

APPENDIX B
SCOPING DOCUMENTS

be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060-6221.

RECORD SOURCE CATEGORIES:

Data is supplied by participants, supervisors, and information technology offices.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 06-4250 Filed 5-4-06; 8:45 am]

BILLING CODE 5001-06-M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Availability of Draft Environmental Impact Statement for the Floyd County, KY (Levisa Fork Basin), Section 202 Project

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

ACTION: Notice of availability.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers, DoD. Huntington District has prepared a Draft Environmental Impact Statement (DEIS) which documents planning analyses undertaken for a proposed flood damage reduction projects in the Levisa Fork basin in Floyd County, KY. The study area includes the incorporation areas of Prestonsburg and unincorporated areas in Floyd County which are subject to flood damage from the potential of a reoccurrence of the April 1977 flood. The study area does not include the City of Martin, KY where a separate flood damage reduction project is underway. The DEIS documents agency evaluation of four alternatives, two of which includes floodwall/levee alignments intended to protect Prestonsburg and non-structure flood-proofing measures, a total non-structural alternative, and the No Federal Action alternative.

DATES: Written comments on the Draft Environmental Impact Statement will be accepted for 45 days following publication of the Environmental Protection Agency's Notice of Availability for this Draft Environmental Impact Statement (DEIS) in the **Federal Register**.

ADDRESSES: Address all written comments on the DEIS to Stephen O'Leary PM-PD-S, U.S. Army Corps of Engineers, Huntington District, 502 Eighth Street, Huntington, WV 25701-2070. Electronic mail: *Stephen.D.Oleary@Lrh01.usace.army.mil*.

FOR FURTHER INFORMATION CONTACT: Stephen O'Leary, Telephone (304) 399-5841.

SUPPLEMENTARY INFORMATION: The Energy and Water Development Appropriations Act of 1981 (Pub. L. 96-367) provided \$25,150,000 for the development of flood protection measures for the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River. Many Floyd County communities within the floodplain of the Levisa Fork and Russell Fork and tributaries were devastated by the April 1977 flood, which was the flood of record for much of the region. Congressional reaction to these flood events resulted in the inclusion of funds and language in various legislative directives that mandated expeditious implementation of flood damage reduction measures within the study area covered by the Huntington District's Section 202 General Plan.

The study area, primarily residential in nature, includes the incorporated areas of Prestonsburg and unincorporated areas in the county subject to flood damage from the potential of a reoccurrence of the April 1977 flood. The proposed project would require providing flood protection measures to approximately 2,000 structures, 75 percent of which are residential.

Four alternatives are evaluated in detail the DEIS, including the No Federal Action. One alternative is totally nonstructural flood-proofing measures. Two alternatives include floodwalls/levees along with nonstructural measures, and are generally described as follows. (1) Floodwall/levees to provide flood damage reduction for infrastructure, roadways, homes, and businesses in most of Prestonsburg through a combination of the floodwall, gates, raised roadways, curbs, and small wall sections in the down town area. Floodwalls would prevent Levisa Fork overtopping in the Blackbottom area, which now causes flooding in the central business district as well as in Blackbottom. In this alternative the floodwall would also extend to protect the Big Sandy Community and Technical College (BSCTC) and its campus. (2) The proposed structural component would provide flood damage reduction for infrastructure, roadways, homes, and businesses in most of Prestonsburg through a combination of the floodwall, grates, raised roadways, curbs, and small wall sections in the downtown area. This plan's floodwall would prevent Levisa Fork overtopping in the Blackbottom area, which now

causes flooding in the central business district as well as in Blackbottom. Flood insurance costs would be reduced for structures protected by the floodwall. The floodwall would not protect the BSCTC and its campus. BSCTC would be able to participate in the nonstructural program for eligible structures.

The Corps invites full public participation to promote open communication and better decision-making. All persons and organizations that have an interest in the Levisa Fork Basin flooding problems as they affect Floyd County and the environment are urged to participate in this NEPA process.

A public hearing on the content of the DEIS will be held at Prestonsburg High School, 825 Blackcat Boulevard, Prestonsburg, KY 41649. The public hearing and all other future public meetings and any other public involvement activities will be announced in advance through notices, media news releases, and/or mailings.

Copies of the DEIS may be reviewed at the following locations:

1. U.S. Army Corps of Engineers, Huntington District, 502 Eighth Street, Huntington, WV 25701-2070, Room 3100.
2. Floyd County Public Library, 18 North Arnold Avenue, Prestonsburg, KY 41653-1269.
3. Prestonsburg Community College Library, One Bert T. Combs Drive, Prestonsburg, KY 41653.
4. <http://www.lrh.usace.army.mil/projects/review>.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 06-4235 Filed 5-4-06; 8:45 am]

BILLING CODE 3710-GM-M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Supplemental Environmental Impact Statement to the Interim Operational Plan for Protection of the Cape Sable Seaside Sparrow, Everglades National Park, Miami-Dade County, FL, May 2002

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

ACTION: Notice of intent.

SUMMARY: In 1999, the U.S. Fish and Wildlife Service issued a Final Biological Opinion for the Modified Water Deliveries to Everglades National Park Project (MWD Project), the C-111 Project, and the Experimental Water

Deliveries to Everglades National Park Project. FWS concluded that the operations, if continued, would likely jeopardize the continued existence of the endangered Cape Sable seaside sparrow and adversely modify its critical habitat. In response, the Corps implemented an Interim Structural and Operational Plan (ISOP) in March 2000, followed by the Interim Operating Plan (IOP) in July 2002. These operations were designed to protect the sparrow pending completion of construction of the MWD Project and the C-111 Project. Because of the urgency to implement IOP in time for the next sparrow breeding season, the IOP Final Environmental Impact Statement (FEIS) was completed prior to conclusion of modeling that supported the selected plan. Pursuant to a March 2006 order by the United States District Court for the Southern District of Florida, the Corps will be preparing a supplement to the IOP FEIS. The Supplemental Environmental Impact Statement (SEIS) will update the FEIS with the modeling for the selected alternative, which was completed in November 2002, as well as actual data collected since the May 2002 FEIS. In addition the SEIS will update its analysis of the default condition for the reservoirs.

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

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Cintron at (904) 232-1692 or e-mail at Barbara.b.cintron@saj02.usace.army.mil.

SUPPLEMENTARY INFORMATION:

a. The proposed action will be the previously selected Alternative 7R that consists of water management operations of existing structural components of the Central & Southern Florida Project (C&SF Project) to avoid flooding the sparrow breeding habitats during the breeding season and to rehydrate breeding habitats during the annual wet season in order to prevent and reverse habitat degradation.

b. Alternatives will be chosen from the array in the previous FEIS that involve spatial variations in conveying water through the C&SF Project to protect the sparrow.

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

d. The Draft SEIS will update the Corps' analysis of Alternative 7R with modeling that was completed in November 2002 for that alternative and

compare it to the previous alternatives. In addition, modeling for marsh operations and variable flows at pump station S-356 based on seepage will be used to update the analysis of the default condition for the reservoirs constructed in the C-111 Basin. The previous model could not accommodate the analysis of variable flows at S-356 when the 7R modeling was concluded in 2002. The analysis will also include actual hydrologic field data collected since 2002 and information on subsequent nesting success of endangered species, including the sparrow and the snail kite.

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

f. A scoping meeting is not anticipated.

g. The Draft SEIS is expected to be available for public review in the 3rd quarter of CY 2006.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 06-4241 Filed 5-4-06; 8:45 am]

BILLING CODE 3710-AJ-M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare an Environmental Impact Statement for the Dam Safety Assurance Evaluation Report, Dover Dam, City of Dover, Tuscarawas County, OH

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

ACTION: Notice of intent.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers (Corps), Huntington District will prepare an Environmental Impact Statement (EIS) to disclose potential impacts to the natural, physical, and human environment resulting from modifications to Dover Dam. This high hazard dam does not conform to current design standards related to stability and sliding during a probable maximum flood. Modifications will be performed so the Dam will meet these standards.

DATES: A public scoping meeting will be held on May 24, 2006 from 7-8:30 p.m.

ADDRESSES: Send written comments and suggestions concerning this proposed project to David M. Rieger, PD-R, U.S. Army Corps of Engineers, Huntington

District, 502 Eighth Street, Huntington, WV 25701-2070. Telephone: 304-399-5160. Electronic mail:

david.m.reiger@1rh01.usace.army.mil.

Requests to be placed on the mailing list should also be sent to this address.

FOR FURTHER INFORMATION CONTACT: Mr. Rodney Cremeans, U.S. Army Corps of Engineers, Huntington District, 502 Eighth Street, Huntington, WV 25701-2070. Telephone: (304) 399-5170. Electronic mail: Rodney.G.Cremeans@1rh01.usace.army.mil.

SUPPLEMENTARY INFORMATION:

1. *Authority:* Investigation and justification of modifications for dam safety assurance to completed Corps of Engineers projects is authorized under Section 1203 of the Water Resources Development Act of 1986 (Pub. L. 99-662).

2. *Background:* a. Guidance for this study is provided in USACE Engineer Regulation 1110-2-1155 for modifying or developing new facilities, raising the dam and/or improving the stability of the dam to accommodate currently anticipated flood volumes.

b. The Corps evaluates structures such as Dover Dam periodically throughout their life. These evaluations are important for identifying trends in the aging process of the structure as well as offering an opportunity to consider developments in the design and weather forecasting sciences. Concerns for the stability of the dam have grown over the life of Dover Dam. Since the construction of the project in the 1930's, the maximum pool recorded was 907.4 (8.6 feet below the spillway crest) in January 2005. No significant problems have been encountered with the dam, however, inflow is very carefully monitored to ensure the safety of the public downstream of the dam.

c. The Corps will continue to manage stability concerns in the event of extreme flooding. However, recent flood events have highlighted the need to address on-going concerns and renew consideration of potential low-frequency extreme flood events.

d. The National Weather Service has published details of procedures and methods that are used to develop generalized estimates of Probably Maximum Precipitation (PMP), the greatest rainfall rates for specified durations that are theoretically possible for regions throughout the United States. These rainfall estimates are considered extreme, with a very low probability of occurrence. However, the worst-case storms associated with the PMP events, retain some probability of occurrence. These PMP events are used



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
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REPLY TO
ATTENTION OF

Planning Division
Environmental Branch

MAY 10 2006

TO THE ADDRESSEES ON THE ENCLOSED LIST:

The U.S. Army Corps of Engineers (Corps), Jacksonville District, is beginning preparation of a Supplement to the 2002 Final Environmental Impact Statement (SEIS) on the Interim Operating Plan for Protection of the Cape Sable Seaside Sparrow (IOP) pursuant to a March 2006 order by the United States District Court for the Southern District of Florida. A Notice of Intent (NOI) to prepare the SEIS was published in the Federal Register on May 5, 2006.

The 2002 IOP EIS was prepared in response to a request from the U.S Fish and Wildlife Service to take emergency action to protect the sparrow from water management operations that, if continued, would likely jeopardize its continued existence. Because of the urgency to implement IOP in time for the next sparrow breeding season, the IOP Final Environmental Impact Statement (FEIS) was completed prior to conclusion of hydrologic modeling that supported the selected plan, Alternative 7R. The judicial order requires the Corps to remedy that, but does not require suspension of IOP operations or construction of the structural elements of the plan during preparation of the SEIS. When implemented in August 2002, the IOP was intended to be continued until the completion of the Combined Structural and Operational Plan (CSOP) for the Modified Water Deliveries and C-111 projects.

The proposed action will be the previously selected Alternative 7R that consists of water management operations of existing structural components of the Central and Southern Florida Project (C&SF Project) to avoid flooding the sparrow breeding habitat in sub-population A during the breeding season and to rehydrate breeding habitats in sub-populations C, D, and F during the annual wet season in order to prevent and reverse habitat degradation from excessive dryout and fire frequency. Alternatives will be chosen from the array in the previous FEIS that involve spatial variations in conveying water through the C&SF Project to protect the sparrow and its habitat.

The SEIS will update the Corps' previous EIS analysis of Alternative 7R with hydrologic modeling that was completed in November 2002 for that alternative and compare it to the previous alternatives. The November 2002 modeling included the default conditions for both marsh operations and S-356 operations (daily varying flows with L-31N Canal triggers). The analysis will also include actual hydrologic field data collected since 2002 and information on subsequent nesting success of endangered species, including the sparrow and the snail kite.

We invite the participation of Federal and State agencies, Native American tribes, local agencies, and interested organizations and individuals in providing comments and identifying

any issues. Please share this letter with any interested party not included on the address list, and send any comments you may have to the attention of Ms. Barbara Cintron at the letterhead address or email barbara.b.cintron@usace.army.mil by June 16, 2006. All individuals who respond with comments will be included in future mailings. Others may be included by making a request in writing (postcard) to the same address or by email.

Sincerely,


Stuart J. Appelbaum
Chief, Planning Division

Enclosure

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DR SYDNEY BACCHUS
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NEW YORK, NY 10011

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TAMIAMI STATION FL 33144

JENNIFER SHABER
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MS MARLA TOOLE
OSCEOLA CAMP
%MICCOSUKEE TRIBE OF FLORIDA
PO BOX 440021
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MARA SHLACKMAN
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FT LAUDERDALE, FL 33316

SEMINOLE TRIBE OF FLORIDA
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AH THA THI KI MUSEUM
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CLEWISTON FL 33440

JOHN SKLEPOWICZ
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MARTIN SLATER
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TAMARA, FL 33321

SENATOR BOB SMITH
EVERGLADES FOUNDATION
PO BOX 1436
OSPREY, FL 34229

ROBERT E. STUCKER
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MIAMI, FL 33157-8623

PAT SUITER
14705 NE 11TH COURT
N MIAMI FL 33161

From: Bernabei, Catharina [cbernabei@braddock.dadeschools.net]

Sent: Monday, May 22, 2006 7:21 AM

To: Cintron, Barbara B SAJ

Cc: Alan Nowell; Bernabei, Catharina; Maria Papazian

Dear Stuart Appelbaum, Barbara Cintron:

I received your letter indicating the urgency to save the endangered Cape Sable Seaside Sparrow by implementing the IOP in time for the next breeding season . PLEASE DO SO! I am not an engineer , but a special education public school teacher, who takes her students to enjoy and admire the beauty ,tranquility of the everglades and its wildlife ,including the birds, the sparrows.

I do not know what is the best formula to save the glades ,but it would make sense to correct as best as possible the natural flow of the river of grass , by allowing as much uninterrupted water to flow in a natural way into the park , therefore I strongly advise you to build the 10.7 mile SKYWAY. Money matters should not be a concern ,history has taught us that cutting corners cost us more than doing it right the first time. But when have humans learned anything from history? Please read "The Swamp " by Michael Grunwald.

I am also a sierra outings leader and want to stress to you that being concerned for our resources is not a luxury or a hobby for 'tree-huggers'- etc , but our very survival , the future of our children, grandchildren depend on protecting the environment . Everyone should be very concerned, like the cover of time magazine said : be worried ,very worried. (about the global warming ,the pollution of the planet , the threat to polar bears ,etc) We as a species have not the right to say : this species is not important, this snail, wildflower, bird ,insect.. one day that very same endangered species , plant may save your child's life. We need to stop being greedy and we need to nurture and protect what we have , be grateful with what we have , do with less, invest in new resources and technology , research and learn from history! We need to share our resources ,knowledge and technology with other people on earth. The everglades belong to the world , it is a world heritage site. The Cape Sable Seaside Sparrow belongs to the world .
PLEASE DO WHAT YOU CAN TO SAVE THE SPARROW , IT'S HABITAT ,THE EVERGLADES.
Thank you

Catharina ' Kaatje' Bernabei

EDWARD D. LOSCH
2603 Juniper Court
Palm City, Florida 34990
772-336-4725

May 12, 2006

Mr. Stuart J. Appelbaum
Chief, Planning Division
Department of the Army
Jacksonville District Corp of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

SEIS to the 2002 IOP for the Cape Sable Seaside Sparrow

Let's get our priorities straight. If the Corp and South Florida Water Management District cannot save both the Cape Sable Seaside Sparrow and the St. Lucie Estuary with all its inherent aquatic life, then the sparrow should be forced to try to relocate its habitat.

The aquatic life in the St. Lucie River has been repeatedly killed or been driven out of its natural environment by the excessive discharges of Central Florida's polluted fresh water over the last many decades.

We are all for protecting and preserving endangered species but not at the expense of an entire waterway like the St. Lucie River.

Very truly yours



SAI# FL200605152302C

USACE - Notice of Intent to Prepare a Supplement to the 2002
Final Environmental Impact Statement (SEIS) on the Interim
Operational Plan (IOP) for Protection of the Cape Sable Seaside
Sparrow, Everglades National Park - Miami-Dade County, Florida.

The above-referenced project was received by the Florida State Clearinghouse on 5/15/06, and has been forwarded to the appropriate reviewing agencies. The clearance letter and agency comments will be forwarded to you no later than 6/30/06, unless you are otherwise notified. Please refer to the State Application Identifier (SAI) number in all written correspondence with the Florida State Clearinghouse regarding this project. If you have any questions, please contact the Clearinghouse staff at (850) 245-2161. Tony; Vanessa Holmes

Lauren Milligan: call 5/31

36th Floor
100 Renaissance Center
Detroit, MI 48243-1157
313.259.7110
Fax 313.259.7926

313.393.7398
wilczakt@pepperlaw.com

June 16, 2006

Ms. Barbara Cintron
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232-0019

Re: Supplement to the 2002 Final Environmental Impact Statement:
Interim Operational Plan (IOP) for Protection of the Cape Sable Seaside Sparrow
("Supplemental EIS")

Dear Ms. Cintron:

Radio One, Inc. is in receipt of the U.S. Army Corps of Engineers ("Corps") letter dated May 10, 2006, regarding the above-referenced matter. It is our understanding that the Corps is updating its analysis of Alternative 7R with hydrologic modeling. Radio One continues to be concerned with the potential impact to the approximately 80 acre parcel that it owns within the Northeast Shark River Slough ("NESRS") area 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

I have attached for your convenience Radio One's prior comments that it submitted on April 9, 2001. Radio One appreciates the opportunity to comment, and trusts that its comments and concerns will be considered and accommodated in the Supplemental EIS and the final IOP, with appropriate mitigating actions being included within the scope and costs of the IOP.

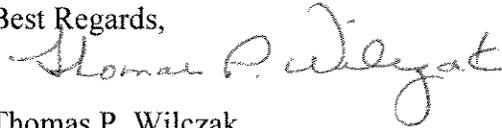
Radio One requests that it be kept on the mailing list for any further materials that are generated for the IOP and associated EIS. Finally, please keep us advised as to any public meetings scheduled for this project.

¹ The property previously was owned by AMFM Operating, Inc.

Barbara Cintron
June 16, 2006
Page 2

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.

Best Regards,



Thomas P. Wilczak

TPW:lmf

cc: John Moulding (via telecopier)
John Mathews (Radio One)

36th Floor
100 Renaissance Center
Detroit, MI 48243-1157
313.259.7110
Fax 313.259.7926

313.393.7398
wilczakt@pepperlaw.com

April 9, 2001

VIA EMAIL AND FEDERAL EXPRESS

Elmar Kurzbach
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232-0019

Re: Draft Environmental Impact Statement: Interim Operational Plan (IOP)
for Protection of the Cape Sable Seaside Sparrow ("Draft EIS")

Dear Mr. Kurzbach:

This letter contains the public comments of Radio One, Inc. to the above-referenced Draft EIS. Pursuant to a telephone conversation on April 4, 2001 with my legal assistant, Ellen Zapalski, you indicated that comments would be accepted if submitted via email by the April 9, 2001 due date as long as a copy was mailed on the same day.

Radio One understands that the U.S. Army Corps of Engineers ("Corps") proposes to implement the IOP that is the subject of the EIS to attempt to provide protection of the Cape Sable Seaside Sparrow ("CSSS"), while also continuing to provide flood protection through the project.

Radio One, however, is concerned that the EIS failed to adequately consider the impacts of the project, particularly of the Phase II operations, on property in the study area, particularly properties within the Northeast Shark River Slough ("NESRS"). Radio One owns a parcel of approximately 80 acres within that area 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

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.

¹ The property previously was owned by AMFM Operating, Inc.

Elmar Kurzbach

April 9, 2001

Page 2

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 assure access. As a result, Radio One has not had any problem with flooding or access, seasonal or otherwise. Radio One, however, is concerned that the IOP will create problems for Radio One's operations that were not considered or addressed in the draft EIS.

Based upon a review of the anticipated increased water levels in the area of the Radio One property, as determined by Corps IOP project modeling (which modeling appears to have failed to fully and adequately address all hydrologic parameters and effects in the area), it appears that the IOP project likely may result in:

- A loss of access to Radio One's property via its existing access road, at least on a seasonal basis
- Flooding of the pads upon which its towers and structures are situated, at least on a seasonal basis
- Difficulty in servicing its towers and structures during such resulting high water conditions, and possible total loss of such service during those time periods
- Disruption, distortion or elimination of a public service to diverse segments of the Miami area community, which service is not otherwise available to such communities.

Additionally, the increased water levels likely may result in erosion damage to the road beds and tower pads, which could threaten the tower's structural integrity, and 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 EIS. The increased water levels also could result in signal disruption or distortion interfering with Radio One's broadcast capabilities.

As a result of such effects, Radio One likely may incur significant costs to mitigate the impacts, such as, re-building or raising the grade of the access road and the tower pads, amending its FCC license or loss of value of such license, and possibly needing 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

Elmar Kurzbach
April 9, 2001
Page 3

EIS is flawed, and that these socio-economic, economic and environmental impacts and costs must be considered in the final EIS for the IOP project.

If such adverse impacts are not planned for and mitigated with the IOP for 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 such case, Radio One will look to the government for appropriate compensation.

Radio One has been further informed that a related project entailing physical modifications to Tamiami Trail in the area of its property is being planned. Radio One is concerned about the potential impacts, and associated costs, that might result to its continuing access to its property via its access road off of Tamiami Trail.

Radio One appreciates the opportunity to comment, and trusts that its comments and concerns will be considered and accommodated in the final draft EIS and the final IOP, with appropriate mitigating actions being included within the scope and costs of the IOP.

Radio One requests that it be kept on the mailing list for any further materials that are generated for the IOP and associated EIS, including the response to these comments, the draft final EIS and the anticipated future Combined Structural and Operations Plan ("CSOP), along with the draft EIS for the CSOP. Radio One further requests being placed on the mailing list for all plans, including the draft EIS, for the Tamiami Trail modification project. Finally, 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: John Moulding (via telecopier)
Linda Eckard Vilaro, Esq. (Radio One)
John Mathews (Radio One)
Brian Considine

June 13, 2006

LTG Carl A. Strock (Carl.A.Strock.Itg@hq02.usace.army.mil)
Commanding General & Chief of Engineering
U. S. Army Corps of Engineers
441 G Street NW
Washington, DC 20314-1000
Fax: 202/761-4463

Colonel Robert M. Carpenter, District Engineer (Robert.M.Carpenter@saj02.usace.army.mil)
Lawrence C. Evans, Chief Regulatory Division (Lawrence.C.Evans@saj02.usace.army.mil)
Marie G. Burns, Chief, "Environmental" Branch
Atten: Carrie Bond (Carrie.L.Bond@saj02.usace.army.mil)
Atten: Tori White (Tori.White@saj02.usace.army.mil)
Stuart J. Appelbaum, Chief, Planning Division
Atten: Barbara Cintron (Barbara.B.Cintron@usace.army.mil)
Atten: Barbara Cintron (Barbara.B.Cintron@saj02.usace.army.mil)
Atten: Mike Dupes (Michael.Dupes@saj02.usace.army.mil)
Atten: Ernest Clarke (Ernest.Clarke@saj02.usace.army.mil)
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Jacksonville, FL 32207
Fax: 904/899-5095
Fax: 904/232-1684

**Re: Request for extension of time
Broward County Water "Preserve" Area (BCWPA) Project
L-31 N (L-30) "Seepage Management Pilot Project" (SMPP)/N Everglades National Park
Supplement to 2002 Final Environmental Impact Statement/Cape Sable Seaside Sparrow
Draft Project Implementation Report (PIR) with
Integrated EIS for Central/Southern FL Project, Broward County Water Preserve Areas
Draft Environmental Impact Statement/
Everglades National Park (ENP) Seepage Management Project
Any other proposed or pending applications/actions in the Greater Everglades Watershed**

Dear Commanding General and Chief Strock and other relevant Corps employees:

Thank you for the opportunity to submit comments regarding your agency's mailed notices pertaining to proposed projects referenced above. All of the proposed projects and agency actions would be located within the Greater Everglades Watershed. Each of the letter notices identified a different contact/response person.

Please note that the electronic address provided for Barbara Cintron in Mr. Appelbaum's notice letter dated May 10, 2006, included a domain address different from all of the other electronic addresses for Jacksonville District Corps staff (Barbara.B.Cintron@usace.army.mil). Because the difference in the address for Ms. Cintron might be the result of a typographical error in Mr. Appelbaum's letter, I have forwarded an electronic copy of my comment letter and referenced attachments to both versions of Ms. Cintron's electronic address. The date of each of your agency's notice letters for the referenced projects is provided in the following list:

- 5/30/06 BCWPA Project - Supplemental Public Notice/2005-7528(IP-TW)
C-9 Impoundment
C-11 Impoundment
Water "Conservation" Area (WCA) 3A/3B "Seepage" Management Area (SMA)
- 5/15/06 EA: L-31 N (L-30) "Seepage Management Pilot Project"
- 5/10/06 Supplement to 2002 Final EIS/Cape Sable Seaside Sparrow
(Combined Structural & Operational Plan (CSOP) for Modified Water Deliveries/C-111 projects)
- 3/6/06 Draft Project Implementation Report (PIR) with
Integrated EIS for Central/Southern FL Project, Broward County Water "Preserve" Areas
- 2/21/06 Draft Environmental Impact Statement/
Everglades National Park (ENP) Seepage Management Project

Time Extension:

The primary purpose of this letter is to request that an extension of time be granted for the public and other agencies to submit comments on the proposed projects listed above and all other proposed and pending federally funded, permitted or authorized projects in the Greater Everglades Watershed. The time extension is requested until after: a) Judge Hoeveler's final ruling on the case remanding your agency's joint permit issued to 10 firms for mining and exporting the Everglades' surficial aquifer rock formation; b) resolution of the fatal flaws with the "Compensatory Mitigation for Losses of Aquatic (e.g., wetlands, streams) Resources" in Florida; and c) completion of a Supplemental Environmental Impact Statement (EIS) for Everglades Restoration resolving all of the deficiencies identified in Judge Hoeveler's March 22, 2006 Order regarding mining in the Greater Everglades Watershed. One of the conclusions of that Order (Case No. 03-23427-CIV-Hoeveler) was that the Corps and the U.S. Fish and Wildlife Service (FWS) had "failed to carry out their duty to protect the federal wetlands and protected species." An electronic copy of that Order is being forwarded to you in four pdf files as an **attachment** to this letter.

Relevance of Hoeveler's Order:

Hoeveler's March 2006 Order is relevant to the proposed projects referenced above in several respects. The overriding action addressed in that case is large-scale dredging and discharge in the Everglades, including Everglades wetlands. The proposed projects referenced above also involve large-scale dredging and discharge in the Everglades, including Everglades wetlands, but are referred to in euphemistic terms (e.g., "impoundment," "seepage," "reservoir," "Conservation Area," "Preserve"). All of the proposed projects referenced above would result in significant additional environmental destruction of the Greater Everglades Watershed.

The March 2006 Order addresses the Corps' failure to adequately evaluate alternatives, indirect impacts, and cumulative impacts of large-scale dredging and discharge in the Everglades. In my opinion, those inadequacies and the other inadequacies described in detail in the Order have pervaded all of the above-referenced Environmental Assessments (EA) and EISs conducted by your agency, as well as the "Comprehensive Everglades Restoration Plan." Consequently, all of the inadequacies described in Hoeveler's March 2006 Order should be resolved in Supplemental EISs for each of the proposed projects referenced above before any further agency action - other than the purchase of environmentally sensitive lands - is taken.

Misleading Information:

The projects proposed above (and proposed Everglades "restoration") rely, in part or in whole, on the assumption that Stormwater Treatment Areas (STA) in the Everglades have reduced and will reduce pollutants discharged to waters of the U.S., including coastal waters. That assumption is based, in part or in whole, on water quality data from "S2" discharges. The "S2" facility is in the vicinity of Belle Glade.

Flow data recorded by the South Florida Water Management District (DB HYDRO), as estimated average monthly flow through S2 from the period of 1995 through 2005, reveals that flow (discharge) from S2 remained at or near zero after late 2001. The only exception was one discharge peak of approximately 200 cubic feet per second (cfs) in late 2004. Prior to the cessation of flow from "S2" the discharge peak was approximately 1200 cfs. By virtually halting flow (discharge) from "S2," any improvements in downstream surface water quality may suggest that the upstream STA is reducing pollutant levels in the water. In reality, however, reductions in downstream surface waters likely are the result of severe reductions in (cessation of) "S2" discharges.

"Seepage" v. Groundwater Flow:

The projects proposed above (and the proposed Everglades "restoration") also are based on the presumption the "seepage" is the controlling groundwater force in the proposed project areas. This presumption is not supported by fact.

One of the most recent scientific studies to confirm that high velocities of groundwater flow occur along preferential flow paths in Florida's karst aquifer system was described in the 2005 peer-reviewed publication by Renken et al. (electronic copy **attached**). That dye-tracer study documented apparent mean advective velocity between wells that was "one to two orders of magnitude greater than previously measured." High groundwater flow velocities reduce attenuation of contaminants (pollutants).

The fact that groundwater "seepage" is the sole focus of groundwater flow in the projects proposed above (and proposed Everglades "restoration"), with no attention to high-velocity flow through preferential flow paths, supports the conclusion that all of the proposed projects are fatally flawed. Constructing more "impoundments" to "store" highly contaminated water in the Everglades simply will force more of the highly contaminated water to discharge rapidly (as groundwater flow and groundwater discharge), into surface waters of the U.S., including coastal waters.

Previous Comments:

Virtually all of my previous comment letters to your agency during the past six years are relevant to the problems with the projects proposed above. I am resubmitting electronic copies of my five letters to you listed as **attachments** below. Please ensure that a copy of all attachments referenced in this comment letter are incorporated into the file of record in their entirety as my formal comments regarding these proposed projects.

Sincerely,



Sydney T. Bacchus, Ph. D.
Hydroecologist
appliedenvirserv@mindspring.com

List of Attachments:

- 3/22/06 Federal Order (Case No. 03-23427-CIV-Hoeveler)
- 2005 Renken et al., Environmental and Engineering Geoscience, Vol. XI, No. 4, pp. 319-331
- 5/30/06 Bacchus letter to Corps/EPA (Watershed Mitigation)
- 4/4/05 Bacchus letter to Corps (Palm Beach Pits)
- 7/5/04 Bacchus letter to Corps (Glades "ASR")
- 6/13/04 Bacchus letter to Corps (Keys UIC)
- 4/18/01 Bacchus letter to Corps (Everglades Pits)

cc: **Elected Officials**
Senator Bill Nelson

Federal Agencies
David M. Walker
Comptroller General
US Government Accountability Office
441 G Street, NW
Washington, DC 20548

Office of Emergency Preparedness
Federal Emergency Management Agency (FEMA)
Federal Center Plaza

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Washington, D. C. 20472
202/646-3900
yvonne.jubang@dhs.gov

U. S. Department of Commerce, NOAA
Vice Admiral Conrad C. Lautenbacher, Jr. Conrad.C.Lautenbacher@noaa.gov

**Habitat Conservation Division and
National Marine Fisheries Service**

Rickey N. Ruebsamen, Acting Asst. Reg. Admin.
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Edward Lindelof, Chief, Gulf and Caribbean Branch
Sanctuaries and Reserves Division

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National Ocean Service/NOAA edward.lindelof@noaa.gov

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Fish and Wildlife Service

Steve Williams, Director

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U. S. Environmental Protection Agency

Mike Leavitt, Administrator

Atten: Stephen L. Johnson, Dept. Admin.

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1200 Pennsylvania Ave., NW (4606)

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U. S. Environmental Protection Agency

Office of Wetlands, Oceans and Watersheds (4502T)

Donna Downing, ANPRM Contact

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1200 Pennsylvania Avenue N. W.

Washington, DC 20460

U. S. Environmental Protection Agency

Office of Ground Water and Drinking Water

William Diamond, Director

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Joan Farrelly, Chief/Prevention Branch

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U. S. Environmental Protection Agency

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