

This FEIS is based in large part on SFWMD's "model interpretation" of a model that has not been shown under any circumstances to be accurate and reliable in applications in the State of Florida. Thus, the professional and scientific integrity of SFWMD's "model" and of the FEIS is seriously called in to question.

The fact that SFWMD's model presently has little or no scientific integrity or value, this constitutes a significant new circumstance which bears directly on the proposed action and its impacts. Further, by the Corps taking steps to assure itself that accurate and reliable information has been provided, the purposes of NEPA will be furthered.

40 C.F.R. 1502.24 requires the Corps to insure the professional and scientific integrity of the discussion and analysis in an EIS.

40 C.F.R. 1502.9 provides that the Corps is required to prepare a supplemental EIS if there are significant new circumstances or information relevant to environmental concerns and bearing upon the proposed action. This section also requires preparation of a supplemental EIS if the purposes of NEPA will be furthered.

Therefore, because there is a serious question as to the professional and scientific integrity of SFWMD's model and because there are significant new circumstances, pursuant to 40 C.F.R. 1502.9, and in order to further the purposes of NEPA, we request that the Corps immediately require a supplemental EIS be prepared to confirm the accuracy, reliability and scientific integrity of the SFWMD's MIKE-SHE model and model interpretation.

3.b

Comment #4

With regard to the "Responses to Comments from William E. Guy, Jr. 55 East Ocean Blvd., Stuart, Fl 34995 on Behalf of the Osceola Fish Farmers, Inc.", we offer the following comments.

As to the comment

**ALL NECESSARY PERMITS REQUIRED BY THE STATE OF FLORIDA  
HAVE NOT BEEN ISSUED FOR THE ALLIGATOR CHAIN OF LAKES  
DRAWDOWN PROJECT**

4.a

This comment was not answered. The response fails to specifically state why the cited rules either apply or don't apply. One would assume if SFWMD had a valid response to discredit the assertion contained therein, that it would have been provided by SFWMD rather than simply making a broad brush generalization that all permits have been issued. Thus, because SFWMD failed to provide a specific response indicating that the assertions are incorrect, the Corps should assume that the assertions are valid until such time as SFWMD can provide a specific response. In other words, as a matter of professional integrity, if there is a specific answer to this comment SFWMD should provide it to the Corp. Pursuant to 40 C.F.R. 1502.24, the Corps is required to insure professional integrity. In this instance the Corps has failed to do so, and has therefore failed to comply with its requirements under NEPA.

As to the Comment

4.b  
**THE "TEST DRAWDOWN" CONDUCTED BY SFWMD IN APRIL OF 1998 WAS AN "UNLAWFUL" ACTIVITY PURSUANT TO FLA.ADMN.CODE 40E-4.011 AND 40E-4.041**

This comment was not answered. The response fails to specifically state why the cited rules either apply or don't apply. One would assume if SFWMD had a valid response to discredit the assertion contained therein, that it would have been provided by SFWMD rather than simply making a broad brush generalization that all permits have been issued. Thus, because SFWMD failed to provide a specific response indicating that the assertions are incorrect, the Corps should assume that the assertions are valid until such time as SFWMD can provide a specific response. In other words, as a matter of professional integrity, if there is a specific answer to this comment SFWMD should provide it to the Corp. Pursuant to 40 C.F.R. 1502.24, the Corps is required to insure professional integrity. In this instance the Corps has failed to do so, and has therefore failed to comply with its requirements under NEPA.

As to the comment

4.c  
**NEITHER SFWMD NOR USACOE HAS SPECIFICALLY CONSIDERED THE POTENTIAL FOR IMPACTS TO WETLANDS IN AND AROUND THE ALLIGATOR CHAIN OF LAKES AS A RESULT OF THE "DRAWDOWN"**

The Response contends that it is beneficial for wetlands to dry and burn periodically. While that may be the case in some wetlands, it is certainly not the case in all wetlands, especially in cypress swamps such as Big Bend Swamp. In addition, there has been disclosed no plan to conduct a burn of the desiccated wetlands.

4.d  
Further, there is no data to substantiate whether or not Big Bend Swamp and the adjacent wetlands have a history of undergoing periodic drying. There is no data, facts or basis to substantiate the assertion that Big Bend Swamp and the adjacent wetlands have a history of periodic burning.

While it may be arguable that lake level stabilization has degraded the littoral zones of the lakes and that extreme water fluctuations sustain high quality aquatic habitat in the lakes, there is no basis, data or substantiation to suggest that Big Bend Swamp or any other adjacent wetland has been degraded by stabilized water levels, nor is there any data, basis or facts to suggest that extreme water fluctuations sustain high quality wetlands. In actuality, such an insinuation defies logic.

Finally, there is no basis or facts to substantiate the assertion that the wetlands remaining wet has caused a proliferation of nuisance vegetation. The fact is that there has been no study whatsoever in to the "historic hydropatterns" of Big Bend Swamp and the other surrounding wetlands. Thus, SFWMD has no idea as to whether or not the wetlands remaining wet have proliferated nuisance vegetation.

Accordingly, the Corps has permitted SFWMD to dodge the question by providing nothing but generalized non-responsive answer.

4.e Pursuant to 40 C.F.R. 1502.24, the Corps is required to insure professional integrity. In this instance the Corps has failed to do so because there are no data, facts or basis to substantiate the assertions contained in this response. Accordingly, the Corps has failed to comply with its requirements under NEPA.

Anecdotally, I'm certain local developers, environmental consultants and engineers will be happy to learn of SFWMD and the Corps new belief that it is beneficial to the health of a wetland to allow it to be drained and burned. I'm also certain those same persons will be happy learn that stabilizing water levels in wetlands will degrade the habitat value of those wetlands and cause the proliferation of nuisance vegetation, thereby encouraging the draining of wetlands. Would this be classified as a new method of mitigation?

As to comment

4.f **THE UNITED STATES FISH & WILDLIFE SERVICE FAILED TO REQUIRE FGFFC TO DOCUMENT THE FLYWAYS AND FORAGING SITES FOR BALD EAGLE NEST**

This comment was not answered. Based on the answer given, the USFWS was not consulted with regard to this specific matter. Pursuant to 40 C.F.R. 1502.24, the Corps is required to insure professional integrity. In this instance the Corps has failed to do so, and has therefore failed to comply with its requirements under NEPA.

Comment #5

5 The Corps should seriously reconsider whether or not this project is in the public interest. The FEIS states that lake level stabilization has led to the growth of nuisance vegetation in the littoral zone. Much of the littoral zone is privately owned and most, if not all of the lakefront, is privately owned. Further, public access to the lakes is highly restricted due to the lack of access sites to the lakes. Accordingly, public access to this lake is severely limited. Thus, this project will essentially serve only to improve the lakefront views of a few private property owners.

Sincerely,



John S. Yudin

JSY/pd

Enclosure: Letter from James C. Duck

cc: Osceola Fish Farmers Association, Inc.

# OFFA, INC.

## Osceola Fish Farmers Association, Inc.

3460 Hickory Tree Rd  
St. Cloud, Florida 34772

Telephone (407) 892-7051  
Fax (407) 892-5797

October 29, 1999

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

Subject: Response to Final Environmental Impact Statement  
(EIS) dated September, 1999

Dear Mr. Duck:

It has come to our attention that USACOE has never accepted a Mike She model from any private person or commercial company.

① Correct me if I'm wrong but, on your application do you not ask that a USGS Mod Flow model be done for a project of this magnitude? I know that I am correct in saying that the USGS Mod Flow model is the standard model used in the State of Florida.

Why then did you allow the Central and Southern Flood Control District-SFWMD which operated and maintains the Central and South Florida (S&SF) project to submit a Mike She model contrary to your own rules and regulations? Again you would not allow a private individual or a commercial company to submit a Mike She model for this kind of project because it is not the standard you would normally accept.

② Since SFWMD did not do the standard Mod Flow model for this project we demand that the FEIS process be stopped in accordance with your own rules and standards. We demand that SFWMD do a standard Mod Flow model for this project.

As you are aware we the Osceola Fish Farmers Association, Inc. has hired the renowned Dr. Michael Voorhees, PHD. to review the Mike She model done by SFWMD. To Date SFWMD has not provided the source code to Dr. Voorhees, so that he can review the Mike She. In accordance with the standard in the State of Florida, Dr. Voorhees will be making a Mod Flow model to submit to the Corps.

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President: David Castelli Vice President: Rhonda Walther  
Secretary / Treasurer: Sheila Klingensmith  
Directors: Bonny Castelli, Donald Walther, Michael Klingensmith

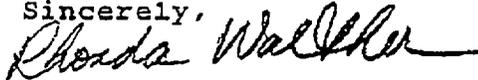
③ If the standard model for this type of project is the Mod Flow, if your own rules and regulations and permit applications ask for a Mod Flow model why then did you accept a Mike She model from SFWMD?

We again demand that the same standard be applied to all. Since the Mike She does not qualify as the standard accepted by the Corps for this type of project, then the FEIS is not complete.

④ The FEIS should show all data and responses to show the justification of said project. By allowing SFWMD to do a non standard model and by accepting it without even seeing the true model, and with peer reviewers that never actually saw the model because SFWMD did not provide the source code to you, this would seem a mockery to your FEIS. When SFWMD has not provided the source code to Dr. Voorhees so that he can view this model and therefore create a Mod Flow to submit to your FEIS, your FEIS is grossly incomplete.

As a result of the incomplete nature of this FEIS, we again demand that it be stopped until all the correct and standard data is available.

Sincerely,



Rhonda Walther  
Vice President, OFFA.

LAW OFFICES OF  
WILLIAM E. GUY, JR.

55 EAST OCEAN BOULEVARD  
POST OFFICE BOX 3386  
STUART, FLORIDA 34995-3386

WILLIAM E. GUY, JR.\*  
JOHN S. YUDIN\*\*  
BARBARA A. COOK\*\*\*

TELEPHONE (561) 286-7372  
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E-MAIL weg@gate.net

\* ALSO ADMITTED IN 9<sup>TH</sup> U.S. C.C.A.  
\*\* ALSO ADMITTED IN DISTRICT OF COLUMBIA  
\*\*\* ALSO ADMITTED IN U.S. VIRGIN ISLANDS

October 29, 1999

Liz Manners  
United States Army Corps of Engineering  
Jacksonville District Corps of Engineering  
P.O. Box 4970  
Jacksonville, FL 32232-0019

Re: Alligator Chain of Lakes Drawdown/ MIKE-SHE source codes

Dear Ladies and Gentlemen:

Enclosed please find a copy of a letter we just received from the South Florida Water Management District indicating their refusal to provide us with source codes for the MIKE-SHE model which was used in this project.

① We first asked for the MIKE-SHE source codes from the SFWMD on September 22, 1999. Instead of immediately informing us that the source codes were being claimed as proprietary in nature, SFWMD delayed in providing this information until October 27, 1999. Further, we were lead to believe by SFWMD staff that they did not even have the source codes for the model. Why do you suppose it took over a month for the SFWMD to determine that they had the source codes and a that they would not provide them to us?

As you are aware we have retained Dr. Michael Voorhees to review SFWMD's MIKE-SHE model. Dr. Voorhees has advised that in instances when there are proprietary issues regarding source codes, they are resolved through the use of non-disclosure agreements. If you will notice in the letter, SFWMD indicates that we should go out and purchase the model ourselves, they do not mention a non-disclosure agreement, (which we would have no problem in entering in to). Dr. Voorhees has further advised that he has been in direct contact with Danish Hydrologic Institute (DHI) (the creator of the MIKE-SHE model), and they have advised him that SFWMD's license agreement **allows for access for technical review**. Further, Dr. Voorhees

advises that license agreements allowing for technical access is the norm, not the exception. It is, therefore, unlikely that SFWMD is precluded by a licensing agreement from providing us with copies of the source codes, they simply don't want to give them to us and don't think the Corps will force them to.

② Thus, SFWMD has the source codes, has the ability to provide us with the codes, and has the ability to provide them to any other capable reviewer. They have, however, specifically and inexplicably chosen to undertake a policy of non-disclosure designed to prevent open access to their model, contrary to all recognized and regularly accepted scientific practices. Further, it is my understanding that they did not provide the codes to Corps staff or to the "peer review" group. This pattern of deception and non-disclosure is certainly consistent with their pattern of behavior throughout this ordeal. Accordingly, one is therefore left to question why, when they have the ability to provide the source codes, would they fail or refuse to provide them to any and every possible reviewer? Is there something there to hide? If they were so sure their model was accurate, wouldn't they want everyone to review it?

③ Based on the attached letter, the Corps now has definitive proof that SFWMD is not at all interested in having their model checked for reliability. Further, this letter evidences that the SFWMD has not provided the source codes to any person capable of reviewing the model, not even the Corps. Thus, the Corps has permitted SFWMD to use a model which is not accepted as a standard accurate and reliable model in the State of Florida, has allowed SFWMD to use a model which has never had a completed application in the State of Florida, has allowed SFWMD to use a model which they have never previously accepted, and has allowed SFWMD to prevent any party, including the Corps from checking their modeling despite the fact that the model has never been shown to be accurate in the State.

④ 40 C.F.R. 1502.24 requires the Corps to insure professional and scientific integrity in production of this EIS. Based on the above, there can be no question that there is no professional or scientific integrity in the SFWMD's model. Due to the fact that this EIS is in large part based upon SFWMD's now highly questionable model, there is certainly a serious question as to the professional and scientific integrity of the entire EIS, not just SFWMD's model. Pursuant to 40 C.F.R. 1502.9 the Corps is authorized to demand the production of a supplemental EIS. We therefore request that the Corps require the production of a supplemental EIS, to provide for some sort of check to SFWMD's model to insure its professional and scientific integrity, be it demanding SFWMD provide Dr. Voorhees and the Corps with copies of the source codes so that the model's accuracy can be checked. Or perhaps requiring a "peer review" of the model itself. Or perhaps the Corps should order that SFWMD undertake a MODFLOW model to replace the MIKE-SHE model, thereby allowing for the accuracy to be checked. In any event, we request the Corps demand that the source codes be provided to us so that we may investigate for ourselves the accuracy of the information provided to the Corps. We would further request that since somehow the permit was issued in this case prior to issuance of the FEIS, that the permit authorization be withdrawn until such time as professional and scientific data is provided to the Corps to support this project.

Please stop being an unknowing participant to the sham being perpetrated upon our clients! Hold SFWMD's feet to the fire as you would for any other permittee! Unless you do so, SFWMD will have made a mockery of the entire NEPA process.

We await your response and if you have any further questions or comments please feel free to contact our office.

Sincerely,



John S. Yudin

JSY/pd

Enclosure: Letter dated October 27, 1999

cc: Osceola Fish Farmers Association, Inc.



## 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

ADM 32

October 27, 1999

John Yudin Esq.  
55 East Ocean Blvd.  
Post Office Box 3386  
Stuart, FL 34995-3386

Dear Mr. Guy:

**Subject: Response to Public Records Request #99-6368  
Alligator Lake Chain/MIKE SHE Modeling Data**

Enclosed are two envelopes containing the following: 1) nine (9) CDs containing electronic files from Jim Carnes' computer concerning Lake Kissimmee and Alligator Lake drawdown data files and an envelope containing Alligator Modeling Files you requested.

The source code for the MIKE/SHE model is proprietary information and exempt from duplication and disclosure under Chapter 119, F.S. You may, however, purchase the software from the vendor.

Please do not hesitate to call me if you have any questions concerning this matter at (561) 682-6261. Kindly refer to your file number 99-6368 in all correspondence with our office.

Very truly yours,

A handwritten signature in cursive script that reads "Stanley Mucinic".

Stanley Mucinic, CLA  
Government And Public Affairs Representative  
Office of Communications

38

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Frank R. Finch, P.E., *Executive Director*  
James E. Blount, *Chief of Staff*

**OFFA, INC.****Osceola Fish Farmers Association, Inc.**3460 Hickory Tree Rd  
St. Cloud, Florida 34772Telephone (407) 892-7051  
Fax (407) 892-5797

November 1, 1999

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

Ref: Final Environmental Impact Statement (EIS) September  
1999.

Dear Mr. Duck:

Enclosed you will find the letter from SFWMD dated Oct. 27,  
1999, regarding their reply to our public records request  
under F.S. 119.

Since SFWMD refuses to give the source code for the Mike  
She model it must be assumed that,

1. The alleged Mike She model is incomplete.
2. The information that SFWMD allegedly gave USACOE is not  
the same as the information provided to the fish farmers  
or the peer reviewers.
3. The alleged model proves that they will do the fish  
farmers and the surrounding wetlands great harm.
4. Or the model does not exist and no one has seen it,  
including SFWMD.

If any of this is true, this would constitute fraud.

Since no one has seen the alleged model including, USACOE,  
and SFWMD will not or cannot provide the source code,  
what proof does USACOE have to prove that the information  
contained in the EIS is true, or that the information provided  
for the EIS is the same information that is in the alleged  
model.

Does USACOE routinely give out permits to people that  
cannot or will not prove the reasons for the project or  
the projected results and impacts of a project?

Can any private citizen get a permit without providing  
solid, seen proof, or is that process reserved for Government  
Agencies only?

---

President: David Castelli Vice President: Rhonda Walther  
Secretary / Treasurer: Sheila Klingensmith  
Directors: Bonny Castelli, Donald Walther, Michael Klingensmith

SFWMD has given the information (CD)s to Mr Voorhees, but has not provided a way to read them without the source code.

② USACOE asked for a peer review of SFWMDs work, because the fish farmers had proof the model interpretation incorrect. I'm sure the peer reviewers did not do this work for free. I'm sure the taxpayers paid a tidy sum for what? What did the peer reviewers review? Without a source code all they could review was Emily Hopkins interpretation of what she saw on the model, if she actually saw the model. How do you peer review something you cannot see? Does USACOE have the source code? Did you review the alleged model?

The EIS is based on an alleged SFWMD model. It is that information alone that provided you the means to write in the EIS that the fish farmers would not be impacted. How do you print a permit and possibly sign a permit that is based on information you have never seen or can prove?

SFWMD is a public agency. It uses our taxdollars and is working on a public project. Any information that SFWMD possess would appear to be public information. Without proof that the information in the model exists, and is correct, USACOE appears to be a party to a fraud.

On October 25, 1999, Steve Brooker and Elizabeth Bishop, USACOE come to my home to discuss the wetland violation. I showed Mr. Brooker and MS. Bishop the film of Alligator Lake and the wetland violation. The same film we provided USACOE months ago. Mr. Brooker had never seen the film. He watched the film with intensity, we paused the film several times for him to get a clear view of the lake and the violation.

③ Sitting on my couch he said, he saw no clear reason for the necessity of this project. The film shows native aquatic vegetation and white sandy beaches. He asked if we filmed floating tussocks in the lake. We informed him that the floating tussocks that were in the lake were removed by the mechanical harvester Fish and Wildlife put in the lake earlier.

He saw the white sand piles on the side of the lake and HE called them fill piles. He saw no evidence of muck removal.

FROM : BLACKWATER FISHERY

PHONE NO. : 407+892+5797

Nov. 02 1999 10:54AM P3

④ Then Mr. Brooker viewed the wetland violation. He searched through his permit for the designated muck site and could not find it. It appears the site that SFWMD and F&W chose and supervised was not a designated disposal site according to the permit issued by USACOE. He saw all the surrounding water and said it sure appeared to be a wetland.

He then asked if there was anything else that we could show him. David Castelli volunteered to take him on the lake to see the lake for himself.

Then Mr. Brooker brought up the point that after viewing the film he saw no need for this project and that a re-evaluation of this project should be done.

We asked him why he signed the permit to begin with? He answered that he assumed there actually was a need for the project.

Mr. Brooker and Ms. Bishop went to Castelli Farm and took a look at the wetland violation. They saw Big Bend Swamp all the way up to Castelli Farms property line.

It appears that the only thing we and USACOE can be sure of is that everything in the EIS is based on assumption.

USACOE has obviously assumed there was a need for the project, and when people raised concern over the effects of this project you again assumed that F&W and SFWMD told you the truth. You obviously did not see definitive proof of anything connected with this project.

⑤ The fish farmers have proof of what happened to their farms during the test drawdown. Have you asked for that proof, or again because we are in opposition to the need of this project, did you assume we were wrong. You never asked for definitive proof from anyone.

You are obviously willing to deny me my property rights, my Constitutional rights, and my civil rights, because you never required any government agency to provide you with solid, proven, proof. Shouldn't the rights of all the private citizens outweigh the rights of the project?

Sincerely,  
*Rhonda Walther*  
Rhonda Walther  
Vice President, OPFA

**FISHBACK, DOMINICK, BENNETT, STEPTER,  
ARDAMAN, AHLERS & BONUS**

170 EAST WASHINGTON STREET  
**ORLANDO, FLORIDA 32801-2397**

G. BEN FISHBACK (1893-1983)

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TELEPHONE (407) 425-2786

FAX (407) 425-2863

www.fishbacklaw.com

November 30, 1999

Via Facsimile 904-232-3442

James C. Duck  
Chief Planning Division  
c/o Liz Manners and Heather Carolin  
Post Office Box 4970  
Jacksonville, Florida 32232-0019

*Re: Herbert A. Smith, Jr. Trust, Gary and Se'Belle Dymmek, Se'Belle Smith Dymmek individually as Trustee and Se'Belle Smith Dymmek, Dosia Mae Smith Jimenez and Miranda Rose Smith Bailey - Our File No: S45-14668*

Dear Mr. Duck:

With respect to the proposed Final Environmental Impact Statement dated September 1999 as to the Alligator Chain and Lake Gentry Extreme Drawdown and Habitat Enhancement Project in Osceola County, Florida, please be advised that I represent the above referenced clients with respect to their properties abutting and in proximity to Alligator Lake and Brick Lake.

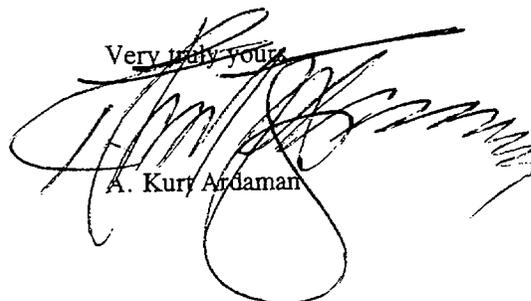
I was advised on November 24, 1999 by the attorney for the South Florida Water Management District, Scott Glazier, that the proposed project no longer includes the construction of the retaining weir in the Brick Lake canal which canal connects Brick Lake and Alligator Lake. This weir which was to keep the water level of Brick Lake at a higher elevation than Alligator Lake apparently is now no longer part of the project because the property interests necessary to construct the weir in the canal were not obtained by any of the agencies involved in the project.

Although my clients are opposed to the Drawdown Project in its entirety, in an attempt to help reduce the likely damages to my clients' groves due to freezes and from water drawdown, the Brick Lake weir is essential.

Therefore, please let this letter serve as a further and continuing objection to the project and as a request that if the project is to go forward that the weir that was previously designed and planned to be constructed in the Brick Lake canal by the agencies be installed as a condition to moving forward.

If you have any questions, please let me know.

Very truly yours,



A. Kurt Ardaman

AKA/ml

11/29/99-ml-S45-14668/U:\Smithsisters\AlligatorLake\ducklettermov29.wpd



TEL - 407-892-1979 • FAX - 407-892-1920  
3981 DOE DRIVE ST. CLOUD, FL 34772

*Mike Klingensmith*

December 8, 1999

United States Army Corps of Engineers

James C, Duck  
Adam Stuart  
Jim Viril  
Col. Miller  
Liz Manners  
Heather Carlen  
Office of Council

With this letter please find three (3) maps.

1. National Wetlands Inventory
2. Topography Map of St. Cloud
3. ? Photograph from USGS

①

The maps unequivocally show that West Lake Tohopekaliga is connected to the alligator Chain of Lakes, via ditches, canals, wetlands, etc.

②

These maps clearly dispute SFWMD's Mike She computer models results stating that Sunset Tropicals is outside the "cone of influence".

All upland waters drain from Park Manor to Sunset Tropicals to Fanny Bass Pond (swamp) to the canal and then to the lake.

Sunset Tropicals as you can see is clearly in the "cone of influence" of the drawdown contrary to SFWMD's computer model.

③

SFWMD's decision to not include Sunset Tropicals in the USACOE's EIS report is either a totally uninformed or a finely calculated decision on the part of all agencies involved.

Please be certain this comment is included in the EIS final comment.

Sincerely,

*Sheila Klingensmith*



# CASTELLI FARMS



7580 E. IRLO BRONSON MEM. HWY. • ST. CLOUD, FLORIDA 34771

PHONE (407) 957-3203

THE HOME OF EXTRA NICE QUALITY "PLECOS"  
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FAX (407) 957-3434

December 8, 1999

To: Army Corps of Engineers

James C. Duck  
Adam Stewart  
Jim Viril  
Col. Miller  
Liz Manners  
Heather Carolan  
Office of Council

Ref: Comment period ending 12-10-99  
Please see Exhibit 1-2 mark for Castelli's Farm, Big Bend Swamp, botton of Alligator Lake, all of Brick Lake, and all of Lake gentry.

① These photos show unrefutable evidence that South Florida Water Management Dist. model with it's cone of influence to be wholly wrong as it shows that from Castelli's Farm to the above mentioned lakes 98% water, not land with ponding of water. Not only does it show it is one of Central Floridas largest and best continuous and uninterrupted wetlands but starting at approximately 900 feet from the SW corner of Castelli's Farm to Brick Lake and Lake Gentry is a very large marsh or slew that runs continuous and uninterrupted to Brick Lake and Lake Gentry totally disproving South Florida Water Managements' cone of influence and proving that Brick and Alligator Chain of Lakes extreme drawdown will not only cause severe impact to Castelli's Farm, Big Bend Swamp, wetlands, marshes or slews which in turn will harm wildlife, birds, etc.

② These photos are more than a preponderance of evidance disproving the E.I.S.

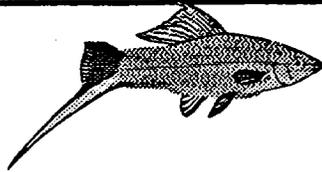
We have a lot more evidence to disprove South Florida Water Management Dist. and Army Corps E.I.S. but we need time to get the rest in.

  
David Castelli

# BLACKWATER FISHERY INC.

*Breeders of Premium Livebearers*

3460 Hickory Tree Rd.  
St. Cloud, FL 34772



Phone (407) 892-7051  
Fax (407) 892-5797

December 8, 1999

United States Army Corps of Engineers

James C. Duck  
Adam Stuart  
Jim Viril  
Col. Miller  
Liz Manners  
Heather Carolan  
Office of Council

This map is of Blackwater Fishery Inc. and the surrounding area. In this map it shows the swamp behind my farm with a drainage canal running from the swamp through my farm and past my farm to Alligator Lake.

The housing development behind my farm "The Manor" has drainage ditches along side the road that drains The Manor either into the canal or into the swamp.

Since SFWMD planned this drainage system in order to drain The Manor, it only makes sense that the canal that runs through my farm would drain the water from my farm also.

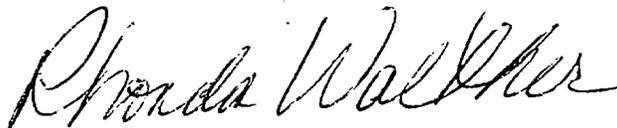
Per Bill Stimmel himself, he assisted in the design and implementation of the drainage system that drains The Manor.

① Having my farm at approximately 70 feet elevation and the lake at 60 feet during the drawdown and my proximity to the lake could only have one result, complete devastation and destruction of my farm by SFWMD's design.

② Not only will the canal drain the swamp, the pull from the lake and the lack of water behind me will cause the ponds to not only drain through the canal, but also straight from the ponds to the lake.

This map clearly shows this to be true.

Sincerely,





STATE OF FLORIDA

# DEPARTMENT OF COMMUNITY AFFAIRS

*"Helping Floridians create safe, vibrant, sustainable communities"*

**JEB BUSH**  
Governor

**STEVEN M. SEIBERT**  
Secretary

December 9, 1999

Ms. Liz Manners  
Department of the Army  
Jacksonville District Corps of Engineers  
Post Office Box 4970  
Jacksonville, FL 32232-0019

RE: Department of the Army - District Corps of Engineers -  
Environmental Impact Statement (EIS) for the Alligator  
Lake Chain and Lake Gentry Habitat Enhancement Project  
- Volumes I and II - Osceola County, Florida  
SAI: FL9706030472CR2

Dear Ms. Manners:

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.

①

The Florida Fish and Wildlife Conservation Commission (FWC) notes that its Division of Fisheries is a cooperator on this project and has been involved in the project planning. The FWC supports the selected alternative, the Lake Gentry postponement alternative, and believes the project will provide significant enhancement to the aquatic habitats within the targeted lake systems. Please refer to the enclosed FWC comments.

②

The Department of Environmental Protection (DEP) notes that it has no objections to the project, however it offers several comments and potential concerns that have come to DEP's attention after the publication of this Final Environmental Impact Statement. Please refer to the enclosed DEP comments.

③

The Florida Department of Agriculture and Consumer Services (DACs) believes that this conceptual approach more reasonably addresses offsite drawdown/impact concerns. The DACs notes that many of the issues are technical in nature and involve the South

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FLORIDA KEYS  
Area of Critical State Concern Field Office  
2796 Overseas Highway, Suite 212  
Marathon, Florida 33050-2227

GREEN SWAMP  
Area of Critical State Concern Field Office  
205 East Main Street, Suite 104  
Bartow, Florida 33830-4641

Ms. Liz Manners  
December 9, 1999  
Page Two

Florida Water Management District's decision to use the Danish Hydraulic Institute MIKE SHE integrated model to provide reasonable assurance. The DACS also offers some final opinions for the file of record. Please refer to the enclosed DACS comments.

④ The Department of State (DOS) notes that in two previous reviews of the project, the agency recommended that a professional archaeologist relocate and clearly mark the two known archaeological sites in the field so that these known sites can be avoided and will not be adversely impacted. Once the known sites, and others which appear with the drawdown, are exposed and vulnerable, they will need to be patrolled to prevent vandalism and unauthorized collecting. The DOS should be notified of any newly encountered cultural resources. Provided that there is early and sufficient consultation with the DOS, the proposed project will be consistent with the historic preservation laws of Florida's Coastal Management Program. Please refer to the enclosed DOS comments.

Based on the information contained in the above-referenced environmental impact statement and the enclosed comments provided by our reviewing agencies, the state has determined that the above-referenced project is consistent with the Florida Coastal Management Program.

Thank you for the opportunity to review this project. If you have any questions regarding this letter, please contact Ms. Cherie Trainor, Clearinghouse Coordinator, at (850) 414-5495.

Sincerely,

*Chris McCay*

*for* Ralph Cantral, Executive Director  
Florida Coastal Management Program

RC/cc

Enclosures

cc: Bradley Hartman, Fish and Wildlife Conservation Commission  
Janet Snyder Matthews, Department of State  
Marlane Castellanos, Department of Environmental Protection  
Bob Crawford, Department of Agriculture and Consumer  
Services



Florida Department of Agriculture & Consumer Services  
BOB CRAWFORD, Commissioner  
The Capitol • Tallahassee, FL 32399-0800

Please Respond to:

Office of Agricultural Water Policy  
Soil and Water Conservation  
3125 Conner Boulevard  
Suite C, Mail Stop C-28  
Tallahassee, Florida 32399-1650  
Phone: 850-488-6249  
Fax: 850-921-2153  
Suncom: 278-6249

October 25, 1999

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

Subject: Response to Final Environmental Impact Statement (EIS) dated September, 1999

Dear Mr. Duck:

The purpose of this letter is to provide comments to the Corps regarding the Final EIS for the Alligator Chain and Lake Gentry Extreme Drawdown and Habitat Enhancement Project. The Florida Department of Agriculture and Consumer Services (FDACS) Office of Agricultural Water Policy Staff has reviewed the document and supporting appendices, specifically relating to the revised schedules pursuant to the Lake Gentry Postponement alternative (Section 2.01.3), and believes that this conceptual approach more reasonably addresses offsite drawdown / impact concerns. Of course, this assertion is based on the assumption that all technical issues raised heretofore have been fully resolved. Thus, as alluded to in our response to the draft EIS, many of the issues are technical in nature and involve the South Florida Water Management District's (SFWMD) decision to use the Danish Hydraulic Institute's MIKE SHE integrated model to provide reasonable assurance.

That being said, FDACS, would like to render some final opinions for the file of record; they are:

(1) Fundamental to the argument(s) is the fact that the proposed extreme drawdown must be consistent and harmonious with agricultural water policies related to the 1956 Kissimmee River Basin General Design Memorandum (KRBGDM). Since the SFWMD operates and maintains the Central and South Florida (C&SF) project works in accordance with Corps approved



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Mr. James C. Duck  
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October 25, 1999

criteria, FDACS would submit (contrary to response rendered by Corps to our draft EIS comments) that the KRBGDM's "provision of water supply for agricultural uses in the area around the lakes and along the Kissimmee River" is tantamount to the stabilization of water levels in and around the associated upper Kissimmee River Lakes. Historic seasonal lake level fluctuations and the ecological importance therein notwithstanding, it is FDACS' opinion that the current agricultural land use adjacent to the lakes meets the intent of the KRBGDM even though post (regulation schedule) development did not consider irrigation benefits separately as stated in your response.

(2) There still appears to be some unanswered legal questions. Please reference our earlier comments pursuant to question numbers 1 and 4. During the extreme drawdown, a pumped discharge will be used at canal C-32C in order to maintain water levels. To reiterate earlier comments, pumped surface water discharges may be a regulated consumptive use of water and further subject this project to Chapter 40E-2, F.A.C. "Basis of Review" criteria therein. Thus, affording "users" protection by requiring the maintenance of reasonable surficial water levels in the aquacultural production ponds should be considered from a legal context.

(3) It is our understanding that the Osceola Fish Farmers Association, Inc. has retained the services of Dr. Michael Voorhees to scrutinize the MIKE SHE model. Given the fact that the MIKE SHE is relatively new to Florida applications and arguably not as widely accepted as the United States Geological Service's MODFLOW model, we would ask that the Corps consider an extension period for final EIS comments pending completion of Dr. Voorhees assessment.

(4) On July 22, 1999, following the release of the Draft EIS, the Osceola Fish Farmers Association provided FDEP with written notification of alleged wetland filling violations. In a letter dated August 19, 1999, Vivian Garfein (FDEP - Director of District Management) stated that FDEP is currently investigating the claim and will respond upon completion of the investigation. This issue should be fully evaluated and resolved to the satisfaction of FDEP enforcement staff pursuant to Chapter 62-340, F.A.C. prior to project commencement.

(5) FDACS still believes that an equitable and solid contingency plan should be agreed to, committed in writing, and incorporated into the EIS. Pursuant to the last meeting in West Palm Beach between affected fish farmers and SFWMD staff, many farmers feel that the District's proposal to allow "temporary" wells to augment potentially impacted pond levels falls far short and does not indemnify growers in the event modeling assumptions fail and growers lose valuable stocks. Restitution for crop losses should be included as part of the contingency plan.

Mr. James C. Duck  
Page Three  
October 25, 1999

We appreciate the opportunity to provide comments on this important project. Please feel free to contact Mr. Bill Bartnick at 850/414-1065 to discuss any of the particulars related to our response.

Sincerely,

**BOB CRAWFORD**  
**COMMISSIONER OF AGRICULTURE**

  
Charles C. Aller  
Director, Office of Ag Water Policy

CA/bh

cc: Ms. Terry Rhodes  
Dr. Martha Roberts  
Mr. Sherman Wilhelm  
Ms. Joanne McNeely



Jeb Bush  
Governor

# Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000  
November 17, 1999

David B. Scruhs  
Secretary

Cherie Trainor  
State Clearinghouse  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

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NOV 17 1999

State of Florida Clearinghouse

RE: Final EIS for Alligator Chain and Lake Gentry Extreme Drawdown and Habitat Enhancement Project, Osceola County

SAI: 99-0472CR2

Dear Ms. Trainor:

The Florida Department of Environmental Protection (FDEP) has completed its review of the above-referenced Environmental Impact Study for the Alligator Chain and Lake Gentry Extreme Drawdown. While we have no objections to the project, we do offer the following comments and potential concerns that have come to our attention after the publication of this Final Environmental Impact Statement (FEIS).

① While investigating the phosphorus loading in Lake Okeechobee, Lake Kissimmee was found to be the major source of phosphorus contamination. The enclosed graph shows an increase in phosphorus loading over the past two years (South Florida Water Management District, Water Quality Conditions Quarterly Report, October 1999). Any activity that would increase phosphorus loading would be an adverse impact that should be prevented if at all possible. The Department is concerned that the drawdown of the Alligator Chain of Lakes and Lake Gentry could contribute to the loading in Lake Kissimmee and the Kissimmee River, which empties into Lake Okeechobee.

Thank you for the opportunity to comment on this project. If I can be of further assistance, please contact me at (850) 487-2231. For questions concerning the Lake Okeechobee issue, please contact Eric Bush at (904) 232-3410.

Sincerely,

Marlane Castellanos  
Office of Legislative and Governmental Affairs

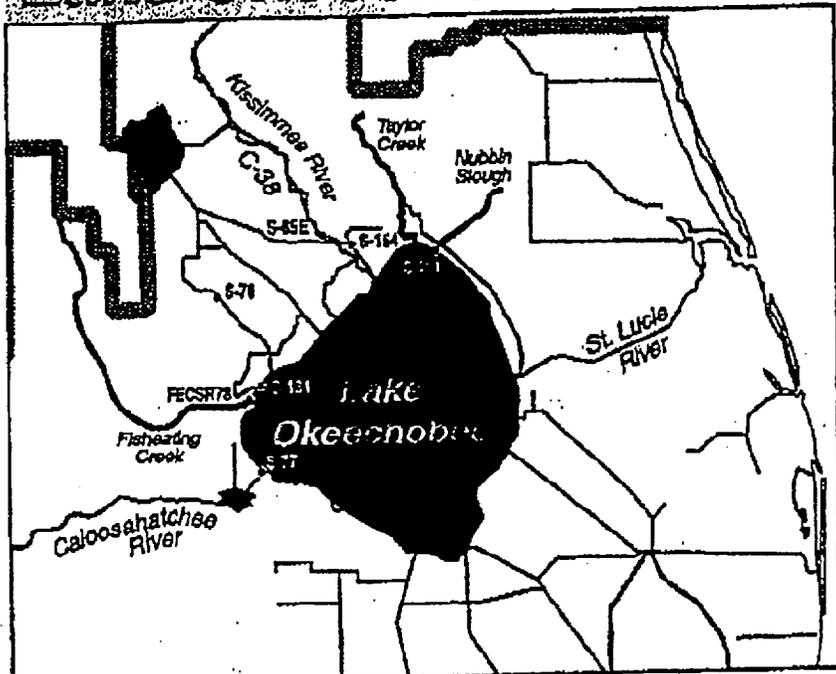
MC/

Cc: Eric Bush  
Barbara Bess  
Enclosures

"Protect, Conserve and Manage Florida's Environment and Natural Resources"



# Lake Okeechobee Drainage Basin



correlation with phosphorus loads to the lake.

Over the past several years of water quality monitoring, phosphorus loads to the lake have exhibited a seasonal trend. Higher loads are generally associated with wetter months with lower loads occurring during drier months of the year. As a result of El Niño (December 1997 - April 1998) and Tropical Storm Mitch (November 1998), the seasonal distribution of phosphorus loads in late 1997 through 1998 differed from previous years (Figure 1).

During the second quarter of 1999, approximately 79 metric tons of phosphorus entered Lake Okeechobee from inflows (Figure 1). Phosphorus loads computed for April, May and June 1999 were 3.9, 14.5 and 60.4 metric tons, respectively. The corresponding monthly rainfall during the second quarter of 1999 was 2.5, 3.9 and 11.4 inches for April, May and June, respectively (Figure 1).

Although the total flow to the lake during the second quarter of 1998 and 1999 were similar, the total phosphorus input in the second quarter of 1999 was twice that for the same period in 1998 (Figure 1). The higher load observed in the second quarter of 1999 probably resulted from runoff generated by approximately 18 inches of rainfall following the drier conditions in the first quarter of 1999 (Figure 1). Loads to Lake Okeechobee during the second quarter of 1998 occurred at the end of El Niño as phosphorus inputs and flow to the lake decreased (Figure 1).

## Phosphorus Loading and Rainfall Trends

Monthly total phosphorus loads and rainfall in the Lake Okeechobee drainage basin from January 1997 through March 1999 are presented in Figure 1. Monthly flows to the lake during this 27-month period are also incorporated in Figure 1. The inclusion of flows provides an additional tool for interpreting the resulting loads to the lake because load is calculated by multiplying concentration and flow. Phosphorus loads to the lake are calculated from water quality and flow data from 26 monitoring stations around Lake Okeechobee.

Monthly rainfall (Figure 1) is presented as area-weighted rainfall averages from a network of meteorological stations in the Upper Kissimmee, Lower Kissimmee and Lake Okeechobee basins. The rainfall data derived from these three basins are shown to provide the best

the second quarter of 1999, approximately 79 metric tons of phosphorus entered the lake from inflows. This load is compared to the second quarter and first quarter of 1998. The higher load observed in the second quarter of 1999 probably resulted from runoff generated by approximately 18 inches of rainfall following the drier conditions in the first quarter of 1999. Loads to Lake Okeechobee during the second quarter of 1998 occurred at the end of El Niño as phosphorus inputs and flow to the lake decreased (Figure 1).

**Monthly Total Phosphorus Loading, Rainfall and Flow**

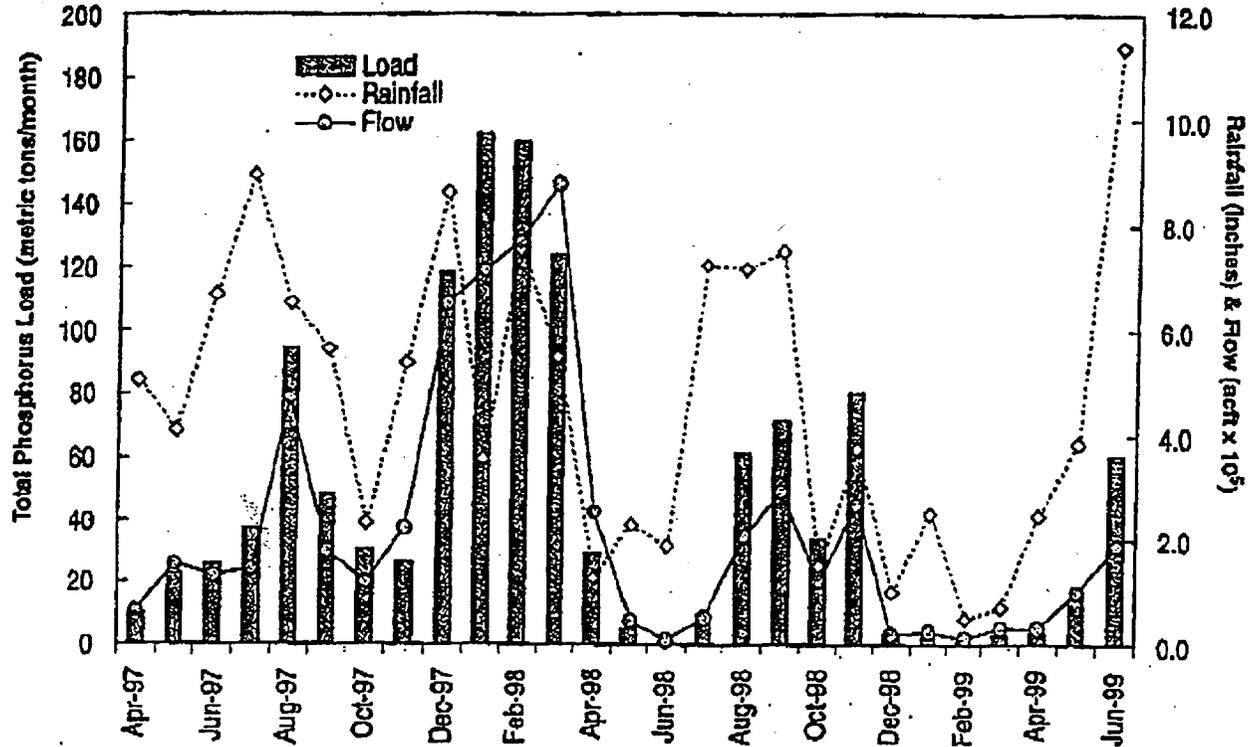


Figure 1. Monthly total phosphorus loads, rainfall and flow for Lake Okeechobee.

**Phosphorus Concentrations in the Tributaries/Basins**

The phosphorus concentration target for each basin was established under the 1989 Interim Surface Water Improvement and Management (SWIM) Plan. This target was incorporated to ensure a reduction in phosphorus loads to Lake Okeechobee. Under this SWIM Plan, the phosphorus concentration in each basin must either be below 180 parts per billion (ppb) or at the 1989-discharge concentration (whichever is less).

Flow-weighted mean concentrations of total phosphorus from four of the 39 basins that drain into Lake Okeechobee were used to calculate the 12-month moving average concentrations shown in Figure 2. Kissimmee River, S154, Fisheating Creek and Taylor Creek/ Nubbin

Slough Basins are major contributors of phosphorus load into the lake. These 12-month moving average concentrations are compared to their respective targets (Figure 2).

Beginning in June 1991, 12-month moving average phosphorus concentrations for the Kissimmee River Basin are below the target concentration of 180 ppb (Figure 2a). However, 12-month moving average phosphorus concentrations for the S154 Basin and Taylor Creek Nubbin Slough have been consistently above the target level. Fisheating Creek has been above the target level since October 1996 after having been below target since May 1993.

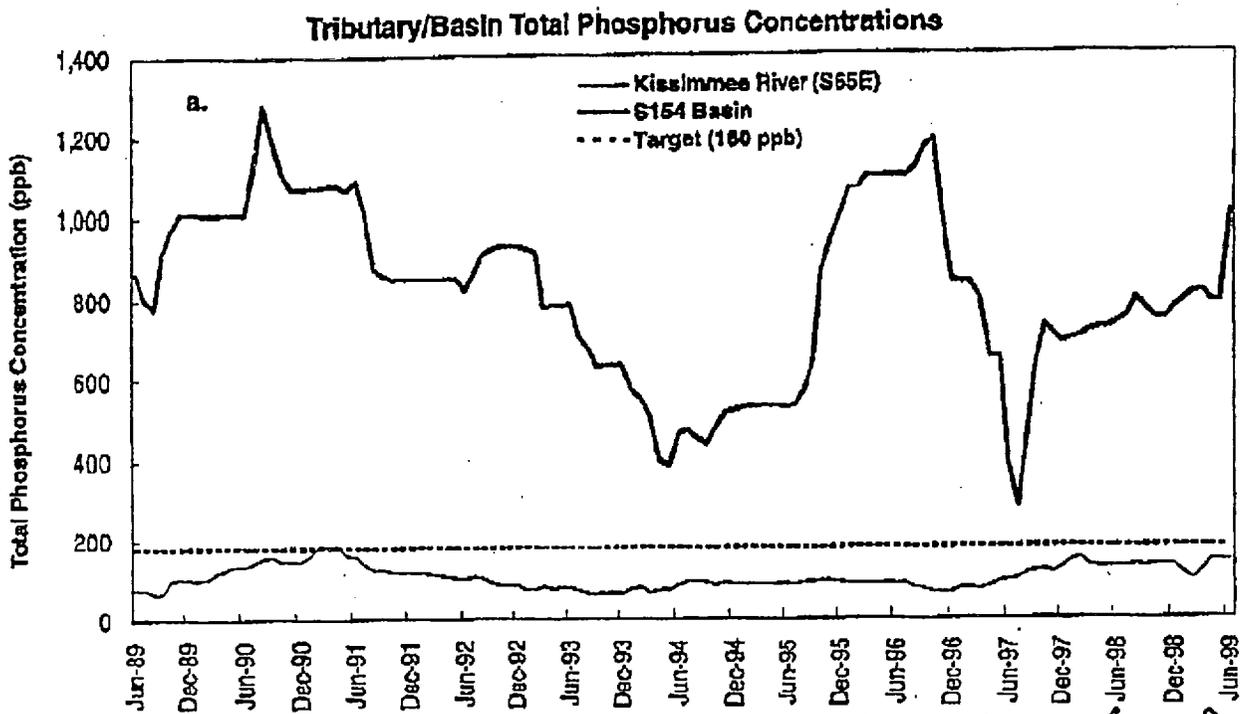
The 12-month moving average phosphorus concentrations for the S154 Basin have increased by 310 ppb from January 1998 through June 1999 (Figure 2a). During the second

quarter of 1999, the 12-month moving average phosphorus concentrations ranged from 780 to 1,000 ppb.

Fisheating Creek had an increase in the 12-month moving average phosphorus concentration during the same period as S-154.

Concentrations near the mouth of the creek increased from 200 ppb in January 1998 to 240 ppb in June 1999 (Figure 2b). The 12-month moving average phosphorus concentration in Fisheating Creek increased by 20 ppb in the second quarter.

Phosphorus concentrations also increased in the Taylor Creek/ Nubbin Slough Basin. The 12-month moving average concentrations in this basin increased by approximately 120 ppb (Figure 2b).



*Note increase from Dec. 1996 to present from Kissimmee River*

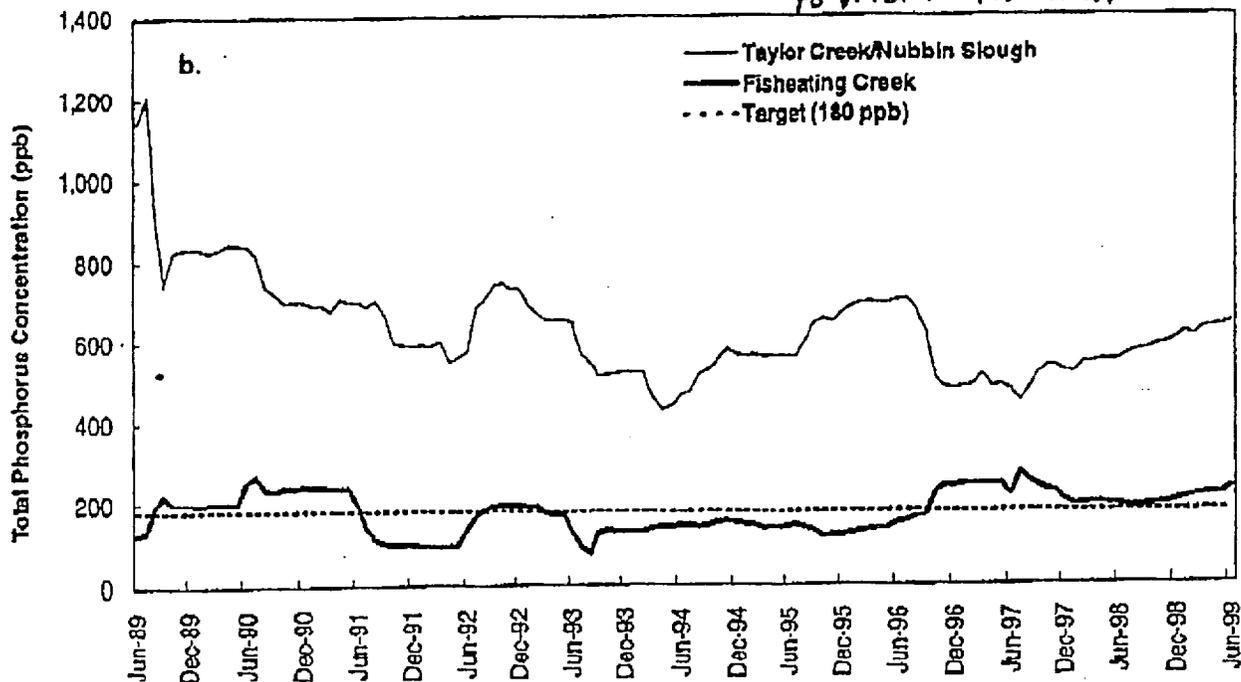


Figure 2. Twelve-month moving flow-weighted mean total phosphorus concentrations for: a. Kissimmee River and S154 Basins and b. Taylor Creek/ Nubbin Slough and Fisheating Creek. The four basins/tributaries drain into Lake Okeechobee.

### Total Phosphorus Concentrations

Lake Okeechobee has a long history of excessive phosphorus loading, and this has resulted in major changes in the ecosystem, including an increased frequency of algal blooms, dominance by noxious blue-green algae, and the accumulation of over 30,000 metric tons of phosphorus in the lake sediments. From the early 1970s to the 1990s, total phosphorus concentrations in the lake's water column increased from below 50 ppb to over 100 ppb. Although phosphorus reduction programs in the watershed have substantially reduced loads, in-lake total phosphorus concentrations have remained high. This reflects a buffering effect of the phosphorus-rich lake sediments, which frequently are mixed into the water column by wind and waves. The District and other agencies have initiated an aggressive program to further reduce external phosphorus loads to the lake, and are considering the possibility of removing all or part of the phosphorus-rich mud sediments.

In order to monitor the seasonal and spatial variations in phosphorus concentrations in the lake resulting from inputs as well as internal cycling, distribution plots of open-water total phosphorus concentrations are presented as Figures 3a to 3c.

During April 1999, phosphorus concentrations in Lake Okeechobee averaged 78 ppb. The contour plot of total phosphorus concentrations in the lake (Figure 3a) indicates that approximately 16 percent of the lake had concentrations greater than 120 ppb. This high phosphorus area was located in the central portion of the lake where the sediments consist of a fine-grained, organic-rich mud layer. The thickness of this mud layer ranges from 10 to 80 cm into the

sediment column. Only 8 percent of the lake had phosphorus concentrations at or lower than 40 ppb.

Approximately 87 percent of Lake Okeechobee phosphorus concentrations in May 1999 were greater than 40 ppb (Figure 3b). Two regions in the lake had concentrations between 80 ppb to 120 ppb. One of the regions was located in the western portion of the lake (Fisheating Bay), while the other extended from the eastern banks toward the central portion of the lake (Figure 3b). Overall, these two regions covered approximately 33 percent of the lake. The average total phosphorus concentration for

open-water monitoring sites in the lake was 71 ppb.

The majority of the lake (56 percent) in June 1999 exhibited phosphorus concentrations between 80 to 120 ppb (Figure 3c). This region was located in the central portion of the lake and stretched from the mouth of the Kissimmee River to Belle Glade. Approximately 15 percent of the lake had phosphorus concentrations lower than 40 ppb (Figure 3c). The average phosphorus concentration for the open-water sites in the lake for June was 72 ppb.

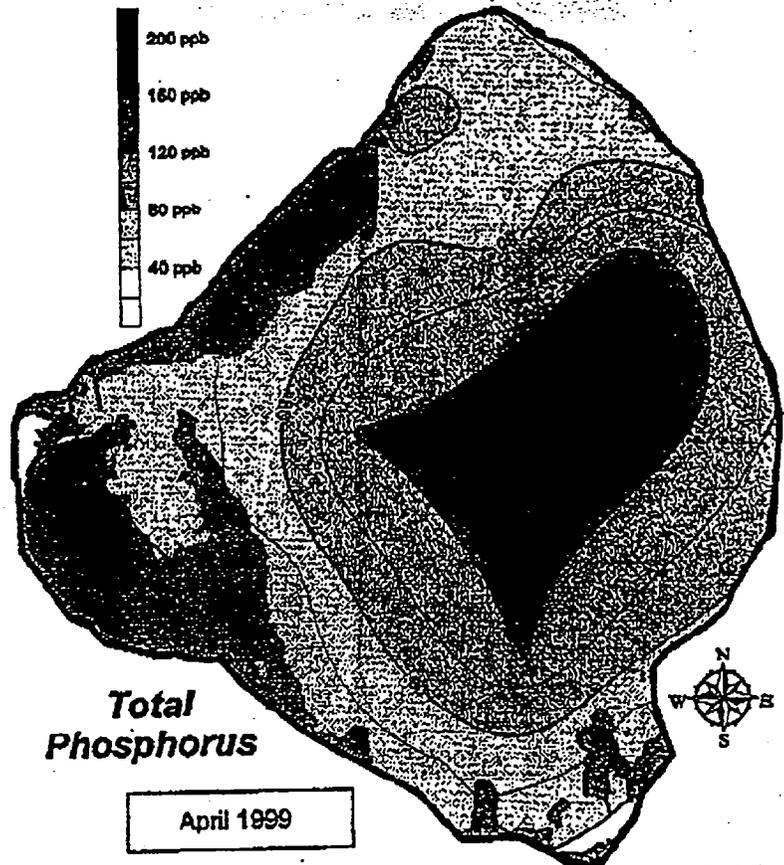


Figure 3a. Total Phosphorus levels for open water monitoring sites in Lake Okeechobee for April 1999.

Lake Okeechobee Action Plan - August 1999 Draft

**Table 2. Average phosphorus loading by basin in the Lake Okeechobee watershed, for the 5-yr period from 1990 to 1994. Target concentrations are from the 1989 SWIM Plan (SFWMD 1989). Five basins that contribute particularly large loads to the lake are indicated in bold.**

| Basin                         | Discharge (acre-ft) | Area (sq. mi) | Target TP (ppm) | Target Load (short tons/yr) | Actual TP (ppm)            | Actual Load (short tons/yr) | Over Target (short tons/yr) |
|-------------------------------|---------------------|---------------|-----------------|-----------------------------|----------------------------|-----------------------------|-----------------------------|
| <b>Controllable Sources</b>   |                     |               |                 |                             |                            |                             |                             |
| 715 Farms (Culv 12A)          | 9,293               | 4             | 0.18            | 2.3                         | 0.15                       | 1.9                         | -0.4                        |
| C-40 Basin (S-72) - S68*      | 23,095              | 87            | 0.18            | 5.7                         | 0.21                       | 13.0                        | 7.3                         |
| C-41 Basin (S-71) - S68*      | 52,956              | 176           | 0.18            | 13.0                        | 0.19                       | 29.9                        | 16.9                        |
| S-84 Basin (C41A) - S68*      | 47,477              | 180           | 0.10            | 6.5                         | 0.07                       | 9.3                         | 2.9                         |
| S-30BC (St. Lucia-C-44)       | 89,043              | 190           | 0.18            | 21.8                        | 0.15                       | 18.4                        | -3.4                        |
| Culvert 10                    | 7,973               | 10            | 0.18            | 2.0                         | 0.48                       | 5.5                         | 3.5                         |
| Culvert 12                    | 11,958              | 13            | 0.13            | 2.1                         | 0.19                       | 3.1                         | 1.0                         |
| Fisheating Creek              | 178,678             | 462           | 0.18            | 43.7                        | 0.16                       | 38.9                        | -4.8                        |
| Industrial Canal              | 22,210              | 23            | 0.18            | 5.4                         | 0.11                       | 3.3                         | -2.1                        |
| L-48 Basin (S-127)            | 13,267              | 32            | 0.18            | 3.2                         | 0.26                       | 4.4                         | 1.2                         |
| L-49 Basin (S-128)            | 8,595               | 19            | 0.18            | 2.1                         | 0.13                       | 1.6                         | -0.5                        |
| L-59E                         | 5,840               | 15            | 0.16            | 1.2                         | 0.23                       | 1.8                         | 0.6                         |
| L-59W                         | 7,334               | 15            | 0.16            | 1.8                         | 0.17                       | 1.8                         | 0.2                         |
| L-60E                         | 1,097               | 6             | 0.10            | 0.1                         | 0.15                       | 0.2                         | 0.1                         |
| L-60W                         | 374                 | 6             | 0.10            | 0.1                         | 0.13                       | 0.1                         | 0.0                         |
| L-61E                         | 6,007               | 22            | 0.09            | 0.7                         | 0.14                       | 1.2                         | 0.5                         |
| L-61W                         | 9,135               | 22            | 0.09            | 1.1                         | 0.10                       | 1.3                         | 0.1                         |
| TCNS (S-191)                  | 108,825             | 188           | 0.18            | 26.6                        | 0.62                       | 91.5                        | 64.8                        |
| S-131 Basin                   | 7,865               | 11            | 0.15            | 1.6                         | 0.10                       | 1.1                         | -0.5                        |
| S-133 Basin                   | 24,248              | 40            | 0.18            | 5.9                         | 0.25                       | 8.3                         | 2.4                         |
| S-135 Basin                   | 21,557              | 28            | 0.18            | 4.7                         | 0.10                       | 2.9                         | -1.8                        |
| S-154 Basin                   | 19,550              | 37            | 0.18            | 4.8                         | 0.80                       | 19.4                        | 14.6                        |
| S-2                           | 31,424              | 166           | 0.16            | 8.8                         | 0.23                       | 9.8                         | 3.0                         |
| S-3                           | 5,904               | 101           | 0.15            | 1.2                         | 0.19                       | 1.4                         | 0.2                         |
| S-4                           | 17,766              | 66            | 0.18            | 4.3                         | 0.15                       | 4.2                         | -0.1                        |
| S65E - S65 (All Basins)       | 285,193             | 749           | 0.18            | 64.9                        | 0.25                       | 91.9                        | 27.0                        |
| S-236                         | 3,407               | 15            | 0.09            | 0.4                         | 0.12                       | 0.5                         | 0.1                         |
| Culvert 4A                    | 7,195               | 7             | 0.08            | 0.8                         | 0.12                       | 1.2                         | 0.4                         |
| Culvert 5                     | 3,128               | 28            | 0.08            | 0.3                         | 0.06                       | 0.3                         | 0.0                         |
| <b>Controllable Totals</b>    | <b>1,010,260</b>    |               |                 | <b>235.0</b>                |                            | <b>368.1</b>                | <b>133.1</b>                |
| <b>Uncontrollable Sources</b> |                     |               |                 |                             |                            |                             |                             |
| Rainfall                      |                     |               |                 |                             | 0.03                       | 71.0                        |                             |
| S65 (Lake Kissimmee)          | 733,505             |               |                 |                             | 0.04                       | 39.6                        | 1990-1994                   |
| Lake Istokpoga (S-68)         | 183,872             |               |                 |                             | 0.03                       | 7.8                         |                             |
| S5A Basin                     | 2,048               |               |                 |                             | 0.13                       | 0.3                         |                             |
| E. Caloosahatchee (S-77)      | 3,616               |               |                 |                             | 0.24                       | 1.2                         |                             |
| L-8 Basin (Culv 10A)          | 88,503              |               |                 |                             | 0.10                       | 9.2                         |                             |
| <b>Uncontrollable Totals</b>  | <b>991,544</b>      |               |                 |                             |                            | <b>128.8</b>                |                             |
| <b>Average Total Loadings</b> |                     |               |                 |                             |                            | <b>496.9</b>                |                             |
| <b>Basin Target</b>           |                     |               |                 |                             |                            | <b>363.8</b>                |                             |
| <b>Vollenweider Target</b>    |                     |               |                 |                             |                            | <b>401.4</b>                |                             |
| <b>Over-Target Loads</b>      |                     |               |                 |                             | <b>Concentration based</b> | <b>133.1</b>                |                             |
|                               |                     |               |                 |                             | <b>Vollenweider</b>        | <b>95.5</b>                 |                             |

Lake Okeechobee Action Plan - August 1999 Draft

**Table 3. Average phosphorus loading by basin in the Lake Okeechobee watershed, for the 5-yr period from 1994 to 1998. Target concentrations are from the 1989 SWIM Plan (SFWMD 1989). Five basins that contribute particularly large loads to the lake are indicated in bold. nd = no data.**

| Basin                         | Discharge (acre-ft) | Area (sq. mi) | Target TP (ppm) | Target Load (short tons/yr) | Actual TP (ppm)            | Actual Load (short tons/yr) | Over Target (short tons/yr) |
|-------------------------------|---------------------|---------------|-----------------|-----------------------------|----------------------------|-----------------------------|-----------------------------|
| <b>Controllable Sources</b>   |                     |               |                 |                             |                            |                             |                             |
| 715 Farms (Culv 12A)          | 12,768              | 4             | 0.18            | 3.1                         | 0.10                       | 1.7                         | -1.4                        |
| C-40 Basin (S-72) - S68*      | 16,069              | 87            | 0.18            | 3.0                         | 0.20                       | 10.5                        | 6.6                         |
| C-41 Basin (S-71) - S68*      | 52,768              | 176           | 0.18            | 12.9                        | 0.18                       | 32.3                        | 19.4                        |
| S-84 Basin (C41A) - S68*      | 66,759              | 180           | 0.10            | 9.1                         | 0.05                       | 12.9                        | 3.9                         |
| S-308C (St. Lucie-C-44)       | 41,480              | 190           | 0.18            | 10.2                        | 0.13                       | 8.9                         | -1.2                        |
| Culvert 10                    | 11,612              | 10            | 0.18            | 2.8                         | 0.53                       | 9.8                         | 7.0                         |
| Culvert 12                    | 15,075              | 13            | 0.13            | 2.7                         | 0.18                       | 3.6                         | 1.0                         |
| Fisheating Creek              | 256,761             | 482           | 0.18            | 62.8                        | 0.18                       | 60.7                        | -2.1                        |
| Industrial Canal              | 21,878              | 23            | 0.18            | 5.4                         | 0.09                       | 2.8                         | -2.6                        |
| L-48 Basin (S-127)            | 31,088              | 32            | 0.18            | 7.6                         | 0.21                       | 9.4                         | 1.8                         |
| L-49 Basin (S-129)            | 0                   | 19            | 0.18            | 0.0                         | 0.09                       | 2.0                         | 2.0                         |
| L-59E                         | nd                  | 15            | 0.18            | nd                          | nd                         | nd                          | nd                          |
| L-59W                         | nd                  | 15            | 0.16            | nd                          | nd                         | nd                          | nd                          |
| L-60E                         | nd                  | 6             | 0.10            | nd                          | nd                         | nd                          | nd                          |
| L-60W                         | nd                  | 6             | 0.10            | nd                          | nd                         | nd                          | nd                          |
| L-61E                         | nd                  | 22            | 0.09            | nd                          | nd                         | nd                          | nd                          |
| L-61W                         | nd                  | 22            | 0.09            | nd                          | nd                         | nd                          | nd                          |
| TCNS (S-19i)                  | 116,022             | 188           | 0.18            | 28.4                        | 0.57                       | 94.2                        | 65.8                        |
| S-131 Basin                   | 11,992              | 11            | 0.15            | 2.4                         | 0.12                       | 1.9                         | -0.5                        |
| S-133 Basin                   | 30,004              | 40            | 0.18            | 7.3                         | 0.16                       | 7.2                         | -0.2                        |
| S-135 Basin                   | 30,097              | 28            | 0.16            | 6.6                         | 0.10                       | 4.3                         | -2.2                        |
| S-154 Basin                   | 23,428              | 37            | 0.18            | 5.7                         | 0.76                       | 22.8                        | 17.0                        |
| S-2                           | 34,629              | 188           | 0.18            | 7.5                         | 0.18                       | 9.0                         | 1.5                         |
| S-3                           | 13,429              | 101           | 0.16            | 2.7                         | 0.18                       | 3.9                         | 1.1                         |
| S-4                           | 40,921              | 66            | 0.18            | 10.0                        | 0.18                       | 11.1                        | 1.1                         |
| S65E - S65                    | 364,526             | 749           | 0.18            | 69.2                        | 0.18                       | 91.5                        | 2.3                         |
| S-236                         | 9,718               | 15            | 0.09            | 1.2                         | 0.10                       | 1.5                         | 0.3                         |
| Culvert 4A                    | 8,954               | 7             | 0.08            | 1.0                         | 0.09                       | 1.1                         | 0.2                         |
| Culvert 5                     | nd                  | 28            | 0.06            | nd                          | nd                         | nd                          | nd                          |
| <b>Controllable Totals</b>    | <b>1,209,967</b>    |               |                 | <b>282.7</b>                |                            | <b>403.4</b>                | <b>120.7</b>                |
| <b>Uncontrollable Sources</b> |                     |               |                 |                             |                            |                             |                             |
| Rainfall                      |                     |               |                 |                             | 0.09                       | 71.0                        |                             |
| S65 (Lake Kissimmee)          | 1,139,502           |               |                 |                             | 0.08                       | 119.4                       |                             |
| Lake Istokpoga (S-68)         | 342,212             |               |                 |                             | 0.04                       | 22.4                        |                             |
| S5A Basin                     | 0                   |               |                 |                             |                            | 0.0                         |                             |
| E. Caloosahatchee (S-77)      | 0                   |               |                 |                             |                            | 0.0                         |                             |
| L-8 Basin (Culv 10A)          | 60,922              |               |                 |                             | 0.10                       | 6.3                         |                             |
| <b>Uncontrollable Totals</b>  | <b>1,542,737</b>    |               |                 |                             |                            | <b>221.0</b>                |                             |
| <b>Average Total Loadings</b> |                     |               |                 |                             |                            | <b>624.3</b>                |                             |
| <b>Basin Target</b>           |                     |               |                 |                             |                            | <b>508.6</b>                |                             |
| <b>Vollenwelder Target</b>    |                     |               |                 |                             |                            | <b>458.7</b>                |                             |
| <b>Over-Target Loads</b>      |                     |               |                 |                             | <b>Concentration based</b> | <b>120.7</b>                |                             |
|                               |                     |               |                 |                             | <b>Vollenwelder</b>        | <b>165.7</b>                |                             |

1994-1998



# Florida Fish and Wildlife Conservation Commission

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October 20, 1999

OFFICE OF ENVIRONMENTAL SERVICES  
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Ms. Cherie Trainor  
Florida State Clearinghouse  
Department of Community Affairs  
2555 Shumard Oak Blvd.  
Tallahassee, FL 32399-2100

Re: SAI #9706030472CR2, Osceola County,  
Alligator Lake Chain and Lake Gentry  
Habitat Enhancement Project,  
Environmental Impact Statement

Dear Ms. Trainor:

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

The FWC's Division of Fisheries is a cooperater on this project and has been involved in the project planning. We support the selected alternative, the Lake Gentry postponement alternative, and believe the project will provide significant enhancement to the aquatic habitats within the targeted lake systems.

Sincerely,

Bradley J. Hartman, Director  
Office of Environmental Services

BJH/SRL/sl  
ENV 1-3-2  
alligator.eis

Message:

STATE AGENCIES

WATER MANAGEMENT DISTRICTS

OPB POLICY UNITS

Community Affairs  
Environmental Protection  
Fish & Wildlife Conserv. Comm  
X OTTED  
State  
Transportation

South Florida WMD  
St. Johns River WMD

Environmental Policy/C & ED  
99 OCT 18 PM 2:54  
COMMUNICATIONS SECTION

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.
- X 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 - District Corps of Engineers - Environmental Impact Statement (EIS) for the Alligator Lake Chain and Lake Gentry Habitat Enhancement Project - Volumes I and II - Osceola County, Florida.

To: Florida State Clearinghouse  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 922-5438 (SC 292-5438)  
(850) 414-0479 (FAX)

EO. 12372/NEPA

- No Comment
- Comments Attached
- Not Applicable

Federal Consistency

- No Comment/Consistent
- Consistent/Comments Attached
- Inconsistent/Comments Attached
- Not Applicable

From:  
Division/Bureau: EOG/OTTED  
Reviewer: M. Blakeslee  
Date: 10.25.99