. The Sierra Club is especially concerned that the RGRR/SEIS misleads the public and decisionmakers about the relative costs of the TSP and Skyway alternative. In addition, the RGRR/SEIS fails to sufficiently analyze and disclose the adverse environmental consequences of implementing the TSP, as well as ways of avoiding those impacts through the selection of environmentally superior alternatives, such as the Skyway proposal, and through appropriate and feasible mitigation measures. The RGRR/SEIS thus fails to provide an adequate environmental analysis that would support a decision by the Corps to implement the TSP in lieu of the environmentally superior Skyway alternative.

I. Overview of the National Environmental Policy Act

The National Environmental Protection Act (NEPA) "is our national charter for protection of the environment." 40 C.F.R. 1500.1(a). As the United States Supreme Court has explained: NEPA "ensures that the agency . . . will have available, and will carefully consider, detailed information concerning significant environmental impacts; it also guarantees that the relevant information will be made available to the larger public audience." *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989). NEPA has been described as "an environmental full disclosure law… intended to make such decisionmaking more responsive and more responsible." *Environmental Defense Fund, Inc. v. Corps of Engineers of United States Army*, 325 F. Supp. 749, 759 (D. Ark. 1971). Full environmental disclosure is essential to give the public a meaningful opportunity to scrutinize and comment upon federal projects that may have significant environmental consequences. As federal courts have recognized: "It is without serious question that [NEPA], which requires the promulgation of environmental analyses and impact statements, was enacted for the primary benefit of the general public." *Public Service Co. v. Andrus*, 433 F. Supp. 144, 152 (D. Colo. 1977). Unfortunately, the RGRR/SEIS fails to satisfy the requirements of NEPA, as detailed below.

II. The RGRR/SEIS Fails To Explain How the TSP Would Fulfill the Purpose and Need for the Project.

The stated purpose of the RGRR/SEIS is to "identify a means to enable the conveyance of the authorized flow of water from WCA-3B and the L-29 Canal north of the Tamiami Trail to NESS

and ENP south of the Tamiami Trail..." The Project aims to implement certain provisions of the Everglades National Park Protection and Expansion Act of 1989 ("Everglades Protection Act"), Pub. L. No. 101-229, 103 Stat. 1946. The Everglades Protect Act mandates: 1) improved delivery of water into Everglades National Park; and 2) to the extent practicable, restoration of the natural hydrologic conditions within the Everglades.

To meet the objectives of the Everglades Protection Act, the Project must do more than merely convey a specified amount of water from the north side of the Tamiami Trail to the south; the conveyance must be designed so that the flow of water resembles its natural state to the extent practicable. The SEIS fails to explain how implementation of the TSP would achieve this goal.

The Tamiami Trail roadbed currently creates a physical barrier that effectively dams a hydrologic feature called the Northeast Shark River Slough ("NESS"). The most important characteristics of NESS are its wide, shallow channel and its slow velocity. The engineering data illustrate that, with a 4-mile bridge, the ratio of the water's velocity at the road to its velocity at the marsh is 1.8:1. (As explained below, a critical defect in the RGRR/SEIS is that engineering data were not produced for Alternative 14. Apparently, the Corps only has flow velocity data for a 3,000-foot span, a 4-mile span, and a 10.7-mile span. The ratio would be even higher for the TSP.) The increased water velocity resulting from implementation of the TSP would result in "channelization," which would change the NESS into a different body of water than would exist under natural conditions. The TSP thus would not achieve the Project's stated purpose.

It is vitally important to consider the Project as part of a much larger effort to restore the overall health of the Everglades. The CERP authorizes projects estimated to cost approximately $7.8 billion, the success of which will depend upon this Project for water deliveries. The Project thus represents a key first step in a broad effort to restore the natural hydrologic conditions of Everglades National Park. Man-made canals, channels and other hydrological projects have isolated and destroyed many features of the Everglades during the past century. CERP is intended to "decompartmentalize" hydrological features of the Everglades in order to promote ecological connectivity, thereby reversing the destruction that these man-made projects have caused over the years. This decompartmentalization process relies on the MWD component to restore natural hydrologic flow underneath the Tamiami Trail, because future projects rely on this flow of water for successful decompartmentalization. However, the RGRR/SEIS does not explain whether the TSP would provide the necessary amount of hydrologic interconnectivity to satisfy these future CERP projects.

As the RGRR/SEIS admits in section 9.6: "[T]he Ten-Mile Bridge alternative may have significance with respect to the eventual ecological restoration to be achieved through the CERP project. The bridge would provide the upper range of environmental benefits and may be the solution recommended by detailed CERP studies." In order to restore hydrologic connectivity, CERP projects will remove water conveyances north of Tamiami Trail in order to allow water to flow south towards Everglades National Park. However, if the eight-mile section of unraised roadway remains in place, it will continue to form a barrier to this southernly flow of water.

For example, CERP's WCA 3 Decompartmentalization and Sheetflow Enhancement Project will fill the L-29 canal immediately north of the Project in order to provide an increased flow of water south to Everglades National Park. But as the RGRR/SEIS admits, the two channels underneath the bridges proposed in the TSP may not provide enough area beneath them to accommodate this increased flow, which means that much of the freed-up water would not reach its intended destination. The result would be that the 8-mile unraised section would have to be rebuilt to accommodate the water freed up under the CERP project, which would be far more expensive than implementation of the Skyway alternative. The RGRR/SEIS fails to address this defect.

Section 7.6.4 of the RGRR/SEIS states that "the Tentatively Selected Plan provides an opportunity for integrating the bridges into a corridor-wide raised facility or as part of a multi-bridge system to minimize retrofit when implementing aspects of CERP." This concept of "retrofit" is inconsistent with the stated purpose of the Project. The MWD program is not intended to be a temporary or stop-gap measure. If the Corps truly sought to "minimize retrofit," then any alternative, such as the TSP, that adds a significant amount of asphalt to the roadbed would be rejected as not fulfilling the Project's purpose and need.

There are also unexplained discrepancies in the engineering data that the RGRR/SEIS relied upon. Appendix E contains the dataset that was used to create the alternative action plans. Currently, only 493,000 acre-feet per year of water can pass through the existing culvert system underneath the Tamiami Trail. The data that was relied upon to create the existing plans is the current volume of water that passes through Water Conservation Area 3B, i.e., 683,000 acre-feet per year. All of the action plans can successfully accommodate this volume of water. However, the Natural System Model (NSM Version 4.6) estimates that the natural flow across this section of NESS is 895,000 acre-feet per year. Yet nowhere in the RGRR/SEIS is the larger figure used. This conflicts with the goal of CERP, which is to restore the natural hydrological features of Everglades National Park. The RGRR/SEIS fails to explain how a structure designed to handle 683,000 acre-feet of water per year adequately accommodates a project that aims to come as close as possible to restoring a historic volume that is over 130% larger. The Skyway alternative, by comparison, allows the flexibility and safety to meet any CERP water stages and extreme rainfall events. The RGRR/SEIS fails to fully disclose this advantage.

III. The Discussion of Alternatives in the RGRR/SEIS Fails to Comply with NEPA.

A. The RGRR/SEIS Fails to Identify a Reasonable Range of Alternatives to the TSP.

The RGRR/SEIS fails to analyze a reasonable range of environmentally superior alternatives to the TSP. For example:

- There was no consideration given to alternatives that would refrain from modifying the US-41 roadbed on the non-bridged areas. An "escrow alternative" mentioned in prior drafts of the current RGRR/SEIS held promise in this regard, yet it was mysteriously withdrawn from consideration. This proposal would have authorized the construction of a limited portion of the Skyway, to the extent funding is available, and would have

allowed for relatively inexpensive retrofitting in the event that inadequate amounts of water were conveyed. The current proposal does exactly the opposite; if the TSP fails to provide an adequate flow to Everglades National Park, it becomes extraordinarily expensive to rip out the raised portion of the roadway in order to "retrofit" bridge structures that allow greater interconnectivity.

- There was no consideration given to an alternative that would involve removing the section of the highway that is disturbing the hydrological continuity of the flow into Everglades National Park. Such an alternative would ostensibly produce the greatest benefit to the hydrologic conditions of the park and should have been made a part of the decisionmaking matrix to allow for a more meaningful comparison among the competing alternatives.

- All of the alternatives call for intrusions into Everglades National Park, which would have adverse effects on the park ecosystem and its important wildlife habitat. No alternative was considered that would involve moving the highway easement north, instead of south into Everglades National Park.

- Finally, the selection of different alternative plans involving bridge structures excluded many options that would have environmental advantages over the TSP. For example, no alternatives were considered between the 10.7-mile bridge plan and a 4-mile bridge plan. Such discussion is especially important in view of the degree to which the Corps appears to be taking cost considerations into account in selecting an alternative. Likewise, and as discussed in the letter from Dr. Prieto-Portar, Professor of Civil and Environmental Engineering at Florida International University, enclosed herewith, the RGRR/SEIS fails to consider alternatives such as an 80-foot span and decreased elevations of the bridge and roadways.

B. The RGRR/SEIS Misleads the Public about the Relative Costs of the Competing Alternatives.

The overwhelming weight of the environmental data in the RGRR/SEIS lends strong support to the Skyway alternative. Sierra Club agrees that the Skyway proposal is a "cost effective best buy," which "is generally recognized as the plan that maximizes environmental outputs,"[1] while providing "the best connectivity between the L-29 Canal and ENP, and the best distribution of flows from east to west."[2] The Skyway Proposal "scored highest for reversing the filling in of sloughs, minimizing the difference between the average velocities at the road and the marsh, and enhancing the flows form the L-29 Canal into the deep sloughs of NESS,"[3] while receiving "the highest score for improving the total abundance of fishes in ENP marshes, improving conditions for wading bird foraging and nesting, and reducing wildlife mortality."[4]

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[1] RGRR/SEIS § 5.7.3.
[2] RGRR/SEIS § 5.7.4.
[3] *Id.*
[4] *Id.*

It appears the Corps may be unjustifiably rejecting the Skyway alternative as economically infeasible based on inaccurate and misleading information regarding the relative costs of the TSP and Skyway alternative. For example, the RGRR/SEIS fails to address the fact that the estimated cost of implementing the TSP exceeds the Department of Interior's ("DOI") budget for the Tamiami Trail Modification under the MWD program. DOI Capital Asset Plan's funding allocation for the Tamiami Trail component of the MWD project is $109 million, and the cost of the TSP lies at $145,806,000.[5] The failure of the RGRR/SEIS to disclose this gap is especially problematic in view of the fact that the Corps appears poised to reject the environmentally superior Skyway alternative on the basis of economic infeasibility. The RGRR/SEIS fails to reconcile its determination that the Skyway proposal is too expensive because it exceeds current funding, while selecting the TSP as a preferred alternative that is similarly over-budget. The RGRR/SEIS is thus highly misleading in suggesting that the Corps has the funds to implement the TSP, but not the Skyway alternative. Additionally, the RGRR/SEIS's economic analysis of the TSP is insufficient in light of admissions that the TSP might require significant future modifications (involving substantial additional expense), because of incompatibility with CERP. Finally, it appears the estimated cost of the Skyway alternative may be artificially inflated, as the cost estimate has grown substantially from the time of initial scoping meetings – without adequate explanation – as described in the letter from Dr. Prieto-Portar enclosed herewith.

The RGRR/SEIS also contains a fatal disconnect between its engineering conclusions and their corresponding economic analyses. Although the RGRR/SEIS mentions the distinct possibility that CERP may require water deliveries that can only be achieved through the construction of a 10-mile bridge (exactly what is called for in the Skyway Proposal), thus requiring an expensive retrofit of the TSP, this has not been factored into the RGRR/SEIS's economic analysis. The RGRR/SEIS is thus highly misleading with regard to the relative costs of the TSP and Skyway proposal, and it therefore fails to foster informed decision-making in violation of NEPA.

C. The RGRR/SEIS Comparison of the Environmental Impacts of the TSP and Other Project Alternatives Is Inaccurate and Misleading, and Therefore Fails to Comply with NEPA.

Section 7 of the RGRR/SEIS purports to compare the environmental impacts of the TSP with the environmental impacts of the other Project alternatives. However, portions of that analysis mistakenly analyze Alternative 10 (4-Mile Bridge, Central), rather than the TSP. The following sections are tainted by analysis of the wrong plan.

- § 7.6.6 Threatened or Endangered Species, "Alternative 10 will be capable of passing the sufficient flow volumes under Tamiami Trail. The implementation of the project therefore does not preclude compliance with the RPAs of the 1999 Biological Opinion."

- § 7.13 Transportation, "The highway would remain available for evacuation during hurricane season, and improvements made through implementation of Alternative 10 would improve safe travel of motorists during evacuation scenarios in the future."

[5] RGRR/SEIS, p. 103 (table 23). According to the construction estimates in Appendix J, the cost is $125,105,593. The RGRR/SEIS does not explain that discrepancy.

- §7.15 Economics/Socioeconomics, "During construction of Alternative 10, while provisions are made to maintain the flow of traffic, there may be infrequent motoring delays because of slower speeds or occasional stops."

It also appears that, in the sections mentioned above, the RGRR/SEIS relied upon the Engineering Data from section D that analyzed designs featuring a 3,000-foot bridge, a 4-mile bridge, and a 10.7-mile bridge. The RGRR/SEIS does not disclose how it extrapolated data from these models to come to certain conclusions about the TSP.

IV. The RGRR/SEIS Fails to Disclose, Analyze and Mitigate the Environmental Impacts of the TSP.

The TSP will impact the environment in a number of ways, not all of which are thoroughly explored in the RGRR/SEIS in a manner that would allow for informed decisionmaking. The failure of the RGRR/SEIS to take a "hard look" at the environmental consequences of the TSP, as well as ways of avoiding those potentially significant effects through the implementation of alternatives and/or mitigation measures, renders the document inadequate under NEPA.

A. Everglades National Park

The RGRR/SEIS fails to adequately disclose, assess, and mitigate the environmental impacts of the TSP on Everglades National Park. The Everglades is considered one of the nation's most endangered national parks, allowing little room for error when implementing projects of the TSP's magnitude. The RGRR/SEIS does not contain any substantive analysis of the 16.7 acres of vegetated wetland[6] that would be eliminated by the implementation of the TSP, nor does it analyze the effect that the altered roadbed would have on the park's hydrologic systems.

The process of raising the roadbed will broaden the existing footprint of the Tamiami Trail, encroaching into Everglades National Park. Yet the analysis of the TSP's effect on Environmental Resources (§7.6) fails to mention this negative effect, nor does it discuss adequate mitigation measures. The Corps maintains that the Project is self-mitigating because of the positive effects of the bridges and increased flows, but this analysis is superficial and misleading at best. While the TSP may have some positive effects, NEPA nonetheless requires that the RGRR/SEIS fully analyze and disclose potential adverse effects as well, such as impacts to wetlands and other resources in Everglades National Park. The RGRR/SEIS also ignores other potential negative impacts to the park that could result from implementation of the TSP, such as the potential for spread of invasive species, increased noise and air pollution, and so forth. These deficiencies render the RGRR/SEIS inadequate as a matter of law.

B. Shark River Slough East and West Basins

The RGRR/SEIS fails to adequately disclose, assess, and mitigate the impacts of the TSP on the Northeast portion of the Shark River Slough ("NESS"). This waterway has tremendous importance for the health of the Florida Everglades. The hydrology of this waterway would be

[6] Figure obtained from page ES-iii.

affected by both aspects of the TSP: first, the bridge structures, and second, the increase in the mass of the roadbed to raise the road surface. The RGRR/SEIS fails to address these impacts.

Moreover, the RGRR/SEIS fails to discuss many other aspects of the TSP that could result in significant, adverse environmental effects. For example, if the channels underneath the road are inadequate to accommodate a volume of water from an extreme rainfall event, will the water overtop the road surface, or will it spill out underneath the bridge structures in a high-velocity, high-volume flow, resulting in severe damage to the delicate slough ecosystem? The RGRR/SEIS fails to address this issue.

Further, § 7.6.2 includes a description of flows "distributed through a four-mile wide conveyance channel," which evidently refers to a plan other than the TSP. As a result this section overstates the positive effect that the TSP would have on the hydrology of the NESS and Everglades National Park, because it is clear that the TSP contemplates two channels totaling three miles of waterway connectivity.

C. Biological Communities

The TSP fails to adequately disclose, assess, and mitigate impacts on biological communities in the affected Project area. The RGRR/SEIS provides only a bare assertion that the TSP would "enhance" biological communities, without any underlying analysis to support that conclusory statement. This is far short of the "hard look" required under NEPA.

D. The RGRR/SEIS Fails to Adequately Assess Wildlife Impacts

The RGRR/SEIS fails to adequately address the impacts of the TSP on threatened and endangered species, as well as other wildlife and fish species, as detailed below.

i. Threatened and Endangered Species

The RGRR/SEIS identifies six threatened or endangered species that may be present in the project area: the Cape Sable seaside sparrow, Eastern Indigo snake, Florida panther, snail kite, West Indian manatee, and wood stork. The RGRR/SEIS, however, contains only a cursory, superficial discussion of how the TSP would affect those species, in clear violation of NEPA.

The Sierra Club encloses herewith a letter from Dr. Stuart Pimm, the Doris Duke Chair of Conservation Ecology at the Nicholas School of Environment and Earth Sciences of Duke University. Dr. Pimm explains that the TSP – both directly and cumulatively in combination with other related projects – could have significant adverse effects on the Cape Cable seaside sparrow. The failure of the RGRR/SEIS to disclose and analyze those impacts renders the document inadequate as a matter of law.

The eastern indigo snake is a threatened species whose range encompasses the Project area. This species has been listed as threatened by the U.S. Fish and Wildlife Service (USFWS) since 1978, yet the RGRR/SEIS contains only one brief and uninformative sentence about the potential impacts that the TSP would have on this species.

The RGRR/SEIS notes that a Florida panther has strayed within ½ mile of the project site, yet the RGRR/SEIS mysteriously concludes that "construction … would not affect the panther any more than normal traffic conditions on the highway." This bare assertion is both illogical and uninformative. First, the RGRR/SEIS lacks essential information about the social behavior and range of the panther – information that is necessary to assess how the Project may affect the species. Second, the panther sighting suggests there may be other panthers occupying the Project area; the brief discussion in the RGRR/SEIS about how the TSP may affect the one panther that has been sighted in the area fails to inform the public about how the TSP may affect the panther population as a whole. Moreover, "normal traffic" does not include the presence of heavy machinery that will be active on the Project site for the duration of the construction work, and does not consider that food debris associated with the construction activities may attract these animals. As of July 2001, the Florida Fish and Wildlife Conservation Commission has documented 44 Florida Panther deaths resulting from vehicular collision, including three on US-41,[7] and recommends that wildlife crossings be installed in areas where both sides of the highway are protected "to preserve their importance as panther habitat well into the future." The RGRR/SEIS fails to address whether the TSP could result in similar fatalities, and fails to propose mitigation measures to minimize such impacts.

ii. Wildlife Other than Threatened or Endangered Species

The RGRR/SEIS also fails to assess how the TSP would affect wildlife and fish species other than those classified as "threatened" or "endangered" under the Endangered Species Act. The Florida Everglades is an incredibly diverse ecological system, and it contains a vast array of wildlife and fish species that may be adversely affected by the TSP; yet the RGRR/SEIS essentially ignores those potential impacts. For example, the RGRR/SEIS is devoid of any analysis of potential impacts to specially-designated "sensitive" species and other rare wildlife species. While the RGRR/SEIS mentions that six species of special concern may nest in the Project area, it fails to analyze potential impacts to these species, and, in particular, fails to assess how the Project could affect the American alligator and Everglades mink. The RGRR/SEIS also fails to address the possibility that the TSP could result in additional traffic-related wildlife fatalities, a serious threat as evidenced by the photograph, enclosed herewith, taken by Brian F. Call very near to where the Project would be implemented.

E. Transportation

US-41 is an important part of South Florida's transportation infrastructure. It was the first major transportation link between the east and west coasts of Florida and is designated as a scenic highway. It provides public access to Everglades National Park, Big Cypress National Preserve, commercial facilities, and the Miccosukee Tribal lands. Although the RGRR/SEIS states that "[t]he highway would remain available for evacuation during the hurricane season, and improvements … would improve safe travel of motorists during evacuation scenarios," this statement must be re-evaluated in light of predictions that the baseline hurricane data was accumulated during a period of moderate to low hurricane activity. Current meteorological

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[7] *See* A Summary of Florida Panther Mortality Caused by Vehicular Collisions, published by the Florida Fish and Wildlife Conservation Commission: http://www.panther.state.fl.us/pdfs/FloridaPantherMortalityCausedbyVehicular.pdf.

predictions indicate that the next couple of decades will see an increase in the intensity and severity of hurricane activity in the region. Further, the effects of global warming may exacerbate this trend. The RGRR/SEIS fails to address the predicted change in weather patterns.

The Tamiami Trail is one of only four exits out of Miami, the other three being I-95, I-75 and the Florida Turnpike. The need for the road as a hurricane evacuation route is compounded by increased development south of the Trail and the Florida Keys. The Tamiami Trail is the only road that services Miami-Dade alone. The other roads would have massive traffic from Broward and Palm Beach if a hurricane came from the Atlantic. In the event of a need for emergency evacuation, the Tamiami Trail is only one of two routes to the west, the other being I-75 west of Ft. Lauderdale, which also must serve Miami-Dade and Broward Counties. The Skyway alternative would aid hurricane evacuation. The RGRR/SEIS fails to sufficiently address these issues.

F. Economics and Socioeconomics

The RGRR/SEIS does not provide an adequate discussion of the effects of the TSP on economic and socioeconomic conditions in the Project area. Although the RGRR/SEIS states that no significant impacts on socioeconomic conditions are anticipated, there are several areas of concern that are not addressed by this conclusory statement. For example, members of the Miccosukee Tribe expressed concern that the TSP might result in increased flooding around the Tigertail camp, which would require its relocation. Several cities and counties have passed resolutions supporting the Skyway, for reasons pertaining to its beneficial effect on their economies as well as for its positive effect on the environment. The RGRR/SEIS fails to address those issues.

G. Hydrologic Effects of Raising the Roadway

It is evident that the component of the Project that will have the greatest impact on the hydrological features of the NESS and Everglades National Park will be the construction of the bridge structures. However, raising the roadway may result in additional environmental effects that are not addressed in the RGRR/SEIS, including increased water velocities,[8] water blockage by the non-raised segments of the roadway, and creation of dangerous conditions during extreme weather events. None of the hydrological modeling incorporated the raised roadbed called for in the TSP, which casts doubt on the conclusion that the altered roadbed would benefit the hydrologic systems as compared to the current roadbed in the RGRR/SEIS.

The proposed construction would overlay the original roadbed, composed of decaying muck dredged from the bed of NESS, with a substantial mass of asphaltic concrete in order to raise the road surface. The RGRR/SEIS fails to address the potential impacts associated with this type of construction. Questions relating to safety limitations in a category 4 or 5 hurricane, roadbed instability, maintenance of such a thick road surface, and seepage beneath the road surface are not addressed in the current RGRR/SEIS. The failure to discuss such potentially significant impacts is a further flaw in the evaluation of the TSP.

[8] See RGRR/SEIS Engineering Appendix Table 7

V. The RGRR/SEIS Fails to Adequately Consider the Cumulative Impacts of the TSP.

The RGRR/SEIS includes virtually no discussion of the potential cumulative impacts of the TSP and other related projects, in clear violation of NEPA. The RGRR/SEIS fails even to identify related past, present and reasonably future actions in the area, much less to perform the quantitative analysis of cumulative effects required by NEPA. *See* 40 CFR § 1508.7. *See also Florida Wildlife Federation v. U.S. Army Corps of Engineers*, No. 05-80339-CIV-MJ (Sept. 30, 2005) (court held that Corps failed to take requisite "hard look" at cumulative impacts) (opinion enclosed herewith). Some examples of past, present, and future actions that were not analyzed in the RGRR/SEIS are listed below.

A. Central and Southern Florida Project (C&SF Project)

The C&SF Project drastically altered the natural hydrology of south Florida including Shark River Slough and Taylor Slough. Canals shunted further west and provided less flows to NESS, causing adverse impacts.

B. I-75/State Road 84

Like the Tamiami Trail this highway blocks the natural sheetflow of the Everglades and causes other adverse impacts. Despite spreader canals and increased bridging, the highway still caused a deterioration of the ridge and slough landscape pattern in WCA 3A.

C. The MWD Project, Experimental Water Deliveries Program, and C-111 Project

The MWD Project consists of major structural modifications and additions to water control structures that are meant to restore more natural, timing, quantity and distributions of flows to NESS. The MWD Project is still not completed after 16 years, and this failure to complete the project has allowed continued adverse impacts to the hydrology of NESS. Recognizing the limitations of the MWD Project, the 1999 Biological Opinion prepared by the U.S. Fish & Wildlife Service ("FWS") recommended that the MWD Project be redesigned to "increase the restoration of natural flow patterns and volumes . . ."

The FWS issued a Biological Opinion in 1999 on the above three projects and concluded that the Corps' water management practices were likely to jeopardize the continued existence of the Cape Sable seaside sparrow. A Reasonable and Prudent Alternative ("RPA") was mandated and the Corps responded with the Interim Operation Plan (discussed below) that moves water east along the L-29 and south down the L-31, but does not deliver sheetflow to NESS. The RPA represents the minimum needed actions necessary to avoid jeopardizing the continued existence of the sparrow.

D. Interim Operation Plan

The current Interim Operational Plan was the Corps' response to provide the required water flows to NESS mandated by the FWS Biological Opinion that found that the Corps' previous water management practices jeopardized the continued existence of the Cape Sable seaside sparrow. The Plan basically sends water east along the L-29 canal then south along the L-31 and is released below the 8.5 Square Mile Area. This regime still does not restore natural sheetflow to NESS.

E. Combined Structural Operational Plan ("CSOP")

As a reasonably foreseeable future action, the CSOP is the future operational plan for how the MWD Project will be operated when completed. The EIS planning process is currently proceeding. There is considerable controversy over water levels that will permitted in Northeast Shark River Slough among agricultural interests, the 8.5 square mile community, Everglades National Park and the Corps.

F. Tamiami Trail Culverts

The Corps is proposing to construct 77 culverts under Tamiami Trail at 30 locations. The RGRR/SEIS fails to assess cumulative impacts resulting from the TSP and the proposed culvert construction.

G. Land Use Patterns – Past Urban and Agricultural Development

Urban and agricultural growth has continued largely unabated for the past century destroying 50% of the historic Greater Everglades Ecosystem. These developments destroy habitat, create demands for flood protection and water supply, and are a source of pollution. Proposed developments such as the Florida City Development of Regional Impact (DRI), Providence and the Scripps Research Park to name a few will serve as a catalyst for more urban sprawl and subsequent demands for more flood protection and water supply, thus undermining both the hydrological goals of the MWD Project and CERP.

H. Comprehensive Everglades Restoration Plan

The RGRR/SEIS fails to analyze the cumulative impacts of the TSP and the other projects it does identify. For example, while the RGRR/SEIS mentions CERP, it does not provide a cumulative impacts analysis of the CERP and the TSP, as required by NEPA. CERP is controversial and some scientists believe it will not restore the Everglades. For example, in commenting on CERP, Everglades National Park staff concluded that CERP does not represent a restoration scenario and that there is a shortfall of wet season water level targets in Shark Slough.

I. Everglades Construction Project ("ECP")

The objective of the ECP is to build a series of Stormwater Treatment Areas to treat phosphorous inflows from the Everglades Agricultural Area into Water Conservation Area 2A and 2B. The

project is controversial because of concerns that it will not meet phosphorous targets and will not be able release adequate flows further downstream into WCA 3A and 3B and eventually into NESS.

VI. The RGRR/SEIS Fails to Adequately Address the Project's Compliance with Section 4(f) of the Department of Transportation Act.

The RGRR/SEIS states that Section 4(f) of the Department of Transportation Act of 1966, which was codified as 49 U.S.C. § 303, does not apply to the Project because the Project is funded through the Department of the Interior and does not involve approval by or funding from the Department of Transportation. However, the EIS fails to explain the process and/or program within the Department of Interior that is responsible for this funding. The SEIS also fails to explain what role, if any, the Department of Transportation has, especially considering that the TSP exceeds the funding allocated under the DOI Capital Asset Plan. The SEIS thus fails to adequately explain why Section 4(f) does not apply to the Project.

VII. The RGRR/SEIS Fails to Utilize the Best Scientific Data Available.

Appendix D contains the results of engineering modeling which simulates the effect that the various design projects would have on the Shark River Slough. Although the new model has increased in scope from the one produced for the 2003 GRR/SEIS, one looming omission highlights the inadequacy of this engineering analysis: not one of the five modeled alternatives resembles the TSP.

Five different bridge alternatives were modeled in order to determine their effect on the hydrologic conditions south of the Project. One of the primary aims of this modeling exercise was to determine what effect each of the alternatives would have on the velocity of the water. Higher velocities, which are associated with shorter bridge spans, are "extremely destructive to the ridge and slough environment of the Everglades immediately south of the Tamiami Trail."[9]

It is impossible to overstate the relationship of water velocity to the health of the ridge and slough ecosystem. Proof that water velocity is of critical importance to the Everglades is contained in the attached document, "The Role of Flow in the Everglades Ridge and Slough Landscape," produced by the Science Coordination Team of the South Florida Ecosystem Restoration Working Group. Restoration of these hydrologic features requires extreme sensitivity to water velocity, which is absent from the discussion of the relevant scientific data. The most relevant dataset that came out of this study is illustrated in Table 7 of Appendix D, which contains statistical data on the amount of acreage that will experience flow greater than 0.1 ft per second. Yet none of this scientific data reflect the conditions that will be present under the TSP.

[9] Draft Revised General Reevaluation Report/Second Supplemental Environmental Impact Statement (RGRR/SEIS) for the Tamiami Trail Modifications, Appendix D § 12 (A).

CONCLUSION

Sierra Club strongly urges the Corps to select Alternative 17, the Skyway proposal, as the best alternative identified in the RGRR/SEIS to restore water flow and ecological connection through the Everglades. The TSP lacks the advantages of the Skyway alternative and represents a vastly inferior option. Among other deficiencies, the TSP would not provide enough sheet flow to Everglades National Park. Indeed, the TSP would frustrate the restorative goals of CERP, and the additional right-of-way required to raise the highway bed would result in the destruction of wetlands and encroachment into Everglades National Park. Sierra Club maintains that implementation of the TSP would endanger the health of the Everglades ecosystem and the success of the $7.8 billion CERP program.

The RGRR/SEIS fails to provide an accurate and meaningful comparison between the TSP and the Skyway alternative; and, indeed, it distorts the relative costs of the two proposals. Additionally, the RGRR/SEIS fails to adequately analyze the environmental impacts of implementing the TSP, and also fails to explore reasonable means of avoiding those impacts through the implementation of alternatives or mitigation measures. The RGRR thus fails to comply with NEPA and is insufficient, as a matter of law, to support a decision by the Corps to implement the TSP in lieu of the environmentally superior Skyway alternative.

Sincerely,

/s/

Aaron Isherwood
Senior Staff Attorney
Sierra Club
85 Second St., 2d Floor
San Francisco, CA 94107

/s/

Brian Scherff
Co-Chair, Florida Chapter Everglades Committee
P.O. Box 69
Fort Myers, FL 33902-0069

Enclosures:

1. October 4, 2005 letter of Stuart L. Pimm, Doris Duke Chair of Conservation Ecology, Nicholas School of the Environment and Earth Sciences, Duke University

2. Comments of Dr. L.A. Prieto-Portar, Professor of Civil and Environmental Engineering, Florida International University

3. *Does Water Flow Influence Everglades Landscape Patterns?*, National Academy of Sciences (2003)

4. *The Role of Flow in the Everglades Ridge and Slough Landscape*, Science Coordination Team, South Florida Ecosystem Restoration Working Group (Approved by the SCT: January 14, 2003)

5. June 12, 2001 letter of Science Coordination Team

6. Kinza Cusic, *The Ecological Effects of Roads on Wetlands*, The Road RIPorter, March/April 2001

7. *Florida Wildlife Federation v. U.S. Army Corps of Engineers*, No. 05-80339-CIV-MJ (Sept. 30, 2005)

8. Editorial: *Build the skyway*, The Miami Herald, August 24, 2005

9. Photograph taken by Brian F. Call

Florida Biodiversity Project
P.O. Box 220615
Hollywood, FL 33022

October 10, 2005

U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232

RE: Comments on the Revised General Reevaluation Report Second Supplemental Environmental Impact Statement Tamiami Trail Modifications (RGRR/SEIS).

Dear Sir:

The Florida Biodiversity Project (FBP) has reviewed the above Draft RGRR/SEIS for the Tamiami Trail Modifications and submits the following written comments. We request these comments be included in the administrative record. The FBP also submitted written comments on the 2003 GRR/SEIS and those previous comments are incorporated by reference.

The FBP supports Alternative 17, the 10 mile elevated roadway (Skyway) because the overwhelming environmental evidence supports it selection and it best complies with the purpose of the Everglades National Park Protection and Expansion Act and is rated a "Best Buy".

In contrast, Alternative 14, the Tentatively Selected Plan (TSP) scored much lower in the new set of performance measures and will not be compatible with CERP.

The Corps is in an absurd position of administering the construction of two separate highway projects that should be integrated into one to save precious tax dollars. While the Skyway is more expensive in the short term it will eliminate prohibitive retrofitting costs with the CERP WCA Decompartmentaliztion Sheet Flow Enhancement Project in the long term.

I. The Selection of the TSP is Flawed

In discussing the <u>standard of decision</u> for selection of the TSP the SEIS explicitly states::

> Based on evaluations described <u>in sections 5.7 and 5.8</u> of <u>this</u> report, Alternative 14, Two-Mile Bridge West and One-Mile Bridge East, was judged to provide the <u>best overall performance measure rankings</u>.

SEIS at 118 (emphasis added).

A review of the information in sections 5.7 and 5.8 does not support the selection of Alternative 14 based on the best overall performance measure rankings. In fact all the new performance measures in the RGRR/SEIS support the selection of the Skyway.

A. The Skyway More Fully Complies With the ENP Protection Act

A fundamental tenet of law is that plans and projects must fully comply with applicable statutes and regulations. Of relevance here, the Tamiami Trail Project requirements must include full compliance with the 1989 Everglades National Park Protection and Expansion Act (Act) since this is legal basis for the purposes and objectives of the Modified Water Deliveries Project (MWD). The purpose of the Act is to:

(1) increase the level of protection of the outstanding natural values of Everglades National Park and to enhance and restore the ecological values, natural hydrologic conditions, and public enjoyment of such area by adding the area commonly known as the Northeast Shark River Slough and the East Everglades to Everglades National Park; and

(2) assure that the park is managed in order to maintain the natural abundance, diversity, and ecological integrity of native plants and animals, as well as the behavior of native animals, as a part of their ecosystem. 16 U.S.C. § 410 (r)(5) (emphasis added).

Additionally, in respect to the MWD Project, the Corps is authorized to and directed to construct modifications to the Central and Southern Florida Project to improve water deliveries into the park and shall, to the extent practicable, take steps to restore the natural hydrological conditions within the park. 16 U.S.C. § 410 (r)(8) (emphasis added).

In contrast to the above specific language in the ENP Protection and Expansion Act, the Corps, in the RGRR/SEIS inappropriately gives disproportionate weight to water conveyance instead of "natural hydrological conditions". Restoring the natural hydrological conditions is more than water conveyance. The RGRR/SEIS fails to explain how the conveyance of 4000 cfs of water going through culverts will lead to restoring hydrological conditions in the park.

The Corps recognizes the overarching goal of restoration in the 1992 GDM; . . . "based on the direction provided in the ENP Protection and Expansion Act of 1989, the goal is to restore natural hydrologic conditions in the Park to the extent practicable." (emphasis added).

In discussing the ENP Act the Corps states; "The ENP Protection and Expansion Act authorized acquisition of the entire NESS. There is an expectation to preserve, protect, and restore the entire area required. RGRR/SEIS at 115 (emphasis added).

Further, the Fish and Wildlife Coordination Act Report (FWCAR) in Appendix F states:

> . . . the Department concludes that Alternative 12 (10.7 mile Causeway), with removal of the existing TT, is the Environmentally Preferred Alternative. It is the position of the Department that this plan is the most consistent of all alternatives with the intent and stated goals of the 1989 ENP Expansion and protection Act [Public Law 101-229].

FWCAR at ii. (emphasis added).

B. The Overwhelming Weight of Environmental Evidence Supports the Selection of the Skyway

Performance Measures. The SEIS explicitly concludes that the Skyway ranked the highest in environmental benefits. See Table 26: Summary of Performance Measures at 108. The SEIS states on page 109: "It is generally recognized as the plan that maximizes environmental outputs." The Benefits Analysis in Appendix E also concluded that the Skyway scored highest overall in the performance measures. The statement in Section 5.8 that Alternative 14 "was judged to provide the best overall performance measure rankings" is not supported by the data provided in the RGRR/SEIS.

Fish and Wildlife Coordination Act Report. Both the 2003 and 2005 FWCAR's select the Skyway as the Environmentally Preferred Alternative because it scored highest in their analysis. FWCAR at 19.

Everglades National Park Optimization Report. The report states that; "Based on the performance of the environmental project objectives and performance measures, the NPS concludes that the 10.7 mile Bridge Alternative exhibits superior performance in meeting the stated environmental objectives compared to the other proposed objectives." ENPOP at ii.

C. Evaluation of Constraints

1. The Fiscal Constaints Evaluation is Misleading

Section 5.7.5 notes that the available funding for Tamiami Trail under MWD is $109,760,000 in the DOI Capital Asset Plan. It singles out the Alternative 12 (sic) the Ten-Mile Bridge as costing more than double the currently available funding. While is it notes that Alternative 14 (TSP) would be greater than the funding available, it downplays this fact by failing to give the percentage increase over budget (33%) nor a relative evaluation of this shortfall as a constraint.

Additionally, at the September 15th public meeting the Corps estimated the cost of Alternative 17 at over $340 million, a million dollar a day increase from August 2005. This gives the perception that the Corps is trying to inappropriately subvert the Skyway alternative.

The ENP Protection and Expansion Act states that the MWD features do not require economic justification. The ENP Act also contains no prohibition on additive funding. It is important to note that funding between the December 2003 ($20.15 million) and August 2005 ($109 million) has increased 440% in less than two years!

2. The 4-(f) Evaluation May Apply

In section 5.7.5 the RGRR/SEIS states that projects requiring DOT approval or using DOT funds may trigger the applicability of 4(f).

In the same section the Corps identifies the Federal Highway Administration (FHWA) requirements as a constraint since certain federal highway standards have to be met.

Additionally, the Federal Highway Administration has legal oversight responsibility on federal highway systems:

> *FHWA Responsibility for Construction Oversight*
>
> The basis for our authority can be found in 23 United States Code, (U.S.C.). Representing the Secretary of Transportation we are charged with certain responsibilities. For example, in 23 U.S.C. 114, it states:
>
> "The construction of any highways or portions of highways located on the Federal-aid system shall be undertaken by the respective State transportation departments or under their direct supervision. ... such construction shall be subject to the inspection and approval of the Secretary."

(emphasis added).

The Tamiami Trail is officially designated as U.S. Highway 41 not a state road and FDOT likely obtains funding in part from the federal Department of Transportation through various transportation appropriations for road maintence, highway construction, and planning. Major reconstruction such as the Tamiami Trail modifications may require the above approvals from DOT to assure highway standards are met.

The construction cost of the TSP is $145,806,000 while the DOI is Capital Asset Plan is only $109,000,000 leaving a shortfall of $36,806,000 or 33.7%. Additional funds to make up the shortfall or provide unexpected expenditures may have a federal DOT nexus.

D. The Planning Criteria Utilizes A Double Standard

Section 5.7.6 in evaluating the alternatives with the Corps Planning policy (ER 1105-2-100) dismisses Alternative 17 under Acceptability because it is rated "Not Acceptable. Exceeds Cost CAP". In contrast, Alternative 14, the TSP is rated "Acceptable" despite the fact that is also over budget (Cost = $145 million CAP = $109 million = 33% over budget). This is clearly a double standard. The RGRR/SEIS fails to explain how under the Corps planning criteria standard why the TSP is rated "Acceptable".

E. The TSP is Not Compatible With CERP

Under the CERP WCA-3 Decompartmentalization and Sheetflow Enhancement Project plans to remove the L-29 canal and levee and elevate the Tamiami Trail. CERP at 9-12.

The TSP will have unacceptably high retrofit costs. Once the TSP is implemented with a two foot overlay of asphalt and additional fill for the larger and wider embankments, additional infrastructure, such as drainage structures, guardrails, utilities, and other safety enhancements the 11 mile roadway corridor will be too expensive to retrofit under CERP because of initial construction costs, inflation, and future removal costs of the asphalt, fill, and associated infrastructure. CERP funding did not anticipate high retrofit costs for elevating Tamiami Trail. It makes no sense to remove the canal and levee under the CERP WCA-3 Decompartmentalization and Sheetflow Enhancement Project and then leave eight miles of roadbed with inadequate culverts acting like a perpetual dam, blocking CERP goals and sheetflows.

The statement that the engineering design of the bridge and reconstruction accounts for NSM predicted flows does not equate to allowing natural sheetflow. There is no supporting data on how will the existing culverts allow for natural sheetflow and restoration of the hydrology? Additionally the two bridge design makes retrofit more difficult and expensive than a one bridge design.

As noted above the generalized statement at the end of Section 5.7.8 that "All aspects of the Tamiami Trail Modifications project are compatible with CERP." is not supported by the data.

II. The RGRR/SEIS Does Not Analyze Impacts To Other Wildlife.

NEPA requires the analysis of direct, indirect, and cumulative impacts.

The RGRR/SEIS contains virtually no analysis of other wildlife impacts in discussing the environmental effects of the TSP. Section 7.6.4 contains no analysis of impacts to other wildlife. The Project area contains a variety of native wildlife species that include birds, mammals, fish, invertebrates, reptiles, and amphibians.

The correct baseline for environmental analysis is not the existing highway but the historic conditions that prevailed before Tamiami Trail was constructed. See CEQ, Considering Cumulative Effects. The TSP is principally being constructed to prevent overtopping of the highway under MWD flows. While the two proposed bridges will have a relatively minor positive environmental effect over existing conditions, there will still be substantial adverse impacts to wildlife with only 28% ecological connectivity in the TSP over the lifespan of the project. For example, under the TSP tens of thousands of animals will be killed by auto collisions as they attempt to cross the highway.

The scientific literature contains a description of potential impacts that were not analyzed in the RGRR/SEIS. These include, wildlife mortality and injury, habitat destruction, degradation and fragmentation, barriers to wildlife movement, displacement, increased predation, pollution, modification of animal behavior, noise, and unnatural vegetative succession among others.

III. The RGRR/SEIS Fails to Analyze Other Potential Funding Sources

The RGRR/SEIS fails to discuss other funding sources and solely concentrates on the DOI Capital Asset Plan and the $109 million budget despite the fact that even the TSP is 33% over the available DOI budget. As noted above funding has increased over 400% in less than two years. Although the Skyway alternative has a higher cost it is rated as a "Best Buy". It is important to note that the Everglades National Park Protection and Expansion Act contains no prohibition on additive funding.

Project alternatives do not have to have a sole source of funding but can utilize a combination of funding sources. Potential additional funding sources include the Corps, tolls, FHWA, DOT, FDOT, additional Congressional appropriations, various cost sharing plans, and demonstration project grants.

IV. CONCLUSION

There is substantial, credible, and compelling evidence that the Skyway provides the greatest hydrological and ecological benefits and best complies with the purposes of the ENP Protection and Expansion Act. Additionally, the Skyway is rated a "Best Buy".

Construction of the TSP will be a roadblock to CERP because it will be too expensive to retrofit, will have inflation cost increases, and will have high removal costs for the asphalt, fill, and other infrastructure.

The ENP Protection and Expansion Act does not prohibit additive funding. The most reasonable solution is for the Corps and other agencies to request additional funding from both the federal and state governments to build the Skyway.

Elevating Tamiami Trail is one of the most intuitive, simple, and logical actions to restore sheetflow and associated ecological functions to NESS. Unfortunately, the Corps looks at this project in technical isolation rather than the broader vision of Everglades restoration. If the relevant government agencies cannot accomplish the simple task of elevating Tamiami Trail, we believe all hope is lost for Everglades restoration.

The FBP urges the Corps to select the Skyway as the preferred alternative in the Final RGRR/SEIS.

The FBP requests a copy of the Final RGRR/SEIS when it is released.

Sincerely,

Brian Scherf
Director

October 11, 2005

Colonel Robert Carpenter
District Engineer
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232

Dear Col. Carpenter:

This letter represents the comments of the World Wildlife Fund (WWF) to the Corps' August 2005 Draft Revised General Reevaluation Report/Second Supplemental Impact Statement (RGRR/SSEIS) for the Tamiami Trail Modifications. The WWF is supporting the selection of Alternative 17, the Tamiami Skyway; our position on this matter is conveyed in a letter, dated October 11, 2005, signed by a coalition of non-governmental agencies. This letter offers specific comments on the RGRR/SSEIS; our intention is to offer recommendations on how the plan can better implement our mutual goal of maximum environmental benefit.

Our first comment is related to the costs of each alternative. The RGRR/SSEIS does not contain sufficient information for us, or our independent engineering experts, to determine their accuracy. Indeed, the RGRR/SEIS contains no less than three different estimates of the costs of the Corps' Tentatively Selected Plan (TSP). Section 5.6.15 has a cost estimate of $127,900,000, while several pages later in Section 5.7.1, the cost increases to $145,806,000. By Section 6.8, the cost is $125,106,000, which appears to be the most frequently cited cost. In the same vein, the costs of Alternative 17 are even harder to pin down. This leads us to question the methodology used to estimate the costs, which according to the document, was the single most important factor in determining the TSP. In our teleconference of August 9, your staff promised to provide sufficient detail in the "engineering appendices" to allow other engineers to check the design assumptions, such as footing selection, alignment options, and construction costs. These appendices do not provide any information on other than rudimentary design details for the TSP. The final RGRR/SSEIS absolutely must contain information in sufficient detail to allow a verification of such critical decisions as costs, alignment, and design. To leave out this information is to raise questions about how the Corps selected the TSP.

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Affiliated with the World Wide Fund for Nature

The document frequently refers to cost as the primary reason for the selection of the TSP; Alternative 17, while clearly having the greatest environmental benefit, is not selected on the basis of unit cost per increase in performance. However, even using the Corps' own measure of Average Annual Habitat Benefit Units per unit cost, then Alternative 12, the Three-Mile Bridge, has a lower Average Annual Habitat Benefits per unit cost; it delivers nearly the same ecological benefit as the TSP, but for $8 million less. The basis for selecting Alternative 14 as the TSP does not appear to be consistent with the metrics the Corps has set out as the criteria for selection.

The WWF is primarily concerned with the ecological restoration of the Everglades; while we recognize that the Modified Water Deliveries project may not be able to deliver complete restoration, it should make significant steps and should be consistent with the Comprehensive Everglades Restoration Plan (CERP). It is therefore, a major oversight that the RGRR/SSEIS has no mention of compatibility of the TSP or any other alternative with CERP. It would seem very important to demonstrate that the Corps is concerned with selecting a plan that will be completely compatible with CERP projects, even if those projects are just as described in the July 1999 EIS. We are particularly concerned that elements of Modified Water Deliveries Project may have to be removed in future projects, or may so constrain those future projects as to preclude significant progress in restoring sheetflow in the central Everglades.

On specific example of how there could be a future conflict is the selection of the "southern alignment" in the RGRR/SSEIS. First, the document contains no quantitative information on other alignment options, and why an option that requires wetland loss and road construction in Everglades National Park was selected. In the July 1999 EIS, the Corps and District stated they planned on removing the L-29 levee and filling in the borrow canal. This would suggest that a "northern alignment" may be a viable long-term alternative, and would not require a park boundary adjustment or loss of viable wetlands. The WWF would like to make sure that any project with the purpose of restoring Everglades wetlands does not unnecessarily destroy viable wetlands, especially if those wetlands are in a national park. These omissions of critical analyses supporting key characteristics of the plan make the TSP seem somewhat arbitrary. If these analyses exist, they should be included; if they do not exist, then the selection of the TSP appears somewhat arbitrary.

Lastly, the executive summary of the document suggests that airboat crossings would be added should a funding source be found. However, the Everglades National Park Expansion Act of 1989 (§103(c)) is clear that the park shall be closed to the operation of airboats except for the lifetime of the registered members of the Everglades Airboat Association and authorized concession contractors. Allowing uncontrolled and unlimited access into Everglades National Park by private airboaters would violate the letter and spirit of the law. The document should be amended delete this promise, or to reflect that access would have to be controlled in compliance with federal law.

In conclusion, the Corps presented a preferred alternative that produces inferior environmental performance, and could preclude a future Skyway. Perhaps we could have supported a different alternative that delivered a more acceptable level of benefit or more clearly left the door open to a future Skyway. We also believe that a more in-depth analysis and a review of compatibility with CERP with would support the selection of a skyway, an alternative compatible with the skyway, or at least, demonstrate conclusively that the Corps has been thorough, fair, and objective evaluation in the selection of the TSP. In the final analysis, it is our responsibility to identify the alternative that is best for the environment. We hope the Corps will proceed through the implementation process in a way that keeps the door open for a Skyway in the future.

Sincerely,

Debbie Harrison

Debbie Harrison
Director, South Florida Program

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The Everglades Coordinating Council

Coordinating the Conservation Efforts of South Florida Sportsmen's Associations

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October 11, 2005

Mr. Stuart J. Appelbaum, Chief
Planning Division
Attention: Jon Moulding
Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232-0019

Dear Mr. Appelbaum:

Regarding: Draft Revised General Reevaluation Report/Second Supplemental Environmental Impact Statement for the Tamiami Trail Modifications

The Everglades Coordinating Council (ECC) supports Alternative 14, the Two-Mile Bridge West and One-Mile Bridge East alternative, subject to the following remarks and recommendations:

Alternative 14 strikes a good balance between a broad range of alternatives while meeting the objectives of The Modified Water Deliveries Project to the extent practicable, and it is economically realistic. Also of great importance, it effectively addresses the concerns about human safety that Florida Department of Transportation expressed during input for the prior Draft.

Although specific solutions have not been ironed out to address concerns ECC has registered about flood protection and private property access for the Airboat Association of Florida (AAoF) club grounds, we are trusting that the ongoing respectful and productive dialogue between USACE, NPS, and the AAoF will produce the needed solutions.

Access to the Everglades north and south of Tamiami Trail to other private property, as well as public recreational activities remain a primary concern. This includes elevating the western bridge to accommodate public and concessionaire airboat passage, as well as travel easements for AAoF members and concessionaires between the elevated bridge and their respective properties.

The long delay in implementing MOD Waters has virtually eliminated traditional recreation in the Everglades ecosystem due to impounded water. Access into the Water Conservation Areas (WCAs) has been closed due to high-water stress on wildlife, and the 2005-2006 hunting season in the WCAs and eastern Big Cypress National Preserve has been closed. The deer herd we once hunted in the WCAs has been virtually annihilated by high water, as has the tree islands on which we once camped and viewed wildlife.

It is clear that the diverse culture of the Everglades has been devastated by this course of events. And it is the belief of the Everglades Coordinating Council that when taken in this context, our request for mitigating a fragment of these losses with an elevated bridge should not be viewed as "enhancements" for which there is no funding.

ECC Delegates strongly urge that the Final decision incorporate recommendations contained in the Draft related to the need for additional ethnographic research of the diverse cultural heritage associated with the Everglades as a whole. This research should include not only the history and culture of the people associated with the proposed Traditional Cultural Property (TCP), but also the impacts of the proposed project, as well as the impacts the long delay in implementing the project has had on the rich cultural heritage. This study must not be delayed until the CERP planning process, but we will no doubt be recommending that CERP tier off of the study.

Thank you for the opportunity to submit this input.

Very sincerely,

Barbara Jean Powell
Wildlife and Resource Management Liaison

NATIONAL PARKS CONSERVATION ASSOCIATION®

Protecting Parks for Future Generations SM

11 October 2005

Stuart J. Appelbaum
Chief, Planning Division
Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

VIA EMAIL and post

Dear Mr. Appelbaum:

On behalf of National Parks Conservation Association (NPCA), I strongly urge the US Army Corps of Engineers (Corps) to select Alternative 17, the 10.7-mile, raised Skyway, as the only acceptable alternative to restore water flow and ecological connection through America's Everglades into Everglades National Park and Florida Bay. The Modified Water Deliveries (MWD) to Everglades National Park Project is a critical step towards this restoration goal. The draft revised General Reevaluation Report/Second Supplemental Environmental Impact Statement (RGRR/SEIS) for the Tamiami Trail Modification of MWD should take significant strides to solving the Everglades' current problems, and be compatible with the long-range plans and objectives. The Corps's proposed Alternative 14 fails to deliver significant ecological benefits; it could also preclude the construction of the Skyway through other authorization and appropriations means.

NPCA cannot support the Corps's conclusions based on the following facts, which are further outlined in the rest of this letter:

1. The significant benefits of the Skyway make it the best alternative for the restoration of the Everglades, yet the Corps does not recommend the plan.
2. Numerous questions are left unanswered about the presumptions of the project and its related operations, particularly the water levels expected with full restoration.
3. The Corps fails to provide adequate information about their tentatively selected plan (TSP), including the detailed engineering design and sufficient reasoning why it was chosen over a single-bridge span.
4. Although the Corps attempts to explain how their TSP is compatible with the future Comprehensive Everglades Restoration Plan (CERP) WCA 3 Decompartmentalization and Sheetflow Enhancement (DECOMP) Project, key contradictions are outstanding.

NATIONAL PARKS CONSERVATION ASSOCIATION ®

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Benefits of the Skyway

Rectifying the problems with the current Tamiami Trail is one of the most important elements of restoring the southern end of the Everglades ecosystem, including much needed fresh water flows into Florida Bay, and should be afforded the highest priority. NPCA agrees with the Corps's identification of the Skyway alternative as the "most effective" and "best buy." NPCA is disappointed the Corps does not choose the Skyway option, and that the Corps has chosen to not do the right thing the first time around. The Skyway generates significantly more benefits, in many cases two to three times those of the Corps's TSP, yet the construction price is only twice the cost. In particular, the benefits afforded the Everglades by the Skyway include:

- Net wetland gain of 28.9 acres compared to a loss of 11.8 acres in the Corps's TSP. Performance measure 1.B. indicates that increased velocities due to bridge sections impacts only 8 acres of downstream wetlands for the Skyway, while for the Corps's TSP, it impacts 295 acres. Coupled together, the wetland impacts are far greater with the Corps's TSP than the Skyway's net improvement of conditions.
- Average Annual Habitat unit benefits provided by the Skyway are 51,763 versus 28,371
- Jobs created number 6100 versus 2800 for the Corps's TSP (p. 100)
- Significantly larger increase in profits to local businesses, including $600 million in business sales and $267 million in earnings (p. 100)
- Wildlife mortality, or roadkill, is completely eliminated with the Skyway (U.S. Fish and Wildlife Service's March 26, 2004 Tamiami Trail Roadkill Survey, Miami-Dade County, Florida Final Report). The Corps's TSP reduces wildlife mortality by only 29 percent (p. 77). Leaving eight miles of roadway at ground level will continue the unnecessary roadkill collisions between vehicles and wildlife.
- The Corps estimates $385/habitat unit for the Skyway compared to $324/habitat unit for their TSP; that's a 15 percent increase in cost for almost twice the benefit in many cases. As a taxpayer, investing 15 percent more on a project in order to get 100 percent more in value is a worthwhile expenditure of money (p. 113).

While the Corps argues that a fiscal constraint limits their selection of the Skyway, Congress previously indicated that the project costs are "justified by the environmental benefits to be derived by the Everglades ecosystem in general and by the park in particular" (Everglades National Park Expansion and Protection Act of 1989). The MWD project was authorized by Congress to meet the goals to "increase the level of protection of the outstanding natural values of Everglades National Park and to enhance and restore the ecological values, natural hydrologic conditions." The Corps's TSP falls drastically short of restoring "natural hydrologic conditions" of the park in that it only reestablishes only 34 percent of historic water flow patterns, not to mention a lack of ecological improvement for tree islands.

Scientists agree that the best way to restore tree islands is with the reestablishment of sheetflow (The Role of Flow in the Everglades: Ridge and Slough Landscape, Science Coordination Team, South Florida Ecosystem Restoration Working Group, January 14, 2003). The historic natural characteristic of Marjorie Stoneman Douglas's "River of Grass" is the ridge and slough topography. These natural characteristics are created and maintained by sheetflow. Sheetflow

allows sediments and water to move in an even pattern, while allowing wildlife to pass unimpeded across the landscape. Only a Skyway will provide that restoration. The Corps's proposed 2-1 bridge split leaves eight miles of a dam in the Everglades, providing only 1/3 of the benefits to the environment regarding sheetflow.

Since the Department of Interior has paid for the entire MWD restoration project to this point, the park should realize the most significant benefits. It is apparent that this element of the MWD project, the most significant linchpin in reestablishing natural water flows through the Everglades, is getting short shrift. In sum total, the project expenditures will have reached close to $950 million, including land acquisition, with the 8.5 Square Mile Area-element reaching close to $200 million. It seems significant that while the few people remaining in that area will be provided with a significant flood mitigation benefit, the resources of our most endangered national park will only receive ½ of the benefits that they possibly could. This is not a fair or balanced approach to a restoration project. Choosing the full Skyway option is the most cost-effective in the long run because it provides the most benefits to the environment, the long-term maintenance of the roadway, business opportunities and most critically: a symbol of Everglades restoration. It is clear from some of the tragedies that have recently befallen this country that one of the most uplifting elements is the ability to look up to something as a symbol of success. The Tamiami Trail – Everglades Skyway would provide significant benefits to the Everglades and would be a symbol to all of America the dedication and success of Everglades restoration.

A Skyway must accommodate access to the Everglades for recreational uses of all kinds. Experiencing the Everglades as many have done for generations past, and as many will do for generations to come, provides an essential means of connection to this natural, national treasure. At least one site along the bridge should be high enough to allow for airboats to cross underneath. Recreational access should include docks, put-ins, parking lots, viewing stations and educational markers to provide visitors a better understanding of this unique ecosystem.

Coupled with the concurrent Combined Structural and Operational Plan (CSOP) being developed and other restoration projects, the Skyway will provide the single best option for connecting the northern end of the Everglades to Florida Bay. Water historically flowed from Lake Okeechobee through the "River of Grass" and out Florida Bay. Without a significant outlet from the existing Conservation Areas through Everglades National Park, Lake Okeechobee's operations will continue to harm the estuaries and the lake itself. The Skyway will allow for future levee and canal modifications to provide that relief for the entire Everglades.

Presumptions of the plan

Given the separated nature of the design plan for this structure compared to the operational plan for the entire MWD project, the Corps needs to provide a more coordinated approach to the project evaluation than they have in this document. There are numerous omissions of information and a lack of clarity regarding specific decisions made, not just for the TSP, but also in the cumulative evaluation methods presented in the document. NPCA raises some questions and concerns in the following section.

NPCA's greatest concern is the proposal to continue to maintain a constraint on the water stages of the L-29 canal, as that limits the actions in the MWD project, and calls into question the future compatibility with and benefits derived from CERP. First, the RGRR indicates, "the Department of Interior (DOI) has determined that water in the L-29 canal would be at a higher design stage than had previously been calculated" (p. 1). NPCA requests that the Corps clarify this statement as to how DOI made this determination and how it relates to future compatibility with CERP. As stated in subsequent a section (p. 49), NPCA concurs with the Corps that this project be consistent with CERP to avoid unnecessary expenditures, and requests that the Corps clarify how a constraint on stages in the L-29 canal is compatible with future CERP projects that may make the levee and canal system invisible for natural flow.

NPCA requests clarity on how and why the Corps is proposing to constrain the canal operations. This RGRR and the Corps's parallel CSOP process are unclear on this issue. This report states that the Control Water Elevation will be 8.75 feet (p. 36), and the design high water elevation will be 9.7 feet (p. 37). In the CSOP alternatives, the Corps is modeling the S-333 pump to stop pumping when the L-29 canal stage is at 9.6 feet, the S-355 to stop at 9.7 feet, while the S-356 to stop when the canal stage is 10.1 feet. When asked about the 9.7-foot constraint at the S-333, the Corps responded that FDOT required that the stage not exceed that for the road. Subsequently the Corps did not respond when asked whether FDOT was concerned about the 10.1-foot stage constraint on the eastern side of Tamiami Trail. NPCA requests that the Corps provide additional information about the FDOT's position regarding the canal stages in order to ensure that the roadbed is sufficiently designed to accommodate the proposed plan.

Couple with the lack of clarity on the actual canal stage is the lack of proposed "emergency operations" for the CSOP process. Such operations would raise the question of how often and how high the canal stages of the L-29 may achieve. NPCA is concerned that the lack of clarity will impede the ability to accurately evaluate the impact of the canal stage on the roadbed, especially if the operations of the L-29 canal are drastically different in reality than that being proposed in the "modeling" process. NPCA requests that the Corps provide clarity on the proposed and realistic canal stages.

NCPA also requests clarity on how the L-29 canal stages impact the roadbed. Is the Corps's assertion that "stages in the L-29 Canal are artificially controlled at 7.5 feet or below" (p 13) accurate, or have stages been allowed to be higher than 7.5 feet? As NPCA understands the current operations of the L-29 canal, the stage has been allowed to rise above 7.5 feet. Has the condition of the road, as identified on page 29, due to current operations impacting the roadway or from lack of upkeep on the part of FDOT? The Corps states, "the limestone base is substantially saturated due to capillary action and is significantly deteriorated" (p. 29). The Corps further states, "According to FDOT, the water level must be at a minimum of two inches below the base of the road for the limestone base to maintain its integrity" (p. 37). If the Corps's plan is to layer 2-3 feet of asphalt on top of the existing roadbed, then the water level will be far above the limestone base of the road, by almost 3 feet in some places. Without the removal of significant layers of existing roadbed, how is layering more asphalt on top of the existing surface going to halt the saturation of the roadbed?

NPCA remains concerned whether this proposal is the best choice for long-term maintenance and sustainability of this transportation corridor. As NPCA learned at the Everglades Coalition's annual conference this year, the existing Tamiami Trail roadbed is built upon many feet of Everglades muck; the muck was not removed prior to layering the limestone base to build the road. NPCA requests clarity on the impact this muck may have on the future roadway. Did the Corps evaluate the removal of the muck as an element to any alternative? Will the existence of muck remaining under the roadbed cause additional problems with roadbed deterioration? Through comments by the FDOT, NPCA understands that the roadbed would continue to sink and shift, perhaps in uneven patches, as further weight of layers of asphalt are placed on top of the existing roadbed. What are the long-term maintenance costs of repairing the roadbed after such sinking occurs? Are those costs contained in the maintenance costs quoted for any of the alternatives that do not remove the entire length of the roadbed?

Currently all of the plans propose to place the bridged sections and widening of the road on land owned by American citizens and managed by Everglades National Park. Did the Corps undertake an adequate evaluation of moving these impacts to the northern side of the existing roadway? It seems unnecessary to damage the resources of the park to build this road; instead this area should be moved north to the edge of the canal or otherwise be reviewed. Is the reasoning for not moving that impact into the L-29 canal consistent with future CERP plans to make the L-29 canal hydrologically invisible to the Park? The Corps indicates in numerous places that "as a result of meeting current FDOT standards for roadway geometry" the alternatives have to be built to the south. We request clarification on whether the FDOT prohibits the shift to the north into the L-29 canal, or if that is a choice that the Corps made.

NPCA is concerned about the water quality impacts of all of the action alternatives. The existing grassy areas, as NPCA understands, do not provide adequate water treatment, yet in the proposed roadway widening alternatives, the grassy areas are similar. How large will the proposed grassy areas be in the TSP? Is this standard of "commensurate with…existing conditions" (p. 79) by the Florida Department of Environmental Protection (FDEP) provided in writing and accurate for a transportation corridor? What would the impact of larger grassed treatment areas be on the project, both in respect to the water quality improvements and the cost of the alternatives?

In the H&H Appendix, the Corps discusses bridge lengths and states, "the full bridge option with 0.3 mil long ramps at each end had a total bridge length of 10.1 miles" (Appendix D, p. 10 and E-10). While not further described in any other part of the document, is this an assumption of every bridge span evaluated? In other words, would a 1.0-mile bridge really consist of two 0.3-mile long ramps and 0.4 miles of actual bridge opening? NPCA requests that the Corps clarify this.

Also in the H&H Appendix, the Corps references the S-333 pump as having the discharge capacity of 2000 cfs under the Environmental Impact Statement for the Interim Operating Plan (Appendix D, p. 2). The Corps further states, "This discharge capacity was used in this analysis." However, in the CSOP process, the Corps is only using 1000 cfs as the capacity of the S-333 pump. How do these differences impact the model output or resulting recommendations for either planning process?

Why does Table 7 of the H&H Appendix lack the data for the Corps's TSP? Please clarify.

Problems with the Corps's tentatively selected plan

Alternative 14 lacks significant environmental benefits and the current draft document does not adequately explain the alternative, nor why it was chosen over the single 3-mile bridge span, which is identified as a "best buy," provides similar benefits and is less expensive. The engineering analysis provided by the Corps only relates to the 4-mile bridge option and is a less expensive option per average annual habitat unit than Alternative 14. The lack of information and inferior choice indicates that the Corps needs to further analyze the potential alternatives before submitting a final report.

Without additional information on this alternative there appears to be a lack of reasoning as to why the Corps chose it or what it truly consists of. For instance, the document indicates that the Corps's TSP would remove "up to three miles (cumulative) of the existing highway and embankment" (p. 65). Does this mean that less than three miles of road could be removed? What conditions would dictate a smaller roadway would be built? Also, as mentioned in the previous section, how much space do the ramps take from the bridge openings? NPCA requests a clarification on this statement.

The document lacks a clear scientific analysis of why splitting the bridge elements between a 2-mile span and a 1-mile span provides any added benefits to the ecosystem. The split is also inconsistent with scientific information, as outlined in the following section. A single bridge span of the longest possible length would allow the highest flexibility to be incorporated into a complete Skyway in the future due to only one set of ramps being modified, as opposed to two. It is critical to ensure that what is completed in the MWD project as modifications to Tamiami Trial do not preclude the opportunity to complete the full 10.7 miles of bridging that would provide the highest benefit to the Everglades. However, by choosing a split bridge, the Corps at worst completely closes the door on further modifications or at best creates the reality of a more expensive fix under the CERP DECOMP project. CERP or future action by the FDOT could follow up the MWD project to complete the Skyway.

One of the objectives of this project is to improve the historic water flows of the Everglades, including sheetflow, which only the Skyway fully reestablishes. The Corps's proposal falls far short, yet, the Corps indicates that "the retention of the existing culvert system would assist in maintaining sheetflow" (p 127) and that "flows would be distributed through a conveyance channel of up to four miles wide, with sheetflow maintained through the remaining culverts under Tamiami Trail" (p 128). However, the H&H report indicates, "the culverts…provide only point source discharge in an area where the goal of the project is to restore historic sheetflow" (p 2, Appendix D). The Corps should remove the two sentences on pages 127 and 128 as they are inaccurate and are not consistent with the H&H report.

NPCA requests clarity on section 6.7 Operations and Maintenance and 6.9 Cost Sharing. It is unclear as to whether or not the SFWMD is the local sponsor of the MWD Tamiami Trail

modifications. If so, what does that entail? What will "maintenance of the conveyance area and the culverts" consist of? How is that different than current operations? Will the SFWMD be cost-sharing these Tamiami Trail modifications? If not, what costs will be shared? What are the "local interests" that the local sponsor represents that are different than the authorized recipient of the project benefits, Everglades National Park? How is the local sponsor different from the "non-federal sponsor" in paragraph three, section 6.7, with respect to the "substitute facitility"? Paragraph three in the same section notes "four miles" of bridge; why is there a discrepancy with the proposed bridge length?

The Corps states that the TSP consists of removing "the existing highway fill adjacent to the bridge" (p 137) and disposing "the fill material...approximately 15-20 feet [miles?] south of the project area in the C-111 basin" (p. I-12), or used in other manners. Has the Corps evaluated the placement of the fill material in the L-29 canal? Such a use is consistent with the environmental benefits of CERP to make the L-29 hydrologically invisible to the Everglades, and reduces the cost of transportation of the fill material. Otherwise, would the Corps clarify what environmental restoration benefits would be realized by placing the fill in the Rocky Glades?

The document is unclear as to how much of the existing roadbed would be removed. NPCA requests that the Corps clarify to what depth the material will be scraped down to.

The costs for the Corps's TSP are not clear. The Corps estimates that the cost is $125 million on page 137, 124 and in the Executive Summary, but also states that the cost is $145 million on page 103. Which value is the true one?

The Corps indicates that $109 million is "the current level of funding available for Tamiami Trail Modification under MWD" (p. 144) and justifies not choosing the Skyway for this reason. How is the Corps justifying $145 million, $36 million more than the cap, as its TSP?

The RGRR is not clear as to the width of the shoulders for the Corps's TSP. On page ES-ii, the Corps states there will be "two 10-foot-wide shoulders", however on page 121 and 122 the document references "eight-foot-wide shoulders." NPCA requests that the Corps clarify these statements.

Section 7 references Alternative 10 numerous times; are those typos? Please clarify.

CERP Compatibility

NPCA concurs with the Corps's desire "to ensure that the Tamiami Trail modifications project be compatible with CERP" (p. 115); however, we do not agree that the Corps's TSP achieves that. NPCA requests that the Corps outline the proposed changes and more explicitly describe the goals and objectives of the DECOMP project, particularly in sections 4.4, 3, 1.6, 1.0 and in the Executive Summary. In addition, NPCA requests that the Corps modify the last paragraph on page ES-ii to state, "The Ten-Mile Bridge was not selected due to fiscal constraints, however, it could be chosen if a separate funding source is identified." This statement is consistent with the subsequent statements on wildlife features and airboat crossings.

In 2003, it was presumed that MWD would provide an initial increment in environmental benefits by building a ½ mile bridge. Subsequent to that, the CERP DECOMP project would evaluate the benefits of building a larger bridge or more spans. We understand that the Corps cannot prejudge the final features of the DECOMP project, however the RGRR completely lacks a discussion of how the TSP could dovetail with future CERP modifications. For instance, what is the feasibility of removing roadbed in CERP that is built even higher in this MWD project? As stated in the section above, a single bridge span would allow the highest flexibility to be incorporated into a complete Skyway in the future without significant retrofitting costs.

NPCA disagrees with the Corps's statement that a "single bridge alternative...do[es] not enable the necessary distribution of flows" (p. 115). Again, NPCA references the quotes on pages 127 and 128 about the ability of culverts to distribute water and maintain sheetflow across the 10.7-mile project length and requests that the Corps clarify whether or not culverts do or do not provide for a distribution of water flow via sheetflow or otherwise.

Further, the US Army Corps's of Engineers assertion about a split bridge does not correspond to the opinion of numerous federal and state agency scientists. The National Park Service states, "that a single ... bridge span ... would provide the greatest ecological and hydrological benefits" as compared to "more segments in the bridge" (DRAFT Tamiami Trail Alternative Optimization Report, p. 78). The US Fish and Wildlife Service scientists also state, "the previous two interagency workshops, as well as, the original GRR and Final FWCA Report all conclude that the longer a bridge span is the more ecological benefits will be achieved" (Letter dated August 10, 2005, F-11). The scientists of the Florida Fish and Wildlife Conservation Commission (FFWCC) state, "the implementation of a 4-mile bridge alternative would provide for greater compatibility between MWD and the proposed [DECOMP] project by reducing the amount of retrofitting needed for the Tamiami Trail in that project" (Letter dated August 11, 2005, p. 4). The scientists of the FFWCC further state, "Alternative 10, with its more centrally located bridge, would provide the most direct routing for these future [CERP] flows" (Letter dated August 11, 2005, p. 5). Besides, the 2 percent difference between the distribution of flows for the 3 split miles of bridging (59 percent) and the single bridge span of 3 miles (57 percent) is marginal. And the Corps's analysis indicates that single bridge span of 3 miles provides equal benefits at a lesser price, as mentioned in the previous section.

Despite the Corps's continued insistence that this RGRR would be consistent with CERP, NPCA is concerned that the Corps has no intention of further modifying Tamiami Trail. The Corps defends the choice of a split bridge by stating, "if one of these [single-bridge] alternatives were selected, then there would be a need to remove part of the newly improved road to enable CERP flows to conform to the NSM distributions" (p. 115). This statement clearly signals that in fact the Corps will not recommend removing any part of the "improved" roadway in CERP. The Corps further states that "it is the intention of the Federal Government not to expend any more funds than necessary to construct facilities for the Tamiami Trail that a future project under CERP may impact" (p 119 and 123). Coupled together these comments send a message that future modifications to the Trail will not happen and therefore are pre-decisional for the DECOMP and thereby unacceptable.

It seems relevant that the Corps indicates that this RGRR is consistent with CERP, yet states that the Park Service's report has "reduced its direct applicability for this Tamiami Trail RGRR" (p. E-1) by making certain assumptions for CERP performance. In fact, it would seem that the Service's report is very relevant in that it presumes the same as the Corps "that [DECOMP] may include removal of the L-29 Levee" (p. 49 and 115) without suggesting specific mechanisms for that happening. The Corps also utilizes the assumptions of the CERP plan with respect to bridging sets and NSM flow predictions on page 115. Consistency with CERP would indicate that at least the minimum of what CERP predicted and the US Congress approved, be evaluated as a realistic goal.

NPCA disagrees with the Corps that the purpose of the Tamiami Trail modifications "is to identify appropriate conveyance of water from the L-29 canal to Northeast Shark River Slough" (p. E-1). Rather, the purpose of these modifications is as stated in the authorizing act "to improve water deliveries into the park" and further clarified in the original US Army Corps of Engineers 1992 General Design Memorandum (GDM) "by bringing WCA No. 3B and NESRS back into the flow-way between WCA No. 3A and Everglades National Park." NPCA further disagrees with the Corps that the "Reconnection of the marshes in WCA-3B and the marshes of NESS" are "beyond the authority of the study" (p. E-2), given the quote from the Corps's1992 GDM in the previous sentence. NPCA requests that the Corps remove this objection to the Service's report.

Where the Corps references the limitations on the MWD project due to the Water Resources Development Act (WRDA) 2000, such as page E-2, NPCA requests an explanation of the Corps's understanding of the limitation. The language from WRDA 2000 should also be added to section 1.1 Study Authority.

NPCA continues to be concerned about any constraints and expectations of the L-29 canal and consistency with CERP. The document states that "alternatives should not prevent the implementation of potential future CERP actions" (p. 49), however the Corps's TSP does leave in place 8 miles of roadbed that acts as a dam to future CERP water flows. CERP calls for the filling in of the L-29 canal with the L-29 levee material. Given this future scenario, there would be no constraint on the elevation of the water levels of the Everglades. We understand that the canal stage might not reach 9.7 feet in most conditions, however, the possibility for extreme conditions, particularly given the likelihood of increased hurricane activity, merits a closer scrutiny. The inherent nature of leaving 8 miles of the roadway in place merits the evaluation of removing the entire length of the L-29 levee. If the Corps chooses this preferred alternative, they may inherently limit the alternative options in the CERP project.

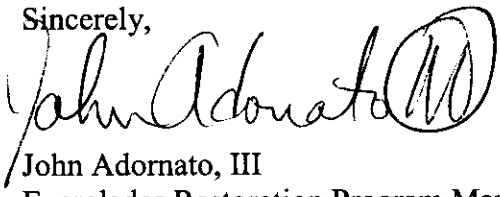
Conclusion

The Everglades and the man-made system that controls it, is a complex jumble of canals, levees and a few tree islands. No one piece of the puzzle will solve all of the problems of Everglades restoration. However, without completely unimpeded flow, life-giving water will flood the conservation areas to the north and not flow through Everglades National Park out to Florida

Bay. Florida Bay's health will be restored by the increase in water flow through the park at the top where Tamiami Trail now blocks it.

NPCA urges the Corps to take a proactive step to restore natural water flow to Everglades National Park and Florida Bay and meet the obligation "to enhance and restore the ecological values, natural hydrologic conditions" by supporting a Skyway for Tamiami Trail. NPCA considers all alternatives inferior to Alternative 17. Only a Skyway will truly reestablish unrestricted, free flowing water to the park, a critical component to a fully restored Everglades, on which South Florida's wildlife and its six million residents rely for drinking water, recreation, and other uses.

Sincerely,



John Adornato, III
Everglades Restoration Program Manager

cc: Dan Kimball, Superintendent, Everglades National Park
Rock Salt, Everglades Restoration Initiative, Department of Interior
Carol Wehle, Executive Director, South Florida Water Management District

From: Florette_Braun@fpl.com
Sent: Friday, September 23, 2005 11:00 AM
To: TTMComments SAJ
Cc: Ellison, Amanda D SAJ; Pavlov, Jean M SAJ; Juana_Telleria@fpl.com; Ignacio_Sarmiento@fpl.com; Dave_Douglass@fpl.com; Mike_C_O'Neil@fpl.com; melanie_yeager@fpl.com; Patricia_Lakhia@fpl.com; Brian_Brattebo@fpl.com
Subject: FPL Comments: Modified Water Deliveries/Tamiami Trail Draft Revised General Reevaluation Report for Review

September 23, 2005

To: Stuart J. Appelbaum, Chief, Planning Division
Attn: Jon Moulding
Department of the Army
Jacksonville District Corps of Engineers
PO Box 4970
Jacksonville, FL 32232-0019

RE: FPL's Comments re Modified Water Deliveries/Tamiami Trail Draft Revised General Reevaluation

Dear Mr. Appelbaum,

In response to your request for feedback on the Draft Revised General Reevaluation for the Modified Water Deliveries/Tamiami Trail project, which includes a 2-mile bridge and a 1-mile bridge and the raising of the remaining lengths of un-bridged road surface approximately two feet, Florida Power & Light (FPL) offers the following comments and concerns:

FPL has a distribution line running along the length of Tamiami Trail in within your proposed project. This critical line serves the Indian Reservation. The line will need to be relocated and/or modified to accommodate the Tamiami Trail project, but it can not be taken out of service for any length of time. An alternate location will need to be provided for this line and the new facility will need to be constructed and in service before the existing line can be removed. If the new line is to be designed into the new bridge you will need to accommodate attachments and built-in manholes into the proposed bridges.

In order to minimize impacts to both the government and FPL it will be important to involve FPL in early review of plans for the bridges and elevated roadways. In this manner creative opportunities and solutions can be identified and costly impacts recognized and minimized.

Florida Power and Light will need at least one year's notice before the start of the project in order to provide time for cost estimation, budgeting, planning and relocation work. A contract agreement will also be needed to perform the distribution work.

In addition, this proposed work appears to cross a currently open FPL transmission line right-of-way where future facilities are to be located.
Should the proposed project impact this right-of-way an agreement will need to be reached with FPL to address additional engineering and construction costs that may be incurred to accommodate bridges or elevated roadways within the right-of-way.

We look forward to future early coordination on this project as your plans progress. You can reach me at the above e-mail or at 561-691-7059.

Sincerely,

Florette Braun

Florette Braun
Principal Environmental Specialist
Environmental Services
Florida Power & Light

-----Original Message-----
From: Elsa Alvear [mailto:elsa_alvear@hotmail.com]
Sent: Monday, October 10, 2005 11:22 PM
To: TTMComments SAJ
Subject: Comments for Tamiami Trail Modifications RGRR SEIS

Dear Mr. Appelbaum,

Thanks for letting me comment on your Tamiami Trail RGRR/SEIS. I support Everglades restoration but I don't think your Army Corps' Tentatively Selected Plan is the best way to restore the Everglades, either ecologically, financially, or logically. Even your own SEIS doesn't support your TSP. I personally support Alternative 17, the 10.7 mile causeway.

I think all the sloughs should be restored. In your SEIS, the only alternative that would restore all the sloughs is Alternative 17, the 10.7 mile causeway. Restoring all the sloughs is the best way to restore natural water flows. This is what the taxpayers think their money is going towards
- actually restoring water flows.

In your SEIS, your agency identifies three alternatives (10.7 mile bridge, 4 mile central bridge, 3 mile bridge) that are identified as Best Buys, yet your TSP is not. I would prefer that my tax money be spent on a Best Buy.
In fact, the TSP costs more than the 4 and 3 mile bridges per unit of habitat restored. I can't understand why neither of those were selected as the TSP, clear reasons are really not given in your SEIS, especially since page 111 of your SEIS says that the those two alternatives AND the TSP is greater than the funding available! The overriding reason for dismissing the 10.7 mile bridge is money, so if even the TSP goes over budget, then why not go with the 0.7 mile bridge?

CERP hasn't identified what should happen with Tamiami Trail yet. When will this happen? Will there be a costly retrofit, if it turns out CERP recommends a 10.7 mile bridge and the ACOE only put in two bridges? If so, that would make the TSP far more costly than the 10.7 mile alternative.

I question your science regarding your rating criteria on performance measures for reduction of road-kill. The ACOE assumes a constant rate of road-kill along the entire 10.7 miles (App E p. 15). But on page 40 in your FWCAR (App. F) it said that nearly 47 percent of road-kill happened on Transect 3. Obviously, there is no constant rate of road-kill on Tamiami Trail - why didn't your performance measures account for this? Whichever alternative is selected, it should have bridges that cover this section of road that is so deadly for the wildlife of the Everglades. I couldn't tell from your maps if the TSP (or any alternative besides the 10.7 mile bridge) would mean the bridges would help wildlife in this area. I would like my tax money to be spent wisely in this regard so

please make sure a bridge is there. But really, I think we should go with the 10.7 mile bridge and eliminate all vehicle-related wildlife mortality on this stretch of road.

I don't like that your TSP (and almost all the alternatives) encroach into Everglades National Park. These modifications should help the park and can and should be done in such a way that chunks of this international treasure are not filled in and lost forever. It is wrong to fill in, destroy and lose forever, park wetlands to ostensibly help park wetlands. Why not build to the north? Why not build the 10.7 mile bridge over the canal, then fill in the canal and levees and remove the road? Why were none of these things explained in your SEIS? I couldn't even tell how many acres would be lost with the TSP or any of the alternatives. How can we the public choose among the alternatives without knowing something as basic as this?

Yours,

Elsa Alvear
25190 S.W. 189th Avenue
Homestead, FL 33034

From: Sharon Baron [mitral@netrox.net]
Sent: Tuesday, September 27, 2005 11:07 AM
To: TTMComments SAJ
Subject: Everglades skyway

Let's not do what we did several years ago and have to re-route waterways to their natural flow at the expense of permanent destruction.
The skyway, when done the way it should ,will be a 1 time expense without a re-do. It will help restore the glades to an acceptable ecological balance.
Sharon Baron

From: Allen Beck [abeck2@bellsouth.net]
Sent: Sunday, October 09, 2005 3:00 PM
To: TTMComments SAJ
Subject: 10.7 Mile Skyway Bridge

Attn: Mr.Jon Moulding
Department of the Army
Jacksonville District, Corp of Engineers

As we all know, Everglades restoration is arriving at a historic time.
!00 years from now the 10.7 mile Skyway Bridge could stand as a monument to the foresight and planning of the Corp of Engineers.
Everglades National Park has a world heritage designation, like the Serengeti or Denali National Park. Tourists come from all over the world to see it . Wouldn't the Skyway enhance this ?

100 years ago Theodore Roosevelt saved Yellowstone National Park. Today it stands as one of the Crown Jewels of the National Park system, and is also a World Heritage Site.
Let's give Everglades National 100 percent.
Lets give it the Skyway.

Go Engineers.

Thank you.

From: patricia beck [beck340@hotmail.com]
Sent: Sunday, October 09, 2005 2:17 PM
To: TTMComments SAJ
Subject: comments on Everglades National Park Project
To whom it may concern:

I am writing in support of the 11 mile bridge to protect the Everglades. I am very concerned about the future of this World Heritage Site. The whole world is looking at us right now. We have an oppurtunity to do the right thing and set a precedent for important environemental decisions.

I was at the last public hearing on September 15 at FIU. What I found most interesting about the meeting is that despite the apparent rift between people, we are all united and really care about the same thing. We want the Everglades to be restored and protected.

The main dispute is over the best method to do this. I think it's really important to view this project in the context of what is happening environmentally right now in America and around the world. We have seen the devastating effects of our abuse toward the environment ranging from holes in the ozone layer to global warming to frightening natural disasters. As human beings, we don't have a predator to keep our population in check. But I believe if we don't start taking care of our environment, that will be our ultimate downfall.

It is tempting to take the easier route by promoting a cheaper plan that will provide "immediate" results. However, these immediate results aren't the best answer in the long run and could be even more damaging and expensive. The 11 mile bridge is the best solution; and as human beings, we need to learn to compromise. Through this plan, we can have our essential needs met while balancing the needs of this fragile ecosystem.

I am asking you to please consider the long term future of not only this special place but the entire world. Our FUTURE is in YOUR HANDS. What a huge responsibility; and what a gift you have the power to give the world.

"Only when the last tree has died and the last river has been poisoned and the last fish has been caught will we realize we cannot eat money."

Thank you for your time. I trust that you will do the right thing.

Patricia Beck
2219 SW 59th Avenue
Miami, FL 33155

Dear Mr. Stuart J.Appelbaum;
Mr. Jon Moulding;

I am Catharina Rita Bernabei and spoke at the Tamiami Trail Modifications Workshop , at F.I.U., on September 15, on behalf of the creatures of the everglades.
We need the 10.7 mile skyway, as it is the closest and the best way to repair the river of grass. We need to learn from history. As we know, the flow of slow-moving water stretched over more than one hundred miles. We should not think cheap, because our everglades are priceless, a unique habitat, not found anywhere else in the world ,and was named a WORLD HERITAGE SITE. I want to give the creatures of the glades, wildflowers and plants a voice in the matter of the future of their living quarters , their habitat. Actually their survival is at stake.
I teach children with mental disabilities, and my students teach me to experience life with all my senses . They make me look at the everglades from the view of its wildlife. For many years I have taken my special needs students to Everglades National Park and to Everglades Outpost ,which rescues wounded and abused wildlife.
I am also a Sierra Club Outingsleader . We have taken people of all ages ,canoeing ,hiking, camping.in Everglades National Park. We have led overnight trips ,canoeing the entire Wilderness Waterway in The Ten Thousand Islands , from Chokolooskee to Flamingo, hiking the Florida Trail in Big Cypress Preserve, with backpack and tent.
I am also from Belgium and can assure you how every visitor from my country exclaims how lucky we are to have such beautiful park ,such an asset, in our back-yard. It takes me less than one hour to get there from my house. Where in the world can you find such wilderness so close to home! This is wonderful, but also a danger for the park, this urban sprawl. Yes, many Floridians take this park for granted and do not care about preserving it, but when Everglades National Park disappears, so will the appeal to tourists! Our local economy will suffer...
Remember Everglades National Park is a world heritage site and is unique in the world. The entire world should have a say about the survival of our treasure., and a right to enjoy it.
I am also an American citizen, since the year 2000, and proud to be so ,and now I ask all of you my fellow citizens, let's take pride in our Everglades and preserve it for generations to come and for the world to enjoy. We need the Skyway. Let the works begin! This bridge should accommodate all people, the Miccosukee Tribe, birdwatchers, tourists, anglers, hunters, air-boaters, campers, everyone, but most importantly the wildlife of the river of grass, bringing up their numbers. .
THE WORLD IS WATCHING, and so are the creatures of the glades. Thank you.

Catharina Rita Bernabei

Catharina Rita Bernabei
Miami, Florida

Catharina Bernabei
1713 SW 103rd Pl.
Miami, FL 33165

From: marilyn berner [mebbiz@mybluelight.com]
Sent: Sunday, October 09, 2005 10:20 AM
To: TTMComments SAJ
Subject: everglades restoration- tamiami trail bridge

My name is Marilyn Berner and I live in the lower Florida Keys. I write on behalf of myself and my husband, Robert Belvery, in support of the position taken by Reef Relief and the U.S. EPA that water flow from the Everglades must be monitored for, and stripped of, high nutrient levels and other harmful pollutants before the water flows into Florida Bay and downstream to the reefs of the lower Keys. This should happen before barriers to the flow are removed in the form of either the two bridges proposed by the Army Corps of Engineers or the elevated bridge favored by the Monroe County Commissioners. We in the lower Keys are paying for sewer systems to attempt to improve the quality of our near shore waters but these efforts will be futile in the face of increased agricultural and development runoff from the Everglades.

Thank you.

From: bieler@fieldmuseum.org
Sent: Tuesday, October 11, 2005 5:07 PM
To: TTMComments SAJ
Subject: Tamiami Trail Feature Draft

It has come to my attention that the latest draft of the Modified Water Deliveries to Everglades National Park Project includes a plan to increase the flow of untreated water into the downstream coral reefs of Florida Bay and the Florida Keys. As a practicing marine biologist who is intimately familiar with the fragile and already stressed ecological condition of these particularly reefs, I am writing to express grave concern about this planned action and urge you to consider alternatives with lesser environmental impact downstream.

Sincerely, Rudiger Bieler (PhD)

Head, Department of Zoology/Invertebrates Field Museum of Natural History &
University of Chicago Chicago, IL 60302 bieler@fieldmuseum.org

From: Bill Bobb [behappy@bellsouth.net]
Sent: Friday, August 26, 2005 7:24 PM
To: TTMComments SAJ
Subject: Restoring the natural flow

As a member of the Port Saint Lucie Anglers Club and a fisherman I want to commend the Corps for its plan to restore the natural southward flow of surface water from central Florida to the Everglades. The disastrous discharges from Lake Okeechobee into the Saint Lucie river should be permanently stopped as soon as possible. I am sure many others from this area feel the same way. If I can help in any way such as gathering local public support just let me know.
Sincerely
Bill Bobb
Vice President & Conservation Director,
Port Saint Lucie Anglers Club
772-873-4262

Member, Saint Lucie County Artificial Reef Advisory Committee

From: Richard Bissinger [rbissing@bellsouth.net]
Sent: Thursday, August 25, 2005 11:31 AM
To: TTMComments SAJ

Mr. Appelbaum, When we moved to Stuart 4 years ago, we were not aware of our dirty water problems. Being a fisherman(inshore ans offshore), this Lake O problem really has rained on our parade. We would not have moved to Stuart had we known The St. Lucie was the dumping ground for north and central Fla. Your plan is wonderful. Until a permanent solution can be worked out we need to share in the adversity. Your plan will certainly help although its 2-3 years away if approved. The real solution is Big Sugar which the State and Feds support at our expense. There is almost 600000 acres in sugarcane and millions in price support and they don't offer any relief but pump water back. Good luck on your plan. Dick & Connie Bissinger

From: Nick [mavnroxy@adelphia.net]
Sent: Thursday, September 01, 2005 9:32 PM
To: TTMComments SAJ
Subject: Tamiami Trail Mod proposal

Dear Sirs,

I think that the Tamiami Trail Proposal is a great idea that shoud have been implemented years ago. This would have reduced, if not eliminated the problems we are facing in Stuart now. Basically, this project couldn't start soon enough. I do have one question however: How is the water going to flow south to the Everglades when it can't take it's normal flow across the land(Big Sugar's land being there now) like it did when Mother Nature designed it???? Please do something quickly so that we don't continue to damage the amazing St Lucie Estuary.

Sincerely,
Nick B Camene

From: Andrew Campo [AndrewC@LibertyMedical.Com]
Sent: Thursday, August 25, 2005 3:45 PM
To: ttmcomments@usace.army.mil.
Subject: Raise the Tamiami Trail

Our St Lucie River Estuary is dieing and I am pleading with you to please divert water to the south. The pollutants from Lake O have continued to destroy our local waterways. Others have the pleasure of not enduring any of these pollutants and our river is only one of a few that continues to get battered. Please, I can beg you enough to send the water southward.

Andrew P Campo
Director of Knowledge Management
Phone: (772) 398-2543
Fax: (772) 398-2558

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3124 Donald Ave
Key West, Florida 33040
(305) 292-1684

10/6/05

Dear Mr. Appelbaum,

I Beg of you to Consider water quality, pesticide level and other harmful pollutants that are delivered downstream from the proposed project known as Everglades National Park/ Tamiami Trail / North East Shark River. Please be concerned with providing top water quality to the flow of water into the Florida Bay and the Keys. Monitoring Program must document change in the level of nutrients and other harmful pollutant we must watch over this precious resource. Don't be short-sighted!!

Regards,
TAMARA CHANMUGAM

From: Robert Cherry [cherryleigh@bellsouth.net]
Sent: Sunday, October 16, 2005 10:36 AM
To: TTMComments SAJ
Subject: Build the 11-mile Tamiami Trail skyway!

Dear Mr. Appelbaum:

I am writing to you to ask you to support the construction of the 11-mile long Tamiami Trail skyway. This option is the best choice to restore water to Everglades and to the National Park and is an essential part of the Everglades restoration plan worked out by the federal government, the state of Florida, local businesses and environmental groups.

I have had the pleasure of visiting south Florida several times and enjoy the wildlife and natural systems found there. I have been concerned for many years about the health of this ecosystem and have followed the recent efforts to restore the water flow that is so essential. I feel that building the complete 11-mile long bridge is the best, and only effective, option to restore natural water flows. As part of this project the existing berms and other obstructions to the natural flow need to be removed. Failing to do so would limit water flow rather than allowing a sheet flow as is appropriate.

If building the entire 11-mile length is not possible then I encourage you to build any shorter sections in such a way that these sections can be joined together at a later date. The alternatives calling for bridge sections that are only 1 or 2 miles long are not acceptable and will not provide the water flow needed.

Please select the 11-mile long bridge option. This is critical to the restoration of the Everglades ecosystem and the best use of my taxes.

Thank you for your attention to this matter.

Sincerely,

Robert Cherry
301 Perkins St
Boone, NC 28607-5313

I Know it is a small part but it all helps to make the water brackish. —
A 6" pipeline of brine, connecting the two places or short term — a convoy of trucks.
a small water plant called duck weed might help get rid of the green goo

DAVID

David Christensen
4606 Palmetto Dr.
Fort Pierce, FL 34982-7164

Ruth H. Clark
651 Village Drive, #215
Pompano Beach, FL 33060

Aug. 29, 2005

Stuart J. Appelbaum
Chief, Planning Division
Jacksonville Dist. Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232-0019

Dear Stuart,

I would like a copy of the Draft RGRR/SEIS on the Modified Water Deliveries to E.N.P. Project, Tamiami Trail feature and to remain on the mailing list so that I can keep the League of Women Voters - Broward up to date - before the Sept. 15, 2005 Public Workshop.

thank you very much.

Sincerely,

Ruth H. Clark

U.S. ARMY ENGINEER DIVISION, SOUTH ATLANTIC
CORPS OF ENGINEERS
JACKSONVILLE DISTRICT
(SEE PRIVACY ACT STATEMENT - REVERSE SIDE)

(Comment on other side)

SUBJECT: Modified Water Deliveries Tamiami Trail RGRR Public Workshop
DATE: Thursday, September 15, 2005
LOCATION: Miami, FL

Jadyn Dastourian
NAME AND TITLE (PLEASE PRINT)

(none)
BUSINESS OR ORGANIZATION YOU REPRESENT

2621 SE 20th CT
MAILING ADDRESS

Hmstd FL 33035
CITY, STATE, ZIP CODE

[redacted]
EMAIL ADDRESS

REPRESENTING (Check one)

___ELECTED OFFICIAL
___TRIBAL
___CONGRESSIONAL
___FEDERAL AGENCY
___STATE LEGISLATURE
___STATE AGENCY
___LOCAL GOVERNMENT
___ENVIRONMENTAL
___AGRICULTURE
___GROUP
✓ SELF
___OTHER

Do you wish to make a statement? ___ YES ___NO
Do you wish to have your name included on the mailing list? ✓ YES ___NO

I am in favor of 11-mile skyway - it is worth the 278 Million or higher if needed

THIS INFORMATION IS RELEASABLE UNDER THE FREEDOM OF INFORMATION ACT.

See other side

It is worth the money - it saves or adds on 51,763 additional habitat units.
The skyway will draw tourists to S.FL - helping businesses along the trail - bringing FL $.
The Everglades is a Wetland of International Importance + Worlds Biosphere Preserve -
Lets show the world, many international travelers visit FL to see the Glades!, that

PRIVACY ACT STATEMENT

AUTHORITY: 42 USC 4321, 4331-4335

PRINCIPAL PURPOSES: Information on this card is used for organization and conduct of this meeting. It may be added to the mailing list for notification of future meetings on the topic and for addressing correspondence subsequent to the meeting.

ROUTINE USES: This information is a public record and may be disclosed to other Federal or local agencies for governmental purposes as well as to private individuals and organizations under the Freedom of Information Act.

MANDATORY OR VOLUNTARY DISCLOSURE: Completion of this card is voluntary. However, failure to supply the information requested may result in your (or your agency's) omission from further notification regarding participation in the process.

We are committed to saving an extremely endangered ecosystem, the sensitive/rare habitats within and the endangered species Living there.

The 11-mile bridge is the best alternative. Restore the River! Restore the depth of the sheet flow - the slough still completely dries down each fall/winter - a shallow sheet flow should remain well into dry/winter season. The shallow sheet is essential for endangered wood storks + other birds + fish sp. abundance + diversity.

Sht 1 of 13

To: Stuart J. Appelbaum
Chief, Planning Division
Att'n: Jan Moulding
Dpt. of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Fl 32232-0019

From: Frank F Denninger
461 E 40 St
Hialeah, Fl 33013
ph/fax 305 836 9281

Date: 10-7-05

Re: Comments regarding August 2005 Draft Revised General Reevaluation Report / Second Supplemental Environmental Impact Statement (RGRR/SEIS) for Tamiami Trail Modifications

Modified Water Deliveries to Everglades Nat'l Park

Sht 2 of 13

Index to Comment Topics

I Critique of Cover Page Acronym
II Report Title Evaluation
III PL 101-229 Section 104(a) review
IV Cultural Impacts
V USAI re-iteration of Status
VI Conclusion
VII Attachments regarding V

COMMENTS:

I. Critique of Cover Page Acronym

The acronym for the report within the "yellow" cover page (RGRR/SEIS) and used elsewhere in the report doesn't accurately reflect full title should.

Suggest following revised acronym:

(DRGRR/SSEIS)

D to denote this report as a Draft

S " " " EIS as being the Second

II. Report Title Evaluation

Title of Project should be amended to incorporate the driving force and law that mandates it to be constructed.

Suggested Amendment to Yellow Cover Page:

Below "Central and Southern Florida Project"

Add: Everglades National Park Expansion Act of 1989 (PL 101-229) Component Implementation

Balance to remain as existing on Yellow Cover page.

III. PL 101-229 Sec. 104(a) review

At many areas in this RGBR/SEIS refrence is made to the US Army Corp. having been authorized to construct this project. Public Law 101-229 Section 104 says alot more than merely "authorize" to the Army; to quote the Act at Sec. 104 it says as follows: "... with the Secretary, is authorized and directed to construct...". Underlined words from quote should be added behind authorized at following locations within RGBR/SEIS text.:

Abstract Sentence 1
RGBR/SEIS-Sec 1.1, pg 2, Sntnc 2
Sec 2.5.1, pg 18, Sntnc 5
Sec. 1.0, pg 1, Sntnc 1
Sec 5.7.8, pg 115, 5th sentence from bottom.

Revising as suggested will circumvent and prevent any misunderstanding that the USACOE has a choice whether to do the project or not.

This project is the implementation of a component of PL 101-229 the Everglades Nat'l. Park Expansion Act of 1989, a Federal Law. No Choice Involved!

IV Cultural Impact

Impact upon traditional cultural communities due to this project and P2101-229 implementation are of concern to myself, other So. Floridians and organizations.

The cultural survey contained in Appendix C of this report is much improved and very proffessional compared to the previous consultants attempt. Myself and many others I'm sure appreciate and commend the Corp. for seeking out and finding a high quality consulting firm that produced this quality product.

That being said more will need to be done so that the Airboat Association of Fla. and the entire cultural and ethnographic communities within the projects Area of Potential Effect (APE) futures are not endangered with extinction from the projects construction resulting from P2-101-229 implementation.

This reports in depth cultural survey clearly indicated the need for a survey of broader scope to determine Traditional Cultural Property (TCP) listing potential outside of the project site (e.g. North and South of US 41) since their survey exposed the very strong UNIQUE bonds between existing

local cultural communities and the Area of Potential Effect including the Airboat Association of Fla. (AAF) within and outside the project site.

There are inextricable linkages of interdependance required to sustain the current living airboating communities culture at AAF. Current management direction of Everglades Nat'l. Park will cause cessation of airboating South of US 41 in the future pursuant to PL 101-229 and this project's implementation as a component of PL 101-229. This action by DOI/NPS/ENP will destroy the linkages required by the AAF and associated hunter fisher airboating culture South and to some extent North of US 41.

Performing the broader scope cultural survey is required to assist project planners and the Nat'l. Park Service along with Miami-Dade County and others take proactive actions to sustain, protect, preserve and remediate all adverse site specific on-site impacts as well as cumulative impacts in the APE pursuant to PL 101-229 implementation or construction of this project a component of the same law. The Nat'l. Historic

Preservation Act of 1966 as amended through 2000 spells it out in Section 106 and tasks Federal entities to do these studies. (e.g. NPS/COE)

In view of the most recent survey I feel sure that between the Corp of Eng's. and the Nat'l Park Service, guided by NPS directives to do so, will accomplish this task with the assistance of myself and other local members of cultural communities fearful of permanently destructive cultural impacts.

It is understandable that this TCP/APE study might have been overlooked initially as these type areas are very subtle and much less obvious. (eg Eiffel Tower, Mt. Everest or Washington Monument.)

V US 41 re-iteration of Status

Attached are shts 1, 6, 10 and 11 of 11 from previous comments to the 12-03 GBR/SEIS by me. They are attached to re-iterate that US 41 is not a Federal highway as stated on pg 111 of this RGBR/SEIS

VI Conclusion

At this time I would like to thank the US Army Corp of Engineers and

their staffpersons for following NEPA and facilitating this forum for comments plus putting up with any printing.

Remember also that after Katrina and Rita, the noteworthy storms this year, we all need to be accepting of balance regarding any water manipulation project considered now or at any point in the future.

ATTACHMENTS

Sht 1 of 11
6 of 11
10 of 11
11 of 11

From Comments to December 2003 GRR-SEIS

To: Don Mountting
U.S. Army Corp of Engineers PD-ES
P.O. Box 4970
Jacksonville, Fl. 32232
Ph 904 232 2286 fax 1 904 232 1888

From: Frank E. Denninger
461 E 40 St.
Hialeah, Fl. 33013
ph/fax 305 836 9281

Date:

Re: Comments pertaining to the Dec 2003 GRR/SEIS for Tamiami Trail Modified Waters Deliveries to Everglades Nat'l. Park

Index of Comment Topics

I. Public Safety (Roadway Reliability) Post-Constr'n.
II. Real Estate Agrm't/Process should be opened to Public
III. Correction of US 41 jurisdiction error
IV. Scenic Hwy. status of US 41 under scrutiny Now!
V. Significance of Historical Sites conducted in an arbitrary manner.

III Correction of US 41 jurisdiction error.

On page 6-4 at bullet point 2nd from top US 41 is referred to as a "Federal Highway." This incorrect. According to the American Association of State Highway and Transportation Officials (AASHTO) Transport'n. Policy Book, January 1988 edition the following quote is applicable. "Often the U.S. marker is interpreted by the public as identifying a "federal highway" whereas the routes making up the U.S. numbered system are under State jurisdiction and Not under Federal jurisdiction." US 41 is actually St. Rd. 90, US 41 is its designated number as a part of the US. number system. See page 10 of 11 and 11 of 11 for verification of my conclusion.

~~IV Scenic Highway/Byway status of US 41 under scrutiny NOW.~~

~~Recently the two Scenic Highway designations alluded to on pg 12 of the FWCAR contained in the GRR/SEIS are in question. In large part this is due to a foundational pre-requisite of both designations never being~~

Sht 12 of 13 Attchm't. 10 of 11

Transportation Policy Book

January, 2000

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Sht 13 of 13 Attch 4.11 of 11

HIGHWAY OPERATIONS

Establishment and Development of United States Numbered Highways

(Retained from October 13, 1991, Revised October 6, 1996)

HO1 The purpose of the U.S. road numbering and marking system is to facilitate travel on the main interstate lines, over the shortest routes and the best roads. To serve that purpose a system of main interstate routes was designated, and a uniform system of guide and warning signs was adopted for use in all the States, on such designated routes. This system was established in 1926. It has passed the preliminary development state. It has reached the period of review, revision, and consolidation. The U.S. road system now needs perfecting rather than expansion.

New construction has opened up newer, better, and shorter routes. Demands of interstate traffic have increased and are more exacting. Public acceptance of the U.S. numbered system has made possible the rectification of early concessions made for the purpose of getting the system established and marked.

In harmony with the improved condition of State roads, the State route markers of the several States have more and more become a dependable trademark of quality in those routes.

The establishment of a U.S. number as a guide for interstate travel over certain roads has no connection with federal control or the designation of Federal funds for road construction. These numbers may recognize a State road which has been constructed entirely by the use of State funds.

Often the U.S. marker is interpreted by the public as identifying a "federal highway" whereas the routes making up the U.S. numbered system are under State jurisdiction and not under Federal jurisdiction.

It was never intended that the U.S. numbered system should absorb or supplant the State numbered routes. It is intended by uniform marking of a U.S. route in two or more States to facilitate the movement of Interstate traffic. Thus, with a relatively limited mileage, the U.S. numbered road system must meet the changing conditions if it is to endure and serve the purpose for which it was intended.

The routes comprising the National System of Interstate and Defense Highways will be marked with its own distinctive route marker shield and will have a numbering system that is separate and apart from the U.S. numbered system. The Interstate system marking and numbering is not to replace that of the U.S. system but is, in reality, a separate system

From: John Hall [johnmhall1@adelphia.net]
Sent: Thursday, August 25, 2005 10:22 AM
To: TTMComments SAJ
Subject: Lake Okeechbee water release

Gentlemen;

Thank you for inviting comments concerning the water release. I have been a Florida resident for 28 years, and I have been following this concern for years.

I have been discussing, with my wife, for quite some time that I wondered why the water could not be discharged into the everglades. If nothing else, this would stop the criticism about the release into the St. Lucie Estuary. I think that the green algae problem would have developed, even if the water had not been released from the Lake.
I understand, also, that it is vital to lower the level of the Lake, and even though there is much criticism, those who criticize are benefited more than they realize.

I did not realize that the Tamiami Trail would have to be raised; however, I believe that it would be a worthwhile course of action.

Sincerely,

John

September 17, 2005

Stuart J. Appelbaum, Chief, Planning Division
Attn: Jon Moulding
Department of the Army
Jacksonville District Corps of Engineers
P. O. Box 4970
Jacksonville, FL 32232-0019

Re: Tamiami Trail

Gentlemen:

We agree with your proposed plan to raise Tamiami Trail via bridges. This would certainly help the flow of water south as nature intended. Our rivers and estuary are truly suffering.

Very truly yours,

Mary B. Hallicy

Mary B. Hallicy
2869 SE St. Lucie Blvd.
Stuart, FL 34997

Joseph K Leinbach
MH

Joseph K. Leinbach
6940 SE Winged Foot Drive
Stuart, FL 34997

From: Joe Holland [jhlld@bellsouth.net]
Sent: Monday, October 03, 2005 7:56 PM
To: TTMComments SAJ
Subject: We Must Build Full Length 10.7 mile skyway over Tamiami Trail Now
Stuart J. Appelbaum

Chief, Planning Division

Attn: Jon Moulding

Gentlemen:

We must build the Full Length 10.7 mile Skyway Over Tamiami Trail now!
The unfettered flow is needed full bore in order to secure perpetuity of cleansing ecologically.
Please do not succumb to pound foolish arguments. This is your time to shine for all those knowledgeable and virtuous
regarding our future!!

Best regards and thank you,

Joe Holland, P.E.
Civil, Environmental & Principal Engineer
Discovery Engineering
Office: (954) 563-0554
Mobile: (954) 232-3323

From: hudson366@bellsouth.net
Sent: Monday, October 10, 2005 10:33 PM
To: TTMComments SAJ
Subject: Tamiami Trail Modifications

I am concerned about the proposed modifications to the Tamiami Trail.

The Everglades is a unique ecological treasure and we in So. Florida have the great luck to have it in our backyard. It is clear that restoration of the Everglades is dependent upon returning the free flow of the water. We have a chance to do it right by building the 11 mile skyway. The skyway would be expected to be a one time expense that would yield long term benefits to all of us by restoring the health of the Everglades. The compromise of 2 short spans is just that - a compromise, that really doesn't satisfy the interests of any of the involved parties.

Please give consideration to the 11 mile skyway to restore and preserve the Everglades.
Thank you.

Patrica M. Hudson
12025 SW 137 Terrace
Miami, FL 33186

From: Diane Jacobs [Diane@cobb-ebin.com]
Sent: Tuesday, October 04, 2005 3:35 PM
To: TTMComments SAJ
Subject: Everglades Plan - Skyway

I support the full 11-mile Skyway. The best way to restore the flow of Shark River Slough is the option that allows the most unrestricted flow. Let's not be stingy with the Restoration. If you are going to do it, do it right. Our water quality and the future of the Everglades ecosymstem are at stake. In New Orleans, we have all seen the results of too little funding too late. The taxpayers want the Everglades restored, and the Corp. knows the best alternative is the full 11-mile Skyway.

Sincerely,

Diane Jacobs
6860 SW 77 Terrace
South Miami, FL 33143

From: Michael Jones [mikfjone@sprynet.com]
Sent: Friday, October 07, 2005 9:37 AM
To: TTMComments SAJ
Subject: Tamiami Trail SEIS

The Corps has recommended the construction of two bridges.

Personally, I would prefer a single elevated roadway, but that is not the purpose of this letter.

I am greatly concerned with the QUALITY of the water that will pass beneath these structures. Polluted water will place Florida Bay and the Keys Reef Tract at risk.

It is important to increase the sheet flow in the Everglades, but let us not place the "cart in front of the horse." It is much more important to first assure that the water flowing south is clean.

An increased sheet flow which consists of polluted water will cause great damage to the resources south of the bridge(s), including the Bay and the Key's Reefs.

Thank you for your consideration.

Sincerely,

Michael F. Jones
804-A Eisenhower Dr.
Key West, FL 33040

From: JoyceM303@aol.com
Sent: Tuesday, September 13, 2005 6:12 PM
To: TTMComments SAJ
Subject: (no subject)

Dear Mr. Applebaum and Mr. Moudling:

I support your plan to raise the Tamiami Trail to allow more water to flow south and ease the pollution of the St. Lucie Waterway. I support any measures that can be taken to save the St. Lucie Estuary.

I currently reside with my family in Stuart. We own a home on Sewall's Point on a canal just off the ICW. We moved here four years ago after living in For Lauderdale for 22 years.

Our home on Sewall's Point is in a lovely location, very scenic and quiet.. My wife and I have enjoyed creating a comfortable place that provides many opportunities for outdoor recreation. We enjoy spending time with our friends and family fishing, boating and swimming in close proximity to our home. Martin County is just a wonderful place.

Until Now…… Today, what used to be clean green water now resembles what one might find in a stagnant mud puddle. The water is coffee brown, with big clumps of tan foam. There are "No" fish! There used to be fish. We could easily catch and release snook, snapper, jacks, pompano, trout and flounder right off our dock. Now we are lucky to catch a small sickly looking catfish.

Lately the problem has been compounded from the florescent green algae bloom that has been introduced. Frankly the water is pretty scary. We will not allow our grandchildren to swim or even wade in the water. We don't even allow our dogs to swim. The pollution that has been introduced into the Indian River Lagoon through the St. Lucie Waterway is disgraceful. And frankly, even though I understand the weird science that dictates lake levels and discharges, I feel it is a criminal act to do so.

I have spent 27 years in the South Florida Marine Industry as a Shipyard owner. In my facility, it was mandated that I treat the water that was on my property and assure that it was free of contaminants. We installed cleaning and filtration systems to clean our bottom wash water. We went to great lengths to reduce our environmental impact and preserve the quality of the water as have many other business owners throughout the state.

What is happening in Martin County is criminal. Our quality of life is rapidly diminishing. Our property values are suffering, and will only get worse. Boating and recreational marine activities are the life blood of our state. The recreational marine industry brings well over $15 billion in revenue to the state of Florida. This local industry is being severely impacted. One can only imagine what long term

health risks and business downturns we might see in years to come. It is amazing to me that our government would allow this to happen. And frankly from the public hearings, I see an almost arrogant attitude regarding a plan of action to address the issue. There seems to be no real sense of urgency, just a lot of rhetoric and bureaucratic side stepping.

In closing I would challenge you to look closely at what is happening to our estuary, our property values, our quality of life and our health. Please take the appropriate steps to turn this problem around quickly.

From: Judy Kuchta [judykuchta@yahoo.com]
Sent: Tuesday, October 11, 2005 3:08 PM
To: TTMComments SAJ
Subject: 11 mile bridge

Sir,
I encourage you to support the Sierra Club's idea of the 11 mile raised bridge replacing Tamiami Trail that courrently blocks the natural flow of water in the Everglades. I'm sure you are aware of the cost benefit of this project as opposed to the 3 miles of intermittent bridges.

The Everglades are under a lot of scrutinizing by the federal, state and local governments as well as the citizens of this state. I hope you do elect to do the environmentally correct project.
Please !!! i was born in Miami in 1956 and have watched our natural treasures deteriorate , become polluted, mowed down and then virtually disappear. I'm very, very saddened by this.
I'm a nurse practitioner and environmentalist as well as voter.
Please reply.
Judy Kuchta

Moulding, Jon SAJ

From: Richard Heaning [BUMPER8220@AOL.COM]
Sent: Wednesday, October 05, 2005 1:21 PM
To: TTMComments SAJ
Subject: Please choose the 11-mile Tamiami Trail skyway!

Dear Mr. Appelbaum:

I urge you to choose the 11-mile Tamiami Trail skyway or at least a single section of bridging that could be further expanded by another project, leading to the full skyway to restore water flow through America's Everglades. The current alternative of the 1- and 2-mile bridge sections for the Modified Water Deliveries to Everglades National Park - Tamiami Trail Project does not go far enough to restore any significant water flow through the park to Florida Bay.

Modifying Tamiami Trail is one of the most important elements of the restoration of the Everglades and should be given the highest priority. The skyway provides significantly more benefits than any other plan and it's worth spending the money to complete the project the right way from the beginning. Your agency identified the skyway as the "most effective" approach and the "best buy," generating twice the business sales, earnings, employment opportunities, average annual ecosystem benefits and wetland acreage gain. This skyway wisely uses my taxpayer money to provide a true and symbolic example of Everglades restoration, ensuring this place of great significance and ecological value is protected and conserved forever.

If the skyway isn't chosen for this project due to budget constraints, then the cheaper single span of bridging should be capable of being integrated into a future plan for the skyway. The proposed Comprehensive Everglades Restoration Plan's (CERP) Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project or action by the Florida Department of Transportation could follow up this project to complete the skyway. The Corps should expedite the development of that future CERP project.

I urge the Corps to take a proactive step to restore natural water flow to Everglades National Park and Florida Bay. Only the skyway will truly reestablish unrestricted, free flowing water to the park, which is critical to a fully restored Everglades ecosystem. Thank you for your consideration.

Sincerely,

Richard Heaning
12 Seneca Dr
N. Massapequa, NY 11758-1026

EDWARD D. LOSCH
2603 Juniper Court
Palm City, Florida 34990
772-336-4725 August 25, 2005

Mr. Stuart J Appelbaum, Chief, PLanning Division
Attn: Jon Moulding
Department of the Army
Jacksonville District
Corp of Engineers
P.O. Box4970
Jacksonville, FL. 32232-0019

Any project that would give the Corp and/or the SFWMD more flexibility to move water south through the Everglades and thence into Florida Bay should be of great benefit to the Treasure Coast and the St. Lucie estuary which for over 50 years has been the sewer for Central Florida's excess polluted fresh water.

We all recognize that controlled release of clean fresh water into the St. Lucie estuary to help regulate salinity is a desireable event for the ecosystem. We also realize that short term, emergency releases due to hurricanes or excess rainfall are sometimes necessary and cannot be avoided. However, long term releases kill off the food chain and cause the estuary to rely entirely on food migrating in from the ocean to support life in the estuary. Silt and muck swept into the system by excessive releases creates sand bars and burys the sea grass under a blanket of sludge.

The St. Lucie estuary should only be a safety valve, not a sewer! The Kissimmee should be restored to its original 90 mile course to slow and clean up the flow of excess water into Okeechobee. Big O should be maintained at levels in the 10 - 15foot range with excess flood control space available before hurricane season. More southerly flow from Big O is necessary to avoid the devistating releases into the St. Lucie and Calooasahatchee. Agricultural and Municipal polluters should be held to a more stringent schedule to clean up their mess at its source.

Extreme measures to clean up or store more fresh water should not be necessary in the short range since it appears that the Everglades Agricultural Area is running out of farmable soil and has at best a limited life. Wouldn't it be better and in the public interest to condem most of the EAA and restore it as a part of the Everglades National Park system for its original purpose of sheet filtering and storage of water before it enters what is now Everglades National Park as called for by Congress in 1992 before the passage of CERP?

Partial solution of the Everglades's problems has merely transferred them to those of us on the East and West Coasts. Since the "Comprehensive Plan of 1947, almost 50 years ago, the lower part of the Everglades has been saved, the upper Everglades turned over to Big Sugar; the Kissimmee River system - destroyed; the St Lucie estuary - destroyed; the Calooassahatchee River - destroyed; and Big O itself on the verge of destruction.

EDWARD D. LOSCH
2603 Juniper Court
Palm City, Florida 34990
772-336-4725

August 25, 2005

It is time to restore the upper Everglades to its natural function of sheet filtering Central Florida's water and let the cane sugar industry revert to the Caribbean, Central and South America. Lets enlarge Everglades National Park and include the upper Everglades now called the Everglades Agricultural Area.

Very truly yours

Edward D Losch

cc: Governor Jeb Bush
Rep. Mark Foley
Senator Bil Nelson
Senator Mel Martinez
Secretary of the Interior

TAMIAMI TRAIL MODIFICATIONS

Draft Revised General Reevaluation Report (RGRR) and Supplemental Environmental Impact Statement (SEIS)

COMMENTS

Thank you for attending this evening's Public Workshop. We value your contribution. If you would like to provide additional comments on this evening's presentation and discussion, please provide comments below and return to us prior to the end of the public comment period that **ends on Oct. 11, 2005**.

COMMENTS: *(May be continued on reverse)*

I am writing to urge implementation of the full 10.7 mile elevated skyway. This is the most efficient manner to restore historic sheet flow necessary to sustain the Everglades. Your own study supports this alternative as the most desireable. The alternative currently favored by the Corps is an expensive half measure that will be insufficient to restore the Glades. Learn the lesson - don't use half hearted measures in the name of saving money.

NAME & CONTACT INFORMATION: *(Optional)*

HOWARD LUBEL
801 N VENETIAN DR
MIAMI FL 33139

Please mail comments to:

Stuart J. Appelbaum
Chief, Planning Division
Attn: Jon Moulding
Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

or

E-mail to: ttmcomments@usace.army.mil

From: joelmarco@bellsouth.net
Sent: Tuesday, October 11, 2005 4:39 PM
To: TTMComments SAJ
Cc: joelmarco@bellsouth.net
Subject: Responce to Draft RGRR/SEIS Tamiami trail modifications

Airboat Association of Florida comments to the draft report RGRR/SEIS Tamiami Trail modifications.

The A.A.O.F agrees with the executive summary in part. We agree that alternative 14. A two-mile bridge at the western region of the project area and one mile bride at the eastern end. This will meet the needs of the water required south of US41. This observation is based on actual use of effected area. Over several generations, we the people used airboats, buggy's and tracked vehicles before US41construction and after. We at the A.A.O.F make no claims to be hydrologists. At the same time no other culture group has as much collective hands on knowledge as the users of the area.

Recreation
The A.A.O.F believes the author of this section is misleading the reader of section 2.8. Locations of the facilities are accuret the conditions of sed facilities are drastically misleading. First L-29 levee has only a one way not two way road atop. The boat ramp at S-334 into3-B was and still is significly impacted by the construction of the pump station. Parking has been reduced. And the ramp angel was left with a significly greater angel witch is a hazard. Also this ramp area which is no longer maintained by South Florida Water Management. Both South Florida Water Management and the Army Corps. Have been notified by the A.A.O.F. No restoration has taken place to mitigate loss of use since 1998, MORE CULTURE DISRUPTION! This project clearly impedes the navigational use of Florida's water ways. The river of grass like our other soverign water ways should be open to our citizens. The boat ramp three miles to the east is managed by F.W.C. This ramp is in good condition. Thanks.

In reference to the associated picnic areas. Before the Expansion act there were two picnic areas on L 29 canal since the 1960's. Each area had 6 to 9 concrete pavilions with concrete floors and concrete picnic tables with concrete benches. Sed facilities were built by Miami Dade County Parks and Recreation Dept. via release from South Florida Water Management for the land. Dade county Park and Recreation demolished all of sed picnic facilities. Without public notice or input of this action. We inquired as to why?

A park manager at the Tamiami gun range stated: and I quote. It is his understanding that the modified water deliveries to the everglades N.P.S would require removal of picnic pavilions and L-29 levee. Anyway his budget from the Dade County Parks and Recreation required a cut somewhere. (What a loss to our culture and the history of the Tamiami Trail)

Control structure S-333 provides access to another airboat ramp. On the west side WCA-3B. Sed ramp has not been maintained in at least 15-20 years. The results from no action by South Florida Water Management have led to overgrowth, mud, rendering, and sed airboat ramp useless. Another sad loss of access to the area affected by 1989 everglades NPS (E.N.P.)

Summary of loss of use in Tamiami Project area: Both direct and indirect due to M.O.D.

Loss of use approximately fifteen pavilions, two picnic areas; i.e. county parks, one airboat ramp at east end, one airboat ramp at west end. High water has caused F.W.C. to close WCA-3A and WCA-3B to public access for several months. In recent history this action typically starts in summer months when our next generation of culture users are out of school. Thus stopping access to public lands and navigable water ways. The closer has been repeated in the past several years. Getting the water right as Rock would say, has turned into getting the historic culture out. I don't think congress meant the latter.

The A.A.O.F disagrees with 5.5.2 airboat crossing pg.77 RGRR/SEIS for the Tamiami Trail. 5.5.2 Airboats once moved anywhere on the river of grass but then the U.S Army Corps. okayed US41. Witch stopped air boating on Florida's sovereign water ways without having to pull out ones boat and traverses over US41. Re launch ones boat to the other side.

Solution: Mitigate of loss of use, via culture loss features in the 1989 E. Everglades Expansion Act. To build the airboat passage, feature in the east bridge. Not to do so clearly means there 1989 E.E.E Act authority allows prejudice against our culture. And those at the N.P.S., D.O.I are engaging in ethnocentrism! All through this draft purpose and need for action 1.3.1 , 1.3.2, 1.4, 1.5, 1.6, 1.6.2, even the great and all knowing U.S fish and wild life service final biological opinion 1.6.3 conditions needed to meet endangered species Act requirements have nothing to do with recreational use. The same with 1.6.4 all of sec .2.0 pollutants! From projects. Not recreation i.e.: airboats, full tracks, ORV, OHV'S

2.9 Culture resources.
A.A.O.F. opinion of report by Janus research (2001). In regards to the A.A.O.F. agrees with bullet point four strongly 2.9 of S.E.I.S. And the secondary information regarding site 8 da6768 statement (as may be). We also agree with the recommendation for management of property.

A.A.O.F. opinion of appendix C culturally resources. The A.A.O.F. would like to thank U.S. Army Corps of Engineers for starting to acknowledge our historic culture down here. To New South Associates via JW Joseph and Jennifer Azzarello Thank you for seeing the truth and the need for further ethnographic research. Usage, access are the heart of our culture. The A.A.O.F. strongly recommends an area of effect study to be done. Study area should be from FL. City North to effected areas North of Tamiami Road Project.

A.A.O.F. request is not to stop or slow down getting the water right, but to disclose the truth of project effects on our culture. And maybe with Gods will and U.S. Congress we can right some wrongs in the 1989 Everglades Expansion Act. Help us keep and restore our culture and historic use in all of the everglades.

Thank you

Joel Marco for the Air Boat Association of Florida

Elmer D. Marlin
1746 S.W. Captains Place
Palm City, Florida 34990
772 781 9750
August 16,2005

Stuart J.Appelbaum Chief Planning Division Att: Jon Moulding
Department of theArmy District Corps of Engineers
P.O. Box 4970
Jacksonville, FL. 322320019

Subject: The St. Lucie Okeechobee Problem, an example of how lack of foresight causes us to shoot ourselves in the foot.

Once upon as time there were two world famous natural resources, Lake Okeechobee, and the St Lucie River:

> Lake Okeechobee, the largest natural lake in the United States, clear water the over flow from which fed and nurtured the Everglades. Lake Okechobee was reputed to be the best bass fishing lake in the world.
>
> The St. Lucia River, clear and deep was the home to giant tarpon and many other fish in abundance. It was a spawning ground and return base for many ocean species that contributed to the support of large commercial and sport fishing enterprises that supported thousands of jobs and brought millions of dollars into the local community. The food supply to the nation was enormous.

Then some people settled on the wetlands that surrounded Lake Okeechobee. They shouldn't have been allowed to do that. The area became flooded every year when the rains came.

So without recognizing the long- term consequences we put a dike around the lake and provided spillways into the rivers to handle the overflow.

The given reason was to protect the settlers. Or, was the real reason to provide farmland for big sugar and big cattle?

Then the agricultural activities started to back pump cattle manure, water contaminated with phosphorous, potasium and other poisons from insecticides, fertilizers and herbicides into the lake and from there into the rivers. Immediately pervasive death to the lake, rivers and ocean set in. Lake, river and ocean fish are dying everywhere. The formerly clear lake with green grass bottom is now almost barren with a black dead grass bottom.

The St. Lucie River, once clear, is now a manure brown with a sludge bottom and with a green slime peervading everywhere.. The oyster beds are dead the fish are dead or dying.. The track of contamination and polution can be traced for miles into the ocean. The once abundant offshore fish have all but disapeared. The stench is in the air.

The fish factory is gone. The major fishing vessels are gone. Stuart sport fishing has gone from the "Sailfish Capital of theWorld", to you are lucky if you catch anything.

But here comes the worst part. The lake and river have been officially recognized as being polluted.. Green scum and stench pervaids the area. People are warned that the algae is toxic and not to touch the water or eat the fish. Microbacterium, (similar to tubercolosis) is in the water. People as well as fish get lesions. Carried to extreme it could be fatal. There have been numbers of people getting infected. (Check with the local infectious disease doctors.)

The predominant cause of the problem is the polution in the lake from the agricultural interests. The concentration is cumulative. History clearly defines the trend from purity to toxicity.

Questions:
Do we have to wait until people start dying in droves before we correct the situation? Are big sugar and big cattle important enough to prevent a logical timely solution?

Any solution must clear up both the lake as well as the rivers.

Elmer D. Marlin

Elmer D. Marlin

From: DMandCH@aol.com
Sent: Friday, August 26, 2005 11:32 AM
To: TTMComments SAJ
Subject: Everglades Water Deliveries Comments

I would like to see an effort to restrain development near these areas and improve water quality thru additional catchement areas. I would like to see Tamiami Trail highway elevated to permit water to flow naturally thru to the Everglades. I would like to see more attention paid to protection of wildlife, in particularly, the Florida Panther which is under great stress.

I believe that the State needs to reach agreements with local and regional governments to stop or restrain development near the Everglades so that the park can fully recover. I would also like to see greater efforts to improve water quality by restraining phosphorous runoff from local areas as well as controlling phosphorous from Lake Okeechobee.

I am also concerned with mercury levels rising in the Everglades.

Regards,
Drew Martin
500 Lake Ave. #102
Lake Worth, Fl. 33460

DMandCH@aol.com

From: Tricknicky@aol.com
Sent: Tuesday, October 11, 2005 9:27 PM
To: TTMComments SAJ
Subject: Tamiami Trail Modifications

Dear Mr. Appelbaum,

I support restoring flow to the Everglades, and I am glad that the Army Corps is studying how to best do this. However, I do not support the Tentatively Selected Plan and was do not agree with your agency that considers this the best way to do it. I support the 10.7 mile causeway for the reasons below.

1: Ecological restoration. Only the 10.7 mile causeway would fully restore the flows. App. E (page 8) says that the 10. mile span would restore all the sloughs, and none of the other alternatives even come close. I say do it! Restore all the flows. We taxpayers keep getting told that restoring the Everglades is going to happen. Two tiny bridges will not do it.

2. Encroachment into Everglades National Park. Too many people worked too hard to create and protect Everglades National Park to just give portions away for an alternative that is not even a Best Buy. Why constructing to the north of Tamiami Trail, perhaps into the canal? This alternative should have been considered in your document. There is no explanation as to why all the alternatives mean encroachment into this beautiful park. Marjory Stoneman Douglas and Ernest Coe would be appalled. Your SEIS doesn't even tell us, the taxpayers, exactly how much park land would be lost forever. Not only that, but the SEIS never gives a table showing how much of ENP would be lost for each alternative. How are we expected to compare the alternatives to see which one has the least encroachment into the park?

3. Protecting animals from vehicles. I am concerned about road-kill. Protection of the Everglades should always take into account that roads, while acting as barriers to water flow, also cause direct mortality of Everglades animals. Page 40 of the Fish and Wildlife Coordination Act Report (Appendix F) states: "… 2,779 individual mortalities avoided if the 10.7-mile Causeway was in place, 1,046 individuals if a 4-mile bridge was in place, and 147 individuals if a 3,000-foot bridge was selected. These results further support the need for a wider bridge configuration on the TT." With these results, three times as many animals would die from the TSP (with only three miles of bridge) compared to the 10.7 mile causeway.

Thank you for the opportunity to comment on the Tamiami Trail modifications.

Sincerely,

Nicole McGrath
7300 Poinciana Court
Miami Lakes, FL 33014

From: Diana [dianamarmorstein@yahoo.com]
Sent: Monday, October 03, 2005 11:44 AM
To: TTMComments SAJ
Subject: Comments about Everglades Skyway

To Whom it May Concern:

I strongly urge you to move forward with the full Everglades Skyway. This is already a compromise. The full project to restore the flows of the Everglades would eliminate Tamiami Trail altogether. If that cannot be achieved now, the Skyway is the next best course of action. At least this is expected to restore 98% of the water flow. Reducing the span any further would be a waste of time and money.

Keep in mind that the goal of the Everglades restoration project is to restore this vital World Heritage park for the native wildlife, many of which are in dire straits, not to make it easier for people to venture in to the park (or the part of it that has artificially been designated a so-called 'preserve') to kill them.

Though you may feel the need to use taxpayers' money to conduct a study of the 'cultural effects' of the restoration project, the results of this study should have no bearing on the decisions about the project. Congress and the American people did not authorize a conditional restoration of the Everglades.

Once again, your mandate is to save the Everglades. And that means building the Skyway.

Sincerely yours,
Diana Marmorstein, Ph.D.

From: Arnold Markowitz [witzfish@earthlink.net]
Sent: Wednesday, September 21, 2005 4:18 PM
To: TTMComments SAJ
Subject: culvert maintenance?

I keep hearing persistent complaints that the existing culverts beneath Tamiami Trail are clogged with debris, and that the Corps of Engineers is responsible for keeping those culverts clear but has left that work undone for quite a long time.

Before proceeding with an expensive, disruptive and contentious bridge-building plan, I hope the Corps will subject the culverts to intensive maintenance-- and keep them clear of blockage for as long as it takes to determine how much of a difference that will make.

It may not make enough difference to solve the water flow problem without building bridges, but I think it might make enough of a difference to let the envisioned construction jobs be scaled back. In any case, the responsible thing to do before spending a fortune and inconveniencing everyone who uses that road, is find out for sure just how much difference it will make if the culverts are cleared and kept clear.

I would not support a bridge-building project or other modification if it would eliminate or curtail public access, especially to the L-67 canal and its boat launching areas at Tamiami Trail and Everglades Holiday Park.

Arnold Markowitz
witzfish@earthlink.net

-----Original Message-----
From: Marcelamcg@aol.com [mailto:Marcelamcg@aol.com]
Sent: Monday, October 10, 2005 11:15 PM
To: TTMComments SAJ
Subject: Tamiami Trail modifications

Dear Mr. Appelbaum,

I support restoring flow to the Everglades, and I am glad that the Army Corps is studying how to best do this. However, I do not support the Tentatively Selected Plan and was outraged that your agency considers this the best way to do it, when your own study (SEIS) doesn't support your choice! I support the 10.7 mile causeway for the reasons below.

Reason #1: Ecological restoration. Only the 10.7 mile causeway would fully restore the flows. App. E (page 8) says that the 10. mile span would restore all the sloughs, and none of the other alternatives even come close. I say do it! Restore all the flows. We taxpayers keep getting told that restoring the Everglades is going to happen. Two tiny bridges will not do it.

Reason #2: Economics. The 10.7 mile causeway is a Best Buy. The TSP is not identified as a Best Buy. When I budget my household money, I always go for the best buy. I would expect my government to do no less with my tax money. Why are you throwing away my tax money on an alternative that is not selected as a Best Buy?

In fact, there are two other alternatives (3 mile bridge, 4 mile central bridge) that consistently rated higher than the TSP in environmental issues, yet they were not selected as the TSP. They even cost less than the TSP per habitat unit restored! These two Best Buy alternatives are not nearly as expensive as the10.7 mile bridge, so why not choose them as the TSP? There is no clear explanation given in your SEIS. Are you bending to pressure from special interest user groups?

Also, all through the SEIS, your agency says that the only reason for not selecting Alt. 17 (10.7 mile bridge) is lack of funds, but on page 111, the SEIS states that the Tentatively Selected Plan (Alternative 14, 2 mile and 1 mile bridges) also is greater than the funding available! Well heck, if you're going to blow the budget, go all the way and support the environmentally preferred alternative.

When the CERP document identifies what it wants to do with Tamiami Trail, it will be awful if your agency chose an alternative that is not compatible and then we will have to pay for a costly retrofit. Don't waste my tax money on an alternative that is not a Best Buy and then retrofit to do something you should have done in the first place. Get money from CERP to do the 10.7 mile bridge and make it compatible.

Reason #3. Encroachment into Everglades National Park. Too many people worked too hard to create and protect Everglades National Park to just give portions away for an alternative that is not even a Best Buy. Why constructing to the north of Tamiami Trail,

perhaps into the canal? This alternative should have been considered in your document. There is no explanation as to why all the alternatives mean encroachment into this beautiful park. Marjory Stoneman Douglas and Ernest Coe would be appalled. Your SEIS doesn't even tell us, the taxpayers, exactly how much park land would be lost forever. Not only that, but the SEIS never gives a table showing how much of ENP would be lost for each alternative. How are we expected to compare the alternatives to see which one has the least encroachment into the park?

Reason #4. Protecting animals from vehicles. I am concerned about road-kill. Protection of the Everglades should always take into account that roads, while acting as barriers to water flow, also cause direct mortality of Everglades animals. Page 40 of the Fish and Wildlife Coordination Act Report (Appendix F) states: "… 2,779 individual mortalities avoided if the 10.7-mile Causeway was in place, 1,046 individuals if a 4-mile bridge was in place, and 147 individuals if a 3,000-foot bridge was selected. These results further support the need for a wider bridge configuration on the TT." With these results, three times as many animals would die from the TSP (with only three miles of bridge) compared to the 10.7 mile causeway.

While I am talking about protecting animals from vehicles, I would like to point out an inconsistency. The same page 40 in your FWCAR (Appendix F) states the following:

"Another interesting result from the study is that the different transects also had different amounts of road-kill. Only approximately 10 percent of all the road-killed items reported occurred on Transect 1, while nearly 47 percent occurred on Transect 3. Transect 2 had the second lowest total, with approximately 19 percent of the total, and Transect 4 as the second highest, with 24 percent of the total."

But in Appendix E, page E-15, your agency used the assumption that the rate of road-kill was constant along the entire 10.7 miles. This is a faulty assumption, given that the FWCAR showed that there were obvious road-kill "hot-spots" along Tamiami Trail.

For my tax money, I want to know that the placement of the TSP's east bridge would mean the road is elevated above the road-kill hot-spot of the FWCAR's Transect 3. Does it? The SEIS maps make it very unclear, and this is never stated. If it doesn't, the bridge should be moved to make sure this dangerous section of road is elevated.

Thank you for the opportunity to comment on the Tamiami Trail modifications.

Sincerely,

Marcela McGrath
7300 Poinciana Court
Miami Lakes, FL 33014

From: swampbuggy2 [swampbuggy2@earthlink.net]
Sent: Saturday, September 24, 2005 7:44 AM
To: TTMComments SAJ
Subject: COMMENTS for TTM Draft RGRR/SEIS

As I could not attend the Sept 15 meeting at FIU I would like to submit the following comment on the 10-12 mile bridge.

1. Your cost estimates are extremely low. Prices of concrete and steel even before Hurricane Katrina are rising at astronomical rates. Not to mention labor, which in the case of South Florida is almost impossible at any price. The federal and state government have a responsibility to spend money to benefit the greatest number of people and this project will not accomplish that. Yes the money comes from other sources but it is OUR money and lives can be saved spending it elsewhere. Right now our resources need to be spent in the Gulf region rebuilds and repairs, this needs to be looked at a later date.

2. Your objectives are not clear. If this is necessary for public safety and environmental purposes,why are similar projects elsewhere on US 41 not planned. The Picayune Strand Restoration for example, a few extra culverts seem to be acceptable. Same road, different plan. One one-hundredth the cost. Is public safety and environmental protection only important in Dade County? This smells like pork barrel.
Please forward that question to CERP as I would like a reply.

3. Cultural
A. Recreation would be eliminated with the 10 mile plan. No fishing, airboating can occur from a bridge. This has been a tradition for many in this area for many years. It seems more like this is a plan to eliminate these activities as no provisions have be made to offset this. Airboat camps that have been used for years will be inaccessible. Generations of South Floridians who have used this area, and been forced by development and government action into smaller and smaller areas will now be left with nothing. Is cultural and historical significance now to be used as collateral damage to keep environmental groups from suing?
B. Small Indian enterprises will be destroyed.
C. African Americans and Hispanics have fished those banks for food and fun for years. Yet I see no mention how this will continue.
D. Tourism will suffer in the area. Tourist pull off the road to photograph and observe the real Everglades. You cant do that on this bridge. Current guardrail regulations will make it very difficult to even see it from a passenger car.

4. I would recommend the following:
A. Build a few smaller bridges and more culverts to allow water flow.
B. Increase the height of the roadbed.
C. All improvements should be designed with public access of all kinds in mind.

Brian McMahon
360 22nd Ave NW
Naples, FL 34120

608 SE Flamingo Ave
Stuart, FL 34996
08/29/2005

Stuart J. Appelbaum
Chief, Planning Division
Attn: Jon Moulding
Department of the Army
Jacksonville District Corps of Engineers
PO Box 4970
Jacksonville, FL 32232-0019

RE: Comment in Favor of Moving Water South from Lake Okeechobee rather than releasing it into the St. Lucie Estuary

Dear Sirs:

The St. Lucie Estuary is dying. The damage done from pulse releases from Lake Okeechobee may be irreversible. Oysters are dead. Baby manatees and dolphin have been found dead, attributed to poor water quality. There are reports of dead and dying fish, and fish with lesions on them. A group of joggers from my fitness center saw an alligator in the river last week.

My sister lives right off of the river. We used to fish from her dock when the water was clean. A bait bucket of shrimp would stay alive for a week when submerged off her dock then. Now they die within 45 minutes.

The water is black and ugly. A 4' or more neon green border of algae which is toxic to humans surrounds are shores where we used to see dolphins frolic. It truly is atrocious. Yet, if you drive just 30 minutes North to Ft. Pierce or South to Jupiter, the water is as beautiful as it formerly was in the St. Lucie Estuary.

Please, please discharge the water from Lake Okeechobee another route. Save our Water!

Sincerely,

Marilyn R. Metz

Marilyn Metz

From: Coky Michel [wekayak@bellsouth.net]
Sent: Tuesday, September 27, 2005 9:57 AM
To: TTMComments SAJ
Subject: Build the Skyway to restore the Everglades

September 7th, 2005

To: Mr. Stuart J. Appelbaum and Mr. Jon Moulding
Department of the Army
Jacksonville, FL 32232-0019

Dear Mr. Appelbaum and Mr. Moulding:

This is just a note to let you know that I am in full support of the Skyway to help the restoration of the Everglades. I will not list the many reasons, because you are already aware of the fact that this is the best alternative possible. I am sure that you have also received many letters detailing the many reasons for this wise point of view.
If money is the object, it shouldn't be. Why is it that there is never enough money to do things right? If the federal government had spent a little money fixing the levies in New Orleans, many lives would have been spared, and billions of hard earned tax payers' dollars would have been saved. It's too late now for New Orleans, but it shouldn't be too late for the Everglades, one of our most endangered national parks.
Let's avoid the mistakes that will cost much more later, when we have to undo what we did wrong. Let's do things right, for once, and build the Skyway.

Sincerely,
Olga M. Michel
3125 SW 96th Avenue
Miami, FL 33165
wekayak@bellsouth.net

P.S. I was at the hearing at FIU a few days ago, and was appalled to hear the anglers and the hunters speak against this plan, only thinking of their own selfish interests- being able to kill every creature that's still living in this endangered land, and continue polluting the system with their swamp buggies and their airboats. I'm sure that, with your know-how, you will be able to make provisions so that these folks have land and water access to all those animals they want to eliminate.

From: Bill Murphy [bmurphyi@bellsouth.net]
Sent: Friday, September 16, 2005 2:22 PM
To: TTMComments SAJ
Subject: Plan to raise Tamiami Trail to help restore natural flow

I live in Martin County, ANYTHING that will stop the sewage from being dumped into our river would be good. The bad thing is, it will end up in the Everglades National Park.

Why don't the government require that those who are polluting the water, chicken farms, sugar cane, orange grove, developers, clean up the water before it is dumped into the lake? 30 years ago, 40 years ago, this problem didn't exist, fresh water was bad, but at least it wasn't polluted.

9/8/05

CHIEF APPELBAUM, JON MOULDING AND OTHERS,

I SUPPORT THIS (SEE ENCLOSED) PLAN. ALTHOUGH THIS ARTICLE PROVIDES ONLY "SKETCHY" INFORMATION, I HAVE PREVIOUSLY READ AND ATTENDED PUBLIC LECTURES REGARDING THIS NATURAL / SOUTHERN WATER SHEDDING FLOW.

HOPEFULLY THIS WILL NOT EXACERBATE THE CHEMICALLY POISONED FLOW THROUGH THE FLA. BAY, LONG KEY TO HAWKS CHANNEL THAT HAS BEEN WORSENING THE PAST 15 YRS.

WITH THANKS & SINCERITY,

Terry W. Phillips

425 19TH PLACE
VERO BEACH, FL, 32960

The Palm Beach Newspapers, Thursday, March 25, 2004

NATION&WORLD

Army Corps of Engineers grants comment on plan to ease Lake O

[redacted]

ease the [redacted] into Everglades National Park, corps ecologists said. That could [redacted] the Treasure Coast by allowing more [redacted] from Lake [redacted] St. Lucie [redacted]

The plan includes a two-mile bridge at the western end and a mile-long bridge at the eastern end of the 10.7-mile project, [redacted] differs from a [redacted] also includes [redacted] mainder of the [redacted] about two [redacted]

"It was [redacted] one we put [redacted] ago," said [redacted] ecologist for [redacted] ve [redacted]

[redacted]

[redacted] of the Everglades within [redacted] and habitat, endangered spe[redacted]

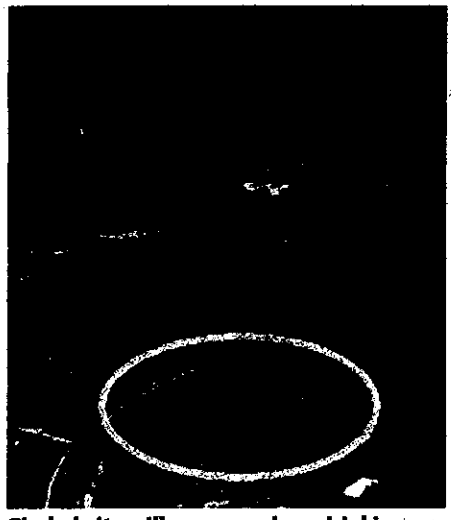
Another report [redacted] be issued in November and the corps will have an additional 30-day public review and comment period. A decision [redacted] project [redacted]

Tampa Bay's "Desal" Plant Worries Anglers

Many Tampa Bay anglers are eyeing a possible new threat to their fishery. The largest desalination plant in the Western Hemisphere is rising on the eastern edge of Tampa Bay. By year's end, Tampa Bay Water will cut the ribbon for the $110 million plant and begin producing 25 million gallons of fresh water per day. The worry is that its byproduct, 20 million gallons per day of salty discharge, will build up, damaging the estuary's ecology.

The issue hinges on how quickly the north area of Tampa Bay flushes to the Gulf of Mexico. The author of the plant's environmental impact study, University of South Florida marine science professor Mark Luther, used an estimate of 10 days or less in computer modeling studies to predict that the plant's brine discharge would not raise the salinity of bay water above acceptable levels. But Carl Goodwin, a U. S. Geological Survey expert on Tampa Bay who testified at the plant permitting hearing, said his research showed an average flushing time of 110 days, a figure plant opponents use to support their contention the plant's brine discharge will build up to dangerous levels.

B.J. Lower, Technical Director of Save Our Bays, Air and Canals (SOBAC), a citizen's group fighting to modify the plant design, says the current design "will form a plume of heated, higher-salinity water in the bay. It will kill eggs, larvae and some juvenile fish that are carried into it by currents."



Circled site will soon produce drinking water, but also discharge brine into Tampa Bay.

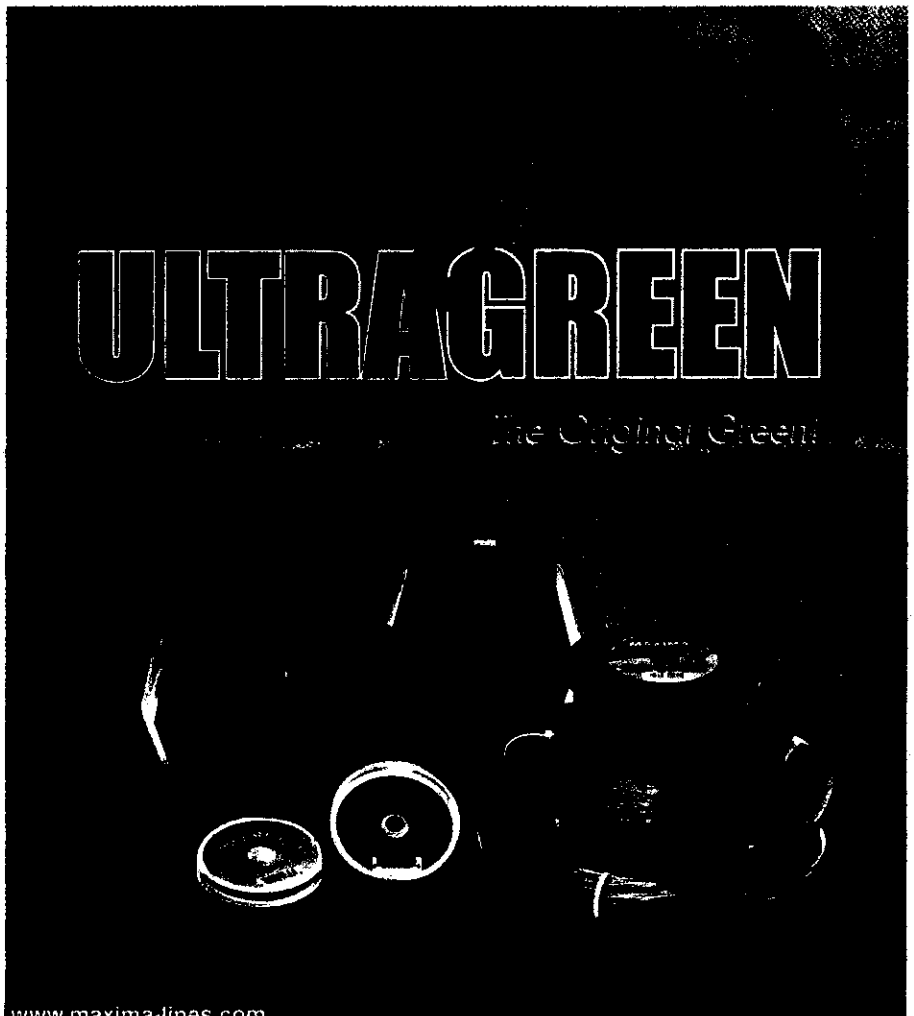
Michael Champ, an expert on environmental contaminants who advises the SOBAC group, says he has seen estuaries where higher salinity is too much for larval stages and replacement (standing stock) is lost. "Jellyfish became the dominant species in these impaired water bodies," he said.

Luther disputes Goodwin's findings and insists opponents' fears are unfounded. "The modeling studies we did show the increase in salinity will be negligible by the time the discharge gets out into the bay," he said.

Lower's group argues there is no reason to risk bay ecology and marine life when there are ways to change the plant design to keep brine by-product from entering Tampa Bay or at least to cool and aerate the discharge.

Meanwhile, work proceeds on the plant with possible consequences still in the unknown category.

—John Petrimoulx



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POWERLINE Marine • *7125 W. 4th Ave.* • *Hialeah, FL 33014*
Shallow Water Outfitters • 1303 Tamiami Trail • Punta Gordo, FL 33950
Three Brothers Fishing Company • 5009 Gulf Blvd. • St. Pete Beach, FL 33706

TAMIAMI TRAIL MODIFICATIONS

Draft Integrated Feasibility Report (IFR) and Supplemental Environmental Impact Statement (SEIS)

COMMENTS

Thank you for attending this evening's Public Workshop. We value your contribution. If you would like to provide additional comments on this evening's presentation and discussion, please provide comments below and return to us prior to the end of the public comment period that **ends on Oct. 11, 2005**.

COMMENTS: *(May be continued on reverse)* The Corp. has stated that it may be practical to build small test sites to determine how things might work. I believe a very simple test can be done at very little cost on the Tamiami Trail site. Consider cleaning out the existing 19 culverts and removing the cattail reed on the South Side of Tamiami Trail. Perhaps make the culverts a little deeper and also the channel to the South. Then close the structure at the East end of the 11 mile stretch. That way you can really see if water will flow downhill.

We at S.A.F.E.R., INC. will oppose any attempts to build a skyway.

NAME & CONTACT INFORMATION: *(Optional)*

Rick Persson
10901 SW 106 Ave
Miami, Fl. 33176
RPBR1117@bellsouth.net

Please mail comments to:

Stuart J. Appelbaum
Chief, Planning Division
Attn: Jon Moulding
Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

or

E-mail to: ttmcomments@usace.army.mil

THE FISHIN' FOOL
170 SE. DWIGHT AVE.,PORT ST. LUCIE, FL.34983 FAX/TEL (772) 785-9687

STUART J.APPELBAUM,CHIEF,PLANNING DIVISION
ATTN:JON MOULDING
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O.BOX 4970
JACKSONVILLE,FL32232-0019

RELIEF FOR LAKE OKEECHOBEE/ST.LUCIE ESTUARY

DEAR MR.APPELBAUM, SEPTEMBER 13,2005

RAISING THE TAMIAMI TRAIL: THIS IS AN EXCELLENT PLAN WHICH SHOULD BE IMPLEMENTED AS SOON AS POSSIBLE.AS AN INTERIM MEASURE OPEN THE EXISTING FLOOD-CONTROLL STRUCTURES AND CLEAN THE RELATED CULVERTS.I HEAR THE ANXIETY OVER THE CAPE SABLE SPARROW'S NESTING AREAS,BUT THEY ONLY MOVED IN WHEN THE AREA WAS ARTIFICIALLY DRAINED,AND THEY HAVE THE ABILITY TO MOVE OUT. WHICH IS MORE THAN CAN BE SAID FOR SEAGRASSES, OYSTERS, KITE SNAILS AND OTHER CREATURES THAT ARE BEING DROWNED FROM THE EXCESSIVE LEVEL OF LAKE OKEECHOBEE AND THE RELEASES TO THE ST.LUCIE ESTUARY.

THERE IS ANOTHER LONGER TERM SOLUTION THAT SHOULD BE CONSIDERED: THE DIVERSION OF THE WATER IN THE KISSIMEE RIVER BASIN TO THE TAMPA/ST.PETERSBURG AREA.THEY DESPERATELY NEED FRESH WATER OVER THERE,AND THE LAST I'VE HEARD THEIR MULTI-MILLION DOLLAR DE-SAL PLANT IS NOT YET PRODUCING.USING THAT WATER IS FAR MORE INTELLIGENT THAN FLOODING LAKE"O",AND THE CONNECTED ESTUARIES. WE ARE NOT THE SUGAR FARMERS'SEWER!

CONGRESS SEEMS UNWILLING TO GO ALONG WITH SOME OF YOUR"PIE-IN-SKY" PROJECTS SUCH AS RETENTION PONDS THAT HOLD BARELY ONE DAY'S WATER RELEASES INTO THE ESTUARIES,OR "ASR" WELLS,THAT HAVE SO FAR PROVEN UNRELIABLE AND POLLUTING. HOWEVER,CONGRESS KNOWS THAT LOS ANGELES COULD NOT EXIST WITHOUT THEIR DIVERSION CANALS BRINGING FRESH WATER FROM THE EAST. THINK ABOUT IT!

SINCERELY,

Chuck Powers

CHUCK POWERS
("THE FISHIN'FOOL")

From: prusso52@netzero.net
Sent: Sunday, October 09, 2005 9:52 PM
To: TTMComments SAJ
Subject: Everglades Skyway

We cannot keep short-changing the environment. The proper restoration of the Everglades is imperative to the health of the South Florida. And not just the health of the animals and plants but of all the people too. It is not just the flora and fauna that depend upon these systems for life but people do too! The Skyway is the best choice to help restore the healthy flow of water that we destroyed. Let's not accept second or third best. Yes, it will cost more money but it is worth it and I am happy to have my tax dollars go for it's construction.

I choose the 10.7 mile Skyway and I want you to do the same.

Thank You,

Paula Russo

-----Original Message-----
From: Douglas Scofield [mailto:douglas_scofield@hotmail.com]
Sent: Monday, October 10, 2005 11:08 PM
To: TTMComments SAJ
Subject: COMMENTS Draft RGRR/SSEIS

Dear Mr. Appelbaum,

If the Army Corps of Engineers is serious about restoring the historic sheet flow to the Everglades, then the Corps should have recommended the option that would actually do this. There is very little opportunity this is perhaps our ***only*** chance to do this correctly, and it is disheartening to say the least that the Corps study and chosen alternative were both so lacking in vision, boldness and focus on what is best for the Everglades as a whole, not a small set of vocal shareholder groups. I support the 10.7 mile causeway, ***as does your own study***. One of the more disappointing aspects of your study is the fact that information in the document is presented piecemeal, and split between the main document and appendices. It is difficult to determine all of the advantages and disadvantages of each plan, and this seems to be especially difficult with respect to the 10.7 mile causeway. It is clearly the best alternative from a restoration standpoint, but it is difficult for a citizen not familiar with the potentially confusing structure of such documents to determine this. Frankly you should be ashamed of this.

Some of my reasons for supporting the 10.7 mile causeway:

1. Only the 10.7 mile causeway restores all the sloughs, and none of the other alternatives even come close. It is also very difficult to find in your document that this is in fact the case. This is clearly due to the almost deliberately confusing manner in which you presented all the necessary information.

2. You indicate that the 10.7 mile causeway is a Best Buy. **But your recommended alternative (TSP) is not identified as a Best Buy.** So why did you recommend it???

   It was pointed out to me that two other alternatives (3 mile bridge, 4 mile central bridge) that consistently rated higher than your TSP, yet they were not selected. They even cost less per habitat unit restored! **There is no clear explanation for your choice of TSP. Are you bending to pressure from special interest user groups?**

   Funding is an issue for all of your reasonably restoration-oriented plans, yet that is the main reason you choose for not selecting the 10.7 mile causeway. This is an expensive project, no matter when or how you choose to do it. Seek to use CERP moneys, perhaps FDOT and USDOT moneys, ***any*** source of funding that is necessary to make the most environmentally-friendly alternative possible. We've already allocated billions of dollars to Everglades restoration. Why go cheap now?

3. Why does your alternative encroach into Everglades National Park? Since you have one extremely vocal and apparently influential stakeholder group that carries a long-held grudge against Everglades National Park, it seems your plan does everything possible to encroach on nothing ***but*** Everglades National Park. I am also extremely disappointed at the complete lack of information on the degree of this impact for each plan, although it clearly will be the most significant of any of the surrounding landholders. It is as if the Corps is only concerned with confining the impact to our local International Biosphere Reserve, and the Corps (and vocal stakeholders) really don t care about how much of an effect this has.

4. I want to be certain that there is limited ability to travel via airboat from the north side of the causeway to the south side of the causeway. Travel via airboat is becoming ever more limited within Everglades National Park due to the grandfathering of airboat access permission into the East Everglades. Additionally, the rules concerning hunting differ greatly between the north and south sides of Tamiami Trail, and easy access between these areas would likely encourage mistaken take by hunters. Perhaps a few points along the causeway with sufficient height to allow airboats under would help in e.g. search and rescue operations, but not along the entire length.

5. I am wondering why the Corps is paying $100,000.00 to the Airboat Association of Florida for staging this seems to be a lot of money!! and why has the Corps developed such an apparently cozy relationship with the AAF? And more to the point, the NSA cultural anthropologist was wined and dined by the AAF, who were pushing the cultural importance of their sport s use of the area. Although sportspeople have been using the area for a long time, it seems odd to emphasize the value of stakeholders that clearly have a grudge against Everglades National Park and the Everglades Expansion Act that established the "East Everglades".

Quite frankly, I hope that this Tamiami Trail RGRR/SSEIS is pitched into the nearest dumpster, because the Corps: (a) has not impartially considered all alternatives and pros/cons of each; (b) has not presented an adequate range of alternatives; (c) has developed an overly cozy relationship with extremely vocal stakeholders; and (d) has not followed its own process s recommendations regarding the selection of the 10.7 mile causeway.

Thank you for the opportunity to comment on the Tamiami Trail modifications.

Sincerely,

Douglas G. Scofield
25190 SW 189th Ave.
Homestead, FL 33031-1727

From: Jim Serra [juniorbaiter@yahoo.com]
Sent: Thursday, August 25, 2005 6:03 PM
To: TTMComments SAJ
Subject: COMMENTS REGARDING LAKE OKEECHOBEE RELEASES

My name is Jim Serra residing at 2647 sw Nutcracker Way Palm City, Fl. I'm outraged and appalled about the condition of the St Lucie River from the St Lucie locks to the St Lucie inlet. Because of the recent massive freshwater releases from Lake O, our estuary has sustained substantial damage which, according to local experts, may take up to 30 years to correct.
This destruction has hurt the local ecomony on many fronts. You must find another way to divert this slop.

Jim Serra
772-286-1071

From: Jen S [jensamermaid@yahoo.com]
Sent: Friday, September 02, 2005 3:10 PM
To: TTMComments SAJ
Subject: Everglades

Let the river run and return the river of grass to its natural state. Yes, raise the Tamiami Trail.

Jennifer Shaber
1029 sw 31st Street
Palm City, FL 34990

From: Mara Shlackman [marashl@hotmail.com]
Sent: Wednesday, October 05, 2005 12:02 PM
To: TTMComments SAJ
Cc: jeb.bush@myflorida.com; senator@billnelson.senate.gov
Subject: Comments on Everglades Skyway

I am submitting this public comment to encourage the Army Corps of Engineers to build the 11-mile skyway over Tamiami Trail, rather than the 3-mile alternative. While the overall cost is greater, the 11-mile skyway is actually significantly cheaper when measured in terms of cost per mile. Moreover, the shorter span would end up being more costly if a future determination were made that additional spans were needed. The 11-mile bridge will reduce habitat fragmentation, and prevent a significant roadkill problem now. The project would provide jobs and promote tourism, and create a visible symbol of the Everglades restoration project. The 11-mile bridge would do a far better job of restoring the natural sheet flow of water to the Everglades that the Tamiami Trail is currently stifling.
Florida Bay fisheries would be healthier as the result of this plan.
Finally, the anticipated impacts on fishing and airboat access are minimal or non-existent.

For these reasons, please proceed with the 11-mile skyway over Tamiami Trail.

Mara Shlackman
2100 S. Ocean Dr. #8E
Ft. Lauderdale, FL 33316

TAMIAMI TRAIL MODIFICATIONS

Draft Revised General Reevaluation Report (RGRR) and Supplemental Environmental Impact Statement (SEIS)

COMMENTS

Thank you for attending this evening's Public Workshop. We value your contribution. If you would like to provide additional comments on this evening's presentation and discussion, please provide comments below and return to us prior to the end of the public comment period that **ends on Oct. 11, 2005**.

COMMENTS: *(May be continued on reverse)*

Dear Sir:

I feel that the 10.7 mile bridge is the best option to restoring the Everglades to its former condition. I think that the 2 and 1-mile option will be inadequate and more costly in the long run. I think that the Everglades is a unique habitat that should be preserved for many generations to come and that those who profit by it or enjoy it in its current sad condition, such as airboaters, fishermen, hunters should find other places to have recreation. It's in the best interest of the global ecosystem and of mankind to restore it to a natural, balanced state. There are many benefits such as a clean Florida bay, a revitalized flora and fauna, and a world wonder for all to appreciate.

NAME & CONTACT INFORMATION: *(Optional)*

John Skepowicz
8282 SW 128 St. #106
Miami FL 33156
305 251 4239

Please mail comments to:

Stuart J. Appelbaum
Chief, Planning Division
Attn: Jon Moulding
Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

or

E-mail to: ttmcomments@usace.army.mil

From: Mr m t [mts142@yahoo.com]
Sent: Thursday, October 06, 2005 2:13 PM
To: TTMComments SAJ
Subject: Everglades skyway

Tamiami Trail (US highway 41) cuts through Shark River Slough, one of the Everglades' deepest and most important water passageways. Scientists say this 11-mile section of the 1928 road must be elevated into a "skyway" if Everglades restoration is to succeed.
The skyway will be an important first step in returning the historic water sheet flow through parched Everglades National Park and into Florida Bay.
It will be beneficial to wildlife by reducing habitat fragmentation and preventing road kill. The project will create jobs and increase tourism while raising Everglades awareness at the same time. Best yet, an 11-mile skyway will serve as a visible symbol of Everglades restoration; a real benefit to the floundering project. This year, the U.S. Army Corps of Engineers will make a decision on the skyway.
Inadequate "second best" options are being considered instead of the environmentally preferred 11-mile skyway. The Sierra Club believes that Everglades restoration cannot happen without the full 11-mile skyway.

Martin Slater
9700 nw 83 st.
Tamarac, FL 33321

From: Canebobb@aol.com
Sent: Thursday, October 06, 2005 4:03 PM
To: TTMComments SAJ
Subject: Tamiami Trail (FL) bridge construction

Gentlemen: As a person who has been travelling the Tamiami Trail for over 50 years, I would like to take this opportunity to put my two cents worth into your decision on the upcoming bridge work on the Trail. I urge you to decide upon contructing the 10.7 mile scenic "skyway" as opposed to the two shorter birdges. It will be so much better for the Everglades; so much cheaper now then in the future, and; what an awesome ride it would create! Thanks for your consideration.
Sincerely, Robert E. Stucker, 10040 SW 199 St., Miami, FL 33157-8623

From: Patntiger@aol.com
Sent: Tuesday, September 27, 2005 4:19 PM
To: TTMComments SAJ
Subject: re: skyway

I don't hunt or fish but I do bird and chase butterflies. I think people like me should be considered when allowing people to tear up the Everglades in their air boats and other vehicles. At your last meeting I was up set to hear so many sportsmen (?) speak only about killing and destroying the beauty of our environment. There must be a way for all of us to use and enjoy the Everglades.

Pat Suiter, 14705 NE 11th Court, N. Miami, FL 33161

MICHAEL P. TOWNES
122 Southeast Paradise Place
Stuart Fl. 34997

Phone: 772-283-6020
Internet: townes012@bellsouth.net

11/16/2005

Stuart J. Appelbaum
Chief, Planning Division

Attn: Jon Moulding, Dept of the Army

Dear Sir,

As a life long resident of South Florida, 67 years, I would like to offer my comments regarding the proposed plan to raise the Tamiami Trail to help restore the natural southerly flow of surface water in South Florida.

First, the consideration of the need of a dike around the lake is a foregone conclusion and was appropriately constructed. It continues to serve the original purpose. The problem begins when the water is no longer allowed to flow south due to Big Sugar not wanting that much water on their government subsidized crop. That results in re-routing the water to the east and into the St. Lucie waterway and subsequently destroying the saltwater lagoon in the Stuart area. This is a two edged sword in that it stops water from following it's natural flow south and sends it east to an area that never had this kind of freshwater intrusion, especially water contaminated with nutrient runoff from thousands of acres of cattle grazing land.

Your proposal to put the water back to the South is the first intelligent solution to the problem proposed in recent years and is something that will right a wrong without any further harm to the environment. The cost to do this will be great but probably not as great as the cost to correct the situation by constructing more water sheds around the lake, which could cause their own problems and environmental damage.

Thanks for your consideration,

Sincerely

Mike Townes

cc: parnesa@shns.com

From: JZJ18@aol.com
Sent: Monday, September 05, 2005 10:14 AM
To: TTMComments SAJ
Subject: tamaimi trail project public comment

To whom it may concern,

Everglades restoration is key to the survival of our state's economic engine, tourism. Concerning the tamiami trail overpass, I believe it is absolutely critical that the original 11 mile span is put into place to allow the maximum amount of water to be restored to an adequate southerly flow. I have heard of recent talks of budget issues and the idea of making it only 3.5 miles. Taking the cheap route is always a mistake. If it is built to only 3.5 miles and produces no major impact, then the money was wasted. The idea of adding onto it at a later date is a bad one, consider the rising costs of building materials as well as overall inflation, it will end up costing more in the end!

Lets not be cheap, lets do it right the first time. New Orleans is paying the price for building the levee to 13 feet when they should have built it the original 25 feet as planned. Lets not make the same mistake so many people make over and over, being cheap to save a buck and having to spend 5 to fix it.

Thank you
Brent Urbanik

From: Urquia, Alexander P - Miami, FL [Alexander.P.Urquia@usps.gov]
Sent: Thursday, August 25, 2005 9:11 AM
To: TTMComments SAJ
Subject: US 41/ Tamiami Trail Bridge

To Whom It May Concern:

I am writing to you concerning the projects scheduled for the Tamiami Trail. I feel that it is important to plan for recreational access before any construction begins. Recreational users are currently able to access the Everglades Conservation Areas and Francis Taylor I am opposed to any restriction of this access. I understand that we must restore sheet-flow and do everything to improve the conditions of our natural habitat, but we must also remember the rich heritage or recreational use that has existed before any of these projects ever came into play. I will be at the September 15 meeting along with over 50 confirmed members of local sporting organizations. We expect that recreational access will be addressed and provided. Thank you in advance for your cooperation.

Sincerely
Alex Urquia
Regional Director
United Water-fowlers of Florida

TAMIAMI TRAIL MODIFICATIONS
Draft Feasibility Report (DFR) and Supplemental Environmental Impact Statement (SEIS)
COMMENTS

Thank you for attending this evening's Public Workshop. We value your contribution. If you would like to provide additional comments on this evening's presentation and discussion, please provide comments below and return to us prior to the end of the public comment period that **ends on Oct. 11, 2005**.

COMMENTS: *(May be continued on reverse)*

I want to urge you to build the 10.7 mile bridge. This bridge is the best proposal to restoring natural water flow to Everglades National Park and Florida Bay. This major modernizing would show the public that we truly care about environmental concerns that effect all of us. The rapid development in South Florida has stressed much of the infrastructure and greatly reduced natural areas. We must demonstrate to each other and future generations that we can be responsible caretakers of the environment. Build the Skyway!

NAME & CONTACT INFORMATION: *(Optional)*

Alvan Webber
8990 S.W. 124 ST
Miami, Fl 33176
(305) 235-6274
Miami resident 25 years

Please mail comments to:

Stuart J. Appelbaum
Chief, Planning Division
Attn: Jon Moulding
Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

or

E-mail to: ttmcomments@usace.army.mil

Commentson on the
US Army Corps of Engineers' Tamiami Trail Modifications

by
L. A. Prieto-Portar PhD, PE
Professor of Civil and Environmental Engineering
Florida International University

Thank you for this opportunity to contribute a few comments to the US Army Corps of Engineer's Tamiami Trail Modifications Project, as presented during the 15 September 2005 Public Workshop at FIU's Graham Center Ballroom, Miami.

1) **The proposed 100-foot spans seem excessive**.

I was Chief Engineer for Miami's MetroRail, which consists of 22 miles of aerial guideway (bridges). The choice of the 80-foot spans came about through an extensive cost analysis. Cost effective spans were in the 40 to 60-foot range. However, MetroRail was forced to the 80-foot spans due to aesthetics and vehicular underpasses. The 80-foot spans required a deeper girder section (double-tees) which notably increased the costs.

Perhaps a small team of engineers should study the span versus costs relationship. Since the Skyway Bridge is not constrained by any underpass requirements, much shorter spans would decrease the current cost estimates substantially.

A final note is that during a 15 August meeting at the Everglades National Park offices in Homestead, the Alternative #17 bridge was estimated at $ 317 million (I have the spread-sheets). During the 15 September Public Workshop that Alternative had increased to $ 343 million (it grew by $ 1 million a day!). The perception is that somebody is, a priori, out to kill Alternative #17.

2) **The proposed bridge and roadway elevations are too high**.

The 15 September Public Workshop showed preliminary engineering drawings with a bridge deck crown elevation of + 22.25 ft NGVD. This would provide a minimum clearance of 6 feet between high water levels and the girder (stringer) soffits. Perhaps the elevation could be decreased. A lower profile would reduce the costs for both the bridge and the at-grade roadway portions. A lower roadway crown would decrease bank erosion from larger groundwater flows through the roadway levee (from higher phreatic surfaces), and decrease the possible overloading of the weakened existing roadway subgrade (from its entrained organic strata).

I would be pleased to further discuss these issues; you can reach me at 305-348-2825 or E-mail at prietol@fiu.edu. Thank you.

NICHOLAS SCHOOL OF THE ENVIRONMENT AND EARTH SCIENCES
DUKE UNIVERSITY

STUART L. PIMM, DORIS DUKE CHAIR OF CONSERVATION ECOLOGY

PHONE (919) 613 8141 E-MAIL STUARTPIMM@AOL.COM

To whom it may concern:

4th October 2005

These are my comments on the US ACE's Tentatively Selected Plan (TSP) for the Tamiami Trail Modifications Project under MWD. I find the plan to be totally inadequate ecologically. Moreover, it seriously and incompetently misrepresents scientific opinions that I made to ACE and others as evaluations of various alternatives.

TSP is a minimalist alternative to what is obviously one of the single most important aspects of Everglades' restoration — the reconnection of flows from WCA 3A into WCA 3B and then into the area of Everglades National Park that I shall call Northeast Shark Slough. Any one who examines satellite imagery, the maps made available for visitors at ENP, or even lands at Miami airport from the west immediately sees that L67 levees and the present Tamiami Trail block the natural flow of the Everglades as it forms a gentle curve first to the southeast, then back to the southwest. The alignment of the remaining tree islands — readily visible from the air — shows that original flow. ACE structures massively disrupt that natural pattern.

CERP — the plan intended to restore the Everglades has very few actions that do anything of the sort. In criticizing this plan, I asked the previous Secretary of Interior to establish an independent National Research Council committee to evaluate concerns about CERP's ability to restore the Everglades. In a series of reports, CROGEE did just that and was extremely critical. This is a now $10 billion plan that effects few benefits, despite its promise to do that. To the extent that one can find environmental benefit in this massive expenditure of public funds, it comes from the much-touted "decompartmentalization" of the system — its return to natural flow paths. The TSP ensures that this will not take place — making a complete mockery of any claim that the ACE has any intention of providing environmental benefits.

In particular, I note the following:

"The Cape Sable seaside sparrow is currently being protected under the Interim Operational Plan (IOP) as described in the May 2002 IOP FEIS. Regulatory water releases occurring east of the L-67 Extension crossing Tamiami Trail were to be increased 60 percent. Alternative 10 will be capable of passing the sufficient flow volumes under Tamiami Trail. The implementation of the project therefore does not preclude compliance with the RPAs of the 1999 Biological Opinion."

If this were a summary of the work done by my team, it would be perilously close to a deliberate falsehood. The Cape Sable seaside sparrow is in no way protected under IOP: it is simply kept in its perilously highly vulnerable state. The report my colleagues and I wrote on the ecological consequences of IOP make it clear that this Federally Endangered species has been spared extinction across half of its range —thus far. ACE actions in the mid-1990s resulted in the loss of half the numbers of this species brought about by spectacularly bad management decisions. Water managers thought it reasonable to flood (to a depth of a metre of more) the breeding areas of this ground nesting bird during its breeding season, when water levels are naturally low. The prolonged, deliberate flooding of 1993 to 1995 nearly eliminated the species across half of its range and did such significant damage to the habitat as to be readily visible on satellite images. The other side of this coin is that populations in the east — immediately south of Northeast Shark Slough are in over-drained and so fire-prone habitats.

Since then, water managers, responding to the Biological Opinion have not so seriously flooded this area. The population there survives at perilously low levels. In short, to say the sparrow is being protected is simply rubbish and does not follow from the reports the ACE has received. Holding a gun to someone's head and not pulling the trigger is not protecting them; discarding the gun is the preferred alternative.

The written record makes it clear that IOP —please note the "I" — was in place until an effective diversion of water to the east under MWD could relieve the situation. Under TSP, that will not happen.

Finally, I have already provided an assessment of "minimalist" versus "extensive flow" alternatives and its effects on the sparrow to the relevant agencies. From the perspective of this species, the latter is the strongly preferred alternative.

Stuart Pimm

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October 11, 2005

VIA EMAIL & U.S. MAIL
ttmcomments@usace.army.mil

Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Re: Draft Revised General Reevaluation Report/Second Supplemental Environmental Impact Statement (RGRR/SEIS) For the Tamiami Trail Modifications

This letter contains the public comments of Radio One, Inc. ("Radio One") on the above-referenced Draft RGRR/SEIS.

Radio One understands that the U.S. Army Corps of Engineers ("Corps") has evaluated several alternative plans, including the no action alternative, to protect Tamiami Trail during high discharge conditions that could result in low portions of the highway being overtopped with water from modified water deliveries under various projects to restore the Everglades National Park. Each build alternative appears to involve increasing the cross-section of openings under the highway in order to minimize the rise in water level in the canal necessary to pass the required volume of water and to spread the water flow to the south.

Radio One is concerned that the Draft RGRR/SEIS has failed to adequately consider the impacts associated with the project on its property. Radio One owns a parcel of approximately 80 acres within the area that may be affected upon which it operates 7 radio towers and one transmitter building. The towers broadcast to the Miami area on 1080 kHz (WVCG) pursuant to a FCC license and serve diverse segments of the community with programming that is not otherwise available in the area.[1]

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[1] The property previously was owned by AMFM Operating, Inc.

Specifically, the Radio One property is located adjacent to and immediately south of Tamiami Trail (U.S. Hwy 41) in Section 8, T54S, R38E (N. Latitude: 25° 44' 53"; and W. Longitude: 80° 32' 47"), approximately four miles west of the L-31N Canal, and about five miles west of Krome Avenue (SR997). The towers and structures, which were constructed in 1980 are situated on fill pads and access from Tamiami Trail is provided along a filled road bed.

The pads and road bed were intentionally constructed above the 100 year flood level to insure access. As a result, Radio One has not had any problem with flooding or access that has adversely affected its operations. Radio One, however, is concerned that the project will create problems for Radio One's operations that were not adequately considered or addressed in the Draft RGRR/SEIS.

It is Radio One's understanding that the roadway profile along portions of the highway will be raised either by fill or by the construction of bridge spans. Consequently, Radio One is concerned about the potential impacts, and associated costs, that might result to continued access to its property. While the Draft RGRR/SEIS indicates that access to businesses located along the Tamiami Trail will be provided during and after construction, it is not clear what businesses were considered, how such access would be provided, or the associated costs. If either the elevated structure or raised roadway profile does impact Radio One's access, it would look to the government for appropriate compensation necessary to continue to allow for access of Tamiami Trail.

Additionally, it is Radio One's understanding that under several of the recommendations, Radio One's road bed would no longer be above the 100 year flood level, and in fact, the increased water levels could limit access to the property even during minor storm events, thus adversely affecting Radio One's operations, and likely result in erosion damage to the road beds and tower pads, which could threaten the tower's structural integrity. This would result in increased maintenance and upkeep costs, and cause an environmental sedimentation impact upon the local ecosystem if the pads and road beds are eroded. Moreover, it may become necessary to access the towers via a motor boat, which in turn may result in environmental impacts that were not addressed in the Draft RGRR/SEIS. The increased water levels also could result in signal disruption or distortion interfering with Radio One's broadcast capabilities.

Radio One believes that the Draft RGRR/SEIS also does not provide adequate information regarding the hydraulic and hydrologic modeling that was conducted to evaluate the considered alternatives. The Draft RGRR/SEIS does not identify the storm events considered, water flows, or water level elevations. Therefore, Radio One would request that its property be more thoroughly evaluated using the Corps modeled hydraulic conditions to better understand the ultimate effect on its property.

Furthermore, cumulative impacts of this project and other Everglade restoration projects, such as Cape Sable Seaside Sparrow are a concern. Impacts to access, as well as other impacts associated with raised water levels, need to be considered not only in light of this project, but also other projects already undertaken or to be undertaken that could result in impacts in this area.

As a result of this project, and other projects being undertaken in the Everglades, Radio One likely may incur significant costs to mitigate impacts to its business. These include, but are not limited to: (1) the potential need to re-build or raise the grade of the access road and the tower pads; (2) amend its FCC license or recognize loss of value of such license; and (3) possibly the need to reconfigure the signal from its tower or, in the worst case, relocate its towers altogether (assuming a suitable alternative location is even available).

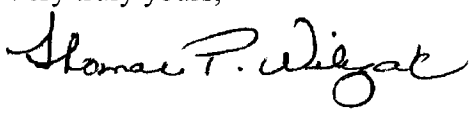
Radio One believes that the Draft RGRR/SEIS does not adequately consider these socio-economic, economic, environmental, and cumulative impacts or costs. If such adverse impacts are not planned for and mitigated with the project, Radio One's property interest likely may be significantly reduced, or completely taken in the worst case, as a result of the government's actions. In fact, if the property is completely taken and a suitable alternative location for the towers cannot be found, WVCG's business interest may be taken. In such case, Radio One will look to the government for appropriate compensation.

Radio One appreciates the opportunity to comment, and trusts that its comments and concerns will be considered and responded to in the draft final RGRR/SEIS, with appropriate mitigating actions being included within the scope and costs of the project.

Radio One requests that it be kept on the mailing list for any further materials that are generated for the project or associated with the RGRR/SEIS, including the response to these comments and the draft final RGRR/SEIS. Radio One also requests to be placed on the mailing lists for any other projects that could have similar impacts on water levels in the vicinity of its property. Further, please keep us advised as to any public meetings scheduled for these projects.

Please send all such mailings to my attention at the above address. You also should feel free to contact me if you have any questions regarding this correspondence.

Very truly yours,



Thomas P. Wilczak

lmf

c:

Jon Moulding (USACE)
Gwen Nelson (USACE)
John Jones (Radio One)
John Matthews (Radio One)

DT: #313014 v1 (6P$%01!.DOC) 113252-16

Jefferson-Pilot Communications
Public Comment
Tamiami Trail Modifications Report, August 2005

10/10/2005

The US Army Corps of Engineers' Tentatively Selected Plan (TSP) for Tamiami Trail Modifications will have direct and indirect effects on property owned by Jefferson-Pilot Communications. This private property is used as a federally licensed radio broadcasting transmission facility. It requires minimal human traffic and activity, and is closed to public access. Its use as such is environmentally benign. The broadcast station serves the public interest with continuous radio programming as well as being the Emergency Alert System LP2 station for South Florida.

As property owners and FCC licensees, we are concerned about maintaining non-disrupted access to, and use of, our facility during not only the construction phase, but beyond into the future. Most significantly, future impact of anticipated increased water flow and elevated water levels on our property must be considered and remedies included into any action plan.

The TSP is not specific about such future impact on our property, other than to say that a small parcel abutting Tamiami Trail would have to be acquired by the Park, that access to our property would be maintained during construction, that a future access ramp would be provided to our property from the proposed 2 mile western bridge, and that water levels can then be expected to significantly increase sometime afterwards.

Depending upon the increased flooding levels, significant components of our facility may have to be redesigned, modified, or replaced to remain operative. The close proximity of the large proposed bridge structure itself is likely to interfere to some degree with our directional antenna systems. Telephone and power utilities are essential for our operation, and both existing right of ways run through the proposed construction area. These impacts must be studied as soon as possible, with proposed solutions and their costs integrated into the Corps' overall Tamiami Trail plan.

However, based on the limited information we now have, we believe that such impacts to our facility can be accommodated with the reasonable assistance of the Corps and the Park Service, and can result in a mutually positive outcome for the public interest, the Park and JPCC. We look forward to working with the Corps and the Park Service toward arriving at such a solution.

Gary Blau,
Director of Engineering,
Jefferson-Pilot Communications Co. of FL, Inc.
305-521-5140

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Captain Roland Roberts House Environmental Center
Parliament Street, New Plymouth,
Green Turtle Cay, Abaco, Bahamas
tel 242-365-4014

October 4, 2005

Stuart J. Appelbaum
Chief, Planning Division
Attn: Jon Moulding
Department of the Army
Jacksonville District Corps of Engineers
PO Box 4970
Jacksonville, Fl. 32232-0019

Re: Modified Water Deliveries to Everglades National Park Project/Tamiami Trail Feature Draft Revised General Reevaluation Report/Second Supplemental Environmental Impact Statement

Dear Mr. Appelbaum and Moulding and Members of the Review Team:

Reef Relief hereby submits our comments on the above-referenced project on behalf of thousands of our members who value coral reefs and are concerned with their protection. Our primary comment to you was presented in our earlier comments in respect of this project dated 3/8/04. We concur with the recommendation of the US EPA that "**water quality consideration play a central role in how discharge operations occur**" regarding the General Reevaluation Report for Tamiami Trail on Modified Water Deliveries to Everglades National Park

Any increased water flows delivered through the Tamiami Trail should be stripped of harmful nutrients such as nitrogen so that they do not have any negative impacts on Florida Bay and the downstream coral reefs of the Florida Keys. Monitoring programs should document changes in the level of nutrients and other harmful pollutants that are delivered to the downstream coral reefs of Florida Bay and the coral reefs.

According to the revised report, water would be transferred from Water Conservation Area (WCA)-3B to the L-29 Canal (Tamiami Canal) and through the existing culvert system south under U.S. Highway 41 (Tamiami Trail) into Northeast Shark River Slough. Your recommendation was to build a two-mile long bridge at the western region of the project area and a one-mile-long bridge at the eastern end, identified as Alternative 14.

However, your draft report indicates that "The water quality in the Everglades has been greatly influenced by development of large land tracts for urban and agricultural development.. Pollutants of concern include metals, pesticides, nutrients, biological coliforms and pathogens, and chlorophyll-a, physical parameters and other constituents." (Draft RGRR/SEIS pg. 14). The report goes on to note that "The primary concerns in the Everglades are nutrients, dissolved

oxygen (DO), mercury, biochemical oxygen demand (BOD), and coliforms." Tests of this area have revealed serious water quality issues. "Nutrient levels at the marsh perimeter are elevated. Twelve pesticides or pesticide degradation products were detected along the Tamiami Trail, with the highest concentrations at Tomato Road in the west and S-12-D in the east where agricultural influences were greatest."

Yet this project will increase the flow of this polluted water. The report states that: "The modification of the Tamiami Trail offers the opportunity for water to be conveyed with fewer obstructions to North East Shark River Slough and Everglades National Park." (Draft RGRR/SEIS pg. 39). No mention is made of efforts to clean up this polluted runoff prior to increasing flows into these areas.

Like the planners in New Orleans who made the poor decision to invest in a huge span bridge with funds earmarked for levee reinforcements, the Monroe County Board of County Commissioners has encouraged you to abandon the more fiscally conservative plan, budgeted at $160 million and invest almost twice the funding for an elevated bridge.

They and you should be more concerned with investing dollars into cleaning up the water that flows underneath whatever selection of bridge or elevated roadway is selected as that will have a far greater impact on Monroe County's environment and economy.

In April, 1999, the EPA "proposed a multi-agency south Florida 'water quality initiative' under the auspices of the South Florida Ecosystem Restoration Task Force to review water quality features of the recommended Comprehensive Plan, consider water quality standards, and restoration targets, and to address areas of South Florida (e.g. Florida Keys) not addressed by these recommended plans." We renew that request for meaningful action to address our water quality concerns. The State of Florida is required under the federal Clean Water Act to identify impaired water bodies within their respective jurisdictions, identify the pollutants causing impairment, develop total maximum daily loads (TMDL's) for those pollutants, and develop remediation programs to improve impaired water bodies.

We are aware of only one step—a plan to model nitrogen as part of the Florida Bay Feasibility Study, which begins to address this mandate. The federal/state partnership to restore the Everglades will fail if water deliveries are expedited through the Tamiami Trail but the pollutants in the water are not removed. By reducing the barrier effects of the highway and promoting an increased opportunity for movement between L-29 and the Everglades National Park, you are signing a death knell for the downstream coral reefs. Nutrients flowing into Florida Bay are at their highest level in five years today. Action is needed now to clean it up. not increase the flow of dirty water as you have done recently. Thank you for the opportunity to submit these comments.

Very truly yours,

DeeVon Quirolo
Executive Director

letters to the editor

Dear Editor:

George (Spendthrift) Neugent's special agenda item on the 11-mile Highway 41 bridge was another attempt to break the backs of the already stressed American/Monroe County taxpayers.

If Hurricanes Katrina and Rita weren't enough now they want to put a bridge over a bunch of alligators.

Naturally the audience at the Sept. 28, 2005 BOCC meeting in Marathon was stacked with proponents of the $360 million gator bridge. All in favor of this bridge claim that all they wanted was support of this project from the board, and claim that this project (that the local Miccosukee Indians don't even want) is the cure for all the woes of Florida Bay.

Increased tourism, better fishing and increased water flow, among other carrot and stick phrases, were mentioned.

What I really feel is that the only flow these individuals are concerned about is the eventual flow of money from your and my wallets.

—Salvador Gutierrez
Key Largo

Dear Editor:

An opportunity to comment on an element of the Everglades Restoration Plan is available until Oct. 11. The project proposes ways to increase the flow of dirty water onto the downstream coral reefs of Florida Bay and the Florida Keys.

The report states that: "The modification of the Tamiami Trail offers the opportunity for water to be conveyed with fewer obstructions to North East Shark River Slough and Everglades National Park." No mention is made of efforts to clean up this polluted runoff prior to increasing flows into these areas.

After considering several options, the U.S. Army Corps of Engineers recommended building a two-mile long bridge at the western region of the project area and a one-mile-long bridge at the eastern end.

Like the planners in New Orleans who made the poor decision to invest in a huge span bridge with funds earmarked for levee reinforcement, the Monroe County Board of County Commissioners recently passed a resolution to encourage Everglades Restoration planners to abandon this plan, budgeted at $160 million, and invest almost twice that much for an elevated bridge.

We should all be more concerned with investing dollars into cleaning up the water that flows underneath whatever selection of bridge or elevated roadway is selected, as that will have a far greater impact on Monroe County's environment and economy.

The report says "The water quality in the Everglades has been greatly influenced by development of large land tracts for urban and agricultural development. Pollutants of concern include metals, pesticides, nutrients, biological coliforms and pathogens and chlorophyll-a, physical parameters and other constituents." Tests of this area have revealed serious water quality issues. "Nutrient levels at the marsh perimeter are elevated. Twelve pesticides or pesticide degradation products were detected along the Tamiami Trail, with highest concentrations at Tomato Road in the west and S-12-D in the east where agricultural influences were greatest."

Reef Relief previously submitted comments on this project on behalf of thousands of our members who value coral reefs and are concerned with their protection. We concurred with the recommendation of the U.S. EPA that "water quality consideration play a central role in how discharge operations occur." Any increased water flows delivered through the Tamiami Trail should be stripped of harmful pollutants so that they do not have any negative impacts on Florida Bay and the downstream coral reefs of the Florida Keys. Monitoring programs should document changes in the level of nutrients and other harmful pollutants that are delivered downstream.

By reducing the barrier effects of the highway and promoting increased water flows, planners are signing a death knell for the downstream coral reefs. Nutrients flowing into Florida Bay are at their highest level in five years today. Action is needed now to clean it up, not increase the flow of dirty water, as is now being done. The Florida Keys are struggling to fund sewage treatment upgrades, yet the contribution of nutrients from Everglades runoff is far greater than that from sewage in the Keys.

If you are interested in making your views known on this issue, e-mail them by Oct. 11 to: ttmcomments@usace.army.mil or write to: Stuart J. Appelbaum, Chief, Planning Division Attn: Jon Moulding Department of the Army Jacksonville District Corps of Engineers, PO Box 4970 Jacksonville, Fl. 32232-0019.

— DeeVon Quirolo
Executive Director
Reef Relief

Dear Editor:

I am writing to let you know that there is a state discussion to remove more than 100 Australian pine

Please turn to page 6

Correction:

Eileen Quinn Talks Back (Solares Hill, Sept.30)

Ed Swift has not put in a proposal for any mixed use housing projects on school property. All projects he submitted have been for affordable housing.

solares hill

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EDITOR'S NOTES

Continued from page 1

the municipalities are confused. The municipalities say they are often cut out of evacuation discussions or emergency response planning. The county says blow it out your.... Work it out yourself. We're not coming to your planning party.

Really, does this sound like a colloquy between adults responsible for the health and welfare of thousands of people? Not to us it doesn't, and we hope not to the governor. This is the level on which this issue needs to be addressed, and the governor, having learned about the perils of inaction from his older brother, needs to invite the principals to his own planning party and clank their heads together until the rust begins to flake off.

Folks, we have eight more weeks of hurricane season yet to go in the most active season on record and our county leaders are sounding smug, self-satisfied, vindictive, uncooperative and snotty. Just what kind of decisions are we talking about not being shared? Mayor Weekley pointed out a glaring one. As Rita was headed towards shore, municipal officials were told Key West High School was going to be used as a refuge of last resort. As last minute plans were made, that decision was changed. By whom we do not know, but Weekley says the municipalities should have been part of that decision. The county manager claimed only the city was confused, that the school was never designated by the county as a refuge. Said the county, "there is no confusion on the county's part. There is definitely a lot of confusion on the part of the municipalities." It seems to us that if there is confusion on one side, there is confusion. Stop pointing fingers and fix it, you twits. ❐

—D.E.

CLEAN WATER ACTION
ENVIRONMENTAL & LAND USE LAW CENTER
EVERGLADES FOUNDATION*EVERGLADES TRUST**
FLORIDA KEYS FISHING GUIDES ASSOCIATION
NATIONAL PARKS CONSERVATION ASSOCIATION
NATURAL RESOURCES DEFENSE COUNCIL*SIERRA CLUB**
1000 FRIENDS OF FLORIDA*WORLD WILDLIFE FUND**

11 October 2005

Stuart J. Appelbaum
Chief, Planning Division
Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

VIA e-mail and post

Dear Mr. Appelbaum:

The undersigned organizations strongly urge the US Army Corps of Engineers (Corps) to select Alternative 17, the 10.7-mile, raised Skyway, as the acceptable alternative to restore water flow and ecological connection through America's Everglades into Everglades National Park and Florida Bay. We base this recommendation on consultations with scientists whose research unequivocally states that Everglades restoration would best be accomplished for the southern end of the ecosystem, including much needed fresh water flows into Florida Bay, by removing the physical barrier that the current Tamiami Trail roadbed currently is. Alternative 14 not only fails to deliver significant benefits, it could preclude the construction of the skyway with other authorization and appropriations means.

Rectifying the problems with the current Tamiami Trail is one of the most important elements of Everglades restoration and should be afforded the highest priority. We agree with the Corps' identification of the Skyway as the "most effective" and "best buy," which generates twice the amount of business sales, earnings, employment opportunities, average annual benefits and wetland acreage gain. The Skyway would allow for enhanced recreational access to the Everglades, would maximize ecosystem restoration, and minimize unnatural, harmful water levels in the conservation areas.

Coupled with the concurrent operational plan being developed and other restoration projects, the Skyway will provide the single best option for connecting the northern end of the Everglades to Florida Bay. Water historically flowed from Lake Okeechobee through the "River of Grass" and out Florida Bay. Without a significant outlet from the existing Conservation Areas through Everglades National Park, Lake Okeechobee's operations will continue to harm the estuaries and the lake itself. The Skyway will allow for future levee and canal modifications to provide that relief for the entire Everglades.

Alternative 14 lacks significant environmental benefits and the current draft document does not adequately explain the alternative, nor why it was chosen over the single 3-mile bridge span, which is identified as a "best buy," provides similar benefits and is less expensive. The engineering analysis provided by the Corps only relates to the 4-mile bridge option and is a less expensive option per habitat unit than Alternative 14. The lack of information and inferior choice indicates that the Corps needs to further analyze the potential alternatives before submitting a final report.

By choosing a split bridge, the Corps at worst completely closes the door on further modifications or at best creates the reality of a more expensive fix under the Comprehensive Everglades Restoration Plan's (CERP) Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project. CERP or future action by the Florida Department of Transportation could follow up the MWD project to complete the Skyway.

We urge the Corps to take a proactive step to restore natural water flow to Everglades National Park and Florida Bay and meet the obligation "to enhance and restore the ecological values, natural hydrologic conditions" by supporting a Skyway for Tamiami Trail. We consider all alternatives inferior to Alternative 17. Only a Skyway will truly reestablish unrestricted, free flowing water to the park, a critical component to a fully restored Everglades, on which South Florida's wildlife and its six million residents rely for drinking water, recreation, and other uses.

Sincerely,

John Adornato, III
Everglades Restoration Program Manager
National Parks Conservation Association

Kathleen Aterno
Florida State Director
Clean Water Action

Tad Burke
Commodore
Florida Keys Fishing Guides Association

Richard Grosso, Esq.
Executive Director / General Counsel
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Debra Harrison
Director, South Florida Program
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Thom Rumberger, Esq.
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Bradford H. Sewell, Esq.
Senior Attorney
Natural Resources Defense Council

Senator Bob Smith
President
Everglades Foundation

Jonathan Ullman
South Florida/Everglades Sr. Field Rep.
Sierra Club

Signatures waived to expedite delivery

cc: Rock Salt, Director, Everglades Restoration Initiative, Department of Interior
Dan Kimball, Superintendent, Everglades National Park
Carol Wehle, Executive Director, South Florida Water Management District

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Donald F. Cook Sr.

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Federal Agencies			
Commenter	**Comment Number**	**Synopsized Comment**	Corps Response
EPA	1	Pursuant to Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act [NEPA], the U.S. Environmental Protection Agency [EPA], Region 4 has evaluated the long-term environmental consequences of a change in the means [design] which will be used to facilitate water movement under the Tamiami Trail [Trail] and then into the Everglades National Park [ENP]. This modification became necessary when further analysis revealed that water in the L-29 Canal would be at a higher design stage than had been cited in previous NEPA documentation. These increased high water stages will unavoidably raise the costs [both in terms of amount and type of construction materials necessary] to mitigate anticipated structural impacts to the Trail. In the absence of some resolution of this situation the Trail's integrity could be threatened via erosion/water penetration and/or low points of the roadway being overtopped. Since the Trail is an important east-west connector in South Florida, especially during hurricane evacuation scenarios, this would be very problematic. This is a particularly compelling issue given recent events, viz. Hurricanes Katrina and Rita.	[No response needed]
	2	Nine additional action alternatives [various combinations of bridging lengths and locations] were examined which could both convey the required water volume and avoid overtopping/damaging the Trail. Minimizing the unavoidable adverse impacts to wetland resources and sensitive flora/fauna within the project effect's area together with addressing societal considerations [user access] also played a role in the screening process. After deliberation, the Two-Mile Bridge West and One-Mile Bridge East [#14] became the tentatively selected alternative. Specifically, the existing embankment segments of these reaches of the Trail would be removed and replaced by bridging comprised of two 12-foot-wide travel lanes with 10-foot shoulders and accompanying safety barriers. The lower limit of the bridge superstructure [12+ feet] would be based on vertical clearance requirements of rising water potential and maintenance considerations. The bridges will also include a pollution abatement system to collect and treat runoff. The ultimate design of this system will be predicated on the water quality stipulations mandated	[No response needed]
	3	Approximately 39 acres of vegetated wetlands will be impacted from activities attendant to construction of the two-bridge option. This loss will be mitigated by reconstituting 27.2 acres of wetland habitat via removal of the existing road bed within these two reaches. After these mitigation measures are accomplished, there will be a net deficit of 11.8 acres. According to the GRR/SEIS this short fall will be addressed by the wide-ranging ecological enhancement [increased hydrological conductivity] that the project will provide to the ENP ecosystem. In this regard, the final document would be improved by explaining how the restoration of a significant portion of the historical sheet flow will provide the anticipated functional improvements. The proposal to remove exotics within the project effects' area should also improve the value of this and adjacent wetland habitat as well as maintain their augmented functionality.	A recalculation of the construction footprint using the FLUCCS database has indicated that there would be a net gain of 6.4 acres of wetlands (see text Section 7.6.5).

	4	Because of the overall societal and environmental benefits anticipated from this proposal and the fact that future projects associated with the Comprehensive Everglades Restoration Plan [CERP] will improve potential upstream water quality problems, EPA has assigned a rating of LO, i.e., Lack of Objections to this action. However, we believe that an adaptive management approach would be beneficial to take maximum advantage of information gained from the proposed water quality monitoring and wetland functions' analysis. EPA appreciated the opportunity to review the document and intends to continue its collaboration with all involved parties on this and future CERP projects. Mr. Eric Hughes [EPA's Jacksonville District Liaison -904-232-2464] and Mr. Ron Miedema [EPA's South Florida Office - 561 616-8741] will serve as initial points of contact for wetland issues while Dr. Gerald Miller [404 562-9626] can be contacted regarding over all NEPA matters.	Noted
DOI	**General**		---
	1	The Department supports the selection of Alternative 14 as the Tentatively Selected Plan (TSP) because it achieves the goal of restoring more natural flows of water to Everglades National Park—and thereby habitat within the park--as set forth in the legislation authorizing the project.	We appreciate DOI support and thank you for collaborating with us in identification of the preferred alternative.
	2	The Department believes that the TSP can be improved with a few minor adjustments, such as the relocation of the eastern terminus of the Two-Mile Bridge span, which could reduce project costs and improve its environmental performance. We also believe that other measures can be taken to increase and ensure ecological benefits of the TSP. We believe that a significant increase in ecological benefits would result from aligning the weirs in the L-29 Canal with the bridge segments to achieve the maximum amount of overland sheetflow from Water Conservation Area 3B to Northeast Shark River Slough and we recommend that alignment. We recommend that the Corps clarify the sections of the report regarding the construction cost estimates and the corresponding benefits analysis that provides the basis for selecting the TSP.	The Corps will continue to work as closely as possible with DOI agencies, including ENP and FWS, to refine the plan, if it is approved.
	3	The Department supports the wildlife protection features in the TSP and agrees that the wetland enhancement features in the proposed plan are certain to compensate for any wetland loss due to direct construction activities. We believe the report could be clarified by reference to recommendations in the Final Fish and Wildlife Coordination Act (FWCA) Report (Service 2003) with regard to potential wetland enhancement sites. With respect to protected species, the Department recommends the Corps include the Biological Assessment and effect determination consistent with the provisions of the Endangered Species Act for the listed species identified in the FWCA Report. The Final RGRR/SSEIS should indicate that the Corps will integrate the Construction Restrictions for Wood Storks and Migratory Birds, (as described in the FWCA Report), into the detailed design and specifications and construction documents during project implementation. Finally, the Department recommends that the Corps develop and implement jointly with the Fish and Wildlife Service, Florida Fish and Wildlife Conservation Commission, and Everglades Natio	The word "enhancement" in Corps planning directives and policies means "improvement above and beyond restoration of natural function." Because of this we cannot commit to what Service biologists call "enhancement" actions. We will continue to dialog with the resource agencies regarding ecologically sound design practices, including avoidance of destruction of native vegetation where possible. However, as shown in the evaluation of ecosystem benefits under Alternative 14, the TSP, there is more than complete replacement of wetlands acreage and functions lost under the "footprints" of the road removal and widening, plus installation of the bridges. In fact, even assuming that the entire area under the bridges is wetland, and that all would be lost, the net acreage of wetlands lost under this alternative is 11.8 acres. In contrast, the benefitted area of ENP is 63,195 acres in extent, and the average annual benefits in Habitat Units (acreage x functional lift) were 28,371.

	4	The draft report needs to expand its assessment of the impacts of the TSP on Everglades National Park. We are ready to work with the Corps to more fully describe and evaluate potential impacts to ENP operations, resource protection, visitor experience, and ecotourism and include these potential impacts in the final RGRR/SSEIS. Additionally, the Department requests that the Corps provide more specific information with respect to: a) lands required for approach ramps, elevations, road shoulders, and importantly, an identification and analysis of what specific lands within ENP will be required for implementation of the TSP; b) The analysis utilized in the decision to align the road utilizing ENP lands; c) Encroachments into ENP and onto privately owned commercial lands adjacent to Tamiami Trail, including plan and cross-section views of the TSP; and d) Types and extent of impacts to wetlands and flood plains in affected areas of ENP which information is needed to allow the ENP to prepare documents required to approve an encroachment into ENP.	The draft report has been revised. Due to the schedule requirements to finalize the report, any information not already submitted in the DOI comments will not be timely for inclusion in the final RGRR/FSEIS. DOI agencies have been aware of and collaborated in the project schedule. Detailed information will be developed in cooperation with DOI agencies if the proposed project is approved and funded. The impacts of the project on ENP wetlands and uplands will be further developed during the detailed design phase of the project and will be fully coordinated with ENP resource specialists. This level of detail is not appropriate for a feasibility-level study. We have operated under worst-case assumptions to calculate losses and gains of wetlands, even though it is known that some areas south of the Trail are remnant tree islands and may be upland in part.
	5	The draft report also needs to expand its assessment of the impacts of the TSP on the seven privately owned properties located on the south side of Tamiami Trail (Cooperstown, Gator Park and Everglades Safari commercial airboat tour operations; a private airboat association; two communications towers and a tract of land owned by Florida Power and Light)....Include in the Final RGRR/SSEIS an improved assessment of the direct, indirect, and cumulative impacts on these existing private interests and seek ways to minimize potential impacts. For example, the scenario mentioned earlier to relocate the eastern terminus of the bridge span slightly to the west would make the TSP more compatible with the existing facilities at Everglades Safari and alleviate the need for a down ramp, thereby resulting in a cost savings. Finally, the Department requests the Corps consider opportunities to facilitate the passage of airboats under the Tamiami Trail as it completes the final designs of the western bridge section.	Concur. The Real Estate section of the RGRR/EIS has been extensively revised. Again, not all information is available at this stage of project planning, but it wil be developed prior to development of final design and coordinated with DOI and other affected parties.
	Abstract		---
	6	Abstract, second paragraph - Revise last sentence to read "The tentatively selected plan calls for a two-mile bridge located at the western end of the project corridor, a one mile-bridge at the eastern end, and raising the profile of the remaining portions of the Tamiami Trail within the project area."	Concur. Abstract has been revised to incorporate the suggested wording.
	Executive Summary		---
	7	Page ES-ii, Alternatives - The description of Alternatives 9-16 should include raising the profile of unbridged portions.	Concur. The text has been revised to include raising the profile of unbridged portions of the road

	8	Page ES-ii, Major Findings and Conclusion, first sentence - Define "required water volumes."	The text has been revised for clarification.. The Modified Water Deliveries Project is not authorized a certain flow but rather a Volume. From Part 1 Supplement 54 General Design Memorandum and Environmental Impact Statement, Section H. Recommended Project (page 52) states: "* Volume – The volume of water delivered will reflect the naturally available supplies based on local meteorological conditions, except in cases where operations of the C&SF project for other authorized project purposes necessitate increased or decreased deliveries. Natural hydroperiods will be restored." When reference is made to the authorized flow it is based on the total capacity of the recommended structures of the 1992 MWD project to deliver water into the L-29BC between structures S-333 and S-334. This total capacity is 4,000 cfs, which is based on the discharge capacity of the following structures: 1) S-333 (1,050 cfs), S-355A (1,000 cfs), S-355B (1,000 cfs), and S-356 (960 cfs).
	9	Page ES-ii, Major Findings and Conclusions, second sentence - Revise potential impacts to include: "incorporation of airboat tour operators' property into the right of way, and potential impacts to airboat tour businesses and Park visitation."	Concur. The text has been revised to include the suggested wording.
	10	Page ES-ii, Tentatively Selected Plan - Revise first sentence to read: "The Tentatively Selected Plan is Alternative 14, Raised Profile with Two-Mile Bridge West, and One Mile Bridge East."	Concur. The text has been revised to include the suggested wording.
	11	Page ES-ii, second to last paragraph - Clarify "clearance" between bridge superstructure and the water surface below. For example, does the reference to 14.75 feet and 8.75 feet mean that there will be 6 feet of clearance?	This response was provided in another comment matrix. The answer is that 6 feet is the design clearance.
	12	Page ES-ii, second to last paragraph, last sentence - Revise the statement that the bridge will provide access to the Airboat Association of Florida (AAOF). According to Figure 9, the western bridge is approximately a mile away from the AAOF.	Concur. The text has been revised to state that access would be provided to Everglades Safari and the Jefferson Pilot communications site.
	13	Page ES-ii, last paragraph, third and fourth sentences - This text suggests the only reason for proposing to move the highway south into the Park is due to the FDOT criteria for stable slopes and resulting need for additional right-of-way. Text elsewhere in the document indicates that another reason, among others, for the southward shift is to avoid impacting the L-29 canal. Therefore, it would be more accurate to change the fourth sentence to read: "The preferred alignment of the roadway to the south would necessitate an encroachment into ENP."	Concur. The text has been revised to include the suggested wording.

	14	Page ES-ii, last paragraph, last sentence - The varying width of encroachment into ENP should be specified (e.g., a range of distance should be identified; for example, e.g., X feet to Y feet), as opposed to simply stating that "The width of the encroachment would vary." Further, the total acreage of Park encroachment should be specified. It should also be noted that this encroachment into the Park is controversial and will be minimized to the maximum extent practicable.	The text has been revised to state that the width of encroachment would vary from 0 to 48 feet depending on the amount of elevation needed for a particular portion of the road. Exact amounts would be determined during detailed design. A statement on the controversial nature of encroachment has been included. Total acreage estimated for the expansion of the existing footprint is 35 acres.
	15	Page ES-iii, first paragraph - Construction cost estimates should be consistent throughout document. For example, Table 23 (page 103) identifies construction costs for the TSP (Alt 14) as $145,806,000. In addition, include a brief explanation of the term "total annualized cost."	An explanation of the different tables has been added to the report. For purposes of calculation, the Tamiami Trail project is presumed to have a 50 year life.
	16	Page ES-iii, sixth paragraph – Briefly describe impacts to Everglades Safari due to the effects of losing much of its Parking and a building. (A more complete analysis of these impacts and potential impacts to visitation to ENP should be provided in Section 6 [e.g., expanding the impact description provided in the Draft RGRR/SSEIS on pages 123 and 132].)	The text has been corrected to delete reference to Everglades possibly losing a building. During the design phase, adjustments may be made to the footprint to mininize impacts to effected properties.
	17	Page ES-iii, sixth paragraph – Consideration should be given to including a statement that final design of the eastern terminus of the western bridge of the TSP may mitigate or avoid these impacts.	A more generic statement would be that detailed design cannot be specified at this, feasibility, stage of planning, as the Congressional authorization; new information, or sponsor requirements may vary.
	18	Page ES-iii, sixth paragraph – Indicate potential encroachment of the reconstructed roadway onto the Gator Park and Coopertown properties and note the type and level of impact to these commercial facilities and Park visitation. (See Comment #91 below.)	The text has been revised to state that the project would have little or no effect on Coopertown or Gator Park properties. During the design phase, adjustments may be made to the footprint to mininize impacts to effected properties.
	19	Page ES-iii, ninth paragraph - This section indicates there would be temporary impacts to fishing. This section should also note that there will be temporary impacts to Park operations (e.g., Park law enforcement and research that launch airboats from Frog City). A discussion should also be provided on temporary impacts to airboat tours into the Park during construction.	Statements on temporary impacts on Park operatons and airboat tour operations have been added.
	20	Page ES-iv, first paragraph - There are several references to "wildlife enhancement features" not being authorized as part of this project. Provide the rationale for this statement and, to the extent practicable, expected additional/incremental costs of such features (e.g., box culverts, strategic fencing, etc.).	Please view the answer to Comment 3, above. "Enhancement" has a specific meaning in Corps water resources planning and is not generally authorized as an action above and beyond aquatic ecosystem restoration.
	21	Page ES-iv, last paragraph - The last statement suggests that if a funding source is found, airboat crossings between the north and south side of Tamiami Trail could be implemented. The document should indicate that, consistent with the 1989 Expansion Act, ENP is evaluating airboat usage in this area as part of its on on-going effort to prepare a new General Management Plan for the Park. Any consideration of additional airboat access points into the Park would be most appropriately addressed in the context of that Plan.	The text has been revised to include this information.
	Section 1.0 Introduction		---
	22	Page 1, third paragraph - Cite the document in which the U.S. Department of the Interior determined that water in the L-29 Canal would be at a higher design stage than previously calculated.	Reference to DOI in this paragraph has been deleted.
	23	Page 3, Purpose and Need - Define "authorized flow" in terms of volume.	Definition is given in respone to Comment

	24	Page 4, first paragraph - Last sentence indicates that Tamiami Trail is primarily bounded by ENP. Include, with references to locations, the private properties that also bound the southern right-of-way of Tamiami Trail.	These properties are identified in the Real Estate Appendix.
	25	Page 4, second paragraph - Edit this paragraph to describe the entire MWD project area and the Tamiami Trail component area. The two areas are used interchangeably throughout the document (see page 30, Section 2.13, second paragraph and page 88, section 5.6.6, third paragraph). A distinction of these two areas, and a definition of what is considered the project area, would aid in reader understanding.	Concur. A description of the MWD project area has been iincluded.
	26	Page 8, Section 1.6.1 - A map showing all the components of the MWD Project should be included in this section to aid readers in understanding the extent and components of the MWD Project.	Concur. A map has been included.
	27	Page 8, Section 1.6.2 - A map showing the features of the C-111 Project should be included to aid reader understanding. This could be combined with the MWD map recommended above.	C-111 project is still under detailed design and construction. We have included a general map.
	28	Page 9, Section 1.6.3 - Include a brief description of operations of C&SF structures in the project vicinity. These should include the Experimental Deliveries Program, the Interim Structural and Operational Plan (ISOP), Interim Operational Plan for Protection of the Cape Sable Seaside Sparrow (IOP), and the Combined Structural and Operational Plan (CSOP) currently under development.	A brief discussion of operations of the C&SF project is given in the H&H Annex.
	29	Page 10, Section 1.6.5 - Include a brief description of the CERP Decompartmentalization Project and its current status.	Description added to 1.6.9.
	30	Page 10, Section 1.6.5 - Two NPS projects should be described that will affect ENP operations, visitor use, and resources in the project area. They are the "Temporary Airboat Concession Contracts Environmental Assessment" which will be in public scoping in October 2005, and the "Everglades General Management Plan," currently in preparation. Please contact ENP's Planning and Compliance Division (303-242-7700) in regard to providing text on the purpose and status of each.	Discussions of the two referenced projects have been added.
	Section 2.0 Existing Conditions/Affected Environment		---
	31	Page 12, Section 2.2, last paragraph - Given the need to convey the peak design flow under Tamiami Trail and the capacity of all structures discharging water into the L-29 Canal (as explained in this paragraph), the Final RGRR/SSEIS should clarify why "the Combined Structural and Operational Plan is considering adding additional structures to the L-29 Levee to move more water with a more even distribution of flow. Also, the current capacity of S-356 is 500 cfs (not 950 cfs).	CSOP is looking at combining the Modified Water Deliveries (MWD) Project and the C-111 Project operations in a comprehensive manner to enhance water deliveries to ENP while maintaining the other authorized purposes of both projects. Currently CSOP is evaluating several alternatives that will provide flows to North East Shark River Slough (NESRS). This project is considering adding additional passive weirs to L-29 to create a better distribution of flows though WCA-3B and one alternative has considered increaseing the pump capacity of S-356 from 500 to 950 cfs. However at this time this project does not have a recommended plan.
	32	Page 14, Section 2.3.1, first paragraph - Several physical parameters are listed as "pollutants of concerns". This may be true for oil and grease, but not for dissolved oxygen, for example. As such, the bullet should be revised.	Text has been revised to change "pollutants" to "parameters"

	33	Page 14, Section 2.3.1, second paragraph - A statement is made that canals have very low DO levels "typical of marsh waters". This statement is incorrect. Interior Everglades habitats exhibit 24-hr fluctuations of water column DO; however, aerobic conditions are maintained throughout most of the cycle.	The statement has been revised to state, "Marsh and canal water typically have low DO levels relative to the standards of Class I and III Florida State Waters as addressed in the F.S. Adminstrative Code. FDEP is in the process of revising the DO criterion to reflect that these conditions may exist due to natural conditions and don't necessarily require abatement."
	34	Page 14, Section 2.3.1, third paragraph, third sentence - Specific conductance is listed as having a concentration. This statement is incorrect as specific conductance is a unit of measure itself.	Correction noted.
	35	Page 14, Section 2.3.1, fourth paragraph - "Movement of seawater at the west" should read "movement of seawater to the west."	Text has been revised to correct the statement.
	36	Page 15, Table 3 - To put the information in this table in perspective, concentrations and levels should be compared to applicable water quality criteria such as OFW standards and Class III fresh water standards.	Class III numeric standards have added. OFW standards are narrative, and would not apply to the table.
	37	Page 16, Section 2.3.1, Runoff from Tamiami Trail - The first paragraph indicates that "studies from other locations" are used as a basis for expecting a minimal pollutant load from runoff. These off-site studies should be cited and a general comparison of expected pollutant concentrations with applicable water quality standards should be provided.	Text has been revised for clarification.
	38	Page 18, Section 2.5.1 - A full-page regional location map should be provided, showing the ecosystem and different management areas such as the Parks, WCAs, etc. and other key features. The www.evergladesplan.org website has a number of excellent graphics that would give the reader a good understanding of the area.	Concur
	39	Page 18, Section 2.5.1 - Provide a description of the Park that captures its superlatives, such as Park purpose and significance and designation as an International Biosphere Reserve, World Heritage Site, and Wetland of International Significance (see Section VI of Appendix F of the Draft RGRR/SSEIS for more information).	Text has been revised to add additional statements on ENP
	40	Page 18, section 2.5.1, third paragraph, third sentence - USFWS has listed 16 protected species within the project area (page 18) yet the document only assesses the impacts to six of them (Everglades snail kite, wood stork, Florida panther, Eastern indigo snake, West Indian manatee, and Cape Sable seaside sparrow) (see pages 23-25). Indicate the basis for only assessing these six species.	Coodination with USFWS resulted in the selection of these six species for assessments.
	41	Page 18, section 2.5.1, third paragraph, third sentence - Expand species descriptions to include details on where they are found in the Park in relation to the project area, population status and trends, location of nearest critical habitat to project area, etc. Please contact the South Florida Natural Resources Center, Everglades National Park (305-224-4200) for this information.	Do not concur. A detailed evaluation of the T&E species of concern, including habitat, critical habitat, life cycle needs and the Corps' determination of effects, is required under Section 7 of the Endangered Species Act. This Biological Assessment must be coordinated with the US Fish and Wildlife Service (FWS). The Corps is coordinating the BA with FWS at present.
	42	Page 21, last paragraph - There is evidence of water management impacts to WCA-3B wetlands.	Noted.
	43	Page 23, section 2.5.5, fourth paragraph, third sentence - Significant habitat reduction for the Florida panther continues today.	The text has been revised to relate that habitat reduction continues.

	44	Page 25, Section 2.7 - The air quality "affected environment" should mention that ENP is a Class I airshed.	The text has been revised to include ENP being a Class I airshed.
	45	Page 25, Section 2.8 - There is no mention of recreation within the Park. Between the three commercial airboat tour operators with 300,000 plus visitors, AAOF use and other users, there is substantial recreation and eco-tourism occurring in the East Everglades area of ENP.	The text has been revised to include the suggested changes.
	46	Page 26, Section 2.9, Cultural Resources - Impacts to cultural resources, including nearby sacred and tribal sites, should be included. Please contact ENP's Planning & Compliance Division (305-242-7700) and the Southeast Archeological Center for assistance.	The Cultural Resources Assessment has been conducted according to the requirements of the National Historic Preservation Act and other applicable laws. Sites not in proximity to Tamiami Trail wil not be affected and are not evaluated. The State Historic Preservation Officer (SHPO) has concurred with this determination.
	47	Page 28, Section 2.10 - To be consistent with the description of the north side, the text should mention the three airboat operators as among the points of interest on the south side of the Trail.	Although the airboat businesses are points of interest, their inclusion in an aesthetics discussion is questionable.
	48	Page 28, Section 2.11 - Paragraph 4 mentions 16.5 hours of noise recording for 2 camps, but does not describe the monitoring performed at airboat operator locations. Indicate if noise is highway noise or if it includes airboat startups and other noises.	The text has been revised to characterize the noise as "ambient."
	49	Page 30, Section 2.13, last paragraph, last sentence - The construction work for the elevation of Osceola Camp will be conducted by the Corps of Engineers. This work needs to be completed so that water levels can be raised.	The text has been revised to delete reference to DOI.
	50	Pages 30-33, Section 2.14 - A description should be provided regarding impacts to the Park from the standpoints of both visitors and Park operations and also to commercial airboat tour operations. The first paragraph states no new development will be allowed; however, the document should recognize that new Park operation/visitor sites are possible in light of the on-going General Management Planning process. Sources of the population demographics and employment data should be provided.	The first paragraph has been revised to include the ongoing General Management Planning process. The source for demographic and employment data has been mentioned.
	Section 3.0 Future Without Project Condition		---
	51	Page 35, Section 3.2, second paragraph - A reference to the "Conveyance and Seepage" study should be provided in the references section.	The "Conveyance and Seepage" study has been incorporated into the Combined Structural and Operational Plan Study (CSOP).
	52	Pages 35-36, Section 3.2, Future Water Deliveries - Sec 3.2 discusses features under study in the MWD Conveyance and Seepage element and CSOP to move water from WCA 3-A to WCA 3-B. From a layman reader's point of view, it would be helpful to understand the implications of passive vs. gated structures on water flow and how that might affect the performance of the TSP in providing improved flows into the Park.	Whether structures are uncontrolled (passive) or controlled (I.e. gated structures) will not effect the ability of the system to provide flows to ENP. The differenence is that gated structures allow flexibility in the operations of the structures such that flows can either be increased or decreased to help enhance the environemntal response of the system.
	53	Page 36, Section 3.2, last paragraph - The "safety needs of ENP" should be defined.	Reference to safety needs to ENP has been deleted.
	54	Page 36, Section 3.3 - Define the "Seven Point Plan" and include in the references section.	Reference to the "Seven Point Plan" has been deleted.

	55	Page 37, Section 3.4, second paragraph - Is the limestone base 18 inches below the asphalt base or the asphalt surface? What is the thickness of the asphalt?	The following is incorrect and irrelevent, and will be deleted: "This maintenance plan is based on the current water elevation of 7.5 feet, which is 0.3 feet below the limestone base. The limestone base, which is 6 inches thick, is 18 inches below the asphalt at the lowest point along the road.
	Section 4.0 Problems and Opportunities		---
	56	Page 40, Section 4.4 - A discussion should be included as how the TSP for Tamiami Trail will be compatible with the currently planned structural features of the CERP Decomp Phase 1 project.	There are no currently planned features of the CERP Decomp Phase I project. The CERP Decomp project's design will depend on the final alternative recommended in this report, as well as its approval and ultimate Congressional authorization. Mod Waters TT does not depend on Decomp; it is the other way around.
	Section 5.0 Formulation of Alternative Plans		---
	57	Page 43, Section 5.2.3, first paragraph - Summarize the other reasons for removing five performance measures and the extent of the revision of the other two performance measures.	Some of the initial performance measures could not be assessed quantitatively because comparable data for all alternatives could not be generated.
	58	Page 43, PM1.D bullet - Use 10.7 miles instead of 10.1 miles.	Concur. The text has been corrected.
	59	Page 43, Point 2, first bullet point - Provide a brief explanation for the 0-7 scale (i.e., zero represents continuation of existing conditions that are resulting in slough degradation and 7 represents maximum potential for restoration of sloughs).	The scale is arbitrary and was used for relative ranking. It could have been 0-5 or 0-10. The relative outcome would have been the same.
	60	Page 43, Point 2, second bullet point - Provide a brief explanation for the range in values from zero to 1.0.	Using a range of 0.0 to 1.0 normalizes the scores. Again, it was based on best professional judgment of the interagency group of scientists who ranked the alternatives.
	61	Page 44, PM2.C bullet - Use 10.7 miles instead of 10.1 miles.	Concur. The text has been corrected.
	62	Page 44, PM3.A bullet - Use "scale" instead of "score."	Concur. The text has been corrected.
	63	Page 48, Section 5.3.3 - Reference is made to "great egrets". Are these "great white egrets"?	Yes. Great egret is now the preferred common name
	64	Page 48, Section 5.3.5, second paragraph - NPS Director's Order 87D contains procedural requirements that address 4(f) determinations and provide for conveyance of easement rights by FHWA (on behalf of NPS). If, in fact, a 4(f) determination is not required, it needs to be determined how such rights would be conveyed to FDOT. ENP is coordinating with the NPS Southeast Regional Office and Office of the Solicitor, U.S. Department of the Interior in regard to this matter.	Noted.
	65	Page 48, Section 5.3.6 - This section should be clarified to indicate that at this point in time, granting of a perpetual easement to FDOT for construction, operation, and maintenance of the roadway in ENP, as part of the Tamiami Trail component of the MWD Project, is contemplated. To clarify, the "up to 200-acre authority" refers to a minor boundary adjustment authority where lands are added to (not transferred from) a unit of the National Park System; such a boundary adjustment will not take place in this case. At a later date, it may be advantageous for Park management efficiencies to seek a legislative boundary revision that would allow for divesting of all lands north of the highway's new southern right-of-way line. The northern boundary of the Park would then be coincident with the southern right-of-way boundary of the newly aligned US 41, as is presently the case.	The text has been revised to incorporate the suggested wording.

	66	Page 49, Section 5.3.7 - The last three sentences speak of CERP compatibility in "negative terms" (i.e., …should minimize hindrances…, …should not prevent implementation….,….should minimize retrofit…) Instead, it would also be appropriate to state this compatibility in positive terms (i.e., maximize opportunities for decomp…, should enhance implementation…,…maximize efficient connections…)	The text has been revised to incorporate some of the suggested wording.
	67	Page 51, Sec. 5.4.2, third bullet point - Provide an explanation as to why this alternative was not retained.	The text has been revised to include reasons for eliminating this alternative from further consideration.
	68	Page 52, Table 6 - This table should be divided into three tables for clarity.	The format of the table was revised to better clarify the alternatives development.
	69	Page 54, Section 5.4.4, general - Include an opening paragraph that explains that the alternatives to follow are the ones evaluated in the 2005 RGRR/SEIS (the subject document).	The text has been revised to include the recommendation.
	70	Page 55, Section 5.4.4, third paragraph - Plans showing the location of the TSP in relation to the authorized northern boundary of Everglades National Park (which coincides with the southern right-of-way of US 41) need to be provided in order for the Park to assess wetlands protection and floodplain management impacts.	Noted.
	71	Section 5.4.4, general - Bridges are located half a mile away from the Osceola Camp and the Tigertail Camp. This design constraint should be explained in the document.	The bridges will elevate the roadway, projecting some noise and also allowing visibility over the I-29 levee in some places. Tribal representatives have expressed concerns over privacy and intrusion of traffic noise. The proposed design attempts to answer these concerns.
	72	Section 5.4.4, general - Do construction costs include construction management? What does a total investment figure include? Are design costs considered? These questions could be answered by providing a brief definition of the terms before going into the description of alternatives.	Concur.
	73	Page 55, Sec. 5.4.4, third paragraph, third sentence - Provide a range of acreage of encroachment among the alternatives.	The text has been revised to better explain encroachment. Section 5.6.17 identifies a range of acreage for alternatives.
	74	Pages 54-77, Sec. 5.4.4 - Provide an explanation for not including alternatives that place construction of bridges north of Tamiami Trail rather than south in the Park. Provide an explanation for not considering six or eight mile bridges (the choices for single bridges go from a 4 mile bridge to a 10.7 mile bridge, yet an array of multiple small bridges in different locations are studied).	Construction of a bridge on the north side of the US41 would require significant modifcations to the L-29 levee and borrow canal along the transitions from the road to bridge and the brdige abutments. Also, the construction material requirements of the bridge and transitions would be greater than a bridge on the south side of US41, and barge-based bridge construction operations would more expensive than the fill-based method proposed for the south side bridge. On the alternatives proposed by this commentor, the Corps believes that an adequate range of alternatives designs were considered. Increasing the number of bridges increases the cost per span and decreases the effective area, as each new bridge requires ramps up and down to the intervening roadway.

	75	Page 65 - For Alternatives 13 and 14, could the two mile bridge be located farther west between Osceola Camp and Everglades Safari to avoid impacts to Everglades Safari and eliminate the costs of providing down and up ramps? Provide the total investment figure.	The two mile bridge's western terminus is approximately 1/2 mile from Osceola Camp. It is not considered acceptable to terminate the bridge farther west, introducing more noise and disturbance into this residential area.
	76	Page 77, Section 5.5.2, first sentence - Add "National Park" at end of sentence.	The text has been revised to include the recommendaiton.
	77	Page 77, Section 5.6 - This section includes subsections that are not related to the environment such as recreation, cultural resources, aesthetics, transportation, economics/ socioeconomics, Flight 592 memorial, real estate, and environmental justice. Rename or split section into environmental effects and non-environmental (other) effects.	These topics are part of the "human environment," for which the Council on Environmenal Quality regulations require assessment under NEPA.
	78	Page 77, Section 5.6 - Provide a definition of terms used to characterize impacts of alternatives, (i.e., negligible, minor, moderate major, short-term, and long-term).	These are not technical terms. The words are used in the context of their commonly accepted meanings.
	79	Page 79, Section 5.6.3 - The last sentence on page 79 mentions ENP's designation as an Outstanding Florida Water (OFW). The significance of this should be briefly discussed along with the water quality protection afforded these areas.	Section 2.2.1 has been revised to include a discussion of the significance of an Outstanding Florida Water.
	80	Page 80, second bullet - Explain the difference between a Class III surface water (north side) and OFW (south side).	Class III waters and OFWs are compared in Section 2.2.1
	81	Page 81, Sec 5.6.3, third paragraph - Text states that "During high flow the runoff will bypass the treatment unit." Discuss what the impact of bypassing treatment would be.	During high flow events, bypass of the stormwater runoff occurs in the stormceptor units. This is to prevent removal of the accumulated sediments and oil/greases that have been collected in the unit. For a properly sized system the majority or a significant fraction of the sediments and oils/greases will have already normally been collected in the first flush of any given rainfall event. During heaviest rainfall, the first runoff would be captured by the system. This first runoff contains most of the contaminants the system is designed to treat. Further runoff would essentially be rainfall, and probably should not cause concern relative to by-pass.
	82	Pages 81 and 82, Section 5.6.3 - The terms "Stormceptor®" and "Stormwater®" are used interchangeably. Correct as necessary.	The text has been revised to correct the name of the product.
	83	Page 82, bullets - Include a sketch to better illustrate the treatment system described by the bullets.	Final design will determine the details of the stormwater treatment system that will be constructed. Those details are not available at this time.
	84	Page 82, Section 5.6.3, second to last paragraph - Based on the statements made in this paragraph, it is unclear whether costs associated with runoff treatment are included in the construction figures. Please clarify.	The cost estimate includes this item.
	85	Page 83, Section 5.6.4, second paragraph, last sentence - A more accurate statement would be that a safety zone would be established and work within the zone cannot resume until the site is remediated.	The text has been revised to incorporate the recommended wording.
	86	Page 83, Section 5.6.5.1 - Provide a discussion of other potential effects on the Park besides providing additional water, such as general effects of the project on visitor use, Park operations, and management of the East Everglades.	This project will not significantly affect Park visitor use or operations and management of East Everglades. Its impact on certain commercial activities located on the south side of Tamiami Trail are discussed in the document.
	87	Page 84, Section 5.6.5.4, third paragraph - Discuss the impacts of installing bridges vs. maintaining culverts on exotic fish and apple snails among the alternatives. One method (bridge or culvert) may be more conducive to allowing exotic fish and apple snail entry into ENP.	The Corps does not believe this is a significant issue. Providing conveyance by means of culverts only was not among the final alternatives and will not be discussed further..

	88	Page 85, Section 5.6.5.5 - Provide a table similar to Table 7 illustrating the differences among the alternatives with respect to encroachment into ENP.	Table 7 provides acreage of encroachment based on a typical section of the roadway. More accurate determination will not be possible until a more detailed design has been done.
	89	Page 85, Section 5.6.5.5, Wetlands, Direct Effects - The first sentence states "The action alternatives would require encroachment southward into ENP as a result of meeting current FDOT standards for roadway geometry." Provide an explanation as to why the centerline cannot be shifted north to meet the wider footprint requirement.	Holding the south side US41 FDOT R/W fixed, thereby avoiding ENP encroachment, would place in the average northern top-of-roadway-embankment line beyond the existing top-of-bank for the L-29 borrow canal for much of the reconstructed roadway. That appraoch would require filling the borrow canal as required to achieve roadway embankment stability. The cost of this filling is expected to make this approach more expensive than roadway expansion to the south.
	90	Page 86, Section 5.6.5.5, Exotic Vegetation - Indicate how many acres of Brazilian pepper would be removed.	Determinations of acreage of Brazilian pepper will not be possible until a more detailed design has been done.
	91	Page 87, Sec 5.6.5.6, Protected Species - The Action Area for evaluating impacts to protected species is not included in this section or the draft Biological Assessment in Appendix K. 36 CFR defines the action area as "all areas to be affected directly or indirectly by the Federal action and not merely the immediate project area."	As defined in the benefits analysis, the Action area is 63,195 acres, defined by L-67 Extension on the West, Tamiami Trail on the north, and L-31N and the 8.5 Square Mile Area (SMA) on the east. The southern limit of effects was defined as an east-west line connecting the end of the existing L-67 Extension to 8.5 SMA. Below (south of) this line it would be difficult to distinguish among alternatives in terms of benefits, indirect or cumulative effects.
	92	Page 87, Section 5.6.5.6, Action Alternatives, third paragraph - Reference is made to "great egrets." Are these "great white egrets?"	Yes. Great egret is now the preferred common name
	93	Page 88, Section 5.6.6, Habitat Units - This is the only subsection within the environmental effects section where performance measures are mentioned. Were performance measures used in evaluating other environmental effects? If so, how?	This is the only section to use performance measures to evaluate environmental effects.
	94	Page 88, Section 5.6.6, third paragraph -In evaluating performance measures/ alternative benefits, a study area comprising a 63,195 acre area bounded by Tamiami Trail, L-31N, L-67 Extension, and a southern boundary with a line connecting L-67 Extension with the 8.5 SMA is used. Clarify if other analyses carried out in the Draft RGRR/SSEIS utilize that "project area."	This the only evaluation in the RGRR/SEIS to use the 63,195-acre analysis area.
	95	Page 92, Section 5.6.9 - Clarify that bank fishing would only be eliminated on the south side of the L-29 Canal alongside of bridges.	The text has been revised to emphasize that bank fishing along the south side of the L-29 Canal would be eliminated where the embankment is removed.
	96	Page 93, Section 5.6.9 - The first sentence on the page indicates that access to airboat businesses would be maintained under all alternatives; however, it was previously mentioned that Everglades Safari would lose up to one-half of its parking and a building. Text on page 99 states that all three businesses would lose at least some of their parking area. Please modify Table 22 (pages 100-101) to more accurately reflect and, to the extent possible, quantify substantive differences/impacts to each property under each alternative.	The text has been revised to provide clarification on the loss of parking by businesses.
	97	Page 93, Section 5.6.10 - Text should state that the SHPO has determined that Coopertown Airboats is eligible for listing on the National Register of Historic Places. Include the letter in Appendix C. Also, encroachment on Coopertown would likely result in adverse impacts that would need to be included in the MOA developed with the SHPO.	The eligibiliy of Coopertown Airboats for listing in the NHRP is discussed in Section 2.9.

	98	Page 93, Section 5.6.10, fourth paragraph - Include any correspondence on the MOA with the SHPO in Appendix C.	All correspondence is included in this report
	99	Page 93, Section 5.6.10, fourth paragraph, last sentence - Indicate what agency would responsible for funding and managing these interpretive features along Tamiami Trail.	This issue is still under consideration, and will probably be resolved during the design phase of the project.
	100	Page 94, Table 15 - Please revise this Table, as appropriate, following completion of on-going consultation with the SHPO.	Concur
	101	Page 95, Section 5.6.12 - Provide an explanation of the 5 receivers discussed in reference to noise measurement. Why are there 5 receivers at Osceola Camp, but only 2 at Gator Park and Tigertail, and 3 at the other sites?	Additional text has been added to Section 5.6.12 to describe the selection of receptors.
	102	Page 97, Section 5.6.12, second paragraph - Only three of the structures on Osceola Camp are residences.	Noted.
	103	Page 98, Section 5.6.14 - The Corps of Engineers plans to perform the construction work to raise Osceola Camp.	The text has been revised to delete reference to DOI.
	104	Page 99, Businesses, first paragraph - Address the two commercial radio tower properties. Also, describe the potential impacts of increased water levels on the businesses listed in this section and the radio towers and discuss plans for mitigation.	Not sure average water levels will increase as result of TTM. Water levels will increase as result of CSOP operations/Water Management Plan). Bridging the road only provides capacity to convey water. Water levels will depend on operation of the whole system and weather. Lands south of the Tamiami Trail will likely have increased water levels at times. To operate the MWD project, the minimum real estate interest required is a perpetual (or occasional) flowage easement. No plans for mitigation are included in this report. The acquiring agency will make the determination whether or not to mitigate in lieu of purchase.
	105	Page 99, Section 5.6.15, Businesses, second paragraph - What will be done to mitigate the impact to Everglades Safari?	To operate the MWD project, the minimum real estate interest required is a perpetual (or occasional) flowage easement. No plans for mitigation are included in this report. The acquiring agency will make the determination whether or not to mitigate in lieu of purchase.
	106	Page 99, Section 5.6.15, Businesses, second paragraph - The last sentence indicates that Table 22 summarizes the effects of the project on businesses. Everglades Safari may lose up to one-half of its parking area and a building yet Table 22 describes this substantial loss as "reduced parking; possible building loss". Revise table to accurately describe impacts on businesses.	Table 22 has been revised to delete the possibility of a building loss. The amount of loss of parking will be determined during more detailed project design.
	107	Page 99, Businesses, third paragraph - Utilize following language in lieu of first three sentences: "Six properties south of the Tamiami Trail have been authorized for ENP acquisition by the Everglades National Park Protection and Expansion Act of 1989. The assumption is that ENP will acquire sufficient interests in all six of these properties while noting that disposition of the FPL property is a matter of ongoing interagency discussions. The businesses currently owned by Coopertown Airboats, Gator Park, and Everglades Safari are located on these properties."	The text has been revised to incorporate the suggested wording.
	108	Page 101, Section 5.6.17, Action Alternatives - Suggest the following text: "All necessary interests in lands outside the existing Tamiami Trail right-of-way required for the construction, operation, and maintenance of the Tamiami Trail modifications are being purchased by DOI and USACE. Interests in lands required for the operation and maintenance of the project would be conveyed to FDOT when construction is complete."	The text has been revised to incorporate the suggested wording.

	109	Page 103, Table 23 - What do real estate costs (identified for all alternatives) include? Do they include planned acquisition of all necessary easement interests? Do construction costs include any flood-proofing measures required for the remaining privately owned businesses? Please clarify.	This project will provide conveyance of planned deliveries of water to ENP. RE Costs include estimated acquisition and administrative costs to acquire interest in the Airboat Asc tract. Costs do not include purchase of remaining properties to be purchased by DOI. Construction costs do not include flood proofing measures on lands to be acquired by DOI.
	110	Page 104, Section 5.7.1, first paragraph - The text indicates that the cost for a Stormceptor® system was prorated and included in the cost of bridge options. This statement contradicts Section 5.6.3 (pages 81-82), which indicates that the same system was cost prohibitive. Clarify whether runoff treatment costs using the Stormceptor® system were included in the construction estimates.	Carification provided in text.
	111	Page 105, Figure 14 - The alternative numbers should be used for clarity and consistency.	Noted.
	112	Page 106, Figure 15 - The alternative numbers should be used for clarity and consistency.	Noted.
	113	Page 106, 5.7.2 (Table 24) and elsewhere in Chapter 5 - From a layman's point of view it is unclear how Alt. 14 was selected as the preferred alternative when the analysis identified Alts. 10, 12 and 17 as "Best Buys". This should be clarified in the document.	"Best Buy" alternatives are identified in a cost-effectiveness evaluation that does not take into account factors such as : acceptability to all stakeholders, non-quantifiable benefits, such as spreading the sheet flow over both eastern and western segments of the Eastern Trail; and other factors that are discused in the text. The SFWMD strongly supported a two-bridge option to benefit the more eastern part of eastern Tamiami Trail.
	114	Page 109, first paragraph - "Alternative 12" should read "Alternative 17".	Concur. The text has been corrected.
	115	Page 110, Table 27 - Some of the features/conditions are not "environmental." Suggest revising the table title to "Summary of Selected Effects."	These topics are part of the "human environment," for which the Council on Environmenal Quality regulations require assessment under NEPA.
	116	Page 111, Section 5.7.5, Fiscal Constraints - An obsolete version of the Capital Asset Plan is being cited. Cite the current April 2005 version and include in the references.	Concur. The text has been corrected.
	117	Page 118, Section 5.8 - "Sections 5.7 and 5.8" should read "Sections 5.6 and 5.7."	Concur. The text has been corrected.
	118	Page 118, Section. 5.8, Selection of Tentatively Selected Plan - Habitat units were described on page 88 as "the metric that best integrated information regarding the quality and quantity of improved hydrologic and ecologic functions within the study area." Table 8 indicates there is less than 1% difference in performance between Alt 12 (3 mile bridge) and Alt 14 (TSP) both of which have a total of 3 miles of bridge. Table 21 on page 100 indicates Alt 14 construction costs would be $8.4 million greater than construction costs for Alt 12. Table 22 on page 103 indicates Alternative 14 construction costs would be $9.6 million more than same costs for Alt 12. Regardless of which estimate is more accurate, Alt 12 is more cost effective than Alt 14, and this is reflected in Figures 14, 15, and Table 24 on pages 105-106 where Alt 12 is designated as "cost effective best buy". In contrast, Alt 14 is only rated as "cost effective." In addition, Table 28 (page 113) lists Alt 12 as the "most efficient" alternative. It is equal to Alt 14 in terms of the other COE planning criteria (except for slightly fewer AAHUs, 27,973 vs. 28,422). Given these rankin	Text has been corrected.

	119	Page 119, Section 5.8, first paragraph and Page 122, Section 6.6 - It is our understanding that FDOT will receive compensation through provision of the replacement facilities and that there will be no monetary remuneration for the reciprocal granting of easement rights. Please clarify.	The compensation FDOT will receive is the replacement facility. Paragraph has been revised.
	Section 6.0 Tentatively Selected Plan		---
	120	Page 123, Section 6.6.1, second paragraph - It should be noted that NPS will be determining whether and what type interests to acquire in the remaining privately owned properties.	The USACE will determine the minimum estate required to support the construction, operation and maintenance of this project.
	121	Page 123, Section 6.6.1, second paragraph - It should be noted that use of Land and Water Conservation Fund (LWCF) funds to acquire perpetual flowage and highway easements needs to be confirmed by the National Park Service.	Noted.
	122	Page 123, Section 6.6.1, second paragraph - Revise text to read as follows: "Acquisition of these lands was authorized by the Everglades National Park Expansion and Protection Act."	Text has been revised.
	123	Page 123, Section 6.6.1, second paragraph - It should be noted that the National Park Service Southeast Regional Office and the Office of the Solicitor, U.S. Department of the Interior, need to determine how such easement rights will be conveyed.	Noted.
	124	Page 123, Section 6.6.2, first paragraph - If LWCF funds cannot be utilized for purchase of perpetual flowage and highway easements, any resultant relocation costs may need to be considered for funding via the MWD Project.	Noted. There are no estimates included in the Total Project Costs for properties (purchase, flood proofing or relocation expense) previously authorized as part of the Everglades Expansion Act.
	125	Page 123, Section 6.6.2, second paragraph - Revise text to read as follows: "Impacts to buildings will be avoided to the greatest extent possible but may necessitate relocations."	There will be no impacts to buildings at the Everglades Safari site. References to impacts on buildings have been deleted.
	126	Page 125, Table 31, Real Estate - Real Estate costs may increase if it is determined that LWCF funds cannot be used for acquisition of perpetual flowage and highway easement interests. It should be noted that construction costs may increase as well for any related flood-proofing measures required.	Noted. There are no estimates included in the Total Project Costs for properties (purchase, flood proofing or relocation expense) previously authorized as part of the Everglades Expansion Act.
	Section 7.0 Environmental Effects of the Tentatively Selected Plan		---
	127	Page 128, Section 7.6.1 - The Final RGRR/SSEIS should provide a comprehensive description of the environmental effects of the TSP on Everglades National Park (e.g., encroachment, filling of wetlands within the Park, impacts to wildlife, and effects on to visitors). Please contact the South Florida Natural Resources Center, Everglades National Park (303-224-4200) for assistance.	Comment noted. However, the purpose of this project is to provide more laminar and widely dispersed flows near the trail. Impacts on lands immediately south of the Trail have been indicated in the report. The amount of "encroachment" into the Park will depend, among other things, on decisions to be made by the Park about which lands, if any, among the current commercial facilities ENP will acquire under the LWCF funds. The Corps does not believe,in keeping with the first paragraphs of your comments, that DOI agencies believe that there would be significant adverse effects to wildlife or visitor use in the Park to merit discussion. Bridging the trail will decrease wildlife road-kill mortality by about 30% over existing conditions.

	128	Page 128, Section 7.6.5, second paragraph - State how many acres of wetlands in ENP would be lost due to encroachment of the road into the Park. Also, indicated how many acres of wetlands are expected to be restored in ENP through implementation of the MWD Project.	Section 7.6.5 has been revised to include the requested information.
	129	Page 128, Section 7.6.5, third paragraph - How many acres of exotic vegetation will be removed? How much would be within ENP, and how much would be within private property? This benefit is not described for the other alternatives. Is this benefit true for all alternatives or does the # of acres differ among alternatives?	Section 5.6.5.5 describes the removal of exotic vegetation along the Tamiami Trail for all alternatives. Quantified determinations of removal will be available when a nore detailed design has been completed.
	130	Page 130, Section 7.9 - Include a description of the effects of the TSP on recreation in ENP.	No effect is expected, excepting temporary effects during construction.
	131	Page 130, Section 7.10, second paragraph - The text states there was coordination with the SHPO and copies of correspondence are included in Appendix C; however, they are missing. Please include.	Copies included.
	132	Page 130, Section 7.10, second paragraph - Reevaluate the impact of encroachment and increased water levels on Coopertown.	Please reference our response to your comment
	133	Page 135, Section 7.15, first paragraph - Explain the economic impacts to the commercial airboat tour operations and radio tower sites from highway construction encroachment and increased water levels.	Section 7.15 has been revised to include the requested informationon highway encroachment.
	134	Page 131, Section 7.15, third paragraph - Alternative 14 should be referenced (not Alternative 10).	Concur. The text has been corrected.
	135	Page 132, Section 7.18 - This section on Cumulative Impacts is incomplete. There is no list of past, present or reasonably foreseeable projects in the project region that may have cumulative effects on Park resources in combination with the proposed action. The Dec 2003 GRR/SEIS had a cumulative impact table that could be incorporated in this section and expanded to describe the cumulative impact of each project individually and an overall determination of cumulative effects. The last sentence in this section should be revised to state that implementation of this project as part of the larger CERP action will constitute an important step toward restoring natural hydrological conditions within ENP…."	Noted. However, this project is NOT part of CERP. It is a predecessor of CERP, with a separate authorization.
	136	Page 134, Section 7.21 - Include a discussion of specific beneficial or adverse secondary effects associated with this project. The appendices contain a wealth of information that could be summarized in this section.	The effects analyis is limited to the most obvious effects. Most of the secondary effects of delivering water in a more environmentally acceptable configuration have been discussed. Again, the analysis area of this proposed project is limited to areas just south of Tamiami Trail.
	137	Page 134, Section 7.23 - State that encroachment of the highway into ENP is controversial among environmental advocacy organizations and members of the general public. The attitude of the airboat operators to potential encroachment onto their property should be determined and documented here.	The text has been revised to mention the controversial nature of encroachment into ENP. Airboat operators did not discuss their attitude toward potential encroachment at the Public Workshop in September.

	138	Page 135, Section 7.27 - Compliance with environmental requirements. Table 32 indicates the project is in full compliance with all listed laws and Executive Orders. We recognize that consultation is ongoing with several agencies and anticipate that documents supporting this conclusion will be included in the Final RGRR/SSEIS. There is no evidence of coordination with NOAA Fisheries to support the conclusion that an Essential Fish Habitat Assessment is not required. A Statement of Findings (SOF) for Wetlands Protection and Floodplain Management, and an MOA with the SHPO to resolve adverse effects on cultural resources should be completed prior to publication of the Record of Decision. The SOF will be prepared by ENP upon receipt of conceptual design plans for the TSP and related information on effects to wetlands and floodplains.	Comment noted, but the Corps is in compliance with all applicable laws at this feasibility stage of the project. EPA has issued a letter stating "No Objections" to the preferred alternative. Coordination with NOAA Fisheries and SHPO is ongoing, but in compliance with legal requirements.
	Section 8.0 Recommendations		---
	139	Page 137, Section 8.0 - The Tentatively Selected plan consists of the following components. Add a statement regarding raising the profile of the unbridged portions of the Trail.	Section 8.0 has been revised to include the raising of the unbridged portions of the highway.
	Appendix C - Cultural Resources		---
	140	Page C-7, top of page - It should be noted that frogging is not permitted within Everglades National Park.	The text about frogging is in the report to the Corps submitted by the cultural resources contractor. It neither condones nor expresses an opinion on the legality of frogging in ENP. It would be the responsibility of ENP to notify private parties of activities prohibited within the Park.
	Appendix D - Hydraulics and Hydrology		---
	141	General - Appendix D describes a RMA-2 modeling effort that is aimed to evaluate the impacts of proposed Tamiami Trail bridge alternatives on the hydrology and ecology. RMA-2 can simulate detailed hydrodynamic responses of different bridge spans, which is not obtainable from regional hydrologic models such as SFWMM and ModBranch. In particular, this appendix presents various modeling information and resulting graphs that will be very useful for assessing alternative bridge options. The present modeling approach seems reasonable; most assumptions are valid; and the presentation is very clear. However, the last part of this appendix needs to be expanded by adding key modeling results with discussion and conclusions that will support the benefit analysis in Appendix E.	Noted.
	142	Section 6. NSM, last paragraph: NSM predicts daily (end-of-day) stages rather than daily averaged stages. The document should specify the probability distribution function used to construct the stage frequency curves on Figure 3.	Clarified
	143	Section 8. Recession Rates: Based on the hydrographs on Figure 7, a maximum recession rate of 0.046 ft/day is not from the result of CSOP Alternative 4, but from the historical records or some other source. What are the period of records used here to compute the recession rates?	Clarified. Recession Rates are computed based on the number of day from the peak in October to once the slope of the line changes.
	144	Section 10, B: Specify the parameter values used for the Manning's equation. What is the unit of water depth in Equation 1?	Clarified. Unit is feet
	145	Section 10, C: There is not mutual agreement that the accuracy of topography data in the model is 0.5 feet. It should be much smaller than that value.	Noted.
	146	Section 12 & 13: These two sections need to be expanded by including some critical results of the modeling with discussion and conclusions. The text in Section 13 is repeated on the subsequent appendix (page E-9).	Noted.

	147	Table 2: This table needs to describe how the culvert discharge rating was computed. Also needed are assumptions and parameters used in the calculation.	Clarified.
	148	Figure 7: Manning's n values for high water depths seem too high (0.9). Is there any justification for these values?	A variable depth manning's value was used see Figure 7 of H&H Annex
	Appendix H - Real Estate		---
	149	Page H-2, third paragraph - Revise text to read as follows: "There are six privately owned parcels located along the trail that will be acquired by the U.S. Department of Interior (DOI)."	Concur.
	150	Page H-2, third paragraph - Delete "The DOI, thru the National Park Service, is currently scheduled to acquire the appropriate interest in these parcels by August 2006." It would be more accurate to say "The DOI, through the National Park Service, will be determining whether and what type interests to acquire in 5 of these properties. Disposition of the 6th property (FP&L) is the subject of ongoing interagency discussions."	The USACE will determine the minimum estate required to support the construction, operation and maintenance of this project.
	151	Page H-2, third paragraph - Delete "Margaret Hutton".	Concur.
	152	Page H-2, third paragraph - It is critical that the impact of the highway construction and the raised water levels on the airboat and radio tower properties be determined. Such impacts may dictate the viability of their operations post-project, whether they can functionally exist at all, and what engineering measures might be taken to allow them to do so.	Concur.
	153	Page H-2, fourth paragraph - The funding source to acquire such rights is undetermined. If LWCF funds cannot be used, these costs need to be accounted for, as well as the cost to cure for any flood-proofing measures necessary to maintain operable facilities.	There are no estimates included in the Total Project Costs for properties (purchase, flood proofing or relocation expense) previously authorized as part of the Everglades Expansion Act.
	154	Page H-2, fourth paragraph - Revise text to read as follows: "DOI and the landowners may enter into such agreements; however, at a minimum, a perpetual flowage easement is required over these parcels and highway easement rights, to the extent the new right-of-way would encroach." DOI is preparing a long term management plan to determine whether or not concessions within the Park boundary will be allowed.	The easements are not only needed for the right of way expansion but also needed for predicted increase in water levels.
	155	Page H-2, fourth paragraph, last sentence - This statement is inappropriate since planning to determine future concessions operations, that would affect all three commercial airboat operators, is underway.	Concur. Statement removed.
	156	Page H-3, last paragraph - The document states that "FDOT will grant to SFWMD the right to operate and maintain the conveyance features located under the Tamiami Trail." It is our understanding that FDOT will receive just compensation through provision of the replacement facilities, and there will be no monetary remuneration. If so, it would be good to clearly state that here.	Concur.
	157	Page H-4, section 3, first paragraph - Revise text to read as follows: "The Department of Interior through the Federal Highway Administration will grant the Florida Department of Transportation a perpetual road easement, or alternative document with equivalent rights, for the ENP lands required for construction, operation and maintenance of the road." (Note: This is our understanding of NPS procedural requirements for the conveyance of easement rights involving the Federal Highway System; the National Park Service's Southeast Regional Office and Office of the Solicitor, U.S. Department of the Interior are currently evaluating this matter.)	Concur. Revised report.

	158	Page H-7, Section 9 - If it is determined that Project funds are to be utilized for acquisition of easement interests, it is critical to include such costs in this Section. (Note: If associated flood-proofing measures are required the costs should be accounted for with this project as well.)	There are no estimates included in the Total Project Costs for properties (purchase, flood proofing or relocation expense) previously authorized as part of the Everglades Expansion Act.
	159	Page H-9, Section 13 - The achievability of such dates cannot be substantiated until such time that the impacts to the six privately owned properties can be defined, which in turn may influence pending decisions as to their continued operation, as well as the extent of the interest to be acquired.	Noted.
	160	Page H-9, Section 4, Subsection A - Revise text to read as follows: "The National Park Service is acquiring sufficient interests or owns the underlying fee to those portions not owned in fee by the Florida Department of Transportation."	Concur. Revised report.
	161	Page H-12, Section 17 - If it is determined that Project funds are to be utilized for acquisition of easement interests on the remaining six privately owned properties, these costs should be addressed here. (NOTE: If associated flood-proofing measures are required, these costs should be accounted for as well.)	There are no estimates included in the Total Project Costs for properties (purchase, flood proofing or relocation expense) previously authorized as part of the Everglades Expansion Act.
National Marine Sanctuary Program	1	The FKNMSAC recognizes that in order to protect and enhance the natural flow of water to the Everglades and Florida Bay, the Tamiami Trail must be transformed into a modern 'skyway', and environmentally sound elevated roadway that would allow unrestricted flow and restoration to Shark River Slough.	Your support for 10.7 mile bridge is noted.
	2	These marine environments are subject to damage and loss of their ecological integrity from a variety of sources of disturbance.	Noted.
	3	Recommended priority corrective actions and compliance schedules addressing point and nonpoint sources of pollution to restore and maintain the chemical, physical and biological integrity of the Sanctuary, including restoration and maintenance of a balances, indigenous population of corals, shellfish, fish and wildlife, and recreation activities in and on the water.	Point and non-point sources of pollution are beyond the scope of this project.
	4	Therefore, it is recommended that the following conditions be achieved in the C-SOP Alternative to be adopted by the South Florida Exosystem Restoration Task Force: (1) restore the headwaters of Taylor Slough by restoring flows and water levels in Northest Shark Slough; (2) maintain an effective hydrological barrier to keep water in Taylor Slough; (3) do not discharge polluted stormwater into pristine wetlands; (4) fill in L31W (from S175 south) and the aerojet canals to prohibit water from moving into C-111 thereby keeping it in Taylor Slough and moving toward central Florida Bay; and (5) maintain canal levels and structural operations in C-111 and L31N to eliminate destructive pulses of freshwater entering Florida Bay and Barnes Sound.	This project feature of Modified water deliveries addresses the increasing of the conveyance capacity into the NESRS while improving the roadway to handle the anticipated higher canal stages. Restoring the headwaters of the Taylor Slough is being pursued under a different project authority outside of the scope of this project. Once the entire Modified Waters Deliverys and C-111 are built and operational, improvements to the Taylor Slough (more flow) and Central Florida Bay (less destructive pulses of fresh water) are expected. CSOP is working to optimize the operation of these systems to improve the ecology while maintai and not increasing the existing flooding problems.

The Tribe			
Commenter	**Comment Number**	**Synopsized Comment**	**Corps Response**
Miccosukee Tribe	1	There is no discussion whatsoever on what the impacts will be to the archaeological sites located on the tree islands in North Shark River Slough. While this may not be in the scope of this project, by implementing this project, there will be impacts to these sites.	This project has been designed to avoid or reduce headwater effects, caused by the current Tamiami Trail configuration, to tree islands in the WCA-3s. The Corps expects that providing greatly increased conveyance across Tamiami Trail will decrease the incidence and duration of adverse high water stages, particularly in WCA-3A.
	2	The cost of the bridges is too much. The length of time involved in the construction of these propsed bridges is too long. An alternative solution propsed by the Tribe would be to place numerous box culverts (or some other equivalent) all along Tamiami Trail. This would allow for better sheet flow across the length and bredth of North Shark River Slough rather than concentrating water flows on the west and east ends of the slough.	Elsewhere in this comment matrix, Corps engineers have explained that simply installing box culverts, even if the vegetation plugs south of the trail are cleared out, would not be as effective in reducing high headwaters to the north of the trail as the proposed bridges. The vegetation would be expected to grow back rapidly, introducing a high maintenance cost.
	3	The construction of these bridges would also allow for airboat crossings underneath Tamiami Trail. Airboats have been launched into water Conservation Area 3B at the L-31 pump station and at L-67 levee. This appears to the Tribe to allow commercial operators in Everglades National Park to commence commercial operations north of the Trail.	The bridges have not been designed for airboat crossings. The minimum clearance between the low chord of the bridge and the average high water will be 6 feet. This 6-foot clearance is required for bridge inspections. Most airboats require more clearance and thus are not expected to be able to pass under the bridges.
	4	The breaching of the L-28 Tieback levee is key to the removal of high water conditions in Water Conservation Area 3A. However, before the L-28 Tieback levee can be breached, the Tamiami Trail Phase I - culverts and Tamiami Trail Phase II - Milling and resurfacing of US 41 must be implemented as per the plans submitted by the Corps of Engineers.	The two projects, Tamiami Trail Phase I - culverts and Tamiami Trail Phase II - milling and resurfacing, are different projects located at a different section of Tamiami Trail many miles west of the project area for this Modified Water Deliveries Tamiami Trail Modification project. This project has no control or influence over the progress of the other two projects.

Miccosukee Tribe, Dexter Lehtinen	1	The Miccosukee Tribe ("Tribe") objects to the so-called "Tentatively Selected Plan," Alternative 14. The Tribe does not believe that Alternative 14 is a legally viable option. The Corps has no authority for a Tamiami Trail Project. It only has authority for the Modified Water Deliveries Project ("MWD") of which Tamiami Trail is only a component. Any Tamiami Trail modification must be consistent with MWD authority and Congressional directives. The Corps's election of any bridging option is nothing more than a thinly veiled attempt to build the CERP decompartmentalization component. Congress authorized MWD in 1989 and promised it would be completed by 1997. After nearly a decade of delay, Congress wanted to ensure that MWD would get the attention it deserves and be implemented. Therefore, when the Congress passed WRDA 2000, it specifically required completion of the MWD Project prior to authorization of the Comprehensive Everglades Restoration Plan ("CERP97) Decompartmentalization Project. WRDA 2000 mandates: "No appropriation shall be made to construct the Water Conservation Area 3 Decompartmentalizat	The Tamiami Trail feature of the Modified Water Deliveries Project is consistent with Congressional authority.

	2	The Tribe contends that Alternative 14 is unnecessary, expensive, and delay provoking. The Tribe is disappointed that the Corps has not analyzed the reasonable alternative of clearing, enlarging, and if necessary, constructing some additional culverts to allow the 4,000 cfs MWD flows to pass. Alternative 14, the Two-Mile Bridge West and 1 Mile Bridge East Alternative, is estimated to cost the taxpayers over $125 million dollars and is totally unnecessary to the completion of the MWD Project. Under the provisions of the 1898 Everglades National Park Protection and Expansion Act, Secretary of the Army is only authorized to take those steps necessary to restore natural hydrologic conditions to the extent practicable under MWD authority. That is to say, even if the desired 4000 cfs flows are not practicable, then the Secretary of the Army will meet his legal obligation to restore flows to the extent practicable. The Draft RGWSEIS, however, shows that the current system has the hydraulic capacity to pass the required MWD flows. (Section 5.6.5.1 and Appendix D at para 3) Appendix D also shows that the modeling used N	The Corps of Engineers (COE) does not concur that simply adding a few more culverts and cleaning the downstream area will allow to the extent practicable restoration of the natural hydrologic conditions within Everglades National Park (ENP) and upstream WCA-3A and WCA-3B. The hydraulic conveyance capacity to move water through the Florida Department of Transportation's (FDOT) Tamiami Trail embankment is very important to the delivery of water to Everglades National Park as well as the corresponding relationship it has with Water Conservation Areas (WCA) 3A and 3B. An analysis is shown in the Engineering Appendix (Annex A - Hydrology and Hydraulics Report) of the RGRR/SEIS that demonstrates that the current culverts do have the capacity to move large volumes of water. However, this analysis only looks at the ability of the culvert to move water from the immediate upstream to the immediate downstream side of the culvert and does not consider the downstream expansion losses due to the resistance of the marsh to the flow of water. In order to take steps to restore the natural hydrological conditions within ENP, The Everglades National Park Protection and Expansion Act (PL 10 "Upon completion of a final report by the Chief of the Army Corps of The final report Part 1 Supplement 54 General Design Memorandun "The goal of restoring natural hydrologic conditions will be met in ter * Location – The historic path of Shark River Slough will be restored * Timing – Water flows through the restored Shark River Slough will * Volume – The volume of water delivered will reflect the naturally a

	3	By the Corps' own admission, the culverts under Tamiami Trail, which have existed for 50 years, should continue to provide service for an additional 50 years. Unfortunately, the culverts are currently blocked with sediment and heavy vegetation built up on the discharge side. Incredibly, Everglades National Park ("Park") staff has stubbornly refused to allow the sediment/vegetation blockage to be removed. Thus, the Park is preventing the water - which they claim they want - from being delivered through the existing culverts. Moreover, the S-12s also show extreme blockage and restriction of flow and should also be cleaned out. Instead, based on faulty assumptions and modeling chicanery, the Park has manipulated the Corps into building a bridge which wastes taxpayer money and violates the prohibition against constructing CERP Decompartmentalization before the MWD is completed. Now, both agencies are attempting to fool Congress into thinking the white elephant bridge is necessary to complete MWD.	The COE does not concur; the culverts are periodically cleaned by the FDOT/SFWMD to make sure they are clear of sediment and debris. The culverts when constructed had the inverts set below grade (average invert elevation of all 59 culverts is 3.8 feet NGVD29), and the downstream ground surface elevation varies between elevation 5.6 feet and 7.1 feet NGVD29, to allow for the proper clearance below the roadway crown elevation. The removal of the vegetation will produce some short term benefits but due to the sub-tropical environment this vegetation or some other type will quickly take its place producing similar backwater effects to the culverts. The ENP has not manipulated the COE. The bridge alternative allows for the smooth interaction between the L-29BC and ENP allowing the water within the bridged section to interact with ridge and slough environment in a natural way. Culverts produce a point source discharge in an area where sheet flow is needed restore the natural hydrological conditions within ENP, which is the charge of the 1989 Park Protection and Expansion Act.

	4	It is clear that if the Park only wanted the additional 4000 cfs water, they would insist on cleaning the downstream discharge areas of the culverts. Table 2 of the RGRR/SEIS shows the discharge ratings of the Tamiami Trail culverts. It is obvious that the culverts are not currently discharging at the capacity which they were designed for, and for which they are capable. Over the past 50 years, sediment and heavy vegetation have created small islands immediately downstream of the culvert discharge points. Only after these blockages have been cleared, and the requirements in Tribe's Tamiami Trial Tenets described below are met, will it ever support the bridging of Tamiami Trail. In reality, the modeling trick used in the RGRR/SEIS shows that the Park, not happy with MWD flows, is attempting to get more acre feet of water than Congress even authorized for CERP. (See, Section 4.62 and Appendix D, Table 3.) The RGRR/SEIS is a veiled attempt to fool Congress and the public into wasting money on an unnecessary bridge for a Pre-CERP project the cost of which has all ready escalated more than 300%. Contrary to NE	The park is not looking for the a specific flowrate but a timing, as stated in the 1992 MWD to ENP GDM “Water flows through the restored Shark River Slough will reflect natural local meteorological conditions, including the extremes of natural droughts and floods, and variations in the annual seasonal and long-term cycles”. Limitations of the current system prevent the system from seeing not only the extreme floods but even average annual stages as predicted from the natural system model. The limitations of the current system are based on the protection of the current Tamiami Trail (US41) embankment and the 8.5 Square Mile Area (8.5 SMA). The FDOT has defined the current Design High Water (DHW) elevation for the embankment as 7.5 feet, NGVD29. As stages exceed this elevation in conjunction with the effect of capillary action the base material of the embankment becomes saturated. This leads to a weakening/deterioration of the roadway that creates an unsafe driving condition. Thus without reconstructing the roadway, stages will not be able to be raised above current operatin

	5	The Corps claims they have reopened the EIS process because the Department of Transportation's ("DOT'S") safety concerns have increased the costs of the prior selected Alternative 7a, the 3,000 ft. bridge. It fails to tell the public that DOT was provided with modeling for far more water than MWD was authorized to deliver. The real reason for the new SEIS is hinted at on page 1 which states that DOI determined that water in the L-29 canal would be at a higher design stage than had been previously calculated. The Corps again fails to disclose that DOI modeling was also based on much more water than MWD was authorized to deliver. Moreover, the Corps' dismal failure to implement a plan once it was selected in 2003 has caused a price increase in all the alternatives. The cost of the skyway, 4 mile bridge, and skyway has escalated dramatically. The Corps also continues to refuse to calculate the costs, both economic and environmental, that have occurred to the Everglades as a result of their failure to act. The lengthy, unwieldy title of this document is indicative of the delay to the MWD Project that has been caused by DOI's c	The EIS process was re-opened because the 2003 recommended plan element of escrowing the cost of raising the unbridged roadway was not acceptable to FDOT, and the resulting increase in cost was of concern to DOI because it would have exceeded their budgeted amount at the time. The Corps decided that additional plan formulation and analyses were warranted to ensure that other cost effective plans could be considered if DOI could somewhat relax their previous fiscal constraint. The new analyses incorporated a somewhat higher design water elevation in the L-29 Canal based on new Corps modeling, but that was immaterial to FDOT's position on raising the unbridged roadway. For safety reasons, FDOT is opposed to any increase in canal level above the present nominal level without first raising the roadway. That requirement would prevent the previously recommended bridge plan from passing any restorative water flows out of WCA 3 into NESRS, thereby continuing the high water regimes damaging the Tribe's culture and way of life. Causative factors in the construction cost increases referenced in the comment far preceded the decision

	6	In the first Tamiami Trail EIS process, the Tribe provided its Tamiami Trail Tenets. The Tribe's goal was then, and is now, to help the Corps select a plan that is economical and within its statutory authority under PL 10 1-229, so that MWD would be implemented expeditiously. Completion of MWD, as the Draft RGWSEIS correctly states is a prerequisite to WCA 3A Decompartmentalization under CERP. Thus, any delay in the MWD Project, or its Tamiami Trail component, would delay CERP. The Tribe has reiterated its Ten Tamiami Trail Tenets in Section I below, while recognizing that unfortunately both for the Tribe and the Everglades, the December 31, 2003 deadline for the completion of MWD has long ago passed. The Tribe recalls that under Colonel Salt in 1992, the MWD EIS was presented to Congress and claimed that the $8 1 million dollar project would be completed by 1997. Under Colonel Rice, the Project Cooperation Agreement ("PCA") was signed to construct what had already escalated from an $8 1 million to a $141 million dollar project. Under Colonel Miller, the MWD Project was supposed to be completed by Dec	The comment is noted. The Corps remains committed to implementing the Modified Water Deliveries Project as expeditiously as possible. The current schedule for the Tamiami Trail Modifications component has an estimated construction completion date of October 2009.
		I. THE MICCOSUKEE TRIBE'S TEN TAMIAMI TRAIL TENETS	---
		The Tribe submitted the following Ten Tamiami Trail Tenets in the prior EIS process and incorporates them again herein without updating them noting that the 2003 date has passed. The Tribe believes that the Corps could still meet the December 3 1,2006 deadline if it adopted a culvert alternative and operated to pass as much water as is practicable while maintaining flood control and public health and safety. The Tribe's Ten Tamiami Trail Tenets are	The December 2006 deadline cannot be met for reasons other than the Tamiami Trail schedule. CSOP, the operating plan for MWD and C-111, will have conveyance and seepage structures that will need to be constructed prior to implementing the MWD project to begin restorative flows vital to the Tribe's culture and way of life.

	7	1. The Tribe is opposed to all plans that will elevate Tamiami Trail before the Modified Water Deliveries Project is completed and implemented, including the protection for the 8.5 Square Mile Area mandated by PL101-229. (The Tribe opposes a skyway.) The Tribe believes that the Corps should take maximum advantage of existing infrastructure in place, and should only add new infrastructure that is absolutely essential to protect public health and safety and to meet the requirements of the Modified Water Deliveries Project, as directed by PL10 1-229.	Part 1: Under the current schedule, The Tamiami Trail Modification construction will be completed approximately 2.5 years after completion of the 8.5 Square Mile Area Mitigation construction. Part 2: Noted.
	8	2. The Corps' selected alternative must ensure that the Modified Water Deliveries Project is completed and operational on, or before, December 3 1,2003. (Note: 2003 date has passed.)	As noted, it is not possible to complete the Modified Water Deliveries Project on or before December 3, 2003.
	9	3. Any alternatives that have no funding and would delay the Modified Water Deliveries Project beyond December 3 1,2003, should be deemed "unreasonable" and removed from further consideration as the Tamiami Trail component of the Modified Water Deliveries Project Draft RGRR/SEIS. (Note: 2003 date has passed.)	Noted.
	10	4. Any plan recommended by the Corps for Tamiami Trail must be consistent with the requirements of PL 10 1-229, the Water Resources and Development Act of 2000 (WRDA 2000), the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA) and the Corps' trust responsibility to the Tribe.	Concur.
	11	5. The Tribe will oppose any plan to modify Tamiami Trail that has an adverse impact on the Tiger Tail and Osceola Camps. Any interference with the traditional use of these camps is nonnegotiable.	Impacts to the Osceola and Tiger Tail Camps were significant project considerations. As part of the Modified Water Deliveries Project, the Tiger Tail camp has already been raised to an elevation of 14.5 feet for flood protection. The Osceola Camp will also be raised for flood protection as part of the project. As stated in the report, “DOI is coordinating with the Osceola Camp to complete its raising prior to implementation.”

	12	6. The Tribe will oppose all plans to elevate Tamiami Trail until 1-75 is also elevated.	Noted.
	13	7. The Tribe will oppose all plans to elevate Tamiami Trail until all the levees are pushed into the canals (e.g. the L-29 and Miami canal); and will oppose any plan that elevates Tamiami Trail that does not remove the levee that separates WCA-3A and WCA-3B from the L-29 canal, with any such decompartmentalization plans being contingent upon the provisions in Tenet 8.	Noted. Degrading the subject levees will be evaluated as part of the Conveyance and Seepage Control Features component of the Modified Water Deliveries Project as well as the Comprensive Everglades Restoration Plan Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project.
	14	8. Control of the water at Tamiami Trail must not be given up under any future CERP decompartmentalization plans until it is absolutely certain that the flow north and south of the Trail are compatible. This cannot be done until the component of the flow lost to Miami-Dade and Broward Counties has been reinstated via the Comprehensive Everglades Restoration Plan (CERP), which is based on technologies that are so suspect that each requires a pilot study prior to proceeding.(i.e. in ground reservoirs, wastewater reuse and L-3 1 North seepage control.)	The MWD to ENP project is authorized to reconnect WCA-3A, WCA-3B, and ENP. As part of the Seepage and Conveyance Features of his project the pump station (S-356) is designed to return seepage waters from ENP. Dependent on the recommended plan by the CSOP process the final features that reconnect these areas will be determined. It is agreed that for the full restoration of the Greater Everglades system is dependent upon the full implementation of the Comprehensive Everglades Restoration Plan (CERP). This project to the extent practicable is supposed to restore this system based on limitations of the current C&SF system.
	15	9. The Corps must operate the water management system to ensure that the access and egress of the Miccosukee Tribe is not jeopardized until such time as Tamiami Trail is modified to the extent necessary to protect it from degradation due to higher water levels during those events which would threaten the stability of the road.	Continuous access and egress to existing facilities is planned prior to, during, and after reconstruction of the Tamaimi Trail within the project limits.
	16	10. While attempting to make the Tamiami Trail component of the Modified Water Deliveries Project compatible with CERP is a noble goal, it must not delay this already seriously delayed project, which only authorizes those flows directed in PL 10 1-229, or compromise the health and safety of the public or the Tribe.	Noted.

		II. SPECIFIC COMMENTS ON THE DRAFT RGRR/SEIS	---
		A. AN AD HOC ADVISORY TEAM, WHICH FAILED TO COMPLY WITH FACA, MADE RECOMMENDATIONS ON PLAN & BRIDGE PLACEMENT	---
	17	Contrary to the Federal Advisory Committee Act ("FACA"), the Corps assembled a team of non-federal entities and consultants who developed performance measures and screened alternatives at two secret, non-public meetings on May 23-26 and July 6-7, 2005. (Section 5.21.) This advisory group adopted the faulty Park analysis and allegedly prepared the MWD Tamiami Trail Modification Benefits Analyses Procedures dated August 2005 attached as Appendix E to the Report. While the Corps attempts to paint this advisory group as a fact finding team, it is clear that it made policy recommendations. The Corps improperly delegated their statutory authority to this advisory group. This group not only deleted performance measures from the last EIS process, it also deleted old one, created new ones, and revised and changed objectives.	The Federal Advisory Committee Act has been complied with and there has been no delegation by the Corps of Engineers of its statutory duty or authority.

	18	Moreover, contrary to the National Environmental Policy Act ("NEPA",) the group failed to analyze all reasonable alternatives for Tamiami Trail. Thus, the Draft RGRR/SEIS fails to contain the viable culvert alternative. Instead, the document analyzes and rubber stamps new alternatives that were screened and developed by an ad hoc advisory team that met in a non-public process. The new words for the recommended alternative, "tentatively selected plan," do not hide the fact that an advisory group that is not constituted under the Federal Advisory Committee Act ("FACA"), screened and "recommended" alternatives. The "Tentatively Selected Plan," Alternative 14, consists of two bridges. The western bridge is to be sited between the Blue Chanty Canal and one-half mile east of the Osceola camp. The eastern bridge is to be sited approximately one mile west of the S-334 and will extend to the west for approximately one mile.	The Corps of Engineers analyzed a reasonable number of alternatives for Tamiami Trail. NEPA does not require that all alternatives be analyzed. The study team analyzed and rejected a culvert alternative in the 2003 GRR/SEIS for Tamiami Trail. The alternative was not carried forward to the 2005 study. The current study team looked at reasonable alternatives – alternatives that provide the flows without extensive adverse impacts. The process complied with FACA. Staff from state and Federal agencies only provided initial input on benefits and impacts, which the Corps considered when it identified the Tentatively Selected Plan. Other agencies or individuals did not make the identification for the Corps.

	19	The Tribe continues to contend from a hydrologic, hydraulic, and environmental point of view, that the best way to distribute flows across Tamiami Trail is by clearing out and utilizing the existing culvert system. Depending on the ultimate flows to be passed, it may be necessary to increase the size and/or number of culverts, but passing the water on a broad front that mimics historic flow patterns and distribution must be better than concentrating flows at one point as the bridge will. Even if the two bridge alternative was necessary, which the Tribe contends it is not, it should be positioned to be both effective and non-obtrusive. The current proposed location meets neither of these goals. The heart of Shark River Slough is several miles to the east of the proposed location, roughly in the middle of the 6.5-foot contours. This is readily apparent from topographic maps or satellite images. It would be only logical and prudent to place the longer bridge in the east, so that it passes larger quantities of waters along historic flow lines. Alternative 14 does not. Also, the current pro	The COE does not concur. The recommended plan of the RGRR/SEIS not only uses two bridges that provide connection to the deeper sloughs and promotes sheet flow through the ridge and slough environment, but also utilizes the existing culverts that are not within the new bridges footprint.
		B. DRAFT RGWSEIS FAILS TO COMPLY WITH NEPA	---

	20	1. RGRR/SEIS Improperly Segments the Modified Water Deliveries Project. Contrary to the conclusion in Section 1.4, the Tribe contends the Draft RGWSEIS fails to comply with the National Environmental Policy Act ("NEPA"). The Tribe contends that the Corps has improperly segmented the MWD Project into separate components, such as the 8.5 Square Mile Area, Tamiami Trail, and Seepage Control components, contrary to the National Environmental Policy Act (NEPA). The 1992 General Design Memorandum ("GDM") and EIS for the MWD Project detailed the condition of the environmental and resources within a much larger study area than is currently being analyzed in the Draft RGWSEIS. Tribal lands in WCA 3A, a 9 15 square mile area, were included in the impacted area in the 1992 GDM but are excluded from the analysis in the Final GWSEIS. NEPA clearly provides that connected projects should be evaluated in a single Environmental Impact Statement (EIS). (40 C.F.R. $ 1502.4). The Council on Environmental Quality (CEQ) regulations governing NEPA state that, proposals or parts ofproposals whi	Comment noted. This comment, on process, is not applicable to the EIS and does not require a response.

	21	2. The Draft RGRR/SEIS Improperly Narrows the Purpose, Scope and Study Area. The narrow purpose and scope in Section 1.3 of the Draft RGWSEIS allows the impacts of delay, especially those to the Tribal lands in WCA-3A, to remain unassessed and skews the analysis of the alternatives. It should be noted that Section 104(3)(d) of PL. 101 -229, which directed the Corps to construct the Modified Water Deliveries Project, says that the project modifications are justified by the environmental benefits to be derived by the Everglades ecosystem in general and by the Park in particular. The purpose and scope should be that of the MWD that is contained in the 1992 GDM, which included the Water Conservation Areas, Northeast Shark River Slough and the Shark River Slough Basin of Everglades National Park (ENP). The 1992 GDM stated that: when fully operational the MWD project will benefit the ecosystem-function and habitat value of approximate2v 100,000 acres of wetlands in NESRS, 600,000 acres of wetlands in WCA- 3A and 200,000 acres of wetlands within the Shark River Slough basin of ENP. Thus, th	Page 16, paragraph number 21, Matrix paragraph 21, no secretive back door process was conducted by the Corps. Inclusion of the Tribal lands in WCA 3A in the benefits analysis is not appropriate. Such benefits would be a function of MWD operations, which is not part of the Tamiami Trail feature. The requested analyses will be conducted as part of the CSOP project EIS.

	22	Due to the failure of the Corps to broaden the study area, and consider the serious environmental harm being caused by the failure to complete MWD, the Drafi RGWSEIS omits issues of vital importance, such as the impact of the project and project delays on Tribal Everglades and the endangered and threatened species that inhabit these areas. The Corps has admitted in the Final GWSEIS on the 8.5 Square Mile Area component of the MWD project that the loss of tree islands has an impact on critical habitats and cultural resources in WCA 3A, delayed implementation of the MWD project will cause an estimated loss of 8.4 islands and 246 acres per year at an estimated cost of $50.000 to $500, 000per acre. (Final GRR/SEIS on the 8.5 Square Mile Area, Section 5.2.7, page 64 and Table 7.) In light of the serious environmental and economic costs of delay, the Corps must assess the cost of delay associated with the selection of each of the alternatives in the Final RGRR/SEIS.	The true ecological costs of delay cannot be determined with any accuracy because they are so dependent on meteorogical conditions during the period in question.

	23	3. The Future Without Project Condition Is Improperly Defined. The Draft RGRR/SEIS improperly defines the future without project conditions under NEPA in Section 3. Tamiami Trail modifications are not a Congressionally authorized project. The project is Modified Water Deliveries. Thus, the future without project condition for the Modified Water Deliveries Project is NO MODIFIED WATER DELIVERIES PROJECT and not "the future of the study area as it would be expected to develop, if no improvements were made to Tamiami Trail." It violates NEPA to segment the MWD project. (It should be noted that the Final GWSEIS had a "design flow" of 4,000 cfs which has been removed from this section of the new report.) There is no Congressionally authorized Tamiami Trail "project." It is merely a component of the MWD project. The failure to define the true without project condition of MWD, as required by NEPA, has resulted in a skewed analysis of alternatives in both the Draft RGWSEIS and the Fish and Wildlife Service (FWS) Draft Coordination Act Report (Draft CAR). The CAR analysis also fails to properly as	We do not concur that the future without project condition was improperly defined. Our definition, the future of the study area as it would be expected to develop without modifications to Tamiami Trail, is correct. The term “project” in “Future Without Project” refers to the combinations of features proposed to address specific problems and objectives in a particular study. It does not refer to whether there has been a study completed and authorized. The Modified Water Deliveries was authorized by Congress and described in the 1992 General Design Memorandum. It is still authorized. Selected features of MWD have already been constructed, and construction of additional items such as the 8.5 Square Mile Area features are authorized and funded, and will begin soon. It is reasonable to expect that these features will be part of the area in the future, with or without any modifications to Tamiami Trail. The CAR is a product of another agency and as such is not subect to comment in this document or revision by the Corps.

	24	4. Cumulative Impacts Are Not Adequately Assessed in the Draft RGRR/SEIS NEPA and its implementing regulations require that the cumulative impacts of past, present, and future actions be analyzed in the Draft RGRR/SEIS. Section 7.18 of the Draft RGRR/SEIS is woefully inadequate in that it only discusses the future impacts of CERP while it turns a blind eye to past and present actions. The Draft FWS also does the same. The Tribe contends that the cumulative impacts analysis must analyze the combined impacts that the delay of the MWD Project, coupled with the impacts of seven years of interim operational plans implemented due to that delay (such as ISOP and IOP), have had on the Tribal lands and endangered species in WCA 3A and other areas of the Everglades. For instance, the endangered Snail Kite population has declined 50% during the years of IOP operations and will be further jeopardized by another five years of these damaging interim water management operations. The Draft RGWSEIS must analyze the cumulative impacts that at least five more years of IOP that will result from	The cumulative impacts of more years of IOP would result from the time to implement CSOP, not Tamiami Trail. IOP will be in operation until it is replaced by the plan selected in the CSOP process. This will be addressed in the CSOP EIS.

	25	5. The Draft RGRR/SEIS Fails to Analyze Reasonable Alternatives and Incorrectly Analyzes, But Correctly Rejects, the Unreasonable Skyway Alternative 17. As stated previously, the Tribe supports the additional placement of culverts or minimal road raising, only as necessary, to restore flows to the extent practicable without adversely impacting flood protection and degrading the road bed. The Tribe rejects the cost excessive, delay producing Alternative 17 listed in Section 5.4 and believes it should not have been analyzed in the Draft RGWSEIS because it is unreasonable in the NEPA context. Indeed, years have been wasted because the Corps did not reject the skyway alternative early in the last EIS process. The Tribe supports the Corps' decision to not select the ten mile bridge due to fiscal restraints, but contends the Corps also does not have the authority to construct it. The Tribe contends that all bridging alternatives should be rejected from being analyzed in the FEIS for lack of funding and authority. Instead, the Corps should analyze the cleaning, widening, and possible placement of additional culverts as a re	The Corps of Engineers (COE) does not concur that simply adding a few more culverts and cleaning the downstream area will allow to the extent practicable restoration of the natural hydrologic conditions within Everglades National Park (ENP) and upstream WCA-3A and WCA-3B. The hydraulic conveyance capacity to move water through the Florida Department of Transportation's (FDOT) Tamiami Trail embankment is very important to the delivery of water to Everglades National Park as well as the corresponding relationship it has with Water Conservation Areas (WCA) 3A and 3B. An analysis is shown in the Engineering Appendix (Annex A - Hydrology and Hydraulics Report) of the RGRR/SEIS that demonstrates that the current culverts do have the capacity to move large volumes of water. However, this analysis only looks at the ability of the culvert to move water from the immediate upstream to the immediate downstream side of the culvert and does not consider the downstream expansion losses due to the resistance of the marsh to the flow of water. In order to take steps to restore the natural hydrological conditions within ENP,

	26	6. The Draft FWS CAR Analysis of Alternatives is Fundamentally Flawed. The FWS CAR analysis in Appendix F of the Draft RGRR/SEIS is flawed because its scope and study area are also woefully inadequate. It only analyzes the impacts that the road will have on the direct area of 11 miles and does not assess the impact that the delay of building alternatives, such as the skyway or two bridges, would have on wetlands throughout 900,000 acres of Everglades that are included in the study area of the 1992 GDM on the MWD project. Additionally, it does not analyze the overwhelming wetland benefits that the completion of the MWD project would bring. The alternatives analysis is also incorrectly based on a future without project condition that is really a future with project condition because it considers the MWD project completed, instead of the project not completed condition that would result from the delay. A proper analysis that factored in the wetland destruction being caused by the failure to implement the MWD project would result in the selection of the alternative that would allow MWD to be comple	The CAR is a product of another agency and as such is not subect to comment in this document or revision by the Corps

	27	7. Any Plan Must Be Based on Statutory Authority & Fiscal Constraints The Tribe suggested and supports the Corps' inclusion of the WRDA 2000 constraint language on the MWD Project, and statutory authority and fiscal constraints, in the Draft RGWSEIS. WRDA 2000 clearly prevents the bridge alternatives from being selected. Moreover, neither the Corps nor DO1 have the funding to build them. The Tribe contends that the reasonable culvert alternative, which includes the clearing and widening of culverts, and constructs any more necessary to pass flows, must be analyzed in the Final RGWSEIS. The skyway and other bridge alternatives are unreasonable and unimplementable under MWD and contrary to the mandate of WRDA 2000, which requires that MWD be completed prior to raising and bridging the Trail. The Tribe is concerned that Alternative 14, which places a longer bridge is the area of lesser flows, may be a trick, and that there is some undisclosed plan to substitute the skyway before it is built. Since NEPA is a full disclosure document, the Corps must clearly outline any potential future plans that they are aware of	DOI has funds budgeted for all of MWD, including the Tamiami feature, in their Capital Asset Plan. A culvert alternative to pass reasonable flows was analyzed in the 2003 report, which is incorporated by reference in the present document. It should be recognized that any alternative that would allow increased flows under the highway would of necessity raise stages in the L-29 Canal, thereby requiring an elevation of the highway under the FDOT criteria. The Tribe's culvert concept would have to be coupled with roadway elevation, which would result in more cost and constructrion time than the Tribe seems to be envisioning. The Tribe's position that "MWD must be completed prior to raising and bridging the Trail" is a non sequitur. Flows from WCA 3A&B into NESRS, a major purpose of MWD, cannot even begin to be implemented unless provisions are made to at least raise the roadway. It's interesting to note that the Tribe suggests that the TSP is a trick to eventually build a 10.7 mile bridge, while other commenters suggest that the TSP is a means to prevent construction of a 10.7 mile bridge. The Corps will address Tamiami

	28	8. Modeling Trickery and the Changed Federal Objective Not Based on PL 101-229. PL 101-229 is the legislation that authorizes the MWD Project of which Tamiami Trail is only a component. The Tribe notes that the 2003 GWSEIS recognized that the federal objective was to only pass the MWD Project design flow of 4,000 cfs. Yet, the Draft RGRR/SEIS shows that greater than CERP D 13R acre feet of water flows were used to model alternatives and assess impacts to the Trail. (Appendix D, Table 3 and Section 3.21.) This inappropriate bait and switch has resulted in this unnecessary SEIS process in which even more expensive alternatives have been analyzed. While the Tribe recognizes that the technical solution for the Tamiami Trail component needs to be compatible with the expected hydraulic conveyance of CERP, the 4,000 CFS hydraulic conveyance of PL 101 -229 should be the only federal objective for MWD. The fact that greater than CERP flows were used to screen alternatives and predict impacts to the Trail is proof that the Corps continues to allow those who seek to improperly accomp	The modeling for flows through Tamiami Trail has considered flows in a conservative manner so as to accommodate the results of structural modifications in Water Conservation 3 and operational modifications under evaluation for the Modified Waters Deliveries Project. As stated previously to conservatively reconstruct the Tamiami Trail embankment a conservative assumption was used to set the Design High Water (DHW) elevation. This conservative assumption for the DHW for the reconstructed embankment was incorporated so as to accommodate the results of structural modifications to the C&SF project in the connection between WCA-3A to WCA-3B and WCA-3B to L-29BC and other operational modifications under evaluation for the Modified Waters Deliveries Project as part of the CSOP study.

	29	9. Performance Measures for Alternatives Must Include the Cost of Delay. The cost of delay that will be caused to the Miccosukee Tribal lands, and other parts of the Everglades, should have been listed as a performance measure for analyzing the alternatives in the Draft RGWSEIS and should be a factor in the Final RGWSEIS. Delay was a performance measure in Table 7 of the GWSEIS on the 8.5 Square Mile Area Component of the MWD Project, which estimated that about 246 acres of tree islands in WCA-3A are being lost for each year of delay of MWD and that the cost of restoration would be from $50,000 to $500,000 per acre. Thus, for each year of delay of MWD, the cost to restore tree islands lost by delay is $23-$123 million dollars a year, if they can ever even be restored. Delay of the MWD project also causes damage to Lake Okeechobee, the Caloosahatchee and St. Lucie estuaries and Everglades National Park. These cumulative impacts and indirect costs are required to be assessed by NEPA. The cost of delay that will be caused by the selection of an alternative that will delay the completion of the MWD Proj	The true ecological costs of delay cannot be determined with any accuracy because they are so dependent on meteorogical conditions during the period in question. Delays in implementing MWD would also be attributable to CSOP and the time it would take to construct any conveyance and seepage structural features that would be needed to begin the restorative flows from WCA 3 that are so vital to the Tribe's culture and way of life.
	30	10. The Draft RGRR/SEIS Improperly Excludes the Engineering Report on the Design of the Bridges and Reconstruction of Roadway from the EIS. The Draft RGRR/SEIS has improperly excluded the Engineering Report on the design of the bridges and roadway reconstruction from Appendix D of the RGRRISEIS. This is contrary to NEPA, which requires that the public be given the opportunity to comment on these important engineering reports. The Tribe contends that the Corps must release another SEIS with these documents before completing the EIS process if the bridge alternative is to be selected by the Corps.	We do not concur that is was improper to not include the entire engineering report on the design of bridges and reconstruction of the roadway in the draft report. The draft engineering report was available upon request and we provided it to those who requested it. Copies are still available. The final report is expected to contain an engineering design report for the bridge and roadway.

	31	11. Any Plan That Maximizes Environmental Outputs Without Regard to Costs Should be Rejected As Not Meeting the Project Purpose. Section 5.7.3 claims that Alternative 17, the skyway, is recognized as the plan that maximizes environmental outputs without regard to fiscal or other constraints. The faulty FWS CAR analysis also designated Alternative 17 as the environmentally preferred alternative. Yet, the FWS Draft CAR totally ignores the fact that the MWD Project will benefit 900,000 acres of wetlands and the excessive delay of this project caused by Alternative 17 would allow thousands of acres to continue to be destroyed. Certainly the selection of an alternative that meets the project purpose and will allow the expeditious completion of a project that will benefit 900,000 acres of the Everglades, such as the quick and economical culvert cleaning, is the real environmentally preferred alternative. The costly Alternative 17 would clearly fail as the environmentally preferred plan if the Corps had not improperly segmented and narrowed the scope of the MWD project and used flows greater than CERP t	Comment applies to FWS CAR.

	32	Moreover, Alternative 17 should not have been assessed without regard to costs and the purpose of the MWD Project. Failure to have the money necessary to construct this alternative would both further delay MWD and compromise CERP, since WRDA 2000 requires that the MWD project be completed before important restoration components are funded. Under NEPA, the Corps is only required to analyze reasonable alternatives. This alternative is not reasonable under the MWD statutory authority and funding. The Co s admits in the RGRR/SEIS because of cost but has apparently removed its prior finding that cannot be implemented based on WRDA 2000. The Corps had no responsibility or authority to analyze such an unreasonable and unimplementable alternative. Section 902 of WRDA 1986 clearly prohibits the adoption of this alternative without authorization by Congress, as the cost is a whopping $343,299, 369 (up from $142,156,700 in the 2003 EIS) which is more than three times the $81 million dollars that Congress initially authorized for the entire MWD project of which the Trail was a minor component.	Comment applies to FWS CAR.

	33	Note: an example of the confusion caused by obfuscation are tables 24 and 25, which somehow conclude that the four mile and ten mile bridges are a cost effective best buy. This absurd analysis is reflective of the back-door Tamiami Trail process that has been ongoing for a number of years.	Tables 24 and 25 of the draft RGRR/SEIS represent some of the results of the cost effectiveness analysis and incremental cost analysis, two items required to be performed and presented in Corps of Engineers reports on ecosystem restoration studies. These analyses use ecosystem benefits that can be quantified. Cost effectiveness and best buy are terms that have specific technical definitions in the context of these analyses and the definitions are different from the common definitions. An alternative is cost effective if there is no other alternative that would provide the same or more benefits for less cost. Best buy considers and compares the change in cost per unit of benefit from one alternative to the next larger alternative. Alternative with smallest incremental cost increases are labeled “best buy.” The results are some of the factors that are considered when alternative plans are compared and a single plan is recommended for implementation. They are not the only factor considered.
		C. THE DRAFT RGRR/SEIS FAILS TO COMPLY WITH THE ESA	---

	34	The project area assessed under the Endangered Species Act (ESA) in the Draft RGRR/SEIS in Section 5.6.5.6 is woefully inadequate. The FWS Section 7 consultation looked at Tamiami Trail construction impacts only (&, Appendix F, August 10, 2005 letter.) The Tribe continues to contend that the area assessed under the ESA should be the entire area analyzed in the 1992 GDM/EIS on MWD. Such an analysis must include any potential adverse impacts to the endangered species on Tribal Everglades in WCA 3A, including the snail kite and the wood stork, that have been caused, and will continue to be caused, by the delay of the MWD Project. This should include the impacts of delay which has caused the IOP to be implemented, which is adversely impacting 88,300 acres per year of snail kite critical habitat as referenced in the March 2002 FWS Amended Biological Opinion. Under Alternative 14, IOP will be in place for another five years and those adverse environmental impacts must be assessed in the Final RGRR/SEIS. There has also been a 50% decline in the endangered Snail Kite population under IOP operations which	The referenced ESA consultation area was delineated by the FWS, and as a product of another agency, is not subect to comment in this document or revision by the Corps. The consultation parameters recognize that the Tamiami project has no operations associated with it that would call for the broad evaluation area suggested by the comment. As noted earlier, there are other features of MWD that will cause delays in implementation.
		D. SPECIFIC COMMENTS ON THE DRAFT RGRR/SEIS	---
	35	1. Project Partners, Section 1.2: The Project Partners described in this report, SFWMD, DOI, FWS, ENP, F WC, FDOT and DERM are not all true project partners. The MWD Project is a federal responsibility. It appears that the Corps is merely using this term to disguise the fact that it has created an ad hoc advisory team, which consists of non-federal entities and consultants, to provide recommendations without complying with the Federal Advisory Committee Act (FACA).	The section title will be changed to “Participating Agencies.” The agencies listed were fully participating members of the Tamiami Trail Modifications Project team.

	36	2. Study Authority: The Tribe notes that the Corps accepted the Tribe's suggestion from the previous EIS process and provided the exact language of the law in the Draft RGRRISEIS. Section 1 now correctly states that: PI 101-229.. . authorized the Secretary ofthe Army to undertake certain action to improve water deliveries to ENP and shall, to the extent practicable, to restore natural hydrologic conditions. .. Unfortunately, the Corps' use of a model that provides greater than CERP acre feet of water to assess impacts shows they do not intend to follow this directive of Congress.	NSM is the best available tool for estimating hydropattern targets during the restoration process. For this study the NSM was only used for the determination of the Roadway Design High Water Elevation (DHW), see Engineering Appendix Annex A Hydrology and Hydraulics section 9. The water surface elevations (associated with bridge/roadway design criteria), that are developed through analysis with the NSM, would define the upper limit of elevations derived through simulation. Use of these upper-bound elevations for structural design would ensure that the bridge/roadway not be subject to failure from hydraulic forces directly related to water depth/water surface elevation. This method will maximize consistency with future CERP projects as well as the ongoing CSOP study.
	37	3. Biological Opinion and Interim Flow Targets: The Tribe disagrees with the discussion of the interim flow targets from the Biological Opinion contained in section 3.3. This section fails to state that the closing of the S- 12 structures was the option selected and has been going on for nearly eight years and has, and continues to be, enormously environmentally destructive to Tribal lands in WCA-3A. The Corps should not base interim flow targets on a faulty Biological Opinion that has never been subject to NEPA review, nor an Amended Biological Opinion, which arbitrarily removed the requirement that the MWD Project be completed by December 31, 2003.	Section 3 addresses the Future Without Project Condition and paragraph 3.3 applies to the IOP water management operations that are currently in place, but subject to replacement with CSOP, if an action alternative is selected under that project. IOP was developed specifically to avoid jeopardy to the CSSS as required in the B.O., and the seasonal S-12 closures are a key element of the plan. The effects of continuing IOP is not germane to the Tamiami Trail project and will be evaluated under CSOP. Case law has determined that Biological Opinions are not subject to NEPA. The FWS had set the date for completion of MWD in 1999 based on the Corps best estimate at the time. By the time of the amended B.O. in 2002, it had become apparent that the December 31, 2003 was not realistic, so the FWS abandoned the requirement. MWD will be complete after all the various features are built and operating, including CSOP and its conveyance structures.

	38	4. Cultural Resources: Section 5.6.5.6 of the Draft SEIS mentions the historical importance of the Coopertown Airboat rides, but again fails to mention the historical importance of the authentic Miccosukee Indian Village along old Tamiami Trail, because it claims these areas are outside the project boundary. The Tribe contends the project area is that of the MWD Project. Thus, the Village, which is an historic family camp and the cultural resources that could be impacted by this project, include the cultural resources of the Miccosukee Tribe and peoples, including the tree islands in WCA-3A and other parts of the Everglades. The Tribe also urges the Corps to ensure that access to the Osceola and Tiger Tail Camps is not impeded.	Tribe suggests that the entiere acreage of MWD (1992 GDM) should be considered. The project area for the Tamiami Trail feature of the MWD project is as stated in the RGRR. Impacts to the other areas mentioned in the comment would be a function of the operations of the MWD project and will be addressed in CSOP. Access to the Osceola and Tiger Tail Camps would not be impeded by the TSP.
	39	5. Tribal Lands: The Draft GWSEIS states at Section 7.14 that there will be no DIRECT impacts on Tribal lands. Section 5.6.14 also claims that NO TRIBAL LANDS WILL BE AFFECTED. The Tribe contends that the Corps can only make these statements because it has not conducted the analysis necessary to find any harm and because it has improperly narrowed the scope of its analysis to only the Tiger Tail and Osceola Camps. Under NEPA, the impacts on Tribal lands analyzed should include direct and indirect and cumulative impacts to both Tribal reservation and lease lands in WCA 3A, and the Miccosukee Reserved Area. These lands will all be either adversely or beneficially impacted by the selection of a Tamiami Trail alternative. The scope of the Tribal lands should be the same as it was in the 1992 GDM, and the impact of delay that would be caused by selection of certain alternatives should be quantitatively and qualitatively assessed. Also, the Tribe is concerned that the statement of no impact to the Tiger Tail and Osceola camps is also inaccurate. The Draft RGWSEIS has not identified precisely wh	Section 7.14 states that no tribal Lands would be directly affected by the TSP. This is factual. The indirect effects on referenced Tribal Lands alluded to in the comment concerns the duration of time needed to construct the alternative plans and the concomitant time that there are adverse water levels on those lands until MWD is fully complete and restoration water flows can begin. These effects cannot be assigned soley to the Tamiami Trail feature. Even with the TSP constructed, no flows can begin until CSOP can be implemented with its conveyance structures in place. This may be the limiting time factor, not the Tamiami Trail construction. Section 7.14 will be revised to discuss this. Regarding the impact of MWD project water levels, this is an operational issue that will be addressed in CSOP. The comment on Appendix H misinterprets the meaning of "relocate". This refers to the possibility of temporary relocation during the elevation of the camp as was done previousl for the Tiger Tail camp. Agreement on the details of this is the responsibility of ENP.

	40	6. Hurricane Evacuation: Section 5.3.2 discusses hurricane evacuation. The Tribe has continuously told the Corps that even though the Trail may not be a DOT hurricane evacuation route, it is the only route out for the Tribal members who live along the Trial in a hurricane. As the Miccosukee Tribal members and others in the Service Area use Tamiami Trail to travel across the Everglades, we reiterate our request that the Corps make certain that access is always maintained to protect the health and safety of both Tribal members and the public.	Continuous access and egress to existing facilities is planned prior to, during, and after reconstruction of the Tamaimi Trail within the project limits.
	41	7. Compatibility With CERP: As stated previously, the Tribe supports the federal government's desire for compatibility with CERP in Section 5.7.8, but it must not delay the implementation of the MWD Project. The Tribe does not believe that Alternative 14 offers that compatibility and reiterates that the two bridge Alternative 14 has a potential for political and bureaucratic mischief plus delay. The Corps apparently thinks that despite the WRDA prohibition against bridging the Trail prior to MWD completion, it is okay to bridge the Trail as long as the L-29 levee remains in place. The prohibition against bridging the Trail in WRDA 2000 makes no such distinction. This quibling is an attempt to hood wink Congress into wasting taxpayer money to build a bridge with the levee still in place. The reasonable culvert cleaning/widening alternative proposed by the Tribe would allow MWD to be expeditiously completed so that CERP decompartmentalization, including any Tamiami Trail modifications deemed necessary, could proceed. Again, the use of the NSM model of greater than CERP acre feet of water	See Matrix response for comment number 4. The L-29BC will act as a stage equalizer upstream of the roadway embankment helping to distribute and deliver water to the bridge/culvert openings.

	42	8. Socioeconomic Factors: In reference to the socioeconomic factors outlined in Section 5.6.15 it appears that the Corps has discarded the performance measure used in the previous EIS to avoid and minimize impacts to the Tiger Tail and Osceola Camps as a constraint in evaluating the alternatives. In the last EIS, the Corps had developed a performance measure to assess the impacts to the camps, including access, privacy and encroachment, both during and after the construction phase. The Tribe is concerned that the secret advisory team discarded this PM and insists that access to the camps not be impeded. The Tribe reiterates that it will not accept any adverse impacts to either the Tiger Tail or Osceola Camps and that any interference with the traditional use of these camps is non-negotiable. The Tribe will also vigorously oppose any attempt to forcibly relocate the Osceola Camp.	There are no direct impacts to the Tiger Tail Camp or the Osceola Camp. The road improvement in the area of the Tiger Tail Camp will only result in an elevated roadway across the canal from that camp. The road improvement in the area of the Osceola Camp is expected to be minimal and will be dependent upon the construction design developed by Everglades National Park for the Osceola Camp.
	43	9. Hydraulics and Hydrology: In Section 5.3.4, the Corps also appears to have changed its requirement from Section 5 of the 2003 GWFEIS, that the final alternative selected need only pass MWD flows of 4,000 cfs in favor of a model that passes acre feet of water greater than CERP. This section now substitutes language concerning the L-29 canal only. The Draft RGWSEIS should contain a hydrological analysis of NE Shark River Slough to show whether Alternative 14 is necessary using 4,000 cfs and how the placement of the bridges was decided	The authorization for the MWD project is not based on a specific flowrate but rather, to the extent practicable, take steps to restore the natural hydrological conditions within the park. In Annex A – Hydrology and Hydraulics Report of the Engineering Appendix an RMA-2 analysis was performed for the purpose of comparing the lengths, locations, and ability of the RGRR/SEIS alternatives to convey water south into ENP. This analysis as explained above used Alternative 2 (West Bookend Run). To determine the flows for this alternative a frequency analysis was performed of the output from the SFWMM (2X2) model. Flows that entered the L-29BC from this alternative varied from 1,021 cfs (1 year return frequency) to 4,764 cfs (100 year return frequency).

	44	1.0. Costs and Section 902: Section 4.16.3 contained a $20.21 5 million dollar cost constraint on the Tamiami Trail component of the MWD project. The Draft RGWSEIS replaces this with the $109, 760, 000 contained in the DO1 Capital Assets Plan. This DO1 funding has not been provided by Congress and this should be so stated. The Draft RGWSEIS is supposed to be a full disclosure document and must include only the funding currently available as a cost constraint. The blank check mentality of DO1 and the Corps continues due to the failure to comply with Section 902, which provides that the costs of MWD water can not exceed those allowed by Section 902 without going back to Congress. When the PCA was signed in 1994, the $8 1 million dollar project cost escalated to $1 14 million. The cost is now at $400 million. Additionally, even the cost of the Tamiami Trail alternatives have dramatically escalated since 2003: For instance, the cost of the skyway went from $142 million dollars to $343 million dollars. It is astounding to think that the Corps would even think of spending $343 million dollar for a mere cor	The comment is noted. Although the estimated cost for the Tamiami Trail Modifications component has increased—largely due to the escalation in construction materials prices—the overall estimated cost for the Modified Water Deliveries Project remains approximately $398 million.

	45	11. WRDA Constraint Language: Although the Draft RGWSEIS contains the WRDA 2000 constraint language, the selection of alternatives defies it. Section 60 1 (b)(2) of WRDA 2000 prevents CERP components from being funded until the MWD Project is completed. Despite this Congressional mandate, the Corps refuses to recognize that it is incumbent on them to select an alternative that is within the funding constraints and statutory authority of PL 101-229, so that the MWD Project can be completed expeditiously. The Corps and/or DO1 does not have the funding for Alternative 14. Moreover, the Corps appears to incorrectly think that raising and bridging Tamiami Trail is not contrary to WRDA 2000, as long as the L-29 levee is not removed. This "quibling" is dangerous and will not bode well with Congress if they discover they are funding the raising and bridging that WRDA 2000 prohibits. Moreover, they will be even more incensed to learn that the Corps is wasting precious tax dollars by constructing white elephant bridges that will do little for flow with the levee still in place.	The selected alternative is within the authority of the Modified Water Deliveries Project needed to convey that project's conveyance requirements.
	46	12. Betterments: The Draft RGRWSEIS finds that betterments to protect and enhance wildlife are not part of the project purpose. The Tribe urges the Corps to make certain that any DO1 or SFWMD decision to incorporate them not delay MWD.	Restoring fish and wildlife resources is one of the objectives of the Tamiami Trail Modification study, but is not the primary purpose of the study. One of the advantages of the proposed bridges, in addition to conveying water, is that they reduce wildlife mortality by allowing wildlife to pass under the highway traffic rather than cross on the surface of the road. Additional features for wildlife that do not also contribute to water conveyance were considered betterments. We do not want to delay the project to incorporate additional features.

	47	13. Flood Damage to Road: Section 4.3 raises concerns about saturation and overtopping of the road but fails to contain an analysis using 4,000 cfs that shows that this would happen. Instead, the Corps and DO1 have used N.S.M. modeling that provide acre feet of water that are even greater than those authorized for CERP. (Appendix D, Table 3.) The Tribe believes that a proper analysis that uses 4,000 cfs to model impacts, along with the cleaning, widening and placement of additional culverts as necessary, would provide such flows as are "practicable" and would allow MWD to be completed and CERP to move forward. The Tribe has consistently supported only such infrastructure as is necessary for the Tamiami Trail component of the MWD Project, but has also emphasized that Tribal and public safety are of the utmost importance and must be protected both during and after construction. It should be noted that Section 3.4 states that water would begin overtopping the highway at an event frequency of between 200 and 500 years, which is well above the 100 year frequency that is usually the design ba	To increase stages within North East Shark River Slough the Tamiami Trail embankment must be reconstructed as stated above. The COE decided it was in the best interest of the Federal Government to raise the road such that future restoration projects would be consistent with the design of the reconstructed embankment.
	48	14. No Schedule or Project Implementation Date: The Draft RGWSEIS contains no schedule for completion for Alternative 14. The 2003 Final GWSEIS which stated in Section 6.12 states that the duration of the construction of the Plan would be 24 months. The Tribe contends that the date the project could be completed should have been a factor in screening alternatives and must be included in the Final EIS. Under Project Implementation in Section 6.10, the document states that "If the Tenatively selected Plan is approved, design and construction would be completed approximately four years following the Record of Decision. Thus. there is no pro-iect completion date! A prolonged EIS process could cause the project to be delayed indefinitely even beyond the new delayed December 201 0 completion date.	Construction is scheduled to be completed in October 2009.

	49	15. Transportation: In reference to Section 5, although the Draft RGW/SEIS states that Tamiami Trail will continue to be accessible during storms and hurricanes under the proposed Alternative 14, the Tribe reiterates that the Corps must take all precautions that both transportation and the safety of the Tribe and the public not be compromised during, or after, construction.	Noted.
	50	16. Impact on Tribal Lands: The statement in Sections 7.14 and 5.6.14 that no tribal lands would be affected and that there will be no direct impacts of any alternatives on Tribal lands is not supported by evidence in the record. The Draft RGWSEIS fails to assess the indirect and secondary and cumulative impacts to Tribal lands that all bridge alternatives would have by delaying the MWD project will continue to have on Tribal Everglades in WCA 3A. Moreover, the use of greater than CERP flows must also be analyzed for impacts to the Tiger Tail and Osceola Camps. An analysis of the impacts these flows will have on the MRA and other Tribal properties must also be conducted.	Section 7.14 states that no tribal Lands would be directly affected by the TSP. This is factual. The indirect effects on referenced Tribal Lands alluded to in the comment concerns the duration of time needed to construct the alternative plans and the concomitant time that there are adverse water levels on those lands until MWD is fully complete and restoration water flows can begin. These effects cannot be assigned soley to the Tamiami Trail feature. Even with the TSP constructed, no flows can begin until CSOP can be implemented with its conveyance structures in place. This may be the limiting time factor, not the Tamiami Trail construction. Section 7.14 will be revised to discuss this. Regarding the impact of MWD project water levels, this is an operational issue that will be addressed in CSOP.
	51	17. Impact on Businesses: The Draft RGWSEIS does not adequately assess the impact that would be caused to Tribal businesses by any alternative that delayed MWD or provided greater than CERP acre feet of water. Nor does this section adequately assess the potential impacts that construction activities will have on the Miccosukee Resort and Gaming Facility, and the Tribe's Miccosukee Indian Village, Airboats, Restaurant, and Gas Station whose customers use Tamiami Trail.	There would be no impact to the Miccosukee Resort, the Indian Village, Airboats, resaurant and Gas Station. The bridge sections are not located in front of these facilities, as figures in the Report clearly show.

	52	18. Osceola Camp: It appears that the Corps has removed the analysis of impacts to the Osceola Camp as a Performance Measure. Without such a PM, the Tribe is concerned that the statement of no impact to the Osceola Camp may be inaccurate. The Draft RGWSEIS does not analyze the impact that providing the greater than CERP acre feet of water, as used in the modeling, will have on the Osceola Camp and wants this analyzed in the Final RGRR/SEIS. It merely states that "DOI is coordinating with the Osceola Camp to complete its raising prior to implementation	also see comment number 53 Although not specifically evaluated as Performance Measures, impacts to the Osceola and Tiger Tail Camps were certainly significant project considerations. Impacts from increased stages in the project area have already been mitigated (in the case of Tiger Tail Camp) or are in the process of being mitigated (in the case of Osceola Camp). The Design High Water used for the project analyses is based on the 20-year, 24-hour stage of 9.7 feet (NGVD 1929). The 100-year stage for the project area is 10.1 feet, so all habitable buildings should be at least one foot above this elevation—11.1 feet or higher. The Tiger Tail camp has been raised to 14.5 feet, which should be more than adequate for flood protection. The Osceola Camp will also be raised for flood protection as part of this project. As stated in the report, “DOI is coordinating with the Osceola Camp to complete its raising prior to implementation.”
	53	of this component of MWD." Section 5.6.14. The Real Estate Appendix H at 10, contains the following disconcerting statements: " Relocation of the Osceola Camp is outside the scope of the authorized Corps project. The Everglades National Park (NPS) has accepted responsibility and will make all necessary arrangements for relocation or elevation of the camp." As stated earlier, the Tribe will not accept adverse impacts on the Osceola camp, or any interference with their traditional practices. The Tribe will also vigorously oppose any attempt to forcibly relocate this Camp.	also see comment number 52…The proposed roadway R/W increase in the vicinity of the Osceola Camp is 15 feet, consistent with the overall roadway R/W increase. Appendix H, Section 10 has been revised to remove the word “relocation”.

	54	19. Tiger Tail Camp: It appears that the Corps has removed the analysis of impacts to the Tiger Tail Camp as a Performance Measure. Without such a PM, the Tribe is concerned that the statement of no impact to the Tiger Tail camp is inaccurate. The Draft RGRR/SEIS has not identified precisely what impact providing greater than CERP acre feet of water, as used in the modeling, will have on the Tiger Tail Camp and wants the Corps to analyze this in the Final RGRR/SEIS. As stated earlier, the Tribe will not accept adverse impacts on the Tiger Tail Camp, or any interference with their traditional practices. The Tribe will oppose any plan that has adverse impacts on the Tiger Tail Camp.	Although not specifically evaluated as Performance Measures, impacts to the Osceola and Tiger Tail Camps were certainly significant project considerations. Impacts from increased stages in the project area have already been mitigated (in the case of Tiger Tail Camp) or are in the process of being mitigated (in the case of Osceola Camp). The Design High Water used for the project analyses is based on the 20-year, 24-hour stage of 9.7 feet (NGVD 1929). The 100-year stage for the project area is 10.1 feet, so all habitable buildings should be at least one foot above this elevation—11.1 feet or higher. The Tiger Tail camp has been raised to 14.5 feet, which should be more than adequate for flood protection. The Osceola Camp will also be raised for flood protection as part of this project. As stated in the report, “DOI is coordinating with the Osceola Camp to complete its raising prior to implementation.”
	55	20. Environmental Justice: Section 5.6.18 claims, without the requisite analysis, that no long term impacts would be created for the residents of the Tiger Tail and Osceola Camps. The Tribe is concerned that the advisory team has removed the previous Performance Measure that would allow them to analyze the potential adverse impacts of alternatives on the Tiger Tail and Osceola Camps. The Tribe contends that the Corps must ensure that the project is not likely to affect the environmental health or safety, and traditional way of life, of either the Tiger Tail or Osceola Camps. Moreover, the statement about "relocation" of the Osceola Camp contained in Appendix H is reminiscent of the deplorable practice of Indian Removal, contrary to environmental justice, and should be removed from any further consideration and this document. The Tribe also continues to contend that the disparate impacts to Tribal Everglades and its culture and way of life due to the failure to implement the MWD Project, should also be analyzed in this section. Any alternative that delays this project should be identified as adversely and disproportion	Appendix H, Section 10 has been revised to remove the word “relocation”.

	56	21. Public Involvement: Section 9.1 claims that the Corps complied with USACE and NEPA policies and sought public input. In reality, the process conducted by the Corps was a secretive back door process which excluded the public. An ad hoc advisory group, which did not comply with FACA, met in private and invited the public in after the decisions were made to feign "public involvement." This is contrary to both FACA and NEPA.	This statement is incorrect. The technical ecosystem team that scored the benefits of various alternatives was not a group of public or NGO representatives. The team was made up of government agency staff biologists and engineers from SFWMD, DOI, DOT and the Corps of Engineers. All of the participants were employed by State or Federal agencies and were chosen because of their expertise in road engineering, hydrologic modeling or ecosystem resources. Public involvement was achieved through a series of public workshops beginning in 2000 when the Notice of Intent for the first Tamiami Trail Modifications GRR/SEIS was published. The most recent workshop was held during the public review process for the DRGRR/DSEIS, in September 2005.
	57	22. Public Agency Meetings: This section contains a misleading statement about the Miccosukee Tribe which we have asked to have removed in the prior process. It fails to acknowledge that the Tribe ultimately rejected the skyway in its comments on the prior Draft and Final EIS and continues to do so, because it would delay the completion of the MWD Project. The Tribe does not understand why the Corps stubbornly insists on contending that this is still the Tribe's position, when the Tribe, a sovereign government, has asked that this be corrected numerous times. The Tribe once again requests that the Corps state its position accurately in this section.	Section 9.5 of the draft RGRR/SEIS summarized the input received during a set of meetings during a July 2000 meeting. It reflected the input received at that time, not necessarily today. The summary sentences that referred to the Miccosukee Tribe's statement that the "…portion of the Tamiami Trail located within the project limits be removed and replaced by an elevated highway" has been removed.
	58	23. Water Quality: Section 2.3 purports to analyze water quality of the project. In the prior EIS process, the Tribe contended that its unanalyzed culvert alternative would allow any traffic runoff to continue to be treated at the shoulder. Section 2.2 discusses the massive S-9 pump, which discharges water to the Everglades and the Park under MWD. This section should contain an analysis of the pollutants that will have to be cleaned up from these S-9 discharges before the project is implemented.	The project is the tamiami Trail. S-9 pump is separate See response to comment number 4.

	59	24. Natural System Model: Section 3.2.1 shows that an Natural System Model (NSM) which uses greater acre feet than CERP D 13R was improperly used to predict water levels in WCA 3B and the L-29 canal and to determine the potential impacts to Tamiami Trail. The Tribe contends that it was improper to use NSM 4.6.2 to determine Tamiami Trail modifications and that this has resulted in unnecessary and expensive alternatives being analyzed and selected. Appendix H states this model run was chosen because it represents stage and duration target for the Greater Everglades System, but fails to acknowledge these targets are for CERP and not for MWD. While this appendix claims that using this NSM model is prudent, the Tribe believes it is unauthorized and has resulted in the selection of an unnecessary and expensive alternative that would not be [illegible]	NSM is the best available tool for estimating hydropattern targets during the restoration process. For this study the NSM was only used for the determination of the Roadway Design High Water Elevation (DHW), see Engineering Appendix Annex A Hydrology and Hydraulics section 9. The water surface elevations (associated with bridge/roadway design criteria), that are developed through analysis with the NSM, would define the upper limit of elevations derived through simulation. Use of these upper-bound elevations for structural design would ensure that the bridge/roadway not be subject to failure from hydraulic forces directly related to water depth/water surface elevation. This method will maximize consistency with future CERP projects as well as the ongoing CSOP study.
	60	25. Safety: As stated throughout these comments, the Tribe insists that both Tribal and public health and safety be strictly maintained both during, and after, construction of the Tamiami Trail modifications. The Tribe contends that if the Corps had not allowed modeling to be used that incorporates greater than CERP acre feet of water on a project that only needs to pass 4,000 cfs, the current system would be able to	The roadway modifications will bring the roadway to current FDOT safety standards.
	61	26. Tamiami Trail List of Preparers: NEPA requires an EIS to be a full disclosure document. The Tribe disputes that the list of preparers at page 145 is the full list of people who contributed to this document. NEPA requires this document to include the name of the advisory team and anybody else who worked on the Draft RGRR/SEIS	The list of preparers should include the names, qualifications, and the portions for which they are responsible. It does not have to include those with minor involvement. See question 27a, 27b. and 27 c. of the Forty most asked questions concerning CEQ's National Environmental Act Regulations.
		E. THE CORPS' DID NOT MEET ITS TRUST RESPONSIBILITY TO THE MICCOSUIGCE TRIBE IN THE DRAFT RGWSEIS PROCESS	---

	62	The RGFWSEIS process was not consistent with the Corps' trust responsibility to the Tribe. The Tribe was asked to attend "interagency meetings" in the prior Tamiami Trail EIS process, which it insisted be public meetings. This time, despite the fact that the Tribe directly asked the Corps to be included in the process, it was excluded from the meetings which were secretly held without both the Tribe and the public. The Tribe only found out about these meetings, which discussed matters that had a direct impact on the Tribe and its natural resources, when documents prepared for the meetings were somehow released. This is not only discouraging; it is also contrary to the Corps' Trust responsibility to the Tribe. The Corps has a duty to conduct meaningful pre-decisional consultation. The Corps also has a solemn trust responsibility to choose a plan that will protect Tribal natural resources and trust resources and should reject any alternative that will cause further destruction of Tribal lands.	The Tribe has been invited to all public meetings for the TTM project. There were no "secret meetings," only technical sub-team meetings regarding engineering and hydraulic details. These meetings were not public meetings.

		III. CONCLUSION	---
	63	The Tamiami Trail modifications selected must be consistent with the Project Purpose in PL 101-229, WRDA 2000 language, and the Corps' trust responsibility to the Miccosukee Tribe. The review process must select a plan that meets the project purpose, and that will allow the expeditious completion of the MWD Project that will benefit 900,000 acres of the Everglades. The Tribe believes that Alternative 14 is expensive and unnecessary to pass MWD flows. The Tribe urges the Corps to resist political pressure from those who refuse to abide by the purpose and authority of MWD and urge it to embrace an unwise plan that causes further delay to the detriment of the Everglades. The MWD Project is not CERP. It was intended to be an interim restoration project designed to protect and preserve 900,000 acres of Everglades wetlands, including hundreds of thousands of acres of Tribal Everglades in WCA 3A. The Tribe urges the Corps to abide by its Trust responsibility and select a Tamiami Trail modification, such as the cleaning and widening of culverts, and possible construction of new ones, that would allo	Noted. The plan selection process followed Corps planning criteria and the NEPA process. You were afforded an opportunity to comment on the tentatively selected plan, and have done so as demonstrated by this matrix. The Corps has been continuously conscious about Tribal concerns regarding its businesses and communities along Tamiami Trail and bridge location was indeed adjusted to avoid adverse impacts on Tribal communities.

State Agencies			
Commenter	**Comment Number**	**Synopsized Comment**	Corps Response
FL Dep of En	1	The Draft report should be revised to more effectively communicate the details of the TSP and should specify the reasons why merely clearing out the existing culverts is not acceptable.	Section 5.4.2 was revised to include additional information on the cleaning of culverts.
Protection	2	The Draft report should clearly state the reasons for selecting Alternative 14 and associated recommendations.	Section 5.8 has been revised to more clearly explain the reasons for selecting Alternative 14 as the Recommended Plan.
(FDEP)	3	The recommended plan calls for SFWMD, as the local sponsor, to be responsible for operation, repair and maintenance of the resulting conveyance system. However, the plan does not identify what entity will be responsible for the maintenance of the road and associated stormwater system.	FDOT would be responsible for the maintenance of the raised road, the bridges, and the associated stormwater system.
	4	Modification to the CERPRA permit is required prior to proceeding with construction of the Tamiami Trail Phase of the MWD project.	A discussion of the required modification of the CERPRA permit has been included in Section 5.8.
	5	The plan should provide a clear description of propsed right-of-ways and how the ownership issues will be resolved. A map should be provided showing all parcels (property owners) that will be impacted.	A map identifying property owners effected by the expansion of the road right of way is included in Appendix H. Property boundary surveys will be performed during the design phase to determine minimum land requirements.
	6	Specific details about the flowage easement should be provided to ensure that adequate operation and maintenance of the system can be provided. There is a clear need to maintain the existing system to provide for better flow distrubution to the park, yet the plan does not specifically address this issue.	Language for the various types of flowage easement is included in Appendix H.
	7	Selective clearing to minimize impacts to the native species to include removal of some of the accumulated sediments downstream of these culverts should be part of the scope of this project.	Your recommendation is noted. The Corps will avoid native vegetation when possible. However, the purpose of clearing is to lower the grade where plugs of sediments have accumulated. There will inevitably be removal of some native vegetation growing on sediment plugs or road fill.
	8	The report does not provide specifics about propsed wetland impacts, other than providing a number of different and inconsistent estimates for acreage of wetland impacts.	Additional details on wetland impacts were added to Section 5.6.5.5. Section 7.20 has been updated in reflect values in Section 5.6.5.5

	9	The Department supports clearing of the exotics along the trail, but note that the clearing work will have to be done with care to minimize the spread of seeds into the park. In addition an aggressive maintenance plan should be developed to ensure that exotics do not re-colonize areas that have been distributed.	Concur. Vegetation will be removed from the parts of the old asphalt road that will be removed. These areas (under the new bridges) will be graded down to marsh level. It is unlikely that upland vegetation would recur once the grade is changed. Other areas will be cleared to provide needed expansion of road shoulders. Since these areas will be covered by the road, revegetation will not be possible. The clearing of exotics south of the Trail as well as a long term management plan are beyond the scope of the current project. This land is owned by the Department of Interior and past the point of where our project ties in is their responsibility to manage.
	10	Implementation of Best Manageent Practices (BMPs) such as incorporating pollution abatement devices into the stormwater system for the bridges to collect and trap sediments and floatables (oil and grease) from polluted stormwater runoff (treatment of first flush) is necessary prior to discharge. That portion of the improved roadway which does not add additional impervious surface areas will only be required to provide grassed shoulders similar to the existing design.	Concur.
	11	The Department recommends that the Corps contractor responsible for the stormwater system design, consult with the Department, FDOT and the SFWMD during the design phase to ensure that the treatment system is effective in terms of cost, treatment and operation and maintenance and meets the expectations of all parties involved.	Concur. During the design phase of the project, the USACE will ensure that the design contractor coordinate closely with FDOT, SFWMD and FDEP to develop a system that is acceptable to all concerned agencies.
	12	The Department believes that much of the information presented in Section 2.3 is out of date inaccurate and misleading. We recommend moving some of the text presented in section 5.6.3 to Section 2.3 or rewriting section 2.3 to be consistent with the State's stormwater requirements.	The Corps believes that this information is relevant. The intent is to demonstrate that runoff from from this roadway system under current and projected traffic volume should not be introducing gross levels of contaminents to the adjacents lands and waters. The Corps recognizes that some level of pollutants are being produced from the existing level of traffic volume and that the OFW status of the lands to the South of the trail require special consideration. The Corps is committed to designing and building a a treatment system for the bridge runoff that is acceptable to all parties.
	13	Section 7.4 deals with water quality issues for the tentatively selected plan. Again, this section is written without any reference to the inclusion of pollution abatement system as part of the plan.	Section 7.4 has been revised to include a reference to a pollution abatement system.
	14	Since there will be works in waters that are directly connected to the L-29 canal as part of removing the existing road to create bridged flow ways, the Corps should address protection of manatees as part of their plan. As part of protecting water quality, turbidity curtains will likely have to be deployed in the L-29 canal, which may impact the migration of manatees if not installed properly.	All necessary protective measures for the manatee will be included in the Plans and Specifications for these construction features. FWS and FWD standard protocols will be followed for manatee protection as appropriate. If turbidity curtains are required to placed in the canal they will deployed in such a manner to be protective of the manatee.

	15	The recommendation section is confusing and does not clearly or accurately describe the TSP. In fact, the second paragraph implies that features will be provided to convey additional flows from WCA 3B south. The need to raise the road is not discussed in the recommendations, nor is there a mention of the stormwater treatment system and the need to optimize the design.	Section 8 has been revised to state that flows will be conveyed from the L-29 Canal rather than WCA-3B. Wording has been added to state that bridges would include pollution abatement systems and that the road would be raised.
	16	Based upon the title of this chapter, we would expect the Corps to five credit to the actively participating agencies and recognize all team members.	Agree. Text will be revised indicate that SFWMD, FDEP and Corps staff participated in developing this section
	17	page 82: Section 5.6.3 , second para: delete following sentence "The system will be designed to meet FDEP requirements providing treatment for first flush."	Sentence has been deleted.
	18	page 82: Section 5.6.3, fourth para.: after last sentence add "Coordination with FDEP will occur during PED to ensure that the final stormwater system design is consistent with FDEP requirements."	Section 5.6.3 hs been revised to include the suggested wording.
	19	page 82: Section 5.6.3, last para: delete entire paragraph and revise to read "Because there is an existing WQC/permit for portions of the MWD project, the USACE would be seeking a modification to the existing permit. A modification application will be submitted when an appropriate level of detail exists reguarding project design and environmental impacts."	Section 5.6.3 hs been revised to include the suggested wording.
	20	Section 6.3 Drainage - Revise to be more consistent with Section 5.6.3; Also, it is our understanding that an analysis was consucted to evaluate differences in seepage rates resulting from the various alternatives in an effort to determine potential impacts to agricultural and urban interests to the east and south of the project area. Please include a discussion of this analysis in this report.	Section 6.3 has been revised to be more consistent with Section 5.6.3. No evaluation was performed of seepage impacts east of L-31N, the Tamiami Trail Modifications only allow for the hydraulic conveyance of flows that the CSOP study will ultimately recommend. This is being studied under the CSOP study.
	21	Sectopm 6.7 Operations and Maintenance: This section does not indicate what entity will be responsible for maintenance of the stormwater treatment system.	The section will be revised to state that FDOT will be responsible for maintenance of the stormwater system.
	22	Section 7.6.2: Please clarify "flow would be distributed though a conveyance channel of up to four miles wide." Shouldn't this be revised to be consistent with TSP of two mile and one mile bridges?	Section 7.6.2 has been corrected.
	23	Appendix G: G-4, revise last sentence to read "Full compliance with State regulations is anticipated."	Appendix G has been revised to include the suggested working.
	24	Appendix I: 2.6.2 Mixing Zone Determination: please revise to be consistent with aforementioned comment re: OFWs and temporary mixing zones during construction.	Section 2.6.1 of Appendix I has been revised to reference OFWs and mixing zones during construction.

FWC	1	Page 86, Table 7: The tentatively selected plan (two-mile west/one-mile east bridges) would result in a net loss of approximately 12 acres of wetlands. This amount of loss would be considerably less than had been projected under previous alternatives, and is less than the 19 acres predicted for the 3,000 foot bridge (Alternative 9). Scores from the Wetland Rapid Assessment Procedure were previously calculated for wetlands along the Tamiami Trail, and could be used to determine the loss in functional value of wetlands under Alternative 14. Although the projected wetland losses are relatively minor considering the increased benefits to be realized through hydrological restoration of thoughsands of acres in JNortheast Shark River Slough, every effort should be made to further reduce these impacts whenever possible.	Concur
19-Sep	2	Section 7.20, Unavoidable Adverse Environmental Effects: the document states that the 2-mile west/1-mile east bridges alternative would involve a loss of approximately 23 to 31 acres of wetlands. This statement conflicts with the figures provided in Table 7 on page 86 and needs to be rectified in order to clarify project impacts.	The text in Section 7.20 has been corrected to reflect the numbers in Table 7.
	3	Page 86: It is stated that the widening of the roadway footprint would provide benefits to adjacent wetlands through the removal of exotic vegetation which exist in a 10- to 30-foot-wide corridor along the highway. However, it is not made clear that this corridor harbors both native and exotic woody vegetation. It should be acknowledged that native fruit producing trees such as strangler fig (Ficus aurea), swamp bay (Persea palustris), and pond apple (Annona glabra) would also be removed by the expansion of the roadway and construction of the bridge spans. These trees provide valuable food, cover and nesting sites for native wildlife. The loss of these resources to wildlife could be compensated for, at least in part, by the planting of native trees and shrubs on nearby elevated public lands. Some potential sites include the abandoned Frog City airboat concession area and aritifical tree islands that could be created from L-67C levee material.	Expanding the footprint of the roadway to accommodate the increased height of the traffic lanes will require clearing some of any potential conveyance-restricting vegetative overgrowth downstream of the culverts. With the bridge openings of the recommended plan, sufficient conveyance to meet project objectives will exist with the current culvert maintenance program.

	4	Section 7.6.2 and 7.6.3: The document states that sheetflow would be maintained through the remaining culverts under Tamiami Trail in the tentatively selected plan (Alternative 14) and that the project would reduce prolonged inundation in WCA-3B. We understand that flows through the existing culverts are retarded due to heavy vegetative growth at their outfalls. We would support the addition of shallow spreader swales or a comparable mechanism at culvert outfalls to help improve conveyance and distrubution of flows from the L-29 canal into Northeast Shark River Slough. We believe that optimization of flows across all conveyance structures on the Tamiami Trail is paramount for achieving restoration goals both to the north and to the south of the Trail.	Expanding the footprint of the roadway to accommodate the increased elevation of the traffic lanes may potentially require clearing some of the potential conveyance restricting vegetative overgrowth/sedimentation downstream of the culverts. The project as designed will pass the necessary flows without having culvert outflow/spreader swales. Providing culvert outflow/spreader swales into the ENP is outside of the scope of this project. The current costs estimates for the design do not consider this cost. During the detail design phase of this project this will be investigated further to determine the feasibility of clearing ENP lands and constructing spreader swales/canals. This will include discussions with ENP as well as other Government agencies. This will improve the efficiency of culverts to pass water south, however, the larger bridges are still needed to distribute the main portion of the flows.
Florida Department of Transportation	1	The document should clearly state the Corps is responsible for all aspects of this project including designing, building, permitting and effectuating this project	The final report will contain statements to this effect. See sections
	2	The Corps needs to get FDOT approval on design, plans and specifications before proceeding to construction. The Corps' commitment to do so should be stated in the Final RGRR/SEIS.	Concur. The Corps of Engineers will continue to work closely with the FDOT during the design phase. See statement added in Section 5.7.9.
	3	Information on current and future restoration efforts and operations outside the project footprint, which effect water elevations, are not identified and discussed in the document. We assume future projects will be constrained based on the parameters of this project	Information on the overall operations of the South Dade Conveyance System (SDCS) of the C&SF project is contained in the Final Interim Operations Plan (IOP) and FEIS, US Army Corps of Engineers, 2003. The operational plan for WCA-3A and 3B was last amended in _____ and is available from the Corps or the Water Management District. The Corps, DOI, and SFWMD, along with other stakeholders and interests, are working collaboratively on a new Combined Structural and Operational Plan that would be implemented as soon as the last two elements of the Modified Water Deliveries Project (MWD) are built and operable, the 8.5 Square Mile Area flood mitigation project (now under construction) and the Tamiami Trail Bridge Modification. Hydrology and Hydraulics Annex (Engineering Appendix) Section 12 Future Operations states "Future projects under CERP or other projects will have to evaluate their effect on the DHW (20-year 24-hour stage), and any change that increases this stage above the current DHW stage stated within this report would have to be mitigated for or used as a design constraint."

	4	Please provide information regarding emergency operations of the water management system and their impact on the TSP.	The portion of the Tamiami Canal (L-29 BC) between S-333 and S-334 is not a part of the South Dade Conveyance System pre-storm operations sytem. The roadway embankment is based on FDOT design criteria such that the road base will be below the 20-year 24-hour stage (9.7 feet). The roadway embankment is not designed such that the base material will never be submerged.
	5	The project potentially impacts five major utilities. It is our experience that it may require up to one year for utility relocation to occur prior and/or during the commencement of project construction.	Coorination with utility companies will begin during the design phase.
	6	Abstract: Second paragraph: "The tentatively selected plan calls for a two-mile bridge located at the western end of the project corridor and a one-mile bridge at the eastern end." State that the Tentatively Selected Plan (TSP), "calls for a two-mile bridge located at the western end of the project corridor, a one-mile bridge at the eastern end and includes raising the profile of the unbridged portions of Tamiami Trail. This matches the description in Section 6.0, p. 121.	The abstract was revised to include the suggested wording.
	7	Abstract: Second paragraph: "The recommended plan consisted of a 3,000-foot bridge and an escrow fund to assist with maintenance of the remaining 10-mile length section of Tamiami Trail." This statement needs to be changed to more accurately reflect that: "the recommended plan in the 2003 GRR/SEIS consisted of a 3,000-foot bridge [conveyance channel easement] and a proposed real estate agreement to pay compensation for a flowage easement along the unbridged portion of Tamiami Trail."	The abstract was revised to include the suggested wording.
	8	page ES-1: Prior to the 2003 GRR/SEIS, the USACE and the FDOT had discussed the potential of establishing an escrow fund for maintenance of Tamiami Trail, to be accompanied by a temporary asphalt overlay, until the roadway could be permanently reconstructed under Decompartmentalization. However, the GRR proposed compensation only, in lieu of construction, for pavement upgrades to the unbridged portions of roadway as a substitute facility. Per the 2003 GRR/SEIS Abstract, "funding would be allocated to elevate the pavement along the unbridged portion of Tamiami Trail within the project limits, at the discretion of FDOT". The FDOT could not accept the NEPA documentation, scheduling and permitting ramifications associated with this proposed approach. The FDOT has agreed to maintenance if others build the project.	The executive summary will be edited to better describe the language from the 2003 GRR/SEIS regarding compensation and temporary asphalt overlays.

	9	page ES-1: Second paragraph: “Concerns regarding probable damage to Tamiami Trail were raised during and subsequent to the public and agency review of the final report.” **Change to**; “Concerns regarding probable damage to Tamiami Trail were raised prior to, during and subsequent to the public and agency review of the final report.	Concur.
	10	page ES-1: Third paragraph: “Additionally, the escrow approach proposed in the December 2003 report would provide for some additional maintenance and repairs; however, safety concerns on Tamiami Trial would potentially require a more costly method to mitigate for the effects of the higher design stage.” **Change to**: “Although prior to completion of the 2003 GRR/SEIS, there had been coordination discussions between the USACE and the FDOT regarding the potential use of a temporary asphalt overlay in addition to a maintenance agreement with escrow funds to be utilized until such time that the roadway could be reconstructed to its ultimate condition under Decompartmentalization, the 2003 GRR/SEIS proposed a 3,000-foot bridge [conveyance easement] and one-time compensation to FDOT for construction of a substitute facility for the impacted Tamiami Trail. FDOT could not assume responsibility for completing NEPA analysis and permitting associated with the reconstruction of the remaining roadway within the necessary timeframe. Reconstruction of the unbridged portions of roadway would need to be complete prior to implementation of the MWD project and as	The executive summary will be edited to better describe the language from the 2003 GRR/SEIS regarding compensation and temporary asphalt overlays.
	11	page ES-1: The first paragraph references subsequent hydrological analyses that were completed after the 1992 GDM with the results showing the need for higher elevations in the L-29 Canal. This paragraph should provide more details on the need to convey the increased water required for the project as well as when that modeling actually occurred.	A culvert analysis was performed in 1995 to determine the required head to deliver a variety of project flows. From this analysis it was determined that to pass the maximum combined flows from all structures (4,000 cfs) would require approximately 0.8 feet of head to pass this quantity of water through all of the culverts. This head difference does not include the expansion losses due to the downstream vegetation, which also increase the total head loss to pass water south. Simply removing the downstream vegetation is only a short-term relief because of the sub-tropical environment. The impact of these combined head losses effects both the Tamiami Trail roadway embankment and the ability of the structures discharging into the L-29BC (S-333, S-355A and S-355B). To discharge desired quantities the headwater stages on these structures would need to be higher which results in environmental impacts in WCA-3A and WCA-3B.

	12	page ES-2: This lists the construction cost estimate as $125,106,000 Table 23 on page 103 lists a Total Construction Cost for Alt. 14 as $145,806,000 and Table 30 lists a Refined Construction Cost Estimate at $125,106,000. Please reconcile.	The paragraphs of page ES-2 contain text extracted from Section 6, pp 121-126 of the draft report. Table 23, page 103, presents a cost estimate that combines construction, planning,engineering and design, and administration of construction contracts. We will revise Table 23 to separate these costs.
	13	page ES-2: Second paragraph, first sentence. "The bridges would provide sufficient hydraulic opening to convey the projected DHW. **Change to**: "The bridges would provide sufficient hydraulic opening to convey authorized flows under the MWD project, while not exceeding maximum allowable stage elevations in the L-29 Canal. The raised profile of the unbridged portions of Tamiami Trail will be constructed to accommodate a maximum stage, or Design High Water elevation (DHW) of 9.7-feet NGVD for a 24 hour, 20 year event.	We will revise the paragraph to recognize the Design High Water elevation.
	14	page ES-2: Third paragraph: "All alternatives except the No-Action plan would convey required water volumes without having water either damage or overtop the highway". Alternatives 9 through 16, describe various proposed bridge configurations but all exclude "raising the existing profile of the remaining roadway portions". So that this statement is accurate, please change the descriptions of Alternatives 9 through 16 to incorporate "raising the existing profile of the remaining roadway portions".	The text will be revised to include that the remain roadway portions will be raised.
	15	page ES-2: Fifth paragraph: In the middle of the paragraph, it shows "two 10-foot-wide shoulders" as compared to "eight-foot shoulders" shown on page 122 (top of page). Please reconcile. Notes an 8.75 foot control water elevation. Please reconcile with 9.7' NGVD or **define control water elevation.**	10 foot is the correct width. Control Water Elevation is defined in para 4.B of the draft Engineering Appendix (page 9). and states "The average of the annual peak high water over a 35 year simulated period of record using the Natural System Model (NSM). This stage, 8.75 feet, is exceeded 12.5% of the time during this simulated period of record. This does not represent an operational stage that will be maintained but a stage used to determine the required low chord elevation for the proposed bridge for inspection purposes."
	16	page ES-2: Sixth paragraph: "In order to meet FDOT criteria for stable slopes, the increased height of the roadway would require additional highway right-of-way. This would necessitate an encroachment, south, into ENP. Rewrite: "The action alternatives would require encroachment southward into ENP due to necessary avoidance of encroachment into the L-29 Canal. In meeting current FDOT standards for roadway geometry, the higher profile of the roadway will result in a wider roadbed than currently exists." FDOT standards do not require the alignment to be shifted to the south nor for the road to be wider. Avoidance of encroachment into the L-29 Canal dominates this decision.	Concur. We will incorporate the suggested text.

	17	page ES-3: Eleventh paragraph: The last section should include language regarding the compatibility of Alternative 14, the tentatively selected plan ("TSP") with the Decompartmentalization project for the Comprehensive Everglades Restoration Plan ("CERP"). Potentially higher stages associated with the need to pass more water south may be necessary to implement that project. An "Area of Controversy/Unresolved Issue" is how planning will occur to insure the design of Alternative 14 is compatible with future restoration objectives for the area, such as explaining the relationships between the TSP and the current thinking on the CERP alternative for Decompartmentalization. Also, please **explain the relationship between the elevation targets of 9.7 feet in this alternative and potentially higher elevations under CERP.**	From H&H Annex (page 2) states, "Due to uncertainties of which alternative the CSOP study will select, it was decided that the Natural System Model (NSM 4.6.2) would be used for the design high water for the roadway improvements. This model run was chosen because it represents our restoration stage and duration targets for the Greater Everglades System." This target is also the target for CERP restoration. The current South Florida Water Management Model (2x2) runs to date for full CERP (CERP0 and CERP1) implementation actually predict lower stages through this reach than the NSM for the 20-year 24-hour stage. Future projects under CERP or other projects will have to evaluate their effect on the DHW (20-year 24-hour stage) and any change that increases this stage above the current DHW stage stated within this report would have to be mitigated for.
	18	page 1: Section 1.0 Introduction: "Alternative 7a, which included the construction of a 3,000-foot bridge, no additional water quality features, and an escrow fund to assist with maintenance of the remaining 10-mile length section of Tamiami Trail, was selected as the recommended plan. Because of concerns regarding probable damage to the Tamiami Trail raised during and subsequent to public and agency reviews of the final report, the Final GRR/SEIS was withdrawn without a signed Record of Decision." Change to: "Prior to completion of the 2003 GRR/SEIS there had been coordination discussions between the USACE and the FDOT regarding the potential use of a temporary asphalt overlay in addition to a maintenance agreement with escrow funds to be utilized until such time that the roadway could be reconstructed to its ultimate condition under Decompartmentalization. However the 2003 GRR/SEIS proposed Alternative 7a which included a 3,000-foot bridge [conveyance easement] and one-time compensation to FDOT for construction of a substitute facility for the impacted Tamiami Trail. FDOT could not assume responsibility for completing NEPA analysis and pern	Concur, the introduction will be edited to better describe the language from the 2003 GRR/SEIS regarding compensation and temporary asphalt overlays.
	19	page 1: Section 1.0 Introduction, third paragraph: "Additionally, the escrow approach proposed in the December 2003 report would provide for some additional maintenance and repairs; however, safety concerns on Tamiami Trail would potentially require a more costly method to mitigate the effects of the higher design stage." Delete this sentence. The 2003 GRR/SEIS did not propose escrow funds for "some additional maintenance and repairs"; it proposed a one-time compensation to FDOT for replacement/relocation of the roadway as a substitute facility. See previous comments in this regard.	Sentence referenced has been deleted.

	20	page 1: Section 1.0 Introduction, third paragraph: The third paragraph on this page makes reference to the fact that the Department of the Interior ("DOI") has determined that water in the L-29 Canal would be at a higher design stage than had previously been calculated. The document should reflect more details on the rationale and timing of that decision by DOI. Please elaborate on why this decision was made.	In the previous GRR (Dec 2003) in Appendix I USFWS Fish and Wildlife Coordination Act Report on page 46 makes refernece to an elevation of 9.55 as being adopted by DOI as the minimum acceptable design stage for the design high water.
	21	pages 2-3: Section 1.1 Study Authority: The section lists out the basic authorities for the project in the Everglades National Park Protection and Expansion Act (PL 101-229, Section 104, 16 U.S.C. Part 410r-5), December 1989. The Water Resources Development Act of 2000 ("WRDA 2000") also authorized a project to "Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within Water Conservation Area 3 at a total cost of $26,946,000. Section 601(b)(2)(C)(viii). Please provide a discussion between the linkage between the WRDA 2000 project authorization and the RGRR/SEIS and also any possible implications from WRDA 2005.	This study and proposed construction is under the authority of PL 101-299. It is not being performed under the authority of WRDA 2000. WRDA 2000 also establishes a condition that the project to improve water deliveries to Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act must be complete before the cited CERP projects would be funded.
	22	page 3: Section 1.2 Project Partners: the term "Project Partners" is undefined and potentially misleading. FDOT is listed under "participating agencies" which is also undefined. FDOT has been a commenting agency.	Section will be revised to better define and describe the roles of the agencies.
	23	page 3: Section 1.3.1 Purpose and Need for Action, second paragraph: "The purpose of this project is to identify a means to enable the conveyance of the authorized flow of water from WCA-3B and the L-29 Canal north of the Tamiami Trail to Northeast Shark River Slough and ENP south of Tamiami Trail, as provided by the 1992 GDM/FEIS." Add to end of sentence: "… and to provide for appropriate measures so that increased water associated with the MWD Project will not adversely affect the structural integrity of Tamiami Trail." **Additionally, this section should define the term "authorized flow" and identify what authorization that level of flow is based upon.**	Sentence will be revised. The Modified Water Deliveries Project is not authorized a certain flow but rather a Volume. From Part 1 Supplement 54 General Design Memorandum and Environmental Impact Statement, Section H. Recommended Project (page 52) states: "* Volume – The volume of water delivered will reflect the naturally available supplies based on local meteorological conditions, except in cases where operations of the C&SF project for other authorized project purposes necessitate increased or decreased deliveries. Natural hydroperiods will be restored." When reference is made to the authorized flow it is based on the total capacity of the recommended structures of the 1992 MWD project to deliver water into the L-29BC between structures S-333 and S-334. This total capacity is 4,000 cfs, which is based on the discharge capacity of the following structures: 1) S-333 (1,050 cfs), S-355A (1,000 cfs), S-355B (1,000 cfs), and S-356 (960 cfs).

	24	page 7-10: Section 1.6 Prior Studies/Reports/Related Project: A section should be added to address the authority, status and development of the operations for the area, deviations from Test 7 of the Experimental Program of Water Deliveries to Everglades National Park for Protection of the Cape Sable Seaside Sparrow. These operational programs include, but are not limited to, the Interim Structural and Operational Plan ("ISOP") implemented in 2000 and 2001; the Interim Operational Plan ("IOP") currently in place, and the Combined Structural and Operational Plan ("CSOP") under development now. This discussion should probably be located as a new item between 1.6.3 and 1.6.4. A discussion on the Decompartmentalization CERP project should also be added, most appropriately at the end.	Add the following sections to 1.6 1.6.6 Interim Structural and Operational Plan (ISOP) for the Hydrologic Compliance with the Cape Sable Seaside Sparrow Biological Opinion for the Year 2000, 8 December 1999 (Paragraph taken from the Introduction of the Report) This report details actions consistent with the requirements of the RPA (reasonable and prudent alternative) of the BO (biological opinion) for the year 2000 for each of the listed sparrow subpopulations. The actions presented herein are directly linked to hydrologic conditions as affected by the operation of the C&SF Project. This plan includes the actions contained herein as may be modified by further modeling and/or testing and monitoring through coordination with the US Fish and Wildlife Service and others as deemed appropriate. The plan for deviations from current operations will continue to play a key role in meeting the goals and objectives of the BO. The current and future deviations are discussed later in this report. 1.6.7 Final Environmental Impact Statement, Interim Operational Plan (IOP) for Protection of the Cape Sable Seaside Sparrow, May 2002 (Pa This Final Environmental Impact Statement (FEIS) presents a final rec 1.6.8 Draft Environmental Impact Statement, Combined Structural and
	25	page 12: Section 2.2 Surface Waters: The last sentence in Section 2.2 discusses the fact that the CSOP project may be adding additional structures to the L-29 Levee to move more water with a more even distribution flow. Although the TSP for the CSOP has not been chosen, this **discussion should be expanded to discuss what these potential structures may be and what predicted effect this might have on Alternative 14.**	The RMA-2 analysis performed in the Engineering Appendix - Hydrologic and Hydraulic Annex actually analyzed the configuration proposed as part of the West Bookend Run (Alternative 2) under the CSOP study. In this analysis three 1,000-foot long passive weirs discharged into the L-29BC. Alternative 4 and 5 both propose 200-foot weirs instead of the 1,000-foot weirs. These structures discharge into the L-29BC and are not expected cause any additional stage increases in the L-29BC, see Engineering Appendix - Hydrologic and Hydraulic Annex.

	26	page 13: Section 2.2.3 Flooding: The second paragraph in Section 2.2.3 on flooding makes a definitive statement in that stages in the L-29 Canal are artificially controlled at 7.5 feet or below. This statement should be revised to reflect that while operational protocols currently in place may require this trigger of 7.5 feet, other factors may influence this stage preventing it from being held at 7.5 feet. These other factors include, but are not limited to, certain rain events, the Interim Operational Plan ("IOP"), the Lake Okeechobee Water Supply and Environment ("WSE") regulation schedule and the Water Conservation Area regulation schedules, including deviations from them. While the target may be 7.5 feet, many times this stage is exceeded. The current level of L-29 appears to be above the "controlled" 7.5 feet. Is it anticipated that the new operation will have exceedences similar to the current experience?	Section 2.2.3 was revised to indicate that the 7.5-foot elevation is a target elevation.
	27	page 28: Section 2.11 Noise Environment: Level of Service ("LOS") C is normally used on FDOT projects because it represents the worst case from a traffic noise standpoint. However, assuming no projected reduction in average speeds using LOS D as compared to LOS C, use of LOS D may be appropriate.	When modeled, the LOS D-predicted traffic flow and speed rresulted in higher noise levels than did LOS C-predicted flow and speed. As such, LOS D was used because it represented a worse-case scenario.
	28	page 28-29: Table 5 – It is not clear which data is existing-measured versus existing-modeled (peak hour). Please clarify. Note 2 is not necessary. It appears that these two sites can be presented together as a single site based on the information provided in the RGRR/SEIS.	The notes for Table 5 were revised to clarify presentation of the data.
	29	page 29: Section 2.12 Existing Roadway, third paragraph: "The limestone base is substantially saturated due to capillary action and is significantly deteriorated." The source of this statement is unknown. Provide a citation in the document supporting this statement or delete it. In this Section, there are comments about the current roadway condition that are misleading **in that the water level in L-29 has already been elevated and flow velocities have been increased and the existing deterioration appears to be the direct result of these changes.** But for the MWD project and current C&SF operations, the expected maintenance costs would not increase as outlined.	Section 2.12 has been revised to delete the sentence.
	30	page 33: Section 2.15 Flight 592 Memorial: Define distance between Flight 592 Memorial site and Tamiami Trail.	The distance of the Flight 592 Memorial from Tamiami Trail (ca. 250 feet) has been added to Section 2.15.

	31	page 35: Section 3.1 Introduction, second paragraph: **This Section should provide more detail on the authorization and definition of "greater volumes of water" that will be delivered into the L-29 for the restoration of original hydrologic conditions in Northeast Shark River Slough. This section should also provide a statement regarding the consistency of Alternative 14 with potentially higher stages resulting from the Decompartmentalization CERP project.**	Greater Volumes of Water are described in Comment 24 above. For compatiblity see response to Comment 17 above.
	32	page 35: Section 3.2 Future Water Deliveries, first paragraph: In this Section, there is a discussion regarding the proposal to include additional weirs in the L-29 Levee. **Acknowledging that these structures are currently undergoing study, a greater level of detail should be provided regarding potential impacts of these additional weirs on the performance of Alternative 14.**	Described in Comment 25 Above.
	33	page 35: Section 3.2 also includes a discussion between the "Control Water Elevation" of 8.75 feet. The linkage between this stage and stages in the L-29 Canal being "artificially controlled at 7.5 feet or below" in Section 2.2.3 should be further described. This comment is also relevant to the discussion in Section 3.4 wherein the design high water elevation is identified as being raised from 7.5 feet to 9.7 feet. Please clarify the relationship between all of these various elevations.	Re-Write paragraph to state " The Control Water Elevation (CWE) does not represent a operational stage that will be maintained but a stage used to determine the required low chord elevation for inspection purposes of the underside of the new bridge. The CWE was computed from the average of the annual peak high water stages over a 35 year simulated period of record using the Natural System Model (NSM). This stage, 8.75 feet, is exceeded 12.5% of the time during this simulated period of record."
	34	page 35: The text states, "additional weirs in the L-29 Levee are proposed". In addition, the text suggests that basing the DHW upon the NSM results are conservative in comparison to anticipated CSOP configurations. Have the additional flows from these proposed weirs been accounted for when looking at future proposed CSOP operations?	Yes, See the Engineering Appendix - Hydrologic and Hydraulic Annex Discussed in response to Comment 25
	35	page 36: Why is the Control Water Elevation defined as the mean of annual peak flows? This value is then found on the daily exceedance curve to be exceeded 12.5% of the time. What bearing does the computation of this number have on evaluating the impact on the "without project" condition? What is the correlation between Control Water Elevation and when problems occur?	The Control Water Elevation is not defined as the mean of annual peak flows. See response to Comment 33. Will add section in H&H annex discussing the Control Water Elevation.
	36	page 37: Section 3.4 Effects of Future Flows on Roadway, first paragraph: "The limestone base is substantially saturated due to capillary action and is significantly deteriorated." Either substantiate or delete this sentence. The source of this statement is unknown.	Concur. Will delete setence regarding base deterioration. GEC: Section 3.4 has been revised to delete the sentence.

	37	page 37: Section 3.4 Effects of Future Flows on Roadway, Second paragraph: “According to FDOT the water elevation must be at least a minimum of two inches below the base of the roadway for the limestone base to maintain its integrity.” This must be changed to: “….water elevation must be a minimum of two-feet below the limerock base…”.	Concur. Will revise.
	38	page 37: In Section 3.4, there are statements regarding the current condition of the road. It appears that this is the direct result of the water levels currently exceeding elevation 7.5 and higher velocities. Coordination for utilities to be attached to the bridges may be required since the existing utilities are located within the existing roadway typical section. AT&T main line fiber optic is located on the south side of the existing roadway and in some cases directly under the guardrail were special guardrail post had been used. If a water and or force main needs to be attached to the bridge, it may require longer overhangs to accommodate these utilities as well as the bridge drainage pipes.	Ultility relocations will be better described in the final Engineering Appendix, and are based on existing utilities.
	39	page 39: Section 4.3 Flood Damage to Road: This Section reports a cost estimate of maintenance for this portion of the roadway that is approximately $40,000 annually. These figures are based on the 2003 report and are no longer valid. This figure should be updated to current accurate numbers.	Concur. Will revise.
	40	page 40: Section 4.4 CERP Compatibility: This discussion should be expanded to describe how Alternative 14 is compatible with the future goals of the Decompartmentalization CERP project from a technical standpoint, rather than just a conceptual one. Ongoing discussions have resulted in a desire to ensure that implementation of Alternative 14 does not create a situation where more money has to be spent to modify those features. Please include a discussion on how the design of Alternative 14 is consistent with CERP.	This comment is addressed in Section 5.7.8 of the report. Section 4 of the report only presents problems and opportunities. It does not address the impacts and benefits of specific alternatives.
	41	page 50-51: Section 5.4.2 Preliminary Array of Alternatives: Clearing Exotic Vegetation South of Tamiami Trail: “This alternative was not retained for further evaluation because an FDOT evaluation concluded that vegetation was not restricting flow” Delete this reference. This issue regarding flow was greater than simply the flow inside the culverts themselves. FDOT has inspected culvert conditions and found the culverts to be clear and functioning.	Concur: Sentenece will be removed. "The FDOT currently provides routine maintenance on the culverts to make sure that the culverts themselves are structurally sound and clear of sediment/vegetation. The FDOT does not provide any maintenance on the downstream getaway channels." Section 5.4.2 was revised to include additional information on the culverts.

	42	page 54: Section 5.4.4 Final Array of Alternatives; Action Alternatives: “All include bridge construction and reconstruction of the remaining highway.” The bridge low-chord is not based upon the same DHW as the road base. FDOT defers to SFWMD criteria for clearance determinations.	Concur. Roadway PGE is based on DHW. Bridge low-chord is based on CWE. Noted for point on crown. Text will be revised. Use of 0.2% instead of 0.3% longitudinal slope is expected to provide superior bridge deck drainage. If 0.3% is used, crest and sag vertical curves are required. At the crest, the curve will include largely flat lengths that result in slower drainage than the case of 0.2% grade without vertical curves. Stormwater treatment details will be worked ouf during the detailed design phase with full involvement of the FDOT and FDEP
	43	page 55: Section 5.4.4 Final Array of Alternatives: FDOT may consider the excavated material as “salvageable materials” that may need to be delivered to FDOT for other purposes.	Section 5.4.4 has been revised to include the use of salvageable materials. This should be negotiated and included as part of the relocation agreement between FDOT and USACE.
	44	page 79: Section 5.6.3 Water Quality: This section describes the implementation of Best Management Practices (BMPs) to collect and trap sediments and floatables from polluted strowmater runoff from the proposed bridge. This section should be expanded to describe any maintenance costs associated with the infrastructure to implement the BMPs.	Please see the engineering appendix page 35 and tables 1 and 2, life cycle cost analysis.
	45	page 81: Section 5.6.3 Water Quality continued: Is the 95% performance achievable during high flow periods? Additionally, FDOT reserves the right to comment further on the selected treatment units and stormwater design as details are developed. FDOT has concerns related to the logistics of accessing the units for maintenance. Because the discussion in the last two paragraphs on page 82 is somewhat vague, this section should also clearly describe the timeframes and responsible entities for stormwater management permitting.	During high flow periods which exceed the capacity of the treatment units, bypass of the units will occur. The manufacturer's specifications being quoted are for events without bypass. Typically most of the oil and greases will be removed from the first initial flush of stormwater discharge from the roadway section, so even when a high flow bypass event occurs, a significant fraction of the oils/greases will be captured before bypass occurs (no treatment in bypass mode). The Corps is arranging direct discussions with the FDOT, FDEP, SFWMD and the Corps to finalize the timeframes and to resolve all the stormwater treatment details, to include identification of responsible parties for any tasks required to address the stormwater treatment issues. ENP will be involved in these discussions when necessary. The Corps will fully coordinate the stormwater treatment system design development with the FDOT as well as the FDEP and SFWMD.

	46	page 82: Section 5.6.3 Water Quality continued: Bullet no. 1 on this page states that the crown to edge of bridge slope will be 0.3 percent. Please note that the minimum cross slope allowed by FDOT is 2%. Bullet no. 2 on this page states that the slope towards the water quality inlets is 0.2 percent. As we understand it, this is the longitudinal slope of the road. Please note that FDOT has commented that the minimum required longitudinal slope of the roadway in conditions where a gutter section is formed is 0.3%. The rationale for deviating from FDOT standards should be provided. This comment still remains unresolved. Bullet no. 4 on this page calls for the placement of scuppers one foot from the edge of the driving lane to provide a positive outfall independent of the water quality inlets. If the scuppers intercept the runoff generated by the roadway before it reaches the water quality inlets then the polluted runoff would simply be discharged untreated. Please review the design in that regard.	Noted for point on crown. Text will be revised. Use of 0.2% instead of 0.3% longitudinal slope is expected to provide superior bridge deck drainage. If 0.3% is used, crest and sag vertical curves are required. At the crest, the curve will include largely flat lengths that result in slower drainage than the case of 0.2% grade without vertical curves. Stormwater treatment details will be worked ouf during the detailed design phase with full involvement of the FDOT and FDEP
	47	page 84: Section 5.6.5.5 Wetlands, Direct Effects of Project: “The action alternatives would require encroachment southward into ENP as a result of meeting current FDOT standards for roadway geometry.” Rewrite: “The action alternatives would require encroachment southward into ENP due to necessary avoidance of encroachment into the L-29 Canal. In meeting current FDOT standards for roadway geometry, the higher profile of the roadway will result in a wider roadbed than currently exists.” FDOT standards do not require the alignment to be shifted to the south nor for the road to be wider. Avoidance of encroachment into the L-29 Canal dominates this decision.	Section 5.6.5.5 has been revised to incorporate the suggested wording.
	48	page 89: Section 5.6.8 Air Quality, Table 12: This table should present the methodology first. The results presented in this table should be related to the National Ambient Air Quality Standards (NAAQS) in this report.	Methodology used in the analysis is described in the text of Section 5.6.8. The text notes that NAAQS standards were not exceeded.
	49	page 89: Section 5.6.10 Cultural Resources: The language regarding historic markers is vague. Adequate provision must be made for pulloff, parking, etc., for any historic markers.	Section 5.6.10 was revised to include a provision for pulloff and parking.

	50	page 89: Section 5.6.11 Aesthetics: Traffic noise impacts are typically evaluated for noise sensitive sites. Commercial airboat facilities would not be considered noise sensitive. Table 16 Note at bottom of table: All noise levels should be presented as peak hour noise levels and all should be presented in LA eq 1h. This note is applicable to all other predicted noise level tables in this section. Table 17: Please provide a note defining the "+" and "<" in the column for Alt. 17. This note is applicable to all other predicted noise level tables in this section. This note is applicable to all other predicted noise level tables in this section. 10 dBA is a design goal. The minimum insertion loss criteria used by FDOT is 5 dBA. All noise barrier designs providing insertion losses of at least 5 dBA should be considered for reasonableness and feasibility.	Airboat facilities were considered noise sensitive because persons were residing at these locations. "Peak Hour" was added to the titles of Tables 16 - 20. Guidance contained in FDOT's PD&E Manual, Part 2, Chapter 17, Section 17-4.6.1 states, in part, regarding insertion loss, "A normal design goal will be 10 dBA or more. However, the minimum insertion loss on the first row of receivers should be 5 dBA. Noise abatement modeling conducted during preparation of the 2003 GRR/SEIS did not construe the PD&E definition/guidance as requiring all noise barrier designs providing insertion losses of at least 5 dBA should be considered for reasonableness and feasibility. Therefore, only those meeting the normal design goal of 10 dBA wee considered.
	51	page 103: Section 5.7 Evaluation of Alternatives: Figures regarding maintenance for the No-Action Alternative. This section identifies a $3.3 million total average annual cost for routine and periodic maintenance costs for the No-Action Alternative. Please provide a break down of these costs for our review.	Concur. Updated life-cycle costs are included in para 5.K, Table 1, of the Engineering Appendix.
	52	page 103: Section 5.7.1 Cost Estimates, Table 23: Table 23 provides an O&M cost of $18,602. A source and breakdown of these costs should be provided. Three different total costs are given for Alternative 14 on pages 103, and 137. Please provide an explanation on these differences. For FDOT's estimated construction and O&M, please see the attached documents.	Table 23 on page 103 will be revised. Its entry for total construction is actually construction plus planning-engineering-design plus administration of construction contracts. Page 137 presents construction without these other costs. The Operations and Maintenance (O&M) entry in Table 23 represents the O&M for mainting the conveyance channel under the proposed bridges and the conveyance within the L-29 canal. It does not include the O&M for the raised road, the bridges, or the stormwater systems, all items addressed in your attached document.
	53	page 104: Section 5.7.1 Cost Estimates: The first paragraph on this page states that costs of the Stormceptor system have been prorated for the other bridge lengths and included in the construction cost of each alternative. More detail on these figures should be provided.	More detail regarding the PAS is included in construction cost estimate in App J. For Alt 10, more detail is included para 5.E and 5.K of the draft Engineering Appendix. The final Engineering Appendx will include a similar level of description.

	54	page 115: Section 5.7.8 CERP Compatibility: Section 5.7.8 and this document do not address the impact, if any, resulting from the removal of the L-29 Levee. The FDOT has no information to comment on that possibility and no ability to contemplate the impact that act might have on the Tamiami Trail. Please expand the discussion regarding compatibility of Alternative 14 with CERP. In the fourth paragraph of Section 5.7.8, the document states that "Alternative 14 would provide the most linear feet of hydraulic connectivity and the highest percent distribution of flows from the L-29 Canal to NESS." In the previous paragraph, it states that implementation of other alternatives might require the removal of the newly improved road to enable CERP flows to conform to Natural Systems Model distributions. The document should provide greater detail as to the need, or lack of, need for similar road removal to achieve CERP target flows. How does the design of Alternative 14 account of Natural Systems Model flows if the design elevation will be 9.7 feet and there may be a higher target for Decompartmentalization?	1. The removal of the L-29 levee is a different study, one that has not been initiated. 2. The fourth paragraph compares the three multi-bridge alternatives, all of which provide significant flows the western and eastern parts of NESS, and recognizes that Alt 14 provides the most connectivity and distribution of flows. The third paragraph notes that the single bridge alternatives, except for Alt 17 (10mile), do not provide for flows and connectivity to the eastern part of NESS, that CERP envisions providing flows to the western and eastern parts, and that a newly constnructed road would have to be modified to achieve flows in eastern NESS. 3. CERP flow targets will not be higher than NSM, and 9.7 design high water was based on NSM. The unbridged sections of road under Alternative 14 are designed based on 9.7.
	55	page 117-118: Section 5.7.9 Risk and Uncertainty: "Geotechnical surveys were conducted to identify subsurface conditions, preliminary design was done through contracting with experienced highway engineers, and standard construction methods are planned. FDOT has reviewed and will continue to be involved in the design of the proposed project." Add to this section: "The USACE will need a permit from FDOT for work within FDOT right-of-way and will need FDOT's full approval of design, plans and specifications prior to beginning construction" .	Concur. Will add text.
	56	page 117-118: Section 5.7.9 Risk and Uncertainty: The text states that the models used in this study have low uncertainties. Can a reference be provided to back up this statement? It has been established that significant uncertainties exist when using the NSM or SFWMM (2x2) model. Page 1 of USGS Report 97-4039 states that when using the NSM, simulated water levels should be interpreted with about a plus or minus 1 ft uncertainty. The same report acknowledges that the error varies throughout the model. Can the Corps provide information about how well the NSM (and the 2x2) perform in the L-29 canal? This is relevant to establishing the DHW value. Use of the CSOP West Bookend. The third paragraph in this section states that the hydrologic analysis used the CSOP West Bookend Alternative for flows within all the different bridge configurations. While it is appropriate for alternatives to be compared under a similar hydrologic regime, this section should provide the basis and rationale, as well as a brief description of the assumptions, for the use of the West Bookend.	The NSM model does not have the L-29 in it but rather simulates the area before these drainage features were added to the system. See Engineering Appendix - Hydrology and Hydraulics Annex. The "West Bookend Run" was one of the high-flow CSOP (Combined Structural and Operational Plan for Modified Water Deliveries and C-111) model runs. CSOP is an ongoing modeling-operational study that will lead to the plan for operating all the structures included in Mod Waters and C-111 Canal projects. The Team looked at "West Bookend Run" outputs to derive assurances that the preferred Tamiami Trail alternative would meet the DHW criteria even under this high-flow scenario.

	57	page 119: Section 5.8 Selection of the Tentatively Selected Plan: "As part of the Tentatively Selected Plan, the Federal Government will compensate FDOT for the real estate rights needed for the Tamiami Trail Project. In order to obtain the perpetual right to flow water, FDOT is entitled to compensation." Add: "The FDOT has communicated with, and has been assured by the USACE that the USACE will design, obtain environmental permits for and construct the improvements needed to both the bridged and unbridged portions of the Tamiami Trail as a result of anticipated impacts to the highway due to increased water elevations caused by operation of the MWD project."	Section 6.7 contains a statement regarding permits.
	58	page 119: First paragraph: "It is the intention of the Federal Government not to expend any more funds than necessary to construct facilities for the Tamiami Trail that a future project under CERP may impact." The document must be clear on what features may be impacted by a project under CERP so the gravity of this statement can be understood. Additionally, the drafting and approval of the "Real Estate Relocation and Raising Agreement" should address these issues. This comment is also relevant to Sections 6.6 and 6.6.1 on page 122.	The sentence will be revised. It is an artifact of imperfect editing of the document before release. The sentence was intended to express the concept that the Federal Government will not pay for a larger real estate interest than is necessary, e.g. obtain fee interest when a less costly flowage easement would be sufficient.
	59	page 121: Section 6.1 Tentatively Selected Plan Description, first paragraph: "The Tentatively Selected Plan (TSP) would create two conveyance openings through Tamiami Trail by removing up to three miles (cumulative) of the existing highway and embankment…" and "The roadway with a raised profile would consist of two 12-foot-wide travel lanes and eight-foot-wide shoulders on each side of the roadway…" From the format of these paragraphs, it is not clear that the "roadway with a raised profile" is a component of the TSP. Add: "Raising the profile of the roadway, is a component of the Tentatively Selected Plan." Also, **to what elevation would the existing roadway and embankment be removed?** It is necessary to understand whether the fill would be scraped down to match existing ground or below in order to verify costs and better envision the flow of water from L-29 in this area. Please identify the average depth of the L-29 Canal in the project area as part of this discussion.	Section 6.1 edited for clarity. The portion of Tamiami Trail that is removed will be excavated as close as possible to existing ground minus some construction tolerance so that no high spots are left behind that may cause flow impacts.
	60	page 122: Section 6.2 Access to Existing Facilities: In addition to access, discuss whether or not there are other potential impacts to existing facilities which could have other mitigation ramifications. Last sentence: "Connecting roads intersecting the bridged portion of the project would be provided for access to Everglades Safari Park." Establish who would be responsible for maintaining these connecting roads. It cannot be assumed that FDOT would be responsible for this.	Connecting roads located within the perpetual easement that will be granted to FDOT for construction, operation and maintenance will be the responsibility of FDOT. If outside of the perpetual right of way, the owners will have the responsibility.

	61	page 122: Section 6.3 Drainage: “No treatment to stormwater would be provided as part of the reconstruction of the roadway.” If the FDEP were to require stormwater treatment as part of the reconstruction of the roadway, it would influence the proposed roadway geometry and subsequently change the anticipated environmental impacts associated with the project. This section should include also how the surface water spread on the highway will be controlled at the structural bridge and at the Tamiami Trail roadway for Alternative 14.	The text has been revised to state that existing stormwater treatment will be replaced by grassing the new shoulders. Roadway and bridge specifications will continue to be coordinated with FDEP and FDOT as they are developed.
	62	page 122: Section 6.4 Utilities: “FDOT will be requested to invoke permit provisions requiring utilities to relocate.” The FDOT has not investigated its authority to require the relocation of utilities. Assuming the FDOT has the requisite authority, any costs associated with invoking those powers should be borne by the project sponsors and not FDOT. The document should state that FDOT will be reimbursed for its expenses in supporting project sponsors in this regard.	noted. No costs for utility relocations have been included in this report. Reimbursement of administrative costs should be negotiated as part of the relocation agreement.
	63	page 122-123: Section 6.6 Real Estate: “The Federal Government will compensate FDOT for the real estate rights needed for the Tamiami Trial project. In order to obtain the perpetual right to flow water, FDOT is entitled to compensation. This right includes both conveyance and easement interests. The appropriate organizations at the Federal and State levels will develop and approve an agreement containing the details and method of implementation. It is the intention of the Federal Government not to expend any more funds than necessary to construct alternative facilities for the Tamiami Trail that a future project under CERP may impact.” Add: “The FDOT has communicated with, and has been assured by the USACE that the USACE will design, obtain environmental permits for and construct the improvements needed to both the bridged and unbridged portions of the Tamiami Trail as a result of anticipated impacts to the highway due to increased water elevations caused by operation of the MWD project.”	Section 6.6 has been revised to add the suggested wording.

	64	page 123: Section 6.6.1 Lands and Easements: Any form of easement should specifically define words (i.e., road, right-of-way, periodic and routine maintenance, etc.) in the same manner as Section 334.03, Florida Statutes, and grant to the FDOT all of the powers necessary to operate and maintain the road (see Section 334.044, F.S.) as if the FDOT owned it in fee. Additionally, there may be issues associated with FDOT's authority to permit utilities in right-of-way not owned in fee by the FDOT. The FDOT will have to have the "jurisdiction and control" contemplated by Section 337.401, et seq., along with the specific authority to permit utilities to occupy the right-of-way without the need to further involve third parties. Design engineers should ensure adequate and uniform space for highway maintenance and the installation and maintenance of utilities. Prior to acquiring real estate for transfer to FDOT, it is requested that the acquiring agency perform All Appropriate Inquiry as outlined in CERCLA and as defined by EPA's developing rule. The Phase I Report should be certified to FDOT for reliance	Noted. This should be negotiated as part of the relocation agreement and be in accordance with Federal Laws.
	65	page 124: Section 6.7 Operations and Maintenance: "Features identified as public highway relocation and flowage easement compensation are a bridge of up to four miles long and raising of the roadway." Add: "The USACE will assume all responsibility for completing appropriate NEPA analysis and processes, acquiring all necessary environmental permits, designing and constructing the TSP proposed bridge structures and remaining roadway with raised profile."	Section 6.7 has been revised to add the suggested wording.
	66	page 127: Section 7.0 Environmental Effects of the Tentatively Selected Plan: This section reads as the Tentatively Selected Plan for Alternative 14, yet there are multiple references to Alternative 10 throughout the section. Please reconcile.	References to Alternative 10 as the Tentatively Selected Plan / Recommended Plan have been corrected.
	67	page 131: Section 7.13 Transportation: In Section 7.13, the statement that the project does not need FDOT approval is not accurate. A FDOT permit is required for all third-party work or a roadway owned by FDOT and FDOT must review and approve all design, plans and specifications prior to construction..	Noted. Statement has been removed.
	68	page 131: Section 7.13 Transportation: The second paragraph should refer to Alternative 14 not 10.	Section 7.13 has been corrected.
	69	page 131: Section 7.15 Economics/Socioeconomics: Change Alt. 10 to Alt. 14.	Section 7.15 has been corrected.

	70	page 135: Section 7.26 Environmental Commitments, see list (a) – (d): Change (c) from: "(c) The State of Florida shall be the operator of project for purposes of CERCLA liability, " to, "(c) The State of Florida shall be the operator of the facility after completion of the MWD project for purposes of CERCLA liability."	Section 7.26 has been revised to include the suggested wording. Agree to the suggested revision with the following wording being added "Should any actionable preexisting substances be found during construction on the State of Florida lands, the Corps shall take whatever immediate actions are necessary to stabilize the situation and comply with all CERCLA reporting requirements. The Corps assumes no liability for any pre-existing toxic or hazardous substances found on State lands or placed/discharged by the roadway traffic during the construction activity. The Corps contractor is however responsible for any actions/remediation necessary for spilling toxic/hazardous substances or fuel directly caused by their construction activities."
	71	page 137: Section 8.0 Recommendations: "The Tentatively Selected Plan consists of the following components" (1) – (5) listed. (1) "Construction of two raised bridges and acquisition of any conveyance channel easements where NESS passes under the Tamiami Trail." The document should state from whom these channel easements shall be secured. In (4) and (5) the responsible entities for these maintenance obligations should be identified. Add: "(6) Raise the profile of the unbridged portion of Tamiami Trail together with all resulting modifications to insure structural integrity of the highway under anticipated higher stages in the L-29 Canal to result from implementation of the MWD project." Finally, the total estimated cost of $125,106,000 is consistent with Table 30 but does not appear to be consistent with Table 23. Please reconcile with Table 30.	Item (6) was inadvertantly left out of the text and will be added. It will be inserted as the second entry in the list. Table 23 will be revised. Its entry for construction is actually construction plus planning-engineering-design plus administration of construction contracts. Operation and maintenance will be expanded in Section 6 of the report. (O&M not usually in "Listed Features" of Recommended Plan.)
	72	Appendix D-General: FDOT hereby incorporates by reference all comments previously provided on the July 8, 2005 Engineering Appendix for the Tamiami Trail Modifications, Alternative 10 (Central). FDOT will respond further upon receipt of the Engineering Appendix for the TSP. The Corps needs to get FDOT approval on design, plans and specifications before proceeding to construction. The Corps' commitment to do so should be stated in the Final RGRR/SEIS. One of the stated goals is to make the Tamiami Trail hydraulically transparent. 1) Will the selected Alternative achieve this goal? 2) If the roadway is hydraulically transparent, what controls the stage in L-29 and thus establishes protection for the roadway that the 20-yr/24-hr DHW will not be exceeded? 3) Which cells in the NSM are used to estimate values for the L-29 stage? 4)Since the canal is within several cells that are 2x2 miles in size, are the values averaged east/west and north/south? 5) How much variation exists in stage values within the individual cells? 6) Similarly, how much cell-by-cell variation exists in the stage values from the mo\del runs which are compared to the NSM results?	1) As long as part of the roadway embankment is in place Tamiami Trail will not be completely transparent to the flow of water as it passes from WCA-3B into NESRS. However cost constraints within this project prevent this from being completely bridged. 2) By the definition of the Design High Water given to the Corps of Engineers by the FDOT any event larger than the 20-year 24 hour duration will exceed this stage. This stage was conservatively set on our restoration goals but no statement has ever been made by the Corps that this stage will not be exceeded. 3) The cells used from the NSM model are from Row 22 Columns 22, 23, 24, 25, and 26. 4) Values were averaged east to west. 5) The values on average are plus or minus 0.05 feet. 6) Slightly less variation is seen in the CERP model runs.

	73	Appendix D-5: The text states that the NSM is used to establish DHW because CSOP configuration has not been finalized. It has been shown that the NSM stages are higher than the CSOP stages and are therefore conservative. However, a larger pump is being planned to replace S-356, thereby increasing capacity from 500 cfs to 950 cfs. Although the CSOP Alternatives all include triggers to limit pumping when the L-29 stages reach 9.7ft, so called "emergency operations" take precedent over standard operating procedures. Under what circumstances would the S-356 pump be allowed to run despite L-29 stages exceeding the DHW or CSOP triggers? What guarantee does FDOT have that the road will be protected if future changes require emergency pumping. For instance, to alleviate greater than predicted seepage.	The exact location for the increased pumping capacity of S-356 is currently not known. For CSOP modeling the location was assumed to be into the L-29BC, however discussions since this modeling effort talk of distributing this flow south of Tamiami Trail along the L-31N Levee.
	74	Appendix D-6: The text contains a good discussion of why the NSM is the appropriate choice for establishing DHW in consideration of the desire to restore natural conditions. However, the output that is subject to frequency analysis is stage data rather than discharge output. Since the 2x2 model is calibrated to stage (not discharge) it is understandable why it is desirable to use the more accurate stage data. But it is common to perform Flood Frequency Analysis with discharge, not stage. Can a reference be provided to establish this as a valid procedure? How well does the Log-Pearson distribution fit the stage data? Did you look at any other distribution such as fitting it to a normal distribution? Was a sensitivity analysis done to see the influence of skew value on the return period? What is the plus or minus on the 9.7 ft value as the 20-year/24-hour event?	See attached file: Response to Comments from 17Aug2005_final.doc where these questions were posed and responded.
	75	Appendix D-8: Referring to Figure 6, the recession rate for the NSM results (which represent the target for future hydrology) is much slower than the existing conditions and the available historical data. Thus, even though the 20-yr/24-hour event may be represented by the DHW value, the future recession rates may result in the sub-base being wet for a longer time during extreme events. How will these recession rates affect the base? The 2x2 model is shown to predict lower stages that the NSM stages. Since the 2x2 is calibrated to existing vegetation conditions, what effect will the re-hydration have on future vegetation? Once addition water deliveries begin and the vegetation chages in response, will stages tend to be higher or lower than the 2x2 stages presented here?	See attached file: Response to Comments from 17Aug2005_final.doc where these questions were posed and responded.

	76	……..Will the margin of safety for the Tamiami roadway decrease or increase? It is stated that the NSM is the target for restoration projects. What actions is the Corps prepared to do in order to guarantee that the targets are not exceeded? How can the Corps implement control so that the 20-yr/24-hr event does not exceed 9.7 ft.? Who makes the decisions to open/close gates, turn pumps on/off, or move to emergency procedures?	See attached file: Response to Comments from 17Aug2005_final.doc where these questions were posed and responded.
	77	Appendix E-5: Tamiami Trail Modifications Benefits Analysis Procedures, PM 1.A. Average Annual Flow Volumes: This section needs to include a discussion regarding the use of the CSOP West Bookend. "A much smaller annual volume, 493,000 acre feet per year, is all that can safely pass." This statement should clarify that this volume is associated with the current capacity in the system if that is the intent.	Concur. The sentence wil be expanded to describe the constraints that limit existing conditions to 493,000 acre feet per year.
	78	Appendix E-26: Tamiami Trail Modifications Benefits Analysis Procedures, National Ecosystem Restoration (NER) Plan: Please include the Decision making table/document referenced to be included in the document.	These sentences regarding the NER table at the end of page E-26 were remnants of imperfect editing. They have been removed.
	79	Appendix H, Real Estate Appendix: The FDOT reserves all comment on the Real Estate Plan. It is noted, however, that there is no placeholder for reimbursement to FDOT for its expenses related to the current process. As previously indicated, FDOT is attempting to capture its costs associated with this project and expects to be reimbursed as an expense related to the substitute facility. The Corps' intention in that regard should be noted.	No costs for utility relocations have been included in this report. Reimbursement of administrative costs should be negotiated as part of the relocation agreement.
	80	page H-3: Appendix H, Real Estate Appendix, Staging/work areas: This section states that there are no costs included in this report for the proposed staging/work areas to be located within existing FDOT right-of-way or on Government owned lands. Has the Corps determined if there will be any permitting associated with these staging/work areas?	The exact location of the work/staging areas has not been determined, therefore, it has not been determined whether or not any permitting is required.
	81	section 14(c): Appendix H, Real Estate Appendix, 14.C: The FDOT has not formed a position regarding utility relocation issues and expressly reserves comment on that subject.	Noted
SFRPC	1	**The project should be consistent with the goals and policies of the Miami-Dade County comprehensive plan and its corresponding land development regulations as follows:**	Noted
	Goal 14 Preserve, protect and restore Natural Resources of Regional Significance.		---
		Policy 14.1: Address environmental issues, including the health of our air, water, habitats and other natural resources that affect quality of life and sustainability of our Region.	Noted

		Policy 14.2: Improve the quality and connectedness of Natural Resources of Regional Significance and other nautrual areas by eliminating inappropriate uses of land, improving land use designations and utilizating land acquisition where necessary.	Noted
		Policy 14.3: Protect native habitat by first avoiding impacts to wetlands before minimizing or mitigating those impacts; development proposals should demonstrate how wetland impacts are being avoided and what alternative plans have been considered to achieve that objective.	Noted
		Policy 14.8: Remove invasive exotic plants and animals from all Natural Resources of Regional Significance and associated buffer areas. Require the continued regular and periodic maintenance of areas that have had invasive exotics removed.	Noted
	Goal 15 Restore and protect the ecological voalues and functions of the Everglades		---
		Policy 15.1: Encourage land uses and development patterns that are consistent with Everglades Ecosystem restoration and with the protection of Natural Resources of Regional Significance.	Noted
		Policy 15.2: Restore nautral volume, timing, quality and distribution of water to the Everglades, Florida Bay, Biscayne Bay other estuaries and the Atlantic Ocean by: a) implementing structural and operational modifications to the Central and Southern Florida Project including Modified Water Deliveries to Everglades National Park, the C-111 Project and the Comprehensive Everglades Restoration Plan; b) implementing the East Coast Buffer/Water Preserve Areas; and c) implementing the Lower East Coast Water Supply Plan so that the needs of the nautral system are met consistent with ecosystem restoration.	Noted

SFWMD	1	ES-i: The second paragraph of the executive summary does not make it clear whether the plan recommended by the 2003 GRR&SEIR included any road raising.	The second paragraph of the executive summary has been revised to include raising of the unbridged portions of the road.
	2	Exec Summary: Given the uncertainty of funding and the fact that the environmentally preferred alternative was not selected due to the insufficient funding, the executive summary should state very clearly the dead lines for funding to not delay construction schedule and the impacts and contingency plans should insufficient funding occur.	The schedule and budget for the Modified Water Deliveries to Everglades National Park project is governed by the Capital Asset Plan submitted to Congress by Everglades National Park and the Jacksonville District of the U.S. Army Corps of Engineers. The Plan defines the funding necessary each year to meet the demanding schedule for implementation of the project components, including Tamiami Trail Modifications. If the funding scheduled and/or appropriated each year proves insufficient to effectively implement the project, it would then be necessary to request additional funding from Congress. The following paragraph has been added to Section 5.3 of the report for clarification. "In December 2004 the Everglades National Park and the Jacksonville District of the U.S. Army Corps of Engineers submitted the most recent Capital Asset Plan for the Modified Water Deliveries to Everglades National Park (MWD) project. The Plan advises Congress that the estimated overall cost for the MWD project is $398.42 million. This figure includes funding for Tamiami Trail Modifications, as well as the other MWD project components: 8.5 Square Mile Area, Conveyance and Seepage Control Features, and Project Implementation Support. The Tamiami Trail component includes $109.76 million for construction. Although the $398.42 million for the overall MWD project is certainly considered a cost constraint, the funding for individual MWD components may be reprogrammed within the Plan by consent of the two agencies. Although an important consideration, the $109.76 million for Tamiami Trail construction is not necessarily a cost constraint as long as any increase in that cost can be reasonably offset by savings in other MWD components."
	3	The report should describe the deadline for funding to maintain the schedule for construction of the TSP.	See comment #2 above.
	4	Exec Summary: The ES should provide the additional estimated cost increase associated with increasing the bridge length from 3 miles provided by the TSP to 10.1 miles (based on starting 0.3 miles East of S-333 and ending 0.3 miles West of S-334) of the environmentally preferred alternative	The estimated total investment (construction, design, real estate, interest) for Alternative 14, the TSP, is $158,015,377. The comparable estimate for Alternative 17 (10 mile bridge) is $343,299,369. Alternative 17 would cost $185,283,992 more than Alternative 14.

	5	USACE should clear deadlines for when funding would have to be identified to allow the design and construction of a total bridge length longer than 3 miles. This description should also describe the type and certainty (e.g. existing funds) of funding required to be considered.	this report is a proposal for an alternative that is within authorized Federal funding. Federal Executive Branch agencies cannot predict the exact date of additional authorization/appropriations, as that is the prerogative of the Legislative Branch. See comment #2 above.
	6	The funding amounts and dates required to increase the bridge length to establish clear dead lines of when additional funding would need to be identified to maintain the current schedule	This information is not required. Congress is in session and it is unknown at this time when or if additional funding might be available. It is possible to build the recommended alternative within existing overall Mod Waters funding by adjusting bridge lengths. The schedule and budget for the Modified Water Deliveries to Everglades National Park project is governed by the Capital Asset Plan submitted to Congress by Everglades National Park and the Jacksonville District of the U.S. Army Corps of Engineers. The Plan defines the funding necessary each year to meet the demanding schedule for implementation of the project components, including Tamiami Trail Modifications. If the funding scheduled and/or appropriated each year proves insufficient to effectively implement the project, it would then be necessary to request additional funding from Congress. The following paragraph has been added to Section 5.3 of the report for clarification: "In December 2004 the Everglades National Park and the Jacksonville District of the U.S. Army Corps of Engineers submitted the most recent Capital Asset Plan for the Modified Water D
	7	Clearly state the uncertainty in bridge length due to the cost uncertainty of factors such as the cost of water quality treatment features, bridge cost, and funding. Specifically, where would the bridge be shortened or lengthened due to changes in funding	The discussion of cost uncertainty in section 5.7.9 will be expanded. We have not established where to change the length of the bridges if funding were insufficient to construct the recommended plan. Section 8.0 (page 140 of the draft report) contains a statement that the report contains the best available information but does not necessarily reflect National budget priorities and that the Recommended Plan may be changed.
	8	The **culvert** modifications should include the construction of spreader swales to increase the conveyance capacity, reduce the velocity in the marsh in the immediate vicinity of the culverts, and reduce conveyance capacity loss or increased vegetation maintenance or both due to the sediment and nutrient conveyed. A spreader swale can be economically constructed by excavating the muck overburden and thereby creating a swale approximately 2 feet deeper than the downstream marsh.	Expanding the footprint of the roadway to accommodate the increased heigth of the traffic lanes will require clearing the some of the potential conveyance restricting vegetative overgrowth downstream of the culverts. Providing culvert outflow swales into the ENP is outside of the scope of this project.
	9	Improve the description of the number and grouping of **culverts** that would not be replaced by bridges. See the suggested new text.	Section 6.1 has been revised to include a discussion of the culverts replaced by bridges.

	10	The **culvert** modifications should include the construction of spreader swales to increase the conveyance capacity, reduce the velocity in the marsh in the immediate vicinity of the culverts, and reduce the impacts (reduced conveyance capacity or increased vegetation maintenance or both) of sediment and nutrient conveyed. Improve the description of expected flows through the remaining culverts.	Your recommendation is noted. Expanding the footprint of the roadway to accommodate the increased height of the traffic lanes will require clearing some of the potential conveyance-restricting vegetative overgrowth downstream of the culverts. Providing culvert outflow swales into the ENP is outside of the scope of this project.
	11	Abstract: Revise first paragraph of the abstract to better describe the culverts and the expected groundwater conditions. See the suggested replacement text.	The abstract was amended to include the suggested wording.
	12	Page ES-i: Change “head height” to “higher stage” in the first paragraph.	The suggested text change was made.
	13	Page ES-iii: revise paragraphs 2, 3, and 4 to present more details of the benefits of the TSP – the hydrology of the culverts, the flows that would restore the ridge and slough habitat, and the increased ecological connectivity that would occur. See the suggested replacement text.	The suggested text will be inserted into the executive summary and section 5.8.
	14	The executive summary does not sufficiently describe the **benefits** of the TSP (2 mile and 1 mile).	Executive summary has been revised to indicate the most important benefits of the preferred alternative (TSP)
	15	Appendix D is missing what appears to be figure 10 (miss labeled in the text as figure 1) and has two figure eights (second figure should be figure 9).	Noted, thank you.
	The Combined Structural and Operational Plan (CSOP) is an integrated structural and operational plan for two modifications of the C&SF project – referred to as the Modified Water Deliveries (MWD) to Everglades National Park (ENP) project and the C-111 Canal (C-111) project. Both the MWD ENP and C-111 projects are integral parts of the C&SF project. The canal systems of southeastern Miami-Dade County, including the C-111 Canal, are the result of a number of changes from the initially conceived plan for the southern area of the C&SF project. The intent of CSOP is to be consistent with the purposes of the MWD to ENP and C-111 projects modifications as defined by the authorizing legislation and further refined by subsequent general design memoranda, general reevaluation reports and supplements to these documents. Specifically, the purpose of CSOP is to define the operational plan for these C&SF project modifications which was not included in previous design documents in a comprehensive manner to enhance water deliveries to ENP while maintaining the other authorized purposes of both projects.		

Local Agencies

Commenter	Comment Number	Synopsized Comment	Corps Response
Miami-Dade County DERM	1	Although it is clear that proposed bridges and improved culverts would improve conveyance of water from the conservation areas to ENP, the report does not present enough information to determine if the Tentative Selected Plan (Alternative 14) is able to provide sufficient conveyance under the Tamiami Trail without impounding water. All the analyses and calculations presented in this report were based on the NSM and SFWMM. The SFWMM is large-scale model with a daily time step, able to provide information only on average daily stages and flows, making it inadequate to evaluate the conveyance capacity of the bridges and to evaluate the peak stages.	Non-Concur: Engineering Appendix Annex A - Hydrology and Hydraulics Section 16 Paragraph C page 11 discusses the conveyance capacity of the downstream marsh. Figure 18 shows a comparison of the downstream conveyance capacity of the various model runs. This analysis was based on holding all variables constant except the width of the bridge opening. This way all alternatives could be compared on an equal footing.
	2	The Revised GRR lacked the technical details necessary to complete an evaluation of the potential impacts to public water supply.	The RGRR/SEIS is part of a larger project that is looking at other issues. The goal of this project is to provide the hydraulic conveyance to ENP. The CSOP study is looking into determining the operational criteria for the MWD and C-111 projects. This evualtion should be performed on this part of the overall plan.
	3	The Tamiami Trail is a hurricane evacuation route and needs to be passable under extreme events. In order to support USACE's statement that the highway would overtop at a frequency between 200 and 500 years for the future without project scenario, to verify the DHW (Design High Water) and determine the safety level of the roadway (hurricane evacuation), this report needs to present details about the methodology used in the rainfall and stage frequency analysis.	Engineering Appendix Annex A - Hydrology and Hydraulics Sections 8, 9, & 10 pages 6 & 7.
	4	The report does not present any analysis of the impacts resulting of the rise of the DHW from 7.5 to 9.7 feet NGVD to the adjacent communities and interests, which should be part of the EIS. In particular, DERM staff is concerned about potential for seepage or other effects on flood protection level of service in nearby urban areas.	see Engineering Appendix Annex A - Hydrology and Hydraulics Section 9 pages 6 & 7.

	5	On the Appendix F-FWCAR_part3.pdf: DERM staff requests a capacity analysis and calculation based on proposed design stages and geometry of the proposed bridge and surrounding topography, for the Tentative Selected Plan (Alternative 14), in order to verify if the geometry of the bridge is really capable of conveying sufficient flow to the ENP, without causing adverse backwater effects to the WCA-3B and Tamiami Trail. An analysis of the conveyance for different flow regimes and different upstream/downstream boundary conditions is needed for the bridge since the volumes used in the calcualtions of the velocities were obtained through the SFWMM, which was calibrated for stages and control structure operations, not overland flows - since there are no flow measurement data in the marsh or slough.	Non-Concur: Engineering Appendix Annex A - Hydrology and Hydraulics Section 16 Paragraph C page 11 discusses the conveyance capacity of the downstream marsh. Figure 18 shows a comparison of the downstream conveyance capacity of the various model runs. This analysis was based on holding all variables constant except the width of the bridge opening. This way all alternatives could be compared on an equal footing.
	6	Please provide information regarding emergency operations of the water management system and their impact on the TSP.	see Engineering Appendix Annex A - Hydrology and Hydraulics Section 12 pages 7 & 8.
	7	Consultation with DERM is needed prior to detailed design and regulatory approvals to verify that County design and regualtory standards for roads, drainage and environmental resources permitting are addressed.	Regulatory coordination will be performed as required in the Preconstruction Engineering and Design phase.
	8	Construction of the bridges and reconstruction of the remaining portions of roadway would need to be completed prior to the implementation of the high water stages, expected on the L-29 canal as the result of the CSOP, to ensure the safety of the roadway and no hindering of its use as evacuation route, during extreme storm events.	Concur
	9	Staff review suggests that relatively minor adjustments to bridge configuration or culvert placements could improve hudrologic benefits, as well as provide wildlife corridors and other enviromental benefits, without significant cost increases. Such additional environmental improvements should be treated as measurable benefits when evaluating and comparing alternatives, and included as part of the project, rather than as optional "enhancements" that are not required. However, additional documentation of environmental benefits, economic impacts and cost estimates must be provided in the report in order to objectively assess such r4efinements in the plan or verify the presented conslusion.	We look forward to consulting with you during the detailed design phase to explore the details of these minor adjustments referenced in the comments.

	10	The report suggests that impacts to more than 16 acres of wetlands in Everglades National Park will be impacted by the recommended plan. However, inadequate detail is provided to document this assessment. Environmental permitting standards generally require the use of engineering design and construction practices to minimize the direct and indirect impacts to wetlands and particularly sensitive areas, such as bird nesting or aggregation sites. DERM staff understands that the design must comply with transportation safety standards and minimize costs, but strongly urges that every effort be used to minimize the horizontal cross-section of the new woder road and shoulder footprint in high-quality wetlands. DERM supports use of construction methods and timing adjustments, as generally proposed, to avoid and minimize direct or indirect disturbance of wood storks and other birds. Unavoidable impacts to wetland habitats and wildlife should be offset with appropriate matigation. DERM staff recognizes that overall environmental benefits afforded by hydrologic restoration and enhancement may offset physical impacts to wetlands	The existing R/W to the south ranges from 24 to 40 ft from the roadway centerline, with an average of 28 ft. As a result of raising the road, the average proposed R/W will increase to 15 ft beyond the existing average (i.e. 43 ft from the roadway centerline). The raised roadway includes a proposed R/W that ranges from 0 to 19 ft beyond the existing R/W. The bridges include a proposed R/W that is approximately 44 ft beyond the existing R/W. The road-to-bridge transitions include a proposed R/W that varies from 0 to 44 beyond the existing R/W. Existing topographic and property boundary survey data are insufficient for a more accurate estimate of wetland loss. Wetland loss will be revisited in the Preconstruction Engineering and Design phase. Detailed surveys are not yet available, thus, a detailed design is not yet available. Appendix D - Engineering, of the Final Report has more detail than was in the Draft Report. More will be available at time of permit applications.

NGOs			
Commenter	**Comment Number**	**Synopsized Comment**	**Corps Response**
Audubon of Florida	1	The Ten Mile Creek Alternative Consistently and significantly higher scores for all ecological performance measures	Comment noted.
	2	The ten mile bridge would provide reduced velocities to the greatest proportion of the area, the best connectivity between the L-29 Canal and ENP, and the best distribution of flows from east to west."	Comment noted.
	3	The ten mile bridge scored highest for reversing the filling in of sloughs, minimizing the difference between average velocities at the road and the marsh, and enhancing flows from the L-29 Canal into deep sloughs of NESS."	Comment noted.
	4	The ten mile bridge scored highest for shifting communities to open water, spikerush marsh, and slough communities; reducing the risk of ridge and tree island burning; and reducing the invasion of exotic species."	Comment noted.
	5	The ten mile bridge received the highest score for improving the total abundance of fishes in ENP marshes, improving conditions for wading bird foraging and nesting, and reducing wildlife mortality."	Comment noted.
	6	The Ten Mile Creek Alternative has a significantly larger habitat unit score than any other alternative (almost double that of the TSP), indicating the tremendous potential for additional ecological benefits	Comment noted.
	7	The Ten Mile Creek Alternative is the only alternative that results in an increase in wetlands rather than a decrease	Comment noted.
	8	The Ten Mile Creek Alternative is one of only 3 alternatives that is rated as "cost effective" and a "best buy" using the Corps's cost effectiveness and incremental cost analysis procedures	Comment noted.
	9	Audubon recommends that the Corps avoid improving portions of the road that may soon be removed or altered under CERP. Any additional fill to raise the remaining roadbed should not be initiated until the Florida Department of Transportation can complete their study.	Comment noted.
	10	No bridging should preclude the full ten-mile span.	Comment noted.

Sierra Club	1	The Sierra Club strongly urges the U.S. Army Corps of Engineers ("Corps") to select Alternative 17 – the 10.7 mile Skyway proposal – as the best alternative to restore water flow and ecological connection through the Everglades. The analysis contained in the RGRR/SEIS strongly supports our view that the Skyway proposal is by far the most environmentally superior alternative identified in the RGRR/SEIS.	Comment noted.
	2	Sierra Club strongly opposes the proposal to implement Alternative 14 – the Tentatively Selected Plan ("TSP"). The TSP would not adequately restore natural hydrologic conditions to Everglades National Park. Sierra Club believes that implementation of the TSP would jeopardize the success of the $7.8 billion Comprehensive Everglades Restoration Plan (CERP), Pub. L. No. 106-541, 601 (2000).	Comment noted.
	3	As detailed below, the RGRR/SEIS fails to meet the requirements of the National Environmental Policy Act ("NEPA"), 42. U.S.C. § 4321 et seq., and its implementing regulations, in numerous respects. The Sierra Club is especially concerned that the RGRR/SEIS misleads the public and decisionmakers about the relative costs of the TSP and Skyway alternative. In addition, the RGRR/SEIS fails to sufficiently analyze and disclose the adverse environmental consequences of implementing the TSP, as well as ways of avoiding those impacts through the selection of environmentally superior alternatives, such as the Skyway proposal, and through appropriate and feasible mitigation measures. The RGRR/SEIS thus fails to provide an adequate environmental analysis that would support a decision by the Corps to implement the TSP in lieu of the environmentally superior Skyway alternative.	Do not concur. The Corps believes that the requirements of NEPA and it implementing regulations are met in full.
	I. Overview of the National Environmental Policy Act		---

	4	The National Environmental Protection Act (NEPA) “is our national charter for protection of the environment.” 40 C.F.R. 1500.1(a). As the United States Supreme Court has explained: NEPA “ensures that the agency . . . will have available, and will carefully consider, detailed information concerning significant environmental impacts; it also guarantees that the relevant information will be made available to the larger public audience.” Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 349 (1989). NEPA has been described as “an environmental full disclosure law… intended to make such decisionmaking more responsive and more responsible.” Environmental Defense Fund, Inc. v. Corps of Engineers of United States Army, 325 F. Supp. 749, 759 (D. Ark. 1971). Full environmental disclosure is essential to give the public a meaningful opportunity to scrutinize and comment upon federal projects that may have significant environmental consequences. As federal courts have recognized: “It is without serious question that [NEPA], which requires the promulgation of environmental analyses and impact statements, was enacted for the primary benefit of the general pub Co. v. Andrus, 433 F. Supp. 144, 152 (D. Colo. 1977). Unfortunately, the satisfy the requirements of NEPA, as detailed below.	Comment noted.
	II. The RGRR/SEIS Fails To Explain How the TSP Would Fulfill the Purpose and		---

	5	The stated purpose of the RGRR/SEIS is to “identify a means to enable the conveyance of the authorized flow of water from WCA-3B and the L-29 Canal north of the Tamiami Trail to NESS and ENP south of the Tamiami Trail...” The Project aims to implement certain provisions of the Everglades National Park Protection and Expansion Act of 1989 (“Everglades Protection Act”), Pub. L. No. 101-229, 103 Stat. 1946. The Everglades Protect Act mandates: 1) improved delivery of water into Everglades National Park; and 2) to the extent practicable, restoration of the natural hydrologic conditions within the Everglades.	Comment noted.
	6	To meet the objectives of the Everglades Protection Act, the Project must do more than merely convey a specified amount of water from the north side of the Tamiami Trail to the south; the conveyance must be designed so that the flow of water resembles its natural state to the extent practicable. The SEIS fails to explain how implementation of the TSP would achieve this goal.	Do not concur. Sections 5.6.2, 5.6.6, 5.7.4, 5.7.8, and Appendices D, E, and F provide explanations.

	7	The Tamiami Trail roadbed currently creates a physical barrier that effectively dams a hydrologic feature called the Northeast Shark River Slough ("NESS"). The most important characteristics of NESS are its wide, shallow channel and its slow velocity. The engineering data illustrate that, with a 4-mile bridge, the ratio of the water's velocity at the road to its velocity at the marsh is 1.8:1. (As explained below, a critical defect in the RGRR/SEIS is that engineering data were not produced for Alternative 14. Apparently, the Corps only has flow velocity data for a 3,000-foot span, a 4-mile span, and a 10.7-mile span. The ratio would be even higher for the TSP.) The increased water velocity resulting from implementation of the TSP would result in "channelization," which would change the NESS into a different body of water than would exist under natural conditions. The TSP thus would not achieve the Project's stated purpose.	Do not concur. It is the Corps's opinion that channelization would not result. All nine alternatives including the TSP were modeled before the draft report was released. However, the documentation of the modeling was not completed before the August 2005 release of the draft report. Appendix D Annex A of the Final report contains the modeling results for all nine alternatives.

	8	It is vitally important to consider the Project as part of a much larger effort to restore the overall health of the Everglades. The CERP authorizes projects estimated to cost approximately $7.8 billion, the success of which will depend upon this Project for water deliveries. The Project thus represents a key first step in a broad effort to restore the natural hydrologic conditions of Everglades National Park. Man-made canals, channels and other hydrological projects have isolated and destroyed many features of the Everglades during the past century. CERP is intended to “decompartmentalize” hydrological features of the Everglades in order to promote ecological connectivity, thereby reversing the destruction that these man-made projects have caused over the years. This decompartmentalization process relies on the MWD component to restore natural hydrologic flow underneath the Tamiami Trail, because future projects rely on this flow of water for successful decompartmentalization. <u>However, the RGRR/SEIS does not explain whether the TSP would provide the necessary amount of hydrolog satisfy these future CERP projects.</u>	There are no currently planned features of the CERP Decomp Phase I project. The CERP Decomp project's design will depend on the final alternative recommended in this report, as well as its approval and ultimate Congressional authorization. Mod Waters TTM does not depend on Decomp; it is the other way around.

	9	As the RGRR/SEIS admits in section 9.6: “[T]he Ten-Mile Bridge alternative may have significance with respect to the eventual ecological restoration to be achieved through the CERP project. The bridge would provide the upper range of environmental benefits and may be the solution recommended by detailed CERP studies.” In order to restore hydrologic connectivity, CERP projects will remove water conveyances north of Tamiami Trail in order to allow water to flow south towards Everglades National Park. However, if the eight-mile section of unraised roadway remains in place, it will continue to form a barrier to this southernly flow of water. For example, CERP’s WCA 3 Decompartmentalization and Sheetflow Enhancement Project will fill the L-29 canal immediately north of the Project in order to provide an increased flow of water south to Everglades National Park. But as the RGRR/SEIS admits, the two channels underneath the bridges proposed in the TSP may not provide enough area beneath them to accommodate this increased flow, which means that much of the freed-	This topic is addressed in Section 5.7.8. It is too early to assort the recommendations of future CERP studies. Phrase deleted.
	10	Section 7.6.4 of the RGRR/SEIS states that “the Tentatively Selected Plan provides an opportunity for integrating the bridges into a corridor-wide raised facility or as part of a multibridge system to minimize retrofit when implementing aspects of CERP.” This concept of “retrofit” is inconsistent with the stated purpose of the Project. The MWD program is not intended to be a temporary or stop-gap measure. If the Corps truly sought to “minimize retrofit,” then any alternative, such as the TSP, that adds a significant amount of asphalt to the roadbed would be rejected as not fulfilling the Project’s purpose and need.	The MWD program and the TTM project are not intended to be a temporary measure. The Corps cannot speculate the results of future studies, and "retrofit" may or may not be a result of those studies. The Recommended Plan is designed to convey NSM flows while offering a flexibility for retrofit, if it is found by future studies to be needed. Further modification to Tamiami Trail are not precluded by Alternative 14.

	11	There are also unexplained discrepancies in the engineering data that the RGRR/SEIS relied upon. Appendix E contains the dataset that was used to create the alternative action plans. Currently, only 493,000 acre-feet per year of water can pass through the existing culvert system underneath the Tamiami Trail. The data that was relied upon to create the existing plans is the current volume of water that passes through Water Conservation Area 3B, i.e., 683,000 acre-feet per year. All of the action plans can successfully accommodate this volume of water. However, the Natural System Model (NSM Version 4.6) estimates that the natural flow across this section of NESS is 895,000 acre-feet per year. Yet nowhere in the RGRR/SEIS is the larger figure used. This conflicts with the goal of CERP, which is to restore the natural hydrological features of Everglades National Park. The RGRR/SEIS fails to explain how a structure designed to handle 683,000 acre-feet of water per year adequately accommodates a project that aims to come as close as possible to restoring a historic volume that is over 130% larger. The Sk	The Engineering Appendix, Hydrologyand Hydraulics Annex, uses the NSM predictions to develop the water elevation criteria for identifying the vertical clearance under the bridge and for identifying the height of the crown of the raised road. The bridge and road will meet FDOT criteria and will not be damaged by and can accomodate NSM flows. CSOP and CERP are unlikely to fully achieve or surpass NSM flows.
	III. The Discussion of Alternatives in the RGRR/SEIS Fails to Comply with NEPA.		---
	A. The RGRR/SEIS Fails to Identify a Reasonable Range of Alternatives to the		---

	12	The RGRR/SEIS fails to analyze a reasonable range of environmentally superior alternatives to the TSP. For example: · There was no consideration given to alternatives that would refrain from modifying the US-41 roadbed on the non-bridged areas. An “escrow alternative” mentioned in prior drafts of the current RGRR/SEIS held promise in this regard, yet it was mysteriously withdrawn from consideration. This proposal would have authorized the construction of a limited portion of the Skyway, to the extent funding is available, and would have allowed for relatively inexpensive retrofitting in the event that inadequate amounts of water were conveyed. The current proposal does exactly the opposite; if the TSP fails to provide an adequate flow to Everglades National Park, it becomes extraordinarily expensive to rip out the raised portion of the roadway in order to “retrofit” bridge structures that allow greater interconnectivity. · There was no consideration given to an alternative that would involve removing the section of the highway that is disturbing the hydrological continuity of the flow into Everglades National Park. Such an alternative w	Do not concur. A stated in Section 1.0, because of higher water levels than originally determined, the escrow approach would be insufficient to meet public safety concerns. All alternatives include the removal of section of the highway that is replaced by a bridge, thereby promoting the conveyance of water into ENP.
	13	· All of the alternatives call for intrusions into Everglades National Park, which would have adverse effects on the park ecosystem and its important wildlife habitat. No alternative was considered that would involve moving the highway easement north, instead of south into Everglades National Park. · Finally, the selection of different alternative plans involving bridge structures excluded many options that would have environmental advantages over the TSP. For example, no alternatives were considered between the 10.7-mile bridge plan and a 4-mile bridge plan. Such discussion is especially important in view of the degree to which the Corps appears to be taking cost considerations into account in selecting an alternative. Likewise, and as discussed in the letter from Dr. Prieto-Portar, Professor of Civil and Environmental Engineering at Florida International University, enclosed herewith, the RGRR/SEIS fails to consider alternatives such as an 80-foot span and decreased elevations of the bridge and roadways.	Construction of a bridge on the north side of the US41 would require significant modifcations to the L-29 levee and borrow canal along the transitions from the road to bridge and the brdige abutments. Also, the construction material requirements of the bridge and transitions would be greater than a bridge on the south side of US41, and barge-based bridge construction operations would more expensive than the fill-based method proposed for the south side bridge. On the alternatives proposed by this commentor, the Corps believes that an adequate range of alternatives designs were considered. The comments of Dr Prieto-Portar are addressed separately.
	B. The RGRR/SEIS Misleads the Public about the Relative Costs of the		---

	14	The overwhelming weight of the environmental data in the RGRR/SEIS lends strong support to the Skyway alternative. Sierra Club agrees that the Skyway proposal is a “cost effective best buy,” which “is generally recognized as the plan that maximizes environmental outputs,”1 while providing “the best connectivity between the L-29 Canal and ENP, and the best distribution of flows from east to west.”2 The Skyway Proposal “scored highest for reversing the filling in of sloughs, minimizing the difference between the average velocities at the road and the marsh, and enhancing the flows form the L-29 Canal into the deep sloughs of NESS,”3 while receiving “the highest score for improving the total abundance of fishes in ENP marshes, improving conditions for wading bird foraging and nesting, and reducing wildlife mortality.”	Comment noted.
	15	It appears the Corps may be unjustifiably rejecting the Skyway alternative as economically infeasible based on inaccurate and misleading information regarding the relative costs of the TSP and Skyway alternative. For example, the RGRR/SEIS fails to address the fact that the estimated cost of implementing the TSP exceeds the Department of Interior’s (“DOI”) budget for the Tamiami Trail Modification under the MWD program. DOI Capital Asset Plan’s funding allocation for the Tamiami Trail component of the MWD project is $109 million, and the cost of the TSP lies at $145,806,000.5 The failure of the RGRR/SEIS to disclose this gap is especially problematic in view of the fact that the Corps appears poised to reject the environmentally superior Skyway alternative on the basis of economic infeasibility. The RGRR/SEIS fails to reconcile its determination that the Skyway proposal is too expensive because it exceeds current funding, while selecting the TSP as a preferred alternative that is similarly over-budget. The RGRR/SEIS is thus highly misleading in suggesting that the Corps has the funds to imple	Table 23 column on construction cost contains errors and has been revised. The correct estimate is $127 million for alternative 14.
	16	The RGRR/SEIS also contains a fatal disconnect between its engineering conclusions and their corresponding economic analyses. Although the RGRR/SEIS mentions the distinct possibility that CERP may require water deliveries that can only be achieved through the construction of a 10-mile bridge (exactly what is called for in the Skyway Proposal), thus requiring an expensive retrofit of the TSP, this has not been factored into the RGRR/SEIS’s economic analysis. The RGRR/SEIS is thus highly misleading with regard to the relative costs of the TSP and Skyway proposal, and it therefore fails to foster informed decision-making in violation of NEPA.	The Corps cannot speculate the results of future studies, and "retrofit" may or may not be a result of those studies. The Recommended Plan is designed to convey NSM flows while offering a flexibility for retrofit, if it is found by future studies to be needed.

	C. The RGRR/SEIS Comparison of the Environmental Impacts of the TSP and		---
	17	Section 7 of the RGRR/SEIS purports to compare the environmental impacts of the TSP with the environmental impacts of the other Project alternatives. However, portions of that analysis mistakenly analyze Alternative 10 (4-Mile Bridge, Central), rather than the TSP. The following sections are tainted by analysis of the wrong plan. · § 7.6.6 Threatened or Endangered Species, "Alternative 10 will be capable of passing the sufficient flow volumes under Tamiami Trail. The implementation of the project therefore does not preclude compliance with the RPAs of the 1999 Biological Opinion." · § 7.13 Transportation, "The highway would remain available for evacuation during hurricane season, and improvements made through implementation of Alternative 10 would improve safe travel of motorists during evacuation scenarios in the future." 5 RGRR/SEIS, p. 103 (table 23). According to the construction estimates in Appendix J, the cost is $125,105,593. The RGRR/SEIS does not explain that discrepancy. · §7.15 Economics/Socioeconomics, "During construction of Alternative 10, while provisions are made to maintain the flow of traffic, there may be It also appears that, in the sections mentioned above, the RGRR/SEIS re	The text has been corrected to refer to Alternative 14.
	IV. The RGRR/SEIS Fails to Disclose, Analyze and Mitigate the Environmental		
	18	The TSP will impact the environment in a number of ways, not all of which are thoroughly explored in the RGRR/SEIS in a manner that would allow for informed decisionmaking. The failure of the RGRR/SEIS to take a "hard look" at the environmental consequences of the TSP, as well as ways of avoiding those potentially significant effects through the implementation of alternatives and/or mitigation measures, renders the document inadequate under NEPA.	Do not concur. The Corps believes that the RGRR/SEIS adequately evaluates environmental impacs.
	A. Everglades National Park		---

	19	The RGRR/SEIS fails to adequately disclose, assess, and mitigate the environmental impacts of the TSP on Everglades National Park. The Everglades is considered one of the nation's most endangered national parks, allowing little room for error when implementing projects of the TSP's magnitude. The RGRR/SEIS does not contain any substantive analysis of the 16.7 acres of vegetated wetland6 that would be eliminated by the implementation of the TSP, nor does it analyze the effect that the altered roadbed would have on the park's hydrologic systems. The process of raising the roadbed will broaden the existing footprint of the Tamiami Trail, encroaching into Everglades National Park. Yet the analysis of the TSP's effect on Environmental Resources (§7.6) fails to mention this negative effect, nor does it discuss adequate mitigation measures. The Corps maintains that the Project is self-mitigating because of the positive effects of the bridges and increased flows, but this analysis is superficial and misleading at best. While the TSP may have some positive effects, NEPA nonetheless requires that the	Do not concur. Section 7.6.5 discusses the widening of the footprint to the south and the net loss of 11.8 acres of wetland. Relative to mitigation, the Corps believes that the enhancement of over 63,000 acres with a total lift of over 28,000 average annual habitat units more than compensates for the loss of net 11.8 acres of wetlands in the southern expansion of the roadway footprint. Environmental impacts associated with other factors, including invasive species, increased noise, and air quality are discussed in detail in the RGRR/SEIS.
	B. Shark River Slough East and West Basins		---
	20	The RGRR/SEIS fails to adequately disclose, assess, and mitigate the impacts of the TSP on the Northeast portion of the Shark River Slough ("NESS"). This waterway has tremendous importance for the health of the Florida Everglades. The hydrology of this waterway would be affected by both aspects of the TSP: first, the bridge structures, and second, the increase in the mass of the roadbed to raise the road surface. The RGRR/SEIS fails to address these impacts. Moreover, the RGRR/SEIS fails to discuss many other aspects of the TSP that could result in significant, adverse environmental effects. For example, if the channels underneath the road are inadequate to accommodate a volume of water from an extreme rainfall event, will the water overtop the road surface, or will it spill out underneath the bridge structures in a high-velocity, high-volume flow, resulting in severe damage to the delicate slough ecosystem? The RGRR/SEIS fails to address this issue. Further, § 7.6.2 includes a description of flows "distributed through a four-mile wide conveyance channel," which evidently refers to a plan other tha	Do not concur. Neither the bridge structues nor the increase in road mass would affect Northeast Shark Slough. Rather, benefits to NESS from the project would be beneficial, as discussed in Appendices E and F. The text in Section 7.6.2 has been revised to correct the error.
	C. Biological Communities		---

	21	The TSP fails to adequately disclose, assess, and mitigate impacts on biological communities in the affected Project area. The RGRR/SEIS provides only a bare assertion that the TSP would "enhance" biological communities, without any underlying analysis to support that conclusory statement. This is far short of the "hard look" required under NEPA.	Do not concur. Section 5.6 of the RGRR/SEIS, Appendix E, and Appendix F provide detailed evaluations of the effects of the project on biological communities.
	D. The RGRR/SEIS Fails to Adequately Assess Wildlife Impacts		---
	22	The RGRR/SEIS fails to adequately address the impacts of the TSP on threatened and endangered species, as well as other wildlife and fish species, as **detailed below**.	See responses below.
	i. Threatened and Endangered Species		---
	23	The RGRR/SEIS identifies six threatened or endangered species that may be present in the project area: the Cape Sable seaside sparrow, Eastern Indigo snake, Florida panther, snail kite, West Indian manatee, and wood stork. The RGRR/SEIS, however, contains only a cursory, superficial discussion of how the TSP would affect those species, in clear violation of NEPA. The Sierra Club encloses herewith a letter from Dr. Stuart Pimm, the Doris Duke Chair of Conservation Ecology at the Nicholas School of Environment and Earth Sciences of Duke University. Dr. Pimm explains that the TSP – both directly and cumulatively in combination with other related projects – could have significant adverse effects on the Cape Cable seaside sparrow. The failure of the RGRR/SEIS to disclose and analyze those impacts renders the document inadequate as a matter of law. The eastern indigo snake is a threatened species whose range encompasses the Project area. This species has been listed as threatened by the U.S. Fish and Wildlife Service (USFWS) since 1978, yet the RGRR/SEIS contains only one brief and uninformative sentence a	Appendix K provides the Corps determination of effects on the listed species cited in the comment. Information therein will be referenced in the main text of the report.

	24	The RGRR/SEIS notes that a Florida panther has strayed within ½ mile of the project site, yet the RGRR/SEIS mysteriously concludes that "construction … would not affect the panther any more than normal traffic conditions on the highway." This bare assertion is both illogical and uninformative. First, the RGRR/SEIS lacks essential information about the social behavior and range of the panther – information that is necessary to assess how the Project may affect the species. Second, the panther sighting suggests there may be other panthers occupying the Project area; the brief discussion in the RGRR/SEIS about how the TSP may affect the one panther that has been sighted in the area fails to inform the public about how the TSP may affect the panther population as a whole. Moreover, "normal traffic" does not include the presence of heavy machinery that will be active on the Project site for the duration of the construction work, and does not consider that food debris associated with the construction activities may attract these animals. As of July 2001, the Florida Fish and Wildlife Conservation Commission has docum	Appendix K provides the Corps determination of effects on the listed species cited in the comment, including the panther. Information therein will be referenced in the main text of the report. There will be a formal consultation with the FWS on the panther that will be concluded before a ROD is signed. It should be noted that ESA evaluations are separate from NEPA and are not required to be included comprehensively.
	ii. Wildlife Other than Threatened or Endangered Species		---
	25	The RGRR/SEIS also fails to assess how the TSP would affect wildlife and fish species other than those classified as "threatened" or "endangered" under the Endangered Species Act. The Florida Everglades is an incredibly diverse ecological system, and it contains a vast array of wildlife and fish species that may be adversely affected by the TSP; yet the RGRR/SEIS essentially ignores those potential impacts. For example, the RGRR/SEIS is devoid of any analysis of potential impacts to specially-designated "sensitive" species and other rare wildlife species. While the RGRR/SEIS mentions that six species of special concern may nest in the Project area, it fails to analyze potential impacts to these species, and, in particular, fails to assess how the Project could affect the American alligator and Everglades mink. The RGRR/SEIS also fails to address the possibility that the TSP could result in additional traffic-related wildlife fatalities, a serious threat as evidenced by the photograph, enclosed herewith, taken by Brian F. Call very near to where the Project would be implemented.	The comment confuses impacts and benefits. Appendix E and Section 5.6 discuss fish and wildlife not protected by the Federal Government, including considerable discussion on the potential improvement in habitat that the project would allow if future water management projects are implemented. Not providing certain improvements is not an impact because impacts are compared with existing conditions. The only impacts that are relevant for this project are impacts from construction activities. So the statement that "the TSP could result in additional traffic-related fatalities" is not correct. The Recommended Plan would reduce traffic-related mortality by providing approximately three miles of hydraulic and ecological connectivity between the L-29 Canal and ENP. Animals in these areas would not be able to access the highway where they would be vulnerable to being struck by traffic. The Recommended Plan would reduce traffic-related mortality by providing approximately three miles of hydraulic and ecological connectivity between the L-29 Canal and ENP. Animals in these a
	E. Transportation		---

	26	US-41 is an important part of South Florida's transportation infrastructure. It was the first major transportation link between the east and west coasts of Florida and is designated as a scenic highway. It provides public access to Everglades National Park, Big Cypress National Preserve, commercial facilities, and the Miccosukee Tribal lands. Although the RGRR/SEIS states that "[t]he highway would remain available for evacuation during the hurricane season, and improvements … would improve safe travel of motorists during evacuation scenarios," this statement must be re-evaluated in light of predictions that the baseline hurricane data was accumulated during a period of moderate to low hurricane activity. Current meteorological predictions indicate that the next couple of decades will see an increase in the intensity and severity of hurricane activity in the region. Further, the effects of global warming may exacerbate this trend. The RGRR/SEIS fails to address the predicted change in weather patterns. The Tamiami Trail is one of only four exits out of Miami, the other three being I-95, I-75 and the Florida Turnpike. The need for the road as a hurri	Roadway modifcations under this authorization are limited to updating the roadway to satisfy current safety and engineering standards, with no loss in traffic capacity. Modifcations that would improve capacity are understood to be the responsibilty of FDOT District 6. FDOT District 6 has not indicated any plans to improve roadway capacity in their current planning schedule.
	F. Economics and Socioeconomics		---
	27	The RGRR/SEIS does not provide an adequate discussion of the effects of the TSP on economic and socioeconomic conditions in the Project area. Although the RGRR/SEIS states that no significant impacts on socioeconomic conditions are anticipated, there are several areas of concern that are not addressed by this conclusory statement. For example, members of the Miccosukee Tribe expressed concern that the TSP might result in increased flooding around the Tigertail camp, which would require its relocation. Several cities and counties have passed resolutions supporting the Skyway, for reasons pertaining to its beneficial effect on their economies as well as for its positive effect on the environment. The RGRR/SEIS fails to address those issues.	Do not concur. Flooding of the Tigertail Camp is not an issue. The Corps has raised the camp to and elevation of 14 feet, well above the design high water elevation of 9.7 feet. Comment noted.
	G. Hydrologic Effects of Raising the Roadway		---

	28	It is evident that the component of the Project that will have the greatest impact on the hydrological features of the NESS and Everglades National Park will be the construction of the bridge structures. However, raising the roadway may result in additional environmental effects that are not addressed in the RGRR/SEIS, including increased water velocities,8 water blockage by the non-raised segments of the roadway, and creation of dangerous conditions during extreme weather events. None of the hydrological modeling incorporated the raised roadbed called for in the TSP, which casts doubt on the conclusion that the altered roadbed would benefit the hydrologic systems as compared to the current roadbed in the RGRR/SEIS. The proposed construction would overlay the original roadbed, composed of decaying muck dredged from the bed of NESS, with a substantial mass of asphaltic concrete in order to raise the road surface. The RGRR/SEIS fails to address the potential impacts associated with this type of construction. Questions relating to safety limitations in a category 4 or 5 hurricane, roadbed instability, maintenance of such a thicl	The proposed roadway will be stable under the design hydraulic head condition. The proposed roadway is expected to reduce maintenance associated with differential settlement and local pavement failures.
	V. The RGRR/SEIS Fails to Adequately Consider the Cumulative Impacts of the		---
	29	The RGRR/SEIS includes virtually no discussion of the potential cumulative impacts of the TSP and other related projects, in clear violation of NEPA. The RGRR/SEIS fails even to identify related past, present and reasonably future actions in the area, much less to perform the quantitative analysis of cumulative effects required by NEPA. See 40 CFR § 1508.7. See also Florida Wildlife Federation v. U.S. Army Corps of Engineers, No. 05-80339-CIV-MJ (Sept. 30, 2005) (court held that Corps failed to take requisite “hard look” at cumulative impacts) (opinion enclosed herewith). Some examples of past, present, and future actions that were not analyzed in the RGRR/SEIS are listed below.	The text has been revised to provide examples of past, present, and future actions.
	A. Central and Southern Florida Project (C&SF Project)		---
	30	The C&SF Project drastically altered the natural hydrology of south Florida including Shark River Slough and Taylor Slough. Canals shunted further west and provided less flows to NESS, causing adverse impacts.	Comment noted.
	B. I-75/State Road 84		---
	31	Like the Tamiami Trail this highway blocks the natural sheetflow of the Everglades and causes other adverse impacts. Despite spreader canals and increased bridging, the highway still caused a deterioration of the ridge and slough landscape pattern in WCA 3A.	Comment noted.

	C. The MWD Project, Experimental Water Deliveries Program, and C-111		---
	32	The MWD Project consists of major structural modifications and additions to water control structures that are meant to restore more natural, timing, quantity and distributions of flows to NESS. The MWD Project is still not completed after 16 years, and this failure to complete the project has allowed continued adverse impacts to the hydrology of NESS. Recognizing the limitations of the MWD Project, the 1999 Biological Opinion prepared by the U.S. Fish & Wildlife Service ("FWS") recommended that the MWD Project be redesigned to "increase the restoration of natural flow patterns and volumes . . ." The FWS issued a Biological Opinion in 1999 on the above three projects and concluded that the Corps' water management practices were likely to jeopardize the continued existence of the Cape Sable seaside sparrow. A Reasonable and Prudent Alternative ("RPA") was mandated and the Corps responded with the Interim Operation Plan (discussed below) that moves water east along the L-29 and south down the L-31, but does not deliver sheetflow to NESS. The RPA represents the minimum needed actions ne	Comment noted.
	D. Interim Operation Plan		---
	33	The current Interim Operational Plan was the Corps' response to provide the required water flows to NESS mandated by the FWS Biological Opinion that found that the Corps' previous water management practices jeopardized the continued existence of the Cape Sable seaside sparrow. The Plan basically sends water east along the L-29 canal then south along the L-31 and is released below the 8.5 Square Mile Area. This regime still does not restore natural sheetflow to NESS.	Comment noted.
	E. Combined Structural Operational Plan ("CSOP")		---
	34	As a reasonably foreseeable future action, the CSOP is the future operational plan for how the MWD Project will be operated when completed. The EIS planning process is currently proceeding. There is considerable controversy over water levels that will permitted in Northeast Shark River Slough among agricultural interests, the 8.5 square mile community, Everglades National Park and the Corps.	Comment noted.
	F. Tamiami Trail Culverts		---

	35	The Corps is proposing to construct 77 culverts under Tamiami Trail at 30 locations. The RGRR/SEIS fails to assess cumulative impacts resulting from the TSP and the proposed culvert construction.	Comment noted.
	G. Land Use Patterns – Past Urban and Agricultural Development		---
	36	Urban and agricultural growth has continued largely unabated for the past century destroying 50% of the historic Greater Everglades Ecosystem. These developments destroy habitat, create demands for flood protection and water supply, and are a source of pollution. Proposed developments such as the Florida City Development of Regional Impact (DRI), Providence and the Scripps Research Park to name a few will serve as a catalyst for more urban sprawl and subsequent demands for more flood protection and water supply, thus undermining both the hydrological goals of the MWD Project and CERP.	Comment noted.
	H. Comprehensive Everglades Restoration Plan		---
	37	The RGRR/SEIS fails to analyze the cumulative impacts of the TSP and the other projects it does identify. For example, while the RGRR/SEIS mentions CERP, it does not provide a cumulative impacts analysis of the CERP and the TSP, as required by NEPA. CERP is controversial and some scientists believe it will not restore the Everglades. For example, in commenting on CERP, Everglades National Park staff concluded that CERP does not represent a restoration scenario and that there is a shortfall of wet season water level targets in Shark Slough.	Comment noted.
	I. Everglades Construction Project ("ECP")		---
	38	The objective of the ECP is to build a series of Stormwater Treatment Areas to treat phosphorous inflows from the Everglades Agricultural Area into Water Conservation Area 2A and 2B. The project is controversial because of concerns that it will not meet phosphorous targets and will not be able release adequate flows further downstream into WCA 3A and 3B and eventually into NESS.	Comment noted
	VI. The RGRR/SEIS Fails to Adequately Address the Project's Compliance with		---

	39	The RGRR/SEIS states that Section 4(f) of the Department of Transportation Act of 1966, which was codified as 49 U.S.C. § 303, does not apply to the Project because the Project is funded through the Department of the Interior and does not involve approval by or funding from the Department of Transportation. However, the EIS fails to explain the process and/or program within the Department of Interior that is responsible for this funding. The SEIS also fails to explain what role, if any, the Department of Transportation has, especially considering that the TSP exceeds the funding allocated under the DOI Capital Asset Plan. The SEIS thus fails to adequately explain why Section 4(f) does not apply to the Project.	Section 5.3.5 provides an explanation of why a 4(f) evaluation is not applicable.
	VII. The RGRR/SEIS Fails to Utilize the Best Scientific Data Available.		---
	40	Appendix D contains the results of engineering modeling which simulates the effect that the various design projects would have on the Shark River Slough. Although the new model has increased in scope from the one produced for the 2003 GRR/SEIS, one looming omission highlights the inadequacy of this engineering analysis: not one of the five modeled alternatives resembles the TSP.	All nine alternatives including the TSP were modeled before the draft report was released. However, the documentation of the modeling was not completed before the August 2005 release of the draft report. Appendix D Annex A of the Final report contains the modeling results for all nine alternatives.
	41	Five different bridge alternatives were modeled in order to determine their effect on the hydrologic conditions south of the Project. One of the primary aims of this modeling exercise was to determine what effect each of the alternatives would have on the velocity of the water. Higher velocities, which are associated with shorter bridge spans, are “extremely destructive to the ridge and slough environment of the Everglades immediately south of the Tamiami Trail.”9	All nine alternatives including the TSP were modeled before the draft report was released. However, the documentation of the modeling was not completed before the August 2005 release of the draft report. Appendix D Annex A of the Final report contains the modeling results for all nine alternatives.

	42	It is impossible to overstate the relationship of water velocity to the health of the ridge and slough ecosystem. Proof that water velocity is of critical importance to the Everglades is contained in the attached document, "The Role of Flow in the Everglades Ridge and Slough Landscape," produced by the Science Coordination Team of the South Florida Ecosystem Restoration Working Group. Restoration of these hydrologic features requires extreme sensitivity to water velocity, which is absent from the discussion of the relevant scientific data. The most relevant dataset that came out of this study is illustrated in Table 7 of Appendix D, which contains statistical data on the amount of acreage that will experience flow greater than 0.1 ft per second. Yet none of this scientific data reflect the conditions that will be present under the TSP.	Acrege velocity datum were used in performance measure PM 1.B in appendix E. See response to #40.
FBP	1	The FBP supports Alternative 17, the 10 mile elevated roadway (Skyway) because the overwhelming environmental evidence supports it selection and it best complies with the purpose of the Everglades National Park Protection and Expansion Act and is rated a "Best Buy".	Noted
	2	In contrast, Alternative 14, the Tentatively Selected Plan (TSP) scored much lower in the new set of performance measures and will not be compatible with CERP.	Noted
	3	The Corps is in an absurd position of administering the construction of two separate highway projects that should be integrated into one to save precious tax dollars. While the Skyway is more expensive in the short term it will eliminate prohibitive retrofitting costs with the CERP WCA Decompartmentaliztion Sheet Flow Enhancement Project in the long term.	The Congressional authorization constrains the Corps from undertaking any construction activities under CERP for Tamiami Trail until MWD is implemented. Furthermore, the Corps cannot recommend a plan under MWD that involves assumptions about what a future unauthorized CERP project might recommend.
	I.	**The Selection of the TSP is Flawed**	---
	4	In discussing the standard of decision for selection of the TSP the SEIS explicitly states: Based on evaluations described in sections 5.7 and 5.8 of this report, Alternative 14, Two-Mile Bridge West and One-Mile Bridge East, was judged to provide the best overall performance measure rankings. A review of the information in sections 5.7 and 5.8 does not support the selection of Alternative 14 based on the best overall performance measure rankings. In fact all the new performance measures in the RGRR/SEIS support the selection of the Skyway.	The statement should have been "sections 5.6 and 5.7". For the Final Report, Section 5.8 has been revised to better describe the selection of Alt 14. Alt 14 is the best balance of overall performance (benefits and adverse impacts), not necessarily the maximum benefits.
	A.	**The Skyway More Fully Complies With the ENP Protection Act**	---

	5	A fundamental tenet of law is that plans and projects must fully comply with applicable statutes and regulations. Of relevance here, the Tamiami Trail Project requirements must include full compliance with the 1989 Everglades National Park Protection and Expansion Act (Act) since this is legal basis for the purposes and objectives of the Modified Water Deliveries Project (MWD). The purpose of the Act is to: (1) increase the level of protection of the outstanding natural values of Everglades National Park and to enhance and restore the ecological values, natural hydrologic conditions, and public enjoyment of such area by adding the area commonly known as the Northeast Shark River Slough and the East Everglades to Everglades National Park; and (2) assure that the park is managed in order to maintain the natural abundance, diversity, and ecological integrity of native plants and animals, as well as the behavior of native animals, as a part of their ecosystem. 16 U.S.C. § 410 (r)(5) (emphasis added).	The MWD is not authorized a specific flow but rather a volume that will reflect the naturally available supplies based on local meteorological conditions. In the past confusion has revolved around the volume and timing of flows with a specific flow rate. The specific flow rate is based on the total capacity of the recommended structures of the 1992 MWD to ENP project to deliver water (Volume) into the L-29BC between structures S-333 and S-334 and then hydraulically conveyed through the Tamiami Trail (US41) embankment to ENP. This total capacity is 4,000 cfs, which is based on the discharge capacity of the following structures: 1) S-333 (1,050 cfs), S-355A (1,000 cfs), S-355B (1,000 cfs), and S-356 (950 cfs). Within the Combined Structural and Operational Plan further revisions are planned that may change the delivery of water to ENP through the use of passive weirs located in both the L-67A levee and L-29 levee. The MWD project is authorized, to the extent practicable, to take steps to restore the natural hydrological conditions within the park. Water flows through the restored Shark River Slough will reflect natural lo
		Additionally, in respect to the MWD Project, the Corps is authorized to and directed to construct modifications to the Central and Southern Florida Project to improve water deliveries into the park and shall, to the extent practicable, take steps to restore the natural hydrological conditions within the park. 16 U.S.C. § 410 (r)(8).	
		In contrast to the above specific language in the ENP Protection and Expansion Act, the Corps, in the RGRR/SEIS inappropriately gives disproportionate weight to water conveyance instead of "natural hydrological conditions". Restoring the natural hydrological conditions is more than water conveyance. The RGRR/SEIS fails to explain how the conveyance of 4000 cfs of water going through culverts will lead to restoring hydrological conditions in the park.	
		The Corps recognizes the overarching goal of restoration in the 1992 GDM; . . . "based on the direction provided in the ENP Protection and Expansion Act of 1989, the goal is to restore natural hydrologic conditions in the Park to the extent practicable." In discussing the ENP Act the Corps states; "The ENP Protection and Expansion Act authorized acquisition of the entire NESS. There is an expectation to preserve, protect, and restore the entire area required. RGRR/SEIS at 115.	

		Further, the Fish and Wildlife Coordination Act Report (FWCAR) in Appendix F states: . . . the Department concludes that Alternative 12 (10.7 mile Causeway), with removal of the existing TT, is the Environmentally Preferred Alternative. It is the position of the Department that this plan is the most consistent of all alternatives with the intent and stated goals of the 1989 ENP Expansion and protection Act [Public Law 101-229].	
	B.	**The Overwhelming Weight of Environmental Evidence Supports the Selection of the Skyway**	---
	6	Performance Measures. The SEIS explicitly concludes that the Skyway ranked the highest in environmental benefits. See Table 26: Summary of Performance Measures at 108. The SEIS states on page 109: "It is generally recognized as the plan that maximizes environmental outputs." The Benefits Analysis in Appendix E also concluded that the Skyway scored highest overall in the performance measures. The statement in Section 5.8 that Alternative 14 "was judged to provide the best overall performance measure rankings" is not supported by the data provided in the RGRR/SEIS.	Section 5.8 has been revised. Concur that 10.7 mile alternative maximizes habitat units. Selection and overall performance is more than habitat units, it also considers others including adverse social impacts and costs.
		Fish and Wildlife Coordination Act Report. Both the 2003 and 2005 FWCAR's select the Skyway as the Environmentally Preferred Alternative because it scored highest in their analysis. FWCAR at 19.	
		Everglades National Park Optimization Report. The report states that; "Based on the performance of the environmental project objectives and performance measures, the NPS concludes that the 10.7 mile Bridge Alternative exhibits superior performance in meeting the stated environmental objectives compared to the other proposed objectives." ENPOP at ii.	
	C.	**Evaluation of Constraints**	---
	1	**The Fiscal Constaints Evaluation is Misleading**	---

	7	Section 5.7.5 notes that the available funding for Tamiami Trail under MWD is $109,760,000 in the DOI Capital Asset Plan. It singles out the Alternative 12 (sic) the Ten-Mile Bridge as costing more than double the currently available funding. While is it notes that Alternative 14 (TSP) would be greater than the funding available, it downplays this fact by failing to give the percentage increase over budget (33%) nor a relative evaluation of this shortfall as a constraint. Additionally, at the September 15th public meeting the Corps estimated the cost of Alternative 17 at over $340 million, a million dollar a day increase from August 2005. This gives the perception that the Corps is trying to inappropriately subvert the Skyway alternative.	Clarification of project cost considerations has been added to Section 5.3 of the report. Various cost estimates have been calculated and presented for each alternative. The different estimates include specific cost elements necessary for implementation of that particular alternative. These different cost estimates are necessary, as they serve different requirements in the analyses for the project. A good representation of these different costs is provided in Table 23 of the draft report. Unfortunately, these different cost estimates also sometimes lead to confusion as to the real cost of a particular alternative. For example, the Total Construction Cost for Alternative 17 is approximately $317 million, while the Total Investment, which includes construction, real estate, and interest during construction, is approximately $343 million.
	8	The ENP Protection and Expansion Act states that the MWD features do not require economic justification. The ENP Act also contains no prohibition on additive funding. It is important to note that funding between the December 2003 ($20.15 million) and August 2005 ($109 million) has increased 440% in less than two years!	Department of Interior budget was increased. However, funds have not been appropriated by congress.
	2	**The 4-(f) Evaluation May Apply**	---
	9	In section 5.7.5 the RGRR/SEIS states that projects requiring DOT approval or using DOT funds may trigger the applicability of 4(f). In the same section the Corps identifies the Federal Highway Administration (FHWA) requirements as a constraint since certain federal highway standards have to be met. Additionally, the Federal Highway Administration has legal oversight responsibility on federal highway systems: FHWA Responsibility for Construction Oversight. The basis for our authority can be found in 23 United States Code, (U.S.C.). Representing the Secretary of Transportation we are charged with certain responsibilities. For example, in 23 U.S.C. 114, it states: The construction of any highways or portions of highways located on the Federal-aid system shall be undertaken by the respective State transportation departments or under their direct supervision. ... such construction shall be subject to the inspection and approval of the Secretary.	Section 5.3.5 explains the applicability of Section 4(f) to the project. The legislation that provided project authorization was the Everglades National Park Protection and Expansion Act of 1989 (PL 101-229)

	10	The Tamiami Trail is officially designated as U.S. Highway 41 not a state road and FDOT likely obtains funding in part from the federal Department of Transportation through various transportation appropriations for road maintence, highway construction, and planning. Major reconstruction such as the Tamiami Trail modifications may require the above approvals from DOT to assure highway standards are met.	Per agreement with FDOT, the roadway would be constructed according to FDOT standards. The design of the project would receive FDOT approval.
	11	The construction cost of the TSP is $145,806,000 while the DOI is Capital Asset Plan is only $109,000,000 leaving a shortfall of $36,806,000 or 33.7%. Additional funds to make up the shortfall or provide unexpected expenditures may have a federal DOT nexus.	The $109 million and $145 million estimates are not directly comparable. See FBP comments 7. Funds identified in the CAP are not available now to DOI but must be appropriated by Congress. No other source of funds has been identified.
	D.	**The Planning Criteria Utilizes A Double Standard**	---
	12	Section 5.7.6 in evaluating the alternatives with the Corps Planning policy (ER 1105-2-100) dismisses Alternative 17 under Acceptability because it is rated "Not Acceptable. Exceeds Cost CAP". In contrast, Alternative 14, the TSP is rated "Acceptable" despite the fact that is also over budget (Cost = $145 million CAP = $109 million = 33% over budget). This is clearly a double standard. The RGRR/SEIS fails to explain how under the Corps planning criteria standard why the TSP is rated "Acceptable".	Comparison to CAP is not a simple yes or no decision. See reply to FBP comment 7. Text regarding acceptability has been revised.
	E.	**The TSP is Not Compatible With CERP**	---
	13	Under the CERP WCA-3 Decompartmentalization and Sheetflow Enhancement Project plans to remove the L-29 canal and levee and elevate the Tamiami Trail. CERP at 9-12.	In volume 3 Plan Formulation - Appendix A page A4-33 describes the elevate Tamiami Trail as "Elevate Tamiami Trail (U.S. 41) through theinstallation of a series of bridges between L-31N and L-28 consist with conveyance cpacities determined at I75 and any increases required due to inflows downstream of I-75 and upstream of Tamiami Trail." In volume 4 Appendix C Engineering Considerations and Costs - the cost estimate for this alternative is based on the construction of 20 - 100 foot long bridges, see page C-A-38. We are fully comptible with future CERP efforts.

	14	The TSP will have unacceptably high retrofit costs. Once the TSP is implemented with a two foot overlay of asphalt and additional fill for the larger and wider embankments, additional infrastructure, such as drainage structures, guardrails, utilities, and other safety enhancements the 11 mile roadway corridor will be too expensive to retrofit under CERP because of initial construction costs, inflation, and future removal costs of the asphalt, fill, and associated infrastructure. CERP funding did not anticipate high retrofit costs for elevating Tamiami Trail. It makes no sense to remove the canal and levee under the CERP WCA-3 Decompartmentalization and Sheetflow Enhancement Project and then leave eight miles of roadbed with inadequate culverts acting like a perpetual dam, blocking CERP goals and sheetflows.	Non Concur - See Response to number 13 above. Note that the 3 miles of opening greatly exceed this proposed total bridging in CERP WCA3 Decomp.
	15	The statement that the engineering design of the bridge and reconstruction accounts for NSM predicted flows does not equate to allowing natural sheetflow. There is no supporting data on how will the existing culverts allow for natural sheetflow and restoration of the hydrology? Additionally the two bridge design makes retrofit more difficult and expensive than a one bridge design.	Text has been revised to state that culverts would promote an even distribution of flows along the project corridor.
	16	As noted above the generalized statement at the end of Section 5.7.8 that "All aspects of the Tamiami Trail Modifications project are compatible with CERP." is not supported by the data.	Noted.
	II.	**The RGRR/SEIS Does Not Analyze Impacts To Other Wildlife.**	---
	17	NEPA requires the analysis of direct, indirect, and cumulative impacts.	Concur
	18	The RGRR/SEIS contains virtually no analysis of other wildlife impacts in discussing the environmental effects of the TSP. Section 7.6.4 contains no analysis of impacts to other wildlife. The Project area contains a variety of native wildlife species that include birds, mammals, fish, invertebrates, reptiles, and amphibians.	Please Table 27 and Appendix E, performance measures 4A fish, 4B wading birds, 4C wildlife mortality. Wildlife impacts are discussed in greater depth for all alternatives in Section 5.6.5.4.
	19	The correct baseline for environmental analysis is not the existing highway but the historic conditions that prevailed before Tamiami Trail was constructed. See CEQ, Considering Cumulative Effects. The TSP is principally being constructed to prevent overtopping of the highway under MWD flows. While the two proposed bridges will have a relatively minor positive environmental effect over existing conditions, there will still be substantial adverse impacts to wildlife with only 28% ecological connectivity in the TSP over the lifespan of the project. For example, under the TSP tens of thousands of animals will be killed by auto collisions as they attempt to cross the highway.	Our comparison is to existing conditions and to future conditions without the Tamiami Trail modification. With alternative 14, there will be more connectivity, less wildlife mortality than if the project is not constructed. The TSP does not produce the cited impacts, it just does not reduce the existing impacts as much as the 10.7 mile bridge alternative.

	20	The scientific literature contains a description of potential impacts that were not analyzed in the RGRR/SEIS. These include, wildlife mortality and injury, habitat destruction, degradation and fragmentation, barriers to wildlife movement, displacement, increased predation, pollution, modification of animal behavior, noise, and unnatural vegetative succession among others.	Water quality impacts due to runoff from existing highway traffic volumes are discussed in section 2.3.1 and 5.6.3.
	III.	**The RGRR/SEIS Fails to Analyze Other Potential Funding Sources**	---
	21	The RGRR/SEIS fails to discuss other funding sources and solely concentrates on the DOI Capital Asset Plan and the $109 million budget despite the fact that even the TSP is 33% over the available DOI budget. As noted above funding has increased over 400% in less than two years. Although the Skyway alternative has a higher cost it is rated as a "Best Buy". It is important to note that the Everglades National Park Protection and Expansion Act contains no prohibition on additive funding.	The $109 million and $145 million estimates are not directly comparable. See FBP comments 7 and 11. Funds identified in the CAP are not available now to DOI but must be appropriated by Congress. No other source of funds has been identified.
	22	Project alternatives do not have to have a sole source of funding but can utilize a combination of funding sources. Potential additional funding sources include the Corps, tolls, FHWA, DOT, FDOT, additional Congressional appropriations, various cost sharing plans, and demonstration project grants.	We have not located additional funds. The highway agencies listed do not have funds for this project.
	IV.	**CONCLUSION**	---
	23	There is substantial, credible, and compelling evidence that the Skyway provides the greatest hydrological and ecological benefits and best complies with the purposes of the ENP Protection and Expansion Act. Additionally, the Skyway is rated a "Best Buy".	Noted.
	24	Construction of the TSP will be a roadblock to CERP because it will be too expensive to retrofit, will have inflation cost increases, and will have high removal costs for the asphalt, fill, and other infrastructure.	Construction of this project does not prohibit additional openings if needed in Tamiami Trail, as a result of monitoring or future studies.
	25	The ENP Protection and Expansion Act does not prohibit additive funding. The most reasonable solution is for the Corps and other agencies to request additional funding from both the federal and state governments to build the Skyway.	We have not located additional funds.
	26	Elevating Tamiami Trail is one of the most intuitive, simple, and logical actions to restore sheetflow and associated ecological functions to NESS. Unfortunately, the Corps looks at this project in technical isolation rather than the broader vision of Everglades restoration. If the relevant government agencies cannot accomplish the simple task of elevating Tamiami Trail, we believe all hope is lost for Everglades restoration.	noted

	27	The FBP urges the Corps to select the Skyway as the preferred alternative in the Final RGRR/SEIS.	Your support for the 10.7-mile bridge alternative is noted.
WWF	1	Our first comment is related to the costs of each alternative. The RGRR/SSEIS does not contain sufficient information for us, or our independent engineering experts, to determine their accuracy. Indeed, the RGRR/SEIS contains no less than three different estimates of the costs of the Corps' Tentatively Selected Plan (TSP). Section 5.6.15 has a cost estimate of $127,900,000, while several pages later in Section 5.7.1, the cost increases to $145,806,000. By Section 6.8, the cost is $125,106,000, which appears to be the most frequently cited cost. In the same vein, the costs of Alternative 17 are even harder to pin down. This leads us to question the methodology used to estimate the costs, which according to the document, was the single most important factor in determining the TSP. In our teleconference of August 9, your staff promised to provide sufficient detail in the "engineering appendices" to allow other engineers to check the design assumptions, such as footing selection, alignment options, and construction costs. These appendices do not provide any information on other than rudimentary design details fo	The $127million figure is for comparing alternatives. It was developed using the same assumptions as were used for the estimates for all the other alternatives. The $145M in Table 23 of Sec 5.7.1 is mislabeled. It contains construction plus some other costs. The $125M estimate was developed using more details and fewers assumptions than the $127M estimate. This greater effort was done only for the TSP. See the Final Report's Engineering Appendix and MCACES appendix for the supporting information for the detailed estimate.
	2	The document frequently refers to cost as the primary reason for the selection of the TSP; Alternative 17, while clearly having the greatest environmental benefit, is not selected on the basis of unit cost per increase in performance. However, even using the Corps' own measure of Average Annual Habitat Benefit Units per unit cost, then Alternative 12, the Three-Mile Bridge, has a lower Average Annual Habitat Benefits per unit cost; it delivers nearly the same ecological benefit as the TSP, but for $8 million less. The basis for selecting Alternative 14 as the TSP does not appear to be consistent with the metrics the Corps has set out as the criteria for selection.	Total cost, cost per average annual habitat unit, and change in cost per change in habitat unit are only parts of the information considered when making the decision. Section 5.8 of the report has been revised to better explain the decision.

	3	The WWF is primarily concerned with the ecological restoration of the Everglades; while we recognize that the Modified Water Deliveries project may not be able to deliver complete restoration, it should make significant steps and should be consistent with the Comprehensive Everglades Restoration Plan (CERP). It is therefore, a major oversight that the RGRR/SSEIS has no mention of compatibility of the TSP or any other alternative with CERP. It would seem very important to demonstrate that the Corps is concerned with selecting a plan that will be completely compatible with CERP projects, even if those projects are just as described in the July 1999 EIS. We are particularly concerned that elements of Modified Water Deliveries Project may have to be removed in future projects, or may so constrain those future projects as to preclude significant progress in restoring sheetflow in the central Everglades.	The TSP is compatible. The road and bridge are designed to NSM flows and volume, which are higher than CERP or MWD. The CERP report called for 10 bridges at 100 feet each. The TSP contains much more than 1,000 feet of opening. We can not know if we are completely compatible because we do not know what will be recommended in future CERP studies. Future CERP projects are not prohibited from modifying a Modified Water Deliveries project feature.
	4	On specific example of how there could be a future conflict is the selection of the "southern alignment" in the RGRR/SSEIS. First, the document contains no quantitative information on other alignment options, and why an option that requires wetland loss and road construction in Everglades National Park was selected. In the July 1999 EIS, the Corps and District stated they planned on removing the L-29 levee and filling in the borrow canal. This would suggest that a "northern alignment" may be a viable long-term alternative, and would not require a park boundary adjustment or loss of viable wetlands. The WWF would like to make sure that any project with the purpose of restoring Everglades wetlands does not unnecessarily destroy viable wetlands, especially if those wetlands are in a national park. These omissions of critical analyses supporting key characteristics of the plan make the TSP seem somewhat arbitrary. If these analyses exist, they should be included; if they do not exist, then the selection of the TSP appears somewhat arbitrary.	FDOT standards for road height require a wider footprint. The team worked to minimize the road footprint movement to the south. Moving the road northward into the canal would greatly increase the cost and may adversely affect flows within the canal. The L-28 levee can not support a road. The existing alignment makes maximum use of the old roadbed.

	5	Lastly, the executive summary of the document suggests that airboat crossings would be added should a funding source be found. However, the Everglades National Park Expansion Act of 1989 (§103(c)) is clear that the park shall be closed to the operation of airboats except for the lifetime of the registered members of the Everglades Airboat Association and authorized concession contractors. Allowing uncontrolled and unlimited access into Everglades National Park by private airboaters would violate the letter and spirit of the law. The document should be amended delete this promise, or to reflect that access would have to be controlled in compliance with federal law.	The text has been revised from "would" to "may". DOI/ENP will have a major role in any decision whether to raise a bridge higher to allow for airboat crossings. By their comments, the proponents of airboat access under the bridge appear to be interested in access from south to north, not conversely. We also not that the DOI comments requested the Corps to explore provision of airboat access under the bridge.
The Everglades Coordinating Council (ECC) Barbara Jean Powell	1	Alternative 14 strikes a good balance between a broad range of alternatives while meeting the objectives of The Modified Water Deliveries Project to the extent practicable, and it is economically realistic. Also of great importance, it effectively addresses the concerns about human safety that Florida Department of Transportation expressed during input for the prior Draft.	Comment Noted
	2	Although specific solutions have not been ironed out to address concerns ECC has registered about flood protection and private property access for the Airboat Association of Florida (AAoF) club grounds, we are trusting that the ongoing respectful and productive dialogue between USACE, NPS, and the AAoF will produce the needed solutions.	Comment Noted
	3	Access to the Everglades north and south of Tamiami Trail to other private property, as well as public recreational activities remain a primary concern. This includes elevating the western bridge to accommodate public and concessionaire airboat passage, as well as travel easements for AAoF members and concessionaires between the elevated bridge and their respective properties.	Comment Noted
	4	The long delay in implementing MOD Waters has virtually eliminated traditional recreation in the Everglades ecosystem due to impounded water. Access into the Water Conservation Areas (WCAs) has been closed due to high-water stress on wildlife, and the 2005-2006 hunting season in the WCAs and eastern Big Cypress National Preserve has been closed. The deer herd we once hunted in the WCAs has been virtually annihilated by high water, as has the tree islands on which we once camped and viewed wildlife.	Concur

	5	It is clear that the diverse culture of the Everglades has been devastated by this course of events. And it is the belief of the Everglades Coordinating Council that when taken in this context, our request for mitigating a fragment of these losses with an elevated bridge should not be viewed as "enhancements" for which there is no funding.	There is no authority for the Corps to recommend mitigation features for non-Tamiami impacts. Ultimately, it could be expected that Everglades ecosystem restoration would also restore the recreational attributes lost as a result of the construction and operation of the C&SF Project.
	6	ECC Delegates strongly urge that the Final decision incorporate recommendations contained in the Draft related to the need for additional ethnographic research of the diverse cultural heritage associated with the Everglades as a whole. This research should include not only the history and culture of the people associated with the proposed Traditional Cultural Property (TCP), but also the impacts of the proposed project, as well as the impacts the long delay in implementing the project has had on the rich cultural heritage. This study must not be delayed until the CERP planning process, but we will no doubt be recommending that CERP tier off of the study.	Comment Noted. It is not clear what contribution the suggested research would make on the analysis of alternatives for Tamiami Trail. It would introduce delays in the decision making process that would be counterproductive to the expressed desire not to further delay the implementation of the project.
NPCA	1	Rectifying the problems with the current Tamiami Trail is one of the most important elements of restoring the southern end of the Everglades ecosystem, including much needed fresh water flows into Florida Bay, and should be afforded the highest priority. NPCA agrees with the Corps's identification of the Skyway alternative as the "most effective" and "best buy." NPCA is disappointed the Corps does not choose the Skyway option, and that the Corps has chosen to not do the right thing the first time around. The Skyway generates significantly more benefits, in many cases two to three times those of the Corps's TSP, yet the construction price is only twice the cost. In particular, the benefits afforded the Everglades by the Skyway include:	Comment Noted
	2	Net wetland gain of 28.9 acres compared to a loss of 11.8 acres in the Corps's TSP. Performance measure 1.B. indicates that increased velocities due to bridge sections impacts only 8 acres of downstream wetlands for the Skyway, while for the Corps's TSP, it impacts 295 acres. Coupled together, the wetland impacts are far greater with the Corps's TSP than the Skyway's net improvement of conditions.	Comment Noted
	3	Average Annual Habitat unit benefits provided by the Skyway are 51,763 versus 28,371	Comment Noted
	4	Jobs created number 6100 versus 2800 for the Corps's TSP (p. 100)	Comment Noted
	5	Significantly larger increase in profits to local businesses, including $600 million in business sales and $267 million in earnings (p. 100)	Comment Noted

	6	Wildlife mortality, or roadkill, is completely eliminated with the Skyway (U.S. Fish and Wildlife Service's March 26, 2004 Tamiami Trail Roadkill Survey, Miami-Dade County, Florida Final Report). The Corps's TSP reduces wildlife mortality by only 29 percent (p. 77). Leaving eight miles of roadway at ground level will continue the unnecessary roadkill collisions between vehicles and wildlife.	Comment Noted
	7	The Corps estimates $385/habitat unit for the Skyway compared to $324/habitat unit for their TSP; that's a 15 percent increase in cost for almost twice the benefit in many cases. As a taxpayer, investing 15 percent more on a project in order to get 100 percent more in value is a worthwhile expenditure of money (p. 113).	project investment
	8	While the Corps argues that a fiscal constraint limits their selection of the Skyway, Congress previously indicated that the project costs are "justified by the environmental benefits to be derived by the Everglades ecosystem in general and by the park in particular" (Everglades National Park Expansion and Protection Act of 1989). The MWD project was authorized by Congress to meet the goals to "increase the level of protection of the outstanding natural values of Everglades National Park and to enhance and restore the ecological values, natural hydrologic conditions." The Corps's TSP falls drastically short of restoring "natural hydrologic conditions" of the park in that it only reestablishes only 34 percent of historic water flow patterns, not to mention a lack of ecological improvement for tree islands.	Noted.
	9	Scientists agree that the best way to restore tree islands is with the reestablishment of sheetflow (The Role of Flow in the Everglades: Ridge and Slough Landscape, Science Coordination Team, South Florida Ecosystem Restoration Working Group, January 14, 2003). The historic natural characteristic of Marjorie Stoneman Douglas's "River of Grass" is the ridge and slough topography. These natural characteristics are created and maintained by sheetflow. Sheetflow allows sediments and water to move in an even pattern, while allowing wildlife to pass unimpeded across the landscape. Only a Skyway will provide that restoration. The Corps's proposed 2-1 bridge split leaves eight miles of a dam in the Everglades, providing only 1/3 of the benefits to the environment regarding sheetflow.	Comment Noted

	10	Since the Department of Interior has paid for the entire MWD restoration project to this point, the park should realize the most significant benefits. It is apparent that this element of the MWD project, the most significant linchpin in reestablishing natural water flows through the Everglades, is getting short shrift. In sum total, the project expenditures will have reached close to $950 million, including land acquisition, with the 8.5 Square Mile Area-element reaching close to $200 million. It seems significant that while the few people remaining in that area will be provided with a significant flood mitigation benefit, the resources of our most endangered national park will only receive ½ of the benefits that they possibly could. This is not a fair or balanced approach to a restoration project. Choosing the full Skyway option is the most cost-effective in the long run because it provides the most benefits to the environment, the long-term maintenance of the roadway, business opportunities and most critically: a symbol of Everglades restoration. It is clear from some of the tragedies that have recently befallen this country tl	Comment Noted
	11	A Skyway must accommodate access to the Everglades for recreational uses of all kinds. Experiencing the Everglades as many have done for generations past, and as many will do for generations to come, provides an essential means of connection to this natural, national treasure. At least one site along the bridge should be high enough to allow for airboats to cross underneath. Recreational access should include docks, put-ins, parking lots, viewing stations and educational markers to provide visitors a better understanding of this unique ecosystem.	Comment Noted
	12	Coupled with the concurrent Combined Structural and Operational Plan (CSOP) being developed and other restoration projects, the Skyway will provide the single best option for connecting the northern end of the Everglades to Florida Bay. Water historically flowed from Lake Okeechobee through the "River of Grass" and out Florida Bay. Without a significant outlet from the existing Conservation Areas through Everglades National Park, Lake Okeechobee's operations will continue to harm the estuaries and the lake itself. The Skyway will allow for future levee and canal modifications to provide that relief for the entire Everglades.	Comment Noted
		Presumptions of the plan	---

	13	Given the separated nature of the design plan for this structure compared to the operational plan for the entire MWD project, the Corps needs to provide a more coordinated approach to the project evaluation than they have in this document. There are numerous omissions of information and a lack of clarity regarding specific decisions made, not just for the TSP, but also in the cumulative evaluation methods presented in the document. NPCA raises some questions and concerns in the following section.	Comment Noted
	14	NPCA's greatest concern is the proposal to continue to maintain a constraint on the water stages of the L-29 canal, as that limits the actions in the MWD project, and calls into question the future compatibility with and benefits derived from CERP. First, the RGRR indicates, "the Department of Interior (DOI) has determined that water in the L-29 canal would be at a higher design stage than had previously been calculated" (p. 1). NPCA requests that the Corps clarify this statement as to how DOI made this determination and how it relates to future compatibility with CERP. As stated in subsequent a section (p. 49), NPCA concurs with the Corps that this project be consistent with CERP to avoid unnecessary expenditures, and requests that the Corps clarify how a constraint on stages in the L-29 canal is compatible with future CERP projects that may make the levee and canal system invisible for natural flow.	From the Engineering Appendix Annex A - Hydrology and Hydraulics Section 12 states, 12. Future Operations: Once the MWD to ENP project is completed (Tamiami Trail raised, Seepage and Conveyance Features, and 8.5 Square Mile Area Constructed) the L-29BC (Tamiami Canal) between S-333 and S-334 will no longer have a stage restriction for the safety of the roadway embankment. The stage within this reach of canal will be a product of direct rainfall and operations of the Central and Southern Florida (C&SF) Project. The DHW was selected such that the road base would be below the 20-year 24-hour stage from the NSM model (9.7 feet). Table 8 compares the return frequency for the DHW stage for the 9 model runs listed above. Future projects under CERP or other projects will have to evaluate their effect on the DHW (20-year 24-hour stage), and any change that increases this stage above the current DHW stage stated within this report would have to be mitigated for or used as a design constraint. In the Comprehensive Review Study, April 1999, in volume 3 Plan Formulation - Appendix A page A4-33 describes the Recommende

	15	NPCA requests clarity on how and why the Corps is proposing to constrain the canal operations. This RGRR and the Corps's parallel CSOP process are unclear on this issue. This report states that the Control Water Elevation will be 8.75 feet (p. 36), and the design high water elevation will be 9.7 feet (p. 37). In the CSOP alternatives, the Corps is modeling the S-333 pump to stop pumping when the L-29 canal stage is at 9.6 feet, the S-355 to stop at 9.7 feet, while the S-356 to stop when the canal stage is 10.1 feet. When asked about the 9.7-foot constraint at the S-333, the Corps responded that FDOT required that the stage not exceed that for the road. Subsequently the Corps did not respond when asked whether FDOT was concerned about the 10.1-foot stage constraint on the eastern side of Tamiami Trail. NPCA requests that the Corps provide additional information about the FDOT's position regarding the canal stages in order to ensure that the roadbed is sufficiently designed to accommodate the proposed plan.	From H&H Annex page 6 and 7 9. Roadway Design High Water (DHW): Two controlling water surface elevations for the safety of the embankment are required based on the FDOT design criteria. The first is an overtopping criterion which states that the 100-year stage should not encroach into the travel lanes. The other is for the protection of the roadbase from capillary action and requires a certain clearance from the DHW to the bottom of the base. For this design a black base is being proposed which requires 1 foot of clearance from the DHW (per FDOT letter 7 May 1999). The DHW is only used to establish the vertical clearance requirements for the reconstructed roadway. The Corps of Engineers (COE) has held two teleconferences this year (January 25 and February 15, 2005) with the FDOT, to discuss the design high water (DHW) for the 10.7 miles of roadway between S-333 and S-334. Based on recommendations from the FDOT, the COE staff has requested official acceptance by the FDOT of using the 20-year 24-hour stage for the DHW for the clearance to the bottom of the black base of the reconstructed roadway. Based on the daily time step u 10. Bridge Control Water Elevation (CWE): The Bridge CWE does

	16	Couple with the lack of clarity on the actual canal stage is the lack of proposed "emergency operations" for the CSOP process. Such operations would raise the question of how often and how high the canal stages of the L-29 may achieve. NPCA is concerned that the lack of clarity will impede the ability to accurately evaluate the impact of the canal stage on the roadbed, especially if the operations of the L-29 canal are drastically different in reality than that being proposed in the "modeling" process. NPCA requests that the Corps provide clarity on the proposed and realistic canal stages.	From the Engineering Appendix Annex A - Hydrology and Hydraulics Section 12 states, 12. Future Operations: Once the MWD to ENP project is completed (Tamiami Trail raised, Seepage and Conveyance Features, and 8.5 Square Mile Area Constructed) the L-29BC (Tamiami Canal) between S-333 and S-334 will no longer have a stage restriction for the safety of the roadway embankment. The stage within this reach of canal will be a product of direct rainfall and operations of the Central and Southern Florida (C&SF) Project. The DHW was selected such that the road base would be below the 20-year 24-hour stage from the NSM model (9.7 feet). Table 8 compares the return frequency for the DHW stage for the 9 model runs listed above. Future projects under CERP or other projects will have to evaluate their effect on the DHW (20-year 24-hour stage), and any change that increases this stage above the current DHW stage stated within this report would have to be mitigated for or used as a design constraint.

	17	NCPA also requests clarity on how the L-29 canal stages impact the roadbed. Is the Corps's assertion that "stages in the L-29 Canal are artificially controlled at 7.5 feet or below" (p 13) accurate, or have stages been allowed to be higher than 7.5 feet? As NPCA understands the current operations of the L-29 canal, the stage has been allowed to rise above 7.5 feet. Has the condition of the road, as identified on page 29, due to current operations impacting the roadway or from lack of upkeep on the part of FDOT? The Corps states, "the limestone base is substantially saturated due to capillary action and is significantly deteriorated" (p. 29). The Corps further states, "According to FDOT, the water level must be at a minimum of two inches below the base of the road for the limestone base to maintain its integrity" (p. 37). If the Corps's plan is to layer 2-3 feet of asphalt on top of the existing roadbed, then the water level will be far above the limestone base of the road, by almost 3 feet in some places. Without the removal of significant layers of existing roadbed, how is layering more asphalt on top of the existing su	Please refer to the Engineering Appendix. Granular base (limestone) is susceptible to long-term degradation under submerged conditions. Asphalt base is not. The proposed pavement includes consideration of the long-term performance of the existing road embankment. H&H Annex Page 2 4. Current Operations: The discharges into the L-29BC (limited currently to S-333) are limited by stages that would cause impact to the current roadway (elevation 7.5 ft, NGVD). This elevation is based on communications with the Florida Department of Transportation (FDOT). Discharges are additionally constrained based on stages at G-3273 (elevation 6.8 ft) for the protection of the 8.5 Square Mile Area. L-29BC is used for two separate purposes: A. Water Supply Releases: S-333 can be used in conjunction with S-334 to make water supply releases to south and east Dade County (South Dade Conveyance System). The total delivery will be the amount necessary to maintain the appropriate stages at S-331, S-25B and S-22. B. Regulatory releases from WCA-3A to ENP are made from S-333 and the S-12's. The structures will be operated in accordance The stage as been allowed to go higher at times above the 7.5 foot

	18	NPCA remains concerned whether this proposal is the best choice for long-term maintenance and sustainability of this transportation corridor. As NPCA learned at the Everglades Coalition's annual conference this year, the existing Tamiami Trail roadbed is built upon many feet of Everglades muck; the muck was not removed prior to layering the limestone base to build the road. NPCA requests clarity on the impact this muck may have on the future roadway. Did the Corps evaluate the removal of the muck as an element to any alternative? Will the existence of muck remaining under the roadbed cause additional problems with roadbed deterioration? Through comments by the FDOT, NPCA understands that the roadbed would continue to sink and shift, perhaps in uneven patches, as further weight of layers of asphalt are placed on top of the existing roadbed. What are the long-term maintenance costs of repairing the roadbed after such sinking occurs? Are those costs contained in the maintenance costs quoted for any of the alternatives that do not remove the entire length of the roadbed?	Please refer to the Engineering Appendix. Where the existng roadway is raised, muck will not be removed. The proposed pavement design includes consideration for the additional consolidation of the muck layer. Muck removal is not required. Further, cost for muck removal would increase the total roadway construction cost.
	19	Currently all of the plans propose to place the bridged sections and widening of the road on land owned by American citizens and managed by Everglades National Park. Did the Corps undertake an adequate evaluation of moving these impacts to the northern side of the existing roadway? It seems unnecessary to damage the resources of the park to build this road; instead this area should be moved north to the edge of the canal or otherwise be reviewed. Is the reasoning for not moving that impact into the L-29 canal consistent with future CERP plans to make the L-29 canal hydrologically invisible to the Park? The Corps indicates in numerous places that "as a result of meeting current FDOT standards for roadway geometry" the alternatives have to be built to the south. We request clarification on whether the FDOT prohibits the shift to the north into the L-29 canal, or if that is a choice that the Corps made.	1. Northern locations were assessed and rejected in the 2003 report. 2. The study team has worked to minimize the footprint into the Park. 3. FDOT did not determine location. FDOT standards for height require that the footprint be wider. The roadway is already placed along the edge of the canal. The expansion is south because the existing deep canal would involve much higher construction cost.
	20	NPCA is concerned about the water quality impacts of all of the action alternatives. The existing grassy areas, as NPCA understands, do not provide adequate water treatment, yet in the proposed roadway widening alternatives, the grassy areas are similar. How large will the proposed grassy areas be in the TSP? Is this standard of "commensurate with…existing conditions" (p. 79) by the Florida Department of Environmental Protection (FDEP) provided in writing and accurate for a transportation corridor? What would the impact of larger grassed treatment areas be on the project, both in respect to the water quality improvements and the cost of the alternatives?	The width of the grassed shoulder of the road will vary with the height to which the road must be constructed and the need to maintain a 2:1 slope for road stability. Because the project would cause no increase in impervious surface or traffic, replacement grassed areas would provide treatment equivalent to or better than that currently existing.

	21	In the H&H Appendix, the Corps discusses bridge lengths and states, "the full bridge option with 0.3 mil long ramps at each end had a total bridge length of 10.1 miles" (Appendix D, p. 10 and E-10). While not further described in any other part of the document, is this an assumption of every bridge span evaluated? In other words, would a 1.0-mile bridge really consist of two 0.3-mile long ramps and 0.4 miles of actual bridge opening? NPCA requests that the Corps clarify this.	Text will be revised. The lengths of the bridge are based distance from abutment to abutment. In other words a 1 mile bridge would have a 1 mile opening minus the width of the bridge piers.
	22	Also in the H&H Appendix, the Corps references the S-333 pump as having the discharge capacity of 2000 cfs under the Environmental Impact Statement for the Interim Operating Plan (Appendix D, p. 2). The Corps further states, "This discharge capacity was used in this analysis." However, in the CSOP process, the Corps is only using 1000 cfs as the capacity of the S-333 pump. How do these differences impact the model output or resulting recommendations for either planning process?	The S-333 structure, as explained in the H&H Annex is a gated spillway and in the IOP report modifications were proposed to increase the capacity of this structure from 1350 cfs to 2000 cfs. In the CSOP study some alternatives took advantage of this increased capacity while others have reduced the capacity to as low as 1000 cfs to direct more water through WCA-3B. The RMA-2 model used this information to compare the same structural flow for all bridge alterntives to determine the impact from each bridge length on stages and flows when all all factors are held constant.
	23	Why does Table 7 of the H&H Appendix lack the data for the Corps's TSP? Please clarify.	Table will be corrected.
		Problems with the Corps's tentatively selected plan	---
	24	Alternative 14 lacks significant environmental benefits and the current draft document does not adequately explain the alternative, nor why it was chosen over the single 3-mile bridge span, which is identified as a "best buy," provides similar benefits and is less expensive. The engineering analysis provided by the Corps only relates to the 4-mile bridge option and is a less expensive option per average annual habitat unit than Alternative 14. The lack of information and inferior choice indicates that the Corps needs to further analyze the potential alternatives before submitting a final report.	1. The explanation of selection in Section 5.8 has been revised. Best buy is only one factor in the decision. 2. The 3-mile alternative provides <u>less</u> benefits at less cost. 3. The Engineering appendix D provides much more information on Alternative 14 than was contained in the Draft RGRR/SEIS.

	25	Without additional information on this alternative there appears to be a lack of reasoning as to why the Corps chose it or what it truly consists of. For instance, the document indicates that the Corps's TSP would remove "up to three miles (cumulative) of the existing highway and embankment" (p. 65). Does this mean that less than three miles of road could be removed? What conditions would dictate a smaller roadway would be built? Also, as mentioned in the previous section, how much space do the ramps take from the bridge openings? NPCA requests a clarification on this statement.	1) The team expects Alt 14 to total 3 miles, not less. 2) Congress has the authority to change any plan that may be recommended, and determines how much funds will be provided. 3) TLF - The road approaches (ramps) to the bridge do not take away from the overall lenth of the bridge. The lengths of the bridge are based distance from abutment to abutment. In other words a 1 mile bridge would have a 1 mile opening minus the width of the bridge piers.
	26	The document lacks a clear scientific analysis of why splitting the bridge elements between a 2-mile span and a 1-mile span provides any added benefits to the ecosystem. The split is also inconsistent with scientific information, as outlined in the following section. A single bridge span of the longest possible length would allow the highest flexibility to be incorporated into a complete Skyway in the future due to only one set of ramps being modified, as opposed to two. It is critical to ensure that what is completed in the MWD project as modifications to Tamiami Trial do not preclude the opportunity to complete the full 10.7 miles of bridging that would provide the highest benefit to the Everglades. However, by choosing a split bridge, the Corps at worst completely closes the door on further modifications or at best creates the reality of a more expensive fix under the CERP DECOMP project. CERP or future action by the FDOT could follow up the MWD project to complete the Skyway.	The features of the Tamiami Trail RGRR/SEIS are fully compatible with future CERP components. As recommended in the Comprehensive Review Study, April 1999, in volume 3 Plan Formulation - Appendix A page A4-33 describes the Recommended Plan for CERP to elevate Tamiami Trail as "Elevate Tamiami Trail (U.S. 41) through the installation of a series of bridges between L-31N and L-28 consist with conveyance capacities determined at I75 and any increases required due to inflows downstream of I-75 and upstream of Tamiami Trail." In volume 4 Appendix C Engineering Considerations and Costs - the cost estimate for this alternative is based on the construction of 20 - 100 foot long bridges, see page C-A-38. To incorporate such bridges into the current plan is very feasible. The recomended plan does not preclude modificating Tamiami Trail MWD features if recommended by monitoring or future studies.
	27	One of the objectives of this project is to improve the historic water flows of the Everglades, including sheetflow, which only the Skyway fully reestablishes. The Corps's proposal falls far short, yet, the Corps indicates that "the retention of the existing culvert system would assist in maintaining sheetflow" (p 127) and that "flows would be distributed through a conveyance channel of up to four miles wide, with sheetflow maintained through the remaining culverts under Tamiami Trail" (p 128). However, the H&H report indicates, "the culverts…provide only point source discharge in an area where the goal of the project is to restore historic sheetflow" (p 2, Appendix D). The Corps should remove the two sentences on pages 127 and 128 as they are inaccurate and are not consistent with the H&H report.	The text has been revised to state more accurately that the culverts promote an even distribution of flows.

	28	NPCA requests clarity on section 6.7 Operations and Maintenance and 6.9 Cost Sharing. It is unclear as to whether or not the SFWMD is the local sponsor of the MWD Tamiami Trail modifications. If so, what does that entail? What will "maintenance of the conveyance area and the culverts" consist of? How is that different than current operations? Will the SFWMD be cost-sharing these Tamiami Trail modifications? If not, what costs will be shared? What are the "local interests" that the local sponsor represents that are different than the authorized recipient of the project benefits, Everglades National Park? How is the local sponsor different from the "non-federal sponsor" in paragraph three, section 6.7, with respect to the "substitute facitility"? Paragraph three in the same section notes "four miles" of bridge; why is there a discrepancy with the proposed bridge length?	SFWMD is the local sponsor which is the same as a non-Federal sponsor. Maintance - primarily vegetation control. Construction is 100% Federal cost. Sentence 6.7 has been rewriten. FDOT receives the substitute facility. 4 miles is a typo.
	29	The Corps states that the TSP consists of removing "the existing highway fill adjacent to the bridge" (p 137) and disposing "the fill material…approximately 15-20 feet [miles?] south of the project area in the C-111 basin" (p. I-12), or used in other manners. Has the Corps evaluated the placement of the fill material in the L-29 canal? Such a use is consistent with the environmental benefits of CERP to make the L-29 hydrologically invisible to the Everglades, and reduces the cost of transportation of the fill material. Otherwise, would the Corps clarify what environmental restoration benefits would be realized by placing the fill in the Rocky Glades?	Fill material will be placed approximately 15-20 miles from the site in a stockpile within the Rocky Glades. At this time the Corps does not have the authority to backfill the L-29BC due to water supply deliveries to the South Dade Conveyance System. In addition the L-29BC is used as a distribution canal to move water from the Structures to the bridge opening. Backfilling of the canal in an irregular manner without other CERP components online could diminish the environmental benefits of the project and cause backwater problems in the canal.
	30	The document is unclear as to how much of the existing roadbed would be removed. NPCA requests that the Corps clarify to what depth the material will be scraped down to.	Refer to the Engineering Appendix. The existing roadbed will be removed to El 6.0.
	31	The costs for the Corps's TSP are not clear. The Corps estimates that the cost is $125 million on page 137, 124 and in the Executive Summary, but also states that the cost is $145 million on page 103. Which value is the true one?	The $127million figure is for comparing alternatives. It was developed using the same assumptions as were used for the estimates for all the other alternatives. The $145M in Sec 5.7.1 is mislabeled. It contains construction plus some other costs. The $125M estimate was developed using more details and fewers assumptions than the $127M estimate. This greater effort was done only for the TSP. See the Final Report's Engineering Appendix and MCACES appendix for the supporting information for the detailed estimate.

	32	The Corps indicates that $109 million is "the current level of funding available for Tamiami Trail Modification under MWD" (p. 144) and justifies not choosing the Skyway for this reason. How is the Corps justifying $145 million, $36 million more than the cap, as its TSP?	As noted in the previous reply, $145 million is not the correct number. Use $125 million. (2) The CAP is not a firm decision line. The DOI and Corps can transfer funds among MWD components. There may be savings realized when the final design for the stormwater facilities for the bridges are complete. The discussion of Acceptabililty and Section 5.8 have been revised.
	33	The RGRR is not clear as to the width of the shoulders for the Corps's TSP. On page ES-ii, the Corps states there will be "two 10-foot-wide shoulders", however on page 121 and 122 the document references "eight-foot-wide shoulders." NPCA requests that the Corps clarify these statements.	The width of the shoulders will be 10 feet for both the road and the bridges.
	34	Section 7 references Alternative 10 numerous times; are those typos? Please clarify.	typos
		CERP Compatibility	---
	35	NPCA concurs with the Corps's desire "to ensure that the Tamiami Trail modifications project be compatible with CERP" (p. 115); however, we do not agree that the Corps's TSP achieves that. NPCA requests that the Corps outline the proposed changes and more explicitly describe the goals and objectives of the DECOMP project, particularly in sections 4.4, 3, 1.6, 1.0 and in the Executive Summary. In addition, NPCA requests that the Corps modify the last paragraph on page ES-ii to state, "The Ten Mile Bridge was not selected due to fiscal constraints, however, it could be chosen if a separate funding source is identified." This statement is consistent with the subsequent statements on wildlife features and airboat crossings.	The specifics of DECOMP are still evolving. Both DECOMP and MWD are attempting to increase flows and connectivity. DECOMP in the 1999 CERP report called for 10 bridges in Tamiami Trail at 100 feet each, for a total bridge length of 1,000 feet. Alternative 14 greatly exceeds this proposal.
	36	In 2003, it was presumed that MWD would provide an initial increment in environmental benefits by building a ½ mile bridge. Subsequent to that, the CERP DECOMP project would evaluate the benefits of building a larger bridge or more spans. We understand that the Corps cannot prejudge the final features of the DECOMP project, however the RGRR completely lacks a discussion of how the TSP could dovetail with future CERP modifications. For instance, what is the feasibility of removing roadbed in CERP that is built even higher in this MWD project? As stated in the section above, a single bridge span would allow the highest flexibility to be incorporated into a complete Skyway in the future without significant retrofitting costs.	The Project Management Plan for the Comprehensive Everglades Restoration Plan (CERP) Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project (Decomp) includes the evaluation of "Degrading all or portions of the L-29 levee from S-333 to S-334 and filling in all or portions of the L-29 borrow canal in the same location." Although the Tentatively Selected Plan for the Tamiami Trail Modifications Project certainly affects the future-without-project condition, it does not limit the alternative options for Decomp or any other CERP project.

	37	NPCA disagrees with the Corps's statement that a "single bridge alternative…do[es] not enable the necessary distribution of flows" (p. 115). Again, NPCA references the quotes on pages 127 and 128 about the ability of culverts to distribute water and maintain sheetflow across the 10.7-mile project length and requests that the Corps clarify whether or not culverts do or do not provide for a distribution of water flow via sheetflow or otherwise.	Section 5.7.8 states that single bridge alternatives "except the ten-mile skyway" do not enable the necessary distribution of flows. Statements on the distribution of water through culverts have been revised per NPCA Comment 27
	38	Further, the US Army Corps's of Engineers assertion about a split bridge does not correspond to the opinion of numerous federal and state agency scientists. The National Park Service states, "that a single … bridge span … would provide the greatest ecological and hydrological benefits" as compared to "more segments in the bridge" (DRAFT Tamiami Trail Alternative Optimization Report, p. 78). The US Fish and Wildlife Service scientists also state, "the previous two interagency workshops, as well as, the original GRR and Final FWCA Report all conclude that the longer a bridge span is the more ecological benefits will be achieved" (Letter dated August 10, 2005, F-11). The scientists of the Florida Fish and Wildlife Conservation Commission (FFWCC) state, "the implementation of a 4-mile bridge alternative would provide for greater compatibility between MWD and the proposed [DECOMP] project by reducing the amount of retrofitting needed for the Tamiami Trail in that project" (Letter dated August 11, 2005, p. 4). The scientists of the FFWCC further state, "Alternative 10, with its more centrally located	By splitting the bridges we are ensuring the delivery of water to the east side of Everglades National Park which has been the most impacted by the C&SF project. The bridges are proportioned such that a larger percentage of flow would go to the west (2/3 length to the west and 1/3 to the east). As stated in the Everglades National Park and Expansion Act of 1929 Section 101 "(b) Purpose – The purposes of this Act are to--(1) increase the level of protection of the outstanding natural values of Everglades national Park and to enhance and restore the ecological values, natural hydrologic conditions, and public enjoyment of such area by adding the area commonly known as the Northeast Shark River Slough and the East Everglades to Everglades National Park;" Congress intent was not to just expand the Park boundary but, to the extent practicable, take steps to restore the natural hydrological conditions within the park. Without adding a bridge on the eastern side can we say we have followed this intent?
	39	Despite the Corps's continued insistence that this RGRR would be consistent with CERP, NPCA is concerned that the Corps has no intention of further modifying Tamiami Trail. The Corps defends the choice of a split bridge by stating, "if one of these [single-bridge] alternatives were selected, then there would be a need to remove part of the newly improved road to enable CERP flows to conform to the NSM distributions" (p. 115). This statement clearly signals that in fact the Corps will not recommend removing any part of the "improved" roadway in CERP. The Corps further states that "it is the intention of the Federal Government not to expend any more funds than necessary to construct facilities for the Tamiami Trail that a future project under CERP may impact" (p 119 and 123). Coupled together these comments send a message that future modifications to the Trail will not happen and therefore are pre-decisional for the DECOMP and thereby unacceptable.	The statement on p 115 has been deleted. Its intent was to convey that NSM distributions require flows at eastern and western portions of the project corridor. The Corps has not pre-judged the decisions that will result from CERP studies, but the Federal Government does not wish to expend excessive funds on facilities that may be removed under CERP Decompartmentalization. Future changes to MWD features are not precluded.

	40	It seems relevant that the Corps indicates that this RGRR is consistent with CERP, yet states that the Park Service's report has "reduced its direct applicability for this Tamiami Trail RGRR" (p. E-1) by making certain assumptions for CERP performance. In fact, it would seem that the Service's report is very relevant in that it presumes the same as the Corps "that [DECOMP] may include removal of the L-29 Levee" (p. 49 and 115) without suggesting specific mechanisms for that happening. The Corps also utilizes the assumptions of the CERP plan with respect to bridging sets and NSM flow predictions on page 115. Consistency with CERP would indicate that at least the minimum of what CERP predicted and the US Congress approved, be evaluated as a realistic goal.	MWD-Tamiami Trail does consider CERP and other restoration efforts, but it must be able to stand on its own. WRDA 2000 prohibits certain actions of DECOMP until MWD is completed.
	41	NPCA disagrees with the Corps that the purpose of the Tamiami Trail modifications "is to identify appropriate conveyance of water from the L-29 canal to Northeast Shark River Slough" (p. E-1). Rather, the purpose of these modifications is as stated in the authorizing act "to improve water deliveries into the park" and further clarified in the original US Army Corps of Engineers 1992 General Design Memorandum (GDM) "by bringing WCA No. 3B and NESRS back into the flow-way between WCA No. 3A and Everglades National Park." NPCA further disagrees with the Corps that the "Reconnection of the marshes in WCA-3B and the marshes of NESS" are "beyond the authority of the study" (p. E-2), given the quote from the Corps's1992 GDM in the previous sentence. NPCA requests that the Corps remove this objection to the Service's report.	The RGRR's scope is limited to conveyance across Tamiami Trail, a single feature of MWD. This RGRR cannot accomplish all of the purposes, features and operations of MWD.
	42	Where the Corps references the limitations on the MWD project due to the Water Resources Development Act (WRDA) 2000, such as page E-2, NPCA requests an explanation of the Corps's understanding of the limitation. The language from WRDA 2000 should also be added to section 1.1 Study Authority.	the language from WRDA 2000 is in section 1.5. It is not in Section 1.1 because it is not the authority under which the study is being performed.

	43	NPCA continues to be concerned about any constraints and expectations of the L-29 canal and consistency with CERP. The document states that "alternatives should not prevent the implementation of potential future CERP actions" (p. 49), however the Corps's TSP does leave in place 8 miles of roadbed that acts as a dam to future CERP water flows. CERP calls for the filling in of the L-29 canal with the L-29 levee material. Given this future scenario, there would be no constraint on the elevation of the water levels of the Everglades. We understand that the canal stage might not reach 9.7 feet in most conditions, however, the possibility for extreme conditions, particularly given the likelihood of increased hurricane activity, merits a closer scrutiny. The inherent nature of leaving 8 miles of the roadway in place merits the evaluation of removing the entire length of the L-29 levee. If the Corps chooses this preferred alternative, they may inherently limit the alternative options in the CERP project.	The Project Management Plan for the Comprehensive Everglades Restoration Plan (CERP) Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project (Decomp) includes the evaluation of "Degrading all or portions of the L-29 levee from S-333 to S-334 and filling in all or portions of the L-29 borrow canal in the same location." Although the Tentatively Selected Plan for the Tamiami Trail Modifications Project certainly affects the future-without-project condition, it does not limit the alternative options for Decomp or any other CERP project.
		Conclusion	---
	44	The Everglades and the man-made system that controls it, is a complex jumble of canals, levees and a few tree islands. No one piece of the puzzle will solve all of the problems of Everglades restoration. However, without completely unimpeded flow, life-giving water will flood the conservation areas to the north and not flow through Everglades National Park out to Florida Bay. Florida Bay's health will be restored by the increase in water flow through the park at the top where Tamiami Trail now blocks it.	Noted
	45	NPCA urges the Corps to take a proactive step to restore natural water flow to Everglades National Park and Florida Bay and meet the obligation "to enhance and restore the ecological values, natural hydrologic conditions" by supporting a Skyway for Tamiami Trail. NPCA considers all alternatives inferior to Alternative 17. Only a Skyway will truly reestablish unrestricted, free flowing water to the park, a critical component to a fully restored Everglades, on which South Florida's wildlife and its six million residents rely for drinking water, recreation, and other uses.	noted

FPL	1	FPL has a distribution line running along the length of Tamiami Trail in within your proposed project. This critical line serves the Indian Reservation. The line will need to be relocated and/or modified to accommodate the Tamiami Trail project, but it can not be taken out of service for any length of time. An alternate location will need to be provided for this line and the new facility will need to be constructed and in service before the existing line can be removed. If the new line is to be designed into the new bridge you will need to accommodate attachments and built-in manholes into the proposed bridges. In order to minimize impacts to both the government and FPL it will be important to involve FPL in early review of plans for the bridges and elevated roadways. In this manner creative opportunities and solutions can be identified and costly impacts recognized and minimized. Florida Power and Light will need at least one year's notice before the start of the project in order to provide time for cost estimation, budgeting, pla	Utility relocations will be formally defined at the beginning of the detailed design phase. FPL's offer to assist in the design development is welcome.
	2	In addition, this proposed work appears to cross a currently open FPL transmission line right-of-way where future facilities are to be located.	Disposition of the FP&L corridor located within the Park is the subject of ongoing intragency discussions.
	3	Should the proposed project impact this right-of-way an agreement will need to be reached with FPL to address additional engineering and construction costs that may be incurred to accommodate bridges or elevated roadways within the right-of-way.	Noted.

Individuals			
Commenter	**Comment Number**	**Synopsized Comment**	**Corps Response**
Elsa Alvear	1	I think all the sloughs should be restored. In your SEIS, the only alternative that would restore all the sloughs is Alternative 17, the 10.7 mile causeway. Restoring all the sloughs is the best way to restore natural water flows. This is what the taxpayers think their money is going towards – actually restoring water flows.	Noted
	2	In your SEIS, your agency identifies three alternatives (10.7 mile bridge, 4 mile central bridge, 3 mile bridge) that are identified as Best Buys, yet your TSP is not. I would prefer that my tax money be spent on a Best Buy.	Best buy is only one of many factors considered when making a selection. See Section 5.2.
	3	In fact, the TSP costs more than the 4 and 3 mile bridges per unit of habitat restored. I can't understand why neither of those were selected as the TSP, clear reasons are really not given in your SEIS, especially since page 111 of your SEIS says that the those two alternatives AND the TSP is greater than the funding available! The overriding reason for dismissing the 10.7 mile bridge is money, so if even the TSP goes over budget, then why not go with the 0.7 mile bridge?	Many factors are considered. Cost per habitat unit for 10.7 mile bridge is much higher than TSP or 3.4 mile bridge. For budget, the TSP is close and transfers among Modified Water Delivery projects plus savings for stormwater can cover the cost of the TSP, but not the larger cost altermatives.
	4	CERP hasn't identified what should happen with Tamiami Trail yet. When will this happen? Will there be a costly retrofit, if it turns out CERP recommends a 10.7 mile bridge and the ACOE only put in two bridges? If so, that would make the TSP far more costly than the 10.7 mile alternative.	If the two bridges were built under this Modified Wtaers Tamiami project, they would not have to be removed if CERP recommended more orlonger bridges.
	5	I question your science regarding your rating criteria on performance measures for reduction of road-kill. The ACOE assumes a constant rate of road-kill along the entire 10.7 miles (App E p. 15). But on page 40 in your FWCAR (App. F) it said that nearly 47 percent of road-kill happened on Transect 3. Obviously, there is no constant rate of road-kill on Tamiami Trail – why didn't your performance measures account for this? Whichever alternative is selected, it should have bridges that cover this section of road that is so deadly for the wildlife of the Everglades. I couldn't tell from your maps if the TSP (or any alternative besides the 10.7 mile bridge) would mean the bridges would help wildlife in this area. I would like my tax money to be spent wisely in this regard so please make sure a bridge is there. But really, I think we should go with the 10.7 mile bridge and eliminate all vehicle-related wildlife mortality on this stretch of road.	FWCAR has only 24 pages; assume you refer to page 18. At the recommendation of the USFWS, an interagency team including COE, ENP, FWC, FDEP, SFWMD, and USFWS (who prepare the FWCAR) made the simplifying assumption of uniform rate of road kill because of a lack of data for several large sections of road.

	6	I don't like that your TSP (and almost all the alternatives) encroach into Everglades National Park. These modifications should help the park and can and should be done in such a way that chunks of this international treasure are not filled in and lost forever. It is wrong to fill in, destroy and lose forever, park wetlands to ostensibly help park wetlands. Why not build to the north? Why not build the 10.7 mile bridge over the canal, then fill in the canal and levees and remove the road? Why were none of these things explained in your SEIS? I couldn't even tell how many acres would be lost with the TSP or any of the alternatives. How can we the public choose among the alternatives without knowing something as basic as this?	Valuable state owned lands in north. High Cost. Conal needed for South Dade Conveyance System. Park boundaries not known precisely. Survey is ongoing can't give detailed acrege. Acreage for alternatives range from 22 acres, 3000 feet (Alt 9) to 60 acs, 10.7 mile (Alt 17).
Sharon Baron	1	Let's not do what we did several years ago and have to re-route waterways to their natural flow at the expense of permanent destruction. The skyway, when done the way it should ,will be a 1 time expense without a re-do. It will help restore the glades to an acceptable ecological balance.	Comment noted.
Allen Beck [abeck2@bellsouth.net]	1	As we all know, Everglades restoration is arriving at a historic time. !00 years from now the 10.7 mile Skyway Bridge could stand as a monument to the foresight and planning of the Corp of Engineers. Everglades National Park has a world heritage designation, like the Serengeti or Denali National Park. Tourists come from all over the world to see it . Wouldn't the Skyway enhance this ?	Noted
Patricia Beck	1	It is tempting to take the easier route by promoting a cheaper plan that will provide "immediate" results. However, these immediate results aren't the best answer in the long run and could be even more damaging and expensive. The 11 mile bridge is the best solution; and as human beings, we need to learn to compromise. Through this plan, we can have our essential needs met while balancing the needs of this fragile ecosystem.	Noted
Catharina Rita Bernabei		We need the 10.7 mile skyway as it is the closest and the best way to repair the river of grass.	Your support for the 10.7-mile bridge alternative is noted.
Marilyn Berner	1	I write on behalf of myself and my husband, Robert Belvery, in support of the position taken by Reef Relief and the U.S. EPA that water flow from the Everglades must be monitored for, and stripped of, high nutrient levels and other harmful pollutants before the water flows into Florida Bay and downstream to the reefs of the lower Keys. This should happen before barriers to the flow are removed in the form of either the two bridges proposed by the Army Corps of Engineers or the elevated bridge favored by the Monroe County Commissioners. We in the lower Keys are paying for sewer systems to attempt to improve the quality of our near shore waters but these efforts will be futile in the face of increased agricultural and development runoff from the Everglades.	Comment noted.

Rudiger Bieler (PhD)	1	It has come to my attention that the latest draft of the Modified Water Deliveries to Everglades National Park Project includes a plan to increase the flow of untreated water into the downstream coral reefs of Florida Bay and the Florida Keys. As a practicing marine biologist who is intimately familiar with the fragile and already stressed ecological condition of these particularly reefs, I am writing to express grave concern about this planned action and urge you to consider alternatives with lesser environmental impact downstream.	The no action plan will cause increase flows into the ENP in the same order of magnitude as the TSP. The purpose of this project feature is to protect the roadway against the increased canal stages and provide better distribution of the flows that will pass through this section of the TTM. Increase of flow volumes through the ENP and WCA 3B will result in a decrease in direct canal flow to the downstream coastal areas. This rerouting of water should reduce nutrient loading to the coastal areas, not increase them, due to uptake of the loading as additional flows are shifted from canal transport to sheetflow. Some of the loading will be captured in the ENP and WCA 3B due to the decreased direct canal routing to the coastal areas. This assums if there is no decrease in loading to the entire system. The State of Florida has a Long Term Plan to reduce phosphorus concentrations flowing into the Everglades Protection Area (EPA) to the EFA mandated geometric inflow mean of 10ppb.
Bill Bobb Port Saint Lucie County Artificial Reef Advisory Committee	1	As a member of the Port Saint Lucie Anglers Club and a fisherman I want to commend the Corps for its plan to restore the natural southward flow of surface water from central Florida to the Everglades. The disastrous discharges from Lake Okeechobee into the Saint Lucie river should be permanently stopped as soon as possible.	Comment noted.
Dick & Connie Bissinger	1	We would not have moved to Stuart had we known The St. Lucie was the dumping ground for north and central Fla. Until a permanent solution can be worked out we need to share in the adversity. Your plan will certainly help although its 2-3 years away if approved. The real solution is Big Sugar which the State and Feds support at our expense. There is almost 600000 acres in sugarcane and millions in price support and they don't offer any relief but pump water back.	Noted
Nick B Camene	1	I think that the Tamiami Trail Proposal is a great idea that shoud have been implemented years ago. This would have reduced, if not eliminated the problems we are facing in Stuart now. Basically, this project couldn't start soon enough. I do have one question however: How is the water going to flow south to the Everglades when it can't take it's normal flow across the land(Big Sugar's land being there now) like it did when Mother Nature designed it???? Please do something quickly so that we don't continue to damage the amazing St Lucie Estuary.	Comment noted.
Andrew Campo	1	Our St Lucie River Estuary is dieing and I am pleading with you to please divert water to the south. The pollutants from Lake O have continued to destroy our local waterways. Others have the pleasure of not enduring any of these pollutants and our river is only one of a few that continues to get battered.	Comment noted.

Tamara Chanmugam		Please be concerned with providing top water quality to the flow of water into the Florida Bay and the Keys. Monitoring program must document change in the level of nutrients and other harmful pollutants.	Water quality issues are outside the scope of the Tamiami Trail project. A stormwater collection system is being designed for the bridges.
Robert Cherry	1	I am writing to you to ask you to support the construction of the 11-mile long Tamiami Trail skyway. This option is the best choice to restore water to Everglades and to the National Park and is an essential part of the Everglades restoration plan worked out by the federal government, the state of Florida, local businesses and environmental groups.	Your support for the 10.7-mile bridge is noted.
	2	I have had the pleasure of visiting south Florida several times and enjoy the wildlife and natural systems found there. I have been concerned for many years about the health of this ecosystem and have followed the recent efforts to restore the water flow that is so essential. I feel that building the complete 11-mile long bridge is the best, and only effective, option to restore natural water flows. As part of this project the existing berms and other obstructions to the natural flow need to be removed. Failing to do so would limit water flow rather than allowing a sheet flow as is appropriate.	Agree that the 10.7-mile bridge would provide better flows. Shorter bridges also provide improved flows relative to existing conditions. Agree that further benefits will accrue if/when levees are breached or removed.
	3	If building the entire 11-mile length is not possible then I encourage you to build any shorter sections in such a way that these sections can be joined together at a later date. The alternatives calling for bridge sections that are only 1 or 2 miles long are not acceptable and will not provide the water flow needed.	The two bridges in the TSP provide the best array of benefits that are affordable at this time. It will be possible to connect at a later date the two bridges proposed for construction in this report.
	4	Please select the 11-mile long bridge option. This is critical to the restoration of the Everglades ecosystem and the best use of my taxes.	Your support for the 10.7-mile bridge is noted.
David Christensen		I know it is a small part but it all helps to make the water brackish. A 6" pipeline of brine, connecting the two places or short term - a convoy of trucks. A small water plant called duck week might help get rid of the green god. …inclosed article…	Noted, but not within the scope of this project.
Ruth Clark		I would like a copy of the Draft RGRR/SEIS on the Modified Water Deliveries to ENP Project, Tamiami Trail feature and to remain on the mailing list so that I can keep the league of women voters up to date before the Sept 15, 2005 Public Workshop.	A draft report was provided. You will be on the distribution list for the final report.
Jaclyn Dastourian		I am in favor of 11-mile skyway - it is worth the 278 million or higher if needed - it saves or adds on 51,763 additional habitat units. …	Your support for the 10.7-mile bridge alternative is noted.
Frank Denninger 461 E 40 St. Hialeah, FL 33013	1	The acronym for the report within the "yellow" cover page (RGRR/SEIS) and used elsewhere in the report doesn't accurately reflect full title shown. Suggest following revised acronym: (DRGRR/SSEIS)…the 'D' denoting Draft and the 'S' denoting the Second.	Suggested noted. The acronym was shortened to make it more readable.
	2	Title of Project should be amended to incorporate the driving force and law that mandates it to be constructed. Suggested amendment to yellow cover page: Below "Central and Southern Florida Project" add, "Everglades National Park Expansion Act of 1989 (PL101-229) Component Implementation" Balance to remain as existing on yellow cover page.	The title was chosen to be consistent with the predecessor report. The project is more widely known as a component of Modified Water Deliveries rather than by the name of the legislation.

	3	At many areas in this RGRR/SEIS reference is made to the US Army Corps having been authorized to construct this project. Public Law 101-229 Section 104 says a bit more than merely "authorize" to the Army; "…with the Secretary, is authorized and directed to construct...". "and directed" should be added behind authorized at the following locations within RGRR/SEIS text: Abstract Sentence 1; RGRR/SEIS - Sec 1.1, pg 2, Sntnc 2; Section 2.5.1, pg 18, Sntnc 5; Sec. 1.0, pg 1, Sntnc 1; Sec 5.7.8, pg 115, 5th Sntnc from bottom. This will prevent any misunderstanding that the USACOE has a choice whether to do the project or not.	In order to construct a project, the Corps needs both authority (permission/direction) and appropriation (funds). DOI / Corps received both for 8.5 SMA, but to date has not for Tamiami Trial.
	4	The Corps is commended for seeking out and finding a high quality and very proffessional consulting firm that produced this quality cultural survey contained in Appendix C. However, more is needed to ensure the entire cultural and ethnographic communities within the projects Area of Potential Effect (APE) futures are not endangered with extinction from the projects construction. A survey of broader scope to determine Traditional Cultural Property (TCP) listing potential outside of the project site is needed.	The Corps believes that the scope of the cultural survey is appropriate for the project.
	5	US 41 is not a Federal highway as stated on pg 111 of this RGRR/SEIS. According to the AASHTO transportation policy book, Jan 1988 edition, "often the US marker is interpreted by the public as indentifying a "federal highway" whereas the routes making up the US numbered system are under state jurisdiction and not under Federal jurisdiction."	The text will be clarified.
John Hall	1	I have been discussing, with my wife, for quite some time that I wondered why the water could not be discharged into the everglades. If nothing else, this would stop the criticism about the release into the St. Lucie Estuary. I think that the green algae problem would have developed, even if the water had not been released from the Lake. I understand, also, that it is vital to lower the level of the Lake, and even though there is much criticism, those who criticize are benefited more than they realize.	Comment noted.
Mary Hallicy and Joseph Leinbach		We agree with your propsed plan to raise Tamiami Trail via bridges. This would certainly help the flow of water south as nature intended. Our rivers and estuary are truly suffering.	Your support is noted.
Joe Holland, P.E.	1	We must build the Full Length 10.7 mile Skyway Over Tamiami Trail now! The unfettered flow is needed full bore in order to secure perpetuity of cleansing ecologically.	Comment noted.
Patrica Hudson	1	The Everglades is a unique ecological treasure and we in So. Florida have the great luck to have it in our backyard. It is clear that restoration of the Everglades is dependent upon returning the free flow of the water. We have a chance to do it right by building the 11 mile skyway. The skyway would be expected to be a one time expense that would yield long term benefits to all of us by restoring the health of the Everglades. The compromise of 2 short spans is just that - a compromise, that really doesn't satisfy the interests of any of the involved parties. Please give consideration to the 11 mile skyway to restore and preserve the Everglades.	Comment noted.

Diane Jacobs	1	I support the full 11-mile Skyway. The best way to restore the flow of Shark River Slough is the option that allows the most unrestricted flow. Let's not be stingy with the Restoration. If you are going to do it, do it right. Our water quality and the future of the Everglades ecosymstem are at stake. In New Orleans, we have all seen the results of too little funding too late. The taxpayers want the Everglades restored, and the Corp. knows the best alternative is the full 11-mile Skyway.	Comment noted.
	2	I did not realize that the Tamiami Trail would have to be raised; however, I believe that it would be a worthwhile course of action.	Comment noted.
Michael Jones	1	I am greatly concerned with the QUALITY of the water that will pass beneath these structures. Polluted water will place Florida Bay and the Keys Reef Tract at risk. It is important to increase the sheet flow in the Everglades, but let us not place the "cart in front of the horse." It is much more important to first assure that the water flowing south is clean. An increased sheet flow which consists of polluted water will cause great damage to the resources south of the bridge(s), including the Bay and the Key's Reefs.	The no action plan will cause increase flows into the ENP in the same order of magnitude as the TSP. The purpose of this project feature is to protect the roadway against the increased canal stages and provide better distribution of the flows that will pass through this section of the TTM. Increase of flow volumes through the ENP and WCA 3B will result in a decrease in direct canal flow to the downstream coastal areas. This rerouting of water should reduce nutrient loading to the coastal areas, not increase them, due to uptake of the loading as additional flows are shifted from canal transport to sheetflow. Some of the loading will be captured in the ENP and WCA 3B due to the decreased direct canal routing to the coastal areas. This assums if there is no decrease in loading to the entire system. The State of Florida has a Long Term Plan to reduce phosphorus concentrations flowing into the Everglades Protection Area (EPA) to the EFA mandated geometric inflow mean of 10ppb. State BMP's are continuing to reduce the nutrient loading into the EPA. All indications are that the nutrient loading to the EPA system is
JoyceM303@aol.com	1	Our quality of life is rapidly diminishing. Our property values are suffering, and will only get worse. Boating and recreational marine activities are the life blood of our state. The recreational marine industry brings well over $15 billion in revenue to the state of Florida. This local industry is being severely impacted. One can only imagine what long term health risks and business downturns we might see in years to come. It is amazing to me that our government would allow this to happen. And frankly from the public hearings, I see an almost arrogant attitude regarding a plan of action to address the issue. There seems to be no real sense of urgency, just a lot of rhetoric and bureaucratic side stepping. In closing I would challenge you to look closely at what is happening to our estuary, our property values, our quality of life and our health. Please take the appropriate steps to turn this problem around quickly.	Noted

Judy Kuchta	1	I encourage you to support the Sierra Club's idea of the 11 mile raised bridge replacing Tamiami Trail that courrently blocks the natural flow of water in the Everglades. I'm sure you are aware of the cost benefit of this project as opposed to the 3 miles of intermittent bridges. The Everglades are under a lot of scrutinizing by the federal, state and local governments as well as the citizens of this state. I hope you do elect to do the environmentally correct project. Please !!! i was born in Miami in 1956 and have watched our natural treasures deteriorate , become polluted, mowed down and then virtually disappear.	Noted
1200+ E-Mail	1	I urge you to choose the 11-mile Tamiami Trail skyway or at least a single section of bridging that could be further expanded by another project, leading to the full skyway to restore water flow through America's Everglades. The current alternative of the 1- and 2-mile bridge sections for the Modified Water Deliveries to Everglades National Park - Tamiami Trail Project does not go far enough to restore any significant water flow through the park to Florida Bay.	this set of 4 comments was submitted in more than 1,200 email messages. Your support is noted.
	2	Modifying Tamiami Trail is one of the most important elements of the restoration of the Everglades and should be given the highest priority. The skyway provides significantly more benefits than any other plan and it's worth spending the money to complete the project the right way from the beginning. Your agency identified the skyway as the "most effective" approach and the "best buy," generating twice the business sales, earnings, employment opportunities, average annual ecosystem benefits and wetland acreage gain. This skyway wisely uses my taxpayer money to provide a true and symbolic example of Everglades restoration, ensuring this place of great significance and ecological value is protected and conserved forever.	Comment noted.
	3	If the skyway isn't chosen for this project due to budget constraints, then the cheaper single span of bridging should be capable of being integrated into a future plan for the skyway. The proposed Comprehensive Everglades Restoration Plan's (CERP) Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project or action by the Florida Department of Transportation could follow up this project to complete the skyway. The Corps should expedite the development of that future CERP project.	Bridges would not have to be retrofitted. Bridges could be connected or additional bridges could be constructed at a later date. The alternative is compatible with CERP because it can provide Natural System Model flows, which are expected to be somewhat larger than CERP flows.
	4	I urge the Corps to take a proactive step to restore natural water flow to Everglades National Park and Florida Bay. Only the skyway will truly reestablish unrestricted, free flowing water to the park, which is critical to a fully restored Everglades ecosystem. Thank you for your consideration.	Comment noted.

Edward Losch		…Long term releases kill off the food chain and cause the estuary to rely entirely on food migrating in from the ocean to support life in the estuary. Silt and much swept into the system by excessive releases creates sand bars and burys the sea grass under a blanket of sludge. ... Extreme measures to clean up or store more fresh water should not be necessary in the short range since it appears that the Everglades Agricultural Area is running out of farmable soil and has at best a limited life. Wouldn't it be better and in the public interest to condem most of the EAA and restore it as a part of the Everglades National Park system for its original purpose of sheet filtering and storage of water before it enters what is now Everglades National Park as called for by Congress in 1992 before the passage of CERP? ...	Noted, but not within the scope of this project.
Howard Lubel		I am writing to urge implementation of the full 10.7 mile elevated skyway. This is the most efficient manner to restore historic sheet flow necessary to sustain the everglades. Your own study supports this alternative as the most desirable. The alternative currently favored by the Corps is an expensive half measure that will be unsufficient to restore the Glades. Learn the lesson - don't use half hearted measure in the name of saving money.	Your support for the 10.7-mile bridge alternative is noted.
Joel Marco for the Air Boat Association of Florida	1	The A.A.O.F agrees with the executive summary in part. We agree that alternative 14.A two-mile bridge at the western region of the project area and one mile bride at the eastern end. This will meet the needs of the water required south of US41. This observation is based on actual use of effected area. Over several generations, we the people used airboats, buggy's and tracked vehicles before US41construction and after. We at the A.A.O.F make no claims to be hydrologists. At the same time no other culture group has as much collective hands on knowledge as the users of the area.	Comment noted.
	Recreation		---
	1	The A.A.O.F believes the author of this section is misleading the reader of section 2.8. Locations of the facilities are accuret the conditions of sed facilities are drastically misleading. First L-29 levee has only a one way not two way road atop. The boat ramp at S-334 into3-B was and still is significly impacted by the construction of the pump station. Parking has been reduced. And the ramp angel was left with a significly greater angel witch is a hazard. Also this ramp area which is no longer maintained by South Florida Water Management. Both South Florida Water Management and the Army Corps. Have been notified by the A.A.O.F. No restoration has taken place to mitigate loss of use since 1998, MORE CULTURE DISRUPTION! This project clearly impedes the navigational use of Florida's water ways. The river of grass like our other soverign water ways should be open to our citizens.	The text has been revised to delete mention of the two-track road atop the L-29 Levee.

	2	In reference to the associated picnic areas. Before the Expansion act there were two picnic areas on L 29 canal since the 1960's. Each area had 6 to 9 concrete pavilions with concrete floors and concrete picnic tables with concrete benches. Sed facilities were built by Miami Dade County Parks and Recreation Dept. via release from South Florida Water Management for the land. Dade county Park and Recreation demolished all of sed picnic facilities. Without public notice or input of this action. We inquired as to why?	The Corps has no knowledge of this issue.
	3	A park manager at the Tamiami gun range stated: and I quote. It is his understanding that the modified water deliveries to the everglades N.P.S would require removal of picnic pavilions and L-29 levee. Anyway his budget from the Dade County Parks and Recreation required a cut somewhere. (What a loss to our culture and the history of the Tamiami Trail)	The Corps has no knowledge of this issue.
	4	Control structure S-333 provides access to another airboat ramp. On the west side WCA-3B. Sed ramp has not been maintained in at least 15-20 years. The results from no action by South Florida Water Management have led to overgrowth, mud, rendering, and sed airboat ramp useless. Another sad loss of access to the area affected by 1989 everglades NPS (E.N.P.)	Comment noted.
Summary of loss of use in Tamiami Project area: Both direct and indirect due to M.O.D.			---
	5	Loss of use approximately fifteen pavilions, two picnic areas; i.e. county parks, one airboat ramp at east end, one airboat ramp at west end.	Comment noted.
	6	High water has caused F.W.C. to close WCA-3A and WCA-3B to public access for several months. In recent history this action typically starts in summer months when our next generation of culture users are out of school. Thus stopping access to public lands and navigable water ways. The closer has been repeated in the past several years. Getting the water right as Rock would say, has turned into getting the historic culture out. I don't think congress meant the latter.	Comment noted.
	7	The A.A.O.F disagrees with 5.5.2 airboat crossing pg.77 RGRR/SEIS for the Tamiami Trail. 5.5.2 Airboats once moved anywhere on the river of grass but then the U.S Army Corps. okayed US41. Witch stopped air boating on Florida's sovereign water ways without having to pull out ones boat and traverses over US41. Re launch ones boat to the other side. Solution: Mitigate of loss of use, via culture loss features in the 1989 E. Everglades Expansion Act. To build the airboat passage, feature in the east bridge. Not to do so clearly means there 1989 E.E.E Act authority allows prejudice against our culture. And those at the N.P.S., D.O.I are engaging in ethnocentrism!	Comment noted. Tamiami Trail was officially opened in 1928.
	8	All through this draft purpose and need for action 1.3.1 , 1.3.2, 1.4, 1.5, 1.6, 1.6.2, even the great and all knowing U.S fish and wild life service final biological opinion 1.6.3 conditions needed to meet endangered species Act requirements have nothing to do with recreational use. The same with 1.6.4 all of sec .2.0 pollutants! From projects. Not recreation i.e.: airboats, full tracks, ORV, OHV'S	The purpose of the project is to find a way to move water from one side of Tamiami Trail to the other, while maintaining the structural integrity of Tamiami Trail. Recreational use is conisdered and evaluated, but the Corps is not authorized to include it as an objective.
	2.9	**Culture resources.**	---

	9	A.A.O.F. opinion of report by Janus research (2001). In regards to the A.A.O.F. agrees with bullet point four strongly 2.9 of S.E.I.S. And the secondary information regarding site 8 da6768 statement (as may be). We also agree with the recommendation for management of property.	Noted.
	A.A.O.F. opinion of appendix C culturally resources.		---
	10	The A.A.O.F. would like to thank U.S. Army Corps of Engineers for starting to acknowledge our historic culture down here.	Comment noted.
	11	To New South Associates via JW Joseph and Jennifer Azzarello Thank you for seeing the truth and the need for further ethnographic research.	Comment noted.
	12	Usage, access are the heart of our culture. The A.A.O.F. strongly recommends an area of effect study to be done. Study area should be from FL. City North to effected areas North of Tamiami Road Project.	Comment noted.
	13	A.A.O.F. request is not to stop or slow down getting the water right, but to disclose the truth of project effects on our culture. And maybe with Gods will and U.S. Congress we can right some wrongs in the 1989 Everglades Expansion Act. Help us keep and restore our culture and historic use in all of the everglades.	Comment noted.
Elmer Marlin		Once upon a time there were two world famous natural resources… Things are dying due to man made structures, etc… Questions: Do we have to wait until people start dying in droves before we correct the situation? Are big sugar and big cattle important enough to prevent a logical timely solution? Any solution must clear up both the lake as well as the rivers.	Comment noted.
Drew Martin	1	I would like to see an effort to restrain development near these areas and improve water quality thru additional catchement areas. I would like to see Tamiami Trail highway elevated to permit water to flow naturally thru to the Everglades. I would like to see more attention paid to protection of wildlife, in particularly, the Florida Panther which is under great stress.	Comment noted.
	2	I believe that the State needs to reach agreements with local and regional governments to stop or restrain development near the Everglades so that the park can fully recover. I would also like to see greater efforts to improve water quality by restraining phosphorous runoff from local areas as well as controlling phosphorous from Lake Okeechobee.	Comment noted.
	3	I am also concerned with mercury levels rising in the Everglades.	Comment noted.
Diana Marmorstein, Ph.D.	1	Keep in mind that the goal of the Everglades restoration project is to restore this vital World Heritage park for the native wildlife, many of which are in dire straits, not to make it easier for people to venture in to the park (or the part of it that has artificially been designated a so-called 'preserve') to kill them. Though you may feel the need to use taxpayers' money to conduct a study of the 'cultural effects' of the restoration project, the results of this study should have no bearing on the decisions about the project. Congress and the American people did not authorize a conditional restoration of the Everglades.	Noted
Arnold Markowitz	1	I keep hearing persistent complaints that the existing culverts beneath Tamiami Trail are clogged with debris, and that the Corps of Engineers is responsible for keeping those culverts clear but has left that work undone for quite a long time.	The culverts are the responsibility of the Florida Department of Transportation. The FDOT keeps the culverts clear. The sediments and vegetation that are often discussed are located on Everglades National Park property.

	2	Before proceeding with an expensive, disruptive and contentious bridge-building plan, I hope the Corps will subject the culverts to intensive maintenance-- and keep them clear of blockage for as long as it takes to determine how much of a difference that will make.	The culverts are maintained by FDOT. The vegetation and sediments are on ENP property.
	3	It may not make enough difference to solve the water flow problem without building bridges, but I think it might make enough of a difference to let the envisioned construction jobs be scaled back. In any case, the responsible thing to do before spending a fortune and inconveniencing everyone who uses that road, is find out for sure just how much difference it will make if the culverts are cleared and kept clear.	The FDOT currently provides routine maintenance on the culverts to make sure that the culverts themselves are structurally sound and clear of sediment/vegetation. The FDOT does not provide any maintenance on the downstream getaway channels. Downstream getaway channels are not the complete answer and with them would still require that the roadway be raised nearly a foot above the current design based on water just moving through the culverts (headloss).
	4	I would not support a bridge-building project or other modification if it would eliminate or curtail public access, especially to the L-67 canal and its boat launching areas at Tamiami Trail and Everglades Holiday Park.	Comment noted.
Marcela McGrath	1	However, I do not support the Tentatively Selected Plan and was outraged that your agency considers this the best way to do it, when your own study (SEIS) doesn't support your choice! I support the 10.7 mile causeway for the reasons below.	Comment noted.
James McGrath	2	Reason #1: Ecological restoration. Only the 10.7 mile causeway would fully restore the flows. App. E (page 8) says that the 10. mile span would restore all the sloughs, and none of the other alternatives even come close. I say do it! Restore all the flows. We taxpayers keep getting told that restoring the Everglades is going to happen. Two tiny bridges will not do it.	Comment noted.
	3	Reason #2: Economics. The 10.7 mile causeway is a Best Buy. The TSP is not identified as a Best Buy. When I budget my household money, I always go for the best buy. I would expect my government to do no less with my tax money. Why are you throwing away my tax money on an alternative that is not selected as a Best Buy?	"Best Buy" alternatives are identified in a cost-effectiveness evaluation that does not take into account factors such as: acceptability to all stakeholders, non-quantifiable benefits, such as spreading the sheet flow over both eastern and western segments of the Eastern Trail; and other factors that are discused in the text.
	4	In fact, there are two other alternatives (3 mile bridge, 4 mile central bridge) that consistently rated higher than the TSP in environmental issues, yet they were not selected as the TSP. They even cost less than the TSP per habitat unit restored! These two Best Buy alternatives are not nearly as expensive as the10.7 mile bridge, so why not choose them as the TSP? There is no clear explanation given in your SEIS. Are you bending to pressure from special interest user groups?	As displayed in Section 5.6 and 5.7, and summarized in the revised Section 5.8, there were a number of reasons to select the 2 mile plus 1 mile alternative 14, and numerous reasons to reject the other alternatives. Cost per habitat was only one factor.

	5	Also, all through the SEIS, your agency says that the only reason for not selecting Alt. 17 (10.7 mile bridge) is lack of funds, but on page 111, the SEIS states that the Tentatively Selected Plan (Alternative 14, 2 mile and 1 mile bridges) also is greater than the funding available! Well heck, if you're going to blow the budget, go all the way and support the environmentally preferred alternative.	Amount over CAP: Many factors are considered. Cost per habitat unit for 10.7 mile bridge is much higher than TSP or 3.4 mile bridge. For budget: the TSP is close and transferring funds among Modified Water Delivery projects, plus savings for stormwater can cover the cost of TSP.
	6	When the CERP document identifies what it wants to do with Tamiami Trail, it will be awful if your agency chose an alternative that is not compatible and then we will have to pay for a costly retrofit. Don't waste my tax money on an alternative that is not a Best Buy and then retrofit to do something you should have done in the first place. Get money from CERP to do the 10.7 mile bridge and make it compatible.	bridges would not have to be retrofitted. The alternative is compatible with CERP because it can provide Natural System Model flows, which are expected to be somewhat larger than CERP flows.
	7	Reason #3. Encroachment into Everglades National Park. Too many people worked too hard to create and protect Everglades National Park to just give portions away for an alternative that is not even a Best Buy. Why constructing to the north of Tamiami Trail, perhaps into the canal? This alternative should have been considered in your document. There is no explanation as to why all the alternatives mean encroachment into this beautiful park. Marjory Stoneman Douglas and Ernest Coe would be appalled. Your SEIS doesn't even tell us, the taxpayers, exactly how much park land would be lost forever. Not only that, but the SEIS never gives a table showing how much of ENP would be lost for each alternative. How are we expected to compare the alternatives to see which one has the least encroachment into the park?	Valuable state owned lands in north. High Cost. Conal needed for South Dade Conveyance System. Park boundaries not known precisely. Survey is ongoing can't give detailed acrege. Acreage for alternatives range from 22 acres, 3000 feet (Alt 9) to 60 acs, 10.7 mile (Alt 17).
	8	Reason #4. Protecting animals from vehicles. I am concerned about road-kill. Protection of the Everglades should always take into account that roads, while acting as barriers to water flow, also cause direct mortality of Everglades animals. Page 40 of the Fish and Wildlife Coordination Act Report (Appendix F) states: "… 2,779 individual mortalities avoided if the 10.7-mile Causeway was in place, 1,046 individuals if a 4-mile bridge was in place, and 147 individuals if a 3,000-foot bridge was selected. These results further support the need for a wider bridge configuration on the TT." With these results, three times as many animals would die from the TSP (with only three miles of bridge) compared to the 10.7 mile causeway.	FWCAR has only 24 pages; assume you refer to page 18. An interagency team including COE, ENP, FWC, FDEP, SFWMD, and USFWS (who prepare the FWCAR) had to make the simplifying assumption of uniform rate of road kill because of a lack of data for several large sections of road.
	9	While I am talking about protecting animals from vehicles, I would like to point out an inconsistency. The same page 40 in your FWCAR (Appendix F) states the following: "Another interesting result from the study is that the different transects also had different amounts of road-kill. Only approximately 10 percent of all the road-killed items reported occurred on Transect 1, while nearly 47 percent occurred on Transect 3. Transect 2 had the second lowest total, with approximately 19 percent of the total, and Transect 4 as the second highest, with 24 percent of the total." But in Appendix E, page E-15, your agency used the assumption that the rate of road-kill was constant along the entire 10.7 miles. This is a faulty assumption, given that the FWCAR showed that there were obvious road-kill "hot-spots" along Tamiami Trail.	FWCAR has only 24 pages; assume you refer to page 18. An interagency team including COE, ENP, FWC, FDEP, SFWMD, and USFWS (who prepare the FWCAR) had to make the simplifying assumption of uniform rate of road kill because of a lack of data for several large sections of road.

	10	For my tax money, I want to know that the placement of the TSP's east bridge would mean the road is elevated above the road-kill hot-spot of the FWCAR's Transect 3. Does it? The SEIS maps make it very unclear, and this is never stated. If it doesn't, the bridge should be moved to make sure this dangerous section of road is elevated.	Location based more on hydrology, topography and existing businesses
Nicole McGrath	1	However, I do not support the Tentatively Selected Plan and was do not agree with your agency that considers this the best way to do it. I support the 10.7 mile causeway for the reasons below.	Your support of the 10.7 mile bridge is noted.
	2	Ecological restoration. Only the 10.7 mile causeway would fully restore the flows. App. E (page 8) says that the 10. mile span would restore all the sloughs, and none of the other alternatives even come close. I say do it! Restore all the flows. We taxpayers keep getting told that restoring the Everglades is going to happen. Two tiny bridges will not do it.	Comment noted.
	3	Encroachment into Everglades National Park. Too many people worked too hard to create and protect Everglades National Park to just give portions away for an alternative that is not even a Best Buy. Why constructing to the north of Tamiami Trail, perhaps into the canal? This alternative should have been considered in your document. There is no explanation as to why all the alternatives mean encroachment into this beautiful park. Marjory Stoneman Douglas and Ernest Coe would be appalled. Your SEIS doesn't even tell us, the taxpayers, exactly how much park land would be lost forever. Not only that, but the SEIS never gives a table showing how much of ENP would be lost for each alternative. How are we expected to compare the alternatives to see which one has the least encroachment into the park?	Valuable state owned lands in north. High Cost. Conal needed for South Dade Conveyance System. Park boundaries not known precisely. Survey is ongoing can't give detailed acrege. Acreage for alternatives range from 22 acres, 3000 feet (Alt 9) to 60 acs, 10.7 mile (Alt 17).
	4	Protecting animals from vehicles. I am concerned about road-kill. Protection of the Everglades should always take into account that roads, while acting as barriers to water flow, also cause direct mortality of Everglades animals. Page 40 of the Fish and Wildlife Coordination Act Report (Appendix F) states: "… 2,779 individual mortalities avoided if the 10.7-mile Causeway was in place, 1,046 individuals if a 4-mile bridge was in place, and 147 individuals if a 3,000-foot bridge was selected. These results further support the need for a wider bridge configuration on the TT." With these results, three times as many animals would die from the TSP (with only three miles of bridge) compared to the 10.7 mile causeway.	The TSP would provide a 783 reduction compared to existing condition. FWCAR has only 24 pages; assume you refer to page 18. An interagency team including COE, ENP, FWC, FDEP, SFWMD, and USFWS (who prepare the FWCAR) had to make the simplifying assumption of uniform rate of road kill because of a lack of data for several large sections of road.
Brian McMahon	1	Your cost estimates are extremely low. Prices of concrete and steel even before Hurricane Katrina are rising at astronomical rates. Not to mention labor, which in the case of South Florida is almost impossible at any price. The federal and state government have a responsibility to spend money to benefit the greatest number of people and this project will not accomplish that. Yes the money comes from other sources but it is OUR money and lives can be saved spending it elsewhere. Right now our resources need to be spent in the Gulf region rebuilds and repairs, this needs to be looked at a later date.	The estimated construction cost are based on recent FDOT unit prices. Availability of materials is a concern.

	2	Your objectives are not clear. If this is necessary for public safety and environmental purposes,why are similar projects elsewhere on US 41 not planned. The Picayune Strand Restoration for example, a few extra culverts seem to be acceptable. Same road, different plan. One one-hundredth the cost. Is public safety and environmental protection only important in Dade County? This smells like pork barrel.	The two projects, Picayune Strand and MWD-TT, differ in many ways: water volume, timing, elevationa and condition of the road, quantity of existing culverts, and tides.
	3	Recreation would be eliminated with the 10 mile plan. No fishing, airboating can occur from a bridge. This has been a tradition for many in this area for many years. It seems more like this is a plan to eliminate these activities as no provisions have be made to offset this. Airboat camps that have been used for years will be inaccessible. Generations of South Floridians who have used this area, and been forced by development and government action into smaller and smaller areas will now be left with nothing. Is cultural and historical significance now to be used as collateral damage to keep environmental groups from suing?	Loss of recreation was considered in alternative evaluations. The TSP does not eliminate recreational access except on the two bridges. Access will be provided to all airboat camps.
	4	Small Indian enterprises will be destroyed.	No small Indian enterprises would be destroyed. However, as mentioned in Section 5.6.15, the Miccosukee Indian Village and associated business could experience a reduction in customers project construction if some motorists wish to avoid construction areas.
	5	African Americans and Hispanics have fished those banks for food and fun for years. Yet I see no mention how this will continue.	Under the recommended plan, fishing from the Tamaimi Trail would be eliminated at locations where bridges are built, because the road embankment would be removed. However, there appears to be sufficient space along the unbridged portions of the road for these fishermen to relocate.
	6	Tourism will suffer in the area. Tourist pull off the road to photograph and observe the real Everglades. You cant do that on this bridge. Current guardrail regulations will make it very difficult to even see it from a passenger car.	Shoulders will be 10-feet on the road and bridges, similar to existing shoulders. There are several designs for guardrails available. Some differ with regard to viewing through/over. This will be considered during the detailed design phase.
	7	Build a few smaller bridges and more culverts to allow water flow.	noted
	8	Increase the height of the roadbed.	This is included in all of the alternatives. Existing height varies. The road elevations are approximately 11 and would be approximately 12.25 with the recommended plan
	9	All improvements should be designed with public access of all kinds in mind.	Public access will be provided as noted in response 3, above.
Marilyn Metz		…The waters are polluted in the St. Lucie Estuarty, yet, if you drive just 30 minuets North to Ft. Pierce or South to Jupiter, the water is as beautiful as it formerly was in the St. Lucie Estuary. Please, please discharge the water from Lake Okeechobee another route. Save our water!	Noted. This comment applies to a different project.

Olga M. Michel	1	If money is the object, it shouldn't be. Why is it that there is never enough money to do things right? If the federal government had spent a little money fixing the levies in New Orleans, many lives would have been spared, and billions of hard earned tax payers' dollars would have been saved. It's too late now for New Orleans, but it shouldn't be too late for the Everglades, one of our most endangered national parks. Let's avoid the mistakes that will cost much more later, when we have to undo what we did wrong. Let's do things right, for once, and build the Skyway.	Noted
Bill Murphy [bmurphyi@bellsouth.net]	1	I live in Martin County, ANYTHING that will stop the sewage from being dumped into our river would be good. The bad thing is, it will end up in the Everglades National Park. Why don't the government require that those who are polluting the water, chicken farms, sugar cane, orange grove, developers, clean up the water before it is dumped into the lake? 30 years ago, 40 years ago, this problem didn't exist, fresh water was bad, but at least it wasn't polluted.	Comment noted.
Tery Philips		I support this proposed plan…	Your support is noted.
Rick Persson		The Coprs has stated that it may be practical to build small test sites to determine how things might work. I believe a very simple test can be done at very little cost on the Tamiami Trail site. Consider cleaning out the existing 19 culverts and removing the cattail reed on the South side of Tamiami Trail. Perhaps make the culverts a little deeper and also the channel to the south. Then close the structure at the east end of the 11 mile stretch. That way you can really see if water will flow downhill. We at SAFER, Inc. will oppose any attempts to build a skyway.	Your opposition to the 10.7-mile bridge is noted. The culverts under Tamiami Trail are maintained by FDOT and are clean. Removing the vegetation south of the road may improve flows. These actions would be insufficient to pass the predicted MWD flows without also damaging the highway.
Chuck Powers, The Fishin' Fool		Raising the Tamiami Trail: This is an excellent plan which should be implemented as soon as possible. As an interim measure open the existing flood-controll structures and clean the related culverts. I hear the anxiety over the cape sable sparrow's nesting areas, but they only moved in when the area was artificially drained and they have the ability to move out. Which is mre than can be said for seagrasses, oysters, kite snails and other creatures that are being drowned from the excessive level of lake okeechobee and the releases to the St. Lucie estuary.	Noted, but not within the scope of this project.
		There is another longer term solution that should be considered: The diversion of the water in the Kissimmee River basin to the Tampa/St. Petersburg area. They desperately need fresh water over there and the last I've heard their multi-million dollar de-sal plant is not yet producing. Using that water is far more intelligent than flooding lake "O" and the connected estuaries. We are not the sugar farmers' sewer.	Noted, but not within the scope of this project.
		Congres seems unwilling to go along with some of your "pie-in-the-sky" projects such as retentions ponds that hold barely one day's water releases into the estuaries, or "ASR" wells that have so far proven unreliable and polluting. However, congress knows that los angeles could not exist without their diversion canals bringing fresh water from the east. Think about it!	Noted, but not within the scope of this project.

Paula Russo	1	We cannot keep short-changing the environment. The proper restoration of the Everglades is imperative to the health of the South Florida. And not just the health of the animals and plants but of all the people too. It is not just the flora and fauna that depend upon these systems for life but people do too! The Skyway is the best choice to help restore the healthy flow of water that we destroyed. Let's not accept second or third best. Yes, it will cost more money but it is worth it and I am happy to have my tax dollars go for it's construction.	Comment noted.
Douglas G. Scofield	1	Only the 10.7 mile causeway restores all the sloughs, and none of the other alternatives even come close. It is also very difficult to find in your document that this is in fact the case. This is clearly due to the almost deliberately confusing manner in which you presented all the necessary information.	Information on the restoration of ridge and slough processes is found in Section 5.7.4 and Appendix E
	2	You indicate that the 10.7 mile causeway is a Best Buy. But your recommended alternative ("TSP") is not identified as a Best Buy. So why did you recommend it???	Best buy is ony one criterion of many. Section 5.8 and the summary tables in Section 5.7 have been revised
	3	It was pointed out to me that two other alternatives (3 mile bridge, 4 mile central bridge) that consistently rated higher than your TSP, yet they were not selected. They even cost less per habitat unit restored! There is no clear explanation for your choice of TSP. Are you bending to pressure from special interest user groups?	3-mile generally rated lower than TSP for explanation see 5.7 and 5.8.
	4	Funding is an issue for all of your reasonably restoration-oriented plans, yet that is the main reason you choose for not selecting the 10.7 mile causeway. This is an expensive project, no matter when or how you choose to do it. Seek to use CERP moneys, perhaps FDOT and USDOT moneys, ***any*** source of funding that is necessary to make the most environmentally-friendly alternative possible. We've already allocated billions of dollars to Everglades restoration. Why go cheap now?	CERP funds unavailable and prohibited by WRDA 2000. DOT funds unavailable.
	5	Why does your alternative encroach into Everglades National Park? Since you have one extremely vocal – and apparently influential – stakeholder group that carries a long-held grudge against Everglades National Park, it seems your plan does everything possible to encroach on nothing ***but*** Everglades National Park. I am also extremely disappointed at the complete lack of information on the degree of this impact for each plan, although it clearly will be the most significant of any of the surrounding landholders. It is as if the Corps is only concerned with confining the impact to our local International Biosphere Reserve, and the Corps (and vocal stakeholders) really don't care about how much of an effect this has.	Encroachment to the south is necessary to provide a stable slope to support a raised roadway. Widening the highway footprint to the north is restricted by the L-29 Canal. L-29 Canal is needed for the South Dade Conveyance Project. Construction of canal would be much more costly than for the proposed plan.
	6	I want to be certain that there is limited ability to travel via airboat from the north side of the causeway to the south side of the causeway. Travel via airboat is becoming ever more limited within Everglades National Park due to the grandfathering of airboat access permission into the 'East Everglades'. Additionally, the rules concerning hunting differ greatly between the north and south sides of Tamiami Trail, and easy access between these areas would likely encourage mistaken take by hunters. Perhaps a few points along the causeway with sufficient height to allow airboats under would help in e.g. search and rescue operations, but not along the entire length.	Comment noted. The Corps is not authorized to include airboat crossings in this project. However, if a separate funding source is identified, airboat crossings could be added.

	7	I am wondering why the Corps is paying $100,000.00 to the Airboat Association of Florida for staging – this seems to be a lot of money!! – and why has the Corps developed such an apparently cozy relationship with the AAF? And more to the point, the NSA cultural anthropologist was 'wined and dined' by the AAF, who were pushing the cultural importance of their sport's use of the area. Although sportspeople have been using the area for a long time, it seems odd to emphasize the value of stakeholders that clearly have a grudge against Everglades National Park and the Everglades Expansion Act that established the "East Everglades".	Interest in the Airboat Asc tract is required primarily due to expected higher water levels in the area, not just for staging. The estimated value is based on current market data from recent sales in the area.
Jim Serra	1	I'm outraged and appalled about the condition of the St Lucie River from the St Lucie locks to the St Lucie inlet. Because of the recent massive freshwater releases from Lake O, our estuary has sustained substantial damage which, according to local experts, may take up to 30 years to correct. This destruction has hurt the local ecomony on many fronts. You must find another way to divert this slop.	Noted
Jennifer Shaber	1	Let the river run and return the river of grass to its natural state. Yes, raise the Tamia	Comment noted.
Mara Shlackman	1	I am submitting this public comment to encourage the Army Corps of Engineers to build the 11-mile skyway over Tamiami Trail, rather than the 3-mile alternative. While the overall cost is greater, the 11-mile skyway is actually significantly cheaper when measured in terms of cost per mile.	Noted
	2	Moreover, the shorter span would end up being more costly if a future determination were made that additional spans were needed. The 11-mile bridge will reduce habitat fragmentation, and prevent a significant roadkill problem now.	Noted
	3	The project would provide jobs and promote tourism, and create a visible symbol of the Everglades restoration project.	Noted
	4	The 11-mile bridge would do a far better job of restoring the natural sheet flow of water to the Everglades that the Tamiami Trail is currently stifling.	Noted
	5	Florida Bay fisheries would be healthier as the result of this plan.	Noted
	6	Finally, the anticipated impacts on fishing and airboat access are minimal or non-existent.	Noted
John Sklepowicz		I feel the 10.7 mile bridge is the best option and the 2 and 1-mile option will be inadequate and more costly in the long run. There are many benefits such as a clean Florida Bay, a revitalized flora and fauna and a worlk wonder for all to appreciate if the everglades is restored to its natural, balanced state.	Your support for the 10.7-mile bridge is noted.

Martin Slater	1	Tamiami Trail (US highway 41) cuts through Shark River Slough, one of the Everglades' deepest and most important water passageways. Scientists say this 11-mile section of the 1928 road must be elevated into a "skyway" if Everglades restoration is to succeed. The skyway will be an important first step in returning the historic water sheet flow through parched Everglades National Park and into Florida Bay. It will be beneficial to wildlife by reducing habitat fragmentation and preventing road kill. The project will create jobs and increase tourism while raising Everglades awareness at the same time. Best yet, an 11-mile skyway will serve as a visible symbol of Everglades restoration; a real benefit to the floundering project. This year, the U.S. Army Corps of Engineers will make a decision on the skyway. Inadequate "second best" options are being considered instead of the environmentally preferred 11-mile skyway. The Sierra Club believes that Everglades restoration cannot happen without the full 11-mile skyway.	Comment noted.
Sincerely, Robert E. Stucker, 10040 SW 199 St., Miami, FL 33157-8623		Gentlemen: As a person who has been travelling the Tamiami Trail for over 50 years, I would like to take this opportunity to put my two cents worth into your decision on the upcoming bridge work on the Trail. I urge you to decide upon contructing the 10.7 mile scenic "skyway" as opposed to the two shorter birdges. It will be so much better for the Everglades; so much cheaper now then in the future, and; what an awesome ride it would create! Thanks for your consideration.	Your support for the 10.7-mile bridge is noted. The present DOI funding constraint totally precludes constructing the 10.7-mile bridge even though to do so now would be less costly than later.
Pat Suiter, 14705 NE 11th Court, N. Miami, FL 33161		I don't hunt or fish but I do bird and chase butterflies. I think people like me should be considered when allowing people to tear up the Everglades in their air boats and other vehicles. At your last meeting I was up set to hear so many sportsmen (?) speak only about killing and destroying the beauty of our environment. There must be a way for all of us to use and enjoy the Everglades.	Noted. The use of airboats and other vehicles in ENP will be determined by the Park land managers. That is not an issue addressable in this document.
Mike Townes	1	First, the consideration of the need of a dike around the lake is a foregone conclusion and was appropriately constructed. It continues to serve the original purpose. The problem begins when the water is no longer allowed to flow south due to Big Sugar not wanting that much water on their government subsidized crop. That results in re-routing the water to the east and into the St. Lucie waterway and subsequently destroying the saltwater lagoon in the Stuart area. This is a two edged sword in that it stops water from following it's natural flow south and sends it east to an area that never had this kind of freshwater intrusion, especially water contaminated with nutrient runoff from thousands of acres of cattle grazing land.	Comment noted.
	2	Your proposal to put the water back to the South is the first intelligent solution to the problem proposed in recent years and is something that will right a wrong without any further harm to the environment. The cost to do this will be great but probably not as great as the cost to correct the situation by constructing more water sheds around the lake, which could cause their own problems and environmental damage.	Comment noted.

Brent Urbanik	1	Everglades restoration is key to the survival of our state's economic engine, tourism. Concerning the tamiami trail overpass, I believe it is absolutely critical that the original 11 mile span is put into place to allow the maximum amount of water to be restored to an adequate southerly flow. I have heard of recent talks of budget issues and the idea of making it only 3.5 miles. Taking the cheap route is always a mistake. If it is built to only 3.5 miles and produces no major impact, then the money was wasted. The idea of adding onto it at a later date is a bad one, consider the rising costs of building materials as well as overall inflation, it will end up costing more in the end!	Comment noted.
Alex Urquia	1	I am writing to you concerning the projects scheduled for the Tamiami Trail. I feel that it is important to plan for recreational access before any construction begins. Recreational users are currently able to access the Everglades Conservation Areas and Francis Taylor I am opposed to any restriction of this access. I understand that we must restore sheet-flow and do everything to improve the conditions of our natural habitat, but we must also remember the rich heritage or recreational use that has existed before any of these projects ever came into play. I will be at the September 15 meeting along with over 50 confirmed members of local sporting organizations. We expect that recreational access will be addressed and provided. Thank you in advance for your cooperation.	The recommended plan does not change public access to Francis S. Taylor Wildlife Management Area (also known as Water Conservation Area 3B)
Alvan Webber		I want to urge you to build the 10.7 mile bridge. This bridge is the best proposal to restoring natural water flow to Everglades National Park and Florida Bay. This mahor modernizing would show the public that we truly care about environmental concerns that effect all of us. The rapid development in South Florida has stressed much of the infrastructure and greatly reduced natural areas. We must demonstrate to each other and future generations that we can be responsible caretakers of the environment. Build the skyway!	Your support for the 10.7-mile bridge alternative is noted.
L.A. Prieto - Potar	**1) The proposed 100-foot spans seem excessive.**		---
	1	I was Chief Engineer for Miami's MetroRail, which consists of 22 miles of aerial guideway (bridges). The choice of the 80-foot spans came about through an extensive cost analysis. Cost effective spans were in the 40 to 60-foot range. However, MetroRail was forced to the 80-foot spans due to aesthetics and vehicular underpasses. The 80-foot spans required a deeper girder section (double-tees) which notably increased the costs. Perhaps a small team of engineers should study the span versus costs relationship. Since the Skyway Bridge is not constrained by any underpass requirements, much shorter spans would decrease the current cost estimates substantially.	Span optimization, as suggested by Dr. Prieto-Portar, comparing various viable superstructure and substructure alternatives has been performed for the four mile bridge included within the Bridge Development Report (BDR) for Alternative #10. The bridge optimization was performed for beam types over a certain depth established to ensure the drainage system did not protrude below the bottom chord of the beam. If the requirements for a drainage system are removed from the project, shorter spans could be re-evaluated; however, we do not anticipate a “substantial” reduction in cost. As part of the BDR, a shallower Type IV beam was evaluated reducing the span from 99’ to 91’. The cost reduction for these shorter spans was less than $1M per mile.

	2	A final note is that during a 15 August meeting at the Everglades National Park offices in Homestead, the Alternative #17 bridge was estimated at $ 317 million (I have the spread-sheets). During the 15 September Public Workshop that Alternative had increased to $ 343 million (it grew by $ 1 million a day!). The perception is that somebody is, a priori, out to kill Alternative #17.	Clarification of project cost considerations has been added to Section 5.3 of the report. Various cost estimates have been calculated and presented for each alternative. The different estimates include specific cost elements necessary for implementation of that particular alternative. These different cost estimates are necessary, as they serve different requirements in the analyses for the project. Unfortunately, these different cost estimates also sometimes lead to confusion as to the real cost of a particular alternative. For example, the Total Construction Cost for Alternative 17 is approximately $317 million, while the Total Investment, which includes construction, real estate, and interest during construction, is approximately $343 million.
	2) The proposed bridge and roadway elevations are too high.		---
	3	The 15 September Public Workshop showed preliminary engineering drawings with a bridge deck crown elevation of + 22.25 ft NGVD. This would provide a minimum clearance of 6 feet between high water levels and the girder (stringer) soffits. Perhaps the elevation could be decreased. A lower profile would reduce the costs for both the bridge and the at-grade roadway portions. A lower roadway crown would decrease bank erosion from larger groundwater flows through the roadway levee (from higher phreatic surfaces), and decrease the possible overloading of the weakened existing roadway subgrade (from its entrained organic strata).	The vertical clearance requirements under the structure are intened to provide sufficient clearance for periodic inspection and maintenance by the Florida Department of Transportation.
Stuart Pimm	1	I find the plan to be totally inadequate ecologically. Moreover, it seriously and incompetently misrepresents scientific opinions that I made to ACE and others as evaluations of various alternatives.	Noted
	2	TSP is a minimalist alternative to what is obviously one of the single most important aspects of Everglades' restoration — the reconnection of flows from WCA 3A into WCA 3B and then into the area of Everglades National Park that I shall call Northeast Shark Slough. Any one who examines satellite imagery, the maps made available for visitors at ENP, or even lands at Miami airport from the west immediately sees that L67 levees and the present Tamiami Trail block the natural flow of the Everglades as it forms a gentle curve first to the southeast, then back to the southwest. The alignment of the remaining tree islands — readily visible from the air — shows that original flow. ACE structures massively disrupt that natural pattern.	Noted.
	3	To the extent that one can find environmental benefit in this massive expenditure of public funds, it comes from the much-touted "decompartmentalization" of the system — its return to natural flow paths. The TSP ensures that this will not take place — making a complete mockery of any claim that the ACE has any intention of providing environmental benefits.	Decompartmentalization of the system is not within the MWD authority. It will be the subject of a CERP evaluation in the near future. These evaluations would include re-visiting Tamiami Trail to determine if additional bridging without the funding constraint of MWD could be justified.

	4	In particular, I note the following: "The Cape Sable seaside sparrow is currently being protected under the Interim Operational Plan (IOP) as described in the May 2002 IOP FEIS. Regulatory water releases occurring east of the L-67 Extension crossing Tamiami Trail were to be increased 60 percent. Alternative 10 will be capable of passing the sufficient flow volumes under Tamiami Trail. The implementation of the project therefore does not preclude compliance with the RPAs of the 1999 Biological Opinion." The Cape Sable seaside sparrow is in no way protected under IOP: it is simply kept in its perilously highly vulnerable state. The prolonged, deliberate flooding of 1993 to 1995 nearly eliminated the species across half of its range and did such significant damage to the habitat as to be readily visible on satellite images. The other side of this coin is that populations in the east — immediately south of Northeast Shark Slough are in over-drained and so fire-prone habitats. Since then, water managers, responding to the Biological Opinion have not so seriously flooded this area. The population there survives at perilously lo	The Corps has fully taken the actions recommended by the FWS to protect the CSSS from extinction, but it should be noted that the Tamiami Trail project has no role in those actions other than to ensure, as the text states, that there would be no impediment to the necessary flows through NESRS called for by the FWS.
	5	The written record makes it clear that IOP —please note the “I” — was in place until an effective diversion of water to the east under MWD could relieve the situation. Under TSP, that will not happen.	The "I" in IOP indicates the expectation that another "OP" (operating plan) will eventually supercede it. That plan is being developed as part of CSOP. The Tamiami project has no role in operations except to provide the assurance as stated in response 4, above.
	6	Finally, I have already provided an assessment of “minimalist” versus “extensive flow” alternatives and its effects on the sparrow to the relevant agencies. From the perspective of this species, the latter is the strongly preferred alternative.	Noted.
Radio One	1	Radio One understands that the U.S. Army Corps of Engineers ("Corps") has evaluated several alternative plans, including the no action alternative, to protect Tamiami Trail during high discharge conditions that could result in low portions of the highway being overtopped with water from modified water deliveries under various projects to restore the Everglades National Park. Each build alternative appears to involve increasing the cross-section of openings under the highway in order to minimize the rise in water level in the canal necessary to pass the required volume of water and to spread the water flow to the south. Radio One is concerned that the Draft RGRWSEIS has failed to adequately consider the impacts associated with the project on its property. Radio One owns a parcel of approximately 80 acres within the area that may be affected upon which it operates 7 radio towers and one transmitter building. The towers broadcast to the Miami area on 1080 kHz (WVCG) pursuant to a FCC license and serve diverse segments of the community with programming that is not otherwise available in the area.	Noted.

	2	As a result of this project, and other projects being undertaken in the Everglades, Radio One likely may incur significant costs to mitigate impacts to its business. These include, but are not limited to: (1) the potential need to re-build or raise the grade of the access road and the tower pads; (2) amend its FCC license or recognize loss of value of such license; and (3) possibly the need to reconfigure the signal from its tower or, in the worst case, relocate its towers altogether (assuming a suitable alternative location is even available). Radio One believes that the Draft RGRWSEIS does not adequately consider these socio-economic, economic, environmental, and cumulative impacts or costs. If such adverse impacts are not planned for and mitigated with the project, Radio One's property interest likely may be significantly reduced, or completely taken in the worst case, as a result of the government's actions. In fact, if the property is completely taken and a suitable alternative location for the towers cannot be found, WVCG's business interest may be taken. In such case, Radio One will look to the government for appropriate compe	Noted.
Jefferson-Pilot Communications Company of Florida	1	The US Army Corps of Engineers' Tentatively Selected Plan (TSP) for Tamiami Trail Modifications will have direct and indirect effects on property owned by Jefferson-Pilot Communications. This private property is used as a federally licensed radio broadcasting transmission facility. It requires minimal human traffic and activity, and is closed to public access. Its use as such is environmentally benign. The broadcast station serves the public interest with continuous radio programming as well as being the Emergency Alert System LP2 station for South Florida.	Noted.
	2	As property owners and FCC licensees, we are concerned about maintaining non-disrupted access to, and use of, our facility during not only the construction phase, but beyond into the future. Most significantly, future impact of anticipated increased water flow and elevated water levels on our property must be considered and remedies included into any action plan.	Access to the Jefferson Pilot facility will be provided both during and after construction of the project
	3	The TSP is not specific about such future impact on our property, other than to say that a small parcel abutting Tamiami Trail would have to be acquired by the Park, that access to our property would be maintained during construction, that a future access ramp would be provided to our property from the proposed 2 mile western bridge, and that water levels can then be expected to significantly increase sometime afterwards.	Same as above "Access to the Jefferson Pilot facility will be provided both during and after construction of the project"
	4	Depending upon the increased flooding levels, significant components of our facility may have to be redesigned, modified, or replaced to remain operative. The close proximity of the large proposed bridge structure itself is likely to interfere to some degree with our directional antenna systems. Telephone and power utilities are essential for our operation, and both existing right of ways run through the proposed construction area. These impacts must be studied as soon as possible, with proposed solutions and their costs integrated into the Corps' overall Tamiami Trail plan.	Coordination regarding mitigation for both bridge construction and higher water levels will be performed once a detailed topogrpahic, planimetric, and property boundary survey is complete.

DeeVon Quirolo	1	We concur with the recommendation of the US EPA that "water quality consideration play a central role in how discharge operations occur" regarding the General Reevaluation Report for Tamiami Trail on Modified Water Deliveries to Everglades National Park. Any increased water flows delivered through the Tamiami Trail should be stripped of harmful nutrients such as nitrogen so that they do not have any negative impacts on Florida Bay and the downstream coral reefs of the Florida Keys. Monitoring programs should document changes in the level of nutrients and other harmful pollutants that are delivered to the downstream coral reefs of Florida Bay and the coral reefs.	Noted
	2	According to the revised report, water would be transferred from Water Conservation Area (WCA)-3B to the L-29 Canal (Tamiami Canal) and through the existing culvert system south under U.S. Highway 41 (Tamiami Trail) into Northeast Shark River Slough. Your recommendation was to build a two-mile long bridge at the western region of the project area and a one-mile-long bridge at the eastern end, identified as Alternative 14. However, your draft report indicates that "The water quality in the Everglades has been greatly influenced by development of large land tracts for urban and agricultural development.. Pollutants of concern include metals, pesticides, nutrients, biological coliforms and pathogens, and chlorophyll-a, physical parameters and other constituents." (Draft RGRR/SEIS pg. 14). The report goes on to note that "The primary concerns in the Everglades are nutrients, dissolved oxygen (DO), mercury, biochemical oxygen demand (BOD), and coliforms." Tests of this area have revealed serious water quality issues. "Nutrient levels at the marsh perimeter are elevated. Twelve pesticides or pesticide degradation products were det	Noted
	3	Yet this project will increase the flow of this polluted water. The report states that: "The modification of the Tamiami Trail offers the opportunity for water to be conveyed with fewer obstructions to North East Shark River Slough and Everglades National Park." (Draft RGRR/SEIS pg. 39). No mention is made of efforts to clean up this polluted runoff prior to increasing flows into these areas.	Sections 5.6.3 and 6.3 discuss the efforts and methods for treating runoff.
	4	In April, 1999, the EPA "proposed a multi-agency south Florida 'water quality initiative' under the auspices of the South Florida Ecosystem Restoration Task Force to review water quality features of the recommended Comprehensive Plan, consider water quality standards, and restoration targets, and to address areas of South Florida (e.g. Florida Keys) not addressed by these recommended plans." We renew that request for meaningful action to address our water quality concerns. The State of Florida is required under the federal Clean Water Act to identify impaired water bodies within their respective jurisdictions, identify the pollutants causing impairment, develop total maximum daily loads (TMDL's) for those pollutants, and develop remediation programs to improve impaired water bodies.	Noted

	5	We are aware of only one step-a plan to model nitrogen as part of the Florida Bay Feasibility Study, which begins to address this mandate. The federal/state partnership to restore the Everglades will fail if water deliveries are expedited through the Tamiami Trail but the pollutants in the water are not removed. By reducing the barrier effects of the highway and promoting an increased opportunity for movement between L-29 and the Everglades National Park, you are signing a death knell for the downstream coral reefs. Nutrients flowing into Florida Bay are at their highest level in five years today. Action is needed now to clean it up. not increase the flow of dirty water as you have done recently.	The no action plan will cause increase flows into the ENP in the same order of magnitude as the TSP. The purpose of this project feature is to protect the roadway against the increased canal stages and provide better distribution of the flows that will pass through this section of the TTM. Increase of flow volumes through the ENP and WCA 3B will result in a decrease in direct canal flow to the downstream coastal areas. This rerouting of water should reduce nutrient loading to the coastal areas, not increase them, due to uptake of the loading as additional flows are shifted from canal transport to sheetflow. Some of the loading will be captured in the ENP and WCA 3B due to the decreased direct canal routing to the coastal areas. This assums there is no decrease in loading to the entire system. The State of Florida has a Long Term Plan to reduce phosphorus concentrations flowing into the Everglades Protection Area (EPA) to the EFA mandated geometric inflow mean of 10ppb. State BMP's are continuing to reduce the nutrient loading into the EPA. All indications are that the nutrient loading to the EPA system is
	6	The final recommendation for the Tamiami Trail/Modified water delivery to Everglades National Park is to construct a 3,000 foot raised bridge and remove the existing highway fill adjacent to the bridge, which became necessary when modeling results revealed that diverted fills from Water Conservation Area (WCA) 3B would become so elevated that the L-29 canal may threaten the integrity of the Trail and other low lying areas.	The Recommended Plan for this project is Alternative 14, Two-Mile Bridge West and One-Mile Bridge East, not the 3,000 foot bridge alternative.
	7	Specifically, we seek your support to establish a limit to the nitrogen levels in the water flows permitted as part of this phase of the Everglades restoration effort. Phosphates and nitrates are the two nutrients that are primarily responsible for the loss of coral reefs from eutrophication-a condition that results from too many nutrients in the water leading to algal blooms that smother coral reefs, reduce oxygen levels and kill marinelife. The Dead Zone in Florida Bay is a result of eutrophication. Red tide events are another threat to the biodiversity of Florida Bay. Both of these past events have had debilitating impacts on the downstream coral reefs and we urge you to prevent any further impacts.	This request is beyond the scope of the project as authorized by Congress.
	8	While a long term monitoring program may be helpful to analyze change as a result of this action, it is imperative that efforts be taken to reduce nitrogen levels prior to any increases in water flows from the Everglades to the downstream coral reefs. This project will result in a net increase in such flows. Monitoring efforts should document both the before and after of this project with respect to nitrogen loading. Furthermore, future modifications that will be made as part of the CERP will benefit from a water quality monitoring program and establishment of a nitrogen standard against which to measure the impact of this and subsequent projects on Florida Bay and the downstream coral reefs.	Noted

	9	If we are to restore the Everglades, we must improve water quality standards. If you allow harmful nutrients to remain in the agricultural and stormwater runoff that flows through the Everglades and into Florida Bay and onto our downstream coral reefs, then you will be contributing to the loss of the ocean's most biologically diverse ecosystems. The Florida Keys is home to North America's only living coral barrier reef, the third longest coral barrier reef in the world. Coral reefs are the most biologically diverse marine ecosystems on earth and provide the basis of the Florida Keys tourism economy, along with recreational benefits from boating, sailing, fishing and diving and habitat for many endangered species. These invaluable and irreplaceable coral reefs are downstream of the Everglades and Florida Bay and they have been degraded in the past due to the pollution released into Florida Bay from agricultural and stormwater runoff. Florida's coral reefs are among the most endangered in the world according to a recent report released by the National Oceanic and Atmospheric Administration.	Concur
Solares Hill	1	The report says "The water quality in the Everglades has been greatly influenced by development of large land tracts for urban and agricultural development. Pollutants of concern include metals, pesticides, nutrients, biological coliforms and pathogens and chlorophll-a, physical parameters and other constituents." Tests of this area have revealed serious water quality issues. "Nutrient levels at the marsh perimeter are elevated. Twelve pesticides or pesticide degradation products were detected along the Tamiami Trail, with highest concentrations at Tomato Road in the west and S-12-D in the east where agricultural ingluences were greatest."	Noted
John Adornato, III Everglades Restoration Program Manager National Parks Conservation Association Kathleen Aterno Florida State Director Clean Water Action		The undersigned organizations strongly urge the US Army Corps of Engineers (Corps) to select Alternative 17, the 10.7-mile, raised Skyway, as the acceptable alternative to restore water flow and ecological connection through America's Everglades into Everglades National Park and Florida Bay. We base this recommendation on consultations with scientists whose research unequivocally states that Everglades restoration would best be accomplished for the southern end of the ecosystem, including much needed fresh water flows into Florida Bay, by removing the physical barrier that the current Tamiami Trail roadbed currently is. Alternative 14 not only fails to deliver significant benefits, it could preclude the construction of the skyway with other authorization and appropriations means.	Alternative 14 delivers significant benefits. The cost per habitat unit is less for Alt 14 than for Alt 17. Alt 14 does not preclude additional openings if recommended by monitoring results or future studies.
Tad Burke Commodore Florida Keys Fishing Guides Association		Rectifying the problems with the current Tamiami Trail is one of the most important elements of Everglades restoration and should be afforded the highest priority. We agree with the Corps' identification of the Skyway as the "most effective" and "best buy," which generates twice the amount of business sales, earnings, employment opportunities, average annual benefits and wetland acreage gain. The Skyway would allow for enhanced recreational access to the Everglades, would maximize ecosystem restoration, and minimize unnatural, harmful water levels in the conservation areas.	Noted.

Richard Grosso, Esq. Executive Director / General Counsel Environmental & Land Use Law Center		Coupled with the concurrent operational plan being developed and other restoration projects, the Skyway will provide the single best option for connecting the northern end of the Everglades to Florida Bay. Water historically flowed from Lake Okeechobee through the "River of Grass" and out Florida Bay. Without a significant outlet from the existing Conservation Areas through Everglades National Park, Lake Okeechobee's operations will continue to harm the estuaries and the lake itself. The Skyway will allow for future levee and canal modifications to privide that relief for the entire Everglades.	The proposed Alternative 14 will provide a significant outlet for water to flow south. Alt 14 will also pass CSOP and CERP predicted flows. The TSP will allow the full flow envisioned for future operational plans and would not preclude the future modifications cited. There will be little stage impacts in WCA-3B.
Debra Harrison Director, South Florida Program World Wildlife Fund Charles Pattison, AICP Executive Director 1000 Friends of Florida		Alternative 14 lacks significant environmental benefits and the current draft document does not adequately explain the alternative, nor why it was chosen over the single 3-mile bridge span, which is identified as a “best buy,” provides similar benefits and is less expensive. The engineering analysis provided by the Corps ony relates to the 4-mile bridge option and is a less expensive option perhabitat unit than Alternative 14. The lack of information and inferior choice indicates that the Corps needs to further analyze the potential alternatives before submitting a final report.	There are significant environmental benefits of Alt 14. Section 5.8 of the Final RGRR/SEIS has been revised to better explain the selection. The Engineering appendix has been updated for the TSP.
Thom Rumberger, Esq. Chairman Everglades Trust Bradford H. Sewell, Esq. Senior Attorney Natural Resources Defense Council		By choosing a split bridge, the Corps at worst completely closes the door on further modifications or at best creates the reality of a more expensive fix under the Comprehensive Everglades Restoration Plan’s (CERP) Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project. CERP or future action by the Florida Department of Transportation could follow up the MWD project to complete the Skyway.	The "door" is not closed for further modification. Additional opening is not precluded. The two-bridge TSP compared with a single span alternative does not substantially increase the burden for CERP to consider further bridging.
Senator Bob Smith President Everglades Foundation Jonathan Ullman South Florida/Everglades Sr. Field Rep. Sierra Club		We urge the Corps to take a proactive step to restore natural water flow to Everglades National Park and Florida Bay and meet the obligation “to enhance and restore the ecological values, natural hydrologic conditions” by supporting a Skyway for Tamiami Trail. We consider all alternatives inferior to Alternativae 176. Only a Skyway will truly reestablish unrestricted, free flowing water to the park, a critical component to a fully restored Everglades, on which South Florida's wildlife and its six million residents rely for drinking water, recreation, and other uses.	Your support for the 10.7-mile bridge is noted. Costs and social and public impacts, in addition to ecological conditions, are among the factors considered.
Custom Air Systems Inc,		Do it and do it fast! I'm not getting any younger and the condition of the St. Lucie River is destroying by retirement!	Noted. This comment applies to a different project.
Sydney Bacchus	1	The continued mining in the Everglades of the raw materials needed to produce concrete is resulting in catastrophic irreversible adverse impacts to the greater Everglades ecosystems. This is caused by the permanent lowering of the water table caused by the huge permanent mining pits with concomitant continual losses of ground water to the atmosphere via evaporation.	Noted.
	2	If any bridge is proposed for construction, the construction should be carried out with reused concrete without the mining of virgin raw materials.	The cost-effective use of recycled materials, not limited to concrete, will be considered. The use of recycled concrete as an ingredient (course aggregate) of new structural concrete is not understood to be common practice in the ready-mix concrete industry.

The following are responses from 2 separate emails received from John Atkinson. All references to elevation refer to the National Geodetic Vertical Datum of 1929 (NGVD29).

Relevant to defining the 20-year event:

1. The Log-Pearson distribution has been shown to represent discharge very well. How well is the NSM stage output represented by the Log-Pearson Distribution?

> Figure 1 shows the frequency curve for the Natural System Model (NSM). This analysis was performed using the Corps of Engineers (COE) computer program Flood Frequency Analysis (FFA), which computes the Log Pearson Type III distribution. The input for FFA was taken as the maximum stage (Table 1) for each year (averaged for the 5 Tamiami Trail model grid cells) from the NSM (version 4.6.2) period of record modeling (36 years). Also included in Figure 1 are the .05 and .95 confidence limits as well as the Weibull plot positions of the model input data.
>
> Typically, stage data are measured values and flow is a calculated value based on stage. Flow values are subject to hysteresis tendencies whereas stage is not. The calibration and verification of NSM (and the SWFMM) are based on stage values.
>
> It is the Corps opinion that the frequency analysis does a good job representing the stage hydrograph produced from the NSM model. Figure 2 compares the results of the NSM frequency analysis with the NSM stage hydrograph. Figure 3 shows the occurrence frequency of any given stage during the modeled period of record for NSM. The Everglades system is predominantly a rainfall driven system, and rainfall plays a large part in determining the stage in L-29. For example, during Hurricane Irene with no structural inflows into this portion of L-29, the canal stage went up to nearly 8.7 feet from 7.6 feet (See Figure 4, Historical Data S-333 TW).

2. Did you look at any other distribution, such as just fitting it to a normal distribution?

> No.

3. Did you calculate skew or did you just use the regional generalized skew value that was calculated for discharge?

> The computer program FFA computes the skew for the analysis and reports high and low outliers in the input data. See Figure 1 for this information.

Relevant to the CSOP runs that show water levels in L-29 lower than the 9.7ft stage:

1. What is the assumption about discharge under Tamiami Trail in the 2x2 model that the SFWMD ran (note: CSOP modeling was performed by USACE)?

> The 2x2 model runs for the CSOP process are based on a canal-to-overland flow resistance to deliver water to ENP. This is what the model is currently calibrated/verified to compute.

2. Since that discharge rate may change depending upon the size of the culverts/bridge in the final design, did you look at the sensitivity of L-29 stage to bridge capacity?

Yes, this was part of the additional information provided to show the benefits of the longer bridge. See response number 3.

3. With a large bridge (high capacity) do you think the backwater from Shark Slough would mostly control the stage in L-29 rather than operational/structural decisions?

The backwater effect that the marsh produces is the main controlling factor in the stage in the L-29BC. Each bridge alternative analyzed as part of the Tamiami Trail RGRR/SEIS would produce a minimum amount of headloss across the embankment. The differences are the net opening of the bridge and the expansion losses created by the marsh as the water moves south. Too show the impact of embankment capacity (size of openings for culverts or bridge) vs. marsh resistance, a plot was generated from the RMA-2 model runs comparing the stage difference between the L-29BC and 10,000 feet downstream in the marsh for the various bridge lengths considered (Figure 5; note existing culverts are indicated as zero bridge length in this graph). This clearly shows that bridge length affects the getaway capacity of the downstream marsh, and the longer the bridge the more efficient the marsh is at moving water south into Northeastern Shark River Slough (NESRS).

<u>Relevant to the slow recession rates in the system, can you provide plots and/or data about</u>:

1. The number of events that exceeded the 9.7 ft value in L-29.

Within the period of record modeling (36 years) only three events (December 1994, October 1995, and October 1999) produced peak stages higher than 9.7 for L-29BC, as summarized in Table 2. Table 1 tabulates the maximum stages for the 36-year period of record modeling. The following model runs are tabulated: 1) the Natural System Model (NSM, pre-drainage), 2) CERP0, 3) CERP1, 4) Alt7R5 (Existing Conditions), 5) CSOP West Bookend, 6) CSOP East Bookend, 7) CSOP Alternative 3, and 8) CSOP Alternative 4. It should be noted that of the tabulated model runs, only four out of eight exhibit stages above 9.7 for any duration of the 36-year period of record (NSM, CERP0, CERP1, and CSOP West Bookend).

2. The duration of stages greater than 9.7 ft, for both the NSM run and the Alt-5 CSOP run?

At this time, Alternative 5 from the CSOP process has not been run. Figures 6 through 8 show the stage hydrographs for the three occurrences of stages above 9.7 ft listed in Table 2.

These questions are motivated by the claims that the projected stages are ALWAYS well below the 9.7 ft stage for all the CSOP runs.

The Corps does not claim that projected stages are ‘ALWAYS’ well below the 9.7 ft stage.

1. About the calibration of the 2x2 model; since it is being run with different structures now than the configuration for which it was calibrated, how can you be confident that its predictions of future stages under the new configuration are accurate? When I asked this at the meeting, I think that the response was "because its frictionally dominated".

Does that mean that the size/capacity of the structures are of secondary influence? Please expand on that if you can?

Calibrated/Verified models are typically used in this fashion to estimate the impact of new operations or the incorporation of new structures into the system. The area of concern within this project is the interaction between Water Conservation Area 3A (WCA-3A), Water Conservation Area 3B (WCA-3B), and Everglades National Park (ENP). Movement of water through this system is dictated by the resistance of the marsh to overland flow. It has been our operational experience, depending on the location of our structures, that the marsh will typically have two different impacts on flow, depending on the location of canals as upstream or downstream of the structure. For example, the S-12's located just west of this project area have a borrow canal upstream of the structures and a very small getaway channel downstream. When the gates are opened on these structures, the downstream head rises quickly due to the resistance of the downstream marsh and significantly restricts the discharge capacity of the system. The S-355's have a small collection canal upstream and a large distribution canal (L-29BC) downstream, which has the opposite effect. The upstream head equates to the downstream stage very quickly due to the resistance of the marsh to provide water to the structure. In summary, overland flow within this area is dominated by the frictional resistance of the marsh , and this resistance affects the discharge capacity of the structures.

2. **a)** Is the bridge and culvert capacity of flow under Tamiami Trail really not important? **b)** Is there an assumption about the flow capacity under Tamiami Trail built into the CSOP decision making process? **c)** How would stage be influenced by the size of the bridge(s) in the final design? **d)** Since the final design hasn't been fixed yet, will it matter to the CSOP decisions? **e)** Based upon other conversation at Monday's meeting, I was lead to think its not significant... is that accurate?

a) The capacity to move water through the FDOT's Tamiami Trail embankment is very important to the delivery water to ENP as well as the corresponding relationship it has on WCA-3B. The culverts as constructed by the FDOT have the capacity to move our required volume of flows through this embankment. However the required hydraulic head to move this volume of water has detrimental environmental impacts to WCA-3B (increases the stage and high-water portion of the stage duration curves in this area). In order to produce a minimum amount of head difference between the upstream and downstream sides of the embankment, a minimum bridge opening of 3,000 feet would be sufficient (December 2003 Draft Report). However, the downstream marsh resistance dictates the canal stage as the water tries to move away from the culverts/bridge openings. To show the impact of embankment capacity (size of openings culverts/bridge) vs. marsh resistance a plot was generated from the RMA-2 model runs comparing the stage difference between the L-29BC and 10,000 feet downstream in the marsh (Figure 5). This clearly shows that bridge length affects the getaway capacity of the downstream marsh and demonstrates that the longer the bridge, the more efficient the marsh is at moving water south to NESRS.

b) The CSOP decision process has been based on bridge length based on the previous Final Draft report for Tamiami Trail (2003, GRR/SEIS). The CSOP process incorporated constraints in the operation of the system consistent with the latest Tamiami Trail RGRR/SEIS (DHW 9.7 ft) to limit operations such that controllable

structures putting water into this section of canal would be closed in order to not exceed the Design High Water. Of the CSOP alternatives evaluated to date, only the West Bookend run exceeded the 9.7-foot constraint, but this run was made with no constraint on the L-29BC stage and included 3,000 feet of passive weir (3 separate 1,000 foot structures) discharging water into the L-29BC from WCA-3B.

c) See the response to a) above.

d) Currently the 2005 Draft RGRR/SEIS for modifications for Tamiami Trail has a Tentatively Selected Plan (TSP) that has a total bridge length of 3 miles (2 miles on the west and 1 mile on the east). The bridge length will not affect the CSOP planning process but the DHW chosen as part of the RGRR/SEIS does influence the decision making process. The current methodology for the DHW was first presented to the FDOT in November 2004. After subsequent meetings and recommendations from the FDOT, the Corps selected 9.7 feet as the DHW and a formal letter was sent to the FDOT on 5 April 2005 stating this information.

e) The authorization/approval for the Tamiami Trail is in a separate report, and it will be assumed on a minimum that a bridge similar to that proposed in the 2003 GRR/SEIS will be constructed, until such time as the new report is authorized.

3. **a)** The Manning's n-value has been presented that varies with depth. Was this Manning's n a product of the 2x2 calibration procedure? **b)** With the intentional re-hydration of the everglades, can changes be expected to the vegetation? **c)** Given that the system is "frictionally dominated", then the appropriate specification of this resistance is of prime importance. Also, Paul made a comment that the backwater from vegetation in Shark Slough is the most influential factor for determining the stage in L-29. How can we be confident that the previously calibrated resistance factors will be correct after water supplies have changed?

a) The n-value used for the natural areas is a by-product of the calibration/verification process for the South Florida Water Management Model (SFWMM or 2x2). See the draft documentation for the SFWMM v5.5, Section 2.4.2 to see the values and how the values are determined (http://www.sfwmd.gov/org/pld/sfwmm_peer/menu.htm).

b) As we attempt to restore historical (pre-drainage) timing, distribution, and quality of waters delivered to ENP, a shift in the vegetated communities within North East Shark River Slough and other adjacent areas is expected. '*The study area, historically a mosaic of sawgrass prairies and emergent marshes interspersed with tree islands, is the very heart of the Everglades "river of Grass.""* (ENP Draft Benefits Analysis Report). With the construction of the C&SF project "*Following the completion of project features, much of the water was re-directed to western Shark Slough and the percent discharge to NESS dropped to 25%. This reduction in flows to NESS has had adverse impacts on many ecological aspects of both WCA-3B and NESS, including loss of peat-forming, open water slough habitats, increase in damaging fires with subsequent loss of soils (subsidence) in many areas, increase in exotic species, and reduction in populations of fish and invertebrates, as well as wading birds.*" (ENP Draft Benefits Analysis Report). It is expected that the increased flows through these sloughs will begin the process of opening up the sloughs and making the sloughs slightly more efficient for movement of water through the system.

c) The DHW is based on a model run that represents our pre-drainage condition (Natural System). When compared to runs for the CSOP process these stages (CSOP) are consistently lower than the ones predicted by the NSM providing a level of confidence that an adequate DHW was selected. It is expected that this DHW would be exceeded but that it would require an event large than a 20-year re-occurrence interval to accomplish these stages. If in the future the Comprehensive Everglades Restoration Plan is fully completed it would take a 40-50 year event to accomplish these water levels.

4. Has a sensitivity analysis been performed to see how sensitive stage is to the Manning-n value (and other calibrated values) and if so, can it be made available to us?

See the documentation website (above, Chap 5) for a discussion and presentation of sensitivity of parameters. The N values are less sensitive than some other parameters (such as potential E.T).

5. There was some discussion about the wording of the operational rules for L-29 that included the 10.1 ft stage limit. Mike Ciscar presented some information about the roadway design that suggested actual overtopping would be quite higher than that. **a)** What bearing would that have in the CSOP runs? **b)** What kind of wording would be included in the control manual about the 9.7 ft DHW?

Based on the frequency analysis performed from the NSM stages the 10.1-foot stage represents the 100-year recurrence interval. The DHW (9.7 ft) controls the centerline grade elevation, which is set at 12.75 feet. Based on this centerline grade elevation, the edge of the shoulder would be approximately 12.0 feet. This provides approximately 2 feet of freeboard above the 100-year stage.

a) The concern with the roadway is not with overtopping but rather prolonged stages above the Design High Water (9.7 ft). Currently in the proposed operations table for CSOP Alternative 5, it mentions turning off the S-356 Pump Station if stages exceed 10.1 ft.

b) The wording currently in the operations table for Alternative 5 in regards to 9.7 ft states that the following structures will be closed S-333, S-355A and S-355B.

These controls are currently listed as part of our CSOP constraints to operation. However alternative 5 is not our final recommended plan and all constraints to structure operations could be removed in the final alternative. It was recommend to us by the FDOT in a January 25, 2005 teleconference (Bruce Dietrich), that a 100 year event and 24 hours duration might be more than would be required for the pavement design and that a 1-20 year event with a seven-day duration might be sufficient. Based on the duration analysis discussed above, this would mean that only 1 of the three storms would exceed this stage-duration constraint.

6. **a)** Because of the tree-island sensitivity to stages about 8 ft, is there a need for future operations to keep the stage in 3B at or below 8 ft? **b)** What is the acceptable frequency of exceedance that is permitted for the tree islands to be inundated? **c)** It sounded like the constraint in 3B was more severe than the DHW limit in L-29... is that accurate? **d)** If so, would you say that provides an additional level of safety for the Tamiami Trail sub-grade?

a) The tree-islands are sensitive to high stages. However, operational controls along L-29BC will not be implemented to prevent stages from going over 8 ft. Extreme events help shape the long-term trends in the system.

b) This is not typically looked at a frequency of occurrence but rather as a stage duration exceedance or continuous number of days above a depth criterion.

c) The interim stage constraints in WCA-3B are more stringent than the DHW for Tamiami Trail due to concerns from Fish and Wildlife Conservation Service to want a slower return to natural flows, in order to monitor the system as it responds to the re-connectivity of the system.

d) This only provides a potential short-term additional level of safety. The long term goal is to produce stage-duration curves similar to those seen as part of the Comprehensive Everglades Restoration Plan.

Table 1
Yearly Peak Stages
Model Run

Year	NSM	CERP0	CERP1	ALT7R5	West Book	East Book	Alt 3	Alt 4
1965	8.46	8.31	8.31	7.66	8.33	8.37	8.27	8.11
1966	9.38	8.95	8.94	7.93	8.85	8.91	8.60	8.60
1967	8.66	8.52	8.48	7.80	8.30	8.43	8.46	8.11
1968	9.37	9.08	9.08	8.03	9.10	9.05	8.76	8.78
1969	9.54	9.22	9.21	8.17	9.32	9.12	8.95	9.02
1970	9.14	8.96	8.94	7.98	8.97	8.98	8.65	8.74
1971	7.87	7.87	7.83	7.35	8.03	7.18	7.51	7.67
1972	8.49	8.45	8.40	7.97	8.26	8.65	8.49	8.20
1973	8.06	7.77	7.74	7.56	7.41	7.76	7.99	7.43
1974	8.13	8.18	8.17	7.76	8.01	7.85	8.10	7.74
1975	8.51	8.41	8.36	8.05	8.26	8.50	8.45	8.14
1976	8.53	8.42	8.39	7.81	8.27	8.47	8.48	8.16
1977	8.26	7.81	7.80	7.62	7.75	7.75	8.10	7.64
1978	8.67	8.51	8.47	7.86	8.35	8.55	8.46	8.27
1979	8.89	8.46	8.46	7.92	8.50	8.69	8.51	8.41
1980	8.82	8.42	8.42	7.98	8.34	8.65	8.45	8.36
1981	8.83	8.46	8.46	7.74	8.38	8.53	8.50	8.27
1982	8.92	8.78	8.76	8.01	8.67	8.73	8.51	8.50
1983	8.95	8.72	8.68	8.04	8.89	8.94	8.50	8.62
1984	8.68	8.33	8.30	7.96	8.17	8.28	8.42	8.06
1985	8.51	8.16	8.14	7.85	8.16	8.08	8.32	7.95
1986	8.33	8.34	8.31	7.88	8.20	8.54	8.39	8.13
1987	8.40	8.02	7.99	7.85	8.02	8.28	8.40	8.01
1988	8.57	8.23	8.18	7.74	7.98	8.34	8.40	8.00
1989	7.29	7.42	7.43	6.48	6.53	6.57	6.81	6.69
1990	7.43	7.08	6.99	7.18	6.70	7.32	7.23	6.78
1991	9.08	8.63	8.64	7.54	8.45	8.42	8.47	8.28
1992	8.78	8.35	8.33	7.86	8.22	8.70	8.43	8.34
1993	9.06	8.48	8.47	7.77	8.32	8.55	8.46	8.32
1994	9.78	9.40	9.40	8.11	9.71	9.18	9.23	9.62
1995	9.75	9.51	9.50	8.23	9.70	9.20	9.25	9.67
1996	9.17	8.77	8.75	7.87	8.79	8.90	8.51	8.49
1997	8.83	8.66	8.64	7.77	8.42	8.65	8.47	8.30
1998	9.28	9.00	8.99	7.97	9.04	9.05	8.55	8.75
1999	9.84	9.84	9.82	8.59	9.75	9.51	9.29	9.51
2000	8.78	8.60	8.60	7.86	8.45	8.47	8.53	8.54
Maximum Stage	**9.84**	**9.84**	**9.82**	**8.59**	**9.75**	**9.51**	**9.29**	**9.67**
	NSM	**CERP0**	**CERP1**	**ALT7R5**	**West Book**	**East Book**	**Alt 3**	**Alt 4**

Table 2
Number of Days above 9.7 ft in the period of record modeling

			No Name Storm		Hurrican Irene		
	December 1994		October 1995		October 1999		Total Number
	# of Days	Peak Stage	# of Days	Peak Stage	# of Days	Peak Stage	of days above
NSM	18	9.78	6	9.75	7	9.84	31
CERP0	0	9.40	0	9.51	3	9.84	3
CERP1	0	9.40	0	9.50	3	9.82	3
ALT7R5	0	8.11	0	8.11	0	8.59	0
West Bookend	1	9.71	0	9.49	4	9.75	5
East Bookend	0	9.12	0	9.05	0	9.51	0
Alt 3	0	9.25	0	8.96	0	9.29	0
Alt 4	0	9.67	0	9.25	0	9.51	0

Total number of days in model simulation = 13,149

Figure 1
Natural System Model (NSM) Frequency Curve
Log Pearson Type III Distribution

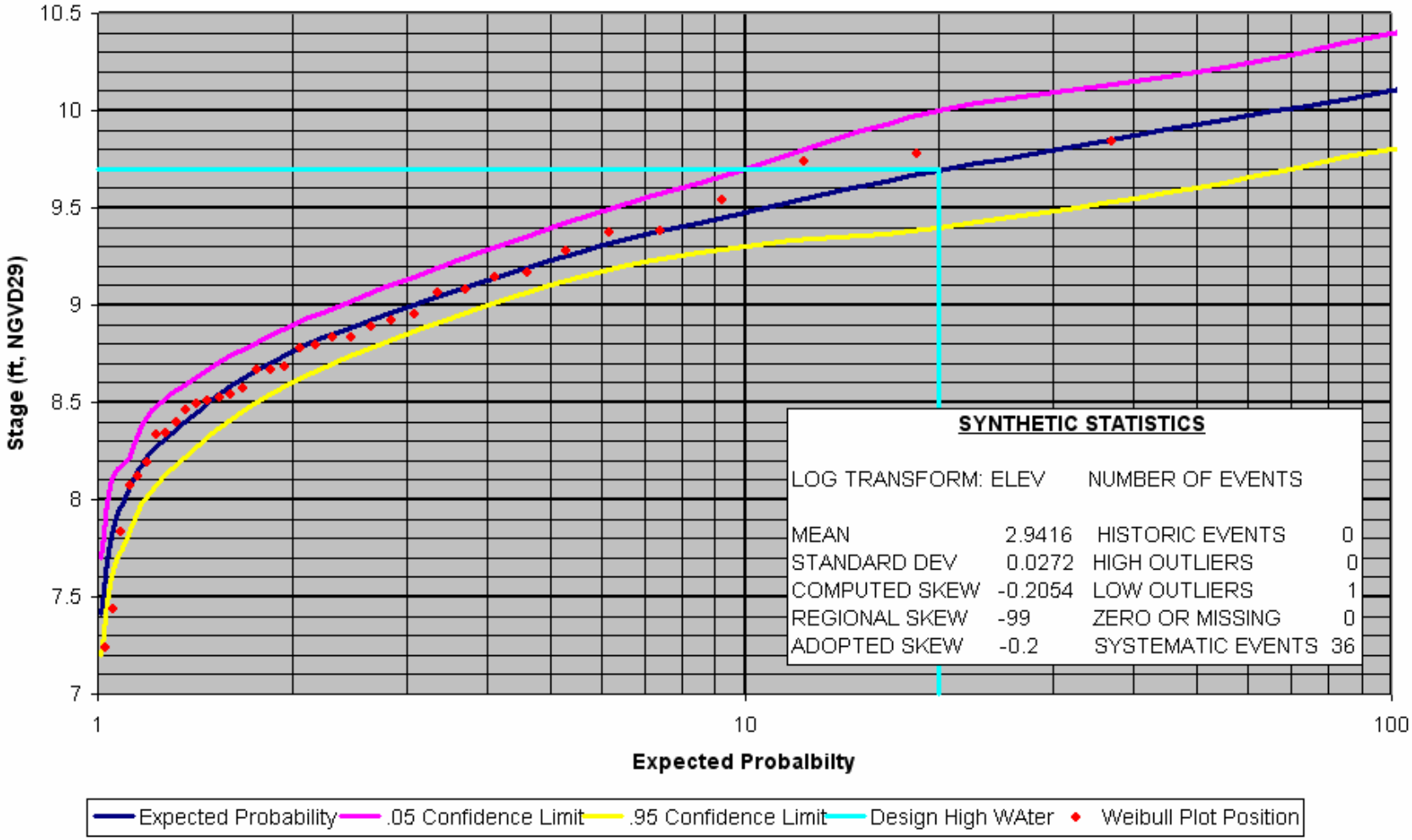

Figure 2
Stage Hydrograph of NSM Model Output along Tamiami Trail

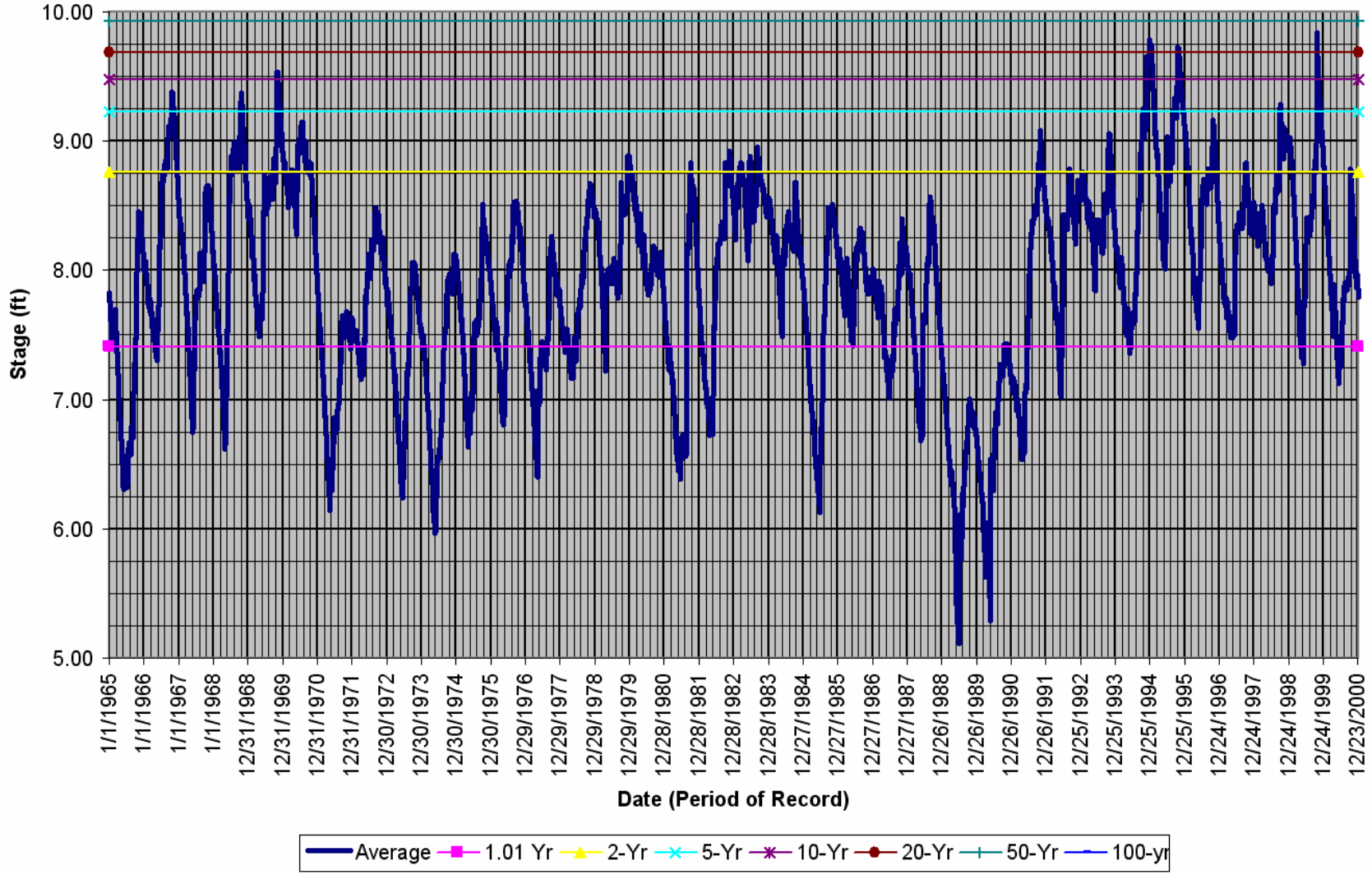

Figure 3
NSM Frequency of Occurrence within the Modeled Period of Record

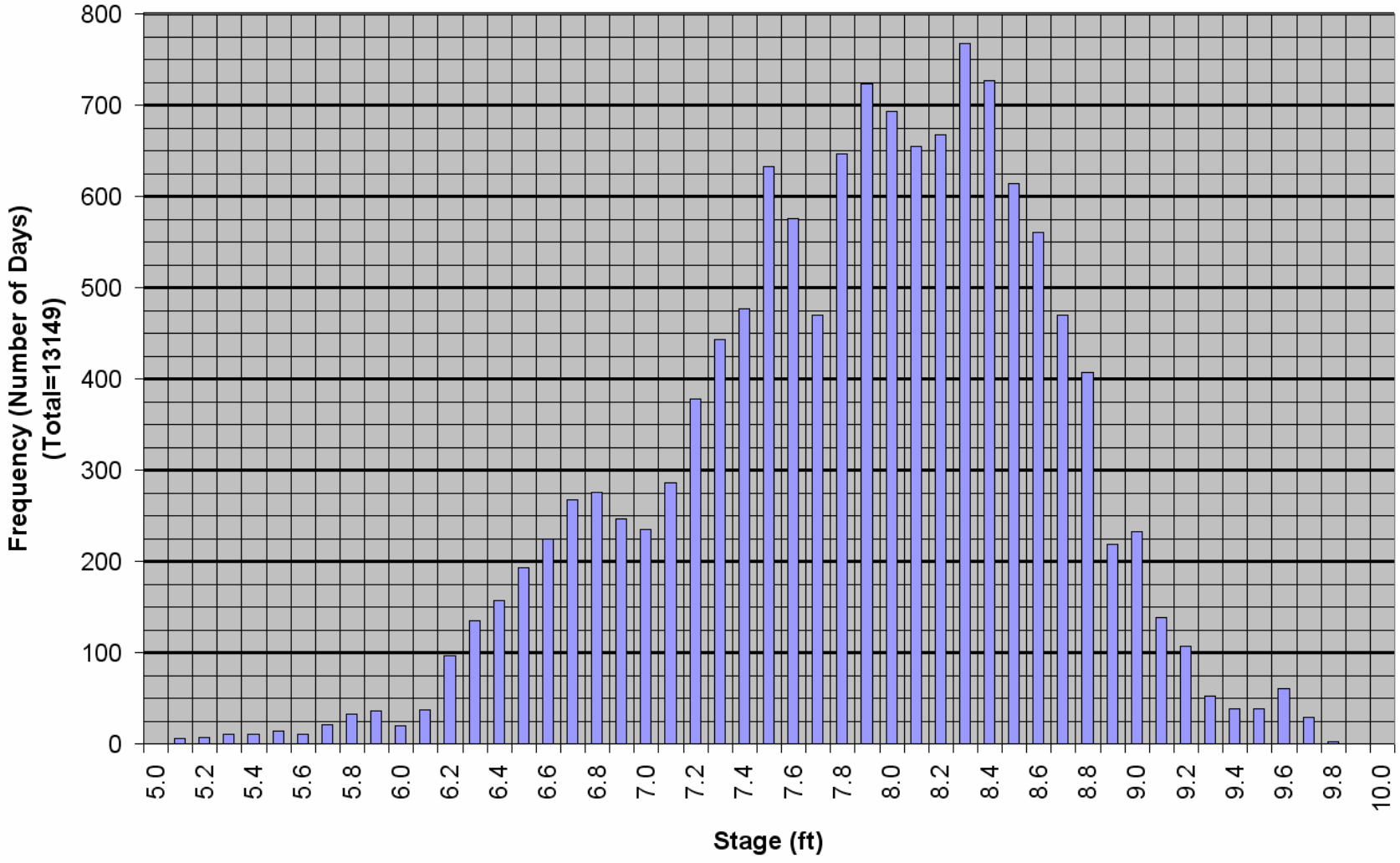

Figure 4
Stage Hydrograph for L-29 during Hurrican Irene
Based on several Computer Simulations

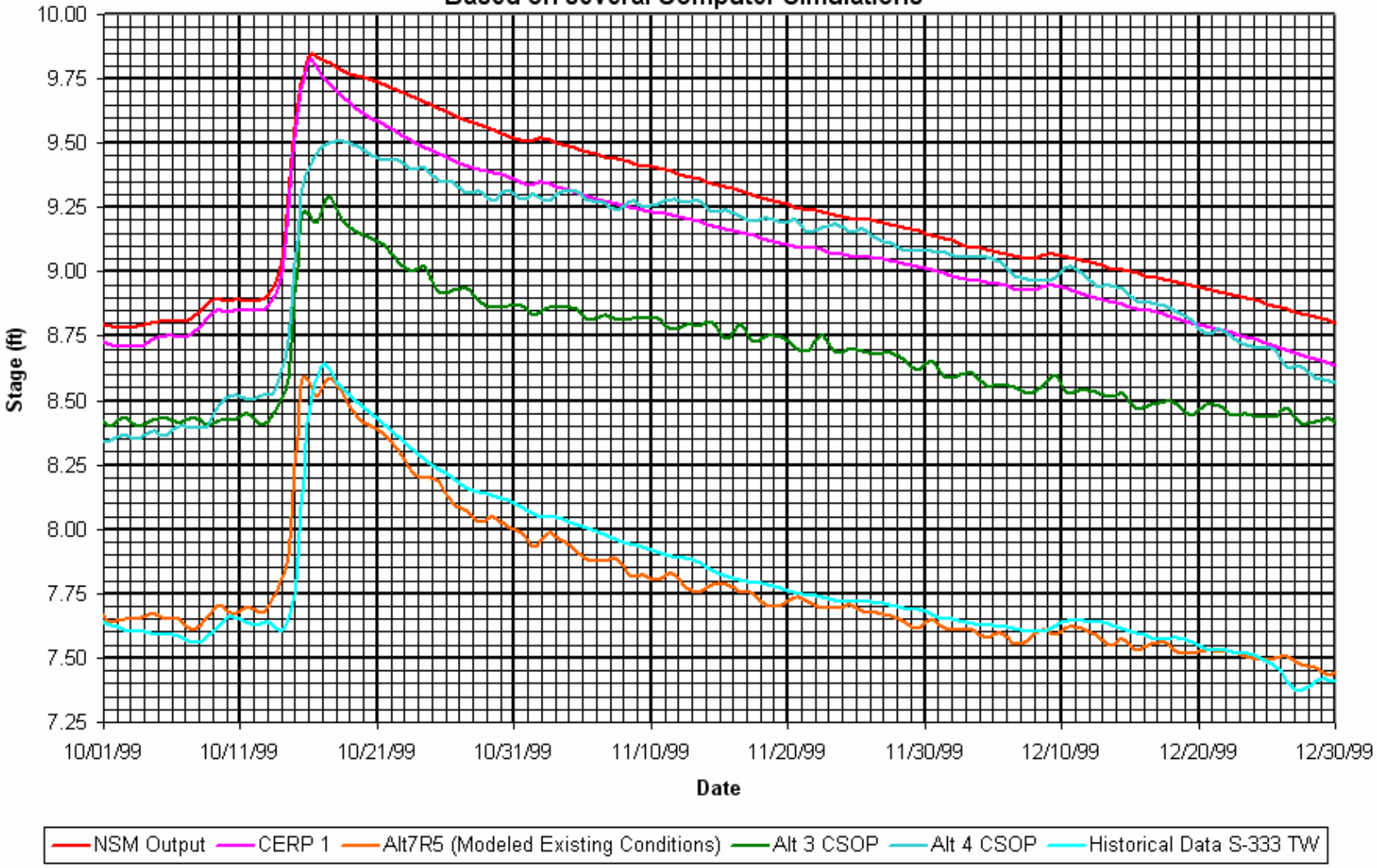

Figure 5
Stage Differential between the L-29BC and Downstream Marsh

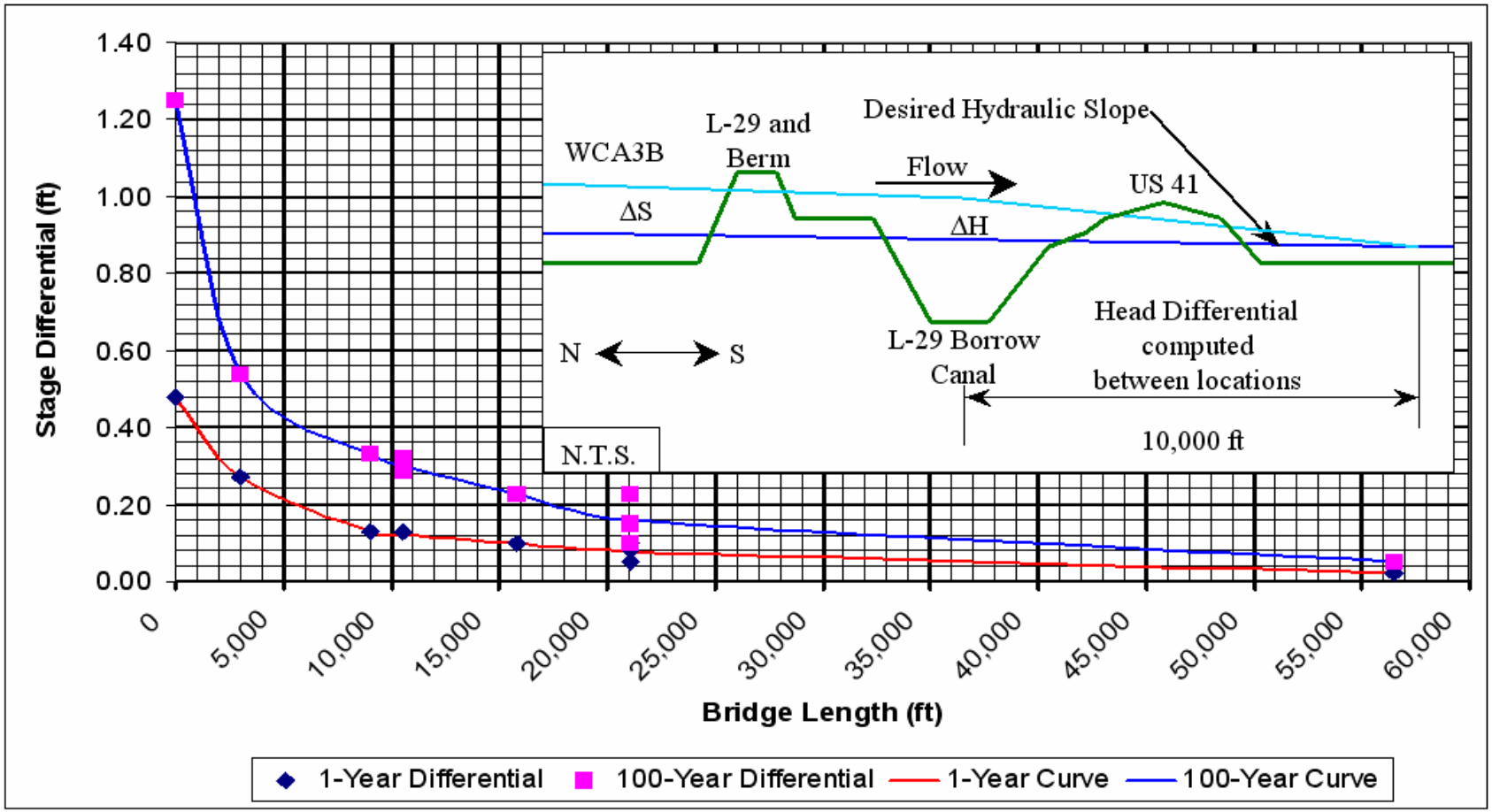

Figure 6
November 1994 Hydrographs

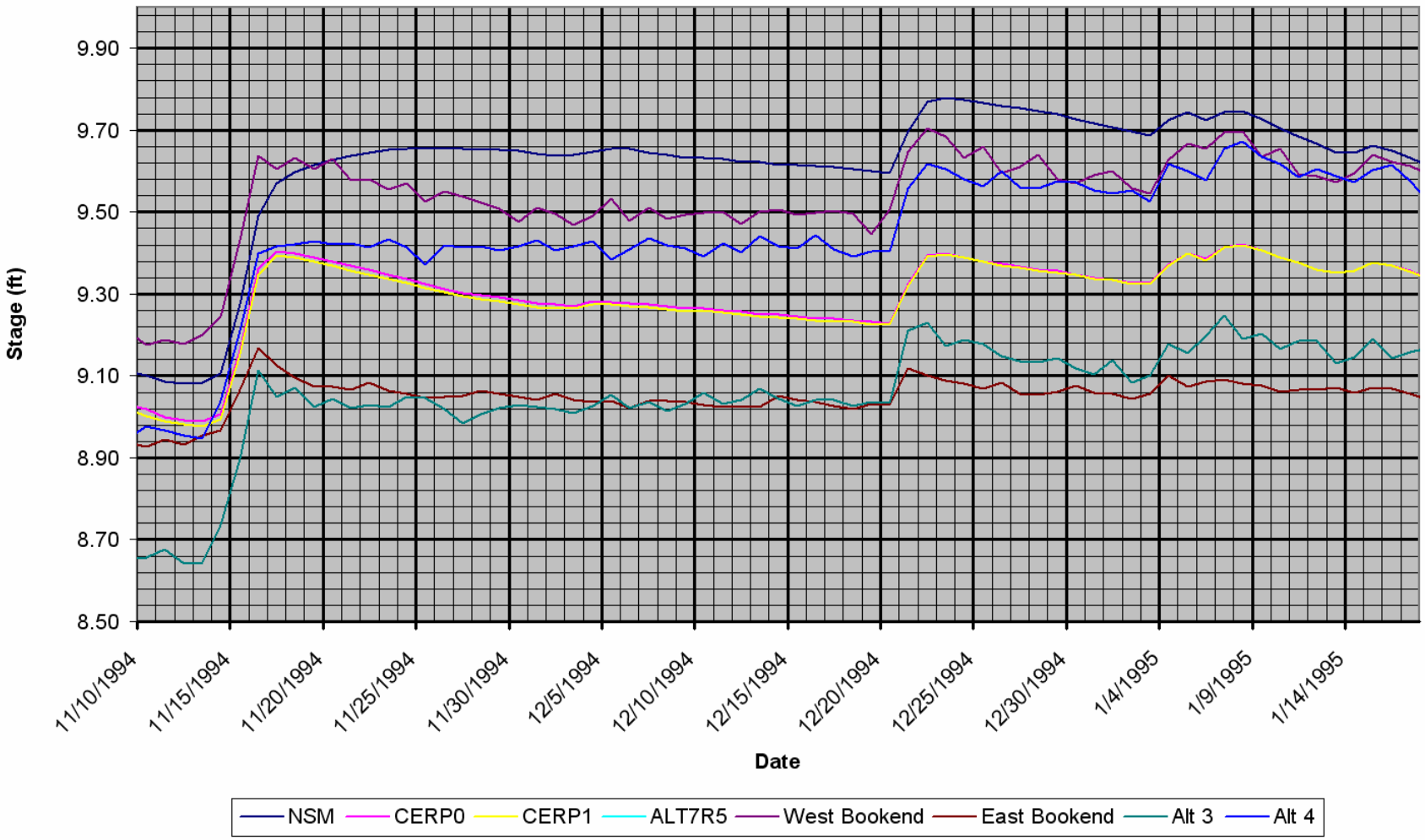

Figure 7
October 1995 Hydrographs

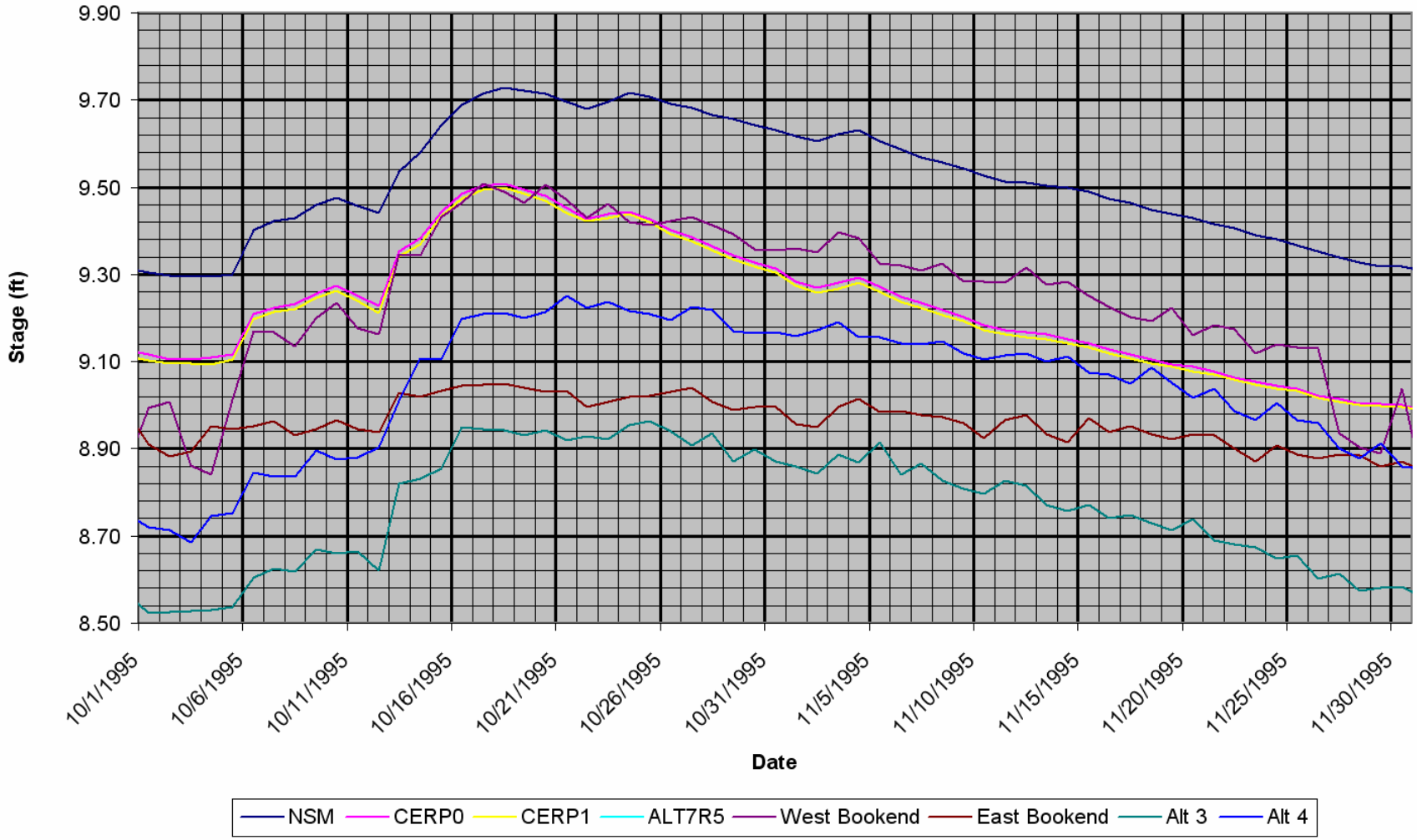
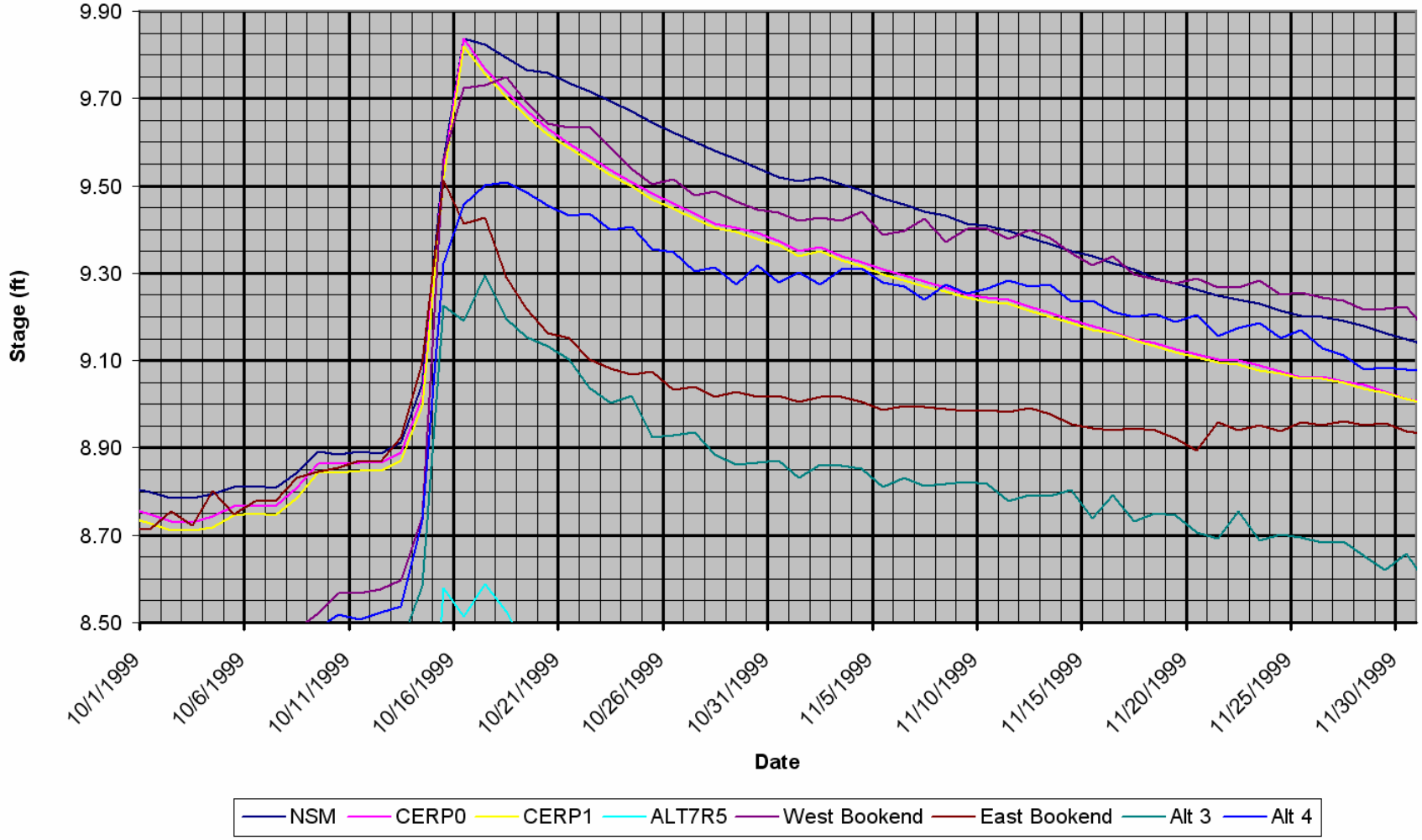
Figure 8
October 1999 Hydrographs