

## **APPENDIX C – PERTINENT CORRESPONDENCE**



**MAILING LIST  
LAKE OKEECHOBEE  
August 2004  
(Revised October 2004)**

**CHIEF  
US ARMY CORPS OF ENGINEERS  
SOUTH FLORIDA OPERATIONS OFFICE  
525 RIDGE LAWN ROAD  
CLEWISTON, FL 33440-5399**

**RICHARD HARVEY  
U.S. EPA, REGION 4  
400 N. CONGRESS AVENUE, SUITE 120  
WEST PALM BEACH, FL 33401**

**SUPERVISOR  
SOUTH FLORIDA ECOSYSTEM OFFICE  
U.S. FISH AND WILDLIFE SERVICE  
1339 20<sup>th</sup> STREET  
VERO BEACH, FL 32960-3559**

**BOB PACE  
U S FISH AND WILDLIFE SERVICE  
1339 20<sup>TH</sup> STREET  
VERO BEACH FL 32960-3559**

**BUREAU OF INDIAN AFFAIRS  
6075 STIRLING ROAD  
HOLLYWOOD, FL 33024**

**NATIONAL MARINE FISHERIES SERV  
HABITAT CONSERVATION DIV.  
11420 N. KENDALL DR., SUITE 103  
MIAMI, FL 33131**

**STATE AGENCIES**

**FLORIDA STATE CLEARINGHOUSE  
FL DEPT OF ENV PROTECTION  
ATTN: Bob Hall  
3900 COMMONWEALTH BLVD  
MAIL STATION 47  
TALLAHASSEE FL 32399-3000 (16CY)**

**BRIAN S. BARNETT  
OFFICE OF ENVIRONMETNAL SERV.  
FL FISH AND WILDLIFE CONSERVATION  
COMMISSION  
620 SOUTH MERIDIAN STREET  
TALLAHASSEE, FL 32399-1600**

**FEDERAL AGENCIES**

**JOAN A. BROWDER, PH.D.  
RESEARCH ECOLOGIST  
SOUTHEAST FISHERIES SCIENCE CENTER  
75 VIRGINIA BEACH DRIVE  
MIAMI, FL 33149**

**EVERGLADES NATIONAL PARK  
40001 STATE ROAD 9336  
HOMESTEAD, FL 33034 (2 CYS)**

**REFUGE MANAGER  
ARTHUR R. MARSHALL  
LOXAHATCHEE NWR  
U.S. FISH AND WILDLIFE SERVICE  
10216 LEE ROAD  
BOYNTON BEACH, FL 33437-9741**

**STATE CONSERVATIONIST  
NATURAL RESOURCES  
CONSERVATION SERVICE  
U.S. DEPARTMENT OF AGRICULTURE  
P.O. BOX 141510  
GAINESVILLE, FL 32614-1510**

**REGIONAL DIRECTOR  
NATIONAL MARINE FISHERIES SERVICE  
9721 EXECUTIVE CENTER DR. N  
ST. PETERSBURG, FL 33702-2449**

**REGIONAL ADMINISTRATOR  
NATIONAL MARINE FISHERIES SERVICE  
HABITAT CONS DIVISION  
SOUTHEAST REGIONAL OFFICE  
9721 EXECUTIVE CENTER DRIVE N  
ST PETERSBURG FL 33702**

**J. D. WYKERT  
FL GAME & FRESH WATER COMM  
AQUATIC PLANT SECTION  
3900 DRANE FIELD ROAD  
LAKELAND, FL 33811**

**SUSAN GRAY, PH.D.  
SOUTH FLORIDA WATER MGMT DISTRICT  
P.O. BOX 24680  
WEST PALM BEACH, FL 33416-4680**

**COMMISSIONER  
DEPARTMENT OF AGRICULTURE AND  
CONSUMER SERVICES  
3125 CONNER BLVD. ROOM 269  
TALLAHASSEE, FL 32399-1650**

**Mail list used for temp. Dev. EA**  
Colors indicate mailing:  
Black = NOA with FONSI  
Blue = Hard Copy of EA  
Green = CD of EA

**REGIONAL DIRECTOR  
NATIONAL PARK SERVICE  
75 SPRING STREET SW  
ATLANTA, GA 30303 (2 CYS)**

**REGIONAL DIRECTOR  
U.S. FISH AND WILDLIFE SERVICE  
1875 CENTURY BLVD.  
ATLANTA, GA 30345-3301**

**REFUGE MANAGER, J.M. DING DARLING  
NATIONAL WILDLIFE REFUGE  
1 WILDLIFE DRIVE  
SANIBEL, FL 33957**

**T. MCAILILEY, TRIAL ATTORNEY  
U.S. DEPARTMENT OF JUSTICE  
ENVIRONMENTAL AND NATURAL  
RESOURCE DIVISION  
99 NE 4<sup>TH</sup> STREET  
MAIMI, FL 33132-2111**

**SUBDISTRICT CHIEF  
WATER RESORCES DIVISION  
U.S. GEOLOGICAL SURVEY  
9100 NW 36<sup>TH</sup> STREET SUITE 106  
MAIMI, FL 33178**

**NAT. MARINE FISHERIES SERVICE  
CHIEF PROTECTED SPECIES BRANCH  
9721 EXECUTIVE CENTER DR. NORTH  
ST. PETERSBURG, FL 33702-2449**

**KARL HAVENS  
SO FL WATER MANAGEMENT DIST  
P. O. BOX 24680  
WEST PALM BEACH, FL 33416-4680**

**DISTRICT HEADQUARTERS  
SOUTHWEST FLORIDA WATER MGMT DIST  
2379 BROAD STREET  
BROOKSVILLE, FL 34604-6899**

**SECRETARY  
INTERGOVERNMENTAL AFFAIRS POLICY UNIT  
THE CAPITOL, ROOM 1603  
TALLAHASSEE, FL 32399-0001**

PETER DOERING  
SOUTH FL WATER MANAGEMENT DISTRICT  
P. O. BOX 24680  
3301 GUN CLUB ROAD  
WEST PALM BEACH, FL 33419-4680

DON FOX  
FLORIDA GAME & FRESH WATER FISH  
COMM  
FISHERIES SECTION  
3991 S.E. 27<sup>TH</sup> CT.  
OKEECHOBEE, FL 33974

DIRECTOR  
OFFICE OF ECOSYSTEM PLANNING  
FLORIDA DEPT OF ENVIRON. PROTECTION  
3900 COMMONWEALTH BLVD MS 45  
TALLAHASSEE, FL 32399-3000

MR. HERBERT H. ZEBUTH  
SOUTHEAST DISTRICT  
FLORIDA DEPT OF ENVIRON. PROTECTION  
P.O. BOX 15425  
WEST PALM BEACH, FL 33416

EXECUTIVE DIRECTOR  
FLORIDA GAME AND FRESH WATER  
FISH COMMISSION  
620 S. MERIDIAN STREET  
TALLAHASSEE, FL 32399-1600

EVERGLADES PROTECTION & REST.  
PROGRAM  
FL FISH & WILDLIFE CONSERV. COMMISSION  
255 154<sup>TH</sup> AVENUE  
VERO BEACH, FL 32968-9041

ENVIRONMENTAL OFFICE (MS-37)  
FLORIDA DEPARTMENT OF  
TRANSPORTATION  
605 SUWANEE STREET  
TALLAHASSEE, FL 32399-0450

STATE HISTORIC PRESERVATION OFFICER  
DIVISION OF HISTORICAL RESOURCES  
R.A. GRAY BUILDING  
500 SOUTH BRONOUGH STREET  
TALLAHASSEE, FL 32399-0250

PAUL GRAY  
WATERFOWL MGMT SECTION  
FL GAME & FRESHWATER FISH COMM  
3991 SE 27<sup>TH</sup> COURT  
OKEECHOBEE, FL 34974

SOUTH FL WATER MANAGEMENT DISTRICT  
OKEECHOBEE FIELD STATION  
1000 N. E. 40<sup>TH</sup> AVENUE  
OKEECHOBEE, FL 34972

TROY HAVARD  
SOUTH FLORIDA WATER MANAGEMENT  
DIST  
CLEWISTON FIELD STATION  
RR#1 BOX 103  
CLEWISTON, FL 33440

RICK BRUST  
FLORIDA GAME & FRESH WATER COMM.  
3200 T.M. GOODWIN ROAD  
FELLESMEERE, FL 32948

CAL NEIDRAUER  
SO FL WATER MANAGEMENT DIST  
P. O. BOX 24680  
WEST PALM BEACH, FL 33416-4680

## COUNTY AGENCIES

ROMAN GASTERI  
MIAMI-DADE COUNTY  
OFFICE OF THE COUNTY MANAGER  
111 NW FIRST STREET, SUITE 2910  
MIAMI, FL 33128-1994

MIAMI-DADE COUNTY DERM  
33 SW SECOND AVE.  
MIAMI, FL 33130-1540

LEIGH E. DUNSTON, CHAIR  
ECONOMIC COUNCIL, PALM BEACH CTY  
1555 PALM BEACH LAKES BLVD SUITE 400  
WEST PALM BEACH, FL 33401-2375

COUNTY COORDINATOR  
GLADES COUNTY ADMINISTRATION  
P.O. BOX 1018  
MOORE HAVEN, FL 33471

COUNTY ADMINISTRATOR  
HENDRY COUNTY ADMINISTRATION  
P.O. BOX 1760  
LABELLE, FL 33935-1760

COUNTY ADMINISTRATOR  
HIGHLANDS COUNTY ADMINISTRATION  
P.O. BOX 1926  
SEBRING, FL 33871-1926

COUNTY ADMINISTRATOR  
MARTIN COUNTY ADMINISTRATION  
2401 SE MONTEREY ROAD  
STUART, FL 34996

COUNTY ADMINISTRATOR  
OKEECHOBEE COUNTY ADMINISTRATION  
304 NW 2<sup>ND</sup> STREET  
OKEECHOBEE, FL 34972

COUNTY MANAGER  
OSCEOLA COUNTY ADMINISTRATION  
17 S. VERNON AVE., ROOM 117  
KISSIMMEE, FL 34741-5488

COUNTY ADMINISTRATOR  
PALM BEACH COUNTY ADMINISTRATION  
301 N. OLIVE AVE.  
WEST PALM BEACH, FL 33401-4705

COUNTY MANAGER  
POLK COUNTY ADMINISTRATION  
DRAWER CA01 P.O. BOX 9005  
BARTOW, FL 33831

COUNTY ADMINISTRATOR  
ST. LUCIE COUNTY ADMINISTRATION  
2300 VIRGINIA AVE.  
FORT PIERCE, FL 34982

COUNTY MANAGER  
METRO-DADE CENTER  
OFFICE OF THE CITY MANAGER SUITE 2910  
111 NW 1<sup>ST</sup> STREET  
MIAMI, FL 33128

MR. ROLAND OTTOLINI  
DIRECTOR, LEE COUNTY DIVISION OF  
NATURAL RESOURCES  
P.O. BOX 398  
FORT MYERS, FL 33902-0398

PLANNING DIRECTOR  
MIAMI-DADE COUNTY PLANNING DEPT  
111 NW FIRST STREET SUITE 1220  
MIAMI, FL 33128-1972

ECONOMIC COUNCIL OF  
OKEECHOBEE COUNTY INC.  
P.O. BOX 718  
OKEECHOBEE, FL 34973

GLADES CITY BOARD OF COUNTY COMM  
P.O. BOX 10  
MOORE HAVEN, FL 33471

POLK COUNTY BOARD OF  
COUNTY COMMISSIONERS  
P.O. BOX 60  
BARTOW, FL 33830

MR. ARNOLD MONROE  
OKEECHOBEE FARM BUREAU  
14627 NW 34<sup>TH</sup> TERRACE  
OKEECHOBEE, FL 34972

## ASSOCIATIONS

PAUL GRAY  
NATIONAL AUDUBON SOCIETY  
100 RIVERWOODS CIRCLE  
LORIDA, FL 33857

BOARD MEMBER  
ST. LUCIE RIVER INITIATIVE  
P.O. BOX 2082  
STUART, FL 34995

LOUIS E. LARSON, SR., PRESIDENT  
LARSON DAIRY, INC.  
P.O. BOX 1242  
OKEECHOBEE, FL 34973

NATIONAL AUDUBON SOCIETY  
444 BRICKELL AVE. #850  
MIAMI, FL 33131

MR. GREG CARLTON  
U.S. SUGAR CORPORATION  
P.O. DRAWER 1207  
CLEWISTON, FL 33440-1207

FLORIDA WILDLIFE FEDERATION  
1549 LIVE OAK DRIVE  
TALLAHASSEE, FL 32301

EVERGLADES COORDINATING COUNCIL  
3845 SW 103<sup>RD</sup> AVENUE APT 101  
MIAMI, FL 33165

AUDUBON SOCIETY OF THE EVERGLADES  
10308 HERITAGE FARMS  
LAKE WORTH, FL 33467

TROPICAL AUDUBON SOCIETY, INC.  
5530 SUNSET DRIVE  
MIAMI, FL 33143

TROPICAL AUDUBON SOCIETY  
201 S. BISCAYNE BLVD (SUITE 1402)  
MIAMI, FL 33131

RIDGE AUDUBON SOCIETY  
1122 CIRCLE DRIVE  
LAKE WALES, 33853

FRIENDS OF THE EVERGLADES  
244-A WESTWARD DRIVE  
MIAMI SPRINGS, FL 33166

SIERRA CLUB, LOXAHATCHEE  
298 NW 11<sup>TH</sup> STREET  
BOCA RATON, FL 33432

WORLD WILDLIFE FUND  
P.O. BOX 19630  
PLANTATION, FL 33318

CHAIRPERSON  
DEFENDERS OF WILDLIFE  
1101 14<sup>TH</sup> STREET, NW SUITE 1400  
WASHINGTON, DC 20005

1000 FRIENDS OF FLORIDA  
1833 SE HIDEAWAY CIRCLE  
PORT ST LUCIE, FL 34952

CALOOSAHATCHEE RIVER  
CITIZENS ASSOCIATION  
12491 COCONUT CREEK COURT  
FORT MYERS, FL 33908

THE WILDERNESS SOCIETY  
4203 PONCE DE LEON BLVD  
CORAL GABLES, FL 33146

STATE DIRECTOR  
THE NATURE CONSERVANCY  
222 S. WESTMONTE DRIVE (SUITE 300)  
ALTAMONTE SPRINGS, FL 32714-4269

MR. ROBERT DANIELS  
S.FLA. REGIONAL PLANNING COUNCIL  
3440 HOLLYWOOD BLVD, SUITE 140  
HOLLYWOOD, FL 33021

SAVE THE MANATEE  
P.O. BOX 8776  
NAPLES, FL 34101-8776

FL SPORTSMEN CONSERVATION ASSOC.  
7407 SOUTHERN BLVD.  
WEST PALM BEACH, FL 33908

ENVIRONMENTAL COALITION OF  
BROWARD COUNTY  
10400 GRIFFIN ROAD, SUITE 304  
COOPER CITY, FL 33328

ENVIRONMENTAL DEFENSE FUND  
1875 CONNECTICUTT AVE. NW  
WASHINGTON, DC 20009

THE FLORIDA BIODIVERSITY PROJECT  
1120 NW 1<sup>ST</sup> AVENUE  
FT. LAUDERDALE, FL 33311

MS. RUTH CLARK  
LEAGUE OF WOMEN VOTERS, BROWARD  
651 SW 6<sup>TH</sup> STREET, #215  
POMPANO, FL 33060-7797

NATIONAL PARKS AND  
CONSERVATION ASSOC.  
1546 POLK STREET  
HOLLYWOOD, FL 33020-5426

FLORIDA AUDUBON SOCIETY  
1331 PALMETTO AVE., SUITE 110  
WINTER PARK, FL 32789

F. D. JORDAN  
ST LUCIE RIVER INITIATIVE INC.  
P.O. BOX 2471  
STUART, FL 34995

FLORIDA WILDLIFE FEDERATION  
P.O. BOX 6870  
TALLAHASSEE, FL 32314-6870

TRUST FOR PUBLIC LANDS  
7900 RED ROAD SUITE 25  
MIAMI, FL 33143

MR. JOHN RAINS, JR.  
IZAAK WALTON LEAGUE  
5314 BAY STATE ROAD  
PALMETTO, FL 32561-9712

NATIONAL RESOURCES  
DEFENSE COUNCIL  
40 WEST 20<sup>TH</sup> STREET (11 FLOOR)  
NEW YORK, NY 10011

MR. ANDREW SCHOCK  
NATIONAL WILDLIFE FEDERATION  
1330 WEST PEACHTREE ST (SUITE 475)  
ATLANTA, GA 30309

DR. SEYMORE GOLDWEBBER  
DADE COUNTY AGRICULTURAL COUNCIL  
7900 SW 126<sup>TH</sup> TERRACE  
MIAMI, FL 33156

## AGRICULTURAL INTERESTS

ELIZABETH S. JOHNSTONE  
STITT RANCH INC.  
ROUTE 2 BOX 170  
CLEWISTON, FL 33440-9747

VEE PLATT  
FRIERSON FARM  
P.O. BOX 1686  
CLEWISTON, FL 33440

MR. ART DARLING  
DAIRY FARMERS INC.  
166 LOOKOUT PLACE SUITE 100  
MAITLAND, FL 32751

MS. BARBARA MIEDEMA  
SUGAR CANE GROWERS COOPERATIVE  
P.O. BOX 666  
BELLE GLADE, FL 33430-5556

FLORIDA CITRUS MUTUAL  
P.O. BOX 89  
LAKELAND, FL 33802

MR. JOHN W. DUNCKELMAN  
FLORIDA SUGAR CANE LEAGUE, INC.  
P.O. DRAWER 1208  
CLEWISTON, FL 33440-1208

MR. TOM JONES  
SOUTH FLORIDA  
AGRICULTURAL COUNCIL  
P.O. BOX 68  
LABELLE, FL 33935

MR. JOE PEARCE  
FLORIDA CATTLEMAN'S ASSOCIATION  
P.O. BOX 421929  
KISSIMMEE, FL 34742-1929

MR. JOE PEARCE  
FLORIDA CATTLEMAN'S ASSOCIATION  
P.O. BOX 421929  
KISSIMMEE, FL 34742-1929

MR. PHIL STRAZZULLA  
INDIAN RIVER CITRUS LEAGUE  
P.O. BOX 519  
7925 20<sup>TH</sup> STREET  
VERO BEACH, FL 32961-0519

LEWIS FRIEND FARMS, INC.  
ATTN: LEWIS FRIEND  
460 STATE MARKET ROAD  
PAHOKEE, FL 33476

UNITED STATES SUGAR CORP.  
ATTN: MR. FRANKLYN JONES, P.E.  
DIRECTOR, ENGINEERING PLANNING  
P.O. DRAWER 1207  
CLEWISTON, FL 33440

BRYAN BEER  
GUTWEIN GROVES, INC.  
P.O. BOX 158  
LABELLE, FL 33935

JOHN DUNKLEMAN  
FLA SUGAR CANE LEAGUE  
P.O. DRAWER 1208  
CLEWISTON, FL 33440

DAVE QUIRING  
BERRY GROVE CORPORATION  
P.O. BOX 459  
LABELLE, FL 33935

PRESIDENT  
ATLANTIC SUGAR ASSOC., INC.  
P.O. BOX 1570  
BELLE GLADE, FL 33430

BUBBA WADE  
111 PONCE DE LEON  
CLEWISTON, FL 33440

LAWRENCE D. WORTH  
DIRECTOR OF ENGINEERING  
U.S. SUGAR CORPORATION  
P.O. DRAWER 1207  
CLEWISTON, FL 33440

## **NATIVE AMERICAN TRIBES**

**MR MITCHELL CYPRESS, CHAIRMAN  
SEMINOLE TRIBE OF FLORIDA  
6300 STIRLING ROAD  
HOLLYWOOD FL 33024-2198**

**MR BILLY CYPRESS, CHAIRMAN  
MICCOSUKEE TRIBE OF INDIANS OF FLORIDA  
P O BOX 440021 TAMAMIAMI STATION  
MIAMI FL 33144**

**MR. STEVE TERRY  
MICCOSUKEE TRIBE OF INDIANS OF FLORIDA  
P.O. BOX 440021  
TAMIAMI STATION  
MIAMI, FL 33144**

**MR. CRAIG TEPPER  
SEMINOLE TRIBE OF FLORIDA  
6300 STIRLING ROAD, SUITE 109  
HOLLYWOOD, FL 33024**

## **OTHER**

**GLENN HEATH  
S.W. FLA REGIONAL PLANNING COUNCIL  
P.O. BOX 3455  
N. FT. MYERS, FL 33918**

**ROBERT M. NORTON  
4200 HWY 441 SE  
OKEECHOBEE, FL 34974**

**LESLY S. SMITH  
TOWN COUNCIL PRESIDENT  
TOWN OF PALM BEACH  
360 SOUTH COUNTY ROAD  
PALM BEACH, FL 33480**

**LEE CHAMBERLAIN, PRESIDENT  
EVERGLADES COORDINATING COUNCIL  
7901 WEST 25<sup>TH</sup> COURT  
HIALEA, FL 33016**

**FRIENDS OF LAKE OKEECHOBEE  
2252 SW 22<sup>ND</sup> CIRCLE  
OKEECHOBEE, FL 34974**

**EMILY DRAKE  
DRAKE RANCH  
ROUTE 2 BOX 173  
CLEWISTON, FL 33440**

**MR. KEVIN STINNETTE  
INDIAN RIVERKEEPER  
TREASURE COAST ENV. DEFENSE FUND  
P.O. BOX 1812  
JENSON BEACH, FL 34958**

**CATHY HILLIARD  
LADIES OF THE LAKE, U.S.A.  
P.O. BOX 1686  
CLEWISTON, FL 33440**

**ARDIS HAMMOCK  
P.O. BOX 1928  
CLEWISTON, FL 33440**

**GENERAL MANAGER  
PAHOKEE WATER CONTROL DISTRICT  
P.O. BOX 896  
BELLE GLADE, FL 33430**

**ELIZABETH JOHNSTONE  
STITT RANCH  
ROUTE 2 BOX 170  
CLEWISTON, FL 33440**

**THE CONSERVANCY OF SOUTHWEST  
FLORIDA  
1450 MERRIHUE DRIVE  
NAPLES, FL 34102**

**DISTRICT II  
COUNTY COMMISSIONER  
301 NORTH OLIVE AVENUE  
12<sup>TH</sup> FLOOR  
WEST PALM BEACH, FL 33401**

**UTILITY DIRECTOR  
WATER UTILITIES DEPARTMENT  
PALM BEACH COUNTY  
BOX 16097  
WEST PALM BEACH, FL 33416-6097**

**LARSEN & ASSOCIATES  
LIMESTONE MINING COALITION  
200 SOUTH BISCAYNE BLVD SUITE 2940  
MIAMI, FL 33131**

**MR. PHILLIP PARSONS  
LANDERS & PARSONS  
P.O. BOX 271  
TALLAHASSEE, FL 32302-0271**

**MR. THOMAS MACVICAR  
MACVICAR, FREDERICO & LAMB, INC.  
4524 W. GUN CLUB ROAD SUITE 201  
WEST PALM BEACH, FL 33415**

**MS. RUTH CLARK  
LEAGUE OF WOMEN VOTERS, BROWARD  
651 SW 6<sup>TH</sup> STREET, #215  
POMPANO, FL 33060-7797**

**OKEECHOBEE WATERWAY ASSOCIATION  
ATTN: GAIL A BYRD  
P.O. BOX 2756  
CLEWISTON, FL 33440**

**CITY OF PAHOKEE  
ATTN: KENNETH N. SCHENCK  
CITY MANAGER  
171 N. LAKE AVE.  
PAHOKEE, FL 33476**

**THE ARTHUR MARSHALL FOUNDATION  
AND THE FLORIDA ENV INST, INC.  
P.O. BOX 2621  
PALM BEACH, FL 33480**

**THE HONORABLE JOSEPH SPRATT  
HENDRY COUNTY BOARD  
OF COUNTY COMMISSIONERS  
P.O. BOX 1760  
LABELLE, FL 33935-1760**

**BRIAN OULETTE  
16086 E. ALAN BLACK BLVD  
LOXAHATCHEE, FL 33411**

**PALMER TUTHILL  
INDIANTOWN DRAINAGE DISTRICT  
P.O. BOX 806  
INDIANTOWN, FL 34956**

M. KENT BOWEN  
MCARTHUR FARMS INC.  
1550 NE 208<sup>TH</sup> STREET  
OKEECHOBEE, FL 34972

RON HAMEL  
GULF CITRUS GROWERS ASSOCIATION  
P.O. BOX 1319  
LABELLE, FL 33935

JOHN ED BURDESHAW  
OKEECHOBEE CHAMBER OF COMMERCE  
55 SOUTH PARROTT AVENUE  
OKEECHOBEE, FL 34972

LACE K. VITUNAC  
CONSERVATION ALLIANCE  
ST LUCIE COUNTY  
810 KITTERMAN ROAD  
PORT ST LUCIE, FL 34952-9017

THE HONORABLE CHARLES W. HARVEY  
OKEECHOBEE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
304 NW 2<sup>ND</sup> STREET ROOM 106  
OKEECHOBEE, FL 34972

TERRANCE C. SALT, EXECUTIVE DIRECTOR  
SO FL ECOSYSTEM RESTORATION TASK  
FORCE  
FLORIDA INTERNATIONAL UNIVERSITY  
OE BUILDING, RM. 148  
MIAMI, FL 33199

KEN LANGELAND, UNIV OF FLORIDA  
INST OF FOOD & AGRI SCIENCES  
CENTER FOR AQUATIC PLANTS  
7922 N. W. 71<sup>ST</sup> STREET  
GAINESVILLE, FL 32601

SALLY BLACK  
TREASURE COAST REG PLANNING  
COUNCIL  
3228 SW MARTIN DOWNS BLVD  
PALM CITY, FL 34990

JEFF KRAUSKOPF  
MARTIN BOARD OF COUNTY COMM  
2401 SE MONTEREY ROAD  
STUART, FL 34996

WAYNE NELSON  
12911 NW 160<sup>TH</sup> STREET  
OKEECHOBEE, FL 34972

NATHANIEL REED  
BOX 375  
HOBE SOUND, FL 33455

DR. PATRICK J. GLEASON  
CAMP DRESER & MCKEE, INC  
1601 BELVEDERE ROAD  
SUITE 211-SOUTH  
WEST PALM BEACH, FL 33406

STEVE BAUMGARTNER  
CHAMBER OF COMMERCE  
115 E. MAIN STREET  
PAHOKEE, FL 33476

CHARLES SCHOECH  
HIGHLANDS GLADES DRAINAGE DIST  
P.O. BOX 2775  
PALM BEACH, FL 33480-4306

RICAARDO A. LIMA  
OKEELANTA CORPORATION  
P.O. BOX 86  
SOUTH BAY, FL 33493

LARS LARSEN  
OKEECHOBEE WATERWAY ASSOC,  
1402 SW 54 TERRACE  
CAPE CORAL, FL 33914

ANTHONY J. CLEMENTE, P.E., DIRECTOR  
MIAMI-DADE WATER AND SEWER DEPT  
4200 SALZEDO STREET  
CORAL GABLES, FL 33146

## MARINA AND FISH CAMP POSTING

TWIN PALM RESORT  
RT. 6 BOX 885  
LAKEPORT, FL 33471

OKEECHOBEE AIRBOAT RIDES  
220 HWY 78  
OKEECHOBEE, FL 34974

BUCKHEAD RIDGE MARINA  
OKEECHOBEE, FL 34974

ANGLER'S GUIDE SERVICE  
1 SIXTH STREET  
OKEECHOBEE, FL 34974

OKEE TANTIE BAIT & TACKLE  
10430 HWY 78 WEST  
OKEECHOBEE, FL 34974

FAST BREAK  
1505 HWY 78 WEST  
OKEECHOBEE, FL 34974

BAIT & TACKLE  
8591 HWY 78 WEST  
OKEECHOBEE, FL 34974

J & S FISH CAMP  
9500 S.W. CONNERS'S HWY, #15  
OKEECHOBEE, FL 34974

PARKER'S BAIT AND TACKLE  
11486 S. E. HWY 441  
OKEECHOBEE, FL 34974

LITTLE BIG MAN'S  
630 721 LOOP ROAD  
MOORE HAVEN, FL 33471

SPORTSMAN'S VILLAGE MARINA  
1<sup>ST</sup> STREET NORTH  
MOORE HAVEN, FL 33471

**ROLAND AND MARIAN MARTIN'S  
MARINA AND RESORT  
920 E. DEL MONTE AVE.  
CLEWISTON, FL 33440**

**FISHERMAN'S VILLAGE  
1<sup>ST</sup> STREET NORTH  
MOORE HAVEN, FL 33471**

**UNCLE JOE'S MARINA & MOTEL  
LIBERTY POINT  
CLEWISTON, FL 33440**

**ANGLER'S GUIDE SERVICE  
1 SIXTH STREET  
OKEECHOBEE, FL 33974**

**JOLLY ROGER MARINA  
HWY 27 EAST  
CLEWISTON, FL 33440**

**FISHERMAN'S HEAVEN  
CUSTOM LURE'S BY SAM  
MOORE HAVEN, FL 33471**

**PAHOKEE MARINA  
200 UPPER W. LAKEVIEW DRIVE  
PAHOKEE, FL 33476**

**SPORTMAN'S VILLAGE MARINA  
1<sup>ST</sup> STREET NORTH  
MOORE HAVEN, FL 33471**

**ALVIN'S BAIT & TACKLE  
FLORIDA AVENUE  
MOORE HAVEN, FL 33471**

**OKEE TANTI BAIT & TACKLE  
10430 HWY 78 WEST  
OKEECHOBEE, FL 34974**

**FAST BREAK  
1505 HWY 78 WEST  
OKEECHOBEE, FL 34974**

**BAIT & TACKLE  
8591 HWY 78 WEST  
OKEECHOBEE, FL 34974**

**WET WYLLIES  
11486 S. E. HWY 441  
OKEECHOBEE, FL 34974**

**OKEECHOBEE AIRBOATS RIDES  
220 HWY 78  
OKEECHOBEE, FL 33974**

**J & S FISH CAMP  
9500 S. W. CONNER'S HWY, #15  
OKEECHOBEE, FL 34974**

**GARRARD'S BAIT AND TACKLE  
4259 HWY 441 SOUTH  
OKEECHOBEE, FL 34974**

**BUCKHEAD RIDGE MARINA  
OKEECHOBEE, FL 34974**

**TAYLOR CREEK LODGE  
2730 S. E. HWY 441  
OKEECHOBEE, FL 34974**

**CALOOSA LODGE  
RT 2 LOT # 31  
LAKE PORT, FL 33471  
C/O GREG CLOSE**

**NIX'S FISHING HEADQUARTERS  
3235 S. E. HWY 441, SUITE A  
OKEECHOBEE, FL 34974**

**CARROLL & LOUISE HEAD  
2252 SW 22<sup>ND</sup> CIRCLE NORTH  
OKEECHOBEE, FL 34974-5702**

## **OTHER**

**DAVID SUTTON  
UNIVERSITY OF FLORIDA  
IFAS RESEARCH CENTER  
3205 S. W. COLLEGE AVENUE  
FT. LAUDERDALE, FL 33314**

**WARREN BROWN  
ROUTE 2 BOX 42  
MOORE HAVEN, FL 33471**

**RED ALTMAN  
1508 S. E. 6<sup>TH</sup> STREET  
OKEECHOBEE, FL 34974**

**LISA B BEEVER, PH.D.  
CHARLOTTE HARBOR NEP  
4980 BAYLINE DRIVE  
N. FT. MYERS FL 33917-3909**

**RON RAMSEY  
404 S. E. 6<sup>TH</sup> STREET  
OKEECHOBEE, FL 34973**

**WILLIAM G WINTERS, MANAGER  
LAKE WORTH DRAINAGE DISTRICT  
13081 MILITARY TRAIL  
DELRAY BEACH FL 33484-1105**

**MIKE BODLE  
SOUTH FL. WATER MANAGEMENT DIST  
P. O. BOX 24680  
WEST PALM BEACH, FL 33419-4680**

**JEFF SCHARDT  
FL DEPT OF ENV PROTEC  
BUREAU INVASIVE PLANT MGMT  
2051 EAST DIRAC DRIVE  
TALLAHASSEE, FL 32310**

**TED CENTER  
US DEPT OF AGRICULTURE  
AQUATIC PLANT LAB  
3205 S. W. COLLEGE AVE  
FT. LAUDERDALE, FL 33314**

**JIM RODGERS  
FL GAME & FRESH WATER FISH COMM  
WILDLIFE RESEARCH LAB  
4005 S MAIN STREET  
GAINESVILLE, FL 32601**

**DAVE EGGEMAN  
FL GAME & FRESH WATER FISH  
COMMISSION  
620 SOUTH MERIDIAN  
TALLAHASSEE, FL 32399-1600**

**VERNON VANDIVER  
UNIVERSITY OF FLORIDA, AGRI SCIENCES  
3205 S.W. COLLEGE AVENUE  
FT. LAUDERDALE, FL 33314**

**STEVE SMITH  
DUPUIS RESERVE  
23500 S. W. KANNER HWY  
CANAL POINT, FL 33438**

**HENDRY BOARD OF COUNTY COMM  
P. O. BOX 1760  
LABELLE, FL 33975**

**VICKI SMITH  
OKEECHOBEE BCC  
304 N. W. 2<sup>ND</sup> STREET  
OKEECHOBEE, FL 34972**

**JACK RICE  
624 S. E. 4<sup>TH</sup> STREET  
BELLE GLADE, FL 33430**

**JACKIE SMITH  
FL DEPT OF ENV PROTECTION  
BUREAU OF INVASIVE PLANT  
MANAGEMENT  
311-B13 FORTUNE WAY  
WELLINGTON, FL 33414**

**PALM BEACH BOARD CO COMM  
301 NORTH OLIVE AVE  
WEST PALM BEACH, FL 33401**

**JIM WELLS  
1550 SASSY ROAD  
CLEWISTON, FL 33440**

**MARTIN CO ADMIN OFFICE  
ATTN: BCC  
2401 S. E. MONTERAY ROAD  
STUART, FL 34994**

**MS SUSAN BROOKMAN, CHAIRMAN  
SOUTH FL WATERSHED COUNCIL INC.  
P O BOX 61063  
FORT MYERS FL 33906-1063**

**BEVERLY JONES  
ST. LUCIE INITIATIVE  
P.O. BOX 2082  
STUART, FL 34995**

**DAVID JONES  
EVERGLADES NATIONAL PARK  
40001 STATE ROAD 9336  
HOMESTEAD, FL 33034-6733**

**OKEECHOBEE BOARD OF COUNTY  
COMMISSIONERS  
304 NW 2<sup>ND</sup> ST., RM 106  
OKEECHOBEE, FL 34972**

**DONALD STILWELL  
LEE COUNTY, COUNTY MANAGER  
P.O. BOX 398  
FT. MYERS, FL 33902**

**St. Lucie River Initiative  
Attn: Kevin Henderson  
P.O. Box 2082  
Stuart, FL 34995**

**SOUTHWEST FLORIDA REGIONAL PLANNING  
COUNCIL  
P.O. BOX 3455  
NORTH MYERS, FL 33918**

**CENTRAL FLORIDA REGIONAL  
PLANNING COUNCIL  
P.O. DRAWER 2089  
BARTOW, FL 33830**

**SOUTH FLORIDA REGIONAL  
PLANNING COUNCIL  
3440 HOLLYWOOD BLVD. SUITE 140  
HOLLYWOOD, FL 33021**

**SOUTHWEST FLORIDA WATERSHED  
COUNCIL  
P.O. BOX 61063  
FORT MYERS, FLORIDA 33906**

**BONNIE DEARBORN  
TREASURE COAST REGIONAL PLANNING  
COUNCIL  
301 EAST OCEAN BLVD, SUITE 300  
STUART, FL 34994**

**DR. PATRICK J. GLEASON  
CAMP DRESER & MCKEE, INC  
1601 BELVEDERE ROAD  
SUITE 211-SOUTH  
WEST PALM BEACH, FL 33406**

**Fort Myers-Lee County Public Library  
2050 Central Ave.  
Fort Myers, Florida 33901**

**Clewiston Public Library  
120 W. Osceola Ave.  
Clewiston, Florida 33440**

**Palm Beach County Library  
3650 Summit Blvd.  
West Palm Beach, Florida 33406**

**Okeechobee County Public Library  
206 S.W. 16th Street  
Okeechobee, Florida 34974**

**Martin County Blake Library  
2351 S.E. Monterey Rd.  
Stuart, Florida 34996**

**MR. CHARLES ALLER  
FLA DEPT OF AG & CONSUMER SVCS  
THE CAPITAL, PL10  
TALLAHASSEE, FL 32399-0810**

Charlotte Harbor NEP  
4980 Bayline Drive, 4<sup>th</sup> floor  
North Fort Myers, FL 33917-3909

Ed Fielding  
103 SW Linden Street  
Stuart, FL 34997-6332

Joe Collins  
Lykes Bros. Inc.  
106 S.W. CR 721  
Okeechobee, FL 34974

United Waterfowlers – Florida  
P.O. Box 550801  
Jacksonville, FL 32255





DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
P.O. BOX 4970  
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO  
ATTENTION OF

Planning Division  
Environmental Branch

SEP 10 2004

TO WHOM IT MAY CONCERN:

Pursuant to the National Environmental Policy Act and U.S. Army Corps of Engineers Regulation (33 CFR 230.11), this letter constitutes the Notice of Availability of the Finding of No Significant Impact (FONSI) for a temporary deviation from the Regulation Schedule, Water Supply and Environment (WSE) for Lake Okeechobee, Florida.

The purpose of the temporary deviation is to improve the Lake Okeechobee regulation schedule performance by adjusting the classification limits for the hydrologic conditions and outlooks. For your review and comment, please find enclosed a copy of the Draft Environmental Assessment (EA) and Preliminary FONSI. The EA and FONSI is also available for viewing on the U.S. Army Corps of Engineers website under Hendry, Glades, Lee, Martin, Palm Beach or Okeechobee Counties, "Lake Okeechobee Regulation Schedule, Temporary Deviation EA/FONSI" at <http://www.saj.usace.army.mil/pd/envdocs/envdocsb.htm>.

Comments or questions concerning the EA that led to the FONSI should be directed to Ms. Yvonne Haberer, Planning Division, Environmental Branch, at the letterhead address, or telephone 904-232-1701, or fax 904-232-3442, within 30 days of receipt of this letter.

Sincerely,

A handwritten signature in black ink that reads "James C. Duck".

James C. Duck  
Chief, Planning Division

Enclosure



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
P.O. BOX 4970  
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO  
ATTENTION OF

Planning Division  
Environmental Branch

SEP 10 2004

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Fort Myers-Lee County Public Library  
2050 Central Ave.  
Fort Myers, Florida 33901  
Phone: 239-479-4635

Clewiston Public Library  
120 W. Osceola Ave.  
Clewiston, Florida 33440  
Phone: 863-983-1493

Okeechobee County Public Library  
206 S.W. 16th Street  
Okeechobee, Florida 34974  
Phone: 863-763-3536

Martin County Blake Library  
2351 S.E. Monterey Rd.  
Stuart, Florida 34996  
Phone: 772-288-5702

Palm Beach County Library  
3650 Summit Blvd.  
West Palm Beach, Florida 33406  
Phone: 561-233-2600

Comments or questions concerning the EA that led to the FONSI should be directed to Ms. Yvonne Haberer, Planning Division, Environmental Branch, at the letterhead address, or telephone 904-232-1701, or fax 904-232-3442, within 30 days of receipt of this letter.

Sincerely,

James C. Duck  
Chief, Planning Division



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
P.O. BOX 4970  
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO  
ATTENTION OF

Planning Division  
Environmental Branch

SEP 10 2004

Palm Beach County Library  
3650 Summit Blvd.  
West Palm Beach, Florida 33406-4198

Dear Sir/Madam:

Enclosed is a copy of the Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for a temporary deviation to the Regulation Schedule, Water Supply and Environment (WSE) for Lake Okeechobee, Florida. This copy is being provided for public review pursuant to the National Environmental Policy Act. Please make this copy available in the reference section of your library.

Thank you for your assistance. If you have any questions, please contact Ms. Yvonne Haberer at 904-232-1701.

Sincerely,

A handwritten signature in black ink that reads "James C. Duck".

James C. Duck  
Chief, Planning Division

Enclosure



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
P.O. BOX 4970  
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO  
ATTENTION OF

Planning Division  
Environmental Branch

SEP 10 2004

Martin County Blake Library  
2351 S.E. Monterey Road  
Stuart, Florida 34996

Dear Sir/Madam:

Enclosed is a copy of the Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for a temporary deviation to the Regulation Schedule, Water Supply and Environment (WSE) for Lake Okeechobee, Florida. This copy is being provided for public review pursuant to the National Environmental Policy Act. Please make this copy available in the reference section of your library.

Thank you for your assistance. If you have any questions, please contact Ms. Yvonne Haberer at 904-232-1701.

Sincerely,

A handwritten signature in black ink that reads "James C. Duck".

James C. Duck  
Chief, Planning Division

Enclosure



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
P.O. BOX 4970  
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO  
ATTENTION OF

Planning Division  
Environmental Branch

SEP 10 2004

Okeechobee County Public Library  
206 S.W. 16<sup>th</sup> Street  
Okeechobee, Florida 34974

Dear Sir/Madam:

Enclosed is a copy of the Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for a temporary deviation to the Regulation Schedule, Water Supply and Environment (WSE) for Lake Okeechobee, Florida. This copy is being provided for public review pursuant to the National Environmental Policy Act. Please make this copy available in the reference section of your library.

Thank you for your assistance. If you have any questions, please contact Ms. Yvonne Haberer at 904-232-1701.

Sincerely,

A handwritten signature in cursive script that reads "James C. Duck".

James C. Duck  
Chief, Planning Division

Enclosure



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
P.O. BOX 4970  
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO  
ATTENTION OF

Planning Division  
Environmental Branch

SEP 10 2004

Clewiston Public Library  
120 W. Osceola Avenue  
Clewiston, Florida 33440

Dear Mr. Kuechman:

Enclosed is a copy of the Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for a temporary deviation to the Regulation Schedule, Water Supply and Environment (WSE) for Lake Okeechobee, Florida. This copy is being provided for public review pursuant to the National Environmental Policy Act. Please make this copy available in the reference section of your library.

Thank you for your assistance. If you have any questions, please contact Ms. Yvonne Haberer at 904-232-1701.

Sincerely,

A handwritten signature in cursive script that reads "James C. Duck".

James C. Duck  
Chief, Planning Division

Enclosure



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
P.O. BOX 4970  
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO  
ATTENTION OF

Planning Division  
Environmental Branch

SEP 10 2004

Fort Myers-Lee County Public Library  
2050 Central Avenue  
Fort Myers, Florida 33901

Dear Sir/Madam:

Enclosed is a copy of the Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for a temporary deviation to the Regulation Schedule, Water Supply and Environment (WSE) for Lake Okeechobee, Florida. This copy is being provided for public review pursuant to the National Environmental Policy Act. Please make this copy available in the reference section of your library.

Thank you for your assistance. If you have any questions, please contact Ms. Yvonne Haberer at 904-232-1701.

Sincerely,

A handwritten signature in black ink that reads "James C. Duck".

James C. Duck  
Chief, Planning Division

Enclosure



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
P.O. BOX 4970  
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO  
ATTENTION OF

Planning Division  
Environmental Branch

SEP 10 2004

Florida State Clearinghouse  
Florida Department of Environmental Protection  
3900 Commonwealth Boulevard, Mail Station 47  
Attention: Mr. Bob Hall  
Tallahassee, Florida 32399-3000

Dear Mr. Hall:

Pursuant to the National Environmental Policy Act, The U.S. Army Corps of Engineers (Corps) has prepared an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the temporary deviation from the Regulation Schedule, Water Supply and Environment (WSE) for Lake Okeechobee, Florida.

The proposed action as described in the EA would improve the Lake Okeechobee Regulation Schedule performance by adjusting the classification limits for the hydrologic conditions and outlooks. The EA discusses the details of the proposed action.

For your distribution, you will find enclosed 16 copies of the EA. Comments or questions concerning the Environmental Assessment (EA) should be directed to Ms. Yvonne Haberer at the letterhead address or telephone 904-232-1701 or fax 904-232-3442 within 30 days of receipt of this letter.

Sincerely,

James C. Duck  
Chief, Planning Division

Enclosures

FLORIDA STATE CLEARINGHOUSE  
FL DEPT OF ENV PROTECTION  
ATTN: Bob Hall  
3900 COMMONWEALTH BLVD  
MAIL STATION 47  
TALLAHASSEE FL 32399-3000 (16CY)

Ref: DOCUMENTS  
Dept: PD

Date: 10SEP04 SHIPPING \$21.19  
Wgt: 21.3 LBS SPECIAL \$0.00  
HANDLING \$0.00  
TOTAL \$21.19

SERVICE: PRIORITY OVERNIGHT  
TRACK: 6594 9399 9121



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
P.O. BOX 4970  
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO  
ATTENTION OF

SEP 10 2004

Planning Division  
Environmental Branch

Mr. Miles M. Croom  
Assistant Regional Administrator  
Southeast Regional Office  
Habitat Conservation Division  
9721 Executive Center Drive North  
St. Petersburg, Florida 33702-2432

Dear Mr. Croom:

Pursuant to the National Environmental Policy Act (NEPA), enclosed for your review and comment is a copy of the Draft Environmental Assessment (EA) and preliminary Finding of No Significant Impact (FONSI) for the proposed temporary deviation from the Regulation Schedule, Water Supply/Environment (WSE) for Lake Okeechobee, Florida.

The EA also constitutes our Essential Fish Habitat (EFH) Assessment as required by the 1996 amendments to the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). With this letter, we are initiating EFH consultation with your agency. The proposed action is completely operational and does not require any structural or construction activities. A description of the proposed action and an analysis of the effects on EFH and managed species can be found in the EA. Based on the results of the EA, the U.S. Army Corps of Engineers has determined that this action will not adversely affect EFH or the species managed by the Fisheries Management Councils.

We request your comments pursuant to NEPA and MSFCMA within 30 days of receipt of this letter. If you have any questions or need further information, please contact Ms. Yvonne Haberer at the letterhead address, or by telephone at 904-232-1701.

Sincerely,

A handwritten signature in black ink that reads "James C. Duck".

James C. Duck  
Chief, Planning Division

Enclosure

Copy Furnished (w/encl):

National Marine Fisheries Service, (Attn: Ms. Audra Livergood), 11420 North  
Kendall Drive, Suite #103, Miami, Florida 33176



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
P.O. BOX 4970  
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO  
ATTENTION OF

Planning Division  
Environmental Branch

SEP 10 2004

Mr. Jay Slack  
U.S. Fish and Wildlife Service  
1339 20<sup>th</sup> Street  
Vero Beach, Florida 32960-3559

Dear Mr. Slack:

In accordance with the provisions of Section 7 of the Endangered Species Act, as amended, the following information is provided concerning the proposed temporary deviation to the Water Supply/Environment (WSE) Regulation Schedule for Lake Okeechobee.

As part of recent efforts to improve the performance of the WSE, several alternative regulation schedule modifications were developed and analyzed. Of the alternatives that were developed, one referred to as the Class Limit Adjustment (CLA) was selected for detailed evaluation. The CLA is basically a fine-tuning of some of the schedule parameters to improve the performance of the regulation schedule. Modeling simulations indicate that the CLA will improve ecological conditions in Lake Okeechobee. CLA simulations do not indicate significant changes overall to the ecology of the St. Lucie and Caloosahatchee estuaries or to the Water Conservation Areas. The temporary deviation is a minor adjustment to the WSE and does not significantly change the balance of the performance of the multiple lake management objectives. The basis and details of the CLA alternative, and a summary of the simulated and expected performance compared to the unadjusted regulation schedule, can be found in the enclosed Environmental Assessment (EA).

Based on the results of the EA, The U.S. Army Corps of Engineers (Corps) has determined that the proposed action will not adversely affect listed threatened or endangered species or result in destruction or adverse modification of designated critical habitat under your jurisdiction. Additionally, the Corps believes that the action will not adversely impact fish and wildlife resources. The Fish and Wildlife Coordination Act Report prepared by your office in October 1999 for the WSE study adequately addresses fish and wildlife resources for this action.

For your review and comment is the Draft EA with a Preliminary Finding of No Significant Impact (FONSI). The EA/FONSI is currently circulating for public review with a 30 day comment period. Comments or questions concerning the EA that led to the FONSI should be directed to Ms. Yvonne Haberer at the letterhead address, or telephone 904-232-1701.

Sincerely,

A handwritten signature in black ink that reads "James C. Duck". The signature is written in a cursive style with a large, prominent "J" and "D".

James C. Duck  
Chief, Planning Division

Enclosure



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
South Florida Ecological Services Office  
1339 20<sup>th</sup> Street  
Vero Beach, Florida 32960

November 1, 2004

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

Dear Mr. Duck:

The Fish and Wildlife Service (Service) has prepared the following comments on your "Draft Environmental Assessment (EA) for Lake Okeechobee Regulation Schedule, Water Supply and Environment (WSE), Temporary Planned Deviation to Adjust Classifications of Hydrologic Indicators and Forecasts." We sent an earlier version of these comments via electronic mail to Yvonne Haberer on October 13, 2004. This letter is a slightly revised version of those comments.

## Introduction

The Service has a long history in reviewing proposals to modify regulation schedules for Lake Okeechobee. The intent of the current proposal is to slightly adjust the classification of tributary conditions and climate outlook to allow more frequent Level 1 pulse releases to the St. Lucie and Caloosahatchee estuaries when the lake is in Zone D of the regulation schedule (Class Limit Adjustments [CLA]). We have attended several public meetings explaining the intent of this proposed change and the results of models projecting the potential effects.

We find that, given the present infrastructure around the lake, water managers are unable to avert the most extreme high and low water conditions that cause significant ecological harm. The slight changes proposed here to the existing WSE schedule can only affect decisions under the moderate conditions of Zone D, and decisions of this type have small effects on the tradeoff of relative improvements to the ecology of the lake's littoral zone, conditions in the estuaries, the Everglades, and water supply. Although we agree that the changes are slight, we believe that the public disclosure in the EA would be more accurate if the U.S. Army Corps of Engineers (Corps) acknowledged that the proposed changes would "nudge" the balance of these tradeoffs in the direction of slightly improved conditions in the lake's littoral zone, while providing slightly less favorable conditions in the estuaries, particularly the Caloosahatchee.

## General Comments on Effects to the Estuaries

Overall, this document downplays the effects that increased high flow will have on the Caloosahatchee and St. Lucie estuaries. Some parts of the EA state that the CLA "...reduces the

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IN AMERICA** 

occurrences of high damaging estuary flows..." when the data shown in the accompanying tables dispute this statement. The performance measures that have been developed by Restoration Coordination and Verification (RECOVER) for the estuaries have flow categorized as "low," "normal," "high," and "very high." The "high" flows are defined as being stressful to the estuarine communities, and the "very high" flows are damaging to these communities. This EA refers to the RECOVER "high" flow as "moderate" flow, and to the RECOVER "very high" flow as "high" flow, thereby reducing the apparent effect that the CLA will have on flows to the estuaries.

The performance measures have four categories of "high flows," two for St. Lucie and two for Caloosahatchee. Of these four measures, the performances of three of them are worsened with the CLA scenario (one for St. Lucie and both for Caloosahatchee). Yet the EA states that "The CLA improves the likelihood of making smaller releases more often, as opposed to stressful high damaging estuary releases." This statement seems intuitive, yet is not borne out by the modeling results.

In several places, the EA states that the pulse releases will only be done after consulting estuarine experts, so that potential high releases will not negatively affect the estuaries. Is this consultation with experts required in any decision-making documentation? It seems that this consultation is not afforded the same level of diligence as the rest of the decision-making process. The decision tree is explicit in its requirements for making releases, with several mathematical and meteorological tests to determine when and how much water may be released. We believe it would be appropriate to add a note in the officially accepted decision tree regarding the requirement to consult with estuarine experts.

### **General Comments on Effects to Lake Okeechobee**

The South Florida Water Management District (District) has ongoing monitoring programs in the lake's littoral zone. We inquire if modifications or additions are needed to these monitoring efforts to assess the effects of the class limit adjustments on lake ecology. Improved performance assessment methods will be necessary to gauge the effects of the class limits adjustments and to continue through the next phase of regulation schedule modification.

### **Summary**

We believe the EA would be much more effective if it more clearly explained how the predicted increased high flows to the estuaries will not significantly worsen adverse effects. Because the Service has participated in several meetings explaining the intent of this modification and the interpretation of its consequences, we are in a better position to understand than a person just reading the document. We believe the public would benefit from a better explanation in the EA of how the analysis led to your conclusion.

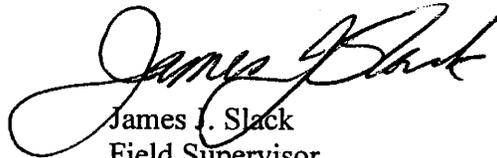
Considering the potential benefits that the CLA will likely have on the lake's littoral zone, and the possibly minor increase in the number of high-flow events to the estuaries (approximately

10 percent predicted increase in moderately high and extremely high flows to the Caloosahatchee estuary), it appears that the tradeoff between the two will be beneficial to the overall system. Given this, the Service can support the decision to modify the regulation schedule with the CLA alternative.

We recommend that once the CLA is put in effect, the Corps and the District should keep an account of the times when discharges to the estuaries were reduced below the maximum amount allowable in the schedule due to consultation with experts on estuarine ecology. The reasons for the reduction (for example, concern about protecting oyster spawning) should also be documented.

We look forward to our continued participation in improving the regulation schedule for Lake Okeechobee. Any additional questions regarding this matter should be directed to Doug Chaltry at 772-562-3909, extension 320.

Sincerely yours,



James J. Slack  
Field Supervisor  
South Florida Ecological Services Office

cc:

Corps, Jacksonville, Florida (Yvonne Haberer)  
District, West Palm Beach, Florida (Susan Grey)  
Service, Atlanta, Georgia (Dave Horning)  
Service, Jacksonville, Florida (Miles Meyer)





DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
P.O. BOX 4970  
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO  
ATTENTION OF

Planning Division  
Environmental Branch

DEC 02 2004

Mr. Jay Slack  
U.S. Fish and Wildlife Service  
1339 20<sup>th</sup> Street  
Vero Beach, Florida 32960-3559

Dear Mr. Slack:

Thank you for your recent comments by letter dated November 1, 2004 on the "Draft Environmental Assessment (EA) for Lake Okeechobee Regulation Schedule, Water Supply and Environment (WSE), Temporary Deviation to Adjust Classifications of Hydrologic Indicators and Forecasts" dated August 2004.

Your letter contains general comments on the EA, effects to the estuaries, and effects to Lake Okeechobee. The letter further states your agency's support for implementation of the Class Limit Adjustment (CLA) alternative, considering the potential benefits that the CLA will likely have on the lake's littoral zone. However, there is no discussion about endangered or threatened species under your jurisdiction or our effect determination, which was provided by letter, dated September 10, 2004.

As stated in the EA, Section 3.3, endangered and threatened species known to occur within the action area include the wood stork, manatee, bald eagle, Everglades snail kite, and the Okeechobee gourd. Section 4.3.1 of the EA concluded that the CLA would not adversely impact these species. This determination was based partly on the fact that the U.S. Fish and Wildlife Service concluded during coordination of the WSE in 1999, that the WSE regulation schedule was expected to improve habitat conditions and would likely benefit the Okeechobee gourd, bald eagle, wood stork, and the Everglades snail kite in the vicinity of Lake Okeechobee. The proposed action (CLA) is an adjustment to WSE, which could achieve lower lake stages that would benefit the lake's littoral zone and species utilizing this habitat. Therefore, implementation of the CLA would be beneficial to these same species, since the CLA is an improvement to the WSE.

To further support our effect determination on federally endangered and threatened species, we have enclosed a more detailed discussion on the Everglades snail kite, wood stork, bald eagle, Okeechobee gourd, and manatee. We have also added discussions regarding the Eastern indigo snake and Cape Sable seaside sparrow.

Based on the information contained in our previous letter, the EA and the enclosed information, the U.S. Army Corps of Engineers (Corps) has determined that the proposed action will have "no effect" on the Cape Sable seaside sparrow, manatee or Eastern indigo snake. This

action is "not likely to adversely affect" the Everglades snail kite, bald eagle, wood stork, or Okeechobee gourd, or result in destruction or adverse modification of designated critical habitat under your jurisdiction. Implementation of this temporary deviation could begin as early as January 2005. As such, we are requesting your concurrence with our determination by January, as we do not want to impact this schedule.

It is important to add that the Corps realizes that the CLA is only a minor adjustment to the WSE schedule. However, it is a movement in the right direction for improving conditions to the lake's littoral zone until a more thorough review and study can be accomplished. It is expected that the next phase (referred to as Phase 4) of the Lake Okeechobee Regulation Schedule study will begin in 2005. During that time a more extensive consultation process with your office would take place.

If you have any questions or need additional information please contact Ms. Yvonne Haberer, of my staff, at 904-232-1701.

Sincerely,

A handwritten signature in cursive script, appearing to read "James C. Duck".

James C. Duck  
Chief, Planning Division

Enclosure

**DISCUSSION ON ENDANGERED AND THREATENED SPECIES  
LAKE OKEECHOBEE REGULATION SCHEDULE  
TEMPORARY DEVIATION TO ADJUST CLASSIFICATIONS OF HYDROLOGIC  
INDICATORS AND FORECASTS**

**LISTED SPECIES WHICH MAY BE AFFECTED:**

Endangered and threatened species known to occur within the project area include:

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>	<u>STATUS</u>
Everglades snail kite	<i>Rostrhamus sociabilis plumbeus</i>	E(CH)
Wood stork	<i>Mycteria americana</i>	E
West Indian manatee	<i>Trichechus manatus</i>	E(CH)
Bald eagle	<i>Haliaeetus leucocephalus</i>	T
Eastern indigo snake	<i>Drymarchon corais couperi</i>	T
Okeechobee gourd	<i>Cucurbita okeechobeensis</i>	E
Cape Sable seaside sparrow	<i>Ammodramus (=Ammodramus) maritimus mirabilis</i>	E

E=Endangered; T=Threatened; CH=Critical Habitat has been designated

**DISCUSSION OF POTENTIAL IMPACTS TO LISTED SPECIES:**

**Everglades Snail Kite**

Lake Okeechobee and surrounding wetlands are major nesting and foraging habitat, particularly the large marsh in the southwestern portion of the lake and the area southwest of the inflow of the Kissimmee River (USFWS, 1999b). The entire littoral zone and western shore of Lake Okeechobee are designated as critical habitat for the snail kite. Snail kites require foraging areas that are relatively clear and open in order to visually search for apple snails (USFWS, 1999b). Apple snails (*Pomacea paludosa*) are the main diet for the Florida population of snail kites. For a complete species description, taxonomy, distribution, habitat requirement, management objectives, and current recovery status, reference the South Florida Multi-Species Recovery Plan (USFWS, 1999b).

The snail kite is sensitive to the ecological health of Lake Okeechobee's littoral zone. It is expected that the CLA will improve conditions in the lake's littoral zone, resulting in benefits to habitat conditions needed for the snail kite. As such, implementation of the CLA would not adversely impact the Everglades snail kite or adversely affect the designated critical habitat of this species. When compared to the WSE, the CLA would be more beneficial to habitat conditions in the littoral zone.

**Wood Stork**

The USFWS and the Florida Fish and Wildlife Conservation Commission (FFWCC) list the wood stork as an endangered. Wood storks forage in freshwater marshes, seasonally flooded roadside or agriculture ditches, narrow tidal creeks, shallow tidal pools, managed impoundments, and depressions in cypress heads and swamp sloughs.

The potential improvement to conditions of the lake's littoral zone should benefit a variety of wading birds, including the wood stork. This alternative would not adversely affect the wood stork.

### **West Indian manatee**

The West Indian manatee has been recognized as an endangered species since 1967. Manatees are found throughout the waterways in south Florida, and frequently are found in Lake Okeechobee and the Okeechobee Waterway. Manatees feed on a variety of submergent, emergent and floating vegetation and usually forage in shallow grass beds adjacent to deeper channels (USACE, 2000).

There would be no adverse effect on habitat conditions for the manatee as a result of this action. As such, there would be no effect to this species.

### **Bald Eagle**

Shorelines provide fishing and loafing perches, nest trees, and open flight paths for the bald eagle (USFWS, 1999b). Specifically, the shorelines around Lake Okeechobee, the Okeechobee Waterway, and estuaries are known habitat for the bald eagle. Bald eagles are known to nest around the study area. The eagle is an opportunistic species, but primarily feeds on fish (USFWS, 1999b).

The potential improvement to conditions of the lake's littoral zone, may result in enhanced productivity of fish in the lake. Foraging conditions may be slightly improved for the eagle. This action would have little to no effect to the shorelines of the estuaries. As such, this action would not adversely affect the bald eagle.

### **Eastern Indigo Snake**

The eastern indigo snake is a large, black, non-venomous snake and occurs throughout the study area. This species is generally an upland species snake, occupying a wide variety of habitat.

The action will have no effect on the indigo snake, which primarily inhabits upland. The project does not include any changes to the water regulation infrastructure around the lake, such as the Herbert Hoover Dike, where the snake may be found.

### **Cape Sable seaside sparrow**

Presently, the known distribution of the sparrow is restricted to two areas on the east and west sides of Shark River Slough and Taylor Slough in Everglades National Park (USACE, 2000). The Cape Sable seaside sparrow is highly sensitive to seasonal water level changes in the Everglades, and has been adversely impacted in the past. However, this species is far removed from Lake Okeechobee and not subject to any direct discharges from the lake.

Although CLA is expected to increase the opportunities for sending water to the WCAs and the Estuaries, the model simulations show there is a reduction in time that regulatory releases are made to the WCAs with CLA –that reduction translates to a

reduction in volume of water sent south. As such, this action would have no effect to the Cape Sable seaside sparrow or its critical habitat to the south.

### **Okeechobee Gourd**

There are several localized sites along the southeastern shore of Lake Okeechobee, where this vine plant is found. Fluctuating lake levels are necessary for the continued survival and recovery of the gourd within and around Lake Okeechobee.

The CLA action moderately improves conditions along the shorelines. As such, there would be a potential benefit to listed species, such as the Okeechobee Gourd, where a lower lake stage is crucial for its survival. There would be a slight benefit to this species.

### **EFFORTS TO ELIMINATE POTENTIAL IMPACTS ON LISTED SPECIES:**

The CLA is expected to achieve stages that are more beneficial to the bald eagle, wood stork, Everglades snail kite and the Okeechobee gourd. The CLA is a fine-tuning of the internal components of WSE that represents an overall improvement to the function of WSE. The change is minimal but it is expected to increase operational flexibility and overall performance. It will likely be utilized until a full regulation schedule review, which may include new components of the Comprehensive Everglades Restoration Project, is completed through a more formal review process. Implementation of the CLA is a move in the right direction for reducing potential impacts on listed species.

**EFFECT DETERMINATION:** The U.S. Army Corps of Engineers has determined that the proposed action would have no effect on the Eastern indigo snake, manatee or Cape Sable seaside sparrow. The proposed action is not likely to adversely affect the bald eagle, wood stork, Everglades snail kite or the Okeechobee gourd.

## REFERENCES

U.S. Fish and Wildlife Service. 1999a. Fish and Wildlife Coordination Act Report on the Lake Okeechobee Regulation Schedule. October 1999. South Florida Restoration Office; Vero Beach, Florida.

U.S. Fish and Wildlife Service. 1999b. South Florida Multi-Species Recovery Plan. USFWS Southeast Region.

U.S. Army Corps of Engineers. 2000. Lake Okeechobee Regulation Schedule Study, Environmental Impact Statement. Jacksonville District; Jacksonville, Florida.



# United States Department of the Interior



**FISH AND WILDLIFE SERVICE**  
South Florida Ecological Services Office  
1339 20<sup>th</sup> Street  
Vero Beach, Florida 32960

January 20, 2005

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

Service Log Number: 4-1-05-CERP-10268  
Project: Lake Okeechobee  
Regulation Schedule

Dear Mr. Duck:

Thank you for your letter dated December 2, 2004, regarding the proposed Class Limit Adjustment (CLA) to the current Water Supply and Environmental (WSE) regulation schedule for Lake Okeechobee. You are proposing this adjustment to give water managers the ability to fine-tune their regulatory releases to the St. Lucie Canal (C-44) and the Caloosahatchee River (C-43) when such releases are directed by the WSE schedule. This letter is submitted in accordance with section 7 of the Endangered Species Act of 1973, as amended (ESA) (87 Stat. 884; 16 U.S.C. 1531 *et seq.*).

The intention of the CLA is to increase the frequency of small releases to the C-43 and C-44, thereby theoretically reducing the frequency of larger releases that are more damaging to the Caloosahatchee and St. Lucie estuaries. We believe that the proposed CLA may slightly improve the flexibility of the water release schedule, which would in turn, slightly improve the ecological conditions within Lake Okeechobee's littoral zone relative to the previous WSE schedule.

The Service has a long history in reviewing the regulation schedule for Lake Okeechobee. In 1978, the U.S. Army Corps of Engineers (Corps) formally consulted with the Service on the proposed raising of the lake regulation schedule from the 14.0-16.0 feet mean sea level (msl) range to the 15.5-17.5 feet msl range. The Service issued a biological opinion finding that this change to the schedule was not likely to jeopardize the continued existence of the Everglade snail kite (*Rostrhamus sociabilis plumbeus*), or adversely modify its designated critical habitat within portions of the lake's littoral zone. However, the Service also noted that the regulation schedule was a complex issue with numerous variables, and we recommended that the Corps initiate a monitoring program for apple snail (*Pomacea paludosa*) production and availability after the lake levels were raised. To date, we do not believe that any such monitoring program has been implemented.

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Throughout the 1990s, the Corps and the Service coordinated extensively on several modifications to the regulation schedule, and this coordination culminated in 1999 with an informal consultation on the proposed WSE schedule. Although the Service had reiterated on several prior occasions our preference for a different alternative (called Run 22AZE), we concurred with the Corps' determination that the WSE alternative would not likely adversely affect snail kites (and other listed species). The letter of concurrence included the statement "If modifications are made to the regulation schedule or if additional information involving potential impacts on listed species becomes available, reinitiation of consultation may be necessary."

Service biologists have recently been advised by species experts about the status of the snail kite and its critical habitat in the littoral zone of Lake Okeechobee. Declines in the overall population estimate for the snail kite and the lack of substantial numbers of snail kite nests in Lake Okeechobee in recent years have led to general consensus among these experts that the species is faring poorly compared to its status in 1999. Because the continued operation of the WSE regulation schedule is affecting the kite and/or its critical habitat to a degree that was not recognized during the informal 1999 consultation, the Service recommends that the Corps immediately reinitiate consultation on the Lake Okeechobee water regulation schedule.

Formal consultation on Phase 4 of the Corps' ongoing evaluation of the Lake Okeechobee regulation schedule will provide an opportunity for the Service to help the Corps develop Reasonable and Prudent Measures to reduce incidental take of snail kites and provide conservation recommendations promoting recovery of the species. Because the currently-proposed CLA adjustments are predicted to have a slightly beneficial effect on the snail kite in Lake Okeechobee, the Service believes it would be prudent for the Corps to implement the CLA proposal immediately as an interim conservation measure while we continue into formal consultation on Phase 4 of planning for the regulation schedule.

Thank you for your cooperation in protecting the fish and wildlife resources of south Florida. If you have additional questions on this matter, please call Robert Pace at 772-562-3909, extension 239, or Doug Chaltry at extension 320.

Sincerely yours,



James J. Slack  
Field Supervisor  
South Florida Ecological Services Office

cc:

District, West Palm Beach, Florida (Susan Gray)  
FWC, Vero Beach, Florida (Joe Walsh)  
Service, Jacksonville, Florida (Miles Meyer)  
Florida Wildlife Federation, Crawfordsville, Florida (Dr. Paul Parks)

**COMMENT LETTERS RECEIVED FROM  
DRAFT  
ENVIRONMENTAL ASSESSMENT  
(dated August 2004)**

<b><u>FROM</u></b>	<b><u>DATE</u></b>
Florida Fish and Wildlife Conservation Commission	October 14, 2004
Charlotte Harbor National Estuary Program	October 11, 2004
Southwest Florida Watershed Council, Inc.	October 22, 2004
The Conservancy of Southwest Florida	October 12, 2004
St. Lucie River Initiative	October 8, 2004
Sugar Cane Growers Cooperative of Florida	October 5, 2004
Lehtinen Vargas & Riedi (Representing the Miccosukee Tribe of Indians)	October 8, 2004
The Everglades Coalition	October 29, 2004
Audubon of Florida	October 28, 2004
Florida Wildlife Federation	November 3, 2004
Florida Department of Agriculture And Consumer Services	October 28, 2004
South Florida Water Management District	October 15, 2004
Clewiston Chamber of Commerce	November 3, 2004
U.S. Fish and Wildlife Service	November 1, 2004

*Continued:*

**FROM**

**DATE**

Florida Sugar Cane League, Inc.  
(Letter prepared by Landers &  
Parsons, P.A.)

October 15, 2004

Mr. Robert M. Norton, Ecosystem  
Watch, Lake Okeechobee

October, 19, 2004

*no response necessary*

Florida State Clearinghouse

November 12, 2004

Agencies submitting comments directly to the Clearinghouse are:

Florida Department of Environmental Protection (*response prepared*)

Florida Fish and Wildlife Conservation Commission (*response prepared*)

Florida Department of Transportation (*no response necessary*)

South Florida Water Management District (*response prepared*)

South Florida Regional Planning Council (*response prepared*)

Treasure Coast Regional Planning Council (*no response necessary*)

Florida Department of Agriculture and Consumer Services (*response prepared*)

***THE FOLLOWING RESPONSES ADDRESS SPECIFIC COMMENTS TO THE PROPOSED ACTION***

**RESPONSE TO:  
Florida Fish and Wildlife Conservation Commission**

**1. The Environmental Assessment (EA) should clarify the time interval or conditions after which this action would not be implemented. What is the duration of the temporary deviation?**

**RESPONSE:**

The Class Limit Adjustment (CLA) is a fine-tuning of the internal components of the Lake Okeechobee Regulation Schedule, Water Supply and Environment (WSE) that represents an overall improvement to the function of WSE. The change is minimal but it is expected to increase operational flexibility and overall performance. It will likely be utilized until a full regulation schedule review, which may include new components of the Comprehensive Everglades Restoration Plan (CERP), is completed through an Environmental Impact Statement (EIS) process.

**2. The Draft EA does not describe the Everglades Water Management Areas (WMAs) nor does it consider the impacts of the proposed action on the Everglades WMAs.**

**RESPONSE:**

Proposed adjustment to WSE does not affect WMAs. Although CLA is expected to increase the opportunities for sending water to the WCAs and the Estuaries, the simulations show there is a reduction in time that regulatory releases are made to the WCAs with CLA –that reduction translates to a reduction in volume of water sent south. There is no change in the operation of the WMAs as a result of CLA.

**3. Low volume releases may help avoid emergency releases to the estuaries.**

**RESPONSE:**

That is an objective of CLA, however, it is important to understand in that in a year like 2004 when water levels rise rapidly through Zone D and into the upper regulatory Zones, that the CLA will not help avoid emergency releases.

**4. Recommend that the lake levels be managed between 12.0 and 15.5 ft. National Geodetic Vertical Datum (NGVD).**

**RESPONSE:**

The concept of managing Lake Okeechobee between stages of 12.0 and 15.5 ft. was developed by South Florida Water Management District (SFWMD) and U. S. Fish and Wildlife Service (FWS) scientists during the planning process for CERP, in the late 1990s. The basis for this recommendation comes largely from wading bird research conducted by University of Florida scientists between 1989 and 1993, as part of a SFWMD funded study of the lake ecosystem. However, it is widely recognized that this restoration goal cannot be achieved with the present Central & Southern Florida Project (C&SF) infrastructure, but rather, will require completion of an extensive array of aquifer storage and recovery (ASR) wells near the lake, as well as large above-ground regional water storage.

**5. Long-term impact of low-level dry season releases is hard to predict. Dry season releases need to be monitored in order to assess their impacts to estuarine species and their habitats.**

**RESPONSE:**

The effects of dry season discharges on estuarine organisms depend on the magnitude of these releases and the supply of water from basin runoff. If the sum of releases and basin runoff is too large larvae that use the estuary as a nursery in late winter-early spring will be washed out or experience salinities that are too low for development to proceed properly. If the sum is too low then salinities may become too high. In the St. Lucie estuary a series of salinity thresholds have been developed based on the requirements of the American Oyster. In the late winter – early spring salinities in the 12 – 24 ppt range at the US 1 Bridge are preferred. This is the optimal range for larval development and the growth and survival of newly settled oysters. In the winter-spring of 2004 releases from Lake Okeechobee were reduced in order to ensure larval settlement and survival.

**6. The regulation schedule of the lake will need to be adaptively managed in the future. The WSE regulation schedule will have to be modified as different ecosystem restoration components are introduced to the system.**

**RESPONSE:**

Concur. There is ongoing monitoring that aids in decision-making and this will need to continue especially as CERP components come on line. The next step in Lake Okeechobee Regulation Schedule (LORS) improvements is to consider the CERP facilities that may be constructed within the next 10yrs and develop operating rules that maximize the associated system-wide benefits.

**RESPONSE TO:  
Charlotte Harbor National Estuary Program**

**7. Given pending issues, it is premature for the Corps to adopt the temporary deviation until alternatives which provide the best water delivery to lakes, estuaries, and consumers can be identified.**

**RESPONSE:**

The CLA is an adjustment that improves the current performance of WSE, provides water managers with increased flexibility, and better balances the over all system.

**8. The adoption of the CLA alternative will negatively impact the Caloosahatchee Estuary by increasing the frequency of damaging high flows from Lake Okeechobee.**

**RESPONSE:**

As compared to the Base case, the CLA alternative increases the number of mean monthly flows in the 2800 – 4500 cfs range by 5, increases the number of flows in the >4500 cfs range by two but reduces the number of flows less than 300 cfs by 7. The number of mean monthly flows in the 300 – 2800 cfs range remained unchanged. The greater number of high flows is potentially damaging to sea grasses in the lower estuary and San Carlos Bay. The fewer number of low flows is beneficial to Tape Grass in the upper estuary. First, consider the fact that the net change between the Base Case and the CLA in 7 months out of a total of 432 month that were modeled: 7 flows < 300 cfs became 7 flows >2800 cfs. This is a small (1.6 %) change. Closer examination of the high flow events shows that these resulted from the way the model was programmed to make pulse releases in Zone D. If the Lake level was in the lower third of Zone D then the model made a level 1 pulse when pulses were required. If the Lake level was in the middle third of Zone D a level 2 pulse was made and if in the upper third a level 3 pulse was made. For example in the cases when flows averaged over 4500 cfs, the model made a series of level 2 and 3 pulses to avoid entering Zone C. While Zone C was avoided, more water was released than necessary. The same result, avoidance of zone C, could have been achieved by a series of level 1 pulses and mean monthly flows would not have exceeded 4500 cfs. Such adjustments could not be made in the model run, but can and are routinely made at the weekly operations meeting when conditions in the estuaries, the level of basin runoff and the weather forecast are considered before a decision on release volume is made.

**9. Suggest to incorporate the Fish and Wildlife Conservation Commission's recommendation to manage the between 12.0 feet and 15.5 feet NGVD.**

**RESPONSE:** Refer to response # 4.



**RESPONSE TO:  
Southwest Florida Watershed Council, Inc.**

**10. The adoption of the CLA alternative will negatively impact the Caloosahatchee Estuary by increasing the frequency of damaging high flows from Lake Okeechobee.**

**RESPONSE:** Refer to response # 8.

**11. A goal of the cooperation between the U.S. Army Corps of Engineers (Corps) and the South Florida Water Management District should be to establish a WSE schedule that manage Lake Okeechobee between 12 feet and 15.5 feet, per recommendation of the Florida Fish and Wildlife Conservation Commission.**

**RESPONSE:** Refer to response # 4 & # 8.

**RESPONSE TO:  
The Conservancy of Southwest Florida**

**12. Suggest managing the lake at a lower level in order to avoid situations where damaging flows are released. Recommend the Florida Fish and Wildlife Conservation Commission's recommended lake level to be managed between 12 feet and 15.5 feet.**

**RESPONSE:** Refer to response # 4.

**13. The adoption of the CLA alternative will negatively impact the Caloosahatchee Estuary by increasing the frequency of damaging high flows from Lake Okeechobee.**

**RESPONSE:** Refer to response # 8.

**RESPONSE TO:  
St. Lucie River Initiative**

**14. Although CLA is movement in the right direction, it is so small a movement that its value is negligible. We believe this is due to the flawed Water Supply component of WSE which continues to trump the Environmental component.**

**RESPONSE:**

The goal of the EA was to provide an accurate assessment of the consequences and tradeoffs of alternative management strategies and to propose management changes to the WSE schedule which reflect these consequences and tradeoffs. The South Florida Water Management Model (SFWMM), the best tool for evaluating water management strategies, was used for this analysis and its output is the basis for the evaluations. It is

well calibrated to the irrigation demands especially in the Everglades Agricultural Area (EAA).

**15. The CLA will not achieve the minimum safe requirement of keeping Lake Okeechobee at the bottom of Zone D to the extent possible.**

**RESPONSE:**

WSE is a multi-objective trade-off that makes use of existing regional project components. It seeks to balance overall project requirements and is not driven to achieve a particular schedule line. Only with new CERP components will it be possible to have a regulation schedule with such an objective. It is noteworthy, however, that the CLA alternative does increase the opportunity to make releases while in Zone D. Although CLA does not prescribe unconditional releases while in Zone D, it is an improvement to the current WSE schedule.

**RESPONSE TO:**

**Sugar Cane Growers Cooperative of Florida**

**16. The analysis indicates that the proposed action will result in a change to the WSE schedule that will remain in place indefinitely. In that case the conclusion that water supply will not be affected is incorrect. The analysis shows that the proposal will result in a reduction of almost 200,000 acre-feet of water supply for agriculture in years where agriculture irrigation is already being rationed. The impact of this could be very significant and result in very serious economic impacts to agriculture that are apparent from your assessment but are not captured in your analysis.**

**RESPONSE:**

Regarding the time frame for the change to the WSE schedule, see response to item #1. The assessment of water supply performance is that "Water supply performance of the CLA is not expected to significantly change compared to the base, or no action alternative." Section 4.10. The information presented in Table 4 of the Classification Limits Adjustment Technical Document in Appendix B shows the increases in demands not met and percent of demands not met for the CLA as compared to the base. Item #37 further discusses the significance of the SSM cutbacks and provides a correction to the percent demands not met data in Table 4. The data in Table 4 show 198,000 acre-feet of additional cutbacks under the CLA during the full 36 year simulation period as opposed to the base. This is close to the 200,000 acre-feet cited in the response. However, it is important to be clear that this is the total increase over the 36 years of the simulation. Figure 12 shows the distribution of cutbacks for the 7 water years with the largest cutback volumes and the increased cutbacks with the CLA do not occur in the most severe years. The Sugar Cane Growers Cooperative is correct in pointing out that if 2001 had been included in the period of analysis there would have been additional cutbacks related to the CLA during a severe shortage water year. In fact, about 100,000 of the 198,000 acre feet of the additional cutbacks with the CLA as opposed to the base occur at

the end of calendar 2000 and, as was pointed out by the Cooperative, the Lake was about .2 feet lower on December 31, 2000 in the CLA run as compared to the Base Run.

**17. There is no mention of “forward pumps” in your proposal and without them water supply impacts would be extremely severe. Suggestion that any plan that modifies the lake level must include a revised Water Shortage Plan and the installation of pumping facilities so agriculture water requirements could be met even at low lake levels.**

**RESPONSE:**

The issue of a revised supply-side management plan, which is the water shortage operational plan for the Lake Okeechobee Service Area, is presently being addressed by the South Florida Water Management District through the Water Resources Advisory Commission. Forward pumping is also a legitimate issue which may be addressed as part of the revised supply-side management plan and if not then through the Lower East Coast Water Supply Plan.

**RESPONSE TO:  
Lehtinen Vargas & Riedi  
(Representing the Miccosukee Tribe of Indians)**

**18. The impact on the Caloosahatchee Estuary is admittedly unknown and the impact on the water conservation areas, water quality and water supply has not been adequately analyzed.**

**RESPONSE:**

See response to item #8 above for estuaries. An assessment of water supply impacts is presented on page 10 of the Classification Limits Adjustment Technical Document (Appendix B of the EA). Although the EA states that “the adjusted class limits increase the duration of time the decision tree triggers releases to the WCAs from 62% to 75% of the time when the Lake stage is in Zone D,” there was no evidence from the 36-year simulation that this decision tree modification actually produced more flow to the WCA’s. In fact, a more in-depth analysis of the WCA response to CLA, in comparison to the base case (BS1) indicated an annual average flood control release from the Lake to the WCA’s of 97,000 ac-ft for CLA and 118,000 ac-ft for BS1. This is an 18% flow reduction, and as a result, the total loading of TP into the WCA’s is expected to be lower with CLA. Despite this reduced inflow to the WCA’s, an examination of hydroperiod maps that compared CLA to BS1 found some areas in Northern WCA-3A, areas considered too dry and susceptible to peat fires, to have longer hydroperiods with CLA, which is why the EA stated that the Everglades hydroperiod and ecology was “slightly better” with CLA.

**19. The “temporary deviation” timeframe is not defined in the EA.**

**RESPONSE:** Refer to response # 1

**20. Concerns that the Water Conservation Areas are not adequately addressed in the EA, in particular WCA 3A. The Draft EA does not acknowledge that both the Corps' 404 permit for the Stormwater Treatment Areas (STAs) and the Settlement Agreement of the federal Everglades lawsuit does not allow polluted water to be put into the WCAs with gay abandon, including into the pristine areas in northern WCA 3A. States that there is no water quality analysis of the increased hydroperiod to WCA 3A north, and this type of analysis must be conducted in an EIS.**

**RESPONSE:**

Total mean annual structure flows, including flood control releases, to the entire Everglades Protection Area for the period 1965 to 2000 was estimated (i.e., simulated) and found to be 1,431,000 ac-ft for BS1 and 1,411,000 ac-ft for CLA. The CLA flow is probably less than the base case because triggers that send water to the estuaries occurs before the WCA Regulation Schedule allows Lake Okeechobee water to go south. A closer examination of S7 and S8 outflows, indicative of flood control releases through STA 3/4, revealed the same trend. Mean annual structure discharge for S7 and S8 combined was 692,307 ac-ft for BS1 and 676,597 ac-ft for CLA. This means that every year the base case puts an "additional" 15,710 ac-ft of water into WCA-3A. If it is assumed that STA 3/4 can treat this Lake Okeechobee inflows down to a Total Phosphorus (TP) concentration of 21 ppb (current STA 3/4 outflow is 15 ppb), then CLA may reduce the amount of TP to the Everglades, on average, by 4,069 metric tons per year.

**21. The Corps will violate NEPA if it fails to complete an EIS before implementing the CLA.**

**RESPONSE:**

Selection of the NEPA document depends on many factors as defined in the Council on Environmental Quality (CEQ) Regulations (40 CFR Parts 1500-1508) and the U.S. Army Corps of Engineers regulations (33 CFR 230 and 33 CFR 325). These regulations contain explicit lists of actions that define when to do an EA or an EIS. The regulations were adhered to for this action.

**22. The Draft EA does not contain an adequate scientific analysis of the potential impacts to living resources, including mangroves, seagrasses, living bottom communities and the marine/estuarine water column in the Caloosahatchee and St. Lucie Estuaries.**

**RESPONSE:**

Refer to Sections 4.2, Vegetation; 4.4, Fish and Wildlife Resources; 4.5, Essential Fish Habitat. These sections discuss in detail the affect the proposed action would have on living resources in the estuaries. The flow performance measures that were used for the Caloosahatchee are based on the response of the following groups to the range of discharge historically recorded at S-79: zooplankton, fish larvae, shell fish larvae, oysters, seagrass, tape grass, and various species of fish. The flow performance measures

used for the St. Lucie Estuary are based on the requirements of the American Oyster which is used as an indicator of the health of that system. This action was fully coordinated with the National Marine Fisheries Service in accordance with the Magnuson-Stevens Fishery Conservation and Management Act of 1976 and the 1996 Sustainable Fisheries Act by letter dated September 10, 2004 (refer to letter in Pertinent Correspondence section of EA).

**23. The Draft EA contains no environmental analysis of the impacts that extending the frequency and duration of water releases to the WCAs will have on flora and fauna there, including tree islands.**

**RESPONSE:**

This Draft EA did not show any hydrologic data from the WCA's because there did not appear to be much of a frequency, duration, or depth difference between CLA and BS1. See response to item # 18 and # 20.

**24. Using only modeling simulations, rather than scientific data and analysis, to reach conclusions regarding impacts that the CLA will have on the human environment does not comply with NEPA.**

**RESPONSE:**

Even though Office of Modeling SFWMM simulation results were used as a comparison to the baseline, or WSE, scientific data were reviewed and scientific consultation was achieved to reach conclusions regarding the environmental effects of the proposed action.

**25. States that all reasonable alternatives, including Modified Water Deliveries Project, must be analyzed before implementing the proposed change to the WSE Regulation Schedule.**

**RESPONSE:**

The proposed action is to adjust classifications of hydrologic indicators and forecasts. This is not a "major" action requiring a full array of alternatives to analyze. The Modified Water Deliveries Project is beyond the scope of analysis for this action.

**26. States that potential water supply impacts not adequately addressed in the EA.**

**RESPONSE:**

An assessment of water supply impacts is presented on page 10 of the Classification Limits Adjustment Technical Document (Appendix B of the EA). It specifically addresses concerns both for the Lake Service Area and for the LEC Coastal Basins. The extent to which the CLA might be expected to increase water shortages and water restrictions is presented in Tables 4 and 5. See additional discussion under comments #16 and #36.

**27. Suggests analyzing the potential impacts of CLA coupled with the IOP on the structural integrity of the structures and levees in the WCAs and the public and safety should a hurricane hit.**

**RESPONSE:**

This is beyond the scope of our analyses.

**28. The Draft EA fails to analyze cumulative impacts of the proposed action.**

**RESPONSE:**

The action proposes no significant impact on the environment individually or cumulatively.

**RESPONSE TO:  
The Everglades Coalition**

**29. Suggest that the Corps undertake an EIS process, which can fully address the many problems of WSE.**

**RESPONSE:**

The CLA is an adjustment to the WSE until a more thorough evaluation of the schedule can be accomplished.

**30. Suggest that the CLA modifications should include more flexibility in the decision tree to allow for proactive releases. The decision tree should also enable staff to take into account environmental conditions in the system, so that operations can have real time decisions. Include the Adaptive Protocols that the Coalition previously supported that could further this type of adaptive management.**

**RESPONSE:**

CLA does increase the flexibility to make proactive releases. The EA shows that CLA significantly increases the percent of time the decision trees lead to releases. Simulation modeling shows the lake stages are lower due to the increase in proactive Zone D pulse releases. Staff of the South Florida Water Management District and U.S. Army Corps of Engineers meet/discuss weekly or more frequently if necessary, to review meteorological, climatic, hydrologic, and environmental conditions of the systems relevant to Lake Okeechobee operations. The status of many of the performance measures described in the Adaptive Protocols document are reviewed at these weekly meetings. Subsequent release recommendations and decisions carefully consider environmental conditions.

**31. The needs of the Caloosahatchee River should be more adequately addressed by the proposed EA. The estuary should not be allowed to suffer MFL violations during times when no other user is being rationed.**

**RESPONSE:**

Strategies for providing water to the Caloosahatchee River during times when there are concerns about MFL exceedences are addressed in the South Florida Water Management

District's "Adaptive Protocols" document. This environmental water delivery is not part of the WSE regulation schedule.

**RESPONSE TO:  
Audubon of Florida**

**32. The EA states on page 14 that the CLA is "a minor fine-tuning adjustment" to WSE. We concur with that assessment and note that with the CLA, Lake Okeechobee still tends to stay harmfully deep. This is a negligible improvement over WSE, which averages about 0.95 feet from desirable levels (less than an inch difference).**

**RESPONSE:**

The CLA is an adjustment that would improve the current performance of WSE and better balance the over all system until a full regulation schedule review can be accomplished.

**33. The threatened and endangered species section of the EA should be greatly expanded, in particular snail kite discussion.**

**RESPONSE:**

The final EA includes a more complete discussion of endangered and threatened species, in particular on the Everglades snail kite. The final EA includes USFWS consultation correspondence and revisions to Sections 3.3 and 4.3.

**34. Appendix B of the EA has 4 recommendations (page 14) that could further improve performance of WSE and Audubon recommends the Corps adopt them as part of the CLA deviation.**

**RESPONSE:**

The four recommendations were not part of the environmental analysis of the EA. Further environmental analysis would be required before the recommendations could be implemented.

**RESPONSE TO:  
Florida Wildlife Federation**

**35. The Corps choice to continue the deep-water storage of the Operations Schedules creates an unnecessary imbalance in management for Project Purposes. The model used for CLA is biased toward a very high level of storage.**

**RESPONSE:**

The WSE schedule reflects a careful balancing of goals and the proposed CLA is a fine tuning of the internal components of WSE that represents an overall improvement to the function of WSE. It is recognized through its comments that the Florida Wildlife

Federation believes that the WSE schedule “creates an unnecessary imbalance in management for Project Purposes.” and that these result from “computer simulated projections of water supply demand.” The South Florida Water Management Model (the SFWMM), the best tool for evaluating water management strategies, was used for this analysis and its output is the basis for the evaluations. It is well calibrated to the irrigation demands especially in the Everglades Agricultural Area. Performance measures related to LOSA water supply were developed and utilized in the Restudy and in the Lower East Coast Water Supply Plan. These performance measures formed the basis of the water supply evaluations of adjustments to the WSE schedule.

**RESPONSE TO:  
Florida Department of Agriculture & Consumer Services**

**36. The draft EA does not contain sufficient information to make the determination that there would be “no significant impact” to either agriculture water supply or the ability of the stormwater treatment areas (STAs) to meet the requirements of the Settlement Agreement.**

**RESPONSE:**

This part of the response deals with agricultural water supply. The Florida Department of Agriculture & Consumer Services is correct that the EA provides only a summary of the information regarding water supply performance in the Lake Okeechobee Service Area. The summary information, as presented in Table 4, is, however, assesses both the overall long-term impacts and the impacts during the most severe droughts. The overall long-term impacts are measured by the “Additional SSM cutbacks over the Base” and by the percentages of Demands not met for the EAA and “Other LOSA”. The measure of “water years with SSM cutbacks >100,000 af” was used in the Lower East Coast Water Supply Plan (LECWSP) to identify years with significant shortages. “Water Yrs with SSM cutbacks >350,000af” was used as a breakpoint in this analysis for identifying a more severe class of cutbacks. In the LECWSP cutbacks over 300,000 were considered to be high and those over 400,000 acre-feet as likely to cause significant crop losses. The overall picture this presents is that the CLA slightly increases the cutback volumes and percent of demands not met but does not increase the years with significant cutbacks or the most severe class of cutbacks as evaluated in the LECWSP. This pattern is further reinforced by inspection of Figure 12.

It has been pointed out that the data in Table 4 contain an error in that the % of Demands not Met for the CLA have been switched. The correct result is 9% for the EAA and 7% for Other LOSA. This information was correctly presented in the WRAC presentation slide on page 118 of the draft EA. Additional information relating to agricultural water supply has been provided in response to comment #16.

FDACS and other interested parties can review and evaluate the additional water supply performance data that are available from the Water Management Model Runs including

the supply-side management report and the output of the economics post processor. These sources were reviewed by South Florida Water Management District staff as part of the alternatives evaluation.

In regard to the WCAs, the task of this EA was to compare alternatives and although we do not have a water quality model for those areas, to see if these alternatives meet the requirements of the Settlement Agreement, an analysis of STA efficiency indicates that CLA will export less TP to the WCA's than the base case. See response to item #20.

**37. The water quality section of the analysis addresses potential benefits to Lake Okeechobee and estuarine water quality, but does not consider the effects of increased (10 – 15%) releases to the south on the performance of the STAs or phosphorus loading to the Everglades Protection Area.**

**RESPONSE:**

See responses to # 18 & # 20.

**38. Need clarification on how long the “temporary deviation” will be in effect.**

**RESPONSE:** Refer to response #1.

**RESPONSE TO:  
South Florida Water Management District**

Suggestions to add text and make editorial comments were made, as appropriate, and are not specifically listed in this section.

**39. Suggest that the document be modified to clearly delineate between releases that are governed by the proposed regulation schedule temporary deviation from those that are made under the State's water supply authority.**

**RESPONSE:**

Concur. Modifications will be made where appropriate.

**40. Suggest inclusion of a calculation of the increased water volumes, as associated phosphorus loading, in water deliveries to the south under the CLA option.**

**RESPONSE:**

Concur. See responses to items # 18 and # 20.



**RESPONSE TO:  
Clewiston Chamber of Commerce**

**41. Suggest getting the lake down to the prescribed “above sea level” parameters (13 ½ to 15 ½ feet.**

**RESPONSE:**

It is not the intent of this adjustment of WSE to achieve such a dramatic change in lake stage. The intent is to remove water from the lake in a pro-active manner using, to the extent practicable, low volume discharges, so as to somewhat lower lake levels without impacting the estuaries or other project purposes. These goals cannot be achieved solely with schedule modification, but rather, will require changes to the C&SF infrastructure, as will occur in CERP. Also refer to response #4.

**RESPONSE TO:  
United States Fish and Wildlife Service**

**42. In several places, the EA states that the pulse releases will only be done after consulting estuarine experts, so that potential high releases will not negatively affect the estuaries. Is this consultation with experts required in any decision-making documentation?**

**RESPONSE:**

Consultation with estuarine experts is not required in any decision-making document, but it is a recommendation in the Lake Okeechobee Regulation Study Environmental Impact Statement Document (USACE, 2000a). However, staff of the South Florida Water Management District and U.S. Army Corps of Engineers meet/discuss weekly or more frequently if necessary, to review meteorological, climatic, hydrologic, and environmental conditions of the systems relevant to Lake Okeechobee operations. Also, refer to response # 30.

**43. We believe it would be appropriate to add a note in the officially accepted decision tree regarding the requirement to consult with estuarine experts.**

**RESPONSE:**

Refer to response # 42.

**44. We believe the EA would be much more effective if it more clearly explained how the predicted increased high flows to the estuaries will not significantly worsen adverse effects.**

**RESPONSE:** Refer to response # 8.

**RESPONSE TO:**  
**Florida Sugar Cane League, Inc.**  
**(prepared by: Landers & Parsons, P.A.)**

**45. To avoid the additional adverse impacts to agriculture in the Lake Okeechobee Service Area, permanent forward pumps should be included in your proposal to mitigate the harm that will be experienced as it was in 2001. Revisions to the existing water shortage plan of the SFWMD will be necessary.**

**RESPONSE:** Refer to responses #16 & #17.

**RESPONSE TO:**  
**Florida State Clearinghouse Consolidated Comments**

**Florida Department of Environmental Protection**

**46. Suggests that estuarine salinity monitoring be implemented so that real-time water release adjustments can be made. Recommend that the model be supplemented with estuarine salinity monitoring to ensure that water releases do not cause harm to biological resources of the estuaries.**

**RESPONSE:**

Every week the environmental recommendation on water releases are based on estuarine salinity monitoring.

**South Florida Regional Planning Council**

**47. Recommends that impacts to natural systems be minimized; the extent of sensitive wildlife and vegetative communities be determined; and protection and/or mitigation of disturbed habitat be required.**

**RESPONSE:**

Concur. The CLA minimizes adverse impacts to natural systems. Wildlife and vegetative communities potentially affected have been determined (refer to the EA, Section 3, Affected Environment). Refer to the EA, Section 4, Environmental Effects, for the preferred action. The CLA would allow for more flexibility for more environmentally sensitive management of discharges to the estuaries, and such releases would be beneficial to Lake Okeechobee's littoral/marsh zone.

***THIS CONCLUDES THE COMMENT/RESPONSE SECTION***

# FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION



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October 14, 2004

Ms. Yvonne Haberer  
Planning Division  
Environmental Branch  
U.S. Army Corps of Engineers  
P.O. Box 4970  
Jacksonville, Florida 32232-0019

Re: Draft Environmental Assessment, Lake  
Okeechobee Regulation Schedule, Water  
Supply and Environmental for Lake  
Okeechobee, Florida.

Dear Ms. Haberer:

The Habitat Conservation Scientific Services Office of the Florida Fish and Wildlife Conservation Commission (FWC), has prepared this letter regarding the Draft Environmental Assessment, Lake Okeechobee Regulation Schedule, Water Supply and Environmental (WSE) for Lake Okeechobee, Florida under the authority of the Fish and Wildlife Coordination Act of 1958. We have conferred with FWC's Division of Freshwater Fisheries and Fish and Wildlife Research Institute in outlining our concerns.

The temporary planned deviation is described to adjust classifications of hydrologic indicators and forecasts. The Class Limit Adjustments (CLA) would give water managers greater flexibility to make releases of water from the lake when the WSE does not presently call for discharges to downstream estuarine environments. Presently, the WSE decision tree does not provide releases at times when Lake Okeechobee stages are high and the conditions in the tributaries are described as normal or dry. This has resulted in high water levels in Lake Okeechobee even when conditions have been optimal to release excess water from the lake. The CLA simulation results indicate that these minor adjustments to class definitions could result in nearly doubling the percentage of time that releases are made to estuarine ecosystems, while in Zone D of the regulation schedule, to estuarine ecosystems with a slight increase in discharges to the Everglades Wildlife Management Areas (WMAs). Our comments will address the Draft Environmental Assessment (EA) and then the hydrologic management of Lake Okeechobee in general.



## Concerns and Recommendations

### Draft Environmental Assessment

The proposed action is called a "temporary planned deviation".

Is there a time limit involved when the proposed changes would end and the WSE would revert back to previous classification limits? The EA should clarify the time interval or conditions after which this action would not be implemented.

The Draft EA does not describe the Everglades WMAs nor does it consider the impacts of the proposed action on the Everglades WMAs.

Since the Everglades WMAs and areas downstream of the lake receive discharges from Lake Okeechobee, they must be described and considered in the evaluation of environmental impacts. These data have been evaluated by the South Florida Water Management District and are located in Appendix B of the draft EA. The likelihood or level of certainty that downstream areas would be subject to 'harm' or 'serious harm' needs to be considered in the draft EA. Appendix B indicates that there will be a slight increase in the discharges to the WMAs yet there is no discussion about the impacts to these areas within the draft EA. The FWC is concerned about impacts to fish and wildlife and their habitat within the WMAs. These impacts should be assessed before actual additional discharges are delivered to the WMAs. For example, deliveries should be restricted during the dry season when wading birds need consistent water recessions in order to have a successful nesting season.

Low volume releases may help avoid emergency releases to the estuaries.

Data indicate that additional Zone D releases to the St. Lucie Estuary may help avoid the large-scale "emergency" releases during the wet season that have occurred in the past. Conversely, the data indicate that there could be an increase in the large-scale releases to the Caloosahatchee Estuary. These large-scale water releases cause substantial damage to the ecology of the lower estuarine areas. A decrease in the number of low flow months would benefit upper estuary submerged aquatic vegetation. We note, however, that these different habitats cannot be equally offsetting as they are vastly different habitats with different flora and fauna and ecosystem functions. Appendix B indicates that the level of the modeled pulse releases was dependent on the lake elevation and not based on conditions in the estuary as the releases are actually executed. These changes may affect the results of this evaluation. Additionally, the FWC suggests flows of no lower than 800 cfs in the spring and 1,200 cfs in the fall for the ecological integrity of the estuary. These changes also may have affected the results of the evaluation.

Deviations or modifications of regulation schedules is good adaptive management.

Modifications to the schedule, to take advantage of even small changes, are a good way to gain environmental benefits until a new regulation schedule can be developed. Greater flexibility may allow water managers to keep the stages of Lake Okeechobee closer to the bottom of Zone

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D of the WSE regulation schedule. The lake being operated at the bottom of Zone D would be closer to the lake levels that FWC has previously recommended for the benefit of fish, wildlife, and aquatic habitats in Lake Okeechobee. Additionally, this greater flexibility may result in less frequent extreme high lake levels similar to those that Lake Okeechobee has experienced in recent years.

#### Lake Okeechobee hydrologic management

##### FWC previously issued recommendations for Lake Okeechobee operations.

The FWC recommended that lake levels be managed between 12.0 ft and 15.5 ft National Geodetic Vertical Datum. The lake should experience both the minimum and maximum stage within the specified range every three years. Discharge events greater than 2,000 cubic feet per second (cfs) to the St. Lucie Estuary and 4,500 cfs to the Caloosahatchee Estuary should be avoided to minimize adverse effects on estuarine ecology. Additionally, the Caloosahatchee Estuary needs minimum flows of 800 cfs during the spring and 1,200 cfs during the fall to maintain the optimum salinity regime for submerged aquatic vegetation.

##### Releases of water should not negatively impact downstream habitats.

The impacts of water releases to the Everglades WMAs, St. Lucie Estuary, and the Caloosahatchee River will need to be monitored and evaluated to assess the success of the modified regulation schedule.

##### Long-term impact of low-level dry season releases is hard to predict.

We concur that the impacts of water releases to the St. Lucie Estuary during the dry season are difficult to predict. During the dry season (winter and spring), water releases may negatively impact species that rely on having higher salinities in specific areas of the estuary. Freshwater releases can cause persistent low salinity in the estuary where species such as the oyster (*Crassostrea virginica*) and the spot (*Leostomus xanthurus*) seasonally exist in larval or juvenile stages. Dry season releases need to be monitored in order to assess their impacts to estuarine species and their habitats.

##### The regulation schedule of the lake will need to be adaptively managed in the future.

The WSE regulation schedule will have to be modified as different ecosystem restoration components are introduced to the system. The addition of storage to the system will allow for greater flexibility in Lake Okeechobee water level management. While small changes to the WSE may be all that is possible now, our long-term targets may need to be addressed by new regulation schedules.

In conclusion we believe that the proposed changes to the WSE Regulation Schedule could result in substantial benefits for the fish, wildlife, and aquatic plants of Lake Okeechobee. As long as the water releases do not cause negative impacts to downstream environments, we believe that

Ms. Yvonne Haberer

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the changes constitute positive adaptive management until the regulation of Lake Okeechobee can be managed from a system-wide perspective. Questions regarding our concerns and recommendations can be directed to Mr. Chris Harnden at the Habitat Conservation Scientific Services Office in Vero Beach at (772) 778-5094.

Sincerely,



Brian S. Barnett, Director  
Office of Policy and Stakeholder Coord.

bsb/ch

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ENV 2-16/10/2

CC: Mr. Carl Dunn, USACE, Jacksonville  
Ms. Susan Gray, SFWMD, West Palm Beach  
Mr. Charles E. Collins, Regional Director, FWC, West Palm Beach





# CHARLOTTE HARBOR NATIONAL ESTUARY PROGRAM

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October 11, 2004

Colonel Robert M. Carpenter  
District Engineer  
Department of the Army  
Jacksonville Corps of Engineers  
P.O.Box 4970  
Jacksonville, Florida 32232-0019

Re: Finding of No Significant Impact, WSE Temporary Deviation

Dear Colonel Carpenter:

Thank you for your letter of March 23, 2004, regarding the review and evaluation of the Water Supply and Environmental (WSE) schedule for Lake Okeechobee and your reference to the Florida Fish and Wildlife Conservation Commission (the Commission) document entitled "Management of Lake Okeechobee and Associated Estuaries." Your letter laid out your plans to implement temporary deviations to the WSE. This letter relates to these issues and comments on the Army Corps of Engineers Preliminary Finding of No Significant Impact (FONSI) for the Temporary Planned Deviation to Adjust Classifications of Hydrologic Indicators and Forecasts, released on September 10, 2004.

### Premature

At the July 14 South Florida Water Management District (the District) Governing Board meeting, the CHNEP was part of a coalition of partners that requested a re-examination of the Class Limit Adjustment (CLA) alternative to improve water delivery to the Caloosahatchee Estuary and to host a public meeting on the West Coast. This meeting was held on August 4. One compromise suggested by Governing Board member Trudi K. Williams, and endorsed by stakeholders that attended the meeting, was allowing staff greater latitude to release water to the Caloosahatchee River when the Lake was in Level E. With the rash of hurricanes, any action regarding these issues was delayed. It is our understanding that the issue will be discussed at the October 13 Governing Board meeting. Given pending issues and discussion on the District side, it is premature for the Corps to adopt the temporary deviation until alternatives which provide the best water delivery to lakes, estuaries, and consumers can be identified.

### Increased Damaging Freshwater Flows

The adoption of the CLA alternative will negatively impact the Caloosahatchee Estuary by increasing the frequency of damaging high flows from Lake Okeechobee. According to the Corps, the number of months with high flows between 2800 and 4500 cfs will increase by 5 over the Base and the frequency of high flows exceeding 4500 cfs will increase by 2 months. These high flows have adverse impacts to recreational fisheries, blue crab fisheries, and water quality.

Colonel Robert M. Carpenter

October 11, 2004

Finding of No Significant Impact, WSE Temporary Deviation

Page 2 of 2

### Lake Levels

In your earlier letter, you acknowledged receipt of the Florida Fish and Wildlife Conservation Commission document entitled "Management of Lake Okeechobee and Associated Estuaries." The Commission recommends that Lake Okeechobee be "kept between 12.0 feet and 15.5 feet National Geodetic Vertical Datum, with these low and high water levels being met every 3 years." The Commission recommendations should be incorporated in the WSE schedules.

### Recommendation

We recommend that the Corps delay any action on the Preliminary Finding of No Significant Impact. This will allow the Corps to work with the District to develop Management Strategies that benefit the entire Lake/Everglades system. The current proposed action would further harm an already degraded Caloosahatchee Estuary. This impact is significant to both environmental and economic values. The WSE temporary deviation should incorporate the Commission's short term recommendations to address harm placed on the Lake, estuaries, and Water Conservation Areas (WCAs). These recommendations include:

Water levels in Lake Okeechobee should be kept between 12.0 feet and 15.5 feet National Geodetic Vertical Datum, with these low and high water levels being met every 3 years. Annually, water levels within Lake Okeechobee should be dropping from November through June, stable through August, and peaking in October. Discharges to the Caloosahatchee and St. Lucie rivers, and WCAs should be timed to match natural hydrologic cycles as much as possible (i.e., major discharges should occur during annual wet periods). Discharge events to the St. Lucie Estuary greater than 2000 cubic feet per second (cfs) and flows greater than 4500 cfs to the Caloosahatchee Estuary should be avoided to minimize adverse effects on estuarine ecology. In regard to the Caloosahatchee Estuary, minimum fresh water flows of 800 cfs in the spring and 1200 cfs in the fall are needed to maintain optimum salinities for submerged aquatic vegetation.

Thank you for the opportunity to comment on the Preliminary FONSI. We look forward to the Corps incorporating these recommendations into the final policy.

Sincerely,



Lisa B. Beever, PhD, AICP

Director

Charlotte Harbor National Estuary Program

Cc: Henry Dean, Director, SFWMD  
Trudi K. Williams, Governing Board, SFWMD  
John Zediak, Chief, Water Management and Meteorology Section

**Haberer, Yvonne L SAJ**

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**From:** sbrookperson [sbrookperson@otterwater.com]  
**Sent:** Monday, November 01, 2004 10:47 AM  
**To:** Haberer, Yvonne L  
**Subject:** Proposed Lake Okeechobee WSE Deviation - Public Comment

Please accept the attached letter from the Southwest Florida Watershed Council – it replaces the letter we submitted to you on October 10<sup>th</sup>.

Thank you,

*Susan Brookman*  
*sbrookperson@otterwater.com*  
*239.694.7572 (Home)*  
*239.822.1319 (Cell)*





October 22, 2004

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

Re: Finding of No Significant Impact, WSE Temporary Deviation

Dear Colonel Carpenter:

Since I last wrote to you on behalf of the Natural Resources Committee of the Southwest Florida Watershed Council on October 10<sup>th</sup> to discuss the Preliminary Finding of No Significant Impact regarding the Temporary Planned Deviation to Adjust Classifications of Hydrologic Indicators and Forecasts, two meetings have taken place that make that letter obsolete. I'm now writing on behalf of the full membership of the Southwest Florida Watershed Council, which met on October 21<sup>st</sup>, to offer the following comments.

The adoption of the CLA alternative will negatively impact the Caloosahatchee Estuary by increasing the frequency of damaging high flows from Lake Okeechobee. According to the Corps, the number of months with high flows between 2800 and 4500 cfs will increase by 5 over the Base, and the frequency of high flows exceeding 4500 cfs will increase by 2 months. This likelihood led the SFWMD to originally proclaim that the CLA alternative would have an adverse impact on the Caloosahatchee Estuary. The SFWMD later reversed its findings and determined that the alternative would have a neutral impact on the Estuary, despite any actual changes to the alternative. We are curious as to how the Recovery and Prevention Strategy for the Caloosahatchee Minimum Flows and Levels Rule was considered during the analysis of the CLA alternative.

The CLA alternative was selected because it allowed the SFWMD to manage the Lake at lower levels. We are fully supportive of this effort, however, we are not supportive of an alternative that harms the Caloosahatchee Estuary, while all other segments of the system are either unaffected or improved. If the goal is to release more water from Lake Okeechobee, then all segments should share in any harm that results. Shared adversity is a concept with merit, and it should be put into practice so that no single portion of the system suffers unduly.

A priority of the Corps and the District should be to maintain the Lake at a lower level in order to avoid situations where damaging flows are released. We fully support the Florida Fish and Wildlife Commission's recommendation that Lake Okeechobee be managed between 12 feet and 15.5 feet. This management schedule would protect and improve the ecological health of both the Lake and the Caloosahatchee and St. Lucie Estuaries.

*the land and water resources of the Caloosahatchee and Big Cypress Watersheds. Through increased awareness, participation and cooperation among all stakeholders in consensus building, planning and decision making, we are working to meet the economic, natural and cultural needs for this and succeeding generations.*

We respectfully request that the Army Corps of Engineers delay any action on the Preliminary Finding of No Significant Impact. This will allow the Corps to work with the SFWMD to find management strategies that benefit the entire Lake Okeechobee/Everglades system. The proposed action would further harm the already degraded Caloosahatchee Estuary, and that is unacceptable. A goal of the cooperation between the Corps and the SFWMD should be to establish a WSE schedule that manages Lake Okeechobee between 12 feet and 15.5 feet, per the recommendation of the Florida Fish and Wildlife Commission.

It had been our understanding in talking with Corps representatives that a public meeting would be held to gather input regarding the proposed action, and we understand that such a meeting was held in Fort Myers on October 19<sup>th</sup>. We did not receive notification about the meeting from the Corps until after the meeting occurred (the news release reached our mailbox on October 21<sup>st</sup>), and therefore did not participate in it. We would still like to discuss our concerns with you, and **we invite you or another representative of the Corps to attend our next meeting (3:00 p.m., Thursday, November 18<sup>th</sup> at our office on 8359 Beacon Boulevard in Fort Myers)**. You can reach me via email at [sbrookperson@otterwater.com](mailto:sbrookperson@otterwater.com) or by cell phone at (239) 822-1319. I look forward to hearing from you regarding our concerns.

Sincerely,

Susan Brookman  
Susan Brookman  
Chairman

cc: Mr. Henry Dean, Executive Director, SFWMD  
Dr. Susan Gray, Lake Okeechobee Division Director, SFWMD  
Mr. Bob Howard, Director of Operations, SFWMD  
Mr. Chip Merriam, Deputy Executive Director, SFWMD  
Honorable John Albion, Chairman, Lee County Commission  
Mr. David Burr, Executive Director, Southwest Florida Regional Planning Council

# Watershed Council

Southwest Florida Watershed Council, Inc.

P.O. Box 61063, Fort Myers, FL 33906-1063

[www.sfwoc.org](http://www.sfwoc.org)

October 10, 2004

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

Re: Finding of No Significant Impact, WSE Temporary Deviation

Dear Colonel Carpenter:

I am writing to you on behalf of the Natural Resources Committee of the Southwest Florida Watershed Council, which met on Friday, October 8<sup>th</sup> to discuss the Preliminary Finding of No Significant Impact regarding the Temporary Planned Deviation to Adjust Classifications of Hydrologic Indicators and Forecasts, which was released on September 10, 2004.

We would first like to stress that it is our opinion that the release of this document is premature. At the July 14th Governing Board meeting of the South Florida Water Management District (SFWMD), several of our members raised concerns with the potential adoption of the Class Limit Adjustment (CLA) alternative to the Water Supply and Environment (WSE) schedule because of its detrimental impacts on the Caloosahatchee. At this meeting the Governing Board members directed staff to re-examine the CLA alternative and to hold a meeting with interested citizens in Southwest Florida to explore opportunities for compromise. This meeting was held on August 4th in Southwest Florida. A compromise, which was suggested by Governing Board member Trudi Williams and endorsed by stakeholders who attended the meeting, was the possibility of allowing staff greater latitude to release water into the Caloosahatchee River when the Lake was in Level E.

It was our understanding that this compromise and a harder look at the CLA would be undertaken before the SFWMD advanced the CLA proposal to you. Unfortunately, the rash of recent hurricanes appears to have pushed back action regarding these issues. Although we have not been able to confirm this, we presume that Ms. Williams will bring the CLA up for discussion at the SFWMD Governing Board meeting this week, since it is her last before resigning to take elected office. Due to the possible changes to the WSE schedule, we believe it is unwise for the Corps to move forward with this deviation at this time. It is logical for the Corps to table this process until the SFWMD completes its revisions to the WSE schedule. It would be a mistake for the SFWMD and the ACOE to adopt two different deviations.

*The mission of the Southwest Florida Watershed Council is to protect, conserve, manage and/or restore the land and water resources of the Caloosahatchee and Big Cypress Watersheds. Through increased awareness, participation and cooperation among all stakeholders in consensus building, planning and decision making, we are working to meet the economic, natural and cultural needs for this and succeeding generations.*

We would also like address our specific concerns with the proposed action. The adoption of the CLA alternative will negatively impact the Caloosahatchee Estuary by increasing the frequency of damaging high flows from Lake Okeechobee. According to the Corps, the number of months with high flows between 2800 and 4500 cfs will increase by 5 over the Base, and the frequency of high flows exceeding 4500 cfs will increase by 2 months. This likelihood led the SFWMD to originally determine that the CLA alternative would have an adverse impact on the Caloosahatchee Estuary. The SFWMD later revised its findings and determined that the alternative would have a neutral impact on the Estuary, despite any actual changes to the alternative. We are curious as to how the Recovery and Prevention Strategy for the Caloosahatchee Minimum Flows and Levels Rule was considered during the analysis of the CLA alternative.

The CLA alternative was selected because it allowed the SFWMD to manage the Lake at lower levels. We are fully supportive of this effort, however, we do not support an alternative that harms the Caloosahatchee Estuary, while all other segments of the system are either unaffected or improved. If the goal is to release more water from Lake Okeechobee, then all segments should share in the amount of harm, if any, that results. Shared adversity is a concept with merit, and it should be put into practice so that no single portion of the system suffers unduly.

A priority of the Corps and the SFWMD should be to maintain the Lake at a lower level in order to avoid situations where damaging flows are released. We fully support the Florida Fish and Wildlife Commission's recommendation that Lake Okeechobee be managed between 12 feet and 15.5 feet. This management schedule would protect and improve the ecological health of both the Lake and the Caloosahatchee and St. Lucie Estuaries.

We respectfully request that the Army Corps of Engineers delay any action on the Preliminary Finding of No Significant Impact. This will allow the Corps to work with the SFWMD to find management strategies that benefit the entire Lake Okeechobee/Everglades system. The proposed action would further harm the already degraded Caloosahatchee Estuary, and that is unacceptable. A goal of the cooperation between the Corps and the SFWMD should be to establish a WSE schedule that manages Lake Okeechobee between 12 feet and 15.5 feet, per the recommendation of the Florida Fish and Wildlife Commission.

It had been our understanding in talking with Corps representatives that a public meeting would be held to gather input regarding the proposed action, and we would be happy to schedule such a meeting if it would be helpful to you. We look forward to the Corps moving forward with these recommendations.

Sincerely,

Susan Brookman  
Susan Brookman  
Chairman

cc: Mr. Henry Dean, Executive Director, SFWMD  
Honorable Trudi Williams, Governing Board Member, SFWMD  
Dr. Susan Gray, Lake Okeechobee Division Director, SFWMD  
Mr. Bob Howard, Director of Operations, SFWMD  
Mr. Chip Merriam, Deputy Executive Director, SFWMD  
Honorable John Albion, Chairman, Lee County Commission  
Mr. David Burr, Executive Director, Southwest Florida Regional Planning Council

**Collier County**  
1450 Merrihue Drive  
Naples, Florida 34102

Phone: 239.262.0304  
Fax: 239.262.0672



**CONSERVANCY**  
Of Southwest Florida

*Protecting the nature of our  
community for 40 years.*

**Lee County**  
2123 First Street, Suite F  
Fort Myers, Florida 33901

Phone: 239.275.7035  
Fax: 239.275.7080

October 12, 2004

Enclosed is a hard copy of a letter to Colonel Carpenter sent via e-mail today. Please include this letter in the comments for the record.





October 12, 2004

**THE CONSERVANCY**  
Of Southwest Florida

1450 Merrihue Drive • Naples, Florida 34102  
239.262.0304 • Fax 239.262.0672  
[www.conservancy.org](http://www.conservancy.org)

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

Re: Finding of No Significant Impact, WSE Temporary Deviation

Dear Colonel Carpenter:

This letter is in response to the Army Corps of Engineers Preliminary Finding of No Significant Impact regarding the Temporary Planned Deviation to Adjust Classifications of Hydrologic Indicators and Forecasts, which was released on September 10, 2004. We are writing on behalf of our 6,000 member families in Southwest Florida, many of whom enjoy the attributes of the Caloosahatchee River and Estuary.

We would first like to stress that it is our opinion that the release of this document is premature. At the July 14, Governing Board meeting of the South Florida Water Management District we raised concerns about the potential adoption of the Class Limit Adjustment (CLA) alternative to the Water Supply and Environment (WSE) schedule because of its detrimental impacts on the Caloosahatchee. At the meeting the Governing Board members directed staff to re-examine the CLA alternative and to hold a meeting with interested citizens in Southwest Florida to explore opportunities for compromise. This meeting was held on August 4, in Southwest Florida. One compromise that was suggested by Governing Board member Trudi Williams and stakeholders who attended the meeting was the possibility of allowing staff greater latitude to release water into the Caloosahatchee River when the Lake was in Level E.

It was our understanding that this compromise and a harder look at the CLA would be undertaken before any approvals were granted. Unfortunately, the rash of hurricanes has pushed back any action regarding these issues. It is our understanding that the issue will be discussed at the October 13 Governing Board meeting. Due to these possible additional changes to the WSE schedule, it is unwise for the Corps to move forward with approval of the CLA deviation at this time. It is logical for the Corps to table this process until the SFWMD completes their suggested revisions to the WSE schedule. It would be a mistake for the SFWMD and the ACOE to adopt two different deviations.

We would also like to take this time to address our specific concerns with the proposed action. The adoption of the CLA alternative will negatively impact the Caloosahatchee Estuary by increasing the frequency of damaging high flows from Lake Okeechobee.

October 12, 2004

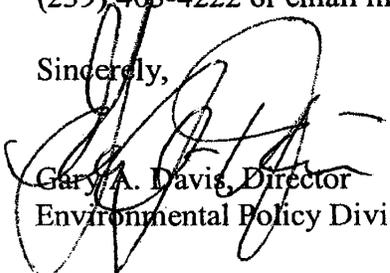
Page 2

According to the Corps, the number of months with high flows between 2800 and 4500 cfs will increase by 5 over the Base, and the frequency of high flows exceeding 4500 cfs will increase by 2 months. This led the Water Management District to originally proclaim that the CLA alternative would have an adverse impact on the Caloosahatchee Estuary. The District later reversed its findings and determined that the alternative would have a neutral impact on the Estuary, despite no actual changes to the alternative. The CLA alternative was selected because it allowed the District to manage the Lake at lower levels. We are fully supportive of this desire, however, we are not supportive of an alternative that only harms the Caloosahatchee Estuary, while all other segments of the system are either unaffected or improved. If the goal is to release more water from Lake Okeechobee, then all segments should share in the amount of harm, if any, that results.

A priority of the Corps and the District should be to maintain the Lake at a lower level in order to avoid situations where damaging flows are released. We fully support the Florida Fish and Wildlife Commission's recommendation that Lake Okeechobee be managed between 12 feet and 15.5 feet. This management schedule would protect and improve the ecological health of both the Lake and the Caloosahatchee and St. Lucie Estuaries.

To conclude, we respectfully request that the Army Corps of Engineers delay any action on the Preliminary Finding of No Significant Impact. This will allow the Corps to work with the District to find management strategies that benefit the entire Lake Okeechobee/Everglades system. The current proposed action would further harm the already degraded Caloosahatchee Estuary. A goal of the cooperation between the Corps and the District should be to establish a WSE schedule that manages Lake Okeechobee between 12 feet and 15.5 feet, per the recommendation of the Florida Fish and Wildlife Commission. We look forward to the Corps moving forward with these recommendations. If you have any questions regarding our position, please call me at (239) 408-4222 or email me at GaryD@Conservancy.org.

Sincerely,



Gary A. Davis, Director  
Environmental Policy Division

cc: Henry Dean, Director, SFWMD  
Trudi Williams, Governing Board, SFWMD  
Susan Gray, SFWMD  
Bob Howard, SFWMD  
Chip Merriam, SFWMD  
John Albion, Chair, Lee County Commission

Board of Directors

F.D. "Bud" Jordan  
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Leslie Carlson  
T. Michael Crook, C.P.A.  
Matt Kelly  
Timothy J. Kinane  
Max Quackenbos  
Edward R. Weinberg  

---

Kevin Henderson  
Executive Director  
Beverly Bevis Jones, A.P.R.  
Director of Development & Public Relations

October 8, 2004

Ms. Yvonne Haberer  
Planning Division  
Environmental Branch  
Jacksonville District Corps of Engineers  
P.O. Box 4970  
Jacksonville, FL 32232-0019

Re: Draft EA, Lake O Temporary Deviation

Dear Ms. Haberer:

We have reviewed the Draft EA, and we were involved in the public workshops on the various options for immediate improvements to WSE that preceded preparation of this document. We agree the proposed Class Limits Adjustment to WSE will have no significant impacts, and that is the shame of it. Although CLA is movement in the right direction, it is so small a movement that its value is negligible.

We believe this is due to the failure of SFMWD and USACE to address fatal flaws in estimated irrigation demand used to justify holding Lake O at excessively high levels. This failure limits your ability to produce anything close to a balanced Lake O operations schedule. The flawed Water Supply component of WSE continues to trump the Environment component.

Imagine our situation today if Lake O had been at the top of Zone D this summer rather than at the bottom, and the Kissimmee Valley lakes at regulation stages rather than drawn down for Toho dewatering. We would have had a flood disaster. Surely the Corps can realize the danger presented by continuing the present Lake O regulation schedule.

CLA will not achieve the minimum safe requirement of keeping Lake O at the bottom of Zone D to the extent possible. The Temporary Deviation has helped, and you deserve credit for that. A very dry spring and early summer helped more, and that is luck, not skill.

This past year is a typical atypical Florida water year. Here in Stuart we were 12" behind in annual rainfall in August, now we are 16" ahead. What is typical is the Caloosahatchee and St. Lucie Estuaries are being pounded with large regulatory releases, like last year and the year before that. Every year the public explanations are different, but the root cause remains the same: too much water in Lake O.

In truth, no Lake O regulation schedule could prevent excess drainage duress to the Estuaries due to our recent storms. Modwaters would help if it were constructed. CERP would help.



Revisions to the Kissimmee Valley regulation schedules would help, and modifications to SFMWD drainage rules that are allowing peak drainage discharges from developed land to consistently increase would help.

Also in truth, if all of the above are not done and done promptly, the promise of estuarine restoration is a myth. We are way past due for actions bolder than baby steps.

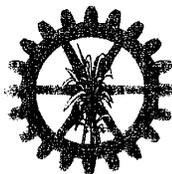
Sincerely,

A handwritten signature in cursive script, appearing to read "Kevin Henderson", written in black ink.

Kevin Henderson  
Executive Director

C: Henry Dean

**Sugar Cane Growers Cooperative of Florida**



POST OFFICE BOX 666

BELLE GLADE, FLORIDA

33430-0666

October 5, 2004

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

**Subject: Lake Okeechobee Regulation Schedule**

Dear Mr. Duck:

Thank you for the opportunity to comment on the proposed Finding of No Significant Impact for a temporary deviation from the Lake Okeechobee regulation schedule. We support the effort to make the operating rules for the Lake more flexible as long as the Lake's ability to supply water to agriculture is not impaired. Based on our review of the Environmental Assessment we have some doubt whether that is the case for this proposal.

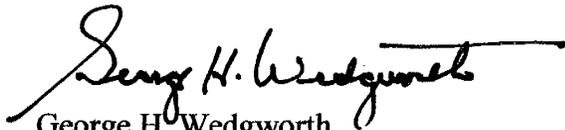
The proposed action is referred to as a "temporary planned deviation" but the term temporary is not defined. The analysis indicates that the proposal will result in a change to the WSE schedule that will remain in place indefinitely. In that case the conclusion that water supply will not be affected is incorrect. The analysis shows that the proposal will result in a reduction of almost 200,000 acre-feet of water supply for agriculture in years where agricultural irrigation is already being rationed. The impact of this could be very significant. The modeling also shows that the Lake would have gone into the 2001 water shortage several tenths of a foot lower with this proposal. This would result in very serious economic impacts to agriculture that are apparent from your assessment but are not captured in your analysis.

Enclosed for your review is a report on the economic impacts to agriculture resulting from the 2001 water shortage. Agricultural losses were on the order of \$100 million in that event and it appears they would have been even higher with this proposal. It is worth noting that the 2001 event included, for the first time, pumped outflow from the Lake for water supply. There is no mention of these 'forward pumps' in your proposal and without them water supply impacts would be extremely severe.

We have previously expressed this position with the Corps of Engineers, the South Florida Water Management District, and their Water Resources Advisory Commission that any plan that modifies the Lake level must include a revised Water Shortage Plan and the installation of pumping facilities so agricultural water requirements could be met even at low Lake levels. Without those, there is no basis to claim that the water supply consequences of this proposed schedule change would not be significant.

We would be happy to meet with you or your staff to discuss these issues further. Thank you for considering these comments.

Sincerely,

A handwritten signature in black ink, reading "George H. Wedgworth". The signature is written in a cursive style with a long horizontal flourish extending to the right.

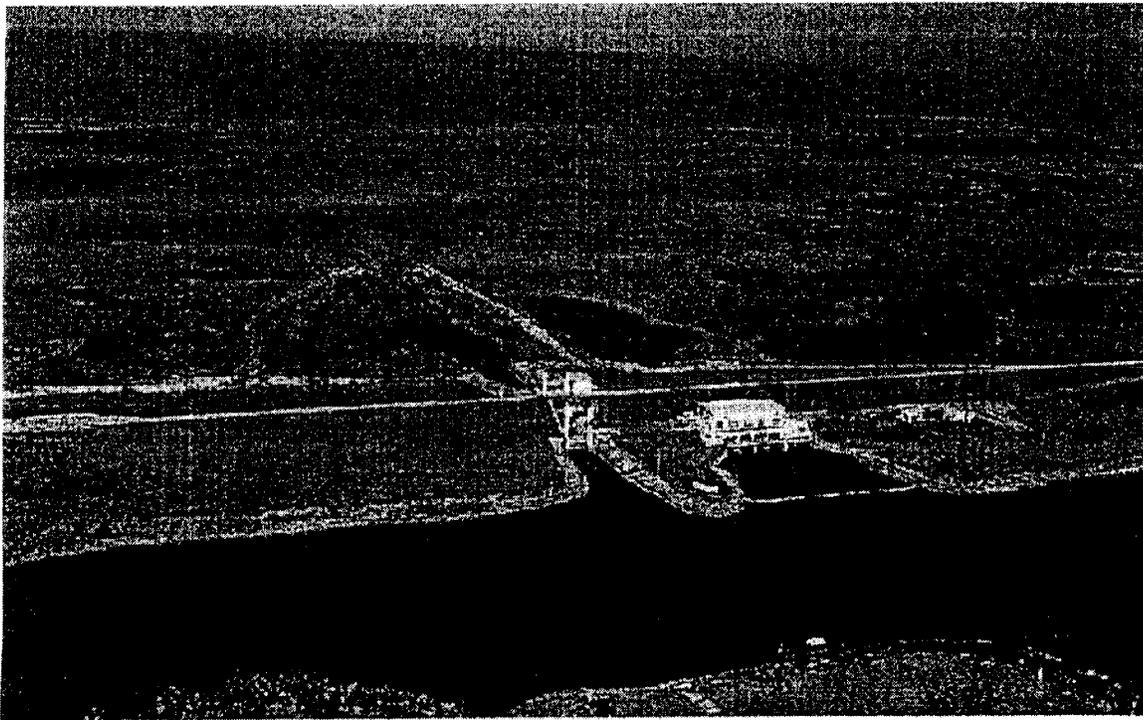
George H. Wedgworth  
President

GHW:BJM:swd  
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Enclosure

## Economic Impact to Agriculture as a Result of Water Use Restrictions in 2000-2001

A summary of revenue losses experienced by growers in the Lake Okeechobee Water Service Area due to the drought and water use restrictions during the winter and spring of 2000-2001.



*Aerial view of the S-135 structure complex during the water shortage. The structure, located on the east side of Lake Okeechobee, is used to make irrigation releases to agricultural users downstream. Because of the low level of the Lake (seen in the background) the structure was no longer hydraulically connected to the Lake.*

MacVicar, Federico & Lamb, Inc.

Published in May, 2004

Revised on Data compiled by G. A. Lamb, 2003

**Executive Summary**

The extreme water shortage during the first six months of 2001 was the direct result of a combination of environmental water management decisions by the South Florida Water Management District and severe drought in the Lake Okeechobee watershed. The decision to lower the lake level to 13.0 feet by June 2000 to improve the habitat in the lake caused the District to release a half million acre-feet of water during one of the driest spring seasons ever recorded. In spite of predictions of above normal wet season rainfall, the dry weather continued through the summer, and the lake, which had fallen to a 12-foot stage by June, was still at 12.0 feet in early November. The entire wet season passed without any additional water being stored in the lake. There are over 700,000 acres of irrigated agriculture dependent on supplemental water from the lake during dry periods. The low lake level, culminating in a record low level of 8.97 feet on May 23, 2001, required rationing of the available supply from November 2000 to June 2001.

In response to the crisis, the Water Management District set up an interactive management process to make weekly decisions on how much water would be made available to agriculture and when and where it would be released. They also took the unprecedented step of installing large capacity pumps at the three primary outlet structures from the lake to the Everglades Agricultural Area to force water out of the lake when the level was too low to allow sufficient gravity flow. The aggressive action by the District in employing new management strategies and installing new equipment in ways that had never been tried averted an economic catastrophe for the thousands of people involved in the agricultural economy of south Florida.

This report summarizes economic information provided by many of the growers after the 2002 harvest in an attempt to estimate the total regional economic impact to sugar cane farmers and citrus growers caused by water shortage. Other crops also suffered losses but sufficient data were only available to provide specific impact estimates for the two dominant crops, citrus and sugar cane. Growers controlling 70% of the cane acreage reported loss information. The resulting analysis indicated a 6.4% reduction in yield caused by the water shortage. This amounts to \$54 million in lost revenue to the growers. The annual report provided by the USDA confirms the reduction.

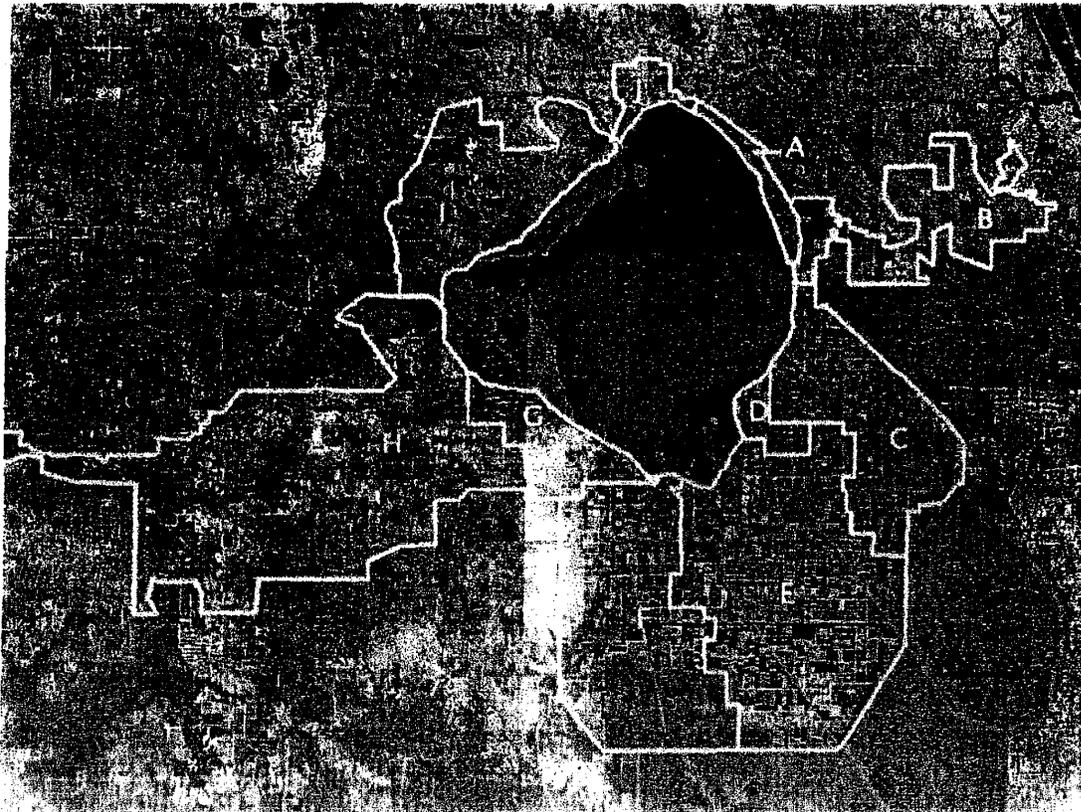
The estimate of the impact to citrus growers was based on the best available data reported by the growers who responded. This information was used to estimate the impact to the citrus acreage dependent on the Lake for irrigation. Different varieties of citrus mature at different times of the year and were affected differently by the water shortage. A conservative analysis of the information indicates revenue losses to citrus growers in excess of \$34 million.

Losses that could not be quantified include those incurred by juice and cane processors who produced less product, vegetable and rice growers who either could not plant or could not follow normal cultivation practices which lowered the value of both the 2001 and 2002 crops, and increased operational expense for all farmers who had to adapt to the changing irrigation requirements that evolved during the shortage.

### The Study Area

This report is limited to the agricultural area whose supplemental irrigation needs are supplied from Lake Okeechobee. The figure below was taken from the SFWMD Water Shortage Web site. The table is based on the final acreage breakdown utilized by the District to divide the weekly water allocations.

Sub Area	Sub-Area Name	Crop Acreage		Primary Soil Type
		Citrus	Row Crops	
A	Northeast Lake Shore	420	7,289	Sand
B	St. Lucie Canal (C-44)	47,575	8,776	Sand
C	West Palm Beach Canal & L-8	7,590	123,537	Peat
D	East Beach & East Shore Water Control Districts	0	13,054	Peat
E	North New River & Hillsboro Canals	234	230,146	Peat
F	Miami Canal	2,426	113,325	Peat
G	C-21 & S-236 Basins	0	34,122	Sand
H	Caloosahatchee River (C-43)	68,219	58,311	Sand
I	Northwest Lake Shore	4,362	2,101	Sand
J	North Lake Shore	117	1,060	Sand



### Water Conditions

The climate and water management conditions leading up to the declaration of a water shortage and the imposition of water use restrictions by the South Florida Water Management District in November 2000 were truly unique. The south Florida climatic pattern is characterized by its wet summer and fall seasons and dry winter and spring. Extremes on the wet side usually result from heavier than normal tropical system related rainfall in the summer and fall (which was the case in 1994 and 1995), or el nino events that bring heavy rain in the winter (which was the case in 1998). Significant regional water shortages occur when the wet season produces very little excess rainfall (rainfall in excess of evapotranspiration) so regional storage facilities, such as Lake Okeechobee, do not receive enough inflow to provide supply for the following dry season. When the winter and spring following a dry summer are also dry, Lake Okeechobee recedes to a low level and water use restrictions are imposed. This has been the case in 1981, 1989 and 2000.

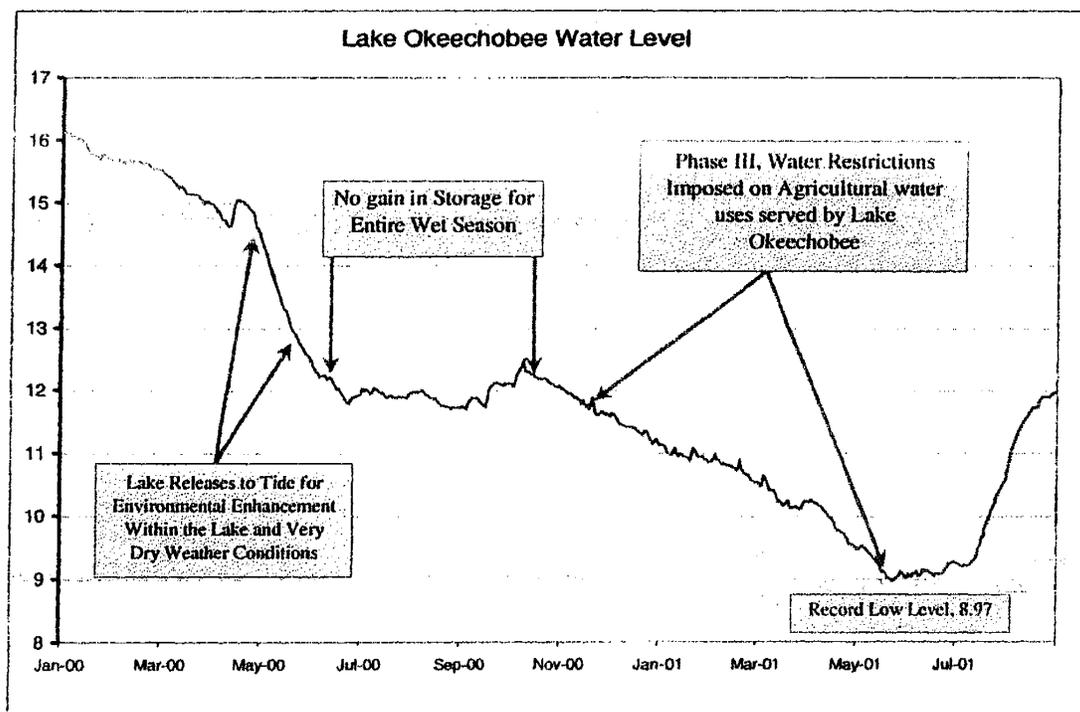


Figure 1. Water Level in Lake Okeechobee from January 2000 through July 2001

An additional complication was added to the 2000-2001 water shortage because of management decisions to improve the ecology of Lake Okeechobee. The wet conditions from 1994 through 1998 resulted in sustained above normal water levels in the Lake and a

subsequent reduction in shoreline vegetation that provides habitat for fish and wildlife. In an effort to encourage the re-establishment of the vegetation, the Water Management District began a deliberate course of action to lower the Lake level by discharging large quantities of water to the Atlantic Ocean and the Gulf of Mexico. This occurred during a very dry period. The result was that, through the release of water to tide, evaporation from the Lake surface and the release of water for agricultural irrigation, the Lake stage fell over three feet from April 15<sup>th</sup> through July 1st, a reduction of over 1.2 million acre feet.

### **Water Allocations to Agriculture**

Every farm in south Florida must have a permit to use water for irrigation. The allocation for an agricultural project, calculated and authorized through a consumptive use permit issued by the South Florida Water Management District, is the volume of water needed to meet irrigation demands during a moderate drought, and is dependent on factors such as crop, soil type, local rainfall conditions, the irrigation method, number of plantings, and number of acres. However, during a severe drought, the District's Water Shortage Plan supersedes the allocations in the Water Use permits, and the water available for irrigation is specified through use restrictions in Water Shortage orders issued by the SFWMD Governing Board.

In November 2000 the South Florida Water Management District declared a Phase 3 Water Shortage for irrigation uses dependent on water from Lake Okeechobee, and implemented what the District refers to as the Supply-Side Management Plan to ration water to individual farms.

Supply-Side Management was developed as an allocation method to "manage a limited surface water supply and recognize the need to hold water in reserve for anticipated high-demand periods, yet be flexible and responsive enough to allow for short-term fluctuations of supply and demand." (SFWMD Supply Side Management Report, 1991) The allocation for individual farms is determined weekly based on two independent sets of calculations. The first calculation is to determine how much water could be released weekly from Lake Okeechobee for irrigation purposes and the second is to determine how to divide the available water among the users dependent on the Lake.

The first calculation is based on historical rainfall and seasonal demands for Lake Okeechobee supply (for example, irrigation demands are higher in April/May compared to January/February due to higher temperatures and longer daylight. The resulting increase in crop water need must be offset through additional irrigation in those months). The variability

in rainfall and crop demand is evaluated against the available storage in Lake Okeechobee, with the goal of managing the weekly allocation so that water remains available to meet irrigation demands throughout the dry season.

The second calculation is to determine how to equitably divide the available water between the users. The Lake service area was divided into 10 sub-basins, based on the water control structures used by the District to release Lake Okeechobee water to each area. The monthly demand for each sub-basin was calculated using the Blaney-Criddle equation (which is used by the District in permitting to determine monthly supplemental irrigation demands), based primarily on the crop type and irrigated acreage for each permitted project. The monthly demands were used to determine the percentage of available water that should be supplied to each sub-basin, not the actual amount that would be delivered. Each week, the District posted on its web site the amount of water that could be used by an individual farm depending on its location and crop.

Based on discussions with the affected growers, adjustments were made to the calculated distributions to allow for water demands in specific areas without increasing the amount released from the Lake. For example, more water went to citrus-dominated sub-basins during the period when the next year's fruit was being set, and water was shared with cane-dominated sub-basins during the month of February when the Blaney-Criddle equation calculated an almost-zero supplemental crop allocation for sugar cane.

Due to the extremely low water levels in Lake Okeechobee, Supply-Side Management remained in effect from November 26th 2000 through October 10, 2001. Once the rains resumed in early June the rationing of water for irrigation was not needed.

As a result of the water rationing, less than 50% of the calculated crop demands were supplied to the farms in the Lake service area (Figure 2). Figure 2 shows estimated demands during a one-in-ten-year drought compared to the actual water made available to growers. The 2000/2001 water shortage was more severe than a one in ten in many areas.

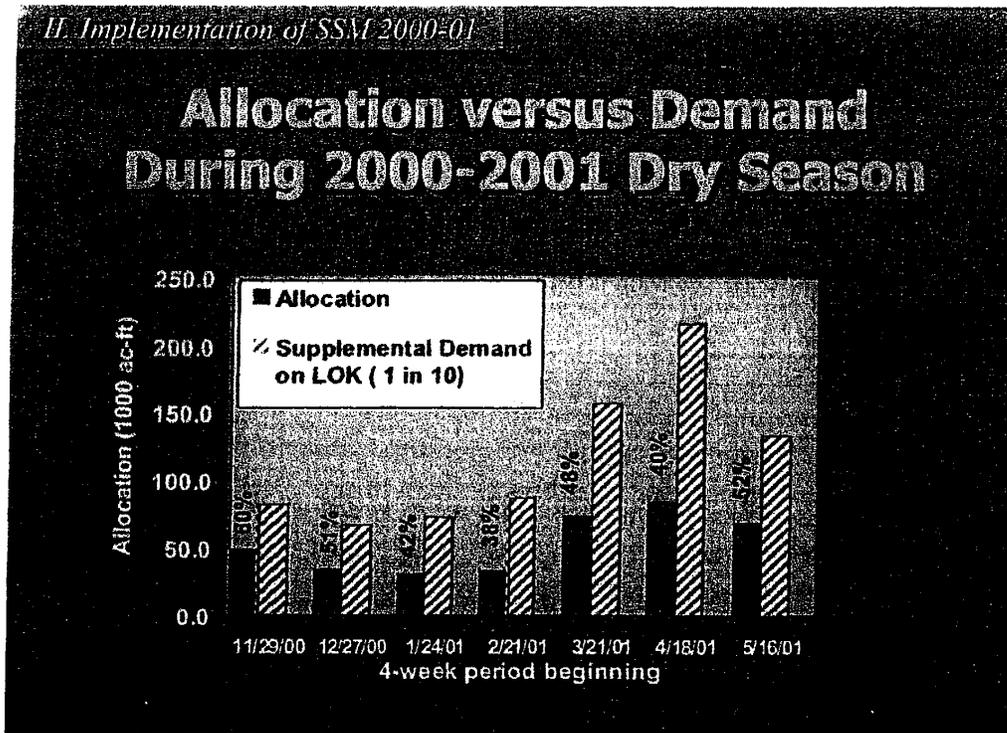


Figure 2. Chart from WMD presentation of percent of demand met.

## Economic Impacts

### Methodology

The information on drought impacts to crop production and the economic consequences of those impacts was obtained from large agricultural producers in the area served by Lake Okeechobee. Data were compiled for citrus and sugar cane and reduced to a per-acre impact for each crop. The Everglades Agricultural Area (EAA) is characterized by muck soil. The muck soil has a high water holding capacity that, combined with the ability to manage the water table, improves crop performance during droughts. Sugar cane is the dominant crop in the EAA, but rice, sod, sweet corn and winter vegetables are also important. The other agricultural areas served by the lake have predominantly sandy soils with both citrus and sugar cane occupying large areas. The crops grown on sandy soils were more difficult to manage during the shortage because of the reduced water holding capacity of the soil, the seepage losses experienced in the conveyance canals between the lake and the farms, and the inability to maintain the water table near the root zone of the crops.

Once the data were obtained for each crop and each major area, the economic impact per acre was calculated. The value was then applied to all the irrigated acres in the respective areas to develop the total estimated drought induced revenue loss for the service area.

**Citrus.** At the time of the 2000-2001 water shortage, there were 130,000 acres of citrus in cultivation in the areas dependent on Lake Okeechobee for irrigation. The water shortage was in force for most of the 2000-2001 harvest season, and was especially severe for the period when fruit were expected to be set in the spring of 2001. The impact of the shortage showed up initially with smaller fruit and slightly reduced yield during the 2000-2001 season and a more severe impact the following year due to the stress caused during fruit set in the spring of 2001.

After the water shortage, several of the larger growers provided specific information related to the economic impact of the drought on citrus production. One grower and processor reported a loss of \$2 million due to smaller fruit in 2001 and \$6 million in 2002 due to lower production. Another grower provided detailed, specific information that isolated the impacts of the water shortage on the specific citrus varieties grown in the area. This grower had significant acreage planted in early and mid-season varieties and in valencias, which mature later in the season, along with a small amount of grapefruit. The property holdings were such that most of the production was from groves not served by Lake Okeechobee. These groves were irrigated from groundwater wells and were not subject to the water use cutbacks that were imposed on the users of Lake water. Approximately 1500 acres, with the same fruit varieties, were dependent on lake water for irrigation. The trees were the same age and variety, and, since they were in the same area and exposed to the same rainfall and climate conditions, these acres provided useful comparative information that allowed the impact of the water shortage to be identified.

For the early and mid-season varieties, the acreage irrigated with groundwater showed a 7.4% increase in yield while that subject to the water restrictions experienced a 27% decline in production from 2001 to 2002. For valencias, there was a 3.6% increase for the groundwater grove and a 5.6% decrease for the grove dependent on Lake Okeechobee. Grapefruit production increased by 22% on the grove without water use restrictions and decreased by 33% on the grove subject to the restrictions. The difference in yield between the 2001 crop and the 2002 crop for the groves under water use restrictions and those irrigated from groundwater was 34% for the early and mid season varieties, 9.2 % for valencias, and 55% for grapefruit.

Combining the information submitted by the growers indicates a per acre revenue impact of approximately \$630 per acre for early/mid season oranges and \$310 per acre for Valencias. The 55% reduction figure cited for grapefruit was based on only one report and was not considered statistically significant enough to use for the basin wide grapefruit acreage. For the purposes of this report, grapefruit impacts were estimated to be the same per acre as the Valencia oranges.

**Estimating the regional impact to citrus.** With only a limited number of growers providing economic information, the following methodology was developed to estimate the regional impact to the citrus growers affected by the water shortage:

The Gulf Citrus Growers Association collects data on the Caloosahatchee region's citrus industry and identifies grove acreage by crop type. According to their figures for 2001/2002, 88% of the acreage was in oranges (with 12 percent of that amount not in production because the trees were less than 3 years old). Of the remainder, 8% was planted in Grapefruit (with 5% of that area not yet producing). The remaining 4% was in other citrus crops. Applying these percentages to the 68,219 acres of citrus in the Caloosahatchee Basin served by the Lake yields 61,240 acres of oranges irrigated from the Lake with 54,260 in production during the water shortage. A similar exercise shows 4,430 acres of grapefruit with approximately 4,180 in production.

Since the early/mid season oranges suffered more severe impacts, the acreage of each was treated separately. Data provided by the Gulf Citrus Growers Association indicated that the production from early/mid season varieties made up 45% of the production while valencias accounted for 55%. Therefore, of the 54,260 acres of oranges in production, 24,380 are assumed to be early/mid season and 29,880 are assumed to be valencias. **Table 1** summarizes the total lost revenue estimated for citrus variety in the Caloosahatchee basin. The total revenue impact is estimated to be \$25,917,000.

*Table 1. Summary of revenue impacts to citrus growers in the Caloosahatchee Basin.*

Crop	Acres in Production	Lost Revenue per acre	Total Lost Revenue
Early/mid oranges	24,380	\$630	\$15,360,000
Valencia oranges	29,880	\$310	\$9,262,000
Grapefruit	4,177	\$310	\$1,295,000
Calculated Losses to Citrus in Caloosahatchee Basin			\$ 25,917,000

The other large concentration of citrus acreage dependent on the Lake for irrigation is located along the St Lucie Canal. During the 2001 water shortage, the SFWMD estimated the citrus area in that basin at 47,575 acres. Another 12,000 acres were located northwest of the lake or in the L-8 basin in Palm Beach County. No specific production data are available for these areas. Based on grower communications during the drought, it appears that impacts in the Caloosahatchee basin were more severe than in other areas. Many of the groves in that basin are located several miles from the Caloosahatchee River and a significant fraction of the water made available to growers was lost during conveyance from the canal to the grove. This condition was not as difficult in the other basins. For the purpose of this report, it was assumed that the impacts to citrus production in the other basins was one half of the blended per acre impact calculated for the Caloosahatchee Basin and that the blend of citrus varieties and percent of the cultivated acres were the same. The data from **Table 2** yields a blended impact in the Caloosahatchee Basin of \$443 per acre. Therefore, a rate of \$221 per acre was used to estimate the revenue lost in the other citrus areas.

*Table 2. Summary of revenue impacts to citrus growers in the Lake service area*

Crop	Acres in Production	Lost Revenue per acre	Total Lost Revenue
Estimate for Other Basins	53,150	\$221	\$11,746,000
Calculated Losses to Citrus in Caloosahatchee Basin			\$ 25,917,000
<b>Total Revenue Losses to Citrus in 2001/2002</b>			<b>\$36,663,000</b>

**Sugarcane.** To obtain information on impacts to the sugar cane crop, the large growers in the area were contacted and asked to report any information on yield reduction associated with the 2001-2002 crop year. Although the water shortage occurred the previous year, the damage occurred to the crop growing during the critical months of the shortage, which were March, April and May of 2001. This crop was harvested in the fall and winter of 2001-2002. The data reported in **Table 3** includes almost 70% of the cane acreage cultivated during the water shortage. The 6.4 percent reduction in yield is comparable to that reported by the USDA Economic Research Service in its official 2002 Sugar and Sweetener Yearbook.

To determine the total economic impact, the average reduction in yield was calculated and applied to the total acreage in sugar cane. This results in an estimated loss to the cane crop of \$54 million (**Table 4**). All growers also incurred significant increases in operating costs associated with changes in irrigation practices mandated by the water shortage restrictions.

*Table 3. Reductions in yield for the 2001-2002 crop year reported for various sugar cane operations affected by the Water Shortage Operations of the SFWMD.*

Company	Acres	Reduction in Yield (tons of cane / acre)	Reduction in Yield (%)
Reporting Unit A	71,457	2.37 tons	5.2 %
Reporting Unit B	70,000	1.93 tons	4.8 %
Reporting Unit C	64,189	1.18 tons	2.9%
Reporting Unit D	81,197	4.13 tons	12.6%
Single Company	11,258	3.19 tons	8.7 %
Single Farm	5,000	3.15 tons	9.5 %
<b>Total Acres Reporting</b>	<b>303,101</b>	<b>Average Reduction in Yield</b>	<b>6.43 %</b>

*Table 4. Estimated reduction in revenue attributable to the water shortage induced yield reduction in sugar cane for the 2001-2002 crop year.*

Total Acres in Cane	Total reduction in yield (tons)	Estimated Sugar Content	Estimated Raw Sugar Price (per pound)	Total Lost Revenue
445,000	1,126,374	12 %	\$ .20	<b>\$ 54,065,973</b>

**Other Crops and Costs**

Several other important crops were also affected by the water shortage, including sod, sweet corn, other vegetables and rice. No specific lost revenue estimates are available for these crops. In the case of sweet corn and rice, several growers simply decided not to plant many areas in the spring of 2001. The acreage planted in rice was estimated by growers to be down by 25 to 50 percent. All growers cited increased costs for irrigation because of the need to mobilize special equipment and crews to comply with the limited availability of water. Several also identified increase pressure from certain pests and problems in following years due to the inability to flood fallow fields during the water shortage.

These other impacts could easily amount to \$5 million to the economic impact over the 723,000 acres of irrigated agriculture subject to the water use restrictions.

**Summary**

This report was an attempt to quantify the lost revenue to agriculture as a result of the water use restrictions imposed as part of the 2000/2001 water shortage. It is not meant to be a rigorous economic impact assessment, but rather an estimate of the financial impact farmers incurred because of the lack of water. The conclusion on the impacts to sugar cane growers is considered reliable based on the high percentage of the irrigated acreage that is covered by reports from growers and the fact that the total impact as a percentage reduction in production matches the annual crop report provided by the USDA. The data on the impact to citrus growers is less certain, because fewer growers supplied detailed estimates and the geographic diversity between the groves west of the Lake in the Caloosahatchee Basin and to the east along the St. Lucie Canal.

It is clear that the Water Shortage of 2000/2001, and the accompanying water use restrictions imposed on irrigated agriculture during the event, had a severe impact on both the revenue growers received and the additional costs to grow the crops under those conditions. While this report is based on an imperfect data set, it produces a credible estimate of approximately \$90,000,000 of economic impact due to lost revenue to growers. With the uncertainties associated with the estimating methodology and the available data, it seems appropriate to conclude that the total negative impacts associated with the water shortage were in range of \$75,000,000 to \$120,000,000.

***Table 1. Summary of economic impacts to irrigated agriculture served by Lake Okeechobee.***

Total Revenue Loss for 2001/2002 Sugar Cane harvest	\$54,066,000
Total Revenue Loss for 2001/2002 Citrus harvest	\$36,660,000
Revenue Loss to other crops in 2001/2002 and to all crops in 2000/2001 and 2002/2003	\$5,000,000
Revenue lost to processors for Sugar and Citrus	Unknown
Additional cost to operate during the water shortage	Unknown
Lost opportunity cost for rice and sweet corn in 2001	Unknown

# LEHTINEN VARGAS & RIEDI

ATTORNEYS AT LAW  
A PROFESSIONAL ASSOCIATION

October 8, 2004

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

RECEIVED  
OCT 14 2004  
JACKSONVILLE DISTRICT  
USACE

Via Fax and U.S. Mail; E-Mail; and Express Mail

**Re: Objections by the Miccosukee Tribe of Indians to the Draft Environmental Assessment and Finding of No Significant Impact for Changes to the Lake Okeechobee Regulation Schedule and Water Control Plan**

Dear Colonel Carpenter:

## I. INTRODUCTION

The Miccosukee Tribe of Indians, whose members live in the Everglades, object to the Army Corps of Engineers (Corps) Draft Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) dated September 10, 2004, which proposes the implementation of the Class Limit Adjustment (CLA) to the Lake Okeechobee WSE Regulation Schedule. The Tribe contends that the hastily prepared and confusing Draft EA on the Corps' proposed change to the WSE Regulation Schedule and Water Control Plan does not comply with the National Environmental Policy Act (NEPA), the Administrative Procedures Act (APA), the Endangered Species Act (ESA), the 5<sup>th</sup> Amendment to the U.S. Constitution, and the Corps' Trust Responsibility to the Miccosukee Tribe. The Corps' Draft EA/FONSI determines, without any scientific analysis or proof, that the "considered action would have no significant impact on the quality of the human environment and does not require an Environmental Impact Statement." It also prematurely concludes, again without proof and the required consultation with the Fish and Wildlife Service (FWS), that there will be no impact on endangered species. A review of the Draft EA, which appears to merely parrot the attached technical documents and presentations prepared by the South Florida Water Management District (SFWMD), shows no scientific analysis or support for the FONSI.

It is clear from a review of the Draft EA that the Corps' finding of no impact on the St. Lucie Estuary is based on a hunch; the impact on the Caloosahatchee Estuary is admittedly

unknown; the impact on the water conservation areas and water quality has not been adequately analyzed; and the impact on water supply has been brushed aside. The Tribe contends that the Corps can not make changes to the WSE Regulation Schedule and Water Control Plan for Lake Okeechobee without having completed the environmental reviews required under NEPA, the ESA, the APA, and without complying with its own regulations and its Trust Responsibility.

While the Draft EA/FONSI pretends that this will simply be a so-called “temporary deviation” to the Lake Okeechobee Regulation Schedule, the Tribe is well aware of the Corps’ charade. The “temporary deviation” charade went on for many years before your tenure, Colonel Carpenter, with the regulation schedule in the southern part of the system. The Tribe watched “temporary” and interim water management actions go on for seven years. Sadly, the damage these so-called “temporary interim” actions have had on the Tribe’s Everglades and its tree islands is permanent and ongoing. Indeed, it is the current Interim Operational Plan (IOP) which blocks the flows through the S-12 gates to the south, that is causing and contributing to the high water conditions to the north, including in the Lake. Moreover, not only the Tribe and its lands, but all citizens, are harmed by the Corps’ callous indifference to environmental laws when it makes these so-called “temporary deviations” without complying with federal law. The Tribe will not stand by and watch the Everglades, and these environmental laws, continue to be abused. Nor does it accept the assertion of a Corps’ representative at deposition that it has the right to destroy every tree island in WCA 3A under its current operations.

The Draft EA fails to recognize that the Water Conservation Areas are the Everglades. The line in the Draft EA at Section 1.2 that “The WCAs are areas managed for multiple purposes, but designed to receive and store water from adjacent areas, including Lake Okeechobee, fails to consider the environmental importance of the sawgrass Everglades, which Marjory Stoneman Douglas lovingly called the “River of Grass.” Nor, does the Draft EA acknowledge that both the Corps 404 permit for the Stormwater Treatment Areas (STAs), and the Settlement Agreement of the federal Everglades lawsuit, does not allow dirty water to be put into the WCAs with gay abandon, including into pristine areas in northern WCA 3A. The Tribe objected to the WSE in the past, because it increases the amount of polluted water being put into the Everglades. The CLA, which apparently increases the percentage of times the water can be put south from 62% to 75% when the Lake is at even lower levels adds insult to injury. Moreover, since there is absolutely no water quality analysis of the increased hydroperiod to WCA 3A north, which the Draft EA deems a “benefit,” it is difficult for the Tribe to know whether polluted water is being put into a pristine area where it should not go. We do know, however, that this is the type of analysis that must be conducted in an EIS.

Just as the Draft EA refers to the Water Conservation Areas as reservoirs, the Corps considers Lake Okeechobee a water management reservoir in the C&SF Project. The Tribe does not believe that either is right and is hopeful that the long awaited restoration projects will correct the damage being done both to the Everglades in the WCAs and the Lake ecosystem. The Tribe cares about all parts of the Everglades ecosystem which it has traversed for centuries, including the Lake. The Tribe does not believe, however, that Lake Okeechobee’s high water problems should be corrected at the expense of the Everglades and the estuaries. The problems with the

Everglades, its liquid heart, and the estuaries will be corrected as part of an ecosystem restoration. That is why the Tribe supports the expeditious implementation of projects such as the Modified Water Deliveries Project and the Comprehensive Everglades Restoration Plan (CERP). We cannot support band-aid “solutions” that play God with the Everglades and attempt to help some areas at the expense of others. It is time to stop pitting one part of the ecosystem against another. We must become systematic thinkers and implementers of the ultimate solution. The expeditious implementation of the Modified Water Deliveries Project, and ultimately CERP, are the only real solutions that will work for all parts of the ecosystem.

#### **A. NEPA REQUIRES AN ENVIRONMENTAL IMPACT STATEMENT**

As a review of the hastily prepared, and deeply flawed, Draft EA/FONSI demonstrates, the Corps is not taking the objective hard look required by the National Environmental Policy Act (NEPA). The Corps’ proposed Class Limit Adjustment (CLA) to the Regulation Schedule for Lake Okeechobee is not a “minor fine tuning adjustment,” as the Corps and SFWMD claim. The CLA is a change to the Regulation Schedule that is a major federal action that significantly impacts the human environment and requires an Environmental Impact Statement (EIS). The Corps has not claimed that an “emergency” to the public health and safety exists wherein compliance with NEPA is impossible. Thus, the Corps will violate NEPA if it fails to complete an EIS before implementing the CLA. It is the Tribe’s understanding that the Corps also failed to comply with NEPA, and other federal laws, by implementing a prior “temporary deviation” to the WSE Regulation Schedule (Alternative 5) without conducting any environmental assessment at all. This operation of the water management system by whim and caprice must stop.

Indeed, the technical documents attached to the Draft EA show that the CLA will change the Water Control Plan and is an admitted starting point for significant modifications to the schedule which will require an EIS. (See August 14, 2004 Neidrauer letter at page 3 and WRAC Lake Okeechobee Workshop, June 28, 2004, at page 28.) As you know, but the SFWMD modeler may not know, it is illegal under NEPA to segment a project. The EIS must be conducted before the CLA is implemented. Moreover, the Corps’ failure to conduct an EIS made it impossible to provide accurate information to the National Oceanic and Atmospheric Administration (NOAA) that was requested by letter dated May 6, 2004, concerning direct and indirect impacts to living marine resources. The Draft EA does not contain an adequate scientific analysis of the potential impacts to living marine resources, including mangroves, seagrasses, living bottom communities and the marine/estuarine water column that was requested.

#### **Water Conservation Areas a/k/a The Everglades**

“No look” does not mean “no harm.” The Corps is legally required to analyze the impacts of the CLA, and all other reasonable alternatives, on the Everglades in the Water Conservation Areas. There is ample evidence that harm will occur. Such harm will be compounded by the interim water management operations that have drowned the Everglades in WCA 3A for seven years, and the WSE Regulation Schedule that has increased pollution. The Corps must do the legally required analysis to look for environmental impacts, including

cumulative impacts. The Florida Fish and Wildlife Conservation Commission (FFWCC) has raised concerns about negative impacts of the proposed change on the downstream areas. Its May 3, 2004, letter to the Corps specifically states that the, "Releases of water will have to be evaluated to ensure that they do not negatively impact downstream environments such as the Water Conservation Areas and the St. Lucie and Caloosahatchee Estuaries." This evaluation of downstream areas must be done in an EIS.

The blanket statement at page 22 of the August 17, 2004 Neidrauer letter (Appendix B) claims a slight improvement in the Everglades from CLA due to an extended hydroperiod in northern WCA 3A. There is absolutely no water quality analysis in the Draft EA of this increased water that would support such a finding. The Tribe does not consider more water, if it is dirty water, a benefit. The Draft EA also fails to conduct any analysis of how the increase in the opportunity to make Lake Okeechobee Zone D releases south to the WCAs by approximately 15% (from 62%-75%) will impact the environment in the WCAs. (See, August 17, 2004 Neidrauer memo, at page 2.) While this memo also claims on page 13 that Everglades hydroperiod and ecology would be slightly better, there is no scientific basis for this statement. Especially in light of the fact that the same page states that during April-July 2003, the CLA would have triggered an additional 4 weeks of releases to the WCAs. The Draft EA also contains no environmental analysis of the impacts that extending the frequency and duration of water releases to the WCAs will have on flora and fauna there, including tree islands.

### **The Estuaries**

Similarly, the Draft EA fails to adequately analyze any adverse impacts that would result to the St. Lucie and Caloosahatchee Estuaries from doubling (from 17% to 34%) the releases to the estuaries. (Id.) There is absolutely no science in the Draft EA to support the conclusion that there will be no adverse impacts to the St. Lucie Estuary from making pulse releases to the estuaries for extended periods of time, especially in years when the hydrology would not cause the so-called "expected" large inflows. On page 7 of the Neidrauer memo, it admits that a trade off of the lower Lake level releases is that it "increases the occurrences of low and moderate, possibly stressful, estuary flows." The Corps is required to do an EIS to analyze this potential impact. The statement in the Draft EA at page 16 that "neither benefits or adverse impacts could be determined" for Caloosahatchee estuary does not mean "no environmental impact," it means that the Corps is required to do an EIS to find out if there is any impact. As the FFWCC stated in its May 3, 2004 letter to the Corps, the long-term impact of continuous low-level releases to the estuaries is hard to predict. The letter also states that continuous water releases may impact species that rely on having higher salinities in specific areas of the estuary during the dry season and that persistent low salinity may impact species, such as the oyster. It is the Corps' responsibility to conduct an EIS so that it can predict the impacts of its proposed CLA, and other alternatives, on the St. Lucie and Caloosahatchee estuaries.

### **Modeling Is No Substitute for Scientific Analysis**

Using only modeling simulations, rather than scientific data and analysis, to reach

unsupported assertions in the Draft EA/FONSI about the impact that the CLA will have on the human environment does not comply with NEPA.

### **Inadequate Alternatives Analysis**

The Draft EA fails to include an analysis of reasonably foreseeable alternatives that would be less harmful to the Everglades and the estuaries. For instance, it fails to include the expeditious completion of the Modified Water Deliveries Project as a viable alternative. Indeed, this is the only reasonable alternative in the short term that will help alleviate the Lake's high water problems and will not pit one part of the ecosystem against another. The Corps must analyze all reasonable alternatives, including the Modified Water Deliveries Project, in an EIS before implementing the proposed change the WSE Regulation Schedule.

### **Potential Water Supply Impacts**

The Draft EA/FONSI also fails to analyze the concern voiced in the scoping process that the CLA would increase the possibility of a drought and water supply restrictions. For instance, Miami-Dade County is concerned that early releases and a subsequent lower lake level could create a water shortage situation. The Tribe remembers well how the SFWMD's lowering of the Lake in the past resulted in a manmade drought that caused severe economic problems for businesses around the Lake and others on the coast. The technical documents attached to the Draft EA show that the CLA could increase the frequency of water shortages and water restrictions, which could include Miami-Dade County. The potential to increase water shortages and water restrictions, which could negatively impact the wellfields, must be analyzed in an EIS.

### **Hurricanes and Public Health and Safety**

The back-to-back hurricanes that recently occurred show how important it is not to maintain have high water levels in the system, including the WCAs, when a storm or hurricane hits. The IOP, which maintains high water levels in the Everglades WCAs can curtail, or eliminate, the ability to put water in these areas in a hurricane and exacerbate flooding. It is vital to the public health and safety, and the integrity of the structures in the WCA s, that the Corp analyze the potential impacts that the changes to the WSE Regulation Schedule, coupled with the IOP, could have on the structural integrity of the structures and levees in the WCAs and the public health and safety should a hurricane hit.

### **Cumulative Impacts**

Finally, the Draft EA/FONSI fails to analyze the cumulative impacts of the proposed action along with the impact that other past, present and future actions such as the Interim Operational Plan (IOP), will have on the human environment, the Everglades and the estuaries. NEPA requires the Corps to analyze cumulative impacts of all of its water management actions.

## **B. THE CORPS MUST COMPLY WITH THE APA**

The Corps is required to follow the Administrative Procedure Act (APA), its own rules and regulations, and proper rulemaking procedures when making changes to the Regulation Schedule and Water Control Plan for Lake Okeechobee. A review of the Draft EA technical documents shows the CLA changes the current rules and regulations for Lake Okeechobee and constitutes an amendment to the rules and regulations for operating the project. The Tribe vehemently opposed the WSE Regulation Schedule in the past because of the harm it would do to the Tribal Everglades. It now appears that those who pushed for the WSE Regulation Schedule, no longer believe that it has helped the Lake and want the Corps to change it again, despite the impact it could have on the Everglades and the estuaries. The Corps can not change the WSE Regulation Schedule without following the procedure required by law and its own regulations that govern such changes.

## **C. CORPS MUST COMPLY WITH THE ENDANGERED SPECIES ACT**

The Draft EA/FONSI fails to follow the consultation and coordination requirements required by Section 7 of the Endangered Species Act (ESA). The Corps is well aware that there are numerous threatened and endangered species in the project area, including the snail kite and its critical habitat in WCA 3A, and the manatee and sea turtles in the estuaries. It is vital for the Corps to formally consult with the FWS on the potential impact that the CLA will have on endangered and threatened species in the project area. The ESA requires that a Biological Assessment be prepared as part of the interagency consultation process to analyze whether the proposed actions are likely to jeopardize the continued existence of endangered species. The Corps must not implement the proposed changes to the WSE Regulation Schedule prior to completion of formal consultation on all endangered and threatened species that could be adversely affected by the proposed action. NEPA also requires the Corps to release an EIS with this information for public review. Finally, the ESA requires the Corps to look at cumulative impacts of the proposed action, along with all past, present, and future water management actions (including IOP) prior to implementation of the CLA.

## **D. THE CORPS MUST COMPLY WITH THE INDIAN TRUST DOCTRINE**

The Corps owes the Miccosukee Tribe of Indians a sacred trust obligation and fiduciary duty to protect Tribal lands, resources, and assets pursuant to the Federal Indian Trust Doctrine. The Corps has never formally consulted with the Tribe about the prior, or proposed, change to the WSE Regulation Schedule. This is disconcerting since the technical document in the Draft EA shows that the CLA will increase the frequency of times that water would be allowed to go to the WCAs. While the Draft EA claims that WCA 3A north will benefit from the CLA by increasing the hydroperiod, there is absolutely no analysis of whether polluted water will be put into an area that is now relatively pristine. Both the Settlement Agreement in the federal Everglades lawsuit, which the Tribe has the right to seek to enforce, and the Corps 404 permit on

the STAs, does not allow the pristine areas in northern WCA 3A to be rehydrated with dirty water. Additionally, the Tribe has a perpetual lease in a large area of WCA 3A that promises that the Everglades there will be preserved in a natural state. The Tribe is opposed to the Corps implementing the CLA until the impact on the Everglades, which is vital to the Miccosukee Tribe's culture and way of life, is fully analyzed in an EIS. The Corps has a solemn Trust Responsibility to protect the Tribe and its lands. It is disconcerting to the Tribe, that the Draft EA/FONSI states at page 22, without any analysis or comment on the Tribe and its lands in the project area, that this change to the WSE Regulation Schedule will not impact Native Americans. The Corps has a duty to analyze the impact the change in the WSE Regulation Schedule and Water Control Plan will have on the Tribe and its Everglades homeland.

### **E. CORPS MUST COMPLY WITH THE 5TH AMENDMENT**

The Corps' implementation of the proposed CLA change to the WSE Regulation Schedule and Water Control Plan for Lake Okeechobee, without complying with federal law, will adversely affect life, liberty or property without due process of law.

## **II. CONCLUSION**

The Army Corps of Engineers must comply with NEPA, the ESA, the APA, the Indian Trust Doctrine, and the 5th Amendment to the U.S. Constitution before implementing the proposed CLA change to the WSE Regulation Schedule and Water Control Plan for Lake Okeechobee. The Corps' legally insufficient Draft EA/FONSI fails to analyze the implementation of the proposed CLA alternative, which must be subject to an EIS. It is clear from the shallowness of the document, which merely parrots the views of the SFWMD, that it does not comply with NEPA, the APA, or the ESA. It has become abundantly clear to the Tribe that rather than comply with NEPA and the ESA prior to taking action as required by law, the Corps has learned to shield its non-compliance under the mantle of environmental protection for some areas. Such an artful charade is not what Congress intended when it passed these hard won environmental laws.

Environmental laws must be followed. The failure to do so will result in hastily devised and harmful plans which violate people's rights and ignore laws designed to protect the environment. The Corps' legally insufficient Draft EA/FONSI does not advance the goals of environmental protection. Equal environmental protection will only be advanced through compliance with environmental laws. In short, the Corps is required to conduct an EIS and an ESA consultation, prior to implementing the CLA change to the WSE Regulation Schedule and Water Control Plan for the WSE Regulation Schedule.

The Tribe warned the Corps many years ago that the delay of the Modified Water Deliveries Project had placed it in a position of playing God with the Everglades, deciding which parts of the Everglades will be protected and which will be destroyed. This Animal Farm Equality for the Everglades can not go on if we are to have any Everglades left to restore. We ask the Corps to abandon these band-aid fixes and take immediate steps to see that the Modified

Water Deliveries Project is implemented and CERP moves forward. We heartily support your commitment to completing the Modified Water Deliveries Project, Colonel Carpenter. The Tribe has long contended that the expeditious implementation of Mod Waters, which will help restore more natural flows through the Everglades, will help relieve high water problems in the Water Conservation Areas, Lake Okeechobee, and the estuaries. It will also protect the endangered and threatened species in these areas, and help ensure water supply and flood protection for urban and agricultural areas. The Tribe does not support these so-called "temporary deviations," which only pit one part of the environment against another and make a mockery of environmental laws. We stand ready to assist you should you decide to move forward on long term solutions, such as the Modified Water Deliveries Project and CERP, but will continue to resist continued efforts on the part of the SFWMD and the Corps to make changes to the WSE Regulation Schedule without conducting an EIS and complying with other federal law.

Sincerely,

A handwritten signature in black ink, appearing to read "Dexter W. Lehtinen". The signature is fluid and cursive, with the first name being the most prominent.

Dexter W. Lehtinen



# THE EVERGLADES COALITION

October 29, 2004

1000 Friends of Florida  
Arthur R. Marshall Foundation  
Audubon of Florida  
Audubon Society of the  
Everglades  
Broward County Audubon  
Society  
Clean Water Action  
Clean Water Network  
Collier County Audubon  
Society  
The Conservancy of Southwest  
Florida

Defenders of Wildlife  
Earthjustice  
Environmental & Land Use  
Law  
Center

The Environmental Coalition  
Environmental Defense  
Everglades Coordinating  
Council  
Florida Defenders of the  
Environment

Florida Keys Chapter of the  
Izaak Walton League of  
America  
Florida Keys Environmental  
Fund  
Florida Public Interest Research  
Group

Florida Sierra Club  
Florida Wildlife Federation  
Friends of the Everglades  
Izaak Walton League of  
America  
Last Stand  
Legal Environmental Assistance  
Foundation  
League of Woman Voters of  
Florida

Loxahatchee River Coalition  
Mangrove Chapter of the Izaak  
Walton League of America  
Martin County Conservation  
Alliance

National Audubon Society  
National Parks Conservation  
Association

National Wildlife Federation  
Natural Resources Defense  
Council  
North Carolina Outward Bound  
School

The Ocean Conservancy  
The Pegasus Foundation  
The Redland Conservancy  
Sierra Club  
Sierra Club Broward Group  
Sierra Club Loxahatchee Group  
Sierra Club Miami Group  
Tropical Audubon Society  
The Urban Environment League

James C. Duck, Chief, Planning Division  
US Army Corps of Engineers  
PO Box 4970  
Jacksonville, FL 32232-0019

Dear Mr. Duck:

On behalf of the 45 members of the Everglades Coalition, we support initiation of an Environmental Impact Statement (EIS) for the "Lake Okeechobee Regulation Schedule, Water Supply and Environment" (WSE) because the draft Environmental Assessment (EA) could do more to protect the natural environment of Lake Okeechobee and the estuaries. The devastating effects of the hurricanes highlight the need to take short (EIS) and long-term (CERP) management actions to facilitate the regeneration of the ecological communities of the Lake and the estuaries.

The proposed EA should encourage adequate Lake discharges when a prolonged high stage is detrimental to the Lake's ecological health. The Class Limited Adjustment (CLA) modifications should include more flexibility in the decision tree to allow for proactive releases. The decision tree should also enable staff to take into account environmental conditions in the system, so that operations can allow for real time decisions. We urge you to include the Adaptive Protocols that the Coalition previously supported that could further this type of adaptive management.

The needs of the Caloosahatchee River should be more adequately addressed by the proposed EA. The estuary should not be allowed to suffer MFL violations during times when no other user is being rationed. The WSE should include more shared adversity so that the Caloosahatchee can meet its MFL. During the wet season the CLA should address damaging flows to the estuaries.

An EIS is necessary in order to include a discussion of threatened and endangered species. This is particularly important with the Lake's designation as critical habitat for the federally endangered Snail Kite. Snail Kite numbers have been decreasing throughout Florida and Lake Okeechobee itself has only had one successful nest in four years.

The Coalition urges the Corps to undertake an EIS process, which can fully address the many problems of WSE. We look forward to a more in-depth evaluation of the protections for the natural and human environments.

Sincerely,

David Bogardus  
**Lake Okeechobee Team Leader**  
Program Officer  
World Wildlife Fund

cc: Henry Dean, SFWMD







REVISED  
2 Nov 04

Lake Okeechobee Watershed Program  
PO Box 707  
Lorida, FL 33857  
Tel: 863-655-1831  
www.audubonofflorida.org  
Audubon@Okeechobee.com

October 28, 2004

James C. Duck, Chief, Planning Division  
US Army Corps of Engineers  
PO Box 4970  
Jacksonville, FL 32232-0019

Dear Mr. Duck:

These comments concern the draft "Environmental Assessment to the Lake Okeechobee Regulation Schedule, Water Supply and Environment (WSE), Lake Okeechobee, Florida" (EA). This EA was undertaken in recognition that the WSE schedule has shortcomings, one of which is that WSE "...may not allow for lake discharges even when a prolonged, moderately high stage is detrimental to the lake's littoral zone and ecological health" (p. 2). The South Florida Water Management District (SFWMD) previously analyzed several schedule modifications and the "Class Limit Adjustment" modification (CLA) was chosen by the Corps for further scrutiny in this EA.

The EA states on page 14 that CLA is "... a minor fine-tuning adjustment" to WSE. We concur with that assessment and note that with CLA, Lake Okeechobee still tends to stay harmfully deep. CLA keeps Lake Okeechobee an estimated 0.84 feet from the Stage Envelope Performance Measure (see page 9 of Appendix B), which measures the average deviation from water levels that are considered healthy for the lake. This is a negligible improvement over WSE, which averages about 0.95 feet from desirable levels (less than an inch difference).

The greatest problem with WSE however, has been a lack of flexibility in implementing weekly decisions. Appendix C of the original WSE EIS (1999) had a thoughtful discussion of when to override the WSE recommendations, noting that the decision tree is inherently limited and several kinds of weather patterns can "trick" the decision tree into making poor recommendations. The SFWMD also compiled an "Adaptive Protocols for Lake Okeechobee Operations" that further recommended adaptive management of the Lake, based partly on real-time observations of environmental conditions in the system that are not included in WSE's decision tree. In spite of these efforts, management was not adaptive, the decision tree did get "tricked" by weather, and a formal deviation from WSE had to be made in 2003-2004 to attain desired water levels for lake health and estuary protection. In the spring of 2004, the SFWMD and USACE very skillfully lowered a deep Lake Okeechobee during the dry season, avoiding negative impacts to the estuaries and without affecting water supplies. Although this action was extremely beneficial to the lake's health, and increased storage potential that improved flood control abilities before the hurricane season, this lowering was not called for in WSE, and would not have been triggered with CLA (see page 14 of Appendix B).

Looking back on the wet summer of 2004, it is quite fortuitous that WSE was over-ridden, and we began the summer at relatively low lake levels. In a few months, Lake Okeechobee's water volume increased by more than 2.4 million acre-feet and lake levels jumped 5.5 feet (from about 12.5 feet to 18 feet). Had Lake Okeechobee started the summer at about 15 feet, as it did under WSE in 2003, the Hoover Dike would have been severely challenged, and genuine disaster might not have been avoidable. Unfortunately, even with CLA, WSE still will allow the rather perilous condition of Lake Okeechobee beginning the summer rainy season at elevations of 15 feet or greater, when weather allows.

To help the public assess the relative risks of beginning the wet season at different lake levels, this EA should include figures graphing probabilities of reaching various lake levels during the wet season from each 6 inch interval of lake level (e.g., 13 foot, 13.5 foot, 14 foot, and so on). These could be identical to the water supply position analysis percentile graphs found on the SFWMD Lake Okeechobee Operations WSE implementation web page, using June 1 as the beginning date and assuming "average" water conditions prior to that date (e.g., [http://www.sfwmd.gov/org/pld/hsm/reg\\_app/opln/PA/01JUN2004/UPA/sfwmm\\_quan\\_1274.pdf](http://www.sfwmd.gov/org/pld/hsm/reg_app/opln/PA/01JUN2004/UPA/sfwmm_quan_1274.pdf)).

#### Threatened and Endangered Species

This section of the EA should be greatly expanded. Snail Kites have been all but eliminated from Okeechobee's marshes (Table 1). During its admittedly short implementation, WSE has not shown marked improvement in Lake Okeechobee's ability to fulfill its designation by the USFWS as Critical Habitat for the federally endangered Snail Kite.

Year	Number of Snail Kite nests detected
1996	34
1997	4
1998	8
1999	0
2000	0
2001	0
2002	0
2003	5 (only one nest successful)

Snail Kite populations have been plummeting throughout Florida during this period, increasing the need for Lake Okeechobee to function for Kites. In the "Snail Kite Demography annual report" prepared in 2003 for the USFWS Vero Beach Field Office by Julien Martin, Wiley Kitchens, and Michaela Speirs of the University of Florida, it was stated that,

"The results presented in this report, suggest that the snail kite population in Florida is going through an alarming declining phase. In particular, the population size of snail kites in Florida appears to have progressively and substantially decreased since 1999. In 1999 the kite population was estimated at 3577 individuals, whereas in 2003 this estimate had dropped to 1610 individuals."

Further,

“However, we can confidently assert that Lake Okeechobee which was previously one of the most productive breeding sites of the system (from 1985 to 1995), has been severely altered, to the point that almost no fledgings have been produced since 1996 (Figure 3). Lake stages have been either too high or too low to sustain viable breeding habitat conditions post-1996. Lake Okeechobee was a critical “hub” to the network of habitat for foraging and nesting in the early 1990’s (Bennetts and Kitchens 1997).”

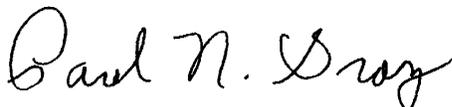
The EA does not discuss Snail Kites other than unsupported statements such as “no impact” (Table 1, P. 6), or “This alternative would not adversely impact endangered or threatened species under the jurisdiction of the USFWS or the NMFS” (p. 17). Adding these data to the EA would greatly strengthen the argument that CLA-type adjustments are genuinely needed, and will help demonstrate to the public that the agencies are aware of this situation and working to improve conditions for endangered species.

A notable continuing concern is the Caloosahatchee Estuary, which suffers MFL violations in about 1/3 of all months, with or without CLA. No other user has water shortages more than about 10% of the time in WSE, with or without CLA, therefore this remains a great inequity. It is even more troubling when one considers there will be periods using CLA when all users will get 100% of their needs met at the same time WSE calls for zero releases to the estuary.

The Caloosahatchee River problem is yet another example of WSE’s many significant problems that are not being addressed in this EA, or by CLA. Phase IV of the Corps process is to begin a new EIS to develop an improved regulation schedule for Lake Okeechobee. Considering CLA offers such minor improvements to system health, and leaves many concerns un-addressed, the new EIS should be an extremely high priority.

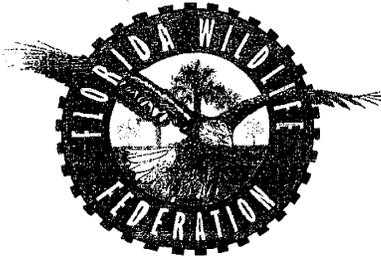
In summary, Audubon supports the CLA for WSE because it appears to have promise to lower average Lake Okeechobee water levels slightly. The difference however, is relatively small and still will allow certain weather patterns to keep Lake Okeechobee harmfully (and potentially dangerously) deep. Appendix B of the EA has 4 recommendations (page 14) that could further improve performance of WSE and Audubon recommends the Corps adopt them as part of the CLA deviation. Due to the limitations of the CLA deviation, the new EIS should be the top priority.

Sincerely,



Paul N. Gray, Ph.D., Science Coordinator  
Lake Okeechobee Watershed Program





# FLORIDA WILDLIFE FEDERATION

*Affiliated With National Wildlife Federation*

Manley K. Fuller, III, President  
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*11/03/04*

October 28, 2004

Mr. James C. Duck, Chief  
Planning Division – Environmental Branch  
Jacksonville District Corps of Engineers  
P.O. Box 4970  
Jacksonville, FL 32232-0019

RE: Comments from Florida Wildlife Federation on ACE Preliminary Finding of No Significant Impact: Temporary Planned Deviation to Adjust Classifications of Hydrologic Indicators and Forecasts (CLA) – Lake Okeechobee Regulation Schedule, Water Supply and Environment (WSE)

Dear Mr. Duck:

The Environmental Assessment for proposed modifications to the current Lake Okeechobee Operations Schedule (WSE/CLA) is silent about its adverse effects on critical habitat of the endangered Everglades snail kite. It is not appropriate to ignore new scientific information about phosphorus concentration in Lake Okeechobee and its effects on eutrophication of the Lake Okeechobee marsh. Florida Wildlife Federation believes that use of WSE/CLA will continue an ongoing process leading toward extirpation of the Everglades snail kite.

Run 25, WSE and WSE/CLA are a series of minor modifications to the 1978 Schedule. This schedule and its successors greatly increased the depth, duration and frequency of marsh flooding compared to pre-1978 conditions. This, combined with recent increases in lake phosphorus, has increased the rate of marsh eutrophication to the extent that the 1978 US Fish and Wildlife Service Biological Opinion about consequences to snail kite habitat no longer applies. When the Corps compares WSE/CLA to the WSE Schedule, it implicitly relies on an outdated Biological Opinion. Consequently, the Corps finding of no significant impact for WSE/CLA is erroneous.

USFWS has designated the entire 100,000-acre western marsh of Lake Okeechobee as critical habitat for the endangered Everglades snail kite under the Endangered Species Act. The snail kite lives almost exclusively on apple snails and feeds on the wing. To remain suitable habitat for snail kites, the marsh must not only support apple snails, but also maintain emergent vegetation at a density that allows in-flight feeding. Marsh eutrophication will ultimately render marsh water quality and its plant community unsuitable as apple snail habitat and unsuitable for snail kite feeding.

Like its predecessors, the depth, duration and frequency of marsh flooding produced by the WSE/CLA Schedule will continue ongoing marsh eutrophication. Deep-water reduces light penetration, which weakens and kills submerged and emergent plants. Deep water allows wind driven waves to propagate from the open lake into the marsh. Waves uproot plants, leaving them to decay in rotting piles. Wind driven waves also push lake water containing high phosphorus into the marsh. High phosphorus and rotting plants cause eutrophication. As sediment phosphorus concentration increases, vegetation shifts to dense cattails, which are unsuitable habitat for apple snails and snail kites. This kind of change occurs quickly, but is only slowly reversed. By the time the State of Florida controls watershed phosphorus or creates storage reservoirs that reduce marsh flooding, this critical snail kite habitat in the Lake Okeechobee marsh is likely to be destroyed in a way that cannot be reversed for several decades.

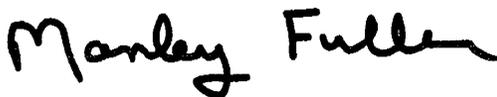
If the Everglades snail kite is extirpated in the meantime, it will be the result of the way the Corps chooses to operate Lake Okeechobee as a reservoir. Florida Wildlife Federation believes this choice is contrary to the Endangered Species Act.

The Federation also believes that the Corps' choice to continue the deep-water storage of the Operations Schedules of 1978, Run 25, WSE and WSE/CLA creates an unnecessary imbalance in management for Project Purposes. The Corps has never performed an independent analysis of the Local Sponsor's computer simulated projections of water supply demand. The Federation believes that the Local Sponsor's model is biased toward a very high level of storage. If the Corps were to rely on its own expertise, it is likely to find that the volume of storage requested by the Local Sponsor is unreasonably high.

The Corps' current thinking about balancing Project Purposes is based on the unproven premise that the Local Sponsor's demand for storage is necessary and reasonable. If this is untrue, the Corps has *misbalanced* project purposes in its Lake Okeechobee Operations Schedules in a way that continues to cause serious and entirely unnecessary harm to fish and wildlife habitat, harm to the recreation that depends on this habitat and harm to the economy that depends upon that recreation. This unexamined premise helps few, if any, and harms many. The Federation urges the Corps to thoroughly examine it.

While these investigations are taking place, the Federation recommends that the Corps continue using the temporary schedule deviations proposed for WSE/CLA.

Sincerely yours,



Manley K. Fuller, III  
President



Paul C. Parks, Ph.D.  
Lake Okeechobee Project Director



Florida Department of Agriculture & Consumer Services  
CHARLES H. BRONSON, Commissioner

**Please Respond to:**  
Office of Agricultural Water Policy  
P.O. 24680  
3301 Gun Club Road  
West Palm Beach, FL 33416

October 28, 2004

Ms. Yvonne Haberer  
Planning Division, Environmental Branch  
Department of the Army  
Jacksonville District Corps of Engineers  
P.O. Box 4970  
Jacksonville, FL 32232-0019

Dear Ms. Haberer:

The Florida Department of Agriculture and Consumer Services (FDACS) appreciates the opportunity to provide comments to the Corps on the September Draft EA for the Temporary Planned Deviation to the Lake Okeechobee Regulation Schedule Water Supply and Environment (WSE). The Department is interested in supporting modifications to the operating rules for Lake Okeechobee allowing more flexibility as long as the effect on water supply to agriculture is not impaired.

The draft document does not contain sufficient information to make the determination that there will be "no significant impact" to either agricultural water supply or the ability of the stormwater treatment areas (STA's) to meet the requirements of the Settlement Agreement. The Lake Okeechobee simulated stage (figures 4, 5 and 6) show that the Class Limited Adjustment (CLA) recommended alternative will likely result in lower lake stages during droughts. When lake stages are lower, less water is delivered to the growers under the supply-side management program. The impact of more severe droughts, less water delivered, on the growers in the Lake Okeechobee Service Area has not been evaluated. Until there is an assessment of the economic impacts during the more severe droughts, a determination can't be made of the significance of the impacts predicted by the modeling. The Department would like to review an assessment on the impact of more severe droughts before committing to support the CLA.

The water quality section of the analysis addresses potential benefits to Lake Okeechobee and estuarine water quality, but does not consider the effects of increased (10-15%) releases to the south on the performance of the stormwater treatment areas (STAs) or phosphorus loading to the Everglades Protection Area. STA performance has been impacted in the past by Lake Okeechobee regulatory releases and has resulted in problems with meeting the requirements of the Settlement Agreement. The Corps should look at the effects of the southern diversions on STA performance and other potential water quality impacts.

Ms. Haberer  
October 26, 2004  
Page Two

It is unclear how long the "temporary planned deviation" will be in effect since there is no time period recommended in the draft document. The language in section 1 calls the proposed action "an easily implemented modification" and a "refinement", implying that it will not be temporary. A drought is likely to occur while this proposed operational modification is in effect and before a more detailed study with a full EIS could be completed. Revisions to the SFWMD's Water Shortage Plan, Supply-Side Management and implementation of forward pumping would have to be considered and evaluated as part of this planned action in order for impacts to agriculture to be minimized during lower lake stages.

If you have any questions or I can assist in any way, please feel free to call me at 561- 682-2845. We would be happy to participate in any future collaborative efforts to develop operational plans in this region.

Sincerely,

**CHARLES H. BRONSON**  
**COMMISSIONER OF AGRICULTURE**



Linda J. McCarthy  
Water Policy Liaison

cc: Chuck Aller, FDACS  
Ray Scott, FDACS  
Dennis Duke, USACE  
Tom MacVicar



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574  
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

October 15, 2004

Ms. Yvonne Haberer  
Planning Division  
Environmental Branch  
Department of the Army  
Jacksonville District Corps of Engineers  
P.O. Box 4970  
Jacksonville, FL 32232-0019

Dear Ms. Haberer:

The South Florida Water Management District (District) is providing the following review of the Draft Environmental Assessment Lake Okeechobee Regulation Schedule, Water Supply and Environment Temporary Planned Deviation to Adjust Classifications of Hydrologic Indicators and Forecasts, dated September 10, 2004. As local sponsor of the Central & Southern Florida Flood Control Project (C&SF), the District supports the selected alternative, Class Limits Adjustment (CLA), as it adds additional flexibility to Lake Okeechobee operations. This year we witnessed great benefits to the lake's littoral zone and the flora and fauna of the Caloosahatchee and St. Lucie Estuaries due to sound adaptive management of the lake.

During the review of the document, some general areas of clarification were noted. District staff suggest that the document be modified to clearly delineate between releases that are governed by the proposed regulation schedule temporary deviation from those that are made under the State's water supply authority. It would be helpful to include a calculation of the increased water volumes, and associated phosphorus loading, in water deliveries to the south under the CLA option. Additional detailed comments are attached.

We look forward to working with the Corps on this important project.

Sincerely,

A handwritten signature in black ink, appearing to read "Chip Merriam", written over a horizontal line.

Chip Merriam  
Deputy Executive Director  
Water Resources

Attachment

- c. Henry Dean, SFWMD
- George Horne, SFWMD
- Alvin Jackson, SFWMD
- Tom Olliff, SFWMD
- SFWMD Governing Board Members
- Carol Wehle, SFWMD
- Sheryl Wood, SFWMD

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### GOVERNING BOARD

Nicolás J. Gutiérrez, Jr., Esq., *Chair*  
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Kevin McCarty  
Harkley R. Thornton  
Trudi K. Williams, P.E.

### EXECUTIVE OFFICE

Henry Dean, *Executive Director*

1. Section 4.14, para 1, 2<sup>nd</sup> sentence: change "National System Model" to "Natural System Model"
2. Engineering Report (Appendix B, page 10, Table 4): Numbers for demand not met for CLA are transposed (see the correction below). The WRAC presentation slide on page 118 of the draft EA shows the correct values. This is a minor, but potentially question-evoking, mistake.

**Table 4. Lake Okeechobee Service Area Water Supply Assessment**

Simulation	Total(36yr) SSM Cutbacks (1000af)	Additional SSM cutbacks over Base (1000af)	Water Yrs with SSM cutbacks >100,000af	Water Yrs with SSM cutbacks >350,000af	EAA % of Demands not Met	Other LOSA % of Demands not Met
Base	1,442		4	0	8%	6%
CLA	1,640	198	4	0	7%9%	9%7%

3. In Table 1, it is indicated that for Aesthetics, CLA will have benefits, whereas No Action will have no impacts. This is not correct. Since the attribute mentioned (algal blooms) presently occurs at harmful levels, then taking No Action would be detrimental to the lake if CLA can reduce bloom frequency.
4. In Table 1, Water Supply and Flood Protection are said to have 'no measurable impact' under CLA, versus 'no impact' under the No Action alternative. If something cannot be measured because it is too low, then that is the same as no impact.
5. On page 9, in the paragraph about Lake Okeechobee, all of the text about exotic plants should be omitted – it is entirely out of context.
6. On page 14, in the second full paragraph, there are two contradictory statements. First it is said that adjustments to WSE 'may not be beneficial' to all management purposes, and later it is said that the adjustments may have 'lesser benefits.' The first statement is the correct one. Please reword so to avoid misleading readers who might think it is possible to adjust the schedule and have benefits for all purposes.
7. On page 15, Havens et al. 2004b is cited. Two things – first, please spell Havens correctly. Second, please add the 2004a citation somewhere before this one. The best place to insert the citation for Havens et al. 2004a would be right after the words 'essential spawning and foraging habitat.'
8. On page 16, in the paragraph below the table, it says that the CLA simulation for the Caloosahatchee is 'difficult to evaluate'. Recommend saying instead that the 'results are complex.'

9. Page 17, item 4.3.1 -- perhaps something can be said about the federally-endangered Everglades Snail Kite. The seasonal stage variation performance measure for the lake was developed with input from FWS scientists, including a Snail Kite expert. Improved performance for this measure is known to be consistent with better conditions for Snail Kites in the lake's littoral zone.
10. The modeling suggests an increase in water delivered to the WCAs (from 64% to 75% if I recall correctly). STA-3/4 is the only STA designed to capture and treat lake regulatory releases. Key point here is, in general, only STA-3/4 should be considered for regulatory releases. Obviously, case-by-case situations might arise that could consider other STAs. Also suggest that the analyses track phosphorus loads (in addition to water volume) to ensure impacts to the Everglades could be understood.
11. Need to make a correction on page 43, Appendix A, where the description of the District's authority under Chapter 373 states that Chapter 373 provides no authority related to the proposed action. Under Chapter 373 authority, the District is the local sponsor of the C&SF Project and is bound by the federal regulations regarding operation of the project. Also, under Chapter 373 the District operates the C&SF Project for water supply purposes.

## Haberer, Yvonne L SAJ

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**From:** Clewiston Chamber of Commerce [clewistonchamber@earthlink.net]  
**Sent:** Wednesday, November 03, 2004 9:39 AM  
**To:** Haberer, Yvonne L  
**Cc:** Mali Chamness  
**Subject:** Lake Okeechobee WSE

Our Hendry County Tourist Development Council met last night and Susan Sylvester of your command did a conference call with our Council. We are appreciative of her assistance in understanding the matter. Our Council was not happy with the fact that none were aware of the Public Hearings and were further not happy with the fact that no public hearing was held in Clewiston. Clewiston is truly the only city on Lake Okeechobee that is daily impacted by the water levels of Lake Okeechobee. As you know, a lock facility exists in Clewiston, unlike any other city on the lake. When water levels are high, the locks must be closed and this has a severe economic impact upon Clewiston..it affects our commerical fishermen, our marinas and our visitors. We understand that only a few people appeared at the meeting held in Okeechobee and that's logical. The impacts on other cities is more long term while the impact of high water on Clewiston is immediate. Further, we are urging that you remain on a steady course for getting Lake Okeechobee down to the prescribed "above sea level" parameters (13 1/2 ft to 15 1/2 ft). We understand that groups concerned about coastal estuaries are worried about continued releases from Lake Okeechobee. We inland Floridians also value those estuaries as we frequently visit them for recreation and vacation purposes. Yes, those estuaries are treasures. But, Lake Okeechobee is also a treasure...in fact a National treasure. When our water levels get beyond the 15 1/2 ft levels, we immediately start losing the native grasses that are so important to the wildlife and fish habitat and water quality. The only way for most of those grasses to regenerate themselves is for a drought to dry out part of the lake bottom...as happened two years ago. Please remember our lake's ecology...the ecology of estuaries can be repaired quicker through other cycles but the ecology of Lake Okeechobee take much longer of periods, and other rare events, to recover. Thanks for your interest. Jeff BARwick, Executive Director of Clewiston Chamber of Commerce

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Outgoing mail is certified Virus Free.

Checked by AVG anti-virus system (<http://www.grisoft.com>).

Version: 6.0.788 / Virus Database: 533 - Release Date: 11/1/2004

**U.S Fish and Wildlife Service Comments**  
**on**  
**Draft EA for Lake Okeechobee Regulation Schedule, WSE, Temporary Planned**  
**Deviation to Adjust Classifications of Hydrologic Indicators and Forecasts**

**Introduction**

The Service has a long history in reviewing proposals to modify regulation schedules for Lake Okeechobee. The intent of the current proposal is to slightly adjust the classification of tributary conditions and climate outlook to allow more frequent Level 1 pulse releases to the St. Lucie and Caloosahatchee estuaries when the lake is in Zone D of the regulation schedule (Class Limit Adjustments, CLA). We have attended several public meetings explaining the intent of this proposed change and the results of models projecting the potential effects.

We find that given the present infrastructure around the lake, water managers are unable to avert the most extreme high and low water conditions that cause significant ecological harm. The slight changes proposed here to the existing WSE schedule can only affect decisions under the moderate conditions of Zone D, and decisions of this type have small effects on the tradeoff of relative improvements to the ecology of the lake's littoral zone, conditions in the estuaries, the Everglades, and water supply. Although we agree that the changes are slight, we believe that the public disclosure in the EA would be more accurate if the Corps acknowledged that the proposed changes would "nudge" the balance of these tradeoffs in the direction of slightly improved conditions in the lake's littoral zone, while providing slightly less favorable conditions in the estuaries, particularly the Caloosahatchee.

**General Comments on Effects to the Estuaries**

Overall, this document downplays the effects that increased high flow will have on the Caloosahatchee and St. Lucie estuaries. Some parts of the EA state that the CLA "... reduces the occurrences of high damaging estuary flows . . ." when the data shown in the accompanying tables dispute this statement. The performance measures that have been developed by RECOVER for the estuaries has flow categorized as "low", "normal", "high" and "very high." The "high" flows are defined as being stressful to the estuarine communities, and the "very high" flows are damaging to these communities. This EA refers to the RECOVER "high" flow as "moderate" flow, and to the RECOVER "very high" flow as "high" flow, thereby reducing the apparent effect that the CLA will have on flows to the estuaries.

The performance measures have four categories of "high flows", two for St. Lucie and two for Caloosahatchee. Of these four measures, the performances of three of them are worsened with the CLA scenario (one for St. Lucie, and both for Caloosahatchee). Yet the EA states that "The CLA improves the likelihood of making smaller releases more often, as opposed to stressful high damaging estuary releases." This statement seems intuitive, yet is not borne out by the modeling results.

In several places the EA states that the pulse releases will only be done after consulting estuarine experts, so that potential high releases will not negatively affect the estuaries. Is this consultation with experts required in any decision-making documentation? It seems that this consultation is not afforded the same level of diligence as the rest of the decision-making process. The decision tree is explicit in its requirements for making releases, with several mathematical and meteorological tests to determine when and how much water may be released. We believe it would be appropriate to add a note in the officially accepted decision tree regarding the requirement to consult with estuarine experts.

We recommend that once the CLA is put in effect, the Corps and the SFWMD should keep an account of the times when discharges to the estuaries were reduced below the maximum amount allowable in the schedule, due to consultation with experts on estuarine ecology. The reasons for the reduction (for example, concern about protecting oyster spawning) should be documented.

### **General Comments on Effects to Lake Okeechobee**

The South Florida Water Management District has ongoing monitoring programs in the lake's littoral zone. We inquire if modifications or additions are needed to these monitoring efforts to assess the effects of the class limit adjustments on lake ecology. Improved performance assessment methods will be necessary to gauge the effects of the class limits adjustments and to continue through the next phase of regulation schedule modification.

### **Summary**

We believe the EA would be much more effective if it more clearly explained how the predicted increased high flows to the estuaries will not significantly worsen adverse effects. Because the Service has participated in several meetings explaining the intent of this modification and the interpretation of its consequences, we are in a better position to understand than a person just reading the document. We believe the public would benefit from a better explanation in the EA of how the analysis led to your conclusion.

Considering the potential benefits that the CLA will likely have on the lake's littoral zone, and the possibly minor high-flow effects on the estuaries, it appears that the trade-off between the two will be beneficial to the overall system. Given this, the Service can support the decision to modify the regulation schedule with the CLA alternative.

LANDERS & PARSONS, P.A.

ATTORNEYS AT LAW

DAVID S. DEE  
RONALD A. LABASKY  
JOSEPH W. LANDERS, JR.  
JOHN T. LAVIA, III  
FRED A. McCORMACK  
PHILIP S. PARSONS  
ROBERT SCHEFFEL WRIGHT

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TALLAHASSEE, FL 32302-0271

TELEPHONE (850) 681-0311  
TELECOPY (850) 224-5595  
www.landersonparsons.com

October 15, 2004

James C. Duck  
Chief of Planning Section  
Jacksonville District  
U.S. Corps of Engineers  
P. O. Box 4970  
Jacksonville, FL 32232-0019

Re: Lake Okeechobee Regulation Schedule  
FONSI – Temporary Deviation

Dear Mr. Duck:

I am writing on behalf of the Florida Sugar Cane League, Inc. and its grower and processor members to comment on the proposed Finding of No Significant Impact based on your review of a temporary deviation from the approved Lake Okeechobee Regulation Schedule. To summarize our position, we believe that significant impacts have been revealed regarding the “temporary deviation” and that further review beyond the Environmental Assessment is required.

The “temporary planned deviation” which is proposed has not been limited in time so that the deviation from the existing “WSE” regulation schedule may well remain in place indefinitely. If this is the case, your analysis shows that water supply needs in the Lake Okeechobee Service Area will not be met and significant adverse water supply shortages will occur.

Your analysis shows specifically that the proposed deviation will result in an increase in water shortages affecting agricultural irrigation and that almost 200,000 acre-feet of irrigation supply will not be available in years during which water shortage cutbacks are already in place. Modeling shows that in the severe water shortage of 2001, Lake Okeechobee would have been several tenths of a foot lower than the extreme levels encountered had this deviation been in place.

## LANDERS & PARSONS

Serious economic impacts to agriculture will result under these and even less severe conditions. Agricultural losses during the 2001 drought have been estimated to be \$100 million but would have been greater had the deviation taken effect then. These losses occurred even though "forward pumps" were in place to increase irrigation supply for the Everglades Agricultural Area.

To avoid the addition adverse impacts to agriculture in the Lake Okeechobee Service Area, permanent forward pumps should be included in your proposal to mitigate the harm that will be experienced as it was in 2001. In addition, revisions to the existing water shortage plan of the SFWMD will be necessary.

We are grateful for this opportunity to comment on the proposed deviation and will be pleased to meet with you to discuss this and respond to your questions.

Sincerely,

A handwritten signature in black ink that reads "Philip S. Parsons". The signature is written in a cursive style with a large, prominent "P" at the beginning.

Philip S. Parsons,  
For the Florida Sugar Cane League, Inc.

Robert M. Norton  
4281 Hwy 41 SE  
Okeechobee, FL 34977



7

19 OCT 2004

Dear MR BARRY VORSE

PLEASE SEND ME INFORMATION ON WORKSHOP HELD OCT 18 2004 AT THE FRESHMAN CAMPUS AUDITORIUM OKEECHOBEE, FLORIDA. I COULD NOT ATTEND WAS OUT OF TOWN AT THIS TIME. USE REGULATION SCHEDULE IS GOOD FOR LAKE OKEECHOBEE, AS I SEE IT.

I STILL, AT THIS TIME AND NATL FEEL, THAT THE STATE PEOPLE WOULD NEVER MEET TRMNL 2015 FOR LAKE OKEECHOBEE. THEY ARE TOO SLOW TO REACT TO PROBLEM AREAS, AND DO NOT ENFORCE TRMNL'S AS OF NOW 2004 YEAR.

Robert M Norton  
ECOSYSTEM WATCH  
LAKE OKEECHOBEE.

21 Oct 04

John

Barry handed this to me - I am putting it in Andrew's check and giving Yvonne a copy. Susan.

EU2004.NL

EU2004.NL

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EU2004.NL

*SAI# FL200409149880C*

USACE - Draft Environmental Assessment - Lake Okeechobee  
Regulation Schedule, Water Supply and Environment (WSE) -  
Temporary Planned Deviation to Adjust Classifications of  
Hydrologic Indicators and Forecasts - Central and Southern Florida  
Flood Control Project Area, Florida.

The above-referenced project was received by the Florida State Clearinghouse on 9/14/04, and has been forwarded to the appropriate reviewing agencies. The clearance letter and agency comments will be forwarded to you no later than 11/13/04, 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.



# Department of Environmental Protection

Jeb Bush  
Governor

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

Colleen M. Castille  
Secretary

November 12, 2004

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

RE: Department of the Army, Jacksonville District Corps of Engineers – Draft Environmental Assessment – Lake Okeechobee Regulation Schedule, Water Supply and Environment (WSE) – Temporary Planned Deviation to Adjust Classifications of Hydrologic Indicators and Forecasts – Central and Southern Florida Flood Control Project Area, Florida.

SAI # FL200409149880C

Dear Mr. Duck:

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 above-referenced project.

The Florida Department of Environmental Protection (DEP) remains supportive of the proposed Class Limit Adjustment to the Lake Okeechobee Regulation Schedule, Water Supply and Environment to provide environmental benefits to Lake Okeechobee without causing significant harm to downstream estuaries or the water conservation areas. The scoping comments provided by the DEP on May 27, 2004, remain valid. One significant DEP comment that was not addressed in the draft environmental assessment was the suggestion that estuarine salinity monitoring be implemented so that real-time water-release adjustments can be made. The DEP therefore reiterates its recommendation that the model be supplemented with estuarine salinity monitoring to ensure that water releases do not cause harm to biological resources of the estuaries. The DEP also recommends that future project modifications consider its previous comments regarding flexibility for water managers' real-time decisions on the release of water from Lake Okeechobee. Please refer to the enclosed comments from DEP for additional details.

The Florida Department of Agriculture & Consumer Services (FDACS) notes that the draft document lacks sufficient information to make a determination that there will be no significant impacts to either the agricultural water supply or the ability of the stormwater treatment areas to meet the requirements of the Settlement Agreement. The FDACS staff notes that further study and analyses are required to ensure that the requirements of the Settlement Agreement are satisfied. Please refer to the enclosed FDACS comments for specific issues that need to be addressed.

The Florida Fish and Wildlife Conservation Commission (FWC) staff notes that further study is needed to assess the impacts to fish, wildlife and aquatic habitats in Lake Okeechobee, the Everglades Wildlife Management Areas and the St. Lucie and Caloosahatchee Estuaries. The FWC has provided

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*Printed on recycled paper.*

Mr. James C. Duck  
November 12, 2004  
Page 2 of 3

specific recommendations for minimum flows and modifications to the regulation schedules and general comments on the hydrologic management of Lake Okeechobee. Please refer to the enclosed FWC comments for additional information.

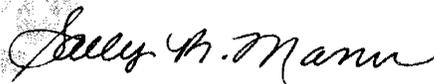
The South Florida Regional Planning Council (SFRPC) notes that the proposed activities may result in adverse impacts to water quality, wildlife habitat and the overall ecological integrity of the region. SFRPC Staff recommends that impacts to natural systems be minimized; the extent of sensitive wildlife and vegetative communities be determined; and protection and/or mitigation of disturbed habitat be required. The goals and policies of the Strategic Regional Policy Plan (regarding Water Conservation Areas, Everglades National Park, and natural resources of regional significance) should be observed when making decisions regarding this proposal. Please refer to the enclosed SFRPC comments.

The Treasure Coast Regional Planning Council (TCRPC) notes that the proposed temporary deviation from the Lake Okeechobee regulation schedule is not in conflict or inconsistent with the Strategic Regional Policy Plan. TCRPC staff note that water quality and volumes should be closely monitored during implementation to ensure that the water releases do not negatively impact the estuaries and other areas downstream.

Based on the information contained in the above-referenced draft EA and the comments provided by our reviewing agencies, as summarized above and enclosed, the state has determined that, at this stage, the proposed project is consistent with the Florida Coastal Management Program (FCMP). All subsequent environmental documents prepared for the project must be reviewed to determine the project's continued consistency with the FCMP. The state's consistency concurrence with the project will be based, in part, on the adequate resolution of issues identified during this and subsequent reviews.

Thank you for the opportunity to review this proposal. If you have any questions regarding this letter, please contact Mr. Daniel Lawson at (850) 245-2174.

Sincerely yours,



Sally B. Mann, Director  
Office of Intergovernmental Programs

SBM/dtl

Enclosures

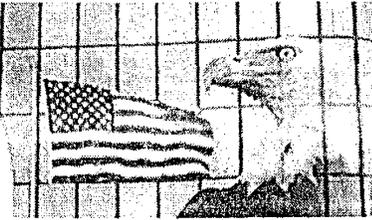
cc: John Outland, DEP, MS 45  
Tim Gray, DEP, Southeast District  
Greg Knecht, DEP, MS 3560  
Gordon Romeis, DEP, South District  
Brian Barnett, FWC  
Charlotte Hand, FDOT  
Forrest Watson, DACS  
Wynsum Hatton, TCRPC



# Florida

Department of Environmental Protection

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Categories

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<b>Project Information</b>	
<b>Project:</b>	FL200409149880C
<b>Comments Due:</b>	October 14, 2004
<b>Letter Due:</b>	November 13, 2004
<b>Description:</b>	DEPARTMENT OF THE ARMY, JACKSONVILLE DISTRICT CORPS OF ENGINEERS - DRAFT ENVIRONMENTAL ASSESSMENT - LAKE OKEECHOBEE REGULATION SCHEDULE, WATER SUPPLY AND ENVIRONMENT (WSE) - TEMPORARY PLANNED DEVIATION TO ADJUST CLASSIFICATIONS OF HYDROLOGIC INDICATORS AND FORECASTS - CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL PROJECT AREA, FLORIDA.
<b>Keywords:</b>	ACOE - DEA, LAKE OKEECHOBEE REGULATION SCHEDULE WSE TEMPORARY PLANNED DEVIATION
<b>CFDA #:</b>	12.106
<b>Agency Comments:</b>	
COMMUNITY AFFAIRS - FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS	
ENVIRONMENTAL PROTECTION - FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION	
<p>The DEP remains supportive of the proposed Class Limit Adjustment to the Lake Okeechobee Regulation Schedule, Water Supply and Environment to provide environmental benefits to Lake Okeechobee without causing significant harm to downstream estuaries or the water conservation areas. The comments provided by the DEP for the Scoping Notice on May 27, 2004 remain valid. One significant DEP comment that was not addressed in the draft environmental assessment was the suggestion that estuarine salinity monitoring be implemented to allow for real time adjustments to be made. The DEP recommends, again, that the model be supplemented with estuarine salinity monitoring to ensure that water releases are not causing harm to biological resources of the estuaries. The DEP also recommends that future modifications consider previous comments regarding flexibility to allow water managers real time decisions to release water from Lake Okeechobee. Detailed comments were sent out with the State Clearinghouse letter.</p>	
FISH and WILDLIFE COMMISSION - FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION	
1-PAGE LETTER PLUS 4-PAGE ENCLOSURE BY BRIAN BARNETT DATED 10/14/04.	
STATE - FLORIDA DEPARTMENT OF STATE	
TRANSPORTATION - FLORIDA DEPARTMENT OF TRANSPORTATION	
Consistent; neither District One nor District Four offer any comments. Larry Slayback, District One ICAR Coordinator (239) 461-4300	
SOUTH FLORIDA WMD - SOUTH FLORIDA WATER MANAGEMENT DISTRICT	
The SFWMD is a partner with the USACOE on this project. Consequently, a consistency determination is not necessary.	
ENVIRONMENTAL POLICY UNIT - OFFICE OF POLICY AND BUDGET, ENVIRONMENTAL POLICY UNIT	
No Comment	
SOUTH FL RPC - SOUTH FLORIDA REGIONAL PLANNING COUNCIL	
Council staff is concerned about the impacts this proposal could have on the water quality, wildlife habitat and the overall ecological integrity of the region. Staff recommends that impacts to natural systems be minimized; the extent of sensitive wildlife and vegetative communities be determined; and protection and/or mitigation of disturbed habitat be required. The goals and policies of the Strategic Regional Policy Plan (re: Water Conservation Areas, Everglades National Park, and natural resources of regional significance) should be observed when making decisions regarding this proposal.	
SW FLORIDA RPC - SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL	

**TREASURE COAST RPC - TREASURE COAST REGIONAL PLANNING COUNCIL**

The proposed temporary deviation from the Lake Okeechobee regulation schedule is not in conflict or inconsistent with the Strategic Regional Policy Plan. Water quality and volumes should be closely monitored during implementation to ensure that the water releases do not negatively impact the estuaries and other areas downstream.

**CENTRAL FL RPC - CENTRAL FLORIDA REGIONAL PLANNING COUNCIL**

**AGRICULTURE - FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

FDACS staff notes that the draft document does not contain sufficient information to make the determination that there will be "no significant impact" to either agricultural water supply or the ability of the stormwater treatment areas (STA's) to meet the requirements of the Settlement Agreement. The Lake Okeechobee simulated stage shows that the Class Limited Adjustment (CLA) recommended alternative will likely result in lower lake stages during droughts. Until there is an assessment of the economic impacts on growers in the Lake Okeechobee Service Area during the more severe droughts, a determination can't be made of the significance of the impacts predicted by the modeling. FDACS would like to review an assessment on the impact of more severe droughts before committing to support the CLA. The water quality section of the analysis addresses potential benefits to Lake Okeechobee and estuarine water quality, but does not consider the effects of increased (10-15%) releases to the south on the performance of the stormwater treatment areas (STAs) or phosphorus loading to the Everglades Protection Area. STA performance has been impacted in the past by Lake Okeechobee regulatory releases and has resulted in problems with meeting the requirements of the Settlement Agreement. The Corps should look at the effects of the southern diversions on STA performance and other potential water quality impacts. It is unclear how long the "temporary planned deviation" will be in effect since there is no time period recommended in the draft document. A drought is likely to occur while this proposed operational modification is in effect and before a more detailed study with a full EIS could be completed. Revisions to the SFWMD's Water Shortage Plan, Supply-Side Management and implementation of forward pumping would have to be considered and evaluated as part of this planned action in order for impacts to agriculture to be minimized during lower lake stages.

For more information please contact the Clearinghouse Office at:

3900 COMMONWEALTH BOULEVARD MS-47  
 TALLAHASSEE, FLORIDA 32399-3000  
 TELEPHONE: (850) 245-2161  
 FAX: (850) 245-2190

Visit the Clearinghouse Home Page to query other projects.

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TO: Florida State Clearinghouse

THROUGH: *JK* Greg Knecht, Administrator  
Water Quality Standards & Special Projects Program

FROM: John Outland & Kim Shugar

DATE: October 22, 2004

SUBJECT: Department of the Army, Jacksonville District Corps of Engineers—Draft Environmental Assessment, Lake Okeechobee Regulation Schedule, Water Supply and Environment (WSE)—Temporary Planned Deviation to Adjust Classifications of Hydrologic Indicators and Forecasts—Central and South Florida Flood Control Project Area

SAI#: FL04-980C

The Department has reviewed the Draft Environmental Assessment, Lake Okeechobee Regulation Schedule, Water Supply and Environment (WSE)—Temporary Planned Deviation to Adjust Classifications of Hydrologic Indicators and Forecasts, Central and South Florida Flood Control Project Area, and offers the following comments:

The Department remains supportive of the proposed Class Limit Adjustment (CLA) to WSE to provide environmental benefits to Lake Okeechobee without causing significant harm to downstream estuaries or the water conservation areas. The Department provided comments on the Scoping Notice on May 27, 2004. These comments remain valid.

The need for the proposed action is defined by limitations on releases from Lake Okeechobee during periods when water levels are high and the lake's littoral zone would benefit from a reduction in water levels. The action is expected to have minimal or no adverse effects on water supply and flood management objectives. The proposed action will improve the performance of the WSE regulation schedule as lower level pulse releases, which occur more often while in Zone D, can reduce the likelihood that the lake will go into a zone, which may require higher discharges to the estuaries.

One significant Department comment that was not addressed in the environmental assessment was our suggestion that estuarine salinity monitoring be implemented to allow for real time adjustments to be made. It seems that the CLA implementation is primarily based on flows that are expected to correspond to key estuarine salinity ranges. We suggest that the model be supplemented with estuarine salinity monitoring to ensure that the water releases are not causing harm to the biological resources of the estuaries.

It is also noteworthy that the Engineering Report (Appendix B) states that the CLA was designed to be a small, easily implemented change to improve the WSE regulation schedule and

considered as a starting point for further, more significant modifications to the schedule. Future modifications should consider our previous comments regarding flexibility to allow water managers to make real time decisions to release water from Lake Okeechobee to provide lake and estuary benefits and to incorporate improved long range weather forecasting.

If you have any questions regarding these comments, please feel free to contact Kim Shugar at (561) 681-6706.

cc: Kim Shugar (email)  
John Outland (email)  
Tim Gray (email)  
Stacey Feken (email)



Florida Department of Agriculture & Consumer Services  
CHARLES H. BRONSON, Commissioner

RECEIVED

NOV 04 2004

OIP/OLGA

Please Respond to:  
Office of Agricultural Water Policy  
P.O. 24680  
3301 Gun Club Road  
West Palm Beach, FL 33416

October 28, 2004

Ms. Yvonne Haberer  
Planning Division, Environmental Branch  
Department of the Army  
Jacksonville District Corps of Engineers  
P.O. Box 4970  
Jacksonville, FL 32232-0019

Dear Ms. Haberer:

The Florida Department of Agriculture and Consumer Services (FDACS) appreciates the opportunity to provide comments to the Corps on the September Draft EA for the Temporary Planned Deviation to the Lake Okeechobee Regulation Schedule Water Supply and Environment (WSE). The Department is interested in supporting modifications to the operating rules for Lake Okeechobee allowing more flexibility as long as the effect on water supply to agriculture is not impaired.

The draft document does not contain sufficient information to make the determination that there will be "no significant impact" to either agricultural water supply or the ability of the stormwater treatment areas (STA's) to meet the requirements of the Settlement Agreement. The Lake Okeechobee simulated stage (figures 4, 5 and 6) show that the Class Limited Adjustment (CLA) recommended alternative will likely result in lower lake stages during droughts. When lake stages are lower, less water is delivered to the growers under the supply-side management program. The impact of more severe droughts, less water delivered, on the growers in the Lake Okeechobee Service Area has not been evaluated. Until there is an assessment of the economic impacts during the more severe droughts, a determination can't be made of the significance of the impacts predicted by the modeling. The Department would like to review an assessment on the impact of more severe droughts before committing to support the CLA.

The water quality section of the analysis addresses potential benefits to Lake Okeechobee and estuarine water quality, but does not consider the effects of increased (10-15%) releases to the south on the performance of the stormwater treatment areas (STAs) or phosphorus loading to the Everglades Protection Area. STA performance has been impacted in the past by Lake Okeechobee regulatory releases and has resulted in problems with meeting the requirements of the Settlement Agreement. The Corps should look at the effects of the southern diversions on STA performance and other potential water quality impacts.



# IDA FISH AND WILDLIFE CONSERVATION COMMISSION

RODNEY BARRETO  
Miami

SANDRA T. KAUPE  
Palm Beach

H.A. "HERKY" HUFFMAN  
Enterprise

DAVID K. MEEHAN  
St. Petersburg

KATHY BARCO  
Jacksonville

RICHARD A. CORBETT  
Tampa

BRIAN S. YABLONSKI  
Tallahassee

LADDAD, Executive Director  
LER, Assistant Executive Director

BRIAN S. BARNETT, DIRECTOR  
OFFICE OF POLICY AND STAKEHOLDER COORDINATION  
(850)488-6661 TDD (850)488-9542  
FAX (850)922-5679

October 14, 2004

RECEIVED

OCT 18 2004

OIP/OLGA

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

Re: SAI #FL200409149880C, Draft  
Environmental Assessment, Lake  
Okeechobee Regulation Schedule, Water  
Supply and Environmental for Lake  
Okeechobee, Florida

Dear Ms. Milligan:

The Habitat Conservation Scientific Services Office of the Florida Fish and Wildlife  
Conservation Commission has responded directly to the U.S. Army Corps of Engineers  
regarding the referenced project. A copy of our October 14, 2004 correspondence is enclosed.

Sincerely,



for Brian S. Barnett, Director  
Office of Policy and Stakeholder Coord.

sb/ch  
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sai 9880c.doc  
nclosure



# FISH AND WILDLIFE CONSERVATION COMMISSION

---

RODNEY BARRETO  
Miami

SANDRA T. KAUPE  
Palm Beach

H.A. "HERRY" HUFFMAN  
Enterprise

DAVID K. MEEHAN  
St. Petersburg

KATHY BARCO  
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RICHARD A. CORBETT  
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BRIAN S. YABLONSKI  
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Executive Director  
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BRIAN S. BARNETT, DIRECTOR  
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(850)488-6661 TDD (850)488-9542  
FAX (850)922-5679

October 14, 2004

Donne Haberer  
Engineering Division  
Regulatory Branch  
Army Corps of Engineers  
Box 4970  
Jacksonville, Florida 32232-0019

Re: Draft Environmental Assessment, Lake  
Okeechobee Regulation Schedule, Water  
Supply and Environmental for Lake  
Okeechobee, Florida.

Haberer:

The Conservation Scientific Services Office of the Florida Fish and Wildlife  
Conservation Commission (FWC), has prepared this letter regarding the Draft Environmental  
Assessment, Lake Okeechobee Regulation Schedule, Water Supply and Environmental (WSE)  
for Lake Okeechobee, Florida under the authority of the Fish and Wildlife Coordination Act of  
1970. We have conferred with FWC's Division of Freshwater Fisheries and Fish and Wildlife  
Science Institute in outlining our concerns.

The primary planned deviation is described to adjust classifications of hydrologic indicators  
and limits. The Class Limit Adjustments (CLA) would give water managers greater  
flexibility to make releases of water from the lake when the WSE does not presently call for  
releases to downstream estuarine environments. Presently, the WSE decision tree does not  
allow releases at times when Lake Okeechobee stages are high and the conditions in the  
lake are described as normal or dry. This has resulted in high water levels in Lake  
Okeechobee even when conditions have been optimal to release excess water from the lake. The  
regulation results indicate that these minor adjustments to class definitions could result in  
increasing the percentage of time that releases are made to estuarine ecosystems, while in  
the regulation schedule, to estuarine ecosystems with a slight increase in discharges to  
designated Wildlife Management Areas (WMAs). Our comments will address the Draft  
Environmental Assessment (EA) and then the hydrologic management of Lake Okeechobee in

## Concerns and Recommendations

### Draft Environmental Assessment

The proposed action is called a "temporary planned deviation".

Is there a time limit involved when the proposed changes would end and the WSE would revert back to previous classification limits? The EA should clarify the time interval or conditions after which this action would not be implemented.

The Draft EA does not describe the Everglades WMAs nor does it consider the impacts of the proposed action on the Everglades WMAs.

Since the Everglades WMAs and areas downstream of the lake receive discharges from Lake Okeechobee, they must be described and considered in the evaluation of environmental impacts. These data have been evaluated by the South Florida Water Management District and are located in Appendix B of the draft EA. The likelihood or level of certainty that downstream areas would be subject to 'harm' or 'serious harm' needs to be considered in the draft EA. Appendix B indicates that there will be a slight increase in the discharges to the WMAs yet there is no discussion about the impacts to these areas within the draft EA. The FWC is concerned about impacts to fish and wildlife and their habitat within the WMAs. These impacts should be assessed before actual additional discharges are delivered to the WMAs. For example, releases should be restricted during the dry season when wading birds need consistent water flows in order to have a successful nesting season.

Low volume releases may help avoid emergency releases to the estuaries.

The EA should indicate that additional Zone D releases to the St. Lucie Estuary may help avoid the large-scale "emergency" releases during the wet season that have occurred in the past. Conversely, the EA should indicate that there could be an increase in the large-scale releases to the Caloosahatchee Estuary. These large-scale water releases cause substantial damage to the ecology of the lower estuary areas. A decrease in the number of low flow months would benefit upper estuary emergent aquatic vegetation. We note, however, that these different habitats cannot be equally protected as they are vastly different habitats with different flora and fauna and ecosystem functions. Appendix B indicates that the level of the modeled pulse releases was dependent on lake elevation and not based on conditions in the estuary as the releases are actually regulated. These changes may affect the results of this evaluation. Additionally, the FWC requires flows of no lower than 800 cfs in the spring and 1,200 cfs in the fall for the ecological health of the estuary. These changes also may have affected the results of the evaluation.

Flexibility or modifications of regulation schedules is good adaptive management.

Modifications to the schedule, to take advantage of even small changes, are a good way to gain environmental benefits until a new regulation schedule can be developed. Greater flexibility allows water managers to keep the stages of Lake Okeechobee closer to the bottom of Zone

Ms. Yvonne Haberer

Page 3

October 14, 2004

D of the WSE regulation schedule. The lake being operated at the bottom of Zone D would be closer to the lake levels that FWC has previously recommended for the benefit of fish, wildlife, and aquatic habitats in Lake Okeechobee. Additionally, this greater flexibility may result in less frequent extreme high lake levels similar to those that Lake Okeechobee has experienced in recent years.

#### Lake Okeechobee hydrologic management

#### FWC previously issued recommendations for Lake Okeechobee operations.

The FWC recommended that lake levels be managed between 12.0 ft and 15.5 ft National Geodetic Vertical Datum. The lake should experience both the minimum and maximum stage within the specified range every three years. Discharge events greater than 2,000 cubic feet per second (cfs) to the St. Lucie Estuary and 4,500 cfs to the Caloosahatchee Estuary should be avoided to minimize adverse effects on estuarine ecology. Additionally, the Caloosahatchee Estuary needs minimum flows of 800 cfs during the spring and 1,200 cfs during the fall to maintain the optimum salinity regime for submerged aquatic vegetation.

#### Releases of water should not negatively impact downstream habitats.

The impacts of water releases to the Everglades WMAs, St. Lucie Estuary, and the Caloosahatchee River will need to be monitored and evaluated to assess the success of the modified regulation schedule.

#### Long-term impact of low-level dry season releases is hard to predict.

We concur that the impacts of water releases to the St. Lucie Estuary during the dry season are difficult to predict. During the dry season (winter and spring), water releases may negatively impact species that rely on having higher salinities in specific areas of the estuary. Freshwater releases can cause persistent low salinity in the estuary where species such as the oyster (*Crassostrea virginica*) and the spot (*Leostomus xanthurus*) seasonally exist in larval or juvenile stages. Dry season releases need to be monitored in order to assess their impacts to estuarine species and their habitats.

#### The regulation schedule of the lake will need to be adaptively managed in the future.

The WSE regulation schedule will have to be modified as different ecosystem restoration components are introduced to the system. The addition of storage to the system will allow for greater flexibility in Lake Okeechobee water level management. While small changes to the WSE may be all that is possible now, our long-term targets may need to be addressed by new regulation schedules.

In conclusion we believe that the proposed changes to the WSE Regulation Schedule could result in substantial benefits for the fish, wildlife, and aquatic plants of Lake Okeechobee. As long as the water releases do not cause negative impacts to downstream environments, we believe that

Ms. Yvonne Haberer

Page 4

October 14, 2004

the changes constitute positive adaptive management until the regulation of Lake Okeechobee can be managed from a system-wide perspective. Questions regarding our concerns and recommendations can be directed to Mr. Chris Harnden at the Habitat Conservation Scientific Services Office in Vero Beach at (772) 778-5094.

Sincerely,



*bsb* Brian S. Barnett, Director  
Office of Policy and Stakeholder Coord.

bsb/ch

a:\WSE\_TD\_CLA.doc  
ENV 2-16/10/2

CC: Mr. Carl Dunn, USACE, Jacksonville  
Ms. Susan Gray, SFWMD, West Palm Beach  
Mr. Charles E. Collins, Regional Director, FWC, West Palm Beach

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October 30, 2004

John Milligan  
State Clearinghouse  
Department of Environmental Protection  
Tallahassee, Florida 32399-3000

RPC #04-0952, SAI #FL200409149880C - Review and comments related to a temporary deviation from the Regulation Schedule, Water Supply and Environment (WSE) for Lake Okeechobee, U. S. Army Corps of Engineers, All Counties.

Milligan:

Reviewed the proposal referenced above and have the following comments:

All staff is concerned about the impacts this proposal could have on the water quality, wildlife and the overall ecological integrity of the region. Staff recommends that, if this proposal goes forward 1) impacts to the natural systems be minimized to the greatest extent feasible and 2) the protection and or mitigation of disturbed habitat is required. This will assist in reducing the negative impacts to native plants and animals, wetlands and deep-water habitat and fisheries that are goals and policies of the *Strategic Regional Policy Plan for South Florida (SRPP)* seek to protect.

The proposal may negatively impact the Water Conservation Areas and Everglades National Park, and other resources of regional significance as designated in the *SRPP*. The goals and policies of the plan, in particular those indicated below, should be observed when making decisions regarding this proposal.

**Preserve, protect, and restore Natural Resources of Regional Significance.**

Restore, preserve, and protect the habitats of rare and state and federally listed species. For those rare and threatened species that have been scientifically demonstrated by past or site specific studies to be relocated successfully, without resulting in harm to the relocated or receiving populations, and where *in-situ* preservation is neither possible nor desirable from an ecological perspective, identify suitable receptor sites, guaranteed to be preserved and managed in perpetuity for the protection of the relocated species that will be utilized for the relocation of such rare or listed plants and animals made necessary by unavoidable project impacts. Consistent use of the site by endangered species, or documented endangered species habitat on-site shall be preserved on-site.

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

- 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;
- implementing the East Coast Buffer/Water Preserve Areas; and
- implementing the Lower East Coast Water Supply Plan so that the needs of the natural system are met consistent with ecosystem restoration.

**GOAL 16** Enhance and preserve natural system values of South Florida's shorelines, estuaries, benthic communities, fisheries, and associated habitats, including but not limited to, Florida Bay, Biscayne Bay, tropical hardwood hammocks, and the coral reef tract.

**Water Quality**

**Policy 16.1** Restore and improve marine and estuarine water quality by:

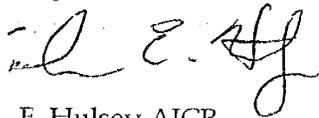
- improving the timing and quality of freshwater inflows;
- reducing turbidity, nutrient loading, and bacterial loading from wastewater facilities, septic systems, and vessels;
- reducing the number of improperly maintained stormwater systems; and
- requiring port facilities and marinas to implement hazardous materials spill plans.

**Policy 16.3** Enhance and preserve coastal, estuarine, and marine resources, including but not limited to tropical hardwood hammocks, mangroves, seagrass and shellfish beds, and coral habitats.

**Policy 16.4** Enhance and preserve commercial and sports fisheries through monitoring, research, best management practices for fish harvesting, education, and protection of nursery habitat

Thank you for the opportunity to comment. We would appreciate being kept informed on the progress of this project. Please do not hesitate to call if you have any questions or comments.

Sincerely,



E. Hulsey AICP  
Water Quality Planner

cc: Kal

Dr. Susan Markley, Miami-Dade County DERM  
Bibi Auerhahn, Broward County DPEP  
Timothy McGarry, Monroe County Growth Management

COUNTY: ALL

DATE: 9/14/2004

COMMENTS DUE DATE: 10/14/2004

CLEARANCE DUE DATE: 11/13/2004

SAI#: FL200409149880C

**MESSAGE:**

REFERENCE SAI # FL200404145900C

STATE AGENCIES	WATER MNGMNT. DISTRICTS	OPB POLICY UNIT	RPCS & LOC GOVS
COMMUNITY AFFAIRS	SOUTH FLORIDA WMD	X ENVIRONMENTAL POLICY UNIT	
ENVIRONMENTAL PROTECTION			
FISH and WILDLIFE COMMISSION			
STATE			
TRANSPORTATION			

The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evaluation and is categorized as one of the following:

- Federal Assistance to State or Local Government (15 CFR 930, Subpart F). Agencies are required to evaluate the consistency of the activity.
- Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are required to furnish a consistency determination for the State's concurrence or objection.
- Outer Continental Shelf Exploration, Development or Production Activities (15 CFR 930, Subpart E). Operators are required to provide a consistency certification for state concurrence/objection.
- Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such projects will only be evaluated for consistency when there is not an analogous state license or permit.

**Project Description:**

DEPARTMENT OF THE ARMY, JACKSONVILLE DISTRICT CORPS OF ENGINEERS - DRAFT ENVIRONMENTAL ASSESSMENT - LAKE OKEECHOBEE REGULATION SCHEDULE, WATER SUPPLY AND ENVIRONMENT (WSE) - TEMPORARY PLANNED DEVIATION TO ADJUST CLASSIFICATIONS OF HYDROLOGIC INDICATORS AND FORECASTS - CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL PROJECT AREA, FLORIDA.

**To: Florida State Clearinghouse**

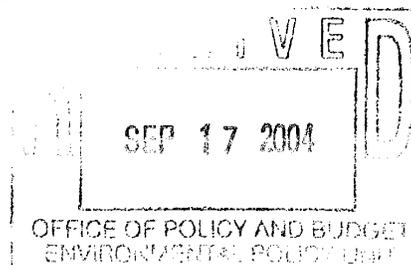
AGENCY CONTACT AND COORDINATOR (SCH)  
 3900 COMMONWEALTH BOULEVARD MS-47  
 TALLAHASSEE, FLORIDA 32399-3000  
 TELEPHONE: (850) 245-2161  
 FAX: (850) 245-2190

**EO. 12372/NEPA Federal Consistency**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> No Comment | <input type="checkbox"/> No Comment/Consistent          |
| <input type="checkbox"/> Comment Attached      | <input type="checkbox"/> Consistent/Comments Attached   |
| <input type="checkbox"/> Not Applicable        | <input type="checkbox"/> Inconsistent/Comments Attached |
|  | <input type="checkbox"/> Not Applicable                 |

**From:**

Division/Bureau: *OPB - Environment*  
 Reviewer: *Brett Cyphers*  
 Date: *10/14/04*





RECEIVED

PD-E 27 Dec 04

FLORIDA DEPARTMENT OF STATE  
Glenda E. Hood  
Secretary of State  
DIVISION OF HISTORICAL RESOURCES

Mr. James C. Duck  
Jacksonville District Corps of Engineers  
Planning Division, Environmental Branch  
P.O. Box 4970  
Jacksonville, Florida 32232-0019

December 17, 2004

RE: DHR No. 2004-12266 / Date Received by DHR: September 16, 2004  
*Draft Environmental Assessment for Lake Okeechobee Regulation Schedule,  
Water Supply and Environment, Lake Okeechobee, Florida – Temporary Planned  
Deviation to Adjust Classifications of Hydrologic Indicators and Forecasts  
Lake Okeechobee, Florida*

Dear Mr. Duck:

Our office received and reviewed the above referenced project in accordance with Section 106 of the *National Historic Preservation Act of 1966*, as amended, and 36 *C.F.R.*, Part 800: *Protection of Historic Properties*. The State Historic Preservation Officer is to advise and assist federal agencies when identifying historic properties (archaeological, architectural, and historical) listed or eligible for listing, in the *National Register of Historic Places*, assessing the project's effects, and considering alternatives to avoid or minimize adverse effects.

We reviewed the referenced draft environmental assessment at Sections 3.15 and 4.6, Historic Properties. Based on the information provided, it is the opinion of this office that the proposed undertaking will have no effect on historic properties.

If you have any questions concerning our comments, please contact Janice Maddox, Historic Sites Specialist, at [jmaddox@dos.state.fl.us](mailto:jmaddox@dos.state.fl.us) or 850/245-6333. Your interest in protecting Florida's historic properties is appreciated.

Sincerely,

*Laura R. Kammerer, Deputy SHPO*

*for*

Frederick Gaske, Director, and  
State Historic Preservation Officer

300 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

Director's Office  
(850) 245-6300 • FAX: 245-6436

Archaeological Research  
(850) 245-6444 • FAX: 245-6436

Historic Preservation  
(850) 245-6333 • FAX: 245-6437

Historical Museums  
(850) 245-6400 • FAX: 245-6433

Southeast Regional Office  
(954) 467-4990 • FAX: 467-4991

Northeast Regional Office  
(904) 825-5045 • FAX: 825-5044

Central Florida Regional Office  
(813) 272-3843 • FAX: 272-2340