

**Appendix C. Pertinent Correspondence**

**Herbert Hoover Dike  
Dam Safety Modification Study**

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**C.1 National Environmental Policy Act (NEPA) Scoping**

A NEPA scoping letter dated February 15, 2013 was mailed to stakeholders soliciting comments for this action. The scoping letter was used to invite comments from Federal, State, and local agencies, affected Indian Tribes, and other interested private organizations and individuals. Comments were accepted through March 18, 2013. Public scoping meetings were held February 26, 2013 in Clewiston, Florida and February 28, 2013 in Okeechobee, Florida. A Notice of Intent (NOI) to prepare the Environmental Impact Statement (EIS) for the Herbert Hoover Dike Dam Safety Modification Study was published in the Federal Register (78 FR Volume 11164-11165) February 15, 2013.

**C.1.1 NEPA Scoping Letters**



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

REPLY TO  
ATTENTION OF

Planning and Policy Division  
Environmental Branch

FEB 15 2013

To Whom It May Concern:

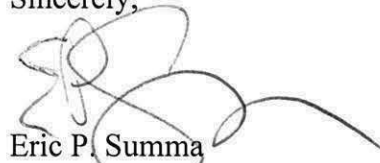
The Jacksonville District, U.S. Army Corps of Engineers (Corps) is beginning preparation of a National Environmental Policy Act assessment for the Herbert Hoover Dike (HHD) Rehabilitation Project and Dam Safety Modification Study. The project is located in south central Florida within Glades, Hendry, Okeechobee, Palm Beach, and Martin Counties. This study will focus on the 143 miles of HHD embankment surrounding Lake Okeechobee. A Dam Safety Modification Study has been initiated for the HHD and will be focused on a system wide risk reduction approach as required for safety modifications to dams. The purpose of the study is to identify risk reduction measures that can be implemented to reduce risks in the HHD system.

On July 8, 2005, the Corps issued a Final Supplemental Environmental Impact Statement (EIS) and Record of Decision for the Major Rehabilitation actions proposed for Reach 1 of the HHD. Several additional EISs and Environmental Assessments (EAs) have been completed for Reach 1 of the HHD, including installation of a seepage cutoff wall. The EISs for Reach 1A, Reach 1B, 1C, and 1D, and Reaches 2 and 3 have been retracted by notice in the **Federal Register** on February 5, 2013 (78 FR 8118-8119). Most recently, an EA was completed in January 2012 evaluating impacts of an Alternative Rehabilitation Plan pilot test. The purpose of this pilot test, to be constructed in the southern portion of the HHD, is to seek lower cost solutions supporting the overall risk reduction strategy. Information gained from the pilot test will be used during the Dam Safety Modification Study.

The Corps will hold a Public Scoping Meeting, including a project update, February 26, 2013 from 6:30 to 8:30 p.m. at the John Boy Auditorium, 1200 South W.C. Owen Avenue, Clewiston, Florida and February 28, 2013 from 6:30 to 8:30 p.m. at the Okeechobee County Health Department Auditorium, 1728 Northwest 9th Avenue, Okeechobee, Florida.

We invite the participation of Federal and state agencies, Native American Tribes, local agencies, interested parties, and individuals interested in providing comments and identifying any issues or concerns. Please share this notice with any interested party. Send any comments you may have to the attention of Ms. Angela Dunn (904-232-2108) at the letterhead address or email [HHDEnvironment@usace.army.mil](mailto:HHDEnvironment@usace.army.mil) within thirty (30) days of the date of this letter. All individuals who respond with comments will be included in future mailings. Others may be added to the mailing list by making a written request (postcard) to the same address or by email.

Sincerely,



Eric P. Summa  
Chief, Environmental Branch

Enclosure

-  Reach Boundary
-  Levee
-  Town/City



**REACH (miles)**

1	-	22.4
2	-	20.4
3	-	6.7
4	-	15.7
5	-	14.5
6	-	28.0
7	-	17.6
8	-	12.5



# Herbert Hoover Dike Major Rehabilitation



REPLY TO  
ATTENTION OF

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

MAR 13 2013

Planning and Policy Division  
Environmental Branch

Honorable James Billie  
Chairman, Seminole Tribe of Florida  
6300 Stirling Boulevard  
Hollywood, Florida 33024

Dear Chairman Billie,

The Jacksonville District, U.S. Army Corps of Engineers (Corps) is beginning preparation of a National Environmental Policy Act assessment for the Herbert Hoover Dike (HHD) Rehabilitation Project and Dam Safety Modification Study. The project is located in south central Florida within Glades, Hendry, Okeechobee, Palm Beach, and Martin Counties. This study will focus on the 143 miles of HHD embankment surrounding Lake Okeechobee. A Dam Safety Modification Study has been initiated for the HHD and will be focused on a system wide risk reduction approach as required for safety modifications to dams. The purpose of the study is to identify risk reduction measures that can be implemented to reduce risks in the HHD system.

The Corps respectfully requests to meet with you and your staff routinely throughout the planning process to ensure any issues or concerns the Tribe may have are identified and we received your input regarding development of this plan. The Corps is requesting a standing bimonthly (every other month) meeting with you and/or designated staff to discuss the Tribe's view on the HHD Dam Safety Modification Study. The rationale behind this request is to provide a standing opportunity for open dialogue and government-to-government consultation throughout the HHD Dam Safety Modification Study planning process.

On July 8, 2005, the Jacksonville District, U.S. Army Corps of Engineers (Corps) issued a Final Supplemental Environmental Impact Statement (EIS) and Record of Decision for the Major Rehabilitation actions proposed for Reach 1 of the HHD. Several additional EISs and Environmental Assessments (EAs) have been completed for Reach 1 of the HHD, including installation of a seepage cutoff wall. The EISs for Reach 1A, Reach 1B, 1C, and 1D, and Reaches 2 and 3 have been retracted by notice in the *Federal Register* on February 5, 2013 (78 FR 8118-8119). Most recently, an EA was completed in January 2012 evaluating impacts of an Alternative Rehabilitation Plan pilot test. The purpose of this pilot test, to be constructed in the southern portion of the HHD, is to seek lower cost solutions supporting the overall risk reduction strategy. Information gained from the pilot test will be used during the Dam Safety Modification Study.

We look forward to the opportunity to meet with you. Please contact Ms. Ingrid Bon, P.E., at 561-472-8888 at your earliest convenience to schedule these bimonthly meetings.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan M. Dodd".

Alan M. Dodd  
Colonel, U.S. Army  
District Commander

Copy Furnished:

Craig Tepper, Director of Water Resource Management, Seminole Tribe of Florida,  
6300 Stirling Road, Hollywood, Florida 33024

Jim Shore, General Counsel, Seminole Tribe of Florida, 6300 Stirling Road,  
Hollywood, Florida 33024

Willard Steele, Tribal Historic Preservation Officer, Seminole Tribe of Florida,  
30290 Josie Billie Highway, PMP 1004, Clewiston, Florida 33440





REPLY TO  
ATTENTION OF

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

MAR 13 2013

Planning and Policy Division  
Environmental Branch

Honorable Colley Billie  
Chairman, Miccosukee Tribe of Indians of Florida  
Post Office Box 440021, Tamiami Station  
Miami, Florida 33144

Dear Chairman Billie,

The Jacksonville District, U.S. Army Corps of Engineers (Corps) is beginning preparation of a National Environmental Policy Act assessment for the Herbert Hoover Dike (HHD) Rehabilitation Project and Dam Safety Modification Study. The project is located in south central Florida within Glades, Hendry, Okeechobee, Palm Beach, and Martin Counties. This study will focus on the 143 miles of HHD embankment surrounding Lake Okeechobee. A Dam Safety Modification Study has been initiated for the HHD and will be focused on a system wide risk reduction approach as required for safety modifications to dams. The purpose of the study is to identify risk reduction measures that can be implemented to reduce risks in the HHD system.

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We look forward to the opportunity to meet with you. Please contact Ms. Ingrid Bon, P.E., at 561-472-8888 at your earliest convenience to schedule these bimonthly meetings.

Sincerely,



Alan M. Dodd  
Colonel, U.S. Army  
District Commander

Copy Furnished:

Bernie Roman, Miccosukee Tribal Attorney, PO Box 440021 Tamiami Station,  
Miami, Florida 33144

Fred Dayhoff, Section 106 and NAGPRA Consultant, PO Box 440021 Tamiami Station,  
Miami, Florida 33144

James Erskine, Water Resources Director, PO Box 440021 Tamiami Station,  
Miami, Florida 33144

Rory Feeney, Miccosukee Wildlife Director, PO Box 440021 Tamiami Station,  
Miami, Florida 33144

Terry Rice, Colonel (Retired), PHD, PE, Miccosukee Everglades Consultant,  
6526 South Kanner Highway, PMB 316, Stuart, Florida 34997

**C.1.2 Notice of Intent**

statutory or regulatory violation by Whalen or any admission by Whalen of the accuracy of any allegations made by staff.

16. Upon provisional acceptance of the Agreement by the Commission, the Agreement shall be placed on the public record and published in the *Federal Register* in accordance with the procedures set forth in 16 C.F.R. § 1118.20(e). If the Commission does not receive any written request not to accept the Agreement within fifteen (15) calendar days, the Agreement shall be deemed finally accepted on the 16th calendar day after the date it is published in the *Federal Register*, in accordance with 16 C.F.R. § 1118.20(f).

17. Upon the Commission's final acceptance of the Agreement and issuance of the final Order, Whalen knowingly, voluntarily and completely waives any rights it may have in this matter to the following: (i) an administrative or judicial hearing; (ii) judicial review or other challenge or contest of the Commission's actions; (iii) a determination by the Commission as to whether Whalen failed to comply with the CPSA and the underlying regulations; (iv) a statement of findings of fact and conclusions of law; and (v) any claims under the Equal Access to Justice Act.

18. The Commission may publicize the terms of the Agreement and the Order.

19. The Agreement and the Order shall apply to and be binding upon Whalen and each of its successors and/or assigns.

20. The Commission issues the Order under the provisions of the CPSA, and a violation of the Order may subject Whalen and each of its successors and/or assigns to appropriate legal action.

21. The Agreement may be used in interpreting the Order. Understandings, agreements, representations or interpretations apart from those contained in the Agreement and the Order may not be used to vary or contradict their terms. The Agreement shall not be waived, amended, modified or otherwise altered without written agreement thereto executed by the party against whom such waiver, amendment, modification or alteration is sought to be enforced.

22. If any provision of the Agreement or the Order is held to be illegal, invalid or unenforceable under present or future laws effective during the terms of the Agreement and the Order, such provision shall be fully severable. The balance of the Agreement and the Order shall remain in full force and effect, unless the Commission and Whalen agree that severing the provision

materially affects the purpose of the Agreement and the Order.

Dated: January 1, 2013.

WHALEN FURNITURE MANUFACTURING, INC.

By:

Kenneth J. Whalen,

*President, Whalen Furniture Manufacturing, Inc., 1578 Air Wing Road, San Diego, CA 92154.*

Dated: January 1, 2013.

By:

Sheila A. Millar, Esquire.

Keller and Heckman, LLP,

*1001 G Street, NW., Washington, DC 20001, Counsel for Whalen Furniture Manufacturing, Inc.*

U.S. CONSUMER PRODUCT SAFETY COMMISSION STAFF

Mary T. Boyle,

*Acting General Counsel.*

William J. Moore, Jr.,

*Trial Attorney, Division of Compliance, Office of the General Counsel.*

Dated: January 3, 2013.

By:

Mary B. Murphy,

*Assistant General Counsel, Division of Compliance, Office of the General Counsel.*

#### UNITED STATES OF AMERICA

#### CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of: WHALEN FURNITURE MANUFACTURING, INC. d/b/a Bayside Furnishings

CPSC Docket No.: 13-C0003

#### ORDER

Upon consideration of the Settlement Agreement entered into between Whalen Furniture Manufacturing, Inc. ("Whalen"), and the U.S. Consumer Product Safety Commission ("Commission") staff, and the Commission having jurisdiction over the subject matter and over Whalen, and it appearing that the Settlement Agreement and the Order are in the public interest, it is

ORDERED that the Settlement Agreement be, and is, hereby, accepted; and it is

FURTHER ORDERED that Whalen shall pay a civil penalty in the amount of seven hundred twenty-five thousand dollars (\$725,000.00) within twenty (20) days of service of the Commission's final Order accepting the Settlement Agreement. The payment shall be made electronically to the CPSC via [www.pay.gov](http://www.pay.gov). Upon the failure of Whalen to make the foregoing payment when due, interest on the unpaid amount shall accrue and be paid by Whalen at the federal legal rate of interest set forth at 28 U.S.C. § 1961(a) and (b).

Provisionally accepted and provisional Order issued on the 31st day of January, 2013.

BY ORDER OF THE COMMISSION:

Todd A. Stevenson,

*Secretary, U.S. Consumer Product Safety Commission.*

[FR Doc. 2013-02442 Filed 2-4-13; 8:45 am]

BILLING CODE 6355-01-P

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### Cancellation of the Notice of Intent To Prepare a Draft and Final Supplemental Environmental Impact Statement for Reach 1A on the Herbert Hoover Dike Major Rehabilitation Project, Martin and Palm Beach Counties

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

**ACTION:** Notice; cancellation.

**SUMMARY:** The Jacksonville District, U.S. Army Corps of Engineers (USACE) hereby cancels its Notice of Intent (NOI) to prepare a Supplemental Environmental Impact Statement (SEIS) for Reach 1A on the Herbert Hoover Dike (HHD) Major Rehabilitation Project, as published in the **Federal Register**, March 9, 2009 (74 FR 10038).

The USACE issued a Notice of Availability (NOA) for the Draft SEIS on June 25, 2010 (75 FR 36386). A public meeting was held in Canal Point on July 22, 2010 to present the Draft SEIS.

The cancellation of the subject SEIS is necessitated due to a change in scope of the rehabilitation project. The initial focus of the HHD Major Rehabilitation Report (MRR) from 2000 divided the 143 miles dike into eight Reaches with the initial focus on Reach 1. This Reach by Reach approach is being replaced with a system-wide risk reduction approach as required for safety modifications to dams.

#### FOR FURTHER INFORMATION CONTACT:

Questions may be forwarded to Ms. Angela Dunn, Environmental Branch, Planning Division, Jacksonville District, Corps of Engineers, Post Office Box 4970, Jacksonville, FL 32232-0019, Phone: 904-232-2108.

**SUPPLEMENTARY INFORMATION:** The supplemental MRR will be replaced with a system-wide Dam Safety Modification (DSM) Report. Environmental documentation will be prepared and coordinated in conjunction with the system wide DSM Report as required by the National Environmental Policy Act.

Dated: January 16, 2013.

**Eric P. Summa,**

*Chief, Environmental Branch.*

[FR Doc. 2013-02459 Filed 2-4-13; 8:45 am]

BILLING CODE 3720-58-P

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### Cancellation of the Notice of Intent To Prepare a Draft and Final Supplemental Environmental Impact Statement for Reach 1B, C, and D on the Herbert Hoover Dike Major Rehabilitation Project, Martin and Palm Beach Counties

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

**ACTION:** Notice; cancellation.

**SUMMARY:** The Jacksonville District, U.S. Army Corps of Engineers (USACE) hereby cancels its Notice of Intent (NOI) to prepare a Supplemental Environmental Impact Statement (SEIS) for Reach 1B, C, and D on the HHD Major Rehabilitation Project, as published in the **Federal Register**, July 28, 2009 (74 FR 37190). The cancellation of the subject SEIS is necessitated due to a change in scope of the rehabilitation project. The initial focus of the HHD Major Rehabilitation Report (MRR) from 2000 divided the 143 miles dike into eight Reaches with the initial focus on Reach 1. This Reach by Reach approach is being replaced with a system-wide risk reduction approach as required for safety modifications to dams.

#### FOR FURTHER INFORMATION CONTACT:

Questions may be forwarded to Ms. Angela Dunn, Environmental Branch, Planning Division, Jacksonville District, Corps of Engineers, Post Office Box 4970, Jacksonville, FL 32232-0019, Phone: 904-232-2108.

**SUPPLEMENTARY INFORMATION:** The supplemental MRR will be replaced with a system-wide Dam Safety Modification (DSM) Report. Environmental documentation will be prepared and coordinated in conjunction with the system wide DSM Report as required by the National Environmental Policy Act.

Dated: January 16, 2013.

**Eric P. Summa,**

*Chief, Environmental Branch.*

[FR Doc. 2013-02460 Filed 2-4-13; 8:45 am]

BILLING CODE 3720-58-P

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### Cancellation of the Notice of Intent To Prepare a Draft and Final Supplemental Environmental Impact Statement for Reaches 2 and 3 on the Herbert Hoover Dike Major Rehabilitation Project, Palm Beach and Glades Counties, FL

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

**ACTION:** Notice; cancellation.

**SUMMARY:** The Jacksonville District, U.S. Army Corps of Engineers (USACE) hereby cancels its Notice of Intent (NOI) to prepare a Supplemental Environmental Impact Statement (SEIS) for Reaches 2 and 3 on the HHD Major Rehabilitation Project, as published in the **Federal Register**, August 9, 2006 (71 FR 45539). The USACE issued an NOA for the Draft SEIS on December 22, 2006 (71 FR 77013). A public meeting was held in Clewiston on January 10, 2007 to present the Draft SEIS.

The USACE issued a second NOI, published in the **Federal Register**, August 31, 2009 (74 FR 44828), due to a revision to the preferred alternative discussed and coordinated in the December 2006 Draft SEIS.

The cancellation of the subject SEIS is necessitated due to a change in scope of the rehabilitation project. The initial focus of the HHD Major Rehabilitation Report (MRR) from 2000 divided the 143 miles dike into eight Reaches with the initial focus on Reach 1. This Reach by Reach approach is being replaced with a system wide risk reduction approach as required for safety modifications to dams.

#### FOR FURTHER INFORMATION CONTACT:

Questions may be forwarded to Ms. Angela Dunn, Environmental Branch, Planning Division, Jacksonville District, Corps of Engineers, Post Office Box 4970, Jacksonville, FL 32232-0019, Phone: 904-232-2108.

**SUPPLEMENTARY INFORMATION:** The supplemental MRR will be replaced with a system wide Dam Safety Modification (DSM) Report. Environmental documentation will be prepared and coordinated in conjunction with the system wide DSM Report.

Dated: January 16, 2013.

**Eric P. Summa,**

*Chief, Environmental Branch.*

[FR Doc. 2013-02458 Filed 2-4-13; 8:45 am]

BILLING CODE 3720-58-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

#### Filings Instituting Proceedings

*Docket Numbers:* RP13-459-000.  
*Applicants:* Trailblazer Pipeline Company LLC.

*Description:* 4Q 2012 Penalty Credit Revenue Report.

*Filed Date:* 1/22/13.

*Accession Number:* 20130122-5241.

*Comments Due:* 5 p.m. ET 2/4/13.

*Docket Numbers:* RP13-473-000.

*Applicants:* Algonquin Gas Transmission, LLC.

*Description:* Secondary Scheduling Priorities to be effective 4/1/2013.

*Filed Date:* 1/24/13.

*Accession Number:* 20130124-5072.

*Comments Due:* 5 p.m. ET 2/5/13.

*Docket Numbers:* RP13-474-000.

*Applicants:* Iroquois Gas Transmission System, L.P.

*Description:* 01/24/13 Negotiated Rates—Sequent Energy Management (HUB) 3075-89 to be effective 1/23/2013.

*Filed Date:* 1/24/13.

*Accession Number:* 20130124-5104.

*Comments Due:* 5 p.m. ET 2/5/13.

*Docket Numbers:* RP13-475-000.

*Applicants:* Iroquois Gas Transmission System, L.P.

*Description:* 01/24/13 Negotiated Rates—United Energy Trading (HUB) 5095-89 to be effective 1/23/2013.

*Filed Date:* 1/24/13.

*Accession Number:* 20130124-5106.

*Comments Due:* 5 p.m. ET 2/5/13.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

#### Filings in Existing Proceedings

*Docket Numbers:* RP13-110-001.  
*Applicants:* Discovery Gas Transmission LLC.

*Description:* NAESB V2.0—2nd Compliance to be effective 12/1/2012.

*Filed Date:* 1/24/13.

*Accession Number:* 20130124-5100.

*Comments Due:* 5 p.m. ET 2/5/13.

Any person desiring to protest in any of the above proceedings must file in

All written statements shall be submitted to the Designated Federal Officer for the Board of Regents, Uniformed Services University of the Health Sciences, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Board of Regents, Uniformed Services University of the Health Sciences' DFO can be obtained from the GSA's FACA Database—<https://www.fido.gov/facadatabase/public.asp>.

The DFO, pursuant to 41 CFR 102–3.150, will announce planned meetings of the Board of Regents, Uniformed Services University of the Health Sciences. The DFO, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

Dated: February 12, 2013.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2013–03586 Filed 2–14–13; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Intent To Grant an Exclusive License of U.S. Government-Owned Invention

**AGENCY:** Department of the Army, DoD.  
**ACTION:** Notice.

**SUMMARY:** In accordance with 35 U.S.C. 209(e), and 37 CFR 404.7 (a)(1)(i) and 37 CFR 404.7 (b)(1)(i), announcement is made of the intent to grant an exclusive, revocable license to the invention claimed in U.S. Patent Application Serial No. 11/525,574, filed September 22, 2006, entitled “Antibodies with Simultaneous Subsite Specificities to Protein and Lipid Epitopes,” to Avanti Polar Lipids with its principal place of business at 700 Industrial Park Drive, Alabaster, AL 35007.

**ADDRESSES:** Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, MD 21702–5012.

**FOR FURTHER INFORMATION CONTACT:** For licensing issues, Dr. Paul Mele, Office of Research & Technology Applications, (301) 619–6664. For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808; both at telefax (301) 619–5034.

**SUPPLEMENTARY INFORMATION:** Anyone wishing to object to grant of this license can file written objections along with

supporting evidence, if any, within 15 days from the date of this publication. Written objections are to be filed with the Command Judge Advocate (see **ADDRESSES**).

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 2013–03483 Filed 2–14–13; 8:45 am]

**BILLING CODE 3710–08–P**

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### Policy on Contractor Profits

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Notice of meeting.

**SUMMARY:** DoD is hosting a public meeting to obtain the views of experts and interested parties in Government and the private sector regarding the profit guidelines in the Defense Federal Acquisition Regulation Supplement.  
**DATES:** March 20, 2013, from 1:00 p.m. to 3:00 p.m., EST.

**ADDRESSES:** The public meeting will be held at General Services Administration (GSA), Central Office Auditorium, 1800 F Street NW., Washington, DC 20405. The GSA auditorium is located on the main floor of the building.

**FOR FURTHER INFORMATION CONTACT:** Ms. Patricia Foley, CPIC/DPAP, at 703–693–1145. Please cite NDAA FY 2013 Profit Policy Public Meeting.

**SUPPLEMENTARY INFORMATION:** DoD is interested in opening a dialogue with experts and interested parties in Government and the private sector about the requirements of section 804 of the National Defense Authorization Act for Fiscal Year 2013. Section 804, Department of Defense Policy on Contractor Profits, included a requirement for DoD to review its profit policy guidelines in order to identify any modifications to such guidelines that are necessary to ensure an appropriate link between contractor profit and contractor performance. The law also stated that, in conducting the review, the Secretary shall obtain the views of experts and interested parties in Government and the private sector.

Those planning to attend the meeting must FAX the following information to CPIC/DPAP, 703–614–1254, or email to [Patricia.Foley@osd.mil](mailto:Patricia.Foley@osd.mil) by March 7, 2013:

- Company or organization name.
- Names of persons attending and applicable resumes summarizing expertise in this area.

- Identify if desiring to make a presentation; limit to a 10-minute presentation per company or organization.

- Last four digits of the social security number for anyone who is not a Federal Government employee with a Government badge, in order to create an attendee list for secure entry to the GSA building.

- Attendees are encouraged to arrive at least 30 minutes early to accommodate security procedures.

If you wish to make a presentation, please contact Ms. Patricia Foley, and submit a copy of your presentation 5 days prior to the meeting date, to CPIC/DPAP, 3060 Pentagon, Room 5E621, Attn: Patricia Foley, Washington, DC 20301–3060. Telephone: 703–693–1145. Submit electronic materials via email to [Patricia.Foley@osd.mil](mailto:Patricia.Foley@osd.mil). Please submit presentations only and cite NDAA FY 2013 Profit Policy Public Meeting in all correspondence related to the public meeting. There will be no transcription at the meeting. The submitted presentations will be the only record of the public meeting.

**Special accommodations:** The public meeting is physically accessible to people with disabilities. Requests for reasonable accommodations, sign language interpretation or other auxiliary aids should be directed to Patricia Foley at 703–693–1145, at least 10 working days prior to the meeting date.

The TTY number for further information is: 1–800–877–8339. When the operator answers the call, let them know the agency is the Department of Defense; the point-of-contact is Patricia Foley at 703–693–1145.

Manuel Quinones,  
*Editor, Defense Acquisition Regulations System.*

[FR Doc. 2013–03575 Filed 2–14–13; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### Intent To Prepare a Draft and Final Environmental Impact Statement for the Herbert Hoover Dike Major Rehabilitation Project and Dam Safety Modification Study, Okeechobee, Glades, Hendry, Martin, and Palm Beach Counties

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

**ACTION:** Notice of intent.

**SUMMARY:** The Jacksonville District, U.S. Army Corps of Engineers (Corps)

intends to prepare a Draft Environmental Impact Statement (EIS) for the Herbert Hoover Dike (HHD) Major Rehabilitation Project and Dam Safety Modification Study. Herbert Hoover Dike is the 143 mile embankment surrounding Lake Okeechobee in south central Florida. A Dam Safety Modification Study has been initiated for the HHD and will be focused on a system wide risk reduction approach as required for safety modifications to dams. The purpose of the study is to identify risk reduction measures that can be implemented to reduce risks in the HHD system.

On July 8 2005, the Jacksonville District, U.S. Army Corps of Engineers (Corps) issued a Final Supplemental Environmental Impact Statement (FSEIS) and Record of Decision for the Major Rehabilitation actions proposed for Reach One of the HHD. Several additional EISs and Environmental Assessments (EAs) have been completed for Reach One of the HHD, including installation of a seepage cutoff wall. The EISs for Reach 1A, Reach 1B, 1C, and 1D, and Reaches 2 and 3 have been retracted by notice in the **Federal Register** on February 5, 2013 (78 FR 8118–8119). Most recently, an EA was completed in January 2012 evaluating impacts of an Alternative Rehabilitation Plan pilot test. The purpose of this pilot test, to be constructed in the southern portion of the HHD, is to seek lower cost solutions supporting the overall risk reduction strategy. Information gained from the pilot test will be used during the Dam Safety Modification Study.

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

**FOR FURTHER INFORMATION CONTACT:** Ms. Angela Dunn at (904) 232–2108 or email at [Angela.E.Dunn@usace.army.mil](mailto:Angela.E.Dunn@usace.army.mil).

**SUPPLEMENTARY INFORMATION: Scoping:** A scoping letter will be used to invite comments from Federal, state, and local agencies, affected Indian tribes, and other interested private organizations and individuals. A scoping meeting will be held February 26, 2013 from 6:30 to 8:30 p.m. at the John Boy Auditorium, 1200 South W.C. Owen Avenue, Clewiston, Florida and February 28, 2013 from 6:30 to 8:30 p.m. at the Okeechobee County Health Department Auditorium, 1728 Northwest 9th Avenue, Okeechobee, Florida.

**Coordination and Public Involvement:** The Corps will serve as the lead Federal agency in the preparation of the Draft EIS. The Corps intends to coordinate and/or consult with an interagency team of Federal, state, and local agencies as

well as affected Indian Tribes during scoping and preparation of the Draft EIS. All alternative plans will be reviewed under provisions of appropriate laws and regulations, including but not limited to the Endangered Species Act, Fish and Wildlife Coordination Act, Clean Water Act, and National Historic Preservation Act. The Draft EIS is expected to be available for public review early summer 2014.

Dated: February 5, 2013.

**Eric P. Summa,**

*Chief, Environmental Branch.*

[FR Doc. 2013–03482 Filed 2–14–13; 8:45 am]

**BILLING CODE 3720–58–P**

## DEPARTMENT OF EDUCATION

[Docket No. ED–2012–ICCD–0055]

### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; DC Choice Evaluation

**AGENCY:** Department of Education (ED), Institute of Education Sciences (IES).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a reinstatement with change of a previously approved information collection.

**DATES:** Interested persons are invited to submit comments on or before March 18, 2013.

**ADDRESSES:** Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting Docket ID number ED–2012–ICCD–0055 or via postal mail, commercial delivery, or hand delivery. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E105, Washington, DC 20202–4537.

**FOR FURTHER INFORMATION CONTACT:** Electronically mail [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov). Please do not send comments here.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C.

3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* DC Choice Evaluation.

*OMB Control Number:* 1850–0800.

*Type of Review:* Reinstatement with change of a previously approved information collection.

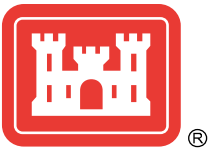
*Respondents/Affected Public:* State, Local, or Tribal Governments.

*Total Estimated Number of Annual Responses:* 3,057.

*Total Estimated Number of Annual Burden Hours:* 1,009.

*Abstract:* This information collection requests clearance approval from the Office of Management and Budget (OMB) for the collection of data under the Evaluation of the Effectiveness of the Scholarships for Opportunity and Results (SOAR) Act Program. In particular, we are requesting approval for: (1) parent, student, and principal surveys, and (2) records abstraction from DC Public School (DCPS), from the District of Columbia Public Charter School Board, and private school administrative files. The study design, data collection plan, instruments, and levels of burden are consistent with forms clearance packages approved by OMB for the previous evaluation of this program (#1850–0800).

The Scholarships and Opportunities for Results (SOAR) Act H.R. 1473 (Pub. L. 112–10), signed into law on April 15, 2011, reauthorized the DC School Choice Incentive Act and provided for



**Release No.:** NR 13-009

**For Release:** Feb. 20, 2013

**Contact:** John Campbell

**Phone:** (904) 232-1004

**Email:** john.h.campbell@usace.army.mil

## ***FOR IMMEDIATE RELEASE***

### **Corps to host public meetings on dike study**

The U.S. Army Corps of Engineers, Jacksonville District, will host two public meetings to discuss the initial phases of a Dam Safety Modification Study (DSMS) that is underway on Herbert Hoover Dike.

The Corps is conducting the DSMS to determine the final phase of rehabilitation projects for the dike, a 143-mile earthen structure that encircles Lake Okeechobee in south Florida. The Corps has been engaged in projects since 2007 to address concerns with the dike's integrity.

"The results of the Dam Safety Modification Study will be used to define the finish line for this major project," said Tim Willadsen, Herbert Hoover Dike Rehabilitation Project Manager. "We will continue to reduce risk by replacing water control structures around the lake through 2018; this study will be the guiding document for projects we execute in the future."

The meetings will be held in two locations in south Florida:

- Feb. 26—John Boy Auditorium, 1200 South W.C. Owen Ave., Clewiston, FL.
- Feb. 28—Okeechobee County Health Dept 1728 NW 9<sup>th</sup> Ave., Okeechobee, FL.

Both meetings will begin with an open house at 6:30 p.m. followed by a presentation at 7 p.m. After the presentation, all interested stakeholders will have an opportunity to comment. These meetings will also serve as scoping meetings as required by the National Environmental Protection Act (NEPA).

Prior projects at the dike include installation of a partially penetrating cutoff wall between Port Mayaca and Belle Glade, filling in a quarry near Belle Glade, and replacing water control structures near Port Mayaca and Moore Haven.

For more information on the Herbert Hoover Dike project, visit the Jacksonville District website at

<http://www.saj.usace.army.mil/Missions/CivilWorks/LakeOkeechobee/HerbertHooverDike.aspx>

-30-

### C.1.3 NEPA Scoping Comment Response Matrix

**Table C.1.3-1. CEPP NEPA Scoping Comment Response Matrix – Public Meetings**

SCOPING COMMENTS	AGENCY/PUBLIC COMMENT	CORPS RESPONSE
<b>NEPA Scoping Meeting February 26, 2013 Clewiston, FL</b>		
Citizen 1 - 1	Everglades Park is dehydrating, Biscayne Bay, Florida Bay needs water. We need to think a little bigger. And I think one of the ways to think bigger is to think about an emergency spillway, so that we have the opportunity to hold water a little longer in the lake, without having to dump in anticipation of a storm. And to have, in worst-case scenario, someplace for that water to go that is managed. We are not talking about a devastating breach of the Dike, but a managed emergency flow way, and that needs to be on the table for what we are discussing.	Thank you for your comment. All risk management measures, structural and non-structural will be looked at during plan formulation for the HHD Dam Safety Modification Study.
Citizen 1 - 2	And then there's another 800 pound gorilla. We all know that we have got 300 square miles, a couple of feet deep of sick mud on the bottom of the lake. And if it stayed there, that would that would be fine, but what happens when we get a storm is it all of a sudden get re-suspended, and it comes down those estuaries and close to the EAA and that water quality almost precludes us meeting the Court mandated standards that are necessary to move water around.	Thank you for your comment. Water quality will be evaluated for all alternatives according to the NEPA process.
Citizen 1 - 3	So most of the solutions we are talking about these days are 200,000 acre feet. Let's start thinking about 2 million acre feet, and let's plan to move and store as much water as mother nature is willing to give us, but do it in an ecologically friendly way and provide an opportunity for us to do minimal damage to all of our eco-systems.	Thank you for your comment.
Citizen 2-1	I would just ask that for all future works around the levee, we do consider the local economies of those areas that are being impacted by the loss of that convenient and very important health aid to the local community, as well as the financial health.	Thank you for your comment.
Citizen 3 - 1	When will the next section of cutoff wall	The earliest that we are looking at any



SCOPING COMMENTS	AGENCY/PUBLIC COMMENT	CORPS RESPONSE
	come out to bid, and when will the test areas for the new cutoff wall come out for bid?	sort of a fix, other than through water control structures would be 2017.
Citizen 4 - 1	One of the things that happens here every year now, for the last 21 years, is the annual Big O hike event. Every year we hike nine days, and hike all the way around doing a segment a day. This event brings in a lot of people. Sometimes it's families, there might only be one or two members there to hike, but those families are using your local campgrounds.	Thank you for your comment.
Citizen 4 – 2	Some of our people actually camp out at the local mom and pop hotels, as well as the chains in Clewiston, and the reason I'm bringing this up is that, again, the revenue, bringing the money into your local economy. Whether we are just buying donuts from your local shops or going into your various restaurants, including the Clewiston Inn. This is why some of your cities, Okeechobee, Pahokee, Clewiston, are what we call gateway communities to the Florida Trail.	Thank you for your comment.
Citizen 4 – 3	Now, the last couple of years, segments, as we refer to them, have been shut off to public hiking. We understand it's a matter of safety. We have construction traffic going onto and off, you know, on top of the levee. We don't want the public walking through there. And we have been able to work very closely with the Corps of Engineers and also Water Management District for where we are and where we are not to be, and we hope to continue in that light for many, many years to come.	Thank you for your comment. Coordination during construction will continue.
Citizen 4 – 4	Of course, if you look 20 years down the line, turn around and look back to see how things are going. But I'm hoping to still be hiking around the lake at that time and enjoying your environment, your ecology, and your towns here.	Thank you for your comment.
Citizen 5-1	I'm going plead to the Corps to please pave back the top of the levee the way it has been paved with the taxpayers money. I	Thank you for your comment. The HHD rehabilitation authorization does not allow funds to be used to replace

SCOPING COMMENTS	AGENCY/PUBLIC COMMENT	CORPS RESPONSE
	cannot believe after billion dollars, after spending all this money, you are going to leave the levee without that protection. The protection the levee from erosion, from all kind of -- and it facilitates the economy of the area, riding bicycles, motorized vehicles, again, I think it should be part of this project and shouldn't be ignored.	the asphalt paving on the LOST after construction is completed. The USACE is pursuing Section 111 Chief of Engineer's discretionary funds to replace the asphalt paving. If not approved, the pavement would not be replaced, and the LOST would be graded and graveled for continued use. Paving does not add any additional protection from erosion to the levee.
Citizen 6-1	At what point in time do you reassess the Dike safety? And when you reassess it, do you reassess it using the lowest stages or the stages that we held the lake at prior? There's a Dike assessment that says we are in Category 1 dike. What point do we reassess to see if we are still at DSAC 1?	As we implement these risk reduction measures that would be part of the study. The study itself will hopefully let us know, measures X, Y and Z or whatever are required to be able to lower that DSAC rating.
Citizen 6-2	As that DSAC rating is lowered, does that mean that we are able to raise the stage of the lake back up to what it was, or is it being related using the lower stages that were the temporary lower stages that we have today? Because the embankment is in danger, we have lowered the level of the lake.	That's a completely separate process in discussion. Our focus is strictly on the embankment and the fixes that are needed. Currently, we are operating under the LORS. There were two triggers under the Lake Okeechobee Regulation Schedule that will allow the Corps to re-evaluate the lake stage. One of those triggers was completion of the CERP or Comprehensive Everglades Restoration Plan, Band One projects, which are still in progress, or the rehabilitation of Reaches 1, 2 and 3.
Citizen 7-1	There's some work being done at the Hendry County by FEMA on a restudy of the entire county, and there's been some discussion that due to the condition of the Herbert Hoover Dike, that the flood classification for the area within Clewiston may change to a category that requires insurance, versus one that doesn't require insurance whether that be in place. Do you have any information on how that will affect the FEMA mapping classification?	Thank you for your comment. We do not have any information on the effects on the FEMA mapping classification. We will refer the flood insurance rate mapping questions to FEMA.
Citizen 8-1	My question is, does that therefore mean that you will continue the replacement of the culvert under a separate program and	That is our plan.

SCOPING COMMENTS	AGENCY/PUBLIC COMMENT	CORPS RESPONSE
	this modification study is not going to impact that schedule?	
<b>NEPA Scoping Meeting February 28, 2013 Okeechobee, FL</b>		
Citizen 1-1	You said that you pulled back some of your previous studies. Why, and what's the goal? What's the purpose of changing it or modifying it or what? What's occurred to cause that?	We are moving forward with a risk-based approach, and the Reach 2 and 3 Environmental Impact Statement, as well as the 1-A Environment Impact Statement don't necessarily fit with the current study that we've engaged in. The cutoff wall component is what we're proceeding with and completed because it fits that risk reduction approach. But the land side berm component is not necessarily the right solution, so we're better served to pull that document back, because if there's anything in addition in the future that would be needed on the land side, it will be addressed in this new study.
Citizen 2-1	Your abandonment at Lock 7, we call it lock 7 here locally, but culvert 7, is that going to be construction intensive, or is it a pretty benign process?	The components included would be no greater than what you see now for the cutoff wall construction, so it would be work on the top of the embankment, and then there would be some work on the land side facing the embankment.
Citizen 2-2	Snail kites have been nesting earlier and nesting longer. You might want go ahead and initiate some early discussion with Vero Beach and the service, if they'll give you exclusion since it's totally a land operation, but I can very likely see the potential of some of those nests setting up in that limited activity fall on that structure.	Coordination with US Fish and Wildlife Service on the HHD DSMS has been initiated and will continue throughout planning, design and construction.
Citizen 3-1	One of the items just up for discussion was utilities, existing utilities, water, sewer, mostly force main and electrical conduits existing in the levee and proposed future maintenance, just how would those be addressed.	All utilities will be addressed in the report with relocations as needed.

**Table C.3.1-2. CEPP NEPA Scoping Comment Response Matrix – Letters**

LETTER	AGENCY/PUBLIC COMMENT	CORPS RESPONSE
<b>Public</b>		
Citizen 1 - 1	Winter guests come every year from October to April every year. Our population triples its normal size and out road traffic is triple its normal loads. So for work times on the repairs to the dike, they are best done from May to September.	Thank you for your comment. Coordination during construction will continue.
Citizen 1 - 2	Reach area # 5, culverts 7 and 9. They are no longer functional, will they be replaced or removed?	Culvert 7 and Culvert 9 are planned to be further abandoned to reduce the risks at their locations.
Citizen 1 - 3	How do I know when a printed copy of reports get to our local libraries so I can get one?	The Notice of Availability of the Draft EIS will be published in the Federal Register. Letters will be sent to the recipient list of when and where copies of the report will be available. You have been added to the recipient list.

**C.1.4 NEPA Scoping Letters/Comments**

**From:** [Barnett, Anita](#)  
**To:** [Dunn, Angela E SAJ](#)  
**Cc:** [Loretta Sutton](#); [NPS WASO EOD ExtRev](#)  
**Subject:** ER-13/0093 NPS - No Comment  
**Date:** Wednesday, March 13, 2013 10:11:40 AM

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Ms. Dunn:

The National Park Service has reviewed ER-13/0093 Notice of Intent to prepare an Environmental Impact Statement for the Herbert Hoover Dike Major Rehabilitation Project and Dam Safety Modification Study in Okeechobee, Blades, Hendry, Martin, and Palm Beach Counties, Florida, and we have no comments. Thank you for the opportunity to review and provide comments. If you have any questions please call me at 404-5070-5706.

--

Anita Barnett  
Environmental Protection Specialist  
Planning and Compliance Division  
National Park Service  
Southeast Region  
404-507-5706  
678-883-4770

PAGE #1

1 MARCH 2013

DEAR ANGELA DUNN:

WAS NICE TO MEET YOU AND THE REST OF TEAM. FOR YOUR INFORMATION, AND AS A 30 YEAR CITIZEN OF OKEECHOBEE, FLORIDA. I CAN TELL YOU OUR WINTER GUESTS COME TO SEE US. EVERY YEAR FROM OCTOBER OF SAY 2012 AND STAY UNTIL APRIL 2013, AS A EXAMPLE.

SO AS YOU SEE OUR POPULATION GOES TO TRIPPLE IT'S NORMAL SIZE. OUR ROAD TRAFFIC IS TRIPPLE IT'S NORMAL LOADS. SO FOR WORK TIMES ON THE REPAIRS TO DIKE. THEY ARE BEST DONE BETWEEN THE ABOVE TIME FRAME. SAY MAY OF ONE YEAR THRU SEPTEMBER OF OTHER YEAR ARE GOOD WORK TIMES FOR REPAIRS.

I HAVE BEEN AFTER OUR STATE OF FLORIDA, EVER SINCE YEAR 1989 UP TO NOW 2013. TO IMPROVE WATER QUALITY TO LAKE OKEECHOBEE. BUT UP TIL NOW HAVE SEEN NO IMPROVEMENT.



PAGE #2

AS I TOLD YOUR BOSS, I WAS A OLD ARMY AIRBORNE B2ND AIRBORNE AND A FULL QUALIFIED GREEN BERET, U.S. ARMY SPECIAL FORCES MAN. I GUESS IT NOW, IN MY RETIREMENT YEARS ABLE TO SEE PROBLEMS.

I HAVE TWO QUESTIONS FROM MEETING FEB 28 2013. (#1) REACH AREA #5 CULVERTS 7 AND 9. THEY ARE NO LONGER FUNCTIONAL, WILL THEY BE REPLACED OR REMOVED. (#2) HOW DO I KNOW WHEN A PRINTED COPY OF REPORTS GET TO OUR LOCAL LIBRARIES, SO I CAN GET ONE.

I WOULD LIKE TO GIVE YOU SOME ADVISE. WHEN DEALING WITH THE GOOD OLD BOYS HERE IN OUR OKEECHOBEE GOVERNMENT PEOPLE. REMEMBER THEY CONTROL EVERY THING DONE HERE. AND THEY OWN THIS COUNTRY. (COWBOYS RULE)



Robert M. Norton  
ECOSYSTEM WATCH  
LAKE OKEECHOBEE



1  
2 U.S. ARMY CORPS OF ENGINEERS  
3 HERBERT HOOVER DIKE  
4 REHABILITATION PROJECT

5  
6 Project Update and NEPA Scoping Meeting  
7

8  
9 Transcript of Proceedings  
10

11 February 26, 2013

12 John Boy Auditorium

13 Clewiston, Florida  
14  
15  
16  
17  
18  
19  
20

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21 Barnes Reporting  
22 150 S. Main Street  
23 Suite 2D  
24 LaBelle, Florida 33935  
25 Phone: (863)675-7600  
Fax: (863)675-7601

1 APPEARANCES:

2 Ingrid Bon, P.E.,  
3 Project Manager Forward Page 3

4 Timothy Willadsen,  
5 Project Manager Page 4

6 Angela Dunn,  
7 Planning Division, Environmental Page 13

8 John Campbell,  
9 Corporate Communications Office

10 PUBLIC SPEAKERS:

11 PAGE

12 Pete Quashus 18

13 Terry Gardner 21

14 Waylon Paul Jones 23

15 Pepe Lopez 26

16 Tommy Perry 27

17 Andy Tilton 29

18 Silvia Alderman 31

19

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1                   \*\*\*P R O C E E D I N G S\*\*\*

2                   MS. BON: Good evening. My name is  
3                   Ingrid Bon, I'm the project manager forward  
4                   for the Herbert Hoover Dike project. And we  
5                   are here tonight to provide information and  
6                   ask for your input on potential  
7                   environmental issues regarding future work  
8                   at the Herbert Hoover Dike.

9                   Before we begin, I would like to thank  
10                  you all for taking time out of your busy  
11                  schedules to get involved with the planning  
12                  process. This is meeting is being held in  
13                  accordance with the National Environmental  
14                  Policy Act, also known a NEPA, for the sole  
15                  purpose of listening to you.

16                  I would like to remind you of the  
17                  importance of filling out these cards, which  
18                  you received if you signed in. These cards  
19                  serve two purposes. First, they let us  
20                  know you are interested in the project, so  
21                  we can keep you informed; and second, to  
22                  provide us with a list of individuals who  
23                  wish to speak tonight.

24                  If you did not fill out a card, they are  
25                  available at the registration table. All of

1 your comments will be taken into  
2 consideration as we move forward with our  
3 planning on the future work on the Herbert  
4 Hoover site.

5 Before we begin the presentation, I'd  
6 like to introduce to you who is with me  
7 tonight. From the Corps of Engineers, we  
8 have Angie Dunn, who is our Environmental  
9 point of contact. And also, Tim Willadsen,  
10 who is the Project Manager. And at the  
11 center table is John Campbell from our  
12 Corporate Communications Office.

13 In a few minutes, I will turn this over  
14 to Tim Willadsen, who will provide you with  
15 a brief overview of the Herbert Hoover Dike  
16 Rehabilitation Project. And that will be  
17 followed by a presentation from Angie Dunn  
18 and she will explain the National  
19 Environmental Policy Act.

20 Ladies and gentlemen, I'd like to  
21 introduce you to Tim Willadsen.

22 MR. WILLADSEN: Thank you. Thank you  
23 for coming tonight. I see a lot of familiar  
24 faces, so it's always good to feel at home  
25 again. Tonight I'm going to give you a

1           brief overview of the HHD, the problems that  
2           we have to address here, the solutions that  
3           we are working on.

4           The construction update, as you all  
5           pretty well know, that we have been in  
6           construction for a significant period of  
7           time. We'll touch on the Dam Safety  
8           Modification Study, which is why we are  
9           here, to discuss NEPA. And I'll turn it  
10          over to Angie to give you the NEPA overview  
11          that we are required to.

12          Herbert Hoover Dike, as you all well  
13          know if you are local from here, is a rather  
14          large lake. 720 square miles, the basin is  
15          5,600 square miles in size, and reaches all  
16          the way up to just south of Orlando. So  
17          it's a rather large basin.

18          The concern that we have, the biggest  
19          concern is the fact that that basin can take  
20          a rainfall event and it can influence the  
21          lake itself, in such three, four feet, if  
22          you had a rainfall event over the entire  
23          basin. And the biggest issue is we cannot  
24          release water from the lake faster than it  
25          can come in. So containment is key. We

1 don't have an emergency overflow spillway  
2 for the system.

3 AUDIENCE MEMBER: But we could.

4 MR. WILLADSEN: Yeah, that's true, but  
5 we don't want to see that, do we? The  
6 Congress first authorized work on Herbert  
7 Hoover Dike in 1930, and that was following  
8 events that we had, hurricane events, in  
9 both 1926 and 1928, where there was  
10 significant loss of life and economic  
11 impacts through the local communities. And  
12 that authorization allowed for the  
13 construction of 68 miles of berm to the  
14 south, and about 16 miles on the north shore  
15 lake.

16 There's been subsequent authorizations  
17 that lead us to where we are today. The  
18 configuration includes the full 143 miles of  
19 embankment that surrounds the lake, with the  
20 exception of an opening out on the west end.  
21 That includes also 32 federal culverts that  
22 we are addressing right now, as far as a  
23 risk reduction measure. There's  
24 additionally five spillway inlets, five  
25 spillway outlets, nine navigation locks and

1 pump stations all the way around the  
2 facility.

3 Again, we don't have any overflow  
4 capabilities, but we could. It also notes  
5 when this Dike was built, it just doesn't  
6 meet today's construction standards.  
7 Everybody is pretty well aware of that. So,  
8 we have to deal with the problems.

9 And those problems, primarily, we  
10 consider them potential failure modes, but  
11 what they really are is the seepage or the  
12 water flowing through the embankment and  
13 through the foundation. And the concern is  
14 that this water, if not controlled, can lead  
15 to internal erosion, which is considered to  
16 be piping. And that flows through the  
17 embankment and through the foundation, and  
18 each one of those scenarios can lead to an  
19 embankment failure, if it moves enough  
20 material through it.

21 Also, in addition to that, we have the  
22 culvert structures, and with the same  
23 internal erosion problems you also add on  
24 potential failure modes that lead to  
25 erosion, both to the structure itself and

1 along the conduit or the actual culvert  
2 barrel.

3 So this has led to Herbert Hoover Dike  
4 being classified under the Dam Safety Action  
5 Classification of Level 1, which is the  
6 highest level that can be given to it, and  
7 it basically means that we have to address  
8 it. It's not something that we can just put  
9 aside and we'll do it later. We have to  
10 address this, and we must reduce our risk  
11 failure in order for us to lower that DSAC  
12 rating. It's very important that we  
13 continue with progress that we have been  
14 doing with these risk reduction measures.

15 Now, originally in 2000, we came out  
16 with the Major Rehabilitation Report, and  
17 that is what divided the embankment up into  
18 eight reaches. Many of you are familiar  
19 with the Reach One, and that was our initial  
20 phase or focus was initially on Reach One.  
21 We developed the Reach One Rehabilitation  
22 Plan, and that did include the combination  
23 of cutoff wall, a seepage berm, and of  
24 course replacing the culvert structures  
25 within that reach, as well.



1           We have subsequently switched to what we  
2           consider a risk-based approach, and that  
3           includes a system-wide risk assessment. So  
4           we have to analyze the entire risk to the  
5           entire system, prioritize the implementation  
6           of that. The good thing is that the cutoff  
7           wall and the culverts that we are planning  
8           on doing and doing right now, they all fit  
9           within that same risk-based approach. So  
10          we are not doing things we wouldn't already  
11          normally be doing in this effort.

12          As a far as our construction update, the  
13          Reach One cutoff wall that we have been  
14          constructing since 2007, the actual  
15          installation was completed late last year.  
16          And the contracts associated with that  
17          installation, they should be finished and  
18          closed out later this year in 2013.

19          We have begun the water control  
20          structure replacements and removals.  
21          Culvert 14 was the first one that was  
22          completed, and that itself was a removal.  
23          We currently have six structures that are  
24          being or under contract for replacement.  
25          You'll see 11 and 16 are under one contract,

1 1 and 1A are under one contract, and 4A and  
2 3 are under one contract.

3 And we've recently awarded the, we call  
4 it the abandonment for 7, 9, and Taylor  
5 Creek. Those culverts have been previously  
6 abandoned; however, we are going back and we  
7 are making them safer. We are addressing  
8 those failure modes that still are relevant  
9 there. So, we are not going to remove them,  
10 we still consider them to be abandoned, even  
11 though they are not operational today.

12 As far as our planned construction, we  
13 have -- we are currently working toward  
14 another six culverts that should be ready to  
15 go within the near term, this next year or  
16 two, and that being 10 and 12, 5A and 5, 8  
17 and 13. We have the Seepage Management  
18 Pilot Test, which again, if you've been to  
19 these meetings before, we have been talking  
20 about this test facility for some time.

21 We have recently taken that back  
22 in-house, we have made some adjustments to  
23 the scope of the project, and we still plan  
24 on putting that back out for procurement  
25 later on this year. And then the remaining

1 16 federal culvert structures that are  
2 planned for replacement, we plan to have  
3 them done by the year 2018. So, if  
4 everything continues on down the track we  
5 are going, we'll get to our goal.

6 With respect to the Dam Safety  
7 Modification Study, again, this is a  
8 system-wide risk reduction approach. And  
9 again, it is -- our goal is to lower the  
10 DSAC rating. We identify and address the  
11 highest risk in this study. And to be  
12 plain, it's a matter of us being able to  
13 keep the water in the lake. We've got to  
14 keep the embankment from failing, and that's  
15 what this comes down to.

16 So this study will identify all of those  
17 features that are going to be needed in  
18 these select areas. And again, you know,  
19 this is a large area, 143 miles. You are  
20 not going to have one solution fits all.  
21 There's going to be different solutions for  
22 different areas, so the study is going to  
23 take us a little time to get it done.

24 Now, as we spoke about the Reach One and  
25 the Reach One the cutoff wall itself, that

1 is a major risk reduction measure, it's good  
2 that we have completed that work. And  
3 again, the culvert removals and  
4 replacements, those are also considered  
5 major reduction, major risk reduction  
6 features, so we'll continue on down that  
7 path, as well.

8 And in the pilot test, as I mentioned,  
9 that is to help the study team in evaluating  
10 an alternative, say to the cutoff wall or to  
11 basically just to be able to address the  
12 seepage and piping issues that we have with  
13 the embankment and the foundation itself.

14 So, if everything goes well with that,  
15 we'll get that out, we'll get the results  
16 that we are looking for, we'll be able to  
17 incorporate them into the study.

18 The modification study, like I  
19 mentioned, includes the entire Dike itself,  
20 the entire system. There are multiple  
21 alternatives that are being developed, and  
22 they both include variations of cutoff wall,  
23 variations of seepage collection, filter  
24 systems. All of them, again, address the  
25 seepage and piping.

1           We will have the NEPA document, will  
2           include all of these alternatives, so when  
3           it is available to you, you'll be able to  
4           review them and make comments as well.  
5           We're drafting that NEPA document right now,  
6           we anticipate that to be ready for public  
7           review in the summer of 2014. So basically  
8           next summer, we'll have gone far enough down  
9           in our process to be able to really have a  
10          better understanding of what the future will  
11          look like, as far as our rehabilitation  
12          efforts go. And we plan on having that  
13          study complete and approved in 2015, so then  
14          we can proceed on to the implementation and  
15          construction of those features.

16                 So, I'll turn it over to Angie and  
17                 she'll give you the scoop on the NEPA.

18                 MS. DUNN: Good evening. The National  
19                 Environmental Policy Act is the other reason  
20                 we are here tonight. Not just to give you  
21                 the update on the project, but because we  
22                 are getting ready to start a new report.  
23                 And at the beginning of the February, the  
24                 Corps issued a notice canceling the two  
25                 previous draft EIS's that have been

1 released. One of those was released in  
2 December of 2006, and that was the draft EIS  
3 for Reaches 2 and 3. And then we also  
4 cancelled the draft EIS that was published  
5 in July of 2010 for Reach 1A, and that would  
6 include the seepage berm.

7 So we have canceled those two EIS's and  
8 are moving on with the Dam Safety  
9 Modification Study. The Dam Safety  
10 Modification Study, as I mentioned, will  
11 address all 143 miles of Herbert Hoover  
12 Dike.

13 So the goals of NEPA, it is a Federal  
14 Law that was enacted in 1970, and it  
15 requires Federal Agencies to consider the  
16 environmental impacts of the proposed  
17 project. So we have to look at all features  
18 of the environment, including the economic,  
19 the environmental, and we consult with  
20 Federal, Tribal, the state and local  
21 governments. We solicit input from the  
22 public. We are hoping to get comments from  
23 you tonight, so that we can identify other  
24 issues that we may need to address in our  
25 NEPA document. And this, the goals of NEPA

1 also allows other agencies that have  
2 overlapping regulatory concerns with the  
3 Corps to provide comment and input on our  
4 report.

5 So under NEPA we are required to provide  
6 documentation on the effects of the  
7 environment based on our proposed project.  
8 And there are three such documents that we  
9 would provide. One is a Categorical  
10 Exclusion (CAT-EX), which mainly applies to  
11 normal operations and maintenance activities  
12 that the Corps completes. There is also  
13 Environmental Assessment (EA). We have  
14 produced two of those: Most recently, one  
15 for the culvert replacements in 2011; and  
16 then also, for the Seepage, excuse me,  
17 Seepage Management Pilot Test last year.

18 And then tonight, we are here because we  
19 anticipate with the Dam Safety Modification  
20 Study that we may have a significant impact  
21 to the environment. And we want to be able  
22 to address all of those concerns through the  
23 scoping process and through our planning  
24 process.

25 The NEPA requires us to evaluate ten

1 significant factors in each of our reports,  
2 whether it's an EA or a Environmental  
3 Assessment or the Environmental Impact  
4 Statement (EIS). And these ten areas are  
5 listed on the screen, and includes the  
6 various Federal, state and local laws,  
7 effects on scientific, cultural or  
8 historical resources.

9 We also have to look at cumulative  
10 effects. We have to take into account other  
11 projects in the area, and how our proposed  
12 project may effect those projects. Other  
13 areas are degree of controversy and unique  
14 characteristics of the geographical area.  
15 We know from previous reports that we have a  
16 lot of prime and unique soil in the area.  
17 We also have endangered and protected  
18 species in the area. So we have to take  
19 into account all of those factors.

20 I'm going to go ahead and turn it over  
21 to Tim in just a moment, but we just want to  
22 make sure everybody tonight has the  
23 opportunity to provide us input and let us  
24 know what your concerns might be, or if  
25 there's an area along the Dike that you



1 think that the study should pay attention  
2 to, please take this opportunity tonight to  
3 let us know by using the comment card or  
4 coming up and speaking. We have a court  
5 reporter here to make sure we get your  
6 comments down accurately and we can address  
7 those with the NEPA report.

8 MR. WILLADSEN: Thank you, Angie.  
9 Again, just to reiterate our implementation  
10 timeline. We discussed the Reach One cutoff  
11 wall and its completion is near. The water  
12 control structures, we plan on continuing  
13 that effort through the year 2018. And in  
14 the meantime, we are working on this Dam  
15 Safety Modification Study. And again, the  
16 NEPA document or the draft document for  
17 public review, we plan on having that  
18 available the summer of 2014, and with the  
19 approval of the study itself in 2015.

20 And again, this all leads to the future  
21 risk reductions which, you know, the next  
22 phase would be the implementation in 2017.  
23 So, we need to identify, prioritize and  
24 implement. And I believe this is the point  
25 where if folks would like to come up and do

1 public comment. Are we going to call them  
2 up, John?

3 MR. CAMPBELL: Yes. The first is Deke  
4 Washington. Pete Quashus.

5 MR. QUASHUS: My name is Pete Quashus,  
6 I'm the president of the Caloosahatchee  
7 River Citizens Association, runs from Moore  
8 Haven to Sanibel. So I've got a diverse lot  
9 of years in membership. I'm also a  
10 full-time for Audubon, the chapters of  
11 Southwest Florida, so I have real concern  
12 about our wildlife and all the rest.

13 I'm an out of work fishing guide for  
14 many years, mostly retired. But I still  
15 serve on the Foundation Board, and have  
16 concerns about our habitat and what it does  
17 for our quality of life and our economy.  
18 The Caloosahatchee and the lake have had a  
19 couple of really big problems. One of which  
20 were, or several of which were addressed in  
21 your comments earlier.

22 Normally, we get about a million acre  
23 feet of water down the Caloosahatchee.  
24 That's what we need for our ecological  
25 health. We need it at the right time. We

1           need it when our spawn is out, we need it in  
2           the spring when water is scarce for most  
3           people. The EAA gets about a million acre  
4           feet, that's what they need to have a  
5           vibrant agricultural community and that's  
6           part of our quality of life as well.

7           Our problem is, very often, an extra two  
8           million acre extra feet of water with no  
9           place to go, and either it -- most often it  
10          goes through to St. Lucie and the  
11          Caloosahatchee and causes devastating  
12          damage, not only to our quality of life, but  
13          our economy and to all of the wildlife that  
14          are involved in that system. Everything  
15          from the small-tooth sawfish to the manatee,  
16          all of those are factors that have to be  
17          coming into the planning of what we are  
18          going to do with the lake in the future.

19          I have friends in the audience who are  
20          going to argue long and loud that the Lake  
21          Okeechobee is an eco-system that must be  
22          managed for it's ecological health. It is  
23          not only a reservoir. And I emphasize the  
24          "only."

25          There's no question; however, it is also

1 a water supply that all of us are dependent  
2 upon, and how we can manage that  
3 successfully. My understanding of what we  
4 are talking about are bandaids to try and  
5 restore the system to what it was before,  
6 which was willfully inadequate to deal with  
7 the needs of the coastal interests and the  
8 south.

9 Everglades Park is dehydrating, Biscayne  
10 Bay, Florida Bay needs water. We need to  
11 think a little bigger. And I think one of  
12 the ways to think bigger is to think about  
13 an emergency spillway, so that we have the  
14 opportunity to hold water a little longer in  
15 the lake, without having to dump in  
16 anticipation of a storm. And to have, in  
17 worst-case scenario, someplace for that  
18 water to go that is managed. We are not  
19 talking about a devastating breach of the  
20 Dike, but a managed emergency flow way, and  
21 that needs to be on the table for what we  
22 are discussing.

23 And then there's another 800 pound  
24 gorilla. We all know that we have got 300  
25 square miles, a couple of feet deep of hot

1 sick button on the bottom of the lake. And  
2 if it stayed there, that would be fine, but  
3 what happens when we get a storm is it all  
4 of a sudden get re-suspended, and it comes  
5 down those estuaries and close to the EAA  
6 and that water quality almost precludes us  
7 meeting the Court mandated standards that  
8 are necessary to move water around.

9 So most of the solutions we are talking  
10 about these days are 200,000 acre feet.  
11 Let's start thinking about 2 million acre  
12 feet, and let's plan to move and store as  
13 much water as mother nature is willing to  
14 give us, but do it in an ecologically  
15 friendly way and provide an opportunity for  
16 us to do minimal damage to all of our  
17 eco-systems. Thank you very much.

18 MR. CAMPBELL: Thank you. The next two  
19 indicated they might want to speak, so we'll  
20 ask them if they want to speak. Ramon  
21 Inglesias. Terry Gardner.

22 MR. GARDNER: Terry Gardner, local  
23 resident, taxpayer, interested in the  
24 economy of the town. And I'd just like to  
25 highlight the difficulties we are having now

1 on the trail due to the closure of the  
2 section of the Dike between Uncle Joe's and  
3 Moore Haven.

4 I was hoping that we would get that job  
5 finished earlier, but from my discussion  
6 with yourself, Tim, I understand why we are  
7 where we are. I would just ask that for all  
8 future works around the levee, we do  
9 consider the local economies of those areas  
10 that are being impacted by the loss of that  
11 convenient and very important health aid to  
12 the local community, as well as the  
13 financial health. Thank you.

14 MR. WILLADSEN: Thank you.

15 MR. CAMPBELL: The last gentlemen just  
16 had some questions. When will the next  
17 section of cutoff wall come out to bid, and  
18 when will the test areas for the new cutoff  
19 wall come out for bid?

20 MR. WILLADSEN: Well, currently, if we  
21 follow our plan, we have to complete our  
22 study. So the earliest that we are looking  
23 at any sort of a fix, other than through  
24 water control structures would be 2017.  
25 That's what it is.

1 MR. CAMPBELL: That's all that signed  
2 up. You can just open it up.

3 MR. WILLADSEN: Does anybody else want  
4 to have a comment?

5 MR. JONES: Ladies and gentlemen, and  
6 that's a big assumption on my part. I'm  
7 Waylon Paul Jones, but as you perhaps see,  
8 I'm kind of following Terry up a little bit.  
9 I'm a member of the Florida Trail  
10 Association. Many years ago a good friend  
11 of mine told me to take a hike, and I  
12 followed his advice.

13 Florida Trails have been here in the  
14 state a little over 43 years now. It  
15 started in Ocala and ways develop Florida  
16 National Scenic Trail that many of you are  
17 familiar with, that actually slips and goes  
18 on both sides of the lake. This area sees  
19 money, revenues, coming in from hikers from  
20 not just Florida, but all over North America  
21 and beyond.

22 One of the things that happens here  
23 every year now, for the last 21 years, is  
24 the annual Big O hike event. Every year we  
25 hike nine days, and hike all the way around

1           doing a segment a day. This event brings in  
2           a lot of people. Sometimes it's families,  
3           there might only be one or two members there  
4           to hike, but those families are using your  
5           local campgrounds.

6           Some are camping with us in Lake  
7           Okeechobee, some camp over in Moore Haven at  
8           the RV park at the recreational area. We  
9           have been using the South Bay RV Park again,  
10          since FEMA released it after the '04/'05  
11          hurricane season, and that became a big camp  
12          for them.

13          Some of our people actually camp out at  
14          the local mom and pop hotels, as well as the  
15          chains in Clewiston, and the reason I'm  
16          bringing this up is that, again, the  
17          revenue, bringing the money into your local  
18          economy. Whether we are just buying donuts  
19          from your local shops or going into your  
20          various restaurants, including the Clewiston  
21          Inn, I think we did dinner in the last  
22          couple of years, the gas stations. This is  
23          why some of your cities, Okeechobee,  
24          Pahokee, Clewiston, are what we call gateway  
25          communities to the Florida Trail.



1           Now, the last couple of years, segments,  
2           as we refer to them, have been shut off to  
3           public hiking. We understand it's a matter  
4           of safety. We have construction traffic  
5           going onto and off, you know, on top of the  
6           levee. We don't want the public walking  
7           through there. And we have been able to  
8           work very closely with the Corps of  
9           Engineers and also Water Management District  
10          for where we are and where we are not to be,  
11          and we hope to continue in that light for  
12          many, many years to come.

13          I know the literature is out there, but  
14          the aspect of the ecology is very important  
15          to Florida Trail members, too. We wear a  
16          lot of different hats. Some of us are  
17          Audubon members. Some of us are members of  
18          the Native Plant Society. Some go out on  
19          pro hiking tours.

20          There's an aspect that I just wanted to  
21          share with you all, and I'm hoping I'm not  
22          the last person to speak tonight. I kind of  
23          wanted to volunteer a few people for that,  
24          but I'm hoping that things will continue to  
25          improve and we are learning from our

1 mistakes going back from the foundation of  
2 our country as to how to best manage the  
3 water, the land.

4 And with the Corps of Engineers, I know  
5 it's very hard trying to do and it is  
6 accomplishing here and there. Of course, if  
7 you look 20 years down the line, turn around  
8 and look back to see how things are going.  
9 But I'm hoping to still be hiking around the  
10 lake at that time and enjoying your  
11 environment, your ecology, your towns here.  
12 So with that, that's kind of the Florida  
13 Trail's point of view. If you have any  
14 comments of what I said, it came from me  
15 personally, okay. So with that I'll release  
16 the microphone.

17 MR. WILLADSEN: Thank you. Do we have  
18 any other comments?

19 MR. LOPEZ: I'm Pepe Lopez, I'm a local  
20 resident. I'm an engineer. And I live in  
21 Clewiston for 33 years, and I'm gonna plead  
22 to the Corps to please pave back the top of  
23 the levee the way it has been paved with the  
24 taxpayers money. I cannot believe after  
25 billion dollars, after spending all this

1 money, you are going to leave the levee  
2 without that protection.

3 The protection the levee from erosion,  
4 from all kind of -- and it facilitates the  
5 economy of the area, riding bicycles,  
6 motorized vehicles, again, I think it should  
7 be part of this project and shouldn't be  
8 ignored. Thank you.

9 MR. WILLADSEN: Okay.

10 MR. PERRY: I'm Tommy Perry, I turned in  
11 a card, so you have my name. At what point  
12 in time do you reassess the Dike safety?  
13 And when you reassess it, do you reassess it  
14 using the lowest stages or the stages that  
15 we held the lake at prior?

16 MR. WILLADSEN: Are you referring to the  
17 study itself?

18 MR. PERRY: No. There's a Dike  
19 assessment that says we are in Category 1  
20 dike.

21 MR. WILLADSEN: DSAC rating. Yes.

22 MR. PERRY: What point do we reassess to  
23 see if we are still at DSAC 1?

24 MR. WILLADSEN: As we implement these  
25 risk reduction measures that would be --

1           that's part of the study. The study itself  
2           will hopefully let us know, measures X, Y  
3           and Z or whatever are required to be able to  
4           lower that DSAC rating.

5           MR. PERRY: As that DSAC rating is  
6           lowered, does that mean that we are able to  
7           raise the stage of the lake back up to what  
8           it was, or is it being related using the  
9           lower stages that were the temporary lower  
10          stages that we have today?

11          MR. WILLADSEN: That's a completely  
12          separate process in discussion. Our focus  
13          is strictly on the embankment and the fixes  
14          that are needed.

15          MR. PERRY: Maybe I didn't -- I think  
16          you are maybe misunderstanding my question.  
17          Because the embankment is in danger, we have  
18          lowered the level of the lake.

19          MR. WILLADSEN: Currently, we are  
20          operating under the LORS.

21          MR. PERRY: So we should be able to go  
22          up more.

23          MR. WILLADSEN: I think Angie is  
24          probably better at this.

25          MS. DUNN: So there were two triggers

1 under the Lake Okeechobee Regulation  
2 Schedule that will allow the Corps to  
3 re-evaluate the lake stage. One of those  
4 triggers was completion of the CERP or  
5 Comprehensive Everglades Restoration Plan,  
6 Band One projects, which are still in  
7 progress, or the rehabilitation of Reaches  
8 1, 2 and 3.

9 So, dependent upon the Dam Safety  
10 Modification Study and the order in which we  
11 are constructing these fixes, once we  
12 rehabilitate Reaches 1, 2 and 3, we will be  
13 able to look at the regulation schedule  
14 again.

15 MR. PERRY: Thank you.

16 MR. WILLADSEN: Thank you. Additional  
17 comments? Well, I thank everybody for  
18 coming and participating. Sir, do you want  
19 to comment?

20 MR. TILTON: Question. Andy Tilton for  
21 the record. There's some work being done at  
22 the Hendry County by FEMA on a restudy of  
23 the entire county, and there's been some  
24 discussion that due to the condition of the  
25 Herbert Hoover Dike, that the flood

1 classification for the area within Clewiston  
2 may change to a category that requires  
3 insurance, versus one that doesn't require  
4 insurance whether that be in place. Do you  
5 have any information on how that will affect  
6 the FEMA mapping classification?

7 MR. CAMPBELL: I've not heard it in  
8 Hendry County. I think FEMA has told us  
9 they were going to take a look at Palm Beach  
10 and Martin County. It's my last  
11 understanding that may happen as soon as  
12 this summer that they may have some new  
13 flood maps, but I think the information you  
14 are hearing sounds accurate that FEMA won't  
15 give credit for the Dike being here.

16 MR. TILTON: Okay. And the refilling of  
17 the Reach 2 probably won't happen for  
18 another four, five, six years?

19 MR. WILLADSEN: If we look at our  
20 timeline, the completion would not be before  
21 our 2017 time frame from when we can  
22 actually do some more implementation. So  
23 it's going to be a few years out.

24 MR. TILTON: Thank you.

25 MR. WILLADSEN: Yes, ma'am.

1 MS. ALDERMAN: Hi, I'm Silvia Alderman,  
2 I just have a question. I was looking at  
3 your handout that was on the table back  
4 there, and it says "While work is ongoing to  
5 replace water control structures, the Corps  
6 is determining the best solutions for the  
7 remainder of the Dike. To adequately  
8 address the problems and develop  
9 alternatives, the Corps is conducting an  
10 evaluation known as the HHD Dam safety  
11 Modification Study.

12 Okay. My question is, does that  
13 therefore mean that you will continue the  
14 replacement of the culvert under a separate  
15 program and this modification study is not  
16 going to impact that schedule?

17 MR. WILLADSEN: That is our plan.

18 MS. ALDERMAN: Okay. Thank you.

19 MR. WILLADSEN: Additional comments?  
20 Questions? Thank you all for coming. I  
21 really appreciate it. We are going to hang  
22 around here for a little while after to do  
23 some more interaction because I think that  
24 that's a good thing. Thank you all for  
25 coming.

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(Whereupon, the stenographic record was  
completed at 7:35 p.m.)



## C E R T I F I C A T E

STATE OF FLORIDA        }  
COUNTY OF HENDRY       }

I, Renee' R. Miller, Certified Court Reporter and Notary Public in and for the State of Florida, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings in shorthand, which were thereafter reduced to typewritten form by me or under my direction and supervision, and that the foregoing transcript is a true and accurate record of the testimony given, to the best of my understanding and ability.

I FURTHER CERTIFY that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested, or otherwise, in the outcome of this action; and that I have no contract with the parties, attorneys, or persons with an interest in the action.

This \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Renee' R. Miller

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U.S. ARMY CORPS OF ENGINEERS  
HERBERT HOOVER DIKE  
REHABILITATION PROJECT

Project Update and NEPA Scoping Meeting

Transcript of Proceedings

February 28, 2013  
1728 NW 9th Avenue  
Okeechobee, Florida

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APPEARANCES:

Lieutenant Colonel Tom Greco,  
Deputy District Commander  
for South Florida Page 1

Timothy Willadsen,  
Project Manager Page 5

Ingrid Bon,  
Project Manager Forward

Angela Dunn,  
Environmental Lead,  
National Environmental Policy Act Page 14

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1 LTC. GRECO: All right. Good evening. I  
2 think we'll get started. All right. Well, good  
3 evening. My name is Lieutenant Colonel Tom  
4 Greco of the U.S. Army Corps of Engineers,  
5 Jacksonville district, and I'll be presiding  
6 over tonight's update on the Herbert Hoover Dike  
7 and the public scoping meeting regarding  
8 potential environmental impacts as the Corps of  
9 Engineers looks to undertake future work on the  
10 dike. For those of you who don't know me, I'm  
11 the Deputy District Commander for South Florida,  
12 and as such, am representing Colonel Alan Dodd,  
13 the district commander.

14 We're here tonight to provide information  
15 and ask for your input on potential  
16 environmental issues regarding future work  
17 at the Herbert Hoover dike. Before we begin,  
18 I'd like to thank you all for taking time out of  
19 your busy schedules to get involved in the  
20 planning process. This meeting is being held in  
21 accordance with the National Environmental  
22 Policy Act for the sole purpose of listening to  
23 you.

24 I'd like to remind you of the importance  
25 of filling out comment cards, which are located

1 in the back of the room. These cards serve two  
2 purposes. First, they let us know that you're  
3 interested in the project so that we can keep  
4 you informed, and second, to provide me with a  
5 list of individuals who wish to speak tonight.  
6 If you did not fill out a card, they are  
7 available, as I mentioned, in the rear of the  
8 room on the registration table.

9 All of your comments will be taken into  
10 consideration as we move forward with our  
11 planning for future work at Herbert Hoover Dike.

12 Before we begin the presentation, let me  
13 introduce the team with me tonight. From the  
14 Corps of Engineers, Mr. Tim Willadsen, project  
15 manager; Ingrid Bon, project manager forward;  
16 Angie Dunn, environmental, and John Campbell,  
17 corporate communications, in the back of the  
18 room.

19 In a few minutes I will turn the floor over  
20 to Tim Willadsen who will provide you with a  
21 brief overview of the Herbert Hoover Dike  
22 rehabilitation project. He will be followed by  
23 Angie Dunn, who will explain the NEPA process.

24 Once the presentation is complete, I will  
25 then open the meeting to public comments.

1 Ladies and gentlemen, Tim Willadsen.

2 MR. WILLADSEN: Thank you. Can everybody  
3 hear me okay? I'm going to try this first, if  
4 you can't hear me, let me know and I'll go ahead  
5 and get the microphone.

6 Tonight I'd like to give you a quick  
7 overview of HHD, and we'll discuss our  
8 problems, our solutions. I'll give you a quick  
9 construction update. We'll touch on the Dam  
10 Safety Modification Study, which is primarily  
11 the reason why we're here today. Like Colonel  
12 said, Angie will give you the NEPA overview.

13 Lake Okeechobee, if you just watched the  
14 video that we've been replaying, I always think  
15 this is interesting because Lake Okeechobee  
16 is 720 square miles, but the video said it was  
17 730 square miles; it's kind of relative to the  
18 lake stage, so one of those interesting things.  
19 It is a rather large lake. Most of you live  
20 around here, so you understand the importance of  
21 it as well, but you may not know that the  
22 drainage basin that runs into the lake is over  
23 5600 square miles, and that extends virtually  
24 all the way up to Orlando.

25 The things that concern us is if that

1 drainage basin receives say a foot of rainfall,  
2 twelve inches, it has an effect on the lake and  
3 can raise the lake anywhere from three to four  
4 feet, so that's a concern, specifically since we  
5 don't have the ability to release water faster  
6 then its inflow, roughly six times, so  
7 containment is key, we have to be able to  
8 contain these events.

9 Congress first authorized Herbert Hoover  
10 Dike in 1930. That was following hurricanes  
11 both in '26 and '28 where we had significant  
12 life loss and tremendous economic damage in the  
13 area. There was multiple authorizations that  
14 followed, but the initial one is what built the  
15 embankment, the 68 miles on the south shore, and  
16 of course all up here in Okeechobee, 16 miles  
17 on the north side of the lake.

18 The subsequent authorizations have led us  
19 to where we are today, which is 143 miles of  
20 embankment, and that includes the system  
21 overall, includes the 32 federal culverts that  
22 we'll discuss a little bit more about tonight,  
23 as well, in addition, five spillway inlets,  
24 five spillway outlets, nine navigation locks,  
25 nine pumping stations. You can see it's a

1           rather complex system.

2           But critical to the containment issue we  
3 talked about, we do not have any overflow  
4 capability, so we don't have an emergency  
5 spillway, and what's partially driving our  
6 problem is when they built this dike back in the  
7 day, the construction techniques they used would  
8 not be considered useable today, it just doesn't  
9 meet our today standards.

10           The problems that we have at Herbert Hoover  
11 Dike are basically the way that the water flows  
12 through the embankment; seepage can lead to  
13 piping, and what that means is both through the  
14 embankment and through the foundation, if the  
15 water that's flowing through there picks up  
16 material and starts carrying that material away  
17 from the embankment itself, that process can  
18 lead back to the lake, and in doing so, cause  
19 basically a catastrophic embankment failure. We  
20 refer to them in the Corps as potential failure  
21 modes, and the two for the embankment are  
22 through embankment and through foundation,  
23 seepage and piping.

24           In addition to that, we also have concerns  
25 at the -- specifically the 32 federal culvert



1           locations, and you add to that the two  
2           additional failure modes, and that would be the  
3           erosion into the structure and the erosion  
4           around the structure, and that basically means  
5           you could actually have material that falls into  
6           the structure, washes away under these extreme  
7           events, and you can also have erosion that  
8           occurs right along the pipe itself.

9           So that led to Herbert Hoover Dike, in  
10          2006, being classified as a Level 1 under the  
11          Dam Safety Action Classification. Herbert  
12          Hoover Dike is one of the few dams in  
13          the Corps' inventory that is a DSAC 1 dam, and  
14          what that means is it requires us to take action  
15          on it, which we are doing, and we must reduce  
16          this risk of failure for us to be able to lower  
17          that DSAC rating.

18          The solutions for these problems, back  
19          in 2000 a major rehabilitation report,  
20          and that took 143 miles of embankment and  
21          subdivided it into eight reaches, with the  
22          initial focus on Reach, 1. And that Reach 1  
23          rehabilitation plan did include a component of  
24          cutoff wall, a landslide seepage berm, and  
25          again, replacing the conduits or the culverts

1           within that stretch as well.

2           We subsequently have changed to what we  
3           consider a risk-based approach, and that's also  
4           done Corps wide, and what that means is we  
5           basically have to look at the entire system as  
6           one unit, therefore we would be able to  
7           prioritize implementation of risk reduction  
8           features, and that I guess in a nutshell  
9           tells you we get the biggest bang for the buck,  
10          rather than invest a tremendous amount of money  
11          in select areas where you still have  
12          higher risk in some other areas, identify  
13          and quantify that risk all the way around the  
14          entire system, and you may find there's other  
15          areas that need to have something done to it  
16          sooner than where you are putting money right  
17          now.

18          The cutoff wall we actually completed  
19          installing in Reach 1, and the culvert  
20          replacements all fit within this risk-based  
21          approach.

22          As far as the construction update, I just  
23          mentioned the Reach 1 cutoff wall. The actual  
24          installation of the wall has been completed  
25          since I believe October of last year. The

1 construction contracts are ongoing and will be  
2 finished and closed out sometime in 2013.

3 21.4 miles is a significant amount of  
4 cutoff wall, it's a significant effort, and I  
5 don't know how to say this, it's doing its job.  
6 It really has reduced the risk in these  
7 immediate areas in Reach 1 and the water  
8 control structures.

9 As we moved through this in 2011, we began  
10 working on them with culvert 14, which was  
11 completed in May of 2012. In addition, we  
12 currently have six culverts under contract for  
13 replacement, and we have three previously out of  
14 service culverts that we're properly abandoning  
15 them now in the contract, and actually all three  
16 of them are up here in the Okeechobee area, 11  
17 and 16 down on the east side, 1 and 1-A are down  
18 on the southwest side, and 4 and 4-A are in the  
19 direct southern part.

20 We still plan to work what we call a pilot  
21 test facility or a pilot test, as it's been  
22 referred to; that should go out later on  
23 this year, and this particular project is going  
24 to help us in the modification study to  
25 determine if indeed we can find a more

1           economical solution or what is the right  
2           solution for the embankment, you know,  
3           addressing the seepage and piping issues that we  
4           have.

5           The data that we receive from this pilot  
6           test will be utilized in the mod study and for  
7           the future determination of how we are going to  
8           proceed with additional embankment  
9           rehabilitation.

10          We also have currently C-10, C-12 down on  
11          the east side, C-5, C-5A out on the west, and  
12          C-8, which again, is up here on the north, and  
13          C-13 on the east side. Those are all near term;  
14          hopefully later on this calendar year, early  
15          2014 at the latest, those should be out under  
16          contract as well. And then the remaining  
17          16 federal culverts, we plan to have them all  
18          awarded and completed by the year 2018.

19          So we're aggressively going after this.  
20          It's a tremendous amount of work for us and for  
21          the district, and it just goes to show what a  
22          high priority and what the country as a whole,  
23          they provide the resources necessary for us to  
24          accomplish our goals.

25          With respect to the Dam Safety Modification

1 Study, again, that's system-wide, it addresses  
2 that system-wide risk reduction approach, and as  
3 I said before, the goal is to reduce that DSAC  
4 rating to basically address the high risk areas  
5 so we can lower the probability of failure,  
6 identify and address the highest risks first  
7 through this study. And again, the Reach 1  
8 cutoff wall fits within this system-wide  
9 approach, as well as the culvert replacements  
10 and removals.

11 I touched on the seepage management test  
12 facility, we call it the pilot test, we did  
13 recently take it back, if any of you are  
14 contractors you noticed we pulled it from  
15 solicitation, and that was to modify the scope  
16 of work slightly to ensure that it meets the  
17 intent of the test itself, so that should be  
18 back on the street, hopefully sooner than later.

19 Then the Dam Safety Modification Study  
20 itself, it does include the 143 mile embankment  
21 and the structures within it, so it is the  
22 complete system as a whole. There's multiple  
23 alternatives on the table and being developed  
24 and analyzed that will reduce this risk.

25 There's not one solution that fits all, and

1           there's so much variation in geology when you go  
2           around this embankment, and that kind of drives  
3           multiple -- you know, all the different ways  
4           in which you could address these issues, so  
5           there's a tremendous amount of work that's  
6           underway right now in order to get us to the  
7           right solution.

8           Of course the NEPA document that we're  
9           kicking off tonight with the comments will  
10          include these alternatives within it, so you'll  
11          be able to see everything that we've been  
12          looking at and how we derived or how we came to  
13          the solutions that we're selecting to move  
14          forward with. And that draft, that NEPA  
15          document itself, should be available, or it's  
16          planned to be available by the summer of 2014,  
17          and then we hope to have the study approved in  
18          2015, so then we can proceed on down with  
19          construction of these features. That should  
20          occur in 2017. About the time we start  
21          finishing up with the culverts, we continue on  
22          with further risk reduction measures, as will be  
23          identified.

24                 Now I'll turn it over to Angie.

25                 MS. DUNN: Thank you. Like Tim said, if

1           you can't hear me, just let me know and I can  
2           move over to the microphone as well.

3           I'm here tonight because we are going to be  
4           putting together another NEPA document, and  
5           we -- at the beginning of February we issued a  
6           cancellation for two previous draft  
7           Environmental Impact Statements that were out on  
8           the street for Herbert Hoover Dike. One of  
9           those was from December of 2006, and it was for  
10          Reaches 2 and 3 of the Herbert Hoover Dike; and  
11          the other environmental impact statement we  
12          cancelled was the draft EIS for Reach Reach 1-A  
13          in the landside rehabilitation.

14          Just recently we mailed out a scoping  
15          letter, and we issued a notice of intent to  
16          prepare a new environmental impact statement  
17          for the Dam Safety Modification Study, and  
18          that's why we're here tonight, to solicit more  
19          input from the general public and other state  
20          and federal local agencies that are interested  
21          in providing us additional information.

22          So what are the goals of NEPA? NEPA is a  
23          federal law that requires federal agencies to  
24          consider all environmental impacts of a proposed  
25          project. We have to do -- we have to follow

1 NEPA for any federal action. It requires us to  
2 consider all environmental consequences before  
3 we make a final decision and move forward with  
4 the project. As it says here, we solicit and  
5 consider public views on each of the proposals,  
6 we consult with the federal, the state, the  
7 local governments, as well as the tribe and  
8 the interested public.

9 And NEPA also provides a mechanism for the  
10 Corps to interact with other agencies that may  
11 have a regulatory interest on part of our  
12 projects.

13 Under NEPA, the federal agency must prepare  
14 a detailed statement addressing the potential  
15 environmental impacts, and there are three  
16 different documents. One is the categorical  
17 exclusion, and generally applies to normal  
18 operations and maintenance activities that the  
19 Corps may be involved in.

20 Another is an environmental assessment,  
21 and that's generally for a project that we  
22 determine has no significant impacts. Most  
23 recently we completed an environmental  
24 assessment on the culvert repairs, as well as  
25 the pilot test that Tim spoke of.



1           The third is an environmental impact  
2 statement. Those are generally written because  
3 we have determined that there is a significant  
4 impact on the environment.

5           Also on this slide is just the process that  
6 we go through, and right now we are in the  
7 scoping process as we prepare the draft EIS.

8           NEPA requires a federal agency to look at  
9 ten significant factors when we're looking at  
10 the intensity of potential impacts. These  
11 different factors are listed on the screen.  
12 They include whether or not we are in violation  
13 of federal, state or local laws, effect on  
14 endangered species and their critical habitat.  
15 Also, effects on scientific or cultural  
16 resources, including historical structures.  
17 Degree of controversy, effects on public health  
18 and safety. And then also you may have a  
19 significant effect, but it's a beneficial  
20 effect. So those are things that we look at.

21           I'm going to turn it over now to Colonel  
22 Greco to talk our implementation, but I would  
23 really like to solicit everybody's input, if  
24 you know of any kind of resource in the area or  
25 something that you want to make sure that we

1 are going to address in this NEPA document, so  
2 please let us know tonight, or you can grab a  
3 comment card from the back of the room and  
4 write down your thoughts and mail it to me as  
5 well, and we'll put the address up on the  
6 screen in just a moment.

7 LTC GRECO: This is just a recap of the  
8 system-wide approach that Tim discussed  
9 earlier, basically shows where we've been,  
10 where we are, where we are going.

11 Foremost at the top, Reach 1, cutoff wall,  
12 part of those risk reduction features,  
13 construction, as Tim mentioned, will be  
14 completed officially this year.

15 Water control structures. Again, risk  
16 reduction features; construction on those will  
17 be ongoing through 2018.

18 The Dam Safety Modification Study, which is  
19 primarily what we're looking at tonight, this  
20 is required for future dam modifications, and  
21 the NEPA document, which we are scoping,  
22 beginning scoping tonight, is going to be  
23 included in this particular study. We're  
24 looking at an approved study by 2015, in 2015.

25 Future risk reduction measures. They'll be

1 identified and prioritized through the Dam  
2 Safety Modification Study, and certainly as Tim  
3 mentioned before, we plan on implementing  
4 construction in 2017 for those.

5 Now, as Angie mentioned, and I will  
6 solicit comments in a few moments, there are  
7 several ways to contact us. For this  
8 particular meeting, this particular scoping  
9 process, comments will initially be due March  
10 18, 2013. You can fill out a comment card in  
11 the back of the room, or you can also e-mail  
12 comments to Angie or mail them to her via the  
13 postal service, several ways to state your  
14 concerns or provide your comments for this  
15 particular process.

16 So like I said, in a few moments I'm going  
17 to solicit your comments, but they will be  
18 comments, it will not be an interchange.

19 Basically we'll be taking your comments for  
20 the record, but before we do that, I encourage  
21 folks to answer or ask any questions they have  
22 of Angie or Tim that may clarify any of the  
23 information that was provided earlier in the  
24 briefing, before we go on to public comment

25 Yes, sir?

1 UNIDENTIFIED SPEAKER: You said that you  
2 pulled back some of your previous  
3 studies. Why, and what's the goal? What's the  
4 purpose of changing it or modifying it or what?  
5 What's occurred to cause that?

6 MS. DUNN: As Tim mentioned, we are moving  
7 forward with a risk-based approach, and the  
8 Reach 2 and 3 Environmental Impact Statement,  
9 as well as the 1-A Environment Impact  
10 Statement -- how do you want to answer that?

11 MR. WILLADSEN: I would just say that they  
12 don't necessarily fit with the current -- the  
13 study that we've engaged in, so the components  
14 that addressed the 1-A, Reach 1-A rehab plan,  
15 the components, the cutoff wall component is  
16 what we're proceeding with and completed,  
17 because it fits that risk reduction approach.  
18 But the land side berm component is not  
19 necessarily the right solution, so we're better  
20 served to pull that document back, because if  
21 there's anything in addition in the future that  
22 would be needed on the land side, it will be  
23 addressed in the new study.

24 MS. DUNN: And we did receive significant  
25 comments during the Reach 1-A notice of

1           availability for that draft report, and there  
2           were a lot of concerns over impacts to real  
3           estate, and so while we were bringing that back  
4           in and readdressing it, we also got the new  
5           guidance on the sample Dam Safety Modification  
6           Study.

7           MR. FOX: Donald Fox, FWC. Your abandonment  
8           at Lock 7, we call it lock 7 here locally, but  
9           culvert 7, is that going to be construction  
10          intensive, or is it a pretty benign process?  
11          Well, actually there are two reasons. That's a  
12          major recreational use area right here, and yet  
13          you have to cross that culvert to get to one of  
14          the high public use area boat ramps, so if  
15          there's the ability on the timing on that, to do  
16          that during the -- you know, the off tourist  
17          season.

18          And I think (inaudible) last night, and we  
19          have two (inaudible) right now set within 100  
20          yards of being within the limited  
21          activities out there, so that's something you  
22          may want to think about in the future, also.  
23          I don't know how the service will address --  
24          because since it's a land-based operation, but  
25          if there's -- not knowing what that process

1 involves, if there's some way to do that in  
2 the summer period, early fall period, on the --  
3 working on that where it won't impact the  
4 tourist industry coming into the community, it  
5 would be very beneficial.

6 MR. WILLADSEN: I can't speak for the  
7 timing of the contract, but I can tell you,  
8 though, that the components include -- it would  
9 be no greater than what you see now for the  
10 cutoff wall construction, so it would be work  
11 on the top of the embankment, and then there  
12 would be some work on the land side facing the  
13 embankment. The lake side, which is where your  
14 biggest concern is --

15 MR. FOX: The road actually goes over the  
16 main culvert there, to get to the access road  
17 to the boat ramps.

18 MR. WILLADSEN: It does come up the side of  
19 the embankment, but it doesn't come all the way  
20 to the crest, I don't believe.

21 UNIDENTIFIED SPEAKER: It doesn't.

22 MR. FOX: Pretty close.

23 MR. WILLADSEN: That was one thing I was  
24 going to take back and look at myself.

25 MR. FOX: Everybody would appreciate it if

1           there's some way to work around that on the  
2           timing thing, it would be most appreciated.

3           MR. WILLADSEN: We have Ingrid Bon, and I  
4           think there needs to be some communication  
5           here. I'll go back to Jacksonville, get a set  
6           of the plans, talk to the engineers and see  
7           exactly how that's going to be addressed.

8           MR. FOX: And as far as the snail kites  
9           there, they've been nesting earlier and nesting  
10          longer, and it just -- you might want to start,  
11          you know -- that's one -- probably the major in  
12          the area on the lake right now, so, you know,  
13          you might want to go ahead and initiate some  
14          early discussion with Vero Beach and the  
15          service, if they'll give you exclusion since  
16          it's totally a land operation, but I can very  
17          likely see the potential of some of those  
18          nests setting up in that limited activity fall  
19          on that structure.

20          LTC. GRECO: Any other questions? Okay.  
21          So with that in mind, we'll go into the public  
22          comment period, but I do want to remind you  
23          that a transcript of this public meeting will  
24          be prepared, and the record will remain open.  
25          Written comments may be submitted until March

1 18th, as I mentioned earlier, to the addresses,  
2 e-mail or postal, that are shown up there. All  
3 comments will receive equal consideration.

4 Individuals speaking tonight will be  
5 called to the microphone. Please come forward  
6 to the microphone and state your name and, if  
7 applicable, what organization you represent. I  
8 ask that you keep your comments pertinent to  
9 the Herbert Hoover Dike rehabilitation project  
10 effort. If you have comments outside the scope  
11 of this meeting, I'll be happy or one of the  
12 team members will be happy to meet with you  
13 immediately following the meeting.

14 The first and so far only individual  
15 tonight is Mr. Marcos Montes De Oca.

16 MR. MONTES DE OCA: I was going to say you  
17 addressed my comments before.

18 LTC. GRECO: If you would like to express  
19 that comment again for the record.

20 MR. MONTES DE OCA: Okay. Marcos Montes De  
21 Oca tonight representing City of Belle Glade,  
22 residents of Okeechobee County.

23 One of the items just up for  
24 discussion was utilities, existing utilities,  
25 water, sewer, mostly force main and electrical,



1 conduits existing in the levee and proposed  
2 future maintenance, just how would those be  
3 addressed. I don't know if you want to do an  
4 official response, but --

5 LTC GRECO: We'll let it into the record  
6 and provide comments on it through the process.

7 Are there any other comments? Okay. Like  
8 I said, we'll be sticking around for a while,  
9 and if you would like to talk to anyof us,  
10 you're more than welcome, but I'd like to take  
11 this opportunity to thank everyone for coming  
12 out; I know everyone has busy schedules, and I  
13 hope everybody has a safe drive home.

14 So thank you.

15 (Hearing concluded.)

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C E R T I F I C A T E

STATE OF FLORIDA }  
COUNTY OF HENDRY }

I, Elizabeth Barnes, Registered Professional Reporter and Notary Public in and for the State of Florida, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings in shorthand, which were thereafter reduced to typewritten form by me or under my direction and supervision, and that the foregoing transcript is a true and accurate record of the testimony given, to the best of my understanding and ability.

I FURTHER CERTIFY that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested, or otherwise, in the outcome of this action; and that I have no contract with the parties, attorneys, or persons with an interest in the action.

This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,

\_\_\_\_\_  
Elizabeth Barnes

**C.2 Draft EIS**

The Draft Environmental Impact Statement was published in the Federal Register on December 24, 2015. The public review period is from December 24, 2015 through February 23, 2016.

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**C.2.1 Coordination Letters**

Miccosukee Tribe of Indians of Florida  
Seminole Tribe of Florida  
Notice of Availability - General Public  
Notice of Availability - Florida State Clearinghouse  
Notice of Availability - Libraries

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REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**JACKSONVILLE DISTRICT CORPS OF ENGINEERS**  
701 San Marco Boulevard  
JACKSONVILLE, FLORIDA 32207-8175

DEC 15 2015

Planning and Policy Division  
Environmental Branch

Honorable Roy Cypress  
Chairman, Miccosukee Tribe of Indians of Florida  
Post Office Box 440021  
Tamiami Station  
Miami, Florida 33144

Dear Chairman Cypress:

On March 13, 2013, Colonel Dodd sent you a letter regarding the Corps initiating preparation of a National Environmental Policy Act assessment for the Herbert Hoover Dike (HHD) Dam Safety Modification Study (DSMS). The purpose of the study is to identify risk reduction measures that can be implemented to reduce risks in the HHD system. I have enclosed our draft Environmental Impact Statement (EIS) for your review and continuation of our consultation on the work proposed. The work proposed within the draft EIS would occur within the HHD system on Lake Okeechobee, located in south central Florida, in Glades, Hendry, Martin, Okeechobee, and Palm Beach Counties. Public review of this document will begin on December 24, 2015.

The objective of this draft EIS is to consider effects to the human environment of implementing rehabilitation measures to address the system-wide seepage and piping concerns within the HHD. The HHD would continue to perform the required operational functions during construction.

Any comments you may have should be submitted in writing to the letterhead address by February 23, 2016. However, please feel free to contact our Tribal Liaison, Kim Taplin, at 561-801-0285 if you would like to schedule a consultation meeting prior to this date to discuss your concerns. Questions concerning the EIS can be submitted to Stacie Auvenshine at the letterhead address, email [HHDEnvironment@usace.army.mil](mailto:HHDEnvironment@usace.army.mil), or by phone at 904-232-3694.

Sincerely,

Jason A. Kirk, P.E.  
Colonel, U. S. Army  
District Commander

Enclosure

Copies Furnished:

Mr. Fred Dayhoff, NAGPRA Representative, Consultant to Miccosukee Tribe, HC 61 SR  
68 Old Loop Road, Ochopee, FL 34141

Mr. James M. Erskine, Acting Water Resources Director, Miccosukee Tribe of Indians of  
Florida, P.O. Box 440021, Tamiami Station, Miami, FL 33144

Kevin Donaldson, Real Estate Services, Miccosukee Tribe of Indians of Florida,  
P.O. Box 440021, Tamiami Station, Miami, FL 33144





DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
701 San Marco Boulevard  
JACKSONVILLE, FLORIDA 32207-8175

REPLY TO  
ATTENTION OF

Planning and Policy Division  
Environmental Branch

MAR 10 2016

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

Re: Herbert Hoover Dike Dam Safety Modification Study, Draft Environmental Impact Statement

Dear Mr. Dayhoff:

As part of the Herbert Hoover Dike (HHD) Dam Safety Modification Study (DSMS), the U.S. Army Corps of Engineers (Corps), Jacksonville District is studying the environmental effects of rehabilitation of the HHD with an Environmental Impact Statement (EIS). The HHD is currently recognized as requiring urgent repairs to minimize risks to public safety and to provide a tolerable level of economic, societal and environmental security in the region. The objective of the DSMS and Draft EIS is to identify and recommend a cost effective alternative risk management plan that supports the expeditious reduction of risk from a breach of HHD.

As a result of the DSMS, an economically, environmentally, and socially efficient tentatively selected plan (TSP) is being recommended to reduce the overall risks attributed to a breach associated with HHD. The TSP consists of cost-effective structural measures that work in unison to reduce the likelihood of a breach at HHD and achieves the primary objective of protecting public safety. The TSP includes construction of risk reduction measures around the southern half of HHD and limited areas in the northwest sides of the dam, greatly reducing the potential for breach-related damages. The probability of experiencing a breach and incurring substantial impacts on ecological, cultural, and aesthetic resources would be greatly reduced with the implementation of the TSP.

As currently proposed, construction undertakings associated with the TSP are expected to occur within the previously disturbed Federal right-of-way. The area of potential effects (APE) for the actions proposed in the TSP (i.e. a cutoff wall, floodwall, and armoring) include the Federal right-of-way of HHD Common Inundation Zones B, C, and D (Figures 1-4).

Due to the location of the project area within the previously disturbed HHD Federal right-of-way and based on similar projects previously completed as a part of HHD rehabilitation projects (i.e. cutoff Reach 1 and culvert replacements), it is not expected that the project will adversely affect historic properties listed or eligible for listing in the National Register of Historic Places. However, as the current study has not been subject to preliminary engineering and design, it is premature to request a review of any of the proposed undertakings, and therefore a determination of effects based on a precise APE cannot be stated at this time. However, each of the proposed undertakings will be subject to separate consultation with the Miccosukee Tribe of Indians and consideration of effects once the design has been finalized and prior to construction. Construction on these undertakings is schedule to begin in 2019 with an expected duration of 5 to 7 years.

Pursuant to Section 106 of the National Historic Preservation Act (16 USC 470) and it's implementing regulations (36 CFR 800), and in consideration of the Corps' Trust Responsibilities, the Corps kindly requests continued coordination and formal consultation on the DSMS and the proposed undertakings related to the study. If there are any questions, please contact Ms. Meredith Moreno at 904-232-1577 or e-mail at [Meredith.a.moreno@usace.army.mil](mailto:Meredith.a.moreno@usace.army.mil).

Sincerely,

A handwritten signature in black ink, appearing to read "Jason J. Spinning". The signature is fluid and cursive, with a large initial "J" and "S".

Jason J. Spinning  
Acting Chief, Environmental Branch

Enclosure

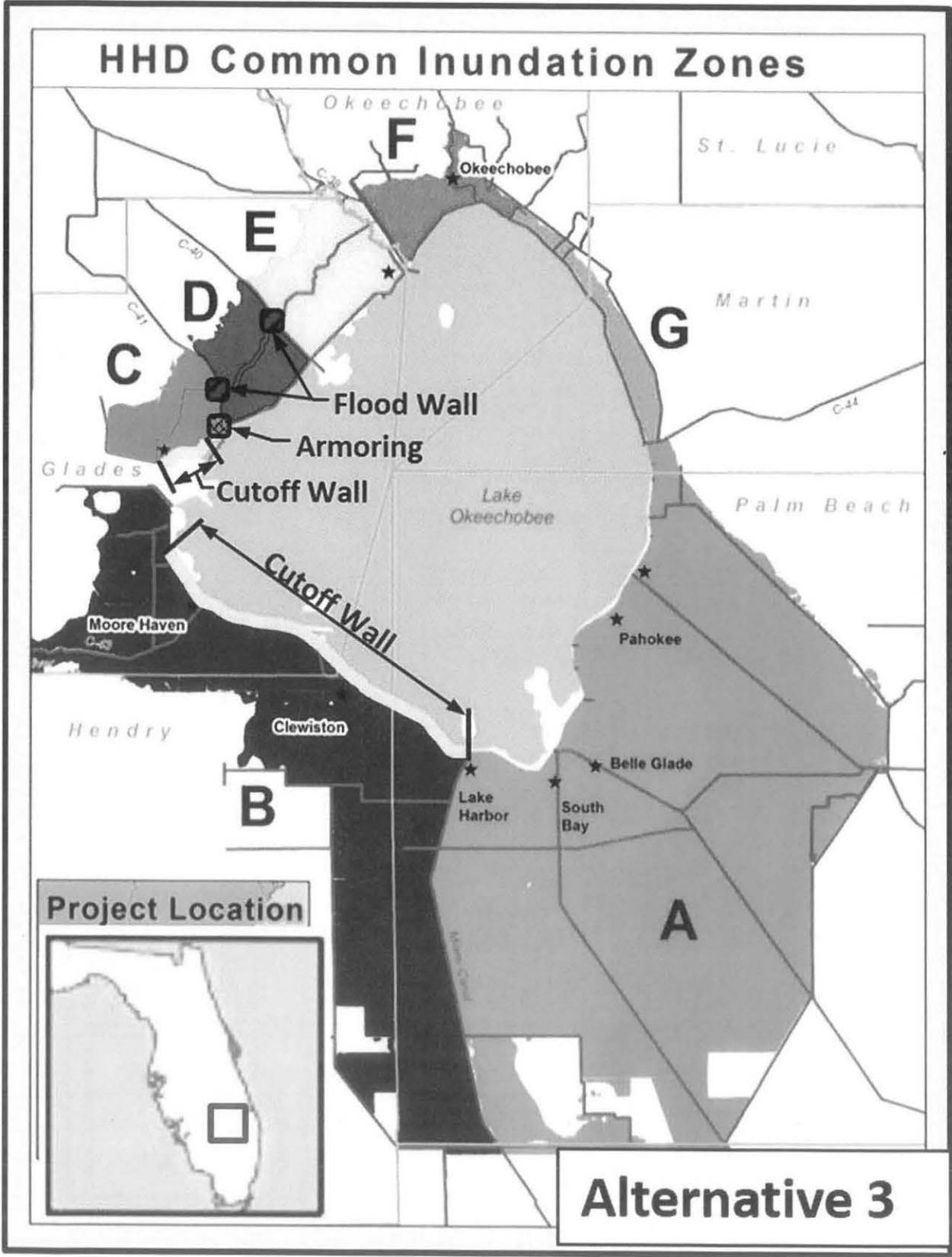


Figure 1.

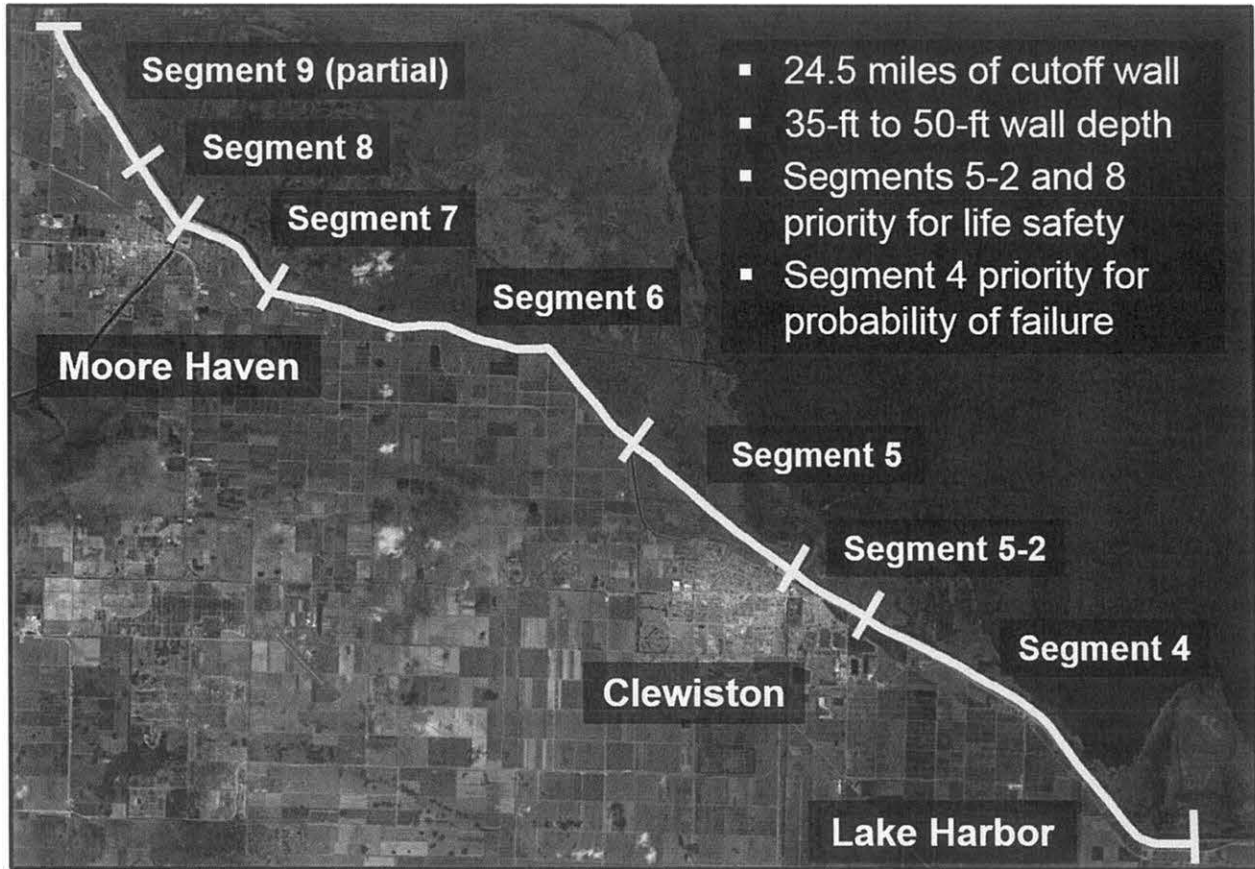


Figure 2. HHD Common Inundation Zone B proposed cut-off wall.

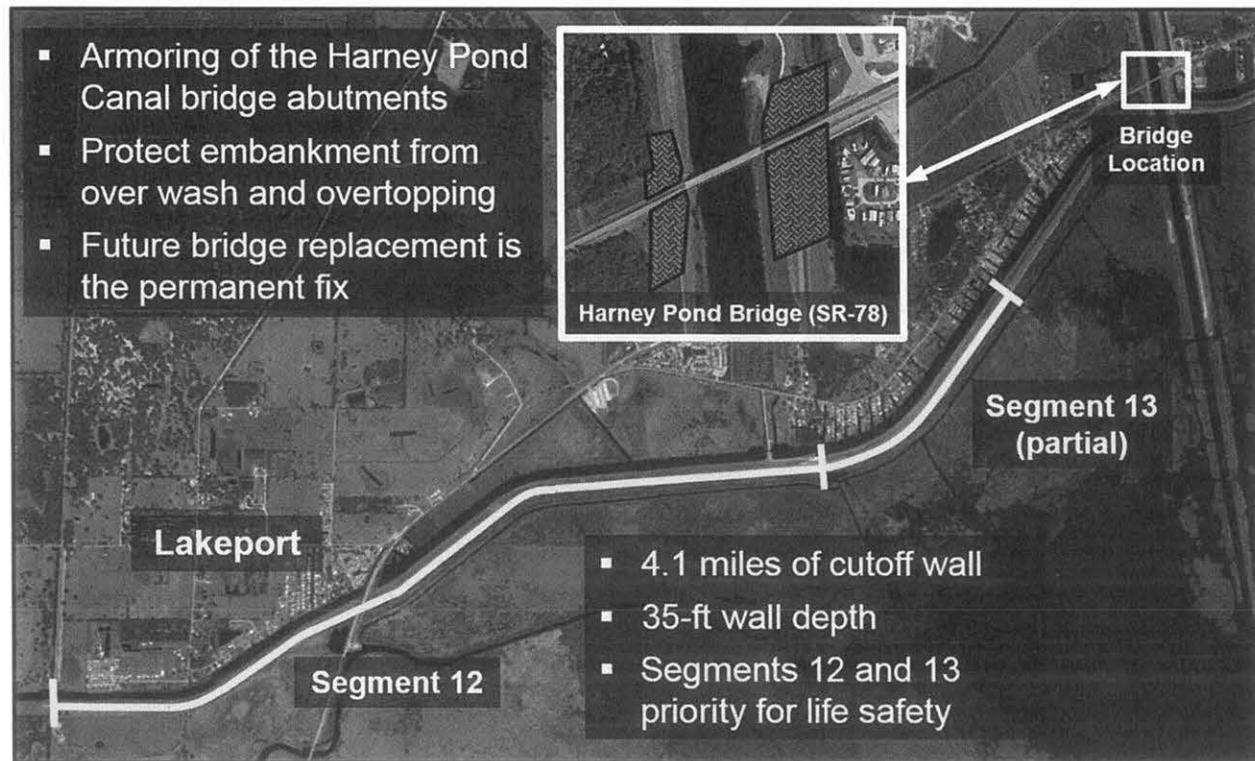


Figure 3. HHD Common Inundation Zone C proposed cut-off wall and armoring.

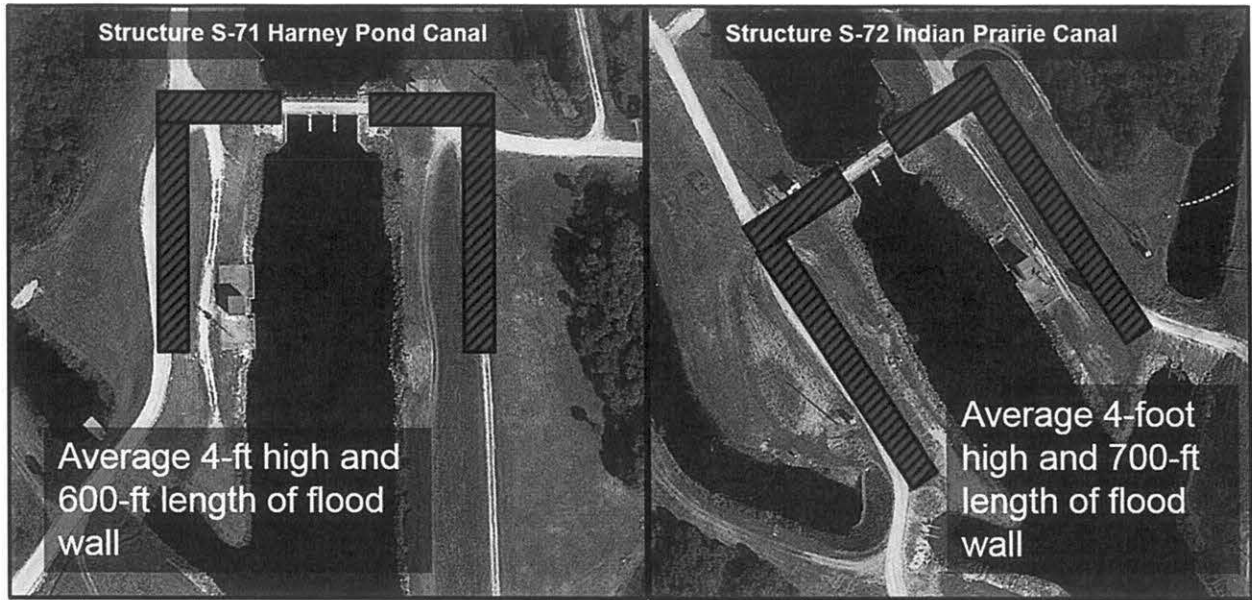


Figure 4. HHD Common Inundation Zone D proposed flood wall.



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
701 San Marco Boulevard  
JACKSONVILLE, FLORIDA 32207-8175

REPLY TO  
ATTENTION OF

DEC 15 2015

Planning and Policy Division  
Environmental Branch

Honorable James Billie  
Chairman, Seminole Tribe of Florida  
6300 Sterling Road  
Hollywood, FL 33024

Dear Chairman Billie:

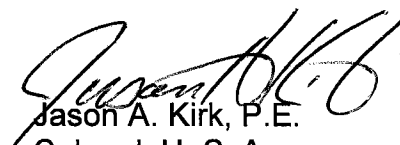
On March 13, 2013, Colonel Dodd sent you a letter regarding the Corps initiating preparation of a National Environmental Policy Act assessment for the Herbert Hoover Dike (HHD) Dam Safety Modification Study (DSMS). The purpose of the study is to identify risk reduction measures that can be implemented to reduce risks in the HHD system. The Corps met with representatives on November 23, 2015 to discuss the Tentatively Selected Plan. I have enclosed our draft Environmental Impact Statement (EIS) for your review and continuation of our consultation on the work proposed. The work proposed within the draft EIS would occur within the HHD system on Lake Okeechobee, located in south central Florida, in Glades, Hendry, Martin, Okeechobee, and Palm Beach Counties. Public review of this document will begin on December 24, 2015.

The objective of this draft EIS is to consider effects to the human environment of implementing rehabilitation measures to address the system-wide seepage and piping concerns within the HHD. The HHD would continue to perform the required operational functions during construction.

Any comments you may have should be submitted in writing to the letterhead address by February 23, 2016. However, please feel free to contact our Tribal Liaison, Kim Taplin, at 561-801-0285 if you would like to schedule a consultation meeting prior to this date to discuss your concerns. Questions concerning the draft EIS can be submitted to Stacie Auvenshine at the letterhead address, email [HHDEnvironment@usace.army.mil](mailto:HHDEnvironment@usace.army.mil), or by phone at 904-232-3694.

Sincerely,

Enclosures

  
Jason A. Kirk, P.E.  
Colonel, U. S. Army  
District Commander

Copies Furnished:

Seminole Tribe of Florida, Executive Director, Historic Resources Department, Tribal  
Historic Preservation Office, 34725 West Boundary Road, Clewiston, Florida 33440

Seminole Tribe of Florida, Dr. Paul N. Backhouse, Ph.D., Tribal Historic Preservation  
Officer, Ah Tha Thi Ki Museum, 30290 Josie Billie Hwy, PMB 1004, Clewiston,  
Florida 33440

Cherise Maples, Director, Environmental Resource Management, Seminole Tribe of  
Florida, 6300 Stirling Road, Hollywood, FL 33024

Patricia Powers, Bose Public Affairs Group, 2000 M Street, N.W., Suite 520,  
Washington, D.C. 20036

Cicero Osceola, Big Cypress General Council Office, Council Representative, 31000  
Josie Billie Highway, Clewiston, FL 33440

Andrew J. Bowers, ESQ., Brighton Council Representative, Seminole Tribe of Florida  
Brighton Council, 500 Harney Pond Road, Okeechobee, FL 34974

Joe Frank, Big Cypress Board Representative, Seminole Tribe of Florida, Inc., Big  
Cypress Board Office, 31000 Josie Billie Hwy., Clewiston, FL 33440





DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
701 San Marco Boulevard  
JACKSONVILLE, FLORIDA 32207-8175

REPLY TO  
ATTENTION OF

Planning and Policy Division  
Environmental Branch

MAR 10 2016

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

Re: Herbert Hoover Dike Dam Safety Modification Study, Draft Environmental Impact Statement, THPO # 0011642

Dear Dr. Backhouse:

As part of the Herbert Hoover Dike (HHD) Dam Safety Modification Study (DSMS), the U.S. Army Corps of Engineers (Corps), Jacksonville District is studying the environmental effects of rehabilitation of the HHD with an Environmental Impact Statement (EIS). The HHD is currently recognized as requiring urgent repairs to minimize risks to public safety and to provide a tolerable level of economic, societal and environmental security in the region. The objective of the DSMS and Draft EIS is to identify and recommend a cost effective alternative risk management plan that supports the expeditious reduction of risk from a breach of HHD.

As a result of the DSMS, an economically, environmentally, and socially efficient tentatively selected plan (TSP) is being recommended to reduce the overall risks attributed to a breach associated with HHD. The TSP consists of cost-effective structural measures that work in unison to reduce the likelihood of a breach at HHD and achieves the primary objective of protecting public safety. The TSP includes construction of risk reduction measures around the southern half of HHD and limited areas in the northwest sides of the dam, greatly reducing the potential for breach-related damages. The probability of experiencing a breach and incurring substantial impacts on ecological, cultural, and aesthetic resources would be greatly reduced with the implementation of the TSP.



As currently proposed, construction undertakings associated with the TSP are expected to occur within the previously disturbed Federal right-of-way. The area of potential effects (APE) for the actions proposed in the TSP (i.e. a cutoff wall, floodwall, and armoring) include the Federal right-of-way of HHD Common Inundation Zones B, C, and D (Figures 1-4).

Due to the location of the project area within the previously disturbed HHD Federal right-of-way and based on similar projects previously completed as a part of HHD rehabilitation projects (i.e. cutoff Reach 1 and culvert replacements), it is not expected that the project will adversely affect historic properties listed or eligible for listing in the National Register of Historic Places. However, a portion of the proposed floodwall within Common Inundation Zone C is located on the Brighton Reservation and consultation with the Tribal Historic Preservation Office regarding the APE must be undertaken before a determination of effects on this portion of the project can be stated (see Figure 4). As the current study has not been subject to preliminary engineering and design, it is premature to request a review of any of the proposed undertakings, and therefore a determination of effects based on a precise APE cannot be stated at this time. However, each of the proposed undertakings will be subject to separate consultation with the Seminole Tribe of Florida (STOF) and consideration of effects once the design has been finalized and prior to construction (similar to the current process utilized during HHD culvert replacements). Construction on these undertakings is schedule to begin in 2019 with an expected duration of 5 to 7 years.

Pursuant to Section 106 of the National Historic Preservation Act (16 USC 470) and it's implementing regulations (36 CFR 800), and in consideration Corps' Trust Responsibilities and the Burial Resources Agreement between the Corps and STOF, the Corps kindly requests continued coordination and formal consultation on the DSMS and the proposed undertakings related to the study. The Corps will remain in contact with Ms. Anne Mullins to determine effects for those portions of the project that are located on reservation and Mr. Bradley Mueller and Mr. Andrew Weidman for off-reservation effects. If there are any questions, please contact Ms. Meredith Moreno at 904-232-1577 or e-mail at Meredith.a.moreno@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason J. Spinning". The signature is stylized and cursive, with a large initial "J" and "S".

Jason J. Spinning  
Acting Chief, Environmental Branch

Enclosure

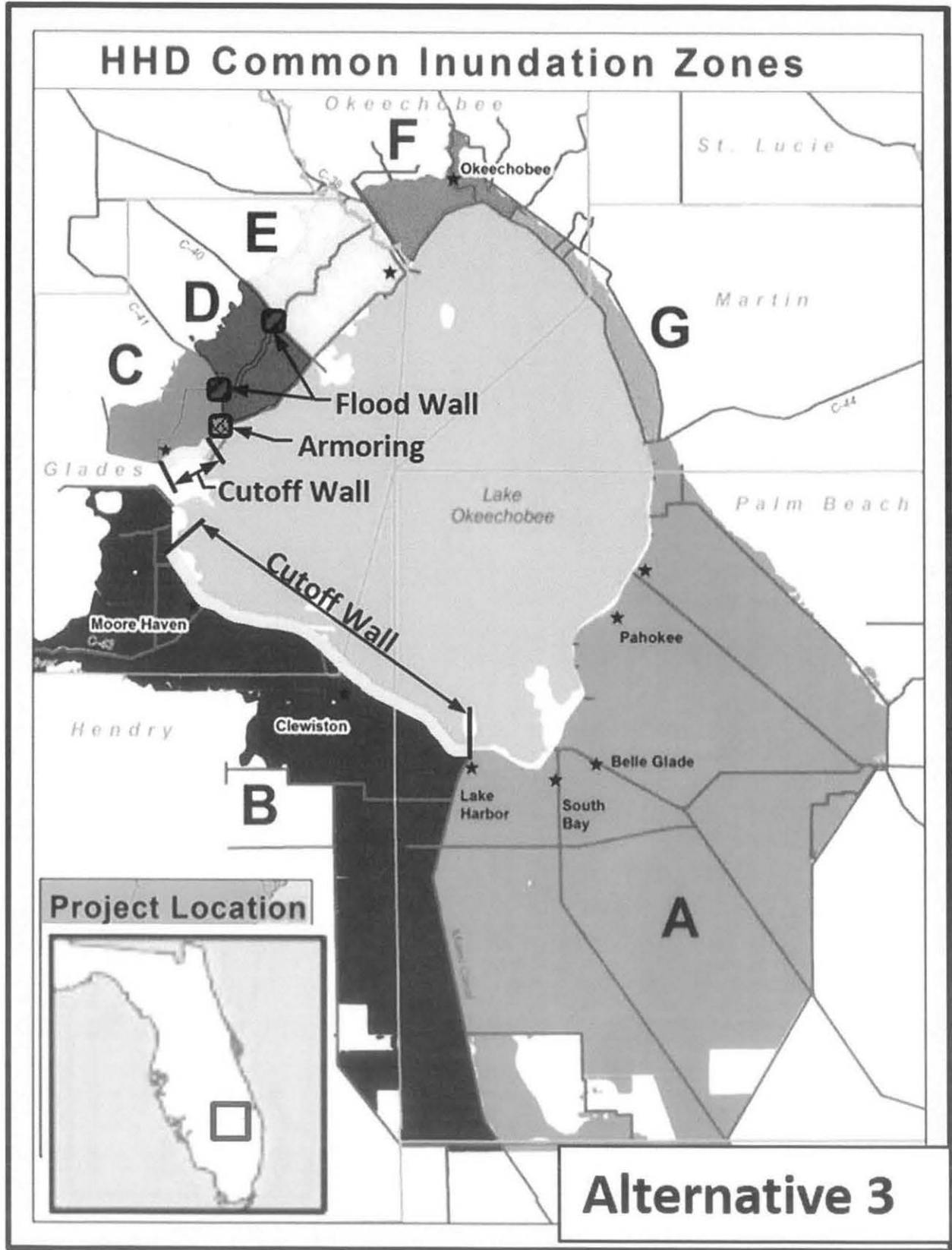


Figure 1.

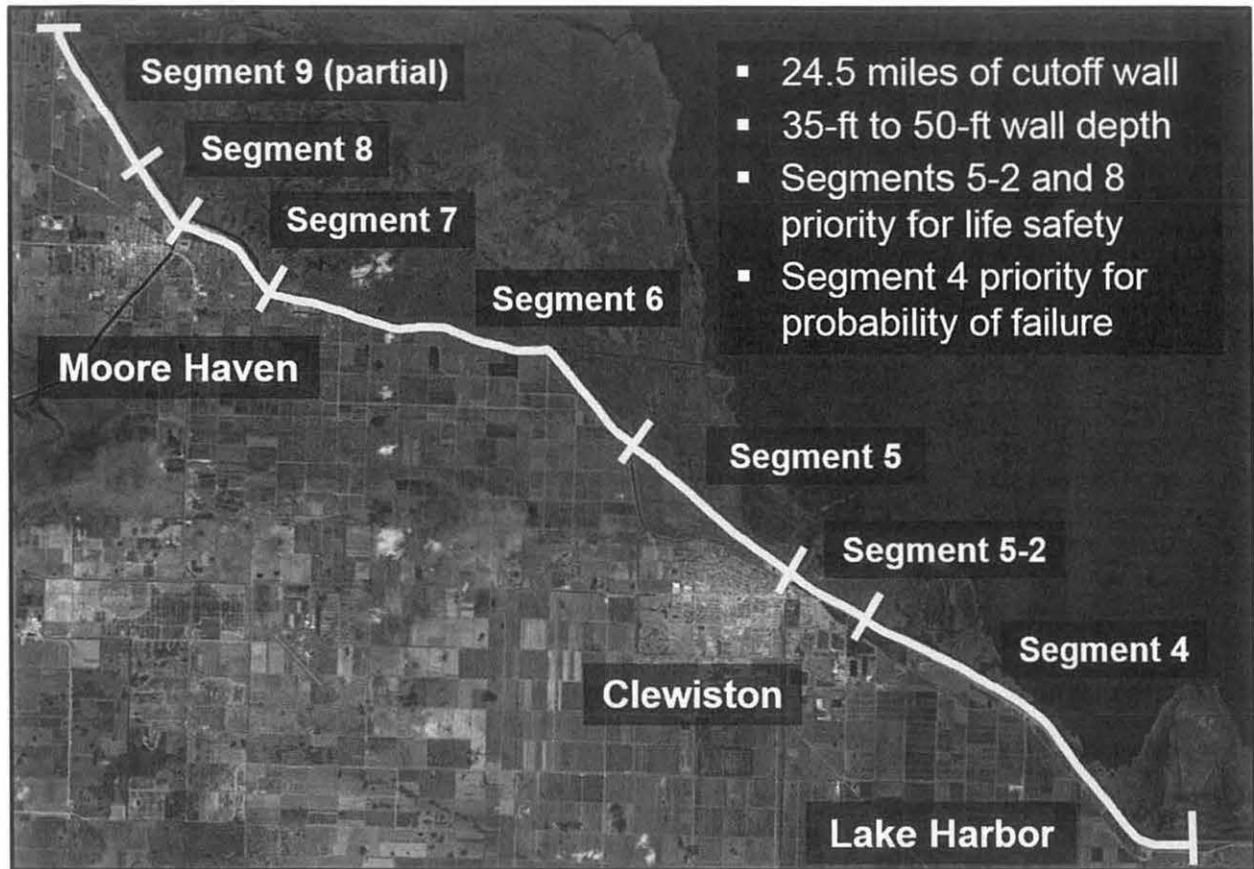


Figure 2. HHD Common Inundation Zone B proposed cut-off wall.

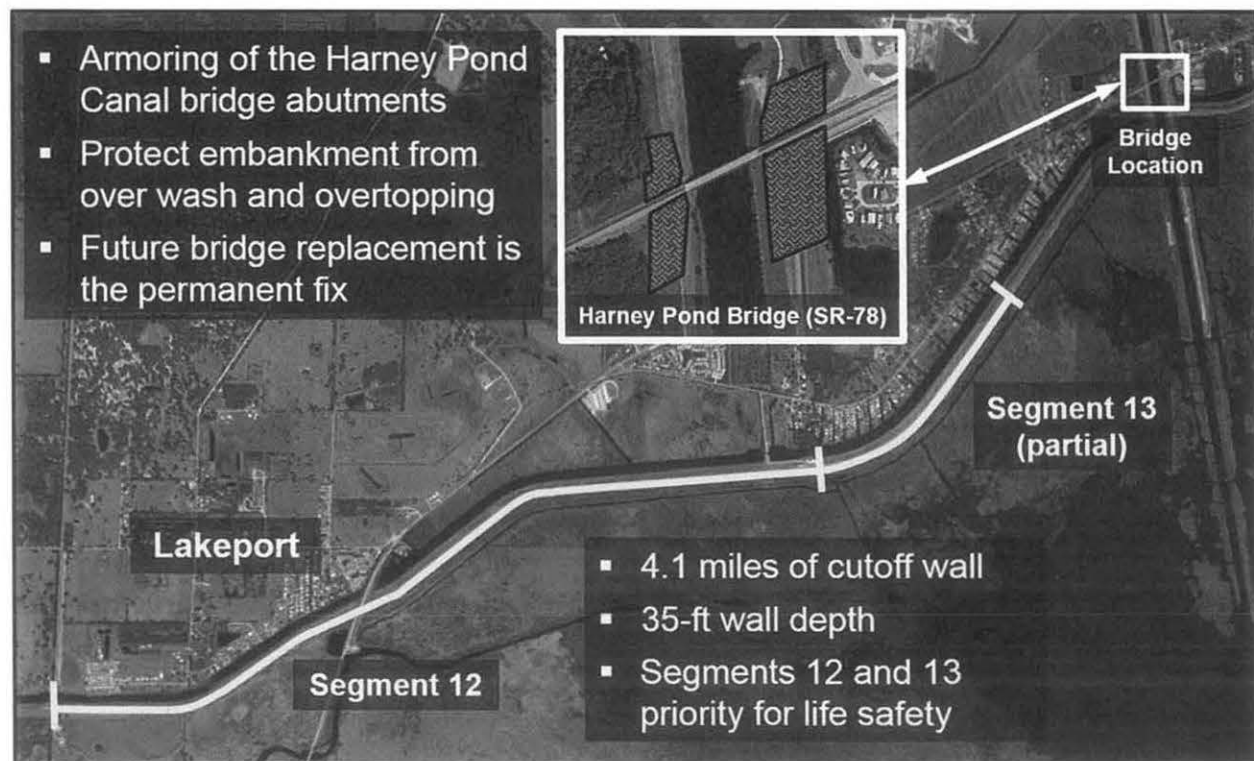


Figure 3. HHD Common Inundation Zone C proposed cut-off wall and armoring.

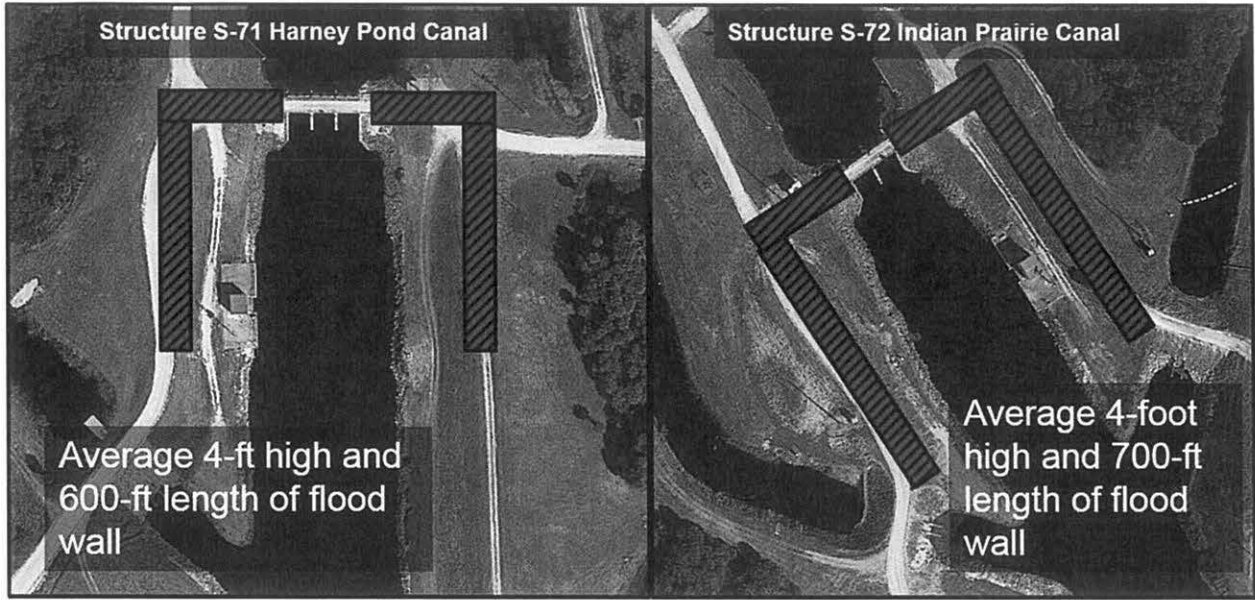


Figure 4. HHD Common Inundation Zone D proposed flood wall.



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
701 San Marco Boulevard  
JACKSONVILLE, FLORIDA 32207-8175

REPLY TO  
ATTENTION OF

Planning and Policy Division  
Environmental Branch

MAR 10 2016

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

Re: Herbert Hoover Dike Dam Safety Modification Study, Draft Environmental Impact Statement

Dear Dr. Parsons:

As part of the Herbert Hoover Dike (HHD) Dam Safety Modification Study (DSMS), the U.S. Army Corps of Engineers (Corps), Jacksonville District is studying the environmental effects of rehabilitation of the HHD with an Environmental Impact Statement (EIS). The HHD is currently recognized as requiring urgent repairs to minimize risks to public safety and to provide a tolerable level of economic, societal and environmental security in the region. The objective of the DSMS and Draft EIS is to identify and recommend a cost effective alternative risk management plan that supports the expeditious reduction of risk from a breach of HHD.

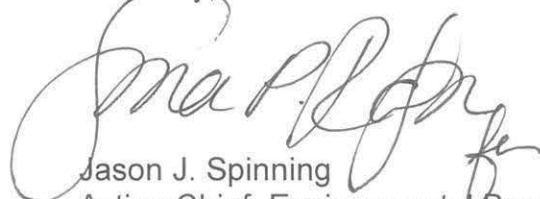
As a result of the DSMS, an economically, environmentally, and socially efficient tentatively selected plan (TSP) is being recommended to reduce the overall risks attributed to a breach associated with HHD. The TSP consists of cost-effective structural measures that work in unison to reduce the likelihood of a breach at HHD and achieves the primary objective of protecting public safety. The TSP includes construction of risk reduction measures around the southern half of HHD and limited areas in the northwest sides of the dam, greatly reducing the potential for breach-related damages. The probability of experiencing a breach and incurring substantial impacts on ecological, cultural, and aesthetic resources would be greatly reduced with the implementation of the TSP.

As currently proposed, construction undertakings associated with the TSP are expected to occur within the previously disturbed Federal right-of-way. The area of potential effects (APE) for the actions proposed in the TSP (i.e. a cutoff wall, floodwall, and armoring) include the Federal right-of-way of HHD Common Inundation Zones B, C, and D (Figures 1-4).

Due to the location of the project area within the previously disturbed HHD Federal right-of-way and based on similar projects previously completed as a part of HHD rehabilitation projects (i.e. cutoff Reach 1 and culvert replacements), it is not expected that the project will adversely affect historic properties listed or eligible for listing in the National Register of Historic Places (DHR File Nos. 2015-1618; 2011-00816). However, as the current study has not been subject to preliminary engineering and design, it is premature to request a review of any of the proposed undertakings, and therefore a determination of effects based on a precise APE cannot be stated at this time. However, each of the proposed undertakings will be subject to separate consultation with the Florida State Historic Preservation Officer and consideration of effects once the design has been finalized and prior to construction. Construction on these undertakings is schedule to begin in 2019 with an expected duration of 5 to 7 years.

Pursuant to Section 106 of the National Historic Preservation Act (16 USC 470) and it's implementing regulations (36 CFR 800), the Corps kindly requests continued coordination and formal consultation on the DSMS and the proposed undertakings related to the study. If there are any questions, please contact Ms. Meredith Moreno at 904-232-1577 or e-mail at Meredith.a.moreno@usace.army.mil.

Sincerely,

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Jason J. Spinning  
Acting Chief, Environmental Branch

Enclosure



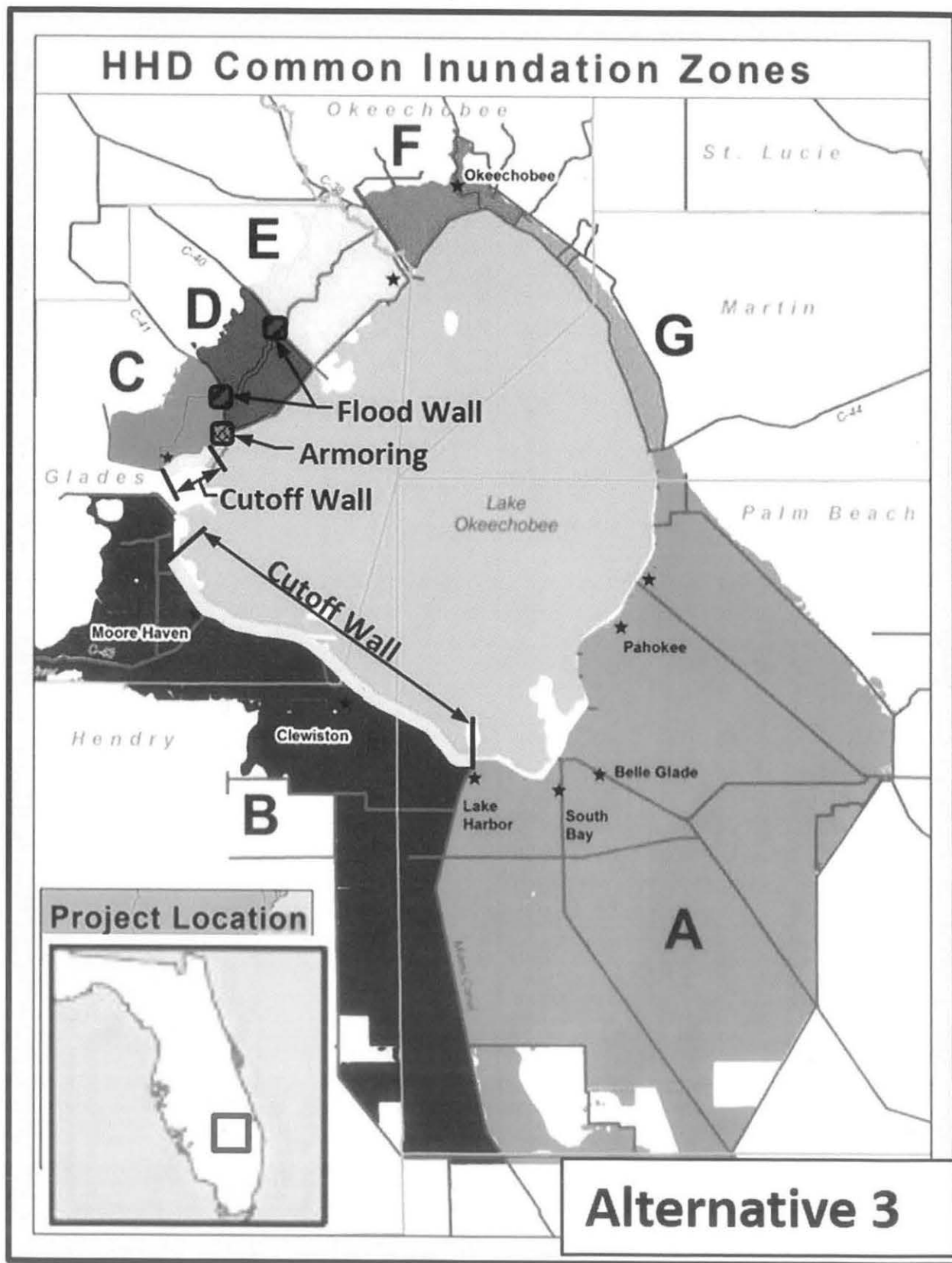


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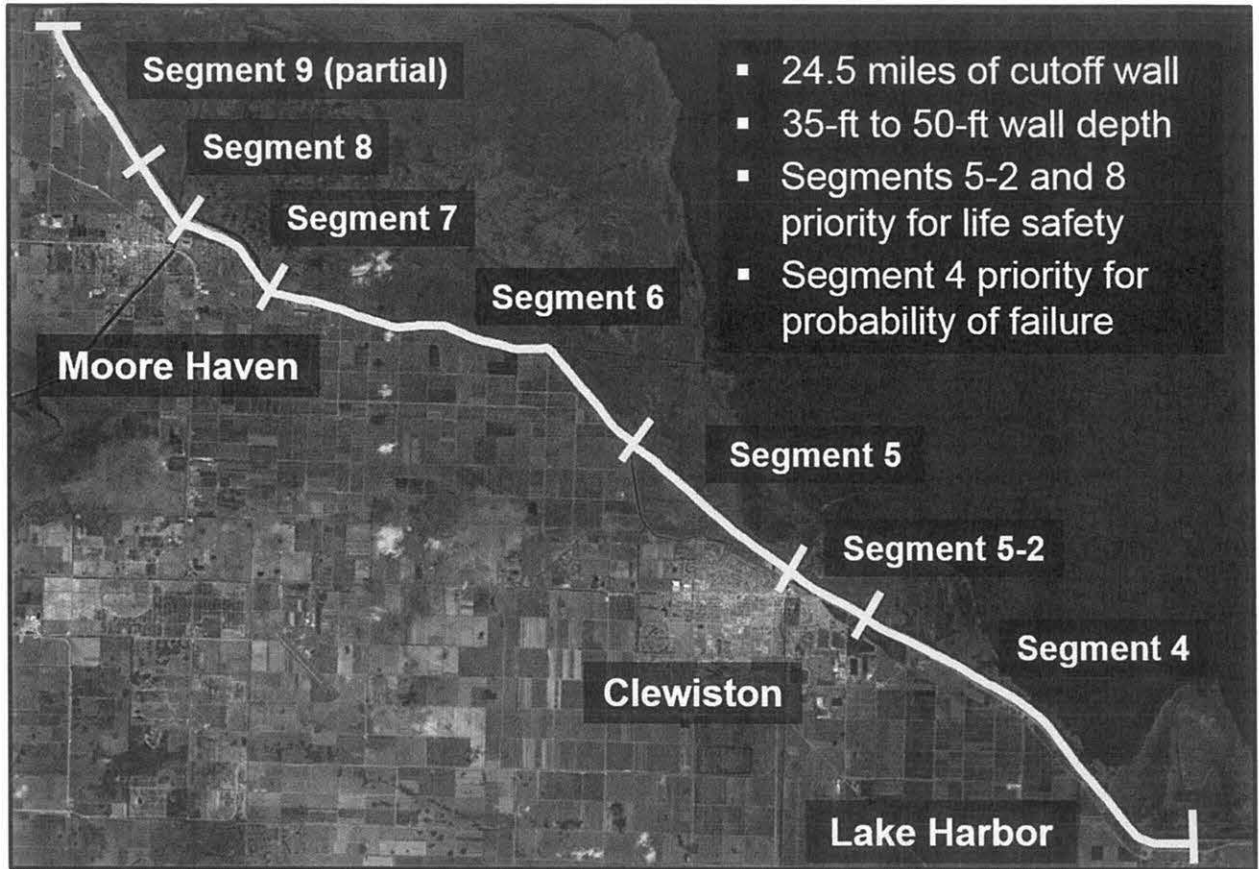


Figure 2. HHD Common Inundation Zone B proposed cut-off wall.

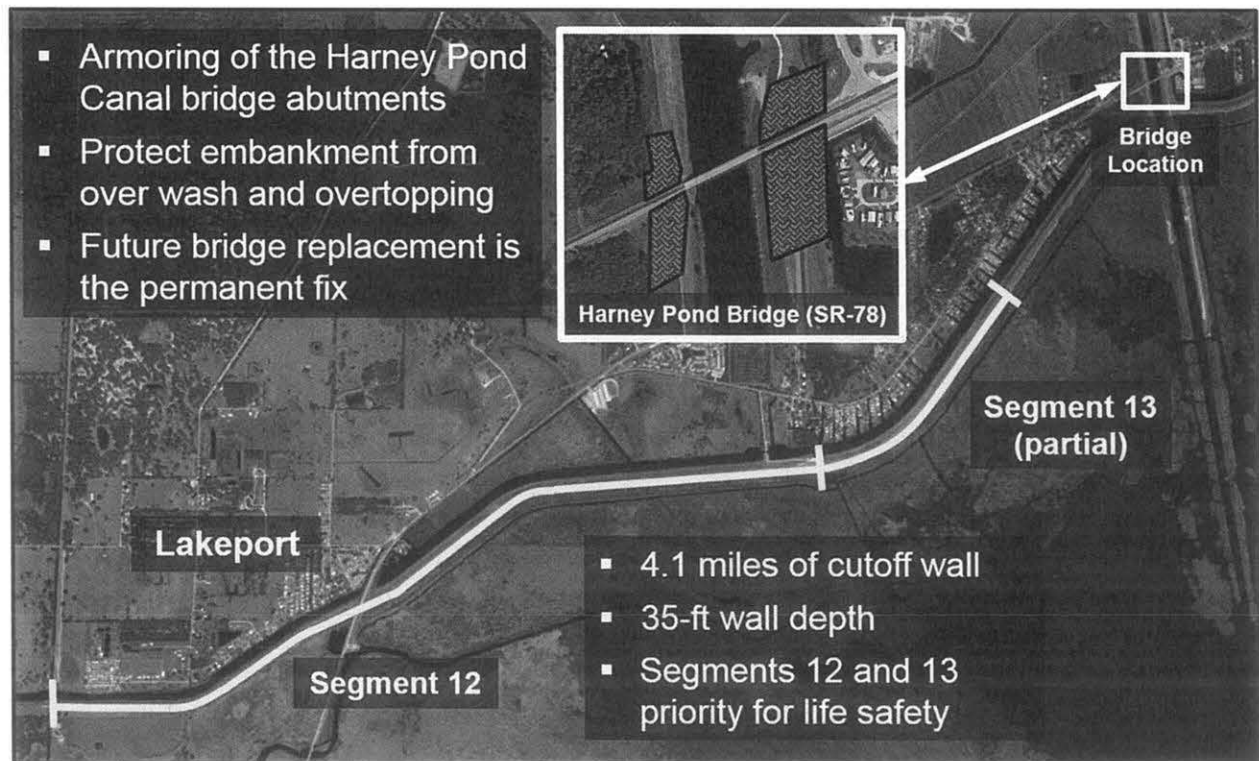


Figure 3. HHD Common Inundation Zone C proposed cut-off wall and armoring.



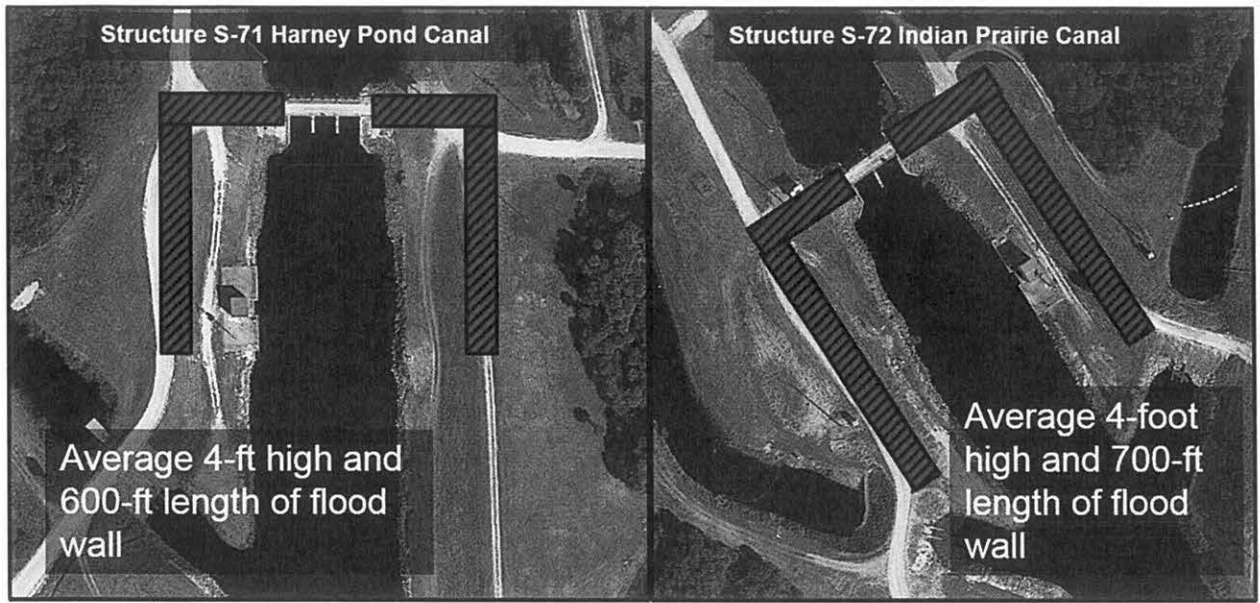


Figure 4. HHD Common Inundation Zone D proposed flood wall.



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
701 San Marco Boulevard  
JACKSONVILLE, FLORIDA 32207-8175

REPLY TO  
ATTENTION OF

Planning and Policy Division  
Environmental Branch

DEC 24 2015

To Whom It May Concern:

Pursuant to the National Environmental Policy Act and the U.S. Army Corps of Engineers (Corps) Regulation (33 CFR 230.11), this letter constitutes the Notice of Availability of the draft Environmental Impact Statement (EIS) for the Herbert Hoover Dike (HHD) Dam Safety Modification Study. The work proposed within the draft EIS would occur within the HHD system on Lake Okeechobee, located in south central Florida, in Glades, Hendry, Martin, Okeechobee, and Palm Beach Counties.

The draft EIS is available for your review on the Corps Environmental planning website, under Palm Beach County:

<http://www.saj.usace.army.mil/About/DivisionsOffices/Planning/EnvironmentalBranch/EnvironmentalDocuments.aspx>

Any comments you may have must be submitted in writing to the letterhead address within 60 days after the date stamped on this letter. Questions concerning the draft EIS can be submitted to Stacie Auvenshine at the letterhead address, email [HHDEnvironment@usace.army.mil](mailto:HHDEnvironment@usace.army.mil), or by phone at 904-232-3694.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric P. Summa", with a long horizontal line extending to the right.

Eric P. Summa  
Chief, Planning and Policy Division

A printed copy of the report is also available at the following libraries:

Glades County Library	201 Riverside Drive	Moore Haven	FL	33471
Hendry County Barron Library	461 North Main Street	LaBelle	FL	33935
Hendry County Harry T. Vaughn Library	120 West Osceola Avenue	Clewiston	FL	33440
Martin County Elisabeth Lahti Library	15200 SW Adams Ave	Indiantown	FL	34956
Martin County Blake Library	2351 SE Monterey Road	Stuart	FL	34996
Okeechobee County Public Library	206 SW 16th Street	Okeechobee	FL	34974
Palm Beach County Library, Main Branch	3650 Summit Blvd.	West Palm Beach	FL	33406
Palm Beach County Library, Belle Glade Branch	725 NW 4 <sup>th</sup> Street	Belle Glade	FL	33430
Palm Beach County Library, Loula V. York Branch	525 Bacom Point Road	Pahokee	FL	33476
Palm Beach County Library, Clarence E. Anthony Branch	375 SW 2 <sup>nd</sup> Avenue	South Bay	FL	33493



**DEPARTMENT OF THE ARMY**  
**JACKSONVILLE DISTRICT CORPS OF ENGINEERS**  
701 San Marco Boulevard  
JACKSONVILLE, FLORIDA 32207-8175

REPLY TO  
ATTENTION OF

Planning and Policy Division  
Environmental Branch

**DEC 24 2015**

Mr. Chris Stahl  
Florida Department of Environmental Protection  
State Clearinghouse  
3900 Commonwealth Boulevard, MS 47  
Tallahassee, Florida 32399-3000

Dear Mr. Stahl:

Pursuant to the National Environmental Policy Act, enclosed for State agency review and comment are eight CDs of the draft Environmental Impact Statement (EIS) for the Herbert Hoover Dike (HHD) Dam Safety Modification Study.

Any comments you may have must be submitted in writing to the letterhead address within 60 days after the date stamped on this letter. Questions concerning the EIS can be submitted to Stacie Auvenshine at the letterhead address, email [HHDEnvironment@usace.army.mil](mailto:HHDEnvironment@usace.army.mil), or by phone at 904-232-3694.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric P. Summa".

Eric P. Summa  
Chief, Environmental Branch

Enclosures



**DEPARTMENT OF THE ARMY**  
**JACKSONVILLE DISTRICT CORPS OF ENGINEERS**  
701 San Marco Boulevard  
JACKSONVILLE, FLORIDA 32207-8175

REPLY TO  
ATTENTION OF

Planning and Policy Division  
Environmental Branch

**DEC 24 2015**

To Whom It May Concern:

Pursuant to the National Environmental Policy Act and the U.S. Army Corps of Engineers Regulation (33 CFR 230.11), this letter constitutes the Notice of Availability of the draft Environmental Impact Statement (EIS) for the Herbert Hoover Dike (HHD) Dam Safety Modification Study. The work proposed within the draft EIS would occur within the HHD system on Lake Okeechobee, located in south central Florida, in Glades, Hendry, Martin, Okeechobee, and Palm Beach Counties.

Any comments you may have must be submitted in writing to the letterhead address within 60 days after the date stamped on this letter. Questions concerning the draft EIS can be submitted to Stacie Auvenshine at the letterhead address, email [HHDEnvironment@usace.army.mil](mailto:HHDEnvironment@usace.army.mil), or by phone at 904-232-3694.

Sincerely,

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Eric P. Summa  
Chief, Planning and Policy Division

Enclosures



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
701 San Marco Boulevard  
JACKSONVILLE, FLORIDA 32207-8175

REPLY TO  
ATTENTION OF

Planning and Policy Division  
Environmental Branch

**DEC 24 2015**

Dear Librarian:

Enclosed is a copy of the draft Environmental Impact Statement (EIS) for the Herbert Hoover Dike (HHD) Dam Safety Modification Study. The work proposed within the draft EIS would occur within the HHD system on Lake Okeechobee, located in south central Florida, in Glades, Hendry, Martin, Okeechobee, and Palm Beach Counties.

This draft EIS is being provided for public review pursuant to the National Environmental Policy Act. We request that you make the copy available for public viewing in the reference section of your library for a period of 60 days, after which it may be disposed.

Thank you for your assistance in this matter. If you have any questions or need further information, please contact Stacie Auvenshine at 904-232-3694.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric P. Summa".

Eric P. Summa  
Chief, Planning and Policy Division

Enclosures

**C.3 Additional Correspondence**

This portion of the Pertinent Correspondence is related information from prior HHD coordination that is pertinent to the Dam Safety Modification Study.

State Historic Preservation Office – Past correspondence

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FLORIDA DEPARTMENT OF STATE  
**Sandra B. Mortham**  
Secretary of State

August 14, 1998

DIVISION OF HISTORICAL RESOURCES

Mr. George Strain  
Planning Division, Environmental Branch  
Jacksonville District, Corps of Engineers  
P.O. Box 4970  
Jacksonville, Florida 32232-0019

In Reply Refer To:  
Scott B. Edwards  
Historic Sites Specialist  
Project File No. 985383

RE: Cultural Resource Assessment Request  
Herbert Hoover Dike Rehabilitation  
Palm Beach and Martin Counties, Florida

Dear Mr. Strain:

In accordance with the procedures contained in 36 C.F.R., Part 800 ("Protection of Historic Properties"), we have reviewed the referenced project for possible impact to historic properties listed, or eligible for listing, in the *National Register of Historic Places*. The authority for this procedure is the National Historic Preservation Act of 1966 (Public Law 89-665), as amended.

We note that the Herbert Hoover Dike (8PB2028) is eligible for listing in the National Register. Because of the nature of the project, is the opinion of this office that the proposed project activities will have no adverse effect on the historic character of the Herbert Hoover Dike.

If you have any questions concerning our comments, please do not hesitate to contact us. Your interest in protecting Florida's historic properties is appreciated.

Sincerely,

*for* George W. Percy, Director  
Division of Historical Resources  
and  
State Historic Preservation Officer

GWP/Ese

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250 • (850) 488-1480  
FAX: (850) 488-3353 • WWW Address <http://www.dos.state.fl.us>

ARCHAEOLOGICAL RESEARCH  
(850) 487-2299 • FAX: 414-2207

HISTORIC PRESERVATION  
(850) 487-2333 • FAX: 922-0496

HISTORICAL MUSEUMS  
(850) 488-1484 • FAX: 921-2503

DIVISIONS OF FLORIDA DEPARTMENT OF STATE

- Office of the Secretary
- Office of International Relations
- Division of Elections
- Division of Corporations
- Division of Cultural Affairs
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FLORIDA DEPARTMENT OF STATE  
**Katherine Harris**  
 Secretary of State  
 DIVISION OF HISTORICAL RESOURCES

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

August 20, 1999

RE: DHR Project File No. 995532  
 Cultural Resource Assessment Request  
 Draft Environmental Impact Statement for the Herbert Hoover Dike  
 Major Rehabilitation Evaluation Report

Dear Mr. Duck:

In accordance with the procedures contained in 36 C.F.R., Part 800 ("Protection of Historic Properties"), we have reviewed the referenced project for possible impact to historic properties listed, or eligible for listing, in the *National Register of Historic Places*. The authority for this procedure is the National Historic Preservation Act of 1966 (Public Law 89-665), as amended.

We have reviewed the referenced draft environmental impact statement and note that the Herbert Hoover Dike (8PB2028) is eligible for listing in the National Register. We specifically reviewed sections 4.18 and 5.18, both dealing with Cultural Resources. We note that Alternative No. 3, which involves the installation of a seepage berm with relief trench along the leeward toe of the embankment, was selected as the preferred alternative. Therefore, it is the opinion of this office that the proposed project activities associated with Alternative No. 3 will have no adverse effect on the historic character of the Herbert Hoover Dike.

If you have any questions concerning our comments, please contact Scott Edwards, Historic Preservation Planner, at 850-487-2333 or 800-847-7278. Your interest in protecting Florida's historic properties is appreciated.

Sincerely,

George W. Percy, Director  
 Division of Historical Resources and  
 State Historic Preservation Officer

GWP/Ese

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250 • <http://www.flheritage.com>

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|--|---|---|--|
| <input type="checkbox"/> Director's Office<br>(850) 488-1480 • FAX: 488-3355                     | <input type="checkbox"/> Archaeological Research<br>(850) 487-2299 • FAX: 414-2207    | <input checked="" type="checkbox"/> Historic Preservation<br>(850) 487-2333 • FAX: 922-0496 | <input type="checkbox"/> Historical Museums<br>(850) 488-1484 • FAX: 921-2503    |
| <input type="checkbox"/> Historic Pensacola Preservation Board<br>(850) 595-5985 • FAX: 595-5989 | <input type="checkbox"/> Palm Beach Regional Office<br>(561) 279-1475 • FAX: 279-1476 | <input type="checkbox"/> St. Augustine Regional Office<br>(904) 825-5045 • FAX: 825-5044    | <input type="checkbox"/> Tampa Regional Office<br>(813) 272-3843 • FAX: 272-2340 |

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FLORIDA DEPARTMENT OF STATE  
**Katherine Harris**  
Secretary of State  
DIVISION OF HISTORICAL RESOURCES

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

May 29, 2002

RE: DHR Project File Number: 2002-4932  
Received by DHR: May 17, 2002  
Project: Herbert Hoover Dike Major Rehabilitation  
Glades, Palm Beach Counties, 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* (Public Law 89-665), as amended in 1992, 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 (listed or eligible for listing, in the National Register of Historic Places), assessing effects upon them, and considering alternatives to avoid or reduce the project's effect on them.

Based on a review of the information provided, it is the opinion of this office that this project could have an effect on the original design of the Herbert Hoover Dike, considered historically significant for its engineering design. However, it is the opinion of this office that the proposed necessary modifications will have no adverse effect on historic properties eligible for listing in the *National Register of Historic Places*.

If there are any questions concerning our comments, please contact Allison McCarthy, Historic Sites Specialist, by electronic mail at [amccarthy@mail.dos.state.fl.us](mailto:amccarthy@mail.dos.state.fl.us) or at 850-245-6333 or 800-847-7278. Thank you for your interest in protecting Florida's historic properties.

Sincerely,

Janet Snyder Matthews, Ph.D., Director, and  
State Historic Preservation Officer

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

Director's Office  
(850) 245-6300 • FAX: 245-6435

Archaeological Research  
(850) 245-6444 • FAX: 245-6436

Historic Preservation  
(850) 245-6333 • FAX: 245-6437

Historical Museums  
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Palm Beach Regional Office  
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FLORIDA DEPARTMENT OF STATE  
**Katherine Harris**  
 Secretary of State  
 DIVISION OF HISTORICAL RESOURCES

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

May 29, 2002

RE: DHR Project File Number: 2002-4932  
 Received by DHR: May 17, 2002  
 Project: Herbert Hoover Dike Major Rehabilitation  
 Glades, Hendry, & Palm Beach Counties, 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* (Public Law 89-665), as amended in 1992, 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 (listed or eligible for listing, in the National Register of Historic Places), assessing effects upon them, and considering alternatives to avoid or reduce the project's effect on them.

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If there are any questions concerning our comments, please contact Allison McCarthy, Historic Sites Specialist, by electronic mail at [amccarthy@mail.dos.state.fl.us](mailto:amccarthy@mail.dos.state.fl.us) or at 850-245-6333 or 800-847-7278. Thank you for your interest in protecting Florida's historic properties.

Sincerely,

*Janet Snyder Matthews*  
 Janet Snyder Matthews, Ph.D., Director, and  
 State Historic Preservation Officer

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

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|---|--|---|---|
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| <input type="checkbox"/> Palm Beach Regional Office<br>(561) 279-1475 • FAX: 279-1476 | <input type="checkbox"/> St. Augustine Regional Office<br>(904) 825-5045 • FAX: 825-5044 | <input type="checkbox"/> Tampa Regional Office<br>(813) 272-3843 • FAX: 272-2340            |   |





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

REPLY TO  
ATTENTION OF

MAR 01 2011

Planning Division  
Environmental Branch

Mr. Scott Stroh, Director  
Division of Historical Resources  
State Historic Preservation Officer  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Mr. Stroh:

As part of the Herbert Hoover Dike Major Rehabilitation, the U.S. Army Corps of Engineers, Jacksonville District is proposing to replace 28 federal culverts and remove five federal culverts in Okeechobee, Martin, Palm Beach, Hendry and Glades Counties as part of a risk reduction strategy for the Herbert Hoover Dike (HHD) system (Figure 1). The culverts to be replaced or removed are all located within the federal right-of-way. These culverts pose an immediate and significant risk of failure due to the loss of embankment material into and along the culverts. Action is required over the next 60 months as an immediate risk reduction measure, in conformance with dam safety requirements, to reduce the risk of catastrophic failure. These major maintenance actions are required to reduce this unacceptable risk due to the high probability of failure with associated loss of life.

The following 28 culverts will be replaced with new culverts: culvert 1, 1A, 2, 3, 4A, 5, 5A, 6, 8, 10, 10A, 11, 12, 12A, 13, 16, HP-1, HP-2, HP-3, HP-5, HP-6, HP-7, FC-1, IP-1, IP-2, IP-3, KI-1, and KI-2. Culverts 7, 9, 14, HP-4, and TCC (Taylor Creek Culvert) are proposed to be removed completely (Table 1).

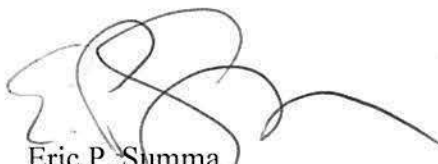
Constructed from 1933 to 1936, the culverts in Herbert Hoover Dike (1,1A, 2, 3, 4A, 5, 5A, 6, 7, 8, 9, 10, 10A, 11, 12, 12A, 13, 14, 16, and Taylor Creek Culvert) have been recorded in an architectural survey titled "*Herbert Hoover Dike Documentation and Assessment, Lake Okeechobee, Hendry, Glades, Okeechobee, Martin, and Palm Beach Counties, Florida*" by New South Associates, Inc. This report recommended these culverts as contributing elements to the National Register of Historic Places (NRHP) eligibility of Herbert Hoover Dike for agricultural development; however, the culverts are not independently eligible. Additionally, New South Associates, Inc. deemed that recording the culverts adequately mitigated their loss and that their removal will have no adverse effect on the NRHP eligibility of Herbert Hoover Dike.

The Corps has determined no adverse effect on the NRHP eligibility of Herbert Hoover Dike for the removal and replacement of these culverts and that the aforementioned report has sufficiently recorded these culverts to mitigate their loss.

The tributary culverts (HP-1, HP-2, HP-3, HP-4, HP-5, HP-6, HP-7, FC-1, IP-1, IP-2, IP-3, KI-1, and KI-2), were constructed from 1962 to 1966 and are located outside the Herbert Hoover Dike on Canal 40, Canal 41, and the Kissimmee River. They are not associated with agricultural development but were constructed for drainage purposes only. The Corps does not wish to make a determination at this time on the significance of the tributary culverts and has determined that the removal and replacement of the tributary culverts will have no effect on the eligibility of the Herbert Hoover Dike.

I request your comments on these determinations. If there are any questions, please contact Ms. Wendy Weaver at 904-232-2137 or e-mail at [wendy.weaver@usace.army.mil](mailto:wendy.weaver@usace.army.mil).

Sincerely,



Eric P. Summa  
Chief, Environmental Branch



Figure 1. Herbert Hoover Dike Culverts Project Area.



<b>Culvert</b>	<b>Year Built</b>	<b>Barrel type</b>	<b>Solution</b>	<b>NRHPStatus</b>
Culvert C-11	1934	CMP	Replace	Contributing
Culvert C-16	1935	CMP	Replace	Contributing
Culvert C-14	1935	CMP	Remove	Contributing
Culvert 10A	1934	CMP	Replace	Contributing
Culvert 13	1935	CMP	Replace	Contributing
Culvert 10	1934	CMP	Replace	Contributing
Culvert 12A	1933	Concrete	Replace	Contributing
Culvert C-12	1934	CMP	Replace	Contributing
Culvert C-4A	1933	CMP	Replace	Contributing
Culvert C-3	1933	CMP	Replace	Contributing
Culvert 2	1934	CMP	Replace	Contributing
Culvert C-1A	1933	CMP	Replace	Contributing
Culvert C-1	1934	CMP	Replace	Contributing
Culvert 5A	1933	CMP	Replace	Contributing
Culvert 5	1933	CMP	Replace	Contributing
Culvert C-6	1936	CMP	Replace	Contributing
Culvert 7	1936	CMP	Remove	Abandoned
Taylor Creek (TCC)	1936	CMP	Remove	Abandoned
Culvert 8	1936	CMP	Replace	Contributing
Culvert 9	1936	CMP	Remove	Abandoned
Tributary Culverts				
Culvert HP-4	1963	CMP	Remove	No determination
Culvert HP-5	1963	CMP	Replace	No determination
Culvert HP-6	1963	CMP	Replace	No determination
Culvert HP-7	1964	CMP	Replace	No determination
Culvert IP-1	1962	CMP	Replace	No determination
Culvert IP-2	1962	CMP	Replace	No determination
Culvert IP-3	1962	CMP	Replace	No determination
Culvert KI-1	1966	CMP	Replace	No determination
Culvert KI-2	1966	CMP	Replace	No determination

\*CMP-Corrugated Metal Pipe

**Table 1. Culverts to be removed and/or replaced.**





FLORIDA DEPARTMENT OF STATE  
**Kurt S. Browning**  
Secretary of State  
DIVISION OF HISTORICAL RESOURCES

Mr. Eric Summa  
Planning Division  
Jacksonville Corps of Engineers  
Post Office Box 4970  
Jacksonville, Florida 32232-0019

March 17, 2011

Re: DHR Project File No.: 2011-00816/ Received: March 6, 2011  
Herbert Hoover Dike Culverts Project  
Okeechobee, Martin, Palm Beach, Glades, Hendry Counties

Dear Mr. Summa:

Our office received and reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended and 36 CFR Part 800. The State Historic Preservation Officer is to advise and assist federal agencies when identifying historic properties (archaeological, architectural, and historical resources) 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.

Because of the nature of the project, this office concurs that no historic properties eligible for listing in the National Register will be affected.

If you have any questions concerning our comments, please contact Michael Hart, Historic Sites Specialist, by phone at 850.245.6333, or by electronic mail at [mrhart@dos.state.fl.us](mailto:mrhart@dos.state.fl.us). Your continued interest in protecting Florida's historic properties is appreciated.

Sincerely,

Laura A. Kammerer  
Deputy State Historic Preservation Officer  
For Review and Compliance



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

Ms. Wendy Weaver  
USACE, Jacksonville District, PD-EP  
701 San Marco Blvd.  
Jacksonville, Florida 32207

April 07, 2015

RE: DHR Project File No.: 2015-1618/ Received by DHR: April 07, 2015  
Project: *Herbert Hoover Dike Major Rehab - Cut off wall and drainage ditch along Reach 3*  
County: Palm Beach

Dear Ms. Weaver,

Our office received and reviewed the project in accordance with Section 106 of the *National Historic Preservation Act of 1966*, as amended and the *National Environmental Policy Act of 1969*. The State Historic Preservation Officer is to advise and assist federal agencies when identifying historic properties (archaeological, architectural, and historical resources) 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.

This office notes that the Herbert Hoover Dike (8PB02028) has been identified as eligible for the *National Register of Historic Places*. However, based on the information provided, it is the opinion of this office that the proposed project will have no adverse effect on this historic property.

For any questions concerning our comments, please contact Mary Berman, Historic Sites Specialist, by phone at 850.245.6333 or by electronic mail at [Mary.Berman@dos.myflorida.com](mailto:Mary.Berman@dos.myflorida.com).

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert F. Bendus".

Robert F. Bendus, Director  
Division of Historical Resources  
and State Historic Preservation Officer



Division of Historical Resources  
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399  
850.245.6333 • 850.245.6439 (Fax) [dos.myflorida.com/historical/](http://dos.myflorida.com/historical/)  
*Promoting Florida's History and Culture* VivaFlorida.org



**C.4 Public and Agency Comment Response Matrix**

COMMENT	AGENCY/PUBLIC COMMENT	CORPS RESPONSE & LOCATION OF CHANGE IN REPORT IF NECESSARY
<b>FEDERAL</b>		
<b>UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA)</b>		
EPA-1	Based on the EPA' s review of the project, the Preferred Alternative will result in reducing the risk of adverse impacts on surrounding communities and the environment by lowering the risk of a potential breach in the embankment. We also note that no air quality permits are required, regardless of the selected alternative, and that no wetlands would be impacted by the preferred Alternative. The project would not impact the water quality of Lake Okeechobee. Therefore, we rated the DEIS's Preferred Alternative as Lack of Objections (LO). The enclosed Summary of Rating Definitions provides a detailed explanation of the EPA' s ratings.	Thank you for the LO rating.
EPA-2	We recommend that updated information be included in the Final EIS (FEIS) regarding threatened and endangered species, environmental justice, and coordination activities regarding historic preservation. In addition, the EPA encourages continued government-to-government consultation with the Seminole Tribe of Florida and Miccosukee Tribe of Indians of Florida at all levels of decision-making. The FEIS should include updated information regarding consultation and coordination with the aforementioned tribes.	Consultation will continue with the tribes. We received concurrence from the USFWS on the Biological Assessment and the findings that are in the EIS.
EPA-3	The EPA concurs with the need to repair the HDD, and with the objectives of ensuring continued public safety, lowering the probability of experiencing a breach, and avoiding impacts to ecological, cultural, and aesthetic resources and the Everglades ecosystem from a potential breach. We also appreciate your efforts to minimize project impacts during construction.	Thank you for your comment.
EPA-4	<p><i>Climate Change and Greenhouse Gases (GHGs)</i></p> <p>Executive Order 13653, Climate Change Considerations (EO 13653), requires Federal agencies to review the effect of climate change on their programs. Tables 5-2-5-4 in the DEIS estimates emissions resulting from the construction of the project alternatives, including the Preferred Alternative. The DEIS also states that climate change is likely to affect water management operations of Lake Okeechobee, which is contained within the Herbert Hoover Dike. In the future, the ability of water managers to keep the lake level within the target parameters is likely to be affected because climate change could increase or decrease the frequency and magnitude of large storm events, alter the frequency and characteristics of rainfall patterns, and influence evapotranspiration from the lake and upstream basins.</p> <p>The DEIS states that the effectiveness of the dike renovation efforts may be adversely impacted by potential climate change impacts associated with increased frequency and magnitude of large</p>	A paragraph related to minimizing GHG emissions has been added to the document in section 5.9 of the document. The use of high efficiency equipment and locally sourced construction materials are two ways to minimize GHG emissions. The Corps value engineering review will also likely result in lower GHG

COMMENT	AGENCY/PUBLIC COMMENT	CORPS RESPONSE & LOCATION OF CHANGE IN REPORT IF NECESSARY
	<p>storm events, which could result in more extreme high lake stage events, thereby, potentially placing more stress on the dike. The lake levels are engineered and controlled and, therefore, each alternative for the rehabilitation of the embankment would not be directly affected by sea level rise. However, if storms become stronger, rehabilitation of the embankment would provide more stability for community safety and resource protection. We also note that, depending on the effects of climate change (temperature and rainfall specially), plant community structure within the littoral zone of Lake Okeechobee may change.</p> <p><b>Recommendations:</b> We recommend that the FEIS include discussions and analysis of reasonable alternatives and/or practicable mitigation measures to reduce project-related GHG emissions. The FEIS should make clear whether commitments have been made to ensure implementation of design or other measures to reduce Greenhouse Gas (GHG) emissions or to adapt to climate change impacts. The EPA further recommends that the Record of Decision (ROD) commits to implementation of reasonable mitigation measures that would further reduce or eliminate project-related GHG emissions.</p>	<p>emissions through optimizing design.</p>
EPA-5	<p><i>Threatened and Endangered Species</i></p> <p>The U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) have designated certain species of reptiles, birds, mammals, gastropods, and plants and lichens in 3 Glades, Hendry, and Palm Beach counties as threatened or endangered, and the DEIS notes that several of these listed species have been observed within the vicinity of the HDD. The DEIS states that the Preferred Alternative is not likely to adversely affect the threatened and endangered species and their critical habitat in the project area, and that these species would not be directly affected by the construction of a cutoff wall or internal drainage system. However, the DEIS also states that there is a potential for disturbance to the species during construction activities, and page 5-23 describes impacts to protected species as minor and temporary.</p> <p><b>Recommendations:</b> The EPA defers to the Federal and the state wildlife agencies on these issues, and recommends that the FEIS provide updated information regarding coordination and consultation with these agencies regarding the protection of threatened and endangered species in the context of the proposed project. Impacts should be avoided to the maximum extent feasible, and unavoidable impacts should be mitigated.</p>	<p>We received concurrence from the USFWS on the Biological Assessment and the findings that are in the EIS. All consultation information will be included in the FEIS.</p>
EPA-6	<p><i>Water Quality</i></p>	<p>Thank you for your comment, any temporary</p>

COMMENT	AGENCY/PUBLIC COMMENT	CORPS RESPONSE & LOCATION OF CHANGE IN REPORT IF NECESSARY
	<p>The DEIS states that the Preferred Alternative would not result in impacts to wetlands. However, incidental temporary impacts may occur in association with staging or site access, and the DEIS states that these impacts would total less than half an acre. Therefore, a Section 404(b)(1) evaluation was not prepared as part of the DEIS.</p> <p><b>Recommendations:</b> Temporary impacts resulting from construction-related activities, such as staging or site access, should be avoided or minimized to the extent feasible.</p>	<p>impacts will be avoided to the maximum extent practicable.</p>
EPA-7	<p><i>National Pollutant Discharge Elimination System (NP DES)</i></p> <p>Section 402(b)(2) requires that a NPDES construction activities permit be acquired for construction activities that disturb more than one acre of land. The Florida Department of Environmental Protection (FDEP) issues these permits, which would be acquired prior to initiation of construction of this project. The DEIS states that full compliance with the Clean Water Act (CWA) will be achieved with issuance of a Water Quality Certification under Section 401 from the State of Florida (page 6-1).</p> <p><b>Recommendations:</b> Impacts resulting from construction-related activities should be avoided or minimized to the extent feasible. The FEIS should include a listing of permits that are required for this project, and the planned schedule for these permits.</p>	<p>Impacts resulting from construction-related activities will be avoided or minimized to the extent feasible.</p> <p>Additional text regarding the water quality permits has been added to the text in Section 6.</p>
EPS-8	<p><i>Environmental Justice (EJ)</i></p> <p>Pursuant to Executive Order 12898, an assessment of the potential for disproportionately high and adverse health and environmental impacts was included in the DEIS. This assessment concluded that while a significant low-income population resides within the study area, this project is not expected to have disproportionately high and adverse human health or environmental impacts on minority or low income populations. 4 Communities may experience both benefits and burdens associated with construction. The DEIS identifies potential benefits to minority and low-income populations such as improved safety for community residents in the event of a project failure, but fails to identify potential impacts (page 6-4). In regards to project-related impacts, the EPA notes that a distinction is made between temporary construction impacts and longer-term impacts. However, the DEIS does not specify the construction period. If the construction is likely to be underway for a long period, these impacts may be considered significant for local communities. According to the DEIS, two public scoping meetings were held in February, 2013 prior to the required public meetings in January 2016 for the proposed rehabilitation of the HDD. It is unclear what specific efforts were made to meaningfully engage</p>	<p>The demographics of the surrounding HDD area are located in the economics section of the EIS. All impacts within the EIS are not significant and are discussed in their respective sections (i.e. noise, economics, etc.). The notice for the public meetings were sent out via mailing list, email, and a Press Release. Additional language was added to Section 6, page 6-4 to expand the discussion.</p>

COMMENT	AGENCY/PUBLIC COMMENT	CORPS RESPONSE & LOCATION OF CHANGE IN REPORT IF NECESSARY
	<p>minority and low-income populations within the project area throughout the decision-making process.</p> <p><b>Recommendations:</b> The EJ analysis should include demographic data, and a summary of impacts on affected minority and low-income populations, including Native American tribes and populations that are dependent on subsistence resources. Issues regarding traffic congestion, socioeconomic impacts, noise, construction impacts and other issues that directly concern the local communities, as well as operational impacts related to these matters, should also be fully clarified in the FEIS. The EPA's EJ and mapping tool, EJSCREEN (<a href="http://www.epa.gov/ejscreen">www.epa.gov/ejscreen</a>), utilizes standard and nationally consistent data to highlight areas that may have environmental burdens and vulnerable populations, and may assist in determining any project-specific impacts to minority and low-income populations.</p>	
EPA-9	<p>The EPA encourages a comprehensive public outreach strategy. This should include, but is not limited to, targeted outreach campaigns to neighbors, informational literature, and updated websites. The FEIS might also include information about the outreach towards, and anticipation of, minority and low-income populations that may have limited English proficiency. In addition, a summary of any EJ comments or concerns and their resolution should be included in the FEIS. Traffic impacts and emergency preparedness measures are particular topics that should continue to be addressed and coordinated with local communities. The EPA encourages continued coordination with the communities that will be impacted by the construction of the proposed project in an effort to meaningfully involve them throughout the decision-making and construction process.</p>	<p>Construction on all phases of HHD rehabilitation have been coordinated with the public. Emergency preparedness activities such as sirens and traffic patterns are under the authority of the local government to provide to the communities, while the Federal government is proposing to reduce risk by implementing the Recommended Plan. Tribes and communities will continue to be involved through the construction process.</p>



COMMENT	AGENCY/PUBLIC COMMENT	CORPS RESPONSE & LOCATION OF CHANGE IN REPORT IF NECESSARY
EPA-10	<p><i>Tribal Coordination and Consultation</i></p> <p>The DEIS states that the Seminole Tribe would probably continue to use the HHD for hunting and fishing (Section 3, Existing Conditions). The DEIS also documents previous communication with tribes regarding the proposed project. The EPA encourages continued government-to-government consultation with the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida at all levels of decision-making. The EPA works closely with both tribes on Everglades-related matters, and is committed to working with other Federal partners to prioritize the tribes' water quality and water management concerns.</p> <p><b>Recommendations:</b> The FEIS should include updated information regarding consultation and coordination with the tribes regarding the proposed project. Finalized decision documents should be included, if available.</p>	<p>All consultation with the tribes will be updated within the FEIS.</p> <p>Updated consultation letters are provided in Appendix C.</p>
EPA-11	<p><i>National Historic Preservation Act (NHP A), Section 106</i></p> <p>The Corps of Engineers has determined that there will be no effects to historic properties' area of potential effect (APE) if activities take place within the Federal right-of-way. In 2005, the Corps determined that the cutoff wall for Reach 1, constructed within the Federal right-of-way, would not affect the National Register of Historic Places (NRHP) eligibility of the dike, and the Florida State Historic Preservation Officer (SHPO) concurred. The DEIS provides that the remaining reaches would be expected to attain this determination and subsequent SHPO concurrence. Any actions outside of the Federal right-of-way may have the potential to affect historic properties within the APE, and further consultation with the Florida SHPO and federally-recognized tribes would be conducted in this event. The DEIS notes that consultation is ongoing with the SHPO and federally-recognized tribes (page 6-3).</p> <p><b>Recommendations:</b> Compliance with Section 106 of the National Historic Preservation Act (NHPA) should be documented as the project progresses. The FEIS should include an update of coordination activities with the SHPOs and tribes, along with the finalized decision documents pursuant to Section 106 of the NHPA, if available. The EPA defers to the SHPOs and tribes on these issues, and encourages continued government-to-government consultation with the Seminole Tribe of Florida and Miccosukee Tribe of Indians of Florida at all levels of decision making.</p>	<p>The HHD project has continued to have open communication with the tribes during all phases.</p> <p>Updated consultation letters are provided in Appendix C.</p>
<p><b>UNITED STATES DEPARTMENT OF INTERIOR (DOI)</b></p>		



COMMENT	AGENCY/PUBLIC COMMENT	CORPS RESPONSE & LOCATION OF CHANGE IN REPORT IF NECESSARY
DOI-1	The United States Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement (DEIS) for the Herbert Hoover Dike Dam Safety Modification Study. We have no comments at this time.	Thank you for your review.
DOI-2	We will assess the need for a more detailed and comprehensive report after review of the Corps Draft EIS describing the planning process, comparison of alternatives, selection of the Tentatively Selected Plan (TSP), and construction associated with the TSP. Upon completion and receipt of the Final EIS, the Department will further assess potential impacts associated with the selected plan and, if needed, prepare a Final FWCAR.	Thank you for your review.
DOI-3	<p><u>Specific Comments</u></p> <p>Page x, List of Figures:</p> <p>Figure 3-8. Caracara nests and observations (from 1992-2014) around Lake Okeechobee. Source: USFWS 2015 – date should be 2014.</p> <p>Figure 3-9. Snail Kite Critical Habitat - no source given for this information; source should be USFWS 2014.</p> <p>Figure 3-10. Snail kite nest locations from 2010-2015 (*active nests only). Source: USFWS 2015 – date should be 2014.</p> <p>Figure 3-11. Wood stork colonies (2005-2015) near HHD and Lake Okeechobee. Source: USFWS 2015 – date should be 2014.</p> <p>Figure 3-12. Florida panther zones in South Florida – no source given for this figure; source should be USFWS 2014.</p>	The reason the source is 2015 from USFWS is because that is when the maps were received from FWS. Edited the caption to say, Obtained from USFWS 2015.
DOI-4	Page 3-24, Under 3.8 THREATENED AND ENDANGERED SPECIES, last sentence of paragraph, sentence states – “Additional detail can also be found in the USFWS draft Fish and Wildlife Coordination Act Report (CAR) included in Appendix E.” The sentence should state “...can also be found in the Draft Interim Fish and Wildlife Coordination Act Report...” and should include a date of 2014.	Added the word Interim and the date of 2014.
DOI-5	Page 3-27: Cites “USFWS produced map with a date of 2015.” Should have a date of 2014 if the source of this map is the U.S. Fish and Wildlife Service’s 2014 Draft Interim FWCAR.	The date was changed to 2014. The map was obtained through email from FWS, not from the draft CAR.

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DOI-6	Page 3-28: States "Figure 3-8. Caracara nests and observations (from 1992-2014) around Lake Okeechobee. Source: USFWS 2015." The date for the source should be 2014.	The reason the source is 2015 from USFWS is because that is when the maps were received from FWS. Edited the caption to say obtained from USFWS 2015.
DOI-7	Page 3-31: States "Figure 3-10. Snail kite nest locations from 2010-2015 (*active nests only). Source: USFWS 2015." The date should be 2014 if the source is the 2014 Draft Interim FWCAR. If not the source, please provide the source of the map in references cited.	The reason the source is 2015 from USFWS is because that is when the maps were received from FWS through email.
DOI-8	Page 3-34: States "Figure 3-11. Wood stork colonies (2005-2015) near HHD and Lake Okeechobee. Source: USFWS 2015." The date should be 2014 if the source is the 2014 Draft Interim FWCAR. If not the source, please provide the source of the map in references cited.	The reason the source is 2015 from USFWS is because that is when the maps were received from FWS through email.
DOI-9	Page 3-35: States "Figure 3-12. Florida panther zones in South Florida." The source of the figure should be included with the figure description.	The source was added to this figure.
DOI-10	Page 3-36: States "However, the principal habitat in the area for these wading birds is within the littoral zone of Lake Okeechobee (USFWS 2001)." The USFWS 2001 reference is not included in the list of references for the Draft EIS. This reference should be provided in Section 9. References of the Draft EIS.	This source was added to the references section.
DOI-11	Page 6-1: Under 6.0 ENVIRONMENTAL COMPLIANCE; ENDANGERED SPECIES ACT OF 1973, AS AMENDED, it states the following: "The Corps sent a letter to the USFWS on December 24, 2015 that provided an opinion that the project remains "not likely to adversely affect" threatened and endangered species." This sentence should state the following: The Corps sent a letter to the USFWS on December 24, 2015 that provided a determination that the project "may affect, but not adversely affect" threatened and endangered species provided conservation measures outlined in	The sentence was revised as requested. Also added the following: A letter was received from the USFWS on February 22, 2016 that concurred with the Corps' determinations.

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	the 2014 Draft Interim Coordination Act Report are implemented and adhered to during preconstruction, construction, and after construction phases of the project.	
DOI-12	Page 9-3: The following reference is included twice in the list of references cited (Section 9.0 References): USFWS. (2013, November 25). Retrieved from Species Profile: <a href="http://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=C044#candidate">http://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=C044#candidate</a>	The second entry of this reference was deleted.
DOI-13	Under Section 9.0 References, the 2014 U.S. Fish and Wildlife Service Draft Interim Coordination Act Report (South Florida Ecological Services Office, Vero Beach, Florida) cited several times in the document and included in the Appendices for the Draft EIS, should be included as a cited reference.	This reference was added to Section 9.0.
<b>FEDERAL FARM BUREAU ASSOCIATION (FFB)</b>		
FFB-1	Although the Florida Farm Bureau Federation was not formally on the list of recipients to review the subject document we appreciate the opportunity to comment on the Draft Environment Impact Statement (EIS) for the Herbert Hoover Dike (HHD) Dam Safety Modification Report dated December 2015. We endorse the comments submitted by the Florida Department of Agriculture and Consumer Services (FDACS) on February 12, 2016 concerning this draft EIS report. Our focus, in align with FDACS, is to review and comment on recommendations and decisions regarding such important projects that may impact farming operations as well as rural agricultural communities around Lake Okeechobee and throughout the State of Florida.	Thank you for your review.
FFB-2	In Section 3.3 of the report, the statement identifying the major agricultural uses in the area is grossly inaccurate. We suggest working with FDACS to more accurately reflect agricultural land uses throughout the project area. Comments in Chapter 4, concerning water quality, identify agriculture as a significant source of pollution to Lake Okeechobee. We would urge the USACE to also include a paragraph on best management practices (BMPs) noting that agriculture has been implementing BMPs north and south of the Lake for the last three decades resulting in improvements in water quality runoff into Lake Okeechobee and south into the Water Conservation Areas. Improvements in water quality due to implementation of agricultural BMPs have been documented from data collected by the South Florida Water Management and the Florida Department of Environmental Protection.	In section 3.5 a discussion of BMP implementation and reduction in backpumping into the lake has been added.

COMMENT	AGENCY/PUBLIC COMMENT	CORPS RESPONSE & LOCATION OF CHANGE IN REPORT IF NECESSARY
FFB-3	<p>We also agree with FDACS concerning changes in the saltwater interface in the Common Inundation Zone (CIZ) B and a need for a more comprehensive monitoring plan to determine whether or not this is an impact due to the shallow cutoff wall. Likewise we feel there is no substantial scientific information that supports a hydrologic relationship between EAA canal operations and salinities in the surficial aquifer along the perimeter of the Lake from Port Mayaca south to Moore Haven.</p>	<p>The Corps has a comprehensive monitoring program that includes continued monitoring of 5 wells in Reach 1, periodic monitoring of the wells FDACS recommends (GL-332, PB-1822, and HE-1145), and new wells constructed in Reaches 1, 2, and 3. The current plan is to monitor these wells through 2018 and then evaluate the data and determine if ongoing long-term monitoring is warranted.</p> <p>The Ghyben-Herzberg principle relates the depth of the saline water interface to the elevation of the overlying freshwater lens in an unconfined aquifer with saline groundwater below the freshwater. In this case, the overlying groundwater elevation has been reduced through drainage and the likely aquifer response has been a shallowing of the freshwater/saline water interface. This phenomena has been observed at many</p>

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		coastal locations with aquifer conditions analogous to the surficial aquifer in the southeast portion of the Lake Okeechobee basin. This explanation has been added to the text.
FFB-4	Lastly agricultural communities have experienced economic benefits from visitors and residents using the paved portions of the Lake Okeechobee Scenic Trail. We encourage the USACE to pursue funding to replace the paved portions on the Levee using Section 111 Chief of Engineer's discretionary funds.	The U.S. Army Corps of Engineers will attempt to avoid or minimize impacts to the paved portion of the Lake Okeechobee Scenic Trail (LOST) to extent possible and consistent with the Herbert Hoover Dike project authorization.
<b>TRIBAL</b>		
<b>SEMINOLE TRIBE OF FLORIDA (Seminole)</b>		
Seminole-1	<p><i>A. lake Okeechobee Regulation Schedule ( LORS)</i></p> <p>The Seminole Tribe relies on the delivery of water from Lake Okeechobee for its water rights entitlements for the Brighton Seminole Indian Reservation and the Big Cypress Seminole Indian Reservation. While the DEIS does not address and study potential operational changes for Lake Okeechobee, the DEIS does discuss the possibility of a regulation schedule change in the future if the proposed modifications address the dam safety concerns. The Seminole Tribe was pleased to hear in the consultation meeting with the USACE and again in the public hearings that the USACE had on the DEIS that the USACE will make incremental changes in operations to store more water in the Lake as you make the dike repairs. As the USACE knows the Seminole Tribe was very concerned with the prior changes to the LORS to store less water in the Lake. The LORS was to have been for a temporary time period which has extended long beyond the anticipated timeframe. The reduction of Lake levels puts the Seminole Tribe's water rights at significant risk especially during water shortage events. The Seminole Tribe supports the initiation of NEPA for a lake regulation schedule modification as soon as possible and to proceed while the HDD</p>	Government-to-government consultation will occur if operational changes are to be considered for Lake Okeechobee. Any change to operations could begin to be evaluated after the DSMR is approved, but could be concurrent with construction activities. New operations would need to be evaluated under a subsequent NEPA document.

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	<p>construction occurs so that the storage capacity of the Lake can be made available contemporaneously with dike repairs.</p> <p>The Seminole Tribe requests that the USACE initiate formal government-to-government consultation when appropriate with the Tribe to discuss such a regulation schedule change so that there can be a full understanding of the Seminole Tribe's interests. Some of the issues to be addressed in subsequent consultation include: the nature of the incremental operational changes that could be made by the USACE and timeframe for same; and the nature and timing of a full regulation schedule modification.</p>	
Seminole-2	<p><i>B. Access</i></p> <p>The Seminole Tribe's members have historically utilized the study area for the HHD DEIS for hunting, fishing, and recreational activities. While the DEIS recognizes these existing uses and states that access will continue it is not clear how that will be coordinated and provided for during construction. The Seminole Tribe is also concerned with the statement in the DEIS that " ... the floodwall would reduce aesthetics and would potentially change where access to fishing would occur around the structures." The Seminole Tribe would like to engage in further consultation with the USACE in order to understand this access issue better so that we can collaboratively develop measures to ensure access for Seminole Tribal members.</p>	The Corps will coordinate during the design and construction phase in order to ensure there is the least amount of impact as possible to the tribal members.
Seminole-3	<p><i>C. Consultation</i></p> <p>The Seminole Tribe appreciates the USACE's consultation with the Seminole Tribe on the HHD DEIS. We respectfully request that formal consultation on the construction related impacts to tribal access continue in a timely fashion. The Seminole Tribe also looks forward to consultation on the incremental operational changes and the potential for a LORS schedule modification. The Seminole Tribe is committed to its consultation relationship with the USACE and looks forward to this project being funded so that the USACE can move forward with the project and re-establish the storage that has been lost in Lake Okeechobee.</p> <p>The Seminole Tribe understands that these consultations are an on-going process. The Seminole Tribe appreciates your consideration of the foregoing comments, and we look forward to working through these issues with the USACE. The Seminole Tribe's comments from the Tribal Historic Preservation Office will be submitted separately.</p>	Thank you for your review and consultation.
<b>Tribal Historic Preservation Office</b>		

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THPO-1	<p>In the section of the document entitled Environmental Consequences of the Tentatively Selected Plan (found within the documents Executive Summary) no mention is made of possible adverse effects to cultural resources (including burial resources) or Tribal resources. While we recognize that this is just a brief summary of the documents conclusions we feel that it is important to mention early on that cultural and Tribal resources were taking into consideration.</p>	<p>Statement added to page vi-vii:  The TSP is not expected to adversely affect historic properties listed or eligible for listing in the National Register of Historic Places due to the location of the project area within the previously disturbed Federal right-of-way. Any actions outside of the Federal right-of-way may have the potential to affect historic properties.</p>
THPO-2	<p>It seems to be a standard practice in NEPA documents when describing existing conditions for cultural resources (see Section 3.18 Cultural Resources) to focus on what is currently known, that is, to focus on previously recorded sites and resources. This is reasonable since it does describe current or existing conditions but it also tends to predispose people to assume that if there aren't any known resources in an area it is unlikely that any resources exist there. Clearly this is not the case, and we caution against relying too heavily on utilizing the number of previously recorded sites within an area as predicting whether or not any unrecorded/undiscovered resources are present. We believe that additional cultural resource investigations, possibly involving field surveys, may be warranted as the overall project proceeds.</p>	<p>While effects to historic properties are not expected, once the TSP has been subject to preliminary engineering design and prior to construction, the APE will be subject to separate consultation and consideration of effects with the Florida SHPO and appropriate federally-recognized tribes.  New language added to page 3-52:  The HHD and surrounding area has been subjected to</p>

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		<p>numerous cultural resources surveys, including a 2010 assessment and documentation of the dike and a 2011 Phase I survey of reaches 1B, 1C, 1D, 2 and 3. New language added to page 5-20:</p> <p>Within the Federal right-of-way, the remaining reaches would be expected to attain this determination and subsequent SHPO concurrence. However, as Alternative 1 has not been subject to preliminary engineering and design, a determination of effects based on a precise APE cannot be stated at this time. Additionally, any actions outside of the Federal right-of-way may have the potential to affect historic properties within the APE. Once the design has been finalized and prior to construction, the APE will be subject to separate consultation and consideration of effects with</p>



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		the Florida SHPO and appropriate federally-recognized tribes.
THPO-3	The Seminole Tribe believes that its history in Florida predates the time frame stated in the DEIS (see page 3-14). While the federal government’s recognition of the Seminole Tribe of Florida is of a relatively recent origin, the Tribe views those indigenous populations who resided in Florida 12,000 (or more) years ago as ancestors.	New language added to page 3-53: There are two Federally recognized tribes (Miccosukee Tribe of Indians of Florida and the Seminole Tribe of Florida) that are located within the region of the project area. Both tribes have historically utilized the project area and maintain a strong connection to the region through continued use and regard the indigenous populations of Florida as their ancestors.
THPO-4	While the U.S. Army Corps of Engineers (USACE) has consulted with the STOF about the DEIS, consultation under Section 106 of the National Historic Preservation Act has not been initiated. Also, no consultation pursuant to the USACE-STOF Burial Resources Agreement (BRA) has occurred. In order to ensure that the Tribes cultural and historical resources are adequately considered and that possible impacts are fairly assessed, the STOF THPO stands ready to meaningfully engage in Section 106 and Burial Resource consultations with the USACE.	Letters requesting formal consultation regarding Section 106 of the NHPA and in consideration of the Corps’ Trust responsibilities and the Burial Resources Agreement were sent to THPO on March 10, 2016. Appendix C updated.
THPO-5	Related to the preceding comment: At this time the STOF THPO believes that a considerable amount of Section 106 and BRA consultation is required in order to fully assess the possible impacts of whichever Alternative is finally chosen. We note that the preferred alternative involves	As the current study has not been subject to preliminary engineering and design

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	<p>multiple undertakings (cutoff walls, filter and drainage blankets, armored embankments, floodwalls, etc.). Each of these construction undertakings will require consultation with the THPO and careful assessment of the nature of impacts to cultural and historical resources and how these impacts might be avoided or resolved.</p>	<p>(PED), it is premature to request a review of any of the proposed undertakings; however, each of the undertakings will be subject to separate consultation with the STOF during the PED phase and prior to construction (similar to the current process utilized during HHD culvert replacements).</p>
THPO-6	<p>Based on the Advisory Council on Historic Preservation's position that NEPA documents cannot be finalized (i.e., no Record of Decision rendered for an EIS) before Section 106 compliance has been completed, a Memorandum of Agreement would need to be prepared and executed.</p>	<p>We recognize the Tribe's interpretation with respect to the consultation requirements under Section 106 of the NHPA. However, we respectfully submit for clarification that the Corps does not interpret these requirements to mean that compliance equates to completion. Rather, the Corps is in compliance with the NHPA because it has adhered to all procedural requirements of the NHPA through the current phase of the proposed project. Once the HHD dam safety modification is authorized</p>

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		<p>and funded, consultation will be reinitiated and will continue until construction is complete. Any additional fieldwork needed to meet the requirements of Section 106 of the NHPA will be determined through consultation with parties of interest. It is the Corps' determination that the Section 106 consultation process allows for continued coordination and the development of legally binding documentation, such as a Memorandum of Agreement, to address any adverse effects to historic properties caused by HDD safety modifications as the planned feature designs and operations are refined. The Corps looks forward to continuing to work closely with the Seminole Tribe of Florida to reach future project goals. Again, we are committed to complying with all applicable laws, regulations and agreements</p>

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		governing cultural resources throughout the HHD rehabilitation project.
THPO-7	Lastly, we respectfully request that as part of our anticipated BRA consultation, the USACE and the STOF develop “plan of action” to be implemented in the event of an accidental/unanticipated discovery of human remains.	The Corps maintains an Inadvertent Discovery Plan in the Jacksonville District’s Specifications (General Requirements Section, Part 3 – Execution, Section 3.1.3 – Preservation and Recovery of Historic, Archaeological, and Cultural Resources), wherein all construction activities will cease and the STOF Tribal Historic Preservation Officer will be notified should cultural materials be identified during the course any undertaking.
<b>STATE – FLORIDA STATE CLEARINGHOUSE</b>		
<b>FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (FDACS)</b>		
FDACS-1	FDACS supports the United States Army Corps of Engineers' (USACE) efforts to address the most vulnerable areas of the HHD as quickly as possible. The rehabilitation of the HHD with a minimum of delay is important to public health and safety, could enhance the use of the Lake Okeechobee Regulation Schedule 2008 (LORS 08) operational flexibility, and provides an opportunity to adopt a revised regulation schedule to better meet Lake Okeechobee's multipurpose objectives. Our review focused on the main report and aspects of the Draft EIS for the HHD DSMS which may impact private agricultural lands and agricultural operations. The comments below are specific to the topics addressed and do not constitute a review of the entire Draft EIS for the HHD DSMS and its supporting appendices.	Thank you for your review and support.

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FDACS-2	<p><i>Need to complete the rehabilitation of the HHD to meet all purposes</i></p> <p>While acknowledging the need to complete the HHD remediation for all reaches and associated culvert improvements as determined necessary to lower the Dam Safety Action Classification (DSAC) rating from Level 1 without delay; the DSMS needs to be a rehabilitation plan that will optimize the dike's ability to meet all of the authorized purposes. After completing the currently proposed risk reduction features, the HHD will still be a dike at risk potentially with a rating of DSAC 2. This is not adequate to meet the future needs of the multi-purpose functions of the HHD.</p>	<p>The residual risk for HHD will be below tolerable risk guidelines for the entirety of the Dike upon completion of the proposed construction based upon the current risk assessment. The DSAC rating will be reevaluated after completion of the construction identified in the DSMS; it is unknown at this time what the DSAC rating will be.</p> <p>Any proposed changes to the Lake Okeechobee water control plan to address future demands on Lake Okeechobee will require a reassessment of the risk associated with any proposed changes. Depending on the magnitude of those changes further rehabilitation may be required. The remediation being proposed for the identified vulnerable sections of HHD will be robust and resilient, and from a solely risk based perspective could potentially accommodate</p>

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		<p>limited modifications to water control operations. The DSMS is based on the current operation schedule; however; sensitivity analysis was performed to verify that these measures would still be sufficient under previously used schedules.</p>
<p>FDACS-3</p>	<p><i>Provide technical guidance in the HHD DSMS on what range of lake management could be available in the future.</i></p> <p>There is a pressing need to begin the review of the LORS in hopes of finding a new approach that can reduce the impact on the estuaries and retain more water in the Lake for both economic and environmental needs. We know this report cannot promote any particular regulation schedule but it should provide some guidance on what range of lake level management could be available in the future. This is essential information if we are going to undertake a formal concurrent review of the schedule. It should not require another separate, time consuming risk evaluation study before the important next step of a LORS review can begin. With an expedited review of the LORS in mind, the HHD DSMS should indicate the level of protection expected with this plan and what interim flexibility will be available to make schedule adjustments once the structural changes are complete along the southern shore of the lake.</p>	<p>A new regulation schedule would need to be analyzed under a future NEPA document. The Corps cannot, at this time, speculate what the schedule might be until options are developed and discussed. The Lake Okeechobee Regulation Schedule can be begin to be evaluated once the DSMR is approved. The Corps will do what it can to expedite the formulation of a new regulation schedule.</p>
<p>FDACS-4</p>	<p><i>Lake Regulation Schedule Information</i></p> <p>We recognize the Draft EIS for the HHD DSMS and the study for a new Lake Okeechobee regulation schedule are distinct and separate efforts subject to their own development processes and National Environmental Policy Act (NEPA) requirements. However, the LORS08 information provided and use of the LORS08 regulation schedule for the 100 year future without condition has resulted in some uncertainty regarding the intentions of the USACE to be consistent with the commitment of the LORS Final EIS (USACE 2007) to "timely shift from the interim LORS to a new schedule with the intent to complete any necessary schedule modifications or deviations concurrent with completion of (1) or (2)." One of the reasons for the concern is that (2) has been</p>	<p>The Lake Okeechobee Regulation Schedule can begin to be evaluated once the DSMR is approved and will evaluate how to best achieve C&amp;SF purposes in light of rehabilitation. This suggested language was</p>

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	<p>redefined from the LORS EIS "(1) completion of HDD seepage berm construction or equivalent dike repairs for reaches 1, 2 and 3" to the Draft EIS for the HDD DSMS "(2) completion of sufficient HDD remediation for all reaches and associated culvert improvements as determined necessary to lower the DSAC rating from Level I" It would be helpful if the Draft EIS for the HDD DSMS addressed the differences between the language used for the (2) criteria and describe if and why they are equivalent. There are also some inconsistencies in the document where some sections predict a future "LORS08-like" regulation schedule with little change and others predict significant changes. It would be helpful to remove any unnecessary predictions since the LORS08 regulation schedule is being used for the HDD DSMS Risk Assessment and that should suffice for the evaluation exercise.</p> <p>We recommend the USACE consider using some of the text provided in the public workshop power point presentation regarding the LORS throughout the document and also including it in the Executive Summary to address the indirect relationship of the DSMS to LORS08 in the "Areas of Controversy" section. The points presented at the public workshop that can clarify the relationship between the HDD DSMS and LORS08 are:</p> <ul style="list-style-type: none"> <li>• The DSMS Risk Assessment utilized the current LORS.</li> <li>• A study for a new regulation schedule could be undertaken concurrently while risk reduction features identified in the DSMS are constructed.</li> </ul>	<p>added to the executive summary on page v.</p>
<p>FDACS-5</p>	<p><i>Changes in the Saltwater Interface</i></p> <p>FDACS has concerns regarding the potential for changes in the salt water interface due to the installation of the shallow cut-off wall proposed in the Draft EIS for the HDD DSMS for Common Inundation Zone (CIZ) B. A comprehensive monitoring plan to determine whether or not the shallow cut-off wall is causing a saltwater interface shift needs to be included in the permit conditions. We acknowledge the proposed shallow cut-off wall probably has less potential to induce upwelling of the saline connate water than the Reach I deep cut-off wall. However, the data set currently available and used by the USACE is not adequate to assess the risk of future impacts to the groundwater.</p>	<p>Based on the ongoing USGS/Corps monitoring efforts, the Corps acknowledges that the freshwater/ connate water interface depth has changed in the direct vicinity of the levee where the cutoff wall was installed to a depth that is at or below the connate/freshwater interface depth. The proposed cutoff wall in Reach 3 will be 20 ft or more above the connate/freshwater interface depth. The Corps believes that a tip elevation 20 ft or more above the connate/freshwater</p>

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		<p>interface will not result in an adverse impact to water users in this area. This is based upon the minimal change in interface depth measured at the PB-1815 well which has a similar 15- to 20 ft distance between the tip of the cutoff wall and the depth of the connate/freshwater interface.</p> <p>The Corps has a comprehensive monitoring program that includes continued monitoring of 5 wells in Reach 1, periodic monitoring of the wells FDACS recommends (GL-332, PB-1822, and HE-1145), and new wells constructed in Reaches 1, 2, and 3. The current plan is to monitor these wells through 2018 and then evaluate the data and determine if ongoing long-term monitoring is warranted.</p>
FDACS-6	<p>Due to insufficient monitoring data, there are uncertainties regarding the influence of the previously installed Reach I deep cut-off wall. The USGS report "Changes in Saltwater Interface Corresponding to the Installation of a Seepage Barrier Near Lake Okeechobee, Florida, Open File Report 2014-1256" identified changes in the salt water interface up to 19 feet below the slurry wall along the eastern rim of the lake. FDACS does not believe that the installation of the cut-off wall in Reach I B can be ruled out as the primary cause for changes in the chloride concentrations in the surface water drainage/supply canals largely because the existing monitoring program is not adequate to make that determination. The proposed Draft EIS for the HHD DSMS cut-off wall should preclude such uncertainties by a monitoring program that can accurately assess the shift</p>	<p>The Corps has a comprehensive monitoring program that includes continued monitoring of 5 wells in Reach 1, periodic monitoring of the wells FDACS recommends (GL-332, PB-1822, and HE-1145), and new wells constructed in Reaches 1, 2, and 3. The current plan is to monitor these wells through 2018 and then evaluate the</p>



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	<p>of the saline interface should it occur. Please see the FDACS Clearinghouse comments submitted for the Draft Environmental Assessment (EA) for the HHD Supplemental Major Rehabilitation Report (MRR) dated April 28, 2015 for additional technical comments and references on this subject.</p> <p>A monthly review and report to Florida Department of Environmental Protection (FDEP) of the data collected is recommended as a permit condition to provide an early warning mechanism in the event problematic conditions are detected. While contingency plans for such a development are not included in the Draft EIS for the HHD DSMS, there should be some adaptive management considerations to lower the risk associated with the potential for changes in the saltwater interface.</p>	<p>data and determine if ongoing long-term monitoring is warranted.</p> <p>In addition to the monitoring program, the evaluation effort includes using the collected data to refine the density dependent groundwater models developed for Reach 1, 2, and 3. The monitoring and modeling results will be used to address the uncertainties and help plan for adaptive responses should they be needed.</p>
FDACS-7	<p>We also recommend a permit condition requiring that the USACE hold an annual interagency meeting to review the data collected in support of this project similar to the agency review currently required by permit for the C-111 West Spreader Canal Project. The meeting's purpose would be to provide interagency review of the data collected for the project and recommendations for the future.</p>	<p>The Corps will be coordinating any permitting actions through the Florida Department of Environmental Protection.</p>
FDACS-8	<p><i>Characterization of the Everglades Agricultural Area (EAA) Operations Impact on the Surficial Aquifer Groundwater- page 4-8</i></p> <p>The Draft EIS for the HHD DSMS proposes a hydrologic relationship between EAA canal operations that increases salinities in the shallow surficial aquifer groundwater along the perimeter of the lake from Port Mayaca southwest to Moorhaven. It is our understanding that no such relationship has been documented and there is no data to support this claim. Unless the authors can provide conclusive data demonstrating this relationship, we recommend any discussion of this hypothetical relationship be deleted.</p>	<p>Section 4.5 has been edited to include a description of the Ghyben-Hertberg effect on draining lands. The text has been edited to remove reference to ongoing shallowing of the freshwater/saltwater interface as this is likely not</p>

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		significant since the shallow aquifer continues to provide freshwater supplies.
FDACS-9	<p><i>Lack of Acknowledgement of Reach 1 Deep Cut-Off Wall Connection to Acceleration of Upward Flow of Connate Groundwater - page 4-8</i></p> <p>We recommend the text in this section include a reference to the USGS report "Changes in Saltwater Interface Corresponding to the Installation of a Seepage Barrier Near Lake Okeechobee, Florida, Open File Report 2014-125 6".</p>	USGS reference added to report on page 4-8.
FDACS-10	<p><i>Need to Update and Revise Background Information</i></p> <p>FDACS recommends the authors of the Draft EIS for the HHD DSMS reach out to state partners such as the South Florida Water Management District (SFWMD) and the FDEP in order to have text regarding state programs updated by subject matter experts. This includes rules, regulations, And programs such as environmental resource permits, consumptive water use, and water quality related to Lake Okeechobee.</p>	The Corps coordinates with all of the mentioned agencies.
<b>FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP)</b>		
DEP-1	<p><i>Environmental Effects of the TSP</i></p> <p>Adverse effects associated with implementing the TSP are expected to be minimal to moderate. Many effects, such as noise levels, air quality and recreation, would be temporary during construction. Only aesthetics are expected to incur potential moderate effects due to the proposed floodwall, up to 6 feet above the crest of HHD, adjacent to Structures S-71 and S-72.</p>	This is correct.
DEP-2	<p><i>Land Use</i></p> <p>The proposed cutoff wall in the TSP within Segments 4 - 9 (CIZ B) and Segments 12 and 13 (CIZ C) may permanently alter seepage flows for agricultural use with the potential to moderately impact current land use. However, the Corps has determined that land use would have just minor impacts since other water sources are available to agricultural operators. The proposed flood walls and embankment armoring would have no effect on land use.</p>	This is correct.
DEP-3	<p><i>Water Quality</i></p> <p>Since 2011, the Corps and the U.S. Geological Survey (USGS) have conducted groundwater monitoring to assess potential impacts of the cutoff wall installed in Reach 1 (within CIZ A) and to collect baseline groundwater quality data in Reaches 2 and 3. This groundwater monitoring has shown impacts to shallow groundwater quality at locations where the tip of the cutoff wall is less</p>	This is correct.

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	<p>than approximately 15 feet above the underlying saline groundwater. The observed impacts include a reduction in the depth of the saltwater interface at which the groundwater quality transitions from fresh to saline. The proposed cutoff wall in Segments 4, 5, 7 and 9 is not likely to adversely affect shallow groundwater, because the maximum tip elevation is -30 feet NAVD which is approximately 15 to 20 feet above the saltwater interface. The proposed cutoff wall in Segments 5-2, 6 and 7 is not likely to degrade shallow groundwater quality because of the presence of clay layers that separate the base of the cutoff wall from the saltwater interface. The proposed cutoff wall within Segments 12 and 13 will have little to no effect on groundwater quality north of the Lake, because the predominant groundwater flow direction is from the north towards the Lake. The proposed cutoff wall in Segment 6 will have a maximum tip elevation of -30 feet NA VD within a thick (15 ft.) clay layer which extends from --15 ft. to -30 ft. NAVD. High chloride (500 mg/L) groundwater is believed to be confined below this clay layer. Thus, upper layers of fresh groundwater will not pass under the cutoff wall. No groundwater users are expected to be affected because there are no permitted wells within 2,500 feet of the HHD levee along this segment. Agricultural users are not likely to be affected because they primarily rely on surface water supplies.</p> <p>The proposed cutoff wall in Segment 8 will have a maximum tip elevation of -30 feet NA VD, while potable groundwater is believed to extend to at least -40 feet NA VD. The Corps believes that this cutoff wall will have minor effects to shallow groundwater quality, because the tip of the cutoff wall will be at least 10 feet above the saltwater interface.</p>	
DEP-4	<p><i>Vegetation/ Wetlands</i></p> <p>Wetlands in the Lake Okeechobee area, though greatly reduced in area and quality through human impact, still exist as valuable ecosystems both landward and lakeward of the HHD. Lake Okeechobee hydraulically feeds wetlands beyond the dike, providing freshwater for the Florida Everglades to the south and for the Water Conservation Areas in Palm Beach and Broward Counties. Low quality wetlands also occur in the toe ditches around the HHD. The majority of the wetlands appear to be outside of the TSP project footprint and occurring in the uplands. Proposed structural features would be constructed on or within the HHD embankment and construction/staging areas would be located in upland or previously disturbed areas. Please note, temporary impacts related to construction will be assessed in the regulatory permit application.</p>	The Corps will avoid and minimize temporary effects to wetlands to the maximum extent practicable.

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	The Corps will be required to demonstrate that wetland impacts have been avoided and minimized to the maximum extent possible and practicable.	
DEP-5	<p><i>Threatened and Endangered Species</i></p> <p>Many State and Federally listed plant and wildlife species are found within the vicinity of the HHD including areas of designated critical habitat for the Everglades Snail Kite (<i>Rostrahamus sociabilis plumbeus</i>), West Indian Manatee (<i>Trichechus manatus</i>), Green Sea Turtle (<i>Chelonia mydas</i>), and Johnson's seagrass (<i>Halophilajohnsonii</i>). For the TSP, species would not be directly affected by the long term effects of a cut off wall, however there is moderate, short term potential for disturbance to species during construction activities. The action may produce noise above ambient levels, however, mufflers and sound dampening equipment would be required during construction, along with preconstruction surveys. The Corps determined that the TSP may affect but is not likely to adversely affect the following Federally listed species: the Audubon's crested caracara, Eastern indigo snake, Everglades snail kite, Okeechobee gourd, West Indian manatee, wood stork, Florida panther, and the Florida bonneted bat. Additionally, there are state listed species expected to occur within the TSP project area such as the gopher tortoise and burrowing owl. Preconstruction surveys for gopher tortoise and burrowing owls would occur, with appropriate relocation permits obtained by the contractor if necessary. Overall, negligible adverse impacts are anticipated to State listed species as a result of this project.</p>	This is correct, the USFWS concurred with the Corps determinations.
DEP-6	<p><i>Recreation</i></p> <p>The Office of Greenways and Trails (OGT) prefers that the Lake Okeechobee Scenic Trail (LOST) is temporarily closed for construction, and not permanently closed. A paved trail is preferred to gravel. It is important to note that neither the Florida Department of Environmental Protection, Division of Recreation and Parks, Florida Parks Service nor the OGT manages this trail as a state trail/park. The OGT provides statewide leadership and coordination to establish, expand and promote the Florida Greenways and Trails System. The LOST is a Priority Land Trail in the state trail system, approved by the Florida Greenways and Trails Council in 2012.</p>	This is correct.
DEP-7	<p><i>Regulatory Approval</i></p> <p>The HHD rehabilitation is subject to Section 401 of the Clean Water Act, therefore the Corps is required and continues to obtain Water Quality Certification from the Department for planned repairs. Upon receipt of an Environmental Resource Permit application, the Department will review all submitted material and will require information related to groundwater quality. For</p>	The Corps will provide information to DEP and obtain all necessary permits.

COMMENT	AGENCY/PUBLIC COMMENT	CORPS RESPONSE & LOCATION OF CHANGE IN REPORT IF NECESSARY
	<p>example, summaries and analyses of groundwater monitoring data and groundwater modeling results will be important to support the review/approval of the proposed cutoff wall. Also, the Corps should submit a robust groundwater monitoring plan to assess the potential impacts, if any, of the proposed cutoff wall on both groundwater and surface water quality.</p>	
DEP-8	<p>Hazardous, Toxic and Radioactive Wastes  The Corps has conducted surveys along the HHD to identify Hazardous, Toxic and Radioactive Waste (HTR W) contamination. The Department recommends that the Corps continue to coordinate with the South Florida Water Management District and the Department's Waste Cleanup Section to ensure that potentially contaminated sites are properly assessed and remediated, if necessary, prior to construction of HHD repairs.</p> <p><b>Specific Comments:</b></p> <ul style="list-style-type: none"> <li>• The title of Figure 2-2 states that the Lake stage is 25 ft NOVO, while the first footnote states that the Lake stage is 25 ft NAVD at the time of a breach in the HHD. Please make the referenced vertical datum consistent.</li> <li>• Figure 2-15 shows that Alternative I includes a cutoff wall near Clewiston, while Section 2.4.1 on page 2-24 states that this alternative proposes a filter and drainage blanket for the U.S. Sugar Raw Water Intake pipes located within Segment 5-2 near Clewiston. Please address this discrepancy.</li> <li>• In Section 2.4.4 on page 2-29, please revise the sentence that states that Figure 2-18 depicts the location of the cutoff wall for Alternative 4, since this figure actually depicts a pumped internal filter system.</li> <li>• Table 2-4 shows the deepest bottom tip elevation of the cutoff wall as -30 ft NA VD for Alternative 3, while Section 2.6.1 on page 2-32 states the deepest tip elevation is -35 ft NAVD. Please reconcile this discrepancy.</li> <li>• In Section 1.9, please clarify that the proposed construction activity will require an Environmental Resource Permit (ERP) to be obtained from the Department, under the authority of Part IV of Chapter 373, Florida Statutes (F.S.). This construction activity will not be authorized under the Lake Okeechobee Protection Act (LOPA) or Northern Everglades and Estuaries Protection Program (NEEPP) (Section 373.4595, F.S.).</li> </ul>	<p>The Corps will continue coordination with the SFWMD and the Department.</p> <ul style="list-style-type: none"> <li>-The datum has been made consistent to NAVD.</li> <li>-The feature in Alternative 1 is a cutoff wall in the embankment. The filter and drainage blanket will only be at the Raw Water Intake pipe, not throughout the embankment.</li> <li>-The text was modified to address the correct features in Alternative 4.</li> <li>-Text in the paragraph was changed to reflect that the deepest wall would be -30ft NAVD.</li> <li>-ERP text was added to Section 1.9. Language suggested from a different comment on NEEPP was not added.</li> </ul>

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DEP-9	The Department supports Alternative 3, the tentatively selected plan, and sincerely appreciates the opportunity to comment. Should you have any questions regarding our comments, please contact Natalie Barfield at 850-245-3197.	Thank you for your review and comments.
<b>FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)</b>		
FDOT-1	<p>1. Technical review of the potential for catastrophic failure of the HHD concluded that the current condition of the dam poses imminent risk to the people and environment of South Florida. The proposed project purpose and need is to identify and recommend a cost effective alternative risk management plan to reduce risk of breach in the HHD. Of four alternatives analyzed, Alternative 3 was identified as the preferred alternative, or tentatively selected plan (TSP). The TSP proposes the construction of a reinforcement cutoff wall along segments where the probability of a dike breach is intolerable. The majority of these segments are located in FDOT District One. As noted in the DEIS, U.S. Highway 27/State Road 80 is a potential emergency and hurricane evacuation route, a portion of which is located in close proximity to the area of greatest instability of the HHD, and U.S. Highway 78 is also proximate to the project area. Transportation safety is a priority for FDOT. The goal of improving safety of the HHD is consistent with the mission of the FDOT to improve public safety on Florida's transportation system.</p> <p>U.S. Highway 27/ State Road 80 is part of the Strategic Intermodal System (SIS) which is the State's largest and most strategic system for moving people and freight throughout Florida, and outside of its borders. U.S. Highway 27 is a critical north-south freight corridor comprised of both highway and rail modes. The safety and security of all modes on the SIS remain a priority for the Department.</p>	Thank you for your comment.
FDOT-2	<p>2. The TSP would also involve the replacement of SR78 Bridge over Harney Pond Canal, Indian Prairie Canal, and the Kissimmee River. The DEIS proposes that recommendation be made to the FDOT for the reconstruction of the bridge to HHD design grades at the end of the bridge's service life at these locations, with armoring of the bridge's abutments in the interim. For any planned changes in future flow conditions due to the Army Corps project, the bridge hydrology for each referenced bridge will need to be re-evaluated and possible scour countermeasures installed or bridge replacement considered by the USA COE. The USACOE should perform the analysis and submit it to District One (James J. Jacobsen, P.E., District Structures Maintenance Engineer) for review. The Department performed a review of the bridges noted in the package and provide the following summary:</p>	<p>No changes in the flow conditions are proposed in the DSMS. Should changes that effect flow be proposed in the future, the USACE would evaluate scour impacts to these structures.</p> <p>The bridges are lower than the adjacent embankment</p>

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	<p>Bridge Number: #050054: SR78 over Kissimmee River Overflow  Year Built: 1978  Bridge Type: Low level concrete bridge. Five spans.  Deck elevation: Approx. 22.0 ft  Scour Critical: No: Low risk, monitor during inspection.  Condition summary: Overall in Good condition. The Department has no plans for bridge replacement based on condition in the foreseeable future.  Channel: There is minor deterioration of the slope protection which is maintainable by the FDOT. If there are planned changes in future flow conditions due to the Anny Corps project, the bridge hydrology will need to be re-evaluated and possible scour countermeasures installed or bridge replacement considered by the USA COE. The USACOE should perform the analysis and submit it to the Department for review.</p> <p>Bridge Number: #910009: SR78 over Kissimmee River  Year Built: 1964  Bridge Type: Low level concrete bridge with steel lift out span over channel. Nine spans total.  Deck elevation: Approx. 39.5 ft  Scour Critical: No: Low risk, monitor during inspection.  Condition summary: Overall in Good condition. The Department has a planned project to replace the center span grating in FY2017 The Department has no plans for bridge replacement based on condition in the foreseeable future.  Channel: There is minor deterioration of the slope protection which is maintainable by the FDOT. If there are planned changes in future flow conditions due to the Army Corps project, the bridge hydrology will need to be re-evaluated and possible scour countermeasures installed or bridge replacement considered by the USA COE. The USACOE should perform the analysis and submit it to the Department for review.</p> <p>Bridge Number: #050011: SR78 over Harney Pond Canal Year Built: 1960  Bridge Type: Low level concrete bridge. Seven spans.  Deck elevation: Approx. 35.6 ft  Scour Critical: No: Low risk, previous unknown foundation, monitor during inspection.  Condition summary: Overall in Good condition. The Department has no plans for bridge replacement based on condition in the foreseeable future.</p>	<p>and could overtop from storm surge under certain reservoir/hurricane loading events. However the event that would cause overtopping is rare, the statistical return frequency of such an event warrants action to reduce risk associated with this failure mode.</p>

COMMENT	AGENCY/PUBLIC COMMENT	CORPS RESPONSE & LOCATION OF CHANGE IN REPORT IF NECESSARY
	<p>Channel: There is minor ongoing minor maintenance of the slope protection which is maintainable by the FOOT. If there are planned changes in future flow conditions due to the Army Corps project, the bridge hydrology will need to be re-evaluated and possible scour countermeasures installed or bridge replacement considered by the USA COE. The USA COE should perform the analysis and submit it to the Department for review.</p> <p>Bridge Number: #050018: SR78 over Indian Prairie Canal  Year Built: 1960  Bridge Type: Low level concrete bridge. Five spans.  Deck elevation: Approx. 31 ft  Scour Critical: No: Low risk, previous unknown foundation, monitor during inspection.  Condition summary: Overall in Good condition. The Department has no plans for bridge replacement based on condition in the foreseeable future.</p> <p>Channel: There is occasional minor maintenance of the slope protection which is maintainable by the FDOT. If there are planned changes in future flow conditions due to the Army Corps project, the bridge hydrology will need to be re-evaluated and possible scour countermeasures installed or bridge replacement considered by the USA COE. The USACOE should perform the analysis and submit it to the Department for review.</p>	
FDOT-3	<p>3. The State of Florida has recognized the importance of developing and maintaining nonmotorized trails as stated in 339.81, F.S. This authorized the creation of The Florida Shared-Use Nonmotorized (SUN) Trail Network and directs FDOT to use its expertise in efficiently providing transportation projects to develop a statewide system of paved non-motorized trails as a component of the Florida Greenways and Trails System (FGTS), which is planned by FDEP. The LOST is a major link in connecting South Florida with the rest of the state in the FGTS. The LOST provides important eco-tourism opportunities and is a vital component of economic development in the economically distressed Lake Okeechobee Region.</p> <p>The Department would appreciate that every effort be made to avoid damage to the LOST during construction of the cutoff wall and any future landside rehabilitation. If damage to the paved areas does occur, the Department requests that the USA COE provide for the reconstruction or funding of the asphalt paving.</p>	<p>The U.S. Army Corps of Engineers will attempt to avoid or minimize impacts to the paved portion of the Lake Okeechobee Scenic Trail (LOST) to extent possible and consistent with the Herbert Hoover Dike project authorization.</p>
<b>SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD)</b>		



COMMENT	AGENCY/PUBLIC COMMENT	CORPS RESPONSE & LOCATION OF CHANGE IN REPORT IF NECESSARY
SFWMD-1	<p>SFWMD calls on Congress and the USACE to maintain funding momentum and construction progress on this at-risk structure, which is classified as a national priority for continued rehabilitation. The projected \$800 million cost to complete the job must be committed in the coming years to assure that the HHD can perform as designed to store additional water, provide flood protection and assure water supply and safety for tens of thousands of families in communities surrounding the lake. Further, SFWMD strongly recommends a prompt initiation of the next modification of the current Lake Okeechobee Regulation Schedule (LORS 2008) so that completion of the two-year updating effort is concurrent with completion of culvert repairs and the new seepage wall. To achieve this, SFWMD will work collaboratively with USACE, other agencies and interested citizens, with the goal of improving operating flexibility of Lake Okeechobee while continuing to protect human health and safety, the regional economy and South Florida's environment.</p>	<p>Once the DSMR is approved, a new regulation schedule could be initiated concurrently with construction of the TSP. A new lake regulation schedule will take much collaboration.</p>
SFWMD-2	<p>In summary, the SFWMD requests that the United States Army Corps of Engineers (USACE) declare whether the Environmental Impact Statement (EIS) and recommended Tentatively Selected Plan (TSP) are adequate to meet the original Congressionally authorized design level of service, as well as previous operational schedules. The District also asks the USACE to confirm that the next Lake Okeechobee regulation schedule will allow adjustment in the Lake's upper elevation stages providing for an increase in storage, if the new operational plan recommends it.</p>	<p>The Corps will evaluate an array of alternatives, along with collaboration with other agencies and affiliations, when preparing the NEPA for a new lake regulation schedule. Any proposed changes to the Lake Okeechobee water control plan to address future demands on Lake Okeechobee will require a reassessment of the risk associated with any proposed changes. Depending on the magnitude of those changes further rehabilitation may be required. The TSP being</p>

COMMENT	AGENCY/PUBLIC COMMENT	CORPS RESPONSE & LOCATION OF CHANGE IN REPORT IF NECESSARY
		<p>proposed for the identified vulnerable sections of HHD will be robust and resilient, and from a solely risk based perspective could potentially accommodate limited modifications to water control operations. The risk assessment was based on the current operation schedule; however; sensitivity analysis was performed to verify that the remediation identified in the EIS would still be sufficient under previously used schedules.</p>
SFWMD-3	<p>1. The draft EIS discusses the effects of the proposed changes to the hydraulics and hydrology of the system and concludes that negligible to no impact is expected for surface and groundwater hydrology as a result of implementing Alternative 3. The draft EIS also documents observed changes to the freshwater-connate water interface in monitoring wells at several locations adjacent to the Reach 1 seepage wall. The District supports the Corps effort to continue the current ground water monitoring and the expansion of the ground water monitoring network in Consequence Zones A and B. The data and ongoing analysis will aid in determining the spatial and temporal impacts upon the freshwater-saline interface and potential changes to freshwater seepage from the Lake to the shallow surficial aquifer.</p>	<p>Thank you for your support.</p>
SFWMD-4	<p>2. Section 3.8.1.8 The Florida bonneted bat is now listed as an Endangered species by the FWS under the ESA.</p>	<p>Thank you, this was changed in the table.</p>
SFWMD-5	<p>3. Page 1-15, Recommend replacing with the following language: "Acquisition of more than 100,000 acres of land needed for Kissimmee River Restoration and</p>	<p>Text was revised based on suggested revisions.</p>

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	<p>Headwaters Revitalization is substantially complete. This project is scheduled to be complete in 2029. Once restoration construction is complete, 40 square miles of Kissimmee River and floodplain ecosystem would be restored including almost 63,000 acres of wetlands (38,000 acres of riverine floodplain and 25,000 acres of lake littoral zone) and 40 miles of historic river channel. The restoration of the Kissimmee River is dependent on implementation of a headwater regulation schedule that provides dynamic storage in Lakes Kissimmee, Cypress, and Hatchineha and subsequent inflows to the Kissimmee River to meet restoration goals. Inflow volumes delivered to Lake Okeechobee from the restored Kissimmee River will remain mostly unchanged, with slight reduction due to increased evapotranspiration associated with reintroduced sheet flow across the floodplain. The timing of delivery will be attenuated by 1 to 2 months."</p>	
SFWMD-6	<p>4. Page 2-29: Is there a cutoff wall in Alternative 4? Test reads "Figure 2-18 depicts the location of the cutoff wall for Alternative 4".</p>	<p>Text has been revised, there is not cutoff wall in Alternative 4.</p>
SFWMD-7	<p>5. Page 3-7, paragraph 5, changes "Culverts S-2 and S-3" to "Pump Stations S-2 and S-3".</p>	<p>Text has been revised.</p>
SFWMD-8	<p>6. Page 3-11, second paragraph, should note that 298 Districts are only a portion of the agricultural lands served by Lake Okeechobee. The SFWMD also operates the gated spillways, S-351, S-352 and S-354 to provide supplemental irrigation deliveries to other agricultural lands.</p>	<p>Text was added as suggested on page 3-12.</p>
SFWMD-9	<p>7. Table 3-1: If the draft EIS assumes that the culvert replacements are completed, then this table should reflect that the culverts are no longer CMP but concrete box culverts.</p>	<p>Changed all in Table 3-1 to say concrete.</p>
SFWMD-10	<p>8. Table 3-2 through 3-5, recommend providing a statement that the risk analysis determined that the non-Federal structures were inspected and determined to not need replacement or risk reduction remediation.</p>	<p>The risk assessment evaluated all structures that penetrate the embankment. The structure periodic inspections performed by the owners were used in the risk assessment. The failure modes at these structures were not estimated to pose actionable risk.</p>
SFWMD-11	<p>9. Page 4-6, Kissimmee River Restoration (KRR) Project Complete</p>	<p>The Water Control Plan is part of ongoing studies,</p>

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	a. Omit the following last sentence in paragraph 1 ... " Ongoing studies as part of the Kissimmee Basin Modified Water Control Plan to continue to develop flood operations for the anticipated future state of the KRR Project."	therefore the text was not omitted.
<b>FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION (FWC)</b>		
FWC-1	FWC staff understands the need for the physical repair of the dike and we appreciate the plans for avoidance and minimization of impacts, education materials for workers, and inclusion of conservation measures for listed species including the <i>Standard Manatee Conditions. for In-water Work</i> in the Fish and Wildlife Coordination Act Report (appendix E). The draft Environmental Impact Statement (DEIS) also identifies a number of ecological and recreational impacts that have been deemed temporary. Temporary impacts may include disruptions of recreational access during late November through January, which could coincide with periods of highest recreational use (i.e. for hiking) or with entire hunting seasons (i.e. for waterfowl) for the calendar year. We recommend considering the economic and societal value of recreational opportunities when planning for construction activities and contacting FWC staff to discuss alternatives that would avoid impacts to recreational users.	<p>Potential impacts to recreation were part of the risk assessment. In fact, recreation benefits foregone were part of the total estimated economic risk of a dike failure. It is recognized that recreational access is an important part of the economy and society of this region.</p> <p>With regard to temporary impacts associated with construction, the Army Corps of Engineers will attempt to avoid or minimize impacts to recreational access to the extent possible and consistent with the Herbert Hoover Dike project authorization.</p>
FWC-2	Additionally, the DEIS indicates the potential for the rehabilitated HHD to allow for higher lake stages under a new regulation schedule. Changes to the Lake Okeechobee Regulation Schedule (LORS) can have negative impacts to ecological conditions of Lake Okeechobee and the fish and wildlife resources dependent on the lake. For instance, recent evidence suggests that Lake Okeechobee plays a vital role in linking snail kites from the Everglades with those of the Everglades headwater lakes. The lake ecology has only recently recovered from the effects of high water management which has allowed snail kites to return to nesting on Okeechobee. FWC staff recommends the future planning and alternatives for LORS consider potential negative impacts on this and other fish and wildlife resources in the ecosystem. We further recommend coordinating	The Corps will coordinate/collaborate with all agencies when a new lake regulation schedule is being considered.

COMMENT	AGENCY/PUBLIC COMMENT	CORPS RESPONSE & LOCATION OF CHANGE IN REPORT IF NECESSARY
	with FWC staff prior to proposing changes to the LORS so we can provide technical assistance in avoiding or offsetting potential impacts to fish and wildlife resources.	
FWC-3	We appreciate the opportunity to provide comments on this project and find it consistent with our authorities under Chapter 397, F.S. If you need any further assistance, please do not hesitate to contact Jane Chabre either by phone at (850) 410-5367 or by email at FWCConservationPlanningServices@MyFWC.com. If you have specific technical questions regarding the content of this letter, please contact Marissa Krueger by phone at (561) 882-5711 or by email at Marissa.Krueger@MyFWC.com.	Thank you for your review and comments.
<b>STATE</b>		
<b>STATE HISTORIC PRESERVATION OFFICE (SHPO)</b>		
<b>SHPO-1</b>	<p>Thank you for providing the Florida State Historic Preservation Officer (SHPO) the opportunity to comment on the Draft Environmental Impact Statement (EIS) for the Herbert Hoover Dike (HHD) Dam Safety Modification Study. According to the Draft EIS, Alternative 3 is the preferred alternative. It is our understanding that many of the project activities will take place within the Federal Right-of-Way for the Herbert Hoover Dike, a National Register eligible cultural resource, while other project activities may occur outside of this area. We further note that there are many cultural resources that are eligible for the National Register of Historic Places or that have not yet been evaluated for eligibility that may fall within some areas of this project.</p> <p>We note that consultation with this office was initiated in July of 2013 and will continue through the completion of this project. We look forward to continuing to work with you.</p>	Thank you for your review and comment.
<b>SOUTH FLORIDA REGIONAL PLANNING COUNCIL – NO COMMENTS RECEIVED</b>		
<b>FLORIDA DEPARTMENT OF STATE – NO COMMENTS RECEIVED</b>		
<b>STATE/COUNTY</b>		
<b>Palm Beach County (PB)</b>		
PB-1	(1) The purpose of the Herbert Hoover Dike (HHD) Dam Safety Modification Study is to identify and recommend a cost effective alternative risk management plan that supports the expeditious reduction of risk at HHD. While the primary purpose of the remediation of HHD is to ensure public safety, objectives of the project also include lowering the probability of experiencing a breach with incurring impacts on ecological, cultural, and	The preferred alternative reduces the risk to public safety to a “tolerable” level, which is defined in the document.

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	<p>aesthetic resources (including the Everglades) that may result from a breach. The EIS spends considerably more time discussing the impact of the HHD construction on the habitat surrounding the lake, than it does defining the risk reduction associated with the construction projection public safety.</p>	
PB-2	<p>(2) Palm Beach County strongly supports achieving the goal of a safer dam for Lake Okeechobee. However, we are very concerned about the approach ACOE is taking in attempting to ensure that the dam is safe. The main concern the County has is the schedule for certifying the dam to meet dam safety standards. As we have pointed out many times in our discussions with the ACOE, the Federal Emergency Management Agency (FEMA) has revised the Digital Flood Rate Insurance Maps (DFIRMs) for Palm Beach County. These maps are used to establish insurance premiums for flooding after a storm that is of the 1 in 100 year magnitude. FEMA has told the County on numerous occasions that until the ACOE certifies the dam, they will analyze the HHD as if it will fail. The analysis done to date contemplates the Base Flood Elevations for the Tri-Cities (Pahokee, Belle Glade, and South Bay) within the Glades area at extremely high elevations due to the analyses results being based on a compilation of 18 different levee breaches along the portion of the HHD within Palm Beach County. This has resulted in homes and businesses in the Tri-Cities area that were previously above the "100 year flood stages" to being within an AO Flood Zone where flooding will occur up to three feet deep across the existing natural grade causing many homes and businesses to be flooded "on paper". This will require the affected residents and businesses to have to purchase flood insurance at catastrophic rates. This area is one of the most economically challenged areas within the County. Having the portion of the dam that has been completed within Palm Beach County certified by the ACOE will eliminate the assumption by FEMA to analyze the/dam as if it will fail. Therefore, it is the request of the County that the ACOE certify the dam as quickly as possible.</p>	<p>USACE is currently reviewing NFIP findings for all of HHD. The embankment will be split into separate leveed areas of common inundation under reservoir loading form the 1% event. Leveed areas that are considered sufficient to retain the 1% loading event will be recommended for accreditation by FEMA. Several gaps in the existing cutoff wall still exist around structures that penetrate the embankment in Palm Beach County. A contract to close these gaps is currently scheduled to be awarded this year. Additionally, several culverts are being replaced in this area. Recommendations to FEMA will be reviewed as these areas of higher vulnerability are repaired and risk reduction is complete for the complete leveed area.</p>

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PB-3	<p>(3) Palm Beach County shares the concerns of the Department of Agriculture and Consumer Services (DACS) in regard to the potential impacts of the introduction of high chlorides into the surficial aquifer that the farming community of the Glades area uses for their crop irrigation. Palm Beach County is the winter vegetable capital of the United States and a negative impact to that industry would have a detrimental effect on the economy of Palm Beach County. Therefore, we join DACS in requesting that the ACOE continue to monitor the induction wells that have been added along the perimeter of the HHD and add an additional array of monitoring wells to assess chlorides as construction proceeds around the south and west areas of the HHD.</p>	<p>The Corps has a comprehensive monitoring program that includes continued monitoring of 5 induction wells in Reach 1, periodic monitoring of the wells FDACS recommends (GL-332, PB-1822, and HE-1145), and new wells constructed in Reaches 1, 2, and 3. The current plan is to monitor these wells through 2018 and then evaluate the data and determine if ongoing long-term monitoring is warranted.</p>
PB-4	<p>(4) Palm Beach County also supports the concerns DACS has regarding the Lake Okeechobee regulation schedule. It does not appear that LORS08 Schedule is being addressed in this draft EIS. The ACOE, as part of that Schedule, was to address the lake levels within Lake Okeechobee in order to bring the water supply component from a level of service of 1 in 6 years to a state mandated level of service of 1 in 10 years. This review needs to be addressed so that Lake operations incrementally improve storage as repairs are made.</p>	<p>A new lake operating schedule would be collaboratively assessed and evaluated under a separate NEPA study and document.</p>
<b>MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS (MARTIN)</b>		
MARTIN-1	<p>The safety of the Herbert Hoover Dike (HHD) is critical to Martin County. The current regulation schedule for the lake is limited, due to dike integrity. This situation contributes to extreme fluctuations between damaging freshwater releases to our estuaries and then to tide. Unfortunately we are experiencing massive lake discharges now into our St. Lucie River and Estuary and on to the Indian River Lagoon.</p>	<p>A new lake operating schedule would be collaboratively assessed and evaluated under a separate NEPA study and document.</p>
MARTIN-2	<p>The health, safety and welfare of south Florida residents are central to the need for federal funding assistance. Not only is the dike integrity crucial to the citizens of south Florida, but the inability to handle excess stormwater runoff has become an all too frequent catastrophe to the St. Lucie and Caloosahatchee Estuaries. The massive amounts of stormwater released from Lake Okeechobee carries pollutants, and such releases can upset the delicate salinity balance of our</p>	<p>Once the DSMR is approved, a new regulation schedule could be initiated concurrently with construction of the</p>

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	coastal ecosystems. Therefore, we experience the destruction of environmentally significant plants and animals. The toxic blooms of blue green algae attack plants and marine life and force the posting of warnings by the State Health Department to avoid contact with our waterways. These discharges are disastrous to our economy and our environment.	Recommended Plan. A new lake operating schedule would be collaboratively assessed and evaluated under a separate NEPA study and document
MARTIN-3	We support the work of the US Army Corps of Engineers to rehabilitate the dike system, and we continue to advocate for robust funding for the HHD project. The HHD is critical to protecting surrounding communities from floodwaters, and it is the "liquid heart" of a multi-billion dollar effort to restore America's Everglades. The HHD greatly contributes to the economy, environment, navigation, agriculture, water supply, and flood protection / public safety in all of South Florida. Most importantly to Martin County, a restored HHD can hopefully mitigate some of the devastating impact of freshwater releases on our fragile ecosystem. Therefore, the Martin County Board of County Commissioners strongly feels that the HHD must maintain a high priority status for funding until the rehabilitation project is completed. Further, it is essential that the Corps expedite the project as much as is possible.	Thank you for your support.
<b>COUNTY COALITION FOR RESPONSIBLE MANAGEMENT OF LAKE OKEECHOBEE, ST LUCIE, AND CALOOSAHATCHEE ESTUARIES, LAKE WORTH LAGOON (CC)</b>		
CC-1	As Chairman of the County Coalition that convenes this association of the sixteen counties that comprise the jurisdictional area of the South Florida Water Management District, I am writing to express our support for funding for the Herbert Hoover Dike and the importance of the dike's rehabilitation to the County Coalition.	Thank you for your support.
CC-2	The safety of the Herbert Hoover Dike (HHD) is critical to the County Coalition. The current regulation schedule for the lake is limited, due to dike integrity. This situation contributes to extreme fluctuations between damaging freshwater releases to our estuaries and then to tide. Unfortunately we are experiencing massive lake discharges now into the Caloosahatchee estuaries and St. Lucie River and Estuary and on to the Indian River Lagoon.	A new lake operating schedule would be collaboratively assessed and evaluated under a separate NEPA study and document.
CC-3	The health, safety and welfare of south Florida residents are central to the need for federal funding assistance. Not only is the dike integrity crucial to the citizens of south Florida, but the inability to handle excess stormwater runoff has become an all too frequent catastrophe to the St.	Thank you for your support. Construction would begin in 2018.



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	<p>Lucie and Caloosahatchee Estuaries. We support the work of the US Army Corps of Engineers to rehabilitate the dike system, and we continue to advocate for robust funding for the HHD project. Each year, the County Coalition gathers representatives from these sixteen counties to develop a unified list of federal legislative priorities. The Coalition has long advocated that solutions rely on what we can agree on, and how we can move forward, together. Since the County Coalition began convening the 16 counties, the top priority has remained the Herbert Hoover Dike -increasing annual appropriation or rehabilitation of the HHD to accelerate project completion. The HHD is critical to protecting surrounding communities from floodwaters, and it is the “liquid heart” of a multi-billion dollar effort to restore America’s Everglades. The HHD greatly contributes to the economy, environment, navigation, agriculture, water supply, and flood protection / public safety in all of South Florida. Therefore, the County Coalition strongly feels that the HHD must maintain a high priority status for funding until the rehabilitation project is completed. Further, the project should be expedited.</p>	
<b>LAKE WORTH DRAINAGE DISTRICT (LWDD)</b>		
LWDD-1	<p>In the event of HHD failure, it is likely that the reconstruction effort necessary to return the dike to a safe condition could take several years. During this period, it is unlikely that water levels in the Lake could be managed near the elevations required to provide adequate supplemental water supply to the Lake Okeechobee Service Area and other areas dependent on the Lake for a portion of their supplemental water needs. This would leave the Arthur R. Marshall National Wildlife Refuge as the only available source of regional water supply to LWDD, thereby increasing the risk that insufficient regional water inflow to LWDD would severely reduce well field protection and supplemental irrigation supply for both agricultural and urban uses. Likewise, increased water demand on the Refuge, along with severely reduced base flow from Lake Okeechobee, could cause significant impacts to the Refuge.</p>	<p>The purpose of the project is to prevent potential failure of the HHD.</p>
LWDD-2	<p>While HHD repairs are underway, LWDD requests the Corps initiate and complete a Lake Okeechobee regulation schedule modification study. This action will enable the Corps to be poised to implement a new Lake regulation schedule at the earliest possible moment and in light of the rehabilitated HHD. LWDD has repeatedly expressed concern about the inadequacy of water supplies provided pursuant to the current Lake regulation schedule, 2008 LORS. LWDD provides surface water, largely from WCA 1 as replenished by Lake Okeechobee during dry times, to its irrigation water users. Also, LWDD’s canal network recharges the Surficial Aquifer in coastal Palm</p>	<p>A new lake operating schedule would be collaboratively assessed and evaluated under a separate NEPA study and document that could begin upon approval of the DSMR.</p>

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	<p>Beach County to maintain ground water levels, help prevent inland migration of the saltwater interface, and recharge public water supply utility wellfields. In 2007, LWDD commented on the Corps' draft Lake regulation schedule environmental impact study and its potential to exacerbate water shortages. Additional details concerning water shortages and use of permanent forward pumps to relieve supply problems at low Lake levels resulting from the then proposed regulation schedule were requested at that time. This regulation schedule, now known as 2008 LORS, was approved as an interim schedule nearly eight years ago. The 2008 LORS does not assure LWDD of adequate water supply to meet its above stated missions, thus it should be replaced with a new regulation schedule as soon as possible.</p>	
LWDD-3	<p>Additionally, the LWDD requests the Corps to operate Lake Okeechobee in light of the HHD repairs that have already occurred. The 2008 LORS recognized the burden this schedule placed on water supply interests and assured stakeholders of the potential to operate the Lake so as to improve storage as HHD repairs progressed. To date, the Corps has not undertaken operational changes. LWDD requests the Corps immediately implement these changes. Storing more water in Lake Okeechobee will benefit water supply users and will also provide much needed relief to the estuaries and even benefit the Lake's ecology.</p>	<p>A new lake operating schedule would be collaboratively assessed and evaluated under a separate NEPA study and document. The lake operating schedule cannot be changed until alternatives are analyzed and evaluated.</p>
LWDD-4	<p>In closing, LWDD appreciates the Corps' on-going effort to rehabilitate the HHD and recognizes the magnitude of this project. However, swift completion of HHD repairs is urgently needed, as is implementing a new Lake regulation schedule and taking advantage of improved storage made possible by the repairs accomplished to date. Your consideration of LWDD's concerns is appreciated.</p>	<p>Thank you for your comments.</p>
<b>FEDERAL EMERGENCY MANAGEMENT AGENCY</b>		
FEMA-1	<p>Page 7-1 Federal Emergency Management Administration should be Agency and not Administration.</p>	<p>This change has been made.</p>
<b>LOGAN M. CRAWFORD</b>		
CRAWFOR D-1	<p>The purpose of this letter is to post public comment on the Herbert Hoover Dike rehabilitation project. As a concerned citizen, student and after going over the draft EIS, I've come to raise a few issues regarding the HHD rehabilitation project. I agree that the one of the primary purposes of the project should be to ensure public safety, as we don't want a reoccurrence of what has happened</p>	<p>USACE uses risk to evaluate the need for federal investment for infrastructure modification. The ability for</p>

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	<p>in the past. Although one issue I find to be pressing is to what standard the levee and HHD will be built to withstand on the Saffir-Simpson hurricane scale. Louisiana was decimated years ago because of a failed levee systems, and at that time theirs was only built to withstand a level 3 Hurricane, which proved devastating. In regards to public safety, to what degree on the Saffir-Simpson scale will the revitalized HHD and levees be built to withstand. With hurricane intensity on the rise and frequency staying roughly the same, it's important if infrastructure revitalization is taking place that we must take all available precautions to prepare for fiercer storms by building to higher standards.</p>	<p>the embankment to withstand storm surge from hurricanes is a function of both starting reservoir level and storm intensity. The risk analysis considered hurricane loading on the embankment, this included all categories of storms and all possible reservoir levels. The joint probability of wind and starting reservoir level showed that only 3 places on the dam exceeded USACE's tolerable risk guidelines.</p>
CRAWFOR D-2	<p>Another issue with the HHD project is one of water quality. As a resident of Southwest Florida I find it to be of pivotal importance to alleviate the amount of water leaving Lake Okeechobee to the east and west, which are creating havoc on both the environment as well as economy because of polluted waters. Although the primary purpose of the remediation of the HHD is to ensure public safety, it is also their objective to reduce ecological impacts and aesthetic impacts, which both impact tourism and the economy. I believe that the HHD rehabilitation project should take into consideration an alternative route south through the EAA that may also play a role in the Everglades Restoration project. By facilitating more water south from Lake Okeechobee and into the Everglades, restoring sheet water flow as a means to filter out pollutants before reaching Everglades National Park is also a critical issue that needs to be addressed and an action that needs to be taken to ensure the health and wellbeing of our estuaries, and overall water quality of Southwest Florida.</p>	<p>The Central Everglades Planning Project addresses restoration of the Everglades with Flow Equalization Basins to improve water quality.</p>
<b>DREW MERTZLUFFT</b>		
MERTZLUF FT-1	<p>In the federal consistency statement section (Appendix D) for Chapter 370, Living Saltwater Resources, it is stated that, "The proposed project is located inland and would have no effect on</p>	<p>There could be indirect effects due to this project,</p>

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	saltwater resources either directly or indirectly through discharge downstreams.” It is highly unlikely, if not one hundred percent unlikely, to be able to claim the knowledge of such a project is so great that the Army Corps of Engineers can foresee every indirect effect from every aspect of the restoration of the Herbert Hoover Dike. It is <i>not</i> possible to have an indirect effect on anything in this world. Further research into indirect effects of inland construction into marine zones is obviously needed, since any and all fluid links to the ocean.	however, because the lake regulation schedule will not be altered due to this project, the amount of water leaving the project area would not change due to any of the alternatives.
MERTZLUF FT-2	Secondly, along the same lines, in Appendix D, Chapter 258, State Parks and Aquatic Preserves it is stated, “... This chapter is not applicable.” In Chapter 258, it states that the federal action (Herbert Hoover Dike) must be consistent with any direct or indirect adverse effects of park property, natural resources, park programs, or management operations. It is baseless to claim that a construction restoration of the Dike will, again, not have <i>any</i> indirect effects on any of the mentioned park and aquatic preserve aspects. Everything is connected indirectly and more research into how construction sites may impact communities/ecosystems far and near is needed.	There could be indirect effects due to this project, however, because the lake regulation schedule will not be altered due to this project, the amount of water leaving the project area would not change due to any of the alternatives. The focus of this EIS is to analyze only effects due to the Recommended Plan.
<b>AUDUBON FLORIDA (AUDUBON)</b>		
AUDUBON-1	Due to its size and location, Lake Okeechobee is probably the single most important water feature in south Florida. All flow from the 2.6 million acre Northern Everglades watershed passes through the Lake on its way south. The Lake furnishes flood protection and water supply for humans and downstream ecosystems. It supports fisheries and wildlife habitat, navigation across the state and a tourism-based economy. The Lake also strongly influences rain and temperature patterns in central Florida. Recent concerns about the safety of the HHD however, have resulted in water management decisions being made primarily for precautionary reasons, which have interfered with many of these functions. With the repair of the HHD, more options will be available and many of Lake Okeechobee’s values can be restored and maximized.	Thank you for your comment.
AUDUBON-2	Once remediation is complete, occasional higher water levels may be permissible in the Lake. We support the Corps’ intention not to modify the LORS schedule until the entire remediation effort	Thank you for your comment. A new lake

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	<p>is finished because allowing higher levels before the HHD were safe would be imprudent. However, once a new operating schedule is feasible, we caution that higher water levels create new issues. The “Stage envelope” performance measure for the Lake quantifies how often water levels are in an ideal range, which is considered within 6 inches of a dry season low of 12.5 feet and a wet season high of 15.5 feet. From 1978 until the early 2000s, water levels were maintained higher than the stage envelope most of the time and proved disastrous to the Lake’s biota, and to estuaries who suffered massive releases from an often too-deep lake. The chronically deep levels also hastened the erosion of the HHD and any future schedule will have to weigh impacts of deep levels on the Lake, Estuaries, and the HHD itself.</p> <p>Although chronically deep levels are a concern, occasional deep water during wet period emergencies, could be a future part of management. To a point, the lake marshes and biota can withstand temporary deep water events with manageable harm. Were the HHD safer today, the Corps could contemplate reducing or halting the current disastrous releases to the estuaries for a period of time to benefit them, and resume releases later. With the HHD in its present condition, such an option is not feasible and is an example of how a safer Dike can allow improved management.</p>	<p>operating schedule would be collaboratively assessed and evaluated under a separate NEPA study and document.</p>
AUDUBON-3	<p>Acute high water events bring up the most important point about post-remediation HHD safety. Lake Okeechobee does not have nearly enough outlet capacity to keep up with inflows, meaning Lake levels can rise almost uncontrollably. The DSMS noted that LORS would allow a lake stage of 22.8 ft (NGVD29) in a peak SPF, which could be a threat even to a remediated Dike. In short, even when HHD repairs are complete, large inflow events will remain a concern for HHD safety. In the long term, the best way to reduce the threat of storms overwhelming the remediated HHD is to build large amounts of storage capacity outside of Lake Okeechobee, and the conveyance capacity needed to utilize it quickly. Building such infrastructure is what the Comprehensive Everglades Restoration Plan was designed to do. CERP itself is beyond the scope of the DSMS, but will be an indispensable component to the future safety of the HHD. Audubon pledges to support efforts at the national and state levels to help the Corps and its partners make south Florida as safe and functional as possible.</p>	<p>Thank you for your review, comments, and support for dam safety and CERP.</p>
<b>PRIVATE</b>		
<b>FLORIDA FRUIT AND VEGETABLE ASSOCIATION (FFVA)</b>		

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FFVA-1	<p>The Florida Fruit &amp; Vegetable Association (FFVA), a non-profit, agricultural trade organization whose mission is to enhance the competitive and business environment for producing and marketing fruits, vegetables and other crops, greatly appreciates the tremendous effort and diligence put forth by the United States Army Corp of Engineers (USACE) regarding the rehabilitation of the aging Herbert Hoover Dike (HHD). As an organization that represents a myriad number of producer members that operate both around and south of Lake Okeechobee and whose livelihoods are intrinsically linked to surface water provided by the lake, we greatly appreciate the opportunity to comment on the Draft Environmental Impact Statement (EIS) for the Herbert Hoover Dike Dam Safety Modification Study (DSMS).</p>	<p>Thank you for your review.</p>
FFVA-2	<p>What is glaringly absent, however, is any discussion pertaining to how future operations and management of Lake Okeechobee water levels could be affected by the identified and anticipated dike repairs. The current Lake Okeechobee Regulation Schedule (LORS) 2008 is innately tethered to the state and integrity of HHD. We are currently in the midst of an unprecedented wet “dry” season where every option regarding water storage is being thoroughly examined in hopes that additional lake water won’t have to be discharged east and west to the St. Lucie and Caloosahatchee estuaries. Ironically, we will inevitably again face drought conditions in the near future where the lake’s water will be concurrently and desperately sought after for public supply, agriculture and environmental benefit for the estuaries, the storm water treatment and water conservation areas, the Everglades and for the lake itself. It is imperative that we at least begin the discussion of how the recommendations proposed within the DSMS might translate to potential modifications of LORS 2008. To expedite this process without being hindered by another evaluation study, the DSMS needs to broach the subject and identify a range of lake levels that might be realistic with the completion of the proposed dike remediation projects.</p>	<p>A new lake operating schedule would be collaboratively assessed and evaluated under a separate NEPA study and document. This study could commence once the DSMR is approved.</p>
FFVA-3	<p>Again, FFVA supports the USACE’s efforts in addressing the integrity of HHD to mitigate risk of a breach. While ensuring public health and safety is, rightly, the focus of this study, it is also paramount that we move forward prudently and simultaneously consider how the LORS 2008 could be beneficially modified as a result of the proposed remediation of HHD. With Lake Okeechobee, we find ourselves in the constant struggle between balancing public safety, water supply and environmental benefit. At the very least, the inclusion of a discussion in the DSMS offering guidance on how the dike repairs could possibly impact revised lake stages certainly seems salient. This will help expedite the process for the much needed review and reevaluation</p>	<p>A new lake operating schedule would need to be collaboratively assessed and evaluated under a separate NEPA study and document in order to discuss the possibilities of lake stages.</p>

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	of the LORS without being burdened and mired by another prolonged study. If you have any comments or concerns, please don't hesitate to contact me.	
<b>EVERGLADES AGRICULTURAL AREA ENVIRONMENTAL PROTECTION DISTRICT (EPD)</b>		
EPD-1	The EPD encourages you to continue the expeditious completion of the HHD repairs and also initiate a study to formally modify the Lake Okeechobee regulation schedule, so the well documented water supply deficiencies of the current interim schedule can be corrected upon completion of the HHD repairs. We also encourage you to take advantage of the HHD repairs made to date to give yourself more flexibility in holding water in the Lake when we have wet periods like we are experiencing now. Using operational flexibility in the existing 2008 Lake Okeechobee regulation schedule, and recognizing the repairs already, or soon to be, complete, you and the Water Management District should evaluate operations to store more water in Lake Okeechobee as soon as possible. The commitment in the 2008 LORS' Final Supplemental Environmental Impact Statement (FSEIS at iv - v) and the Record of Decision recognizes the value of this opportunity.	A new lake operating schedule would be collaboratively assessed and evaluated under a separate NEPA study and document and is expected to begin no sooner than once the DSMR is approved.
EPD-2	The Lake's infrastructure, including the HHD, must be adequate to enable a lake regulation schedule capable of meeting all Project purposes established by Congress since 1948. To that end, we request that you provide confirmation in the HHD EIS that the HHD's structural integrity will be sufficient to allow water levels equal to or exceeding those experienced in the past. This clarification is necessary in view of statement in the EIS that the 2008 LORS is the base condition utilized in the alternatives selection process. It is not clear what that means with respect to future lake management options.	The proposed risk reduction increases the robustness of the dam under all loading conditions and repairs the most vulnerable sections of the embankment. The DSMS is based on the current operation schedule; however; sensitivity analysis was performed to verify that these measures would still be sufficient under previously used schedules. If the operating schedule changed following a separate NEPA study, the risk assessment would need to

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		be evaluated to verify that additional areas of the dam would not require risk reduction. The need for risk reduction in other areas would be dependent on the magnitude of variation in the operation schedule from LORS.
EPD-3	Thank you for considering these comments. We look forward to USACE's final HHD EIS, your continued work on the Dike, and future Lake operations which better serve the C&SF Project's Congressionally authorized purposes. We are very grateful for the work you have already done around the lake and appreciate the dedication of your staff who have accomplished so much already in protecting our community.	Thank you for your comments and support.
<b>PRIVATE CITIZEN – ALLIE BURY</b>		
BURY-1	The Herbert Hoover Dike was built in the 1930s to prevent flooding like those in 1926 and 1928 hurricane events that killed an estimated 2,400 and 3,400 people. This dike has successfully served its purpose, except that there is current water seepage from the '04 and '05 hurricanes. In addition, the record breaking amounts of rainfall this winter has increased the lake level to over 16 feet, close to capacity. It is critical that the dike undergoes immediate repair in order to protect citizens from dike failure.	Thank you for your comment, upon approval of the DSMR, design and construction of the Recommended Plan will commence.
BURY-2	In addition, the dike needs to be repaired and enhanced to secure high levels of water and reduce the amount of emergency releases. As a citizen of Fort Myers Beach, I have worries and concerns about an influx of water being released from Lake Okeechobee. Firstly, Lake O water is loaded with nitrogen and phosphorous pollutants. Once this water is released, it causes an upset of nutrient balances in the Caloosahatchee River and eventually in the Gulf of Mexico. This nutrient loading causes algal blooms and severe damage to all living organisms such as oyster beds, fisheries, and sea grass beds. Currently, FMB is suffering from red tides and severe outbreaks of red drift algae. This is causing damage to marine organisms such as fish, conch, and plants among many others. Lastly, the water releases cause economic and aesthetic impact to all areas affected. The muddy waters and red tides are creating a heavily polluted beach with large amounts of dead	The DSMS addresses public safety. We understand your concerns about water quality. A new regulation schedule would be a collaborative effort under NEPA and would have many competing interests and objectives.



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	organisms. This is causing large amounts of economic impacts due to the heavy reliance of tourism. Vacationers and locals on FMB are both highly perturbed and disgusted by the state of the water in both Estero Bay and the Gulf of Mexico.	
<b>ANTONIO ARRUZA – FGCU COASTAL ZONE MANAGEMENT</b>		
ARRUZA-1	This letter addresses the Army Corps of Engineers in regards to the current risk of water level affecting public safety from Lake Okeechobee. In Particular, my concern is with the Herbert Hoover Dike Dam (HDD) and whether or not it has been rated on a Saffir-Simpsons scale to withstand up to a category five hurricane. This is an urgent matter primarily relating to public safety but with water quality as well. As the water level increases, which is around 16ft as of Feb 7 <sup>th</sup> , the more threatening a storm can be because it would take less wind to cause the water to over wash. As with Florida’s history, we have had cases of bad storms and I quote from the draft EIS on the Corps rating the HDD in 2007 as, “critically near failure or extremely high risk”. A failure in the outflow capacity will result in storm surge waves destroying nearby communities, canals, rivers, and wildlife. We must be prepared and if the HDD is not fit for a storm then the immediate discharge of water would be necessary for public safety. Thus I agree with Governor Rick Scott in proposing that L-29 canal water level be raised for water from Lake Okeechobee to be relocated. Thank you for your time.	USACE uses risk to evaluate the need for federal investment for infrastructure modification. The ability for the embankment to withstand storm surge from hurricanes is a function of both starting reservoir level and storm intensity. The risk analysis considered hurricane loading on the embankment, this included all categories of storms and all possible reservoir levels. The joint probability of wind and starting reservoir level showed that only 3 places on the dam exceeded USACE’s tolerable risk guidelines.
<b>COLLIN FEINBERG</b>		
FEINBERG-1	Hello I am a citizen commenting on the draft environmental impact statement and concerned about the points the draft makes about safety. There is a statement about the dike needing to be “tolerable” there should be an expectation of less than 0.001 lives lost annually. I agree that there can’t be anything man made of this magnitude and have a 100% safety rate. However I believe the word tolerable shouldn’t be an appropriate word. Part of the definition of tolerable is mediocre which I can safely say that is far from the proper term used for a large scale dike. There is also significant issues with seepage that needs to be properly handled. Seepage can allow other	“tolerable risk guidelines” are defined in USACE engineering regulations. Changes to such terms is beyond the scope of SAJ’s modification study.

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	<p>chemicals to fester underneath the dike, which can cause them to be absorbed into the ground and potentially the groundwater. The dike should have more strict regulations in order to protect the people and the land around it. Erosion should be priority because this can affect the stabilization and integrity of the dike. Try and work on keeping erosion to a minimum or replace the soil that is leaving and causing piping with new soil.</p>	<p>Seepage occurs into the ground under the entire 750 square miles of lake and under all of the canals that enter and exit the lake. Chemical contamination sites are dealt with under other programs and are not part of the DSMS.</p> <p>The TSP cutoff wall is designed to prevent erosion of the soils in the embankment and foundation of HDD. Areas that have piped in the past have been backfilled to prevent continuation of these failure modes.</p>
<b>SUGAR CANE GROWERS COOPERATIVE OF FLORIDA</b>		
SUGAR CANE-1	<p>Our growers rely on Lake Okeechobee for flood protection and water supply. The integrity of the HDD is of paramount importance to us since we live and conduct our business around the rim of the Lake. We encourage the Corps of Engineers' to expeditiously complete the rehabilitation of the HDD and concurrently evaluate the flexibility available within the existing Lake Regulation Schedule (LORS-08) to safely store more water in the lake to prevent unwanted releases to coastal estuaries and assure adequate water supply for the built and natural environments.</p>	<p>The Corps intends to expeditiously complete rehabilitation of the HDD. A new lake operating schedule would be collaboratively assessed and evaluated under a separate NEPA study and document and is expected to begin no sooner than once the DSMR is approved.</p>

COMMENT	AGENCY/PUBLIC COMMENT	CORPS RESPONSE & LOCATION OF CHANGE IN REPORT IF NECESSARY
SUGAR CANE-2	<p>When The LORS-08 regulation schedule was adopted, it was characterized as an interim schedule that was anticipated to be in place while the most vulnerable sections of the levee were rehabilitated. This has been substantially completed with the 21 miles of cutoff wall and culvert replacements. The public was led to believe that an updated Lake regulation schedule would be adopted as soon as HHD repairs allowed, to restore water supply to EAA users to a one in ten year level of service. LORS-08 diminished our level of service to a one and six year level of service. When Congress passed WRDA 2000 it included the Savings Clause that promised the level of service for water supply and flood protection as of Dec. 11, 2000 would not be diminished due to the implementation of components of the Comprehensive Everglades Restoration Plan including adjustments to the Lake regulation schedule.</p>	<p>The Corps concurs that LORS was characterized as an interim schedule. We said, "The Corps expects to operate under this interim schedule until the earlier of (1) implementation of a new Lake Okeechobee schedule as a component of the system-wide operating plan to accommodate the Comprehensive Everglades Restoration Plan (CERP Band 1 projects) and the State of Florida's fast track Acceler8 projects, or (2) completion of HHD seepage berm construction or equivalent dike repairs for reaches 1, 2 and 3."</p>
SUGAR CANE-4	<p>This has been substantially completed with the 21 miles of cutoff wall and culvert replacements. The public was led to believe that an updated Lake regulation schedule would be adopted as soon as HHD repairs allowed, to restore water supply to EAA users to a one in ten year level of service. LORS-08 diminished our level of service to a one and six year level of service. When Congress passed WRDA 2000 it included the Savings Clause that promised the level of service for water supply and flood protection as of Dec. 11, 2000 would not be diminished due to the implementation of components of the Comprehensive Everglades Restoration Plan including adjustments to the Lake regulation schedule.</p>	<p>The LORS EIS recognizes the water supply goal of providing at least a 1-in-10 level of service as indicated by simulations using the SFWMM in which three or less water years in the 26-year simulation period have water shortages in which significant water supply</p>

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		cutbacks are necessary. A new lake operating schedule would be collaboratively assessed and evaluated under a separate NEPA study and document and is expected to begin no sooner than once the DSMR is approved.
SUGAR CANE-5	<p>Given these facts, we presume that the structural design of the HHD rehabilitation Tentatively Selected Plan will provide the Dike with the integrity to raise lake stages to more historic levels, rather than having to undergo another time consuming Major Modification Report study effort and request a statement be included in the HHD EIS to this effect.</p> <p>We applaud the Corps of Engineers commitment to undertake parallel paths and initiate the process of revising the Lake Regulation Schedule in 2020 concurrent with constructing the cutoff wall in Zone B between Lake Harbor and Moore Haven so that the new Lake regulation schedule can be implemented as soon as possible.</p>	As stated in the LORS EIS, dike rehabilitation could allow for greater operational flexibility, potentially including higher lake levels for increased water storage. Thank you for your comments.
<b>GUNSTER FLORIDA LAW FIRM BUSINESS – UNITED STATES SUGAR CORPORATION (SUGAR)</b>		
SUGAR-1	<p><b>Continue To Expediently Repair the HHD</b></p> <p>Continued, expeditious repair of the HHD to address the public's health and safety is of utmost importance. USSC urges the USACE to proceed as promptly as possible while addressing the concerns noted in this comment letter. As the alternative design for the HHD rehabilitation is selected, it is appropriate to consider attaining the immediate goal of structural integrity, while assuring Lake Okeechobee operations meet Congressional and USACE commitments for the C&amp;SF Project, as discussed below. We believe these commitments can and should be achieved concurrently with the repairs. Our comments request that the Corps integrate identification and implementation of HHD repairs with concurrent evaluations of how the HHD repairs will further all C&amp;SF Project purposes.</p>	The Corps intends to expeditiously complete rehabilitation of the HHD. A new lake operating schedule would be collaboratively assessed and evaluated under a separate NEPA study and document that could begin upon approval of the DSMR and will evaluate how to best achieve C&SF purposes in light of rehabilitation.

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SUGAR-2	<p><b>Repaired HHD Must Continue to Serve All C&amp;SF Project Purposes for Lake Okeechobee</b></p> <p>We recognize that the HHD Draft EIS and DSMS do not evaluate potential water supply or storage implications nor do they identify operational changes to store additional water in Lake Okeechobee based on the TSP. These matters will be the subject of a Lake regulation schedule modification study. However, it is appropriate now for the USACE to clearly state and confirm the repaired HHD's potential operational capabilities and commit to address the integrally related purposes of the HHD through a lake regulation schedule modification study that proceeds concurrent with the HHD repairs.</p>	<p>A new lake operating schedule would be collaboratively assessed and evaluated under a separate NEPA study and document that could begin upon approval of the DSMR.</p>
SUGAR-3	<p>The stability of the dike directly impacts the Corps' capability to meet the C&amp;SF Project purposes, as established by Congress and the USACE's decisional documents approved since 1948. Lake Okeechobee serves multiple project purposes, including water supply and fish and wildlife. Water supply and fish and wildlife purposes include water for utilities, the Stormwater Treatment Areas (STAs), residential and agricultural lands within the Lower East Coast and the Lake Okeechobee Service Area, Lake W01ih Drainage District, Water Conservation Areas, Everglades National Park and Seminole Tribe of Florida.</p> <p>Moreover, the Comprehensive Everglades Restoration Plan (CERP) is a holistic framework and guide for modifications to the C&amp;SF Project to achieve restoration, protection and preservation of the Everglades ecosystem, including Lake Okeechobee, while providing for other water related needs of the system. The foundational principles for implementation of CERP stress the need to address operational changes in the C&amp;SF Project system holistically, as an integral part of CERP, and not piecemeal through non-CERP projects. <i>See WRDA 2000; Sections 6.4.2, 6.4.13 Central and Southern Florida Project Comprehensive Review Study Final Integrated Feasibility Report and Programmatic Environmental Impact Statement April 1999.</i></p> <p>To this end, we request the USACE clearly state the potential storage capabilities of the repaired HHD and also provide written confirmation that the HHD Draft EIS and DSMS do not alter the Congressionally authorized C&amp;SF Project purposes or other previous commitments, such as CERP and its enabling legislation.</p>	<p>CERP was developed with a view towards recommending structural and/or operational changes to better meet the goals of south Florida ecosystem restoration and the continued provision of safe, reliable water supply and flood protection for the people who live there.</p> <p>Future consideration of regulation schedule changes will more specifically address capabilities associated with dike rehabilitation. Dike rehabilitation does not change the authorized purposes of the C&amp;SF Project.</p>
SUGAR-4	<p>As part of this commitment, please clarify that, consistent with LORS 2008 assurances, the use of LORS 2008 in the modeling for the "no action" and other dike repair alternatives, including the</p>	<p>The Corps only expected to operate under LORS until the</p>

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	<p>TSP, does not preempt the previous USACE commitments to restore water storage in the Lake through an updated Lake schedule.</p>	<p>earlier of (1) implementation of a new Lake Okeechobee schedule as a component of the system-wide operating plan to accommodate the Comprehensive Everglades Restoration Plan (CERP Band 1 projects) and the State of Florida's fast track Acceler8 projects, or (2) completion of HHD seepage berm construction or equivalent dike repairs for reaches 1, 2 and 3. The Corps currently plans to reevaluate the Lake Okeechobee Regulation schedule in 2020 and will consider a full range of alternatives.</p>
SUGAR-5	<p><b>HHD Draft EIS Selected Alternative Must Ensure Successful CERP Implementation</b>  USSC recognizes LORS 2008 was an interim Lake regulation schedule, necessitated by HHD stability concerns. This regulation schedule, however, substantially diminished water supply availability and does not meet the 1 in 10 level of water supply certainty. The CERP Savings Clause requires that existing legal sources of water supply (available in the year 2000 for agricultural and urban water supplies, fish and wildlife, Everglades National Park and Tribes) must not be eliminated or transferred until new sources of supply of comparable quantity and quality are provided. The CERP Savings Clause was adopted to protect against long-term changes in water availability that only achieve some Project purposes, such as, flood protection and environmental protection, at the expense of other Project purposes, such as water supply. This is the Savings Clause "benchmark" that must be satisfied as CERP proceeds forward.</p>	<p>WRDA 2000 does include Savings Clause provisions that apply to the implementation of projects and operational changes that are part of the Comprehensive Everglades Restoration Plan (CERP). LORS was not part of CERP.</p>

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SUGAR-6	<p>Returning to a 1 in 10 level of water supply performance is required by the CERP Savings Clause. This level of certainty should be the predicate for the proposed, modification to the Lake regulation schedule. It is critical that the USACE ensure its actions in determining the extent and timing of HHD repairs do not nullify this most fundamental precept - the CERP Savings Clause - as it forms the very foundation for CERP relied upon by the State of Florida in support of its decision to be local sponsor and partner in CERP implementation. We request written confirmation these expectations will be met by the repaired HHD infrastructure.</p>	<p>The Savings Clause only applies to changes from the date of enactment of WRDA 2000 that result from “implementation of the Plan.” LORS is not part of the Plan and altered the Pre-CERP Baseline for purposes of the Savings Clause. Regardless of the Pre-CERP Baseline, the Corps will consider a full range or alternatives when it revisits the Lake Okeechobee regulation schedule, and evaluate water supply effects as one of the objectives.</p>
SUGAR-7	<p><b>The USACE Should Conduct a Parallel Study to Modify the Lake Okeechobee Regulation Schedule</b></p> <p>As the HHD rehabilitation alternative is selected and construction proceeds, it is essential that the USACE, in a contemporaneous and parallel effort, conduct a NEPA evaluation to establish a new Lake regulation schedule, predicated upon the repaired HHD infrastructure. This study should assess the capabilities of the C&amp;SF Project, including the selected HHD alternative and reasonably anticipated Project-related infrastructure changes, to comprehensively serve all Project purposes. By undertaking a parallel Lake regulation schedule modification study, future Lake operational capabilities can be evaluated in light of performance measures and alternatives. These steps will enable prompt implementation of a new Lake Okeechobee regulation schedule. This Lake regulation schedule modification study must also assess the ability of C&amp;SF Project and Lake operations to meet the legislatively required CERP water supply assurances.</p>	<p>A new lake operating schedule would be collaboratively assessed and evaluated under a separate NEPA study and document that could begin upon approval of the DSMR.</p>
SUGAR-8	<p><b>DSMS and HHD Draft EIS Dam Safety Risk Analysis Should Serve As the Risk Analysis for Updates to the Lake Okeechobee Regulation Schedule</b></p>	<p>The Risk Assessment completed for the DSMS</p>

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	<p>The USACE's public presentations on this HHD Draft EIS contain the following statement: "Proposed revisions to the current LORS 2008 will require an updated risk evaluation and a future lake regulation study for informed decision making." See January 26, 2016 USACE Presentation, slide 23, bullet 2.</p> <p>We question the need for an "updated risk evaluation" on the HHD, separate from this DSMS, as the selected Standard Performance Flood (SPF) evaluations apply a Lake stage of 24.7 NA VD88, and both LORS 2008 and RUN 25 produce peak SPF stages below this elevation. In light of these statements in the HHD Draft EIS, a NEPA analysis for the Lake regulation schedule modification should be the only process necessary prior to implementing a modified Lake Okeechobee regulation schedule.</p> <p>We request the USACE to confirm in the HHD EIS that the proposed, structural changes to the HHD are sufficient to accommodate all previously existing Lake regulation schedules, such as the Run 25 or similar schedule. Additionally, we request USACE include further explanation that, in light of these facts, no additional HHD risk analysis is needed before modifying the Lake regulation schedule.</p>	<p>assumed that LORS08 was the operating schedule. A new regulation schedule would need to undergo NEPA analysis.</p>
SUGAR-9	<p><b>The USACE Should Provide More Detailed Explanation of Revised Dike Evaluation Standards</b></p> <p>Over time, USACE's dam safety evaluation standards have evolved. How are the revised standards for assessing dike safety and balancing economic considerations different from previous standards, particularly as to those identified in the LORS 2008 Final Supplemental Impact Statement for Reaches 1, 2 and 3? See LORS 2008 Final Supplemental Environmental Impact Statement November 2007 (FSEIS) at iv - v. While the HHD Draft EIS describes the new evaluation criteria, it is not possible to evaluate or analyze the practical implications of shifting from the standards used in the 2007 Environmental Assessment for HHD rehabilitation to current evaluation standards. This information is particularly relevant as the LORS 2008 FSEIS identifies HHD repairs as a "trigger" for Lake operational changes. How does the TSP compare to the repairs listed in the LORS 2008 FSEIS, noted above as "triggering" both interim operational improvements, and shifting to a new Lake regulation schedule? A chart comparing the LORS 2008 FSEIS terms associated with HHD repair with those used in the HHD Draft EIS is requested.</p>	<p>The analysis you are requesting was not completed and is not available. A new lake operating schedule would be collaboratively assessed and evaluated under a separate NEPA study and document that could begin upon approval of the DSMR.</p>
SUGAR-10	<p><b>The USACE Should Implement Operational Flexibility Per LORS 2008</b></p> <p>As an interim schedule, LORS 2008 manages Lake Okeechobee at lower levels than prior regulation schedules, in order to reduce structural risk to the HHD, while repairs are underway.</p>	<p>A new lake operating schedule would be collaboratively assessed and</p>



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	<p>This low regulation schedule, however, presents dramatically reduced performance as to other Project purposes, specifically, an increased risk of low Lake levels and associated adverse effects to water supply. Numerous stakeholders; including among others, the South Florida Water Management District, the Seminole Tribe of Florida, agricultural and various urban interests; expressed concern for the LORS 2008 risk to water supply. To address the Lake's diminished water supply performance, per the temporary regulation schedule, the USACE's decisional documents made key assurances. LORS 2008 Record of Decision (ROD) and November 2007 FSEIS assured stakeholders that LORS 2008 was a shortterm, interim schedule, necessary to respond to high Lake levels while HHD repairs were made. Further, the LORS 2008 ROD and FSEIS commit the USACE to incrementally improve water supply performance, as made possible by HHD infrastructure repairs. (ROD 5) The FSEIS provides a detailed explanation of specific dike repairs that would prompt the USACE to evaluate operational flexibility, within LORS 2008 and consistent with protection of health and safety, to provide additional water storage. The USACE commits: Pending completion of rehabilitation in Reaches 1, 2 or 3, as HHD rehabilitation progresses, the Corps will evaluate the capacity to operate the Lake in a manner to provide more water storage in conjunction with achieving other project purposes. The anticipated points at which the Corps will utilize the flexibility within the schedule [LORS 2008] consistent with protection of health safety and welfare to provide additional storage include, at a minimum, completion of filling of the toe ditch, construction of the seepage berm within the existing right of way in Reach 1, and equivalent dike improvements in Reaches 2 or 3, which are currently under design. Upon changed circumstances, the Corps will provide additional storage, consistent with technical analysis, that might result from higher lake elevations. The Corps can respond to changed circumstances by adjusting operations within LORS' operational flexibility or through schedule deviations. (FSEIS pp. iv - v) Based on the recent USACE presentation and statements made at the January 2016 HHD public meetings, it appears the USACE intends to perform this assessment and take advantage of near-term opportunities to store additional water in the Lake. USSC urges completion of the necessary evaluation at the soonest possible time so that relief to supply and estuarine interests is swiftly provided. Additional storage in the Lake will benefit the Lake's ecology and water supply interests during drier years. We have included a table of comments on the HHD Draft EIS, which is attached as Exhibit A and an index of documents to supplement the record for the HHD Draft EIS, which is attached as Exhibit B. The documents listed on the index are being provided via email.</p>	<p>evaluated under a separate NEPA study and document that could begin upon approval of the DSMR.</p>

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SUGAR-EXHIBIT A-1	<p><b>1.8 Related Projects SFWMD Restoration Strategies Project</b> - Correct inaccurate statements consistent with SFWMD</p> <p>Inaccurate statements regarding SFWMD Restoration Strategies Project should be corrected based on the February 11, 2016 letter from South Florida Water Management District to Florida State Clearinghouse, Department of Environmental Protection, "U.S. Army Corps of Engineers – Herbert Hoover Dike Dam Safety Modification Study Draft Environmental Impact Statement SAI# FL201601047515C" The following sentence should also be added to correct the existing statement on inflows to Lake Okeechobee due to Kissimmee River Restoration and Headwaters Revitalization:</p> <p>Inflows to Lake Okeechobee will not be reduced by implementation of the Kissimmee River Restoration projects.</p>	<p>Details regarding the KRR and Headwaters Revitalization were added to this section, which included a statement that inflows would not change significantly.</p>
SUGAR-EXHIBIT A-2	<p><b>1.9 Approvals</b> - Correct inaccurate and outdated information; update based on Northern Everglades and Estuaries Protection Act (NEEPA) as amended in 2016</p> <p>This section and others identified herein contain inaccurate and outdated references to outdated Florida water quality laws. Revisions to the Northern Everglades and Estuaries Protection Act (NEEPA) were enacted by the Florida Legislature in January 2016. Some suggested language is provided below and should be addressed in relevant water quality related sections throughout the EIS: Nutrient loads within the Lake Okeechobee Basin are regulated under the Northern Everglades and Estuaries Protection Act (NEEPA). The NEEPA specifies the implementation of Basin Management Action Plans (BMAPs). The Lake Okeechobee BMAP was adopted in December 2014 and allocated the TMDL to the entire LOK Watershed which includes all nine-sub watersheds to the north, south, east and west. The plans contain a schedule for subsequent phases of phosphorus load reduction consistent with the TMDLs and milestones must be set. The FDEP has a five-year cycle for setting and updating TMDLs and BMAPs. Revisions to the NEEPA were enacted in January 2016 and scheduled to become effective July 1, 2016.</p>	<p>Added the language, but did not delete previous language as the NEEPA has not yet become effective.</p>
SUGAR-EXHIBIT A-3	<p><b>3.3 LAND USE (Also correct identification agriculture surrounding lake in Section 3.6 Vegetation)</b></p> <p>- Clarify description of agricultural activities surrounding the Lake This section should be updated and clarified in coordination with the Florida Department of Agriculture and Consumer Services. The language should include the following: The primary land use in the Lake Okeechobee region is agriculture. Major agricultural activities in the southern area include sugarcane and row crops, along with ornamental and tree nurseries. Along the East of the Lake, there are citrus groves,</p>	<p>This language was added to Section 3.3.</p>

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	sugar cane and increasing row crops. To the West and north, agricultural activities include rangeland and cow calf operations.	
SUGAR- EXHIBIT A- 4	<p><b>3.4 Hydrology &amp; Hydraulics Surface Water</b> - Clarify surface water supply purposes of Lake Okeechobee and inflow watersheds; Clarify Lake Okeechobee watersheds Inflow to Lake Okeechobee for drainage purposes and outflow made through a series of Federal, state, and local drainage district culverts that penetrate the HDD are made for water supply to the Lake Okeechobee Service Area (LOSA), municipal water supply, water supply to the Seminole Tribe, water supply to the Water Conservation Areas, water supply to fish and wildlife, water supply to the Stormwater Treatment Areas and other mandated water quality treatment facilities, water supply for groundwater recharge in the Lower East Coast and EAA, and water supply to Everglades National Park. Inflow enters from the north, east, and west of Lake Okeechobee through the following watersheds: Kissimmee River Upper Kissimmee and Lower Kissimmee, Taylor Creek-Nubbin Slough, Fisheating Creek (Nicodemus Slough), Indian Prairie, Lake Istokpoga East Lake Okeechobee and West Lake Okeechobee. The drainage areas associated with these 13 culverts are local water control districts mostly contained within the Everglades Agricultural Area (EAA), but also include U.S. Sugar, Trucane, Lake Point and Five Smooth Stones and many other landowners too numerous to mention. The EAA is divided into seven drainage basins and is comprised of a network of canals, structures, and levees that divide the area to provide for the removal of excess water to Lake Okeechobee and the WCAs to the south. The local water control districts, also referred to as special districts or '298 Districts,' have governmental pump stations that discharge to Lake Okeechobee or the EAA canals. Figure 3-3 provides a map of the 298 Districts.</p>	Recommended language was taken into consideration and appropriate revisions were made within this section.
SUGAR- EXHIBIT A- 5	<p><b>3.4 Hydrology &amp; Hydraulics Surface Water Use</b> - Include and update description of the Everglades Agricultural Area consistent with the South Florida Environmental Report (SFER) This section should be revised in coordination with the South Florida Water Management District for accuracy and completeness.</p> <p>Recommended language includes the following: Surface water diversions from Lake Okeechobee meet several different C&amp;SF project purposes, including water supply to the Lake Okeechobee Service Area (LOSA), municipal water supply, water supply to the Seminole Tribe, water supply to the Water Conservation Areas, water supply to fish and wildlife, water supply to the Stormwater Treatment Areas and other mandated water</p>	Recommended language was taken into consideration and appropriate revisions were made to this section.

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	<p>quality treatment facilities, water supply for groundwater recharge in the Lower East Coast and EAA, and water supply to Everglades National Park. The SFWMD manages the water use permitting process within its boundaries under authority of Chapter 373, Florida Statutes, and several Florida Administration Code (F.A.C.) rule chapters. A water use permit provides the user with a right to divert and use the allocated quantity from a designated source (both groundwater and surface water sources). Permit use classes include agricultural, recreation, public water supply, industrial and “diversion and impoundment” (including 298 Water Control Districts). There are 298 Water Control Districts (originated under the authority of Chapter 298, Florida Statutes), which maintain and operate secondary canal systems in the EAA (Pickett et al., 2013; Figure 3-3). For users within these water control districts, the water supply in the EAA is assured by maintaining water levels in these canals. Water levels in the 298 Water Control Districts with the EAA are maintained approximately 1 to 2 feet below the ground surface, However, during most of the year and especially for harvest, planting, and cultivation the control elevations at the pump stations can be as much as a three to four foot differential do to the distance of the far-point/tail-end of canal. Some distances can be as much as 5-10 miles and of course all is predicated on the weather. For users outside of the water control districts and within the EAA, water tables are maintained by inflow from the SFWMD primary canals. For water users outside of the EAA, including the rest of the Lake Okeechobee Service Area and the Seminole Tribe of Florida, water users depend upon the level of Lake Okeechobee to provide irrigation to maintain seepage systems or for overhead irrigation.</p>	
SUGAR-EXHIBIT A-6	<p><b>Section 3.4 Hydraulics and Hydrology Groundwater</b> - Clarify EAA/WCD’s groundwater management</p> <p>Water levels in the 298 Water Control Districts with the EAA are maintained approximately 1 to 2 feet below the ground surface. However, during most of the year and especially for harvest, planting, and cultivation the control elevations at the pump stations can be as much as a three to four foot differential do to the distance of the farpoint/ tail-end of canal. Some distances can be as much as 5-10 miles and of course all is predicated on the weather.</p>	<p>Recommended language was taken into consideration and appropriate revisions were made to this section.</p>
SUGAR-EXHIBIT A-7	<p><b>3.4 Hydrology &amp; Hydraulics Water control Structures (Culverts)</b> - Include and update description of the Everglades Agricultural Area consistent with the South Florida Environmental Report (SFER ) (NEEPA) as amended in 2016 Water from the EAA is managed by both the SFWMD through the primary canals and the water control districts through the secondary canals. Additionally, the</p>	<p>The existing conditions section is discussing the culverts within the HDD</p>

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	<p>surface water elevations for water control districts at the control structures are 3-4 feet below ground, on average. Four major canals pass through the EAA: West Palm Beach, Hillsboro Canal, North New River Canal, and Miami Canal. Flows from Lake Okeechobee and runoff from the EAA are discharged via these four canals to relieve flooding for the local drainage area and into the Stormwater Treatment Areas (STAs) for water quality improvement. Discharges to the east coast occur through the West Palm Beach Canal. At times, when conditions do not allow for the STAs to treat all runoff water, diversion to the WCAs could occur. The inflows from Lake Okeechobee to these canals are from structures S-351, S-352, and S-354. These structures are gated spillways with a maximum tailwater elevation not to exceed 12 ft NGVD for Lake Okeechobee operation. The optimum water control elevations for S-351 and S-354 range between 11.5 and 12.0 ft NGVD. During WY2014, daily average elevations ranged from 9.50 to 12.13 ft NGVD. The outflows from the four canals to the STAs are discharged through pump structures S-5A, S-319, S-6, G-370, G-372, and G-434. Outflows from STAs are inflows into WCAs. During the dry season and drier-than normal wet seasons, water supply for agricultural irrigation is provided by these four primary canals, mainly through gravity release from Lake Okeechobee. During droughts, when Lake Okeechobee levels are low, forward pumping is required to withdraw water from the lake. At times, water is also supplied to the EAA from the WCAs. Farmers utilize a set of secondary and tertiary farm canals to distribute water from several gated culverts and pumps to their respective fields. (SFER 2-39 2015)</p>	<p>system, rather than within the EAA.</p>
SUGAR-EXHIBIT A-8	<p><b>3.5 Water Quality</b> - Correct inaccurate and outdated information; update based on Northern Everglades and Estuaries Protection Act (NEEPA) as amended in 2016 See comments for Section 1.9</p>	<p>DEP-8 said the NEEPP is not the authority the proposed construction would be authorized under. Please see response to DEP-8.</p>
SUGAR-EXHIBIT A-9	<p><b>3.8 Threatened and Endangered Species</b> - Correct inaccuracies on species listing status and section on snail kites. Table 3-6 on listed species in the EIS contains various inaccuracies on the current status of listed species that should be corrected before the EIS is finalized. Additionally, snail kite information should be updated to reflect best available information on current population, habitat, foraging, and nesting conditions</p>	<p>The snail kite is listed as endangered in Table 3-6. No change was made. The USFWS has concurred with the Corps determinations of effects.</p>

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SUGAR-EXHIBIT A-10	<p><b>3.12.1 Economic Activities In and Around Lake Okeechobee</b> - Insert accurate descriptive information regarding socio-economic activities and local governments.</p> <p>The primary economic activity throughout the study area is agriculture. The EAA, located directly south of Lake Okeechobee, consists of approximately 500,000 acres of highly productive agricultural land, the vast majority of which is under active sugarcane cultivation. In addition to sugarcane, crops grown in the EAA include an array of winter vegetables including sweet corn, green beans, all varieties of lettuce, radishes, celery, rice and sod. This region of Palm Beach County is the nation’s top producer of sugar, sweet corn, radishes and number two in winter vegetables. The economic value of these crops exceed \$3 billion annually (FDACS 2016) and provide employment for more than 12,000 people in the sugar sector alone(LMC Internation-2011). The agricultural operations are vertically integrated and there are four raw sugar mills, two sugar refineries, a rice mill, eight vegetable packing houses and distribution centers, and a renewable energy power plant. Other agricultural activities in the Lake Okeechobee watershed include citrus, pasture, livestock and dairy operations. Other than agriculture, recreation, tourism, commercial fishing, and navigation, secondary economic activities include: services (banking, insurance, etc.) healthcare, education, and government activities. Examples of the above include: the Lakeside Medical Center, and the University of Florida- Everglades Research and Education Center, Palm Beach State College, Belle Glade Campus and the Dolly Hand Cultural Arts Center; Glades Day School serving students Pre-K-12; seven public elementary schools, two middle schools and two high schools as well as the West Technical Training and Education Center. The City of Clewiston is a major center of the agricultural community around the Lake. Known as the “Gateway to Lake Okeechobee” it has many of the above activities. Also, the Town of Moore Haven is the seat of government for Glades County, so there are several public buildings in the town. (This section does not cover any economic activity associated with the City of Okeechobee that sits on the north shore of the lake.)</p>	This language was added to Section 3.12.1.
SUGAR-EXHIBIT A-11	<p><b>3.12.2 Demographics</b> Recognize socioeconomic value of farming in EAA The primary economic activity throughout the study area is agriculture. The Everglades Agricultural Area (EAA), located directly south of Lake Okeechobee consists of approximately 500,000 acres of highly productive agricultural land, the vast majority of which is under active sugarcane cultivation. Palm Beach County is the nation’s leader in production of sugarcane, sweet corn, winter leaf crops and</p>	This language was added to Section 3.12.2.

COMMENT	AGENCY/PUBLIC COMMENT	CORPS RESPONSE & LOCATION OF CHANGE IN REPORT IF NECESSARY
	radishes and number two in winter vegetable production. In addition, citrus and pasture lands for livestock and dairy operations are in the watershed.	
SUGAR-EXHIBIT A-12	<p><b>3.16 Recreational Resources Fishing and Boating</b>  The City of Belle Glade also has a marina and camp ground to access the lake off of Torey Island.</p>	This language was added to section 3.16.
SUGAR-EXHIBIT A-13	<p><b>4.3 Land Use</b> Recognize Belle Glade facilities.  For the past 100 years, the primary economic activity in this area has been agriculture. As discussed previously, ecosystem restoration projects are projected to be completed in areas south of the HHD project area designed to restore the hydrology and water quality in the Everglades Protection Area. According to the South Florida Water Management District’s Lower East Coast Water Supply Plan, agricultural production south of Lake Okeechobee is projected to remain steady. As urban development continues to move west, there is an opportunity for the Glades community to grow in the light manufacturing, industrial development and distribution center areas. The tri cities participate in the Lake Okeechobee Region Economic (LORE) alliance that has partnered with the Business Development Board of Palm Beach County in attracting new businesses to the Glades region. The former Glades Correctional Institute site is being actively marketed and several agricultural businesses have expanded in this region. Also, through the LORE/BDB partnership two additional employment centers are being built and several other leads are underway. Improvement to the local infrastructure has received both state and local funding to improve the area. Land use (Figure 4-1) for the northern part of the watershed (i.e., Kissimmee Upper Basin) will become increasingly developed as the Orlando-Kissimmee urban epicenter continues to sprawl. Existing population centers in the southern part of the watershed and along the perimeter of Lake Okeechobee are predicted to expand outward such that development along the entire rim of the lake would be nearly continuous.</p>	This language was replaced in section 4.3.
SUGAR-EXHIBIT A-14	<p><b>4.4 Hydrology &amp; Hydraulics CERP Central Everglades Planning Project (CEPP) – In Place</b>  The water supply benefits of CERP are not carried forward in CEPP. The purpose of the CEPP is to improve the quantity, quality, timing and distribution of water flows to the Northern Estuaries, central Everglades (Water Conservation Area 3 (WCA 3) and Everglades National Park (ENP), and Florida Bay.</p>	The goal of CEPP is captured correctly in the EIS.



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SUGAR-EXHIBIT A-15	<p><b>4.4 Hydrology &amp; Hydraulics SFWMD Northern Everglades and Estuaries Protection Program</b> - Correct inaccurate and outdated information. See comments for Section 1.9 Approvals.</p>	Please see comment/response for DEP-8.
SUGAR-EXHIBIT A-16	<p><b>4.5 Water Quality Surface Water</b> - Correct inaccurate and outdated information. See comments for Section 1.9 Approvals. The following is additional recommended language for this section: The most significant flows into Lake Okeechobee related to nutrient loading are from the northern Lake Okeechobee Basin, and not agricultural operations in general.</p>	Revised language to say: the most significant source of surface water pollution will continue to be from the northern Lake Okeechobee basin and agricultural operations in the area.
SUGAR-EXHIBIT A-17	<p><b>4.12 Socioeconomics 4.12.1</b> - Correct statement regarding agriculture as economic driver The basic economic drivers associated with high value integrated agricultural operations are expected to remain in place over time. Value added by agricultural businesses and industries will likely occur over the long term.</p>	Revised language has been added to Section 4.12.1.
SUGAR-EXHIBIT A-18	<p><b>5.5. Water Quality Surface Water Quality</b> - Recognize existing Corps commitments on monitoring wells for saltwater movement This section should be updated to reflect previous commitments identified in: May 12, 2015 Memorandum to Florida State Clearinghouse from Chad Kennedy, et al, Florida Department of Environmental Protection, "Department of the Army, Jacksonville District Corps of Engineers – Draft Environmental Assessment for the Herbert Hoover Dike Supplemental Major Rehabilitation Report – Palm Beach County, Florida SAI #FL201503177229C"; February 8, 2016 letter from Palm Beach County, Mary Lou Berger, Mayor to Stacie Auvenshine, USACE, regarding "Herbert Hoover Dam Draft Environmental Impact Statement" (contained in Index to USSC comment letter); and February 12, 2016 Letter from Rebecca Elliott, Florida Department of Agriculture and Consumer Services to Department of Environmental Protection, Florida State Clearinghouse, "Department of the Army, Jacksonville District Corps of Engineers –Draft Environmental Impact Statement (EIS) for Herbert Hoover Dike (HHD) Dam Safety Modification Study Report- SAI# FL2016010475C"</p>	In Section 5.5 the following was added: "To address the uncertainty regarding impact to groundwater quality, the Corps has continued groundwater monitoring and installed six new monitoring wells in Reaches 1, 2 and 3 in 2015 and 2016. The Corps currently plans to continue to monitor these wells through 2018 and follow up with additional groundwater modeling efforts to predict long-term impacts. Monitoring efforts will be



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		reviewed in 2018 to evaluate the need for and scope of subsequent long-term groundwater quality monitoring.
SUGAR- EXHIBIT B-1	Provided an index of documents associated with the Supplemental MRR EA and public meeting for draft EIS for the DSMS.	Thank you for your comment.
<b>PRIVATE CITIZEN – JOSHUA WILSON</b>		
WILSON-1	Water quality is a serious concern in the southern parts of Florida. Reduction of risk in flooding that negatively impacts the environment and life from the breach of HDD is crucial. It will not only effect animals and the environment but humans as well. With the research I am involved in, water quality in the area has made changes to the results we obtain meaning we need to fix our problems in south Florida quickly.	Thank you for your comment.
<b>PRIVATE CITIZEN – KRISTEN MARSH</b>		
MARSH -1	Are the current methods in place holding the waters of Lake Okeechobee at a hurricane rating of category five? If not, could repairs/adjustments also be made to the structures to withstand a powerful hurricane so that an incident like Hurricane Katrina in New Orleans can be avoided? Regarding the release of water from Lake Okeechobee to SW Florida through the Caloosahatchee River, do you have methods of purifying the water of pollutants? Water quality has greatly diminished and the overwhelming amount of freshwater being released into the SW estuaries is disrupting all sorts of aquatic organisms. Eventual restoration of water flow to its historic pattern of slowly making its way through the river of grass, should be an ultimate goal. I do believe that repairs need to be made to the Herbert Hoover dike, since this structure holds large amounts of water, and if a breach occurs we have a real environmental crisis to deal with.	USACE uses risk to evaluate the need for federal investment for infrastructure modification. The ability for the embankment to withstand storm surge from hurricanes is a function of both starting reservoir level and storm intensity. The risk analysis considered hurricane loading on the embankment, this included all categories of storms and all possible reservoir levels. The joint probability of wind

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		<p>and starting reservoir level showed that only 3 places on the dam exceeded USACE's tolerable risk guidelines.</p> <p>This project does not include any project features that will remove water pollutants for waters directed towards the Caloosahatchee River.</p>
<b>PRIVATE CITIZEN – MICHAEL H.</b>		
H-1	<p>In reviewing the Draft EIS for the Herbert Hoover Dike Safety Modification, it was made apparent to the casual observer that little to no information was given in regards to the water quality in areas closer to the oceanic or gulf shores that receive discharges from Lake Okeechobee. Section 3.5 - Water Quality only seems to focus on the water quality of the lake itself and its immediately surrounding water systems. In particular, one may say that the Caloosahatchee River (C-43) is vital to several counties in Fort Myers for its role in the natural environment as well as with the communities that surround the river. A change in the rate that the water flows through this area or how much pollutants/nutrients it carries may prove to be a significant risk for a quite large population. Might you be able to share or direct us to more information regarding this topic of how distant downstream areas will be impacted? Please consider discussing this further.</p>	<p>This study focused on safety surrounding HDD. The impact of the project on water quality in and around the lake is discussed; however, the project will not change the rate that water flows into or out of the lake or the pollutant loading of water. For these reasons, discussion of estuary water quality was not extensively discussed though the link between Lake Okeechobee and downstream water bodies is mentioned.</p>
<b>PRIVATE CITIZEN - NICHOLAS ALLEN</b>		

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ALLEN-1	<p>I am writing in regards to the Lake Okeechobee water quality control problem. Growing up on the St. Lucie River and currently going to Florida Gulf Coast University in Fort Myers, I have seen what the waters on both sides of the state look like when Lake Okeechobee water is being discharged. I understand it is a complicated problem because it affects so many people and ecosystems. My question is why has it taken so many years to find a more permanent and sustainable solution? I have read the Draft Environmental Impact Statement (December 2015), and know about the NEPA process; so I can see why it takes longer than most people unaware of all the processes it takes to implement a program would assume. But I don't understand why this process hasn't been expedited, since it such a huge environmental problem. And how much do the big sugar corporations south of Lake Okeechobee affect decisions in regard to water management of Lake Okeechobee waters? Thank you for taking the time to read these questions and hope you are able to clarify these matters for me.</p>	<p>The DSMS addresses public safety. We understand your concerns about water quality. A new regulation schedule would be a collaborative effort under NEPA and would have many competing interests and objectives.</p>
<b>PRIVATE CITIZEN – NICHOLAS CULLIGAN</b>		
CULLIGAN-1	<p>My comment concerns Chapter 370, Living Saltwater Resources. This section states that the State must preserve, manage, and protect any and all of the living saltwater resources and surrounding human activities while completing the project. The consistency statement says that the project is located inland so there would be no effect on the downstream saltwater resources. However, this project is directly affecting Lake Okeechobee which is the major contributor of fresh water to South Florida's nearshore environments and estuaries. The statement mentions that this is only a rehabilitation of the HHD embankment and will not change the Lake Okeechobee Regulation Schedule. Because of that, the EIS says that the project is not applicable to this chapter. However, I think it is very applicable. Even though there is not a change to that water schedule, any kind of development has an effect on the environment around it, especially development concerning a large water supply. The construction that takes place on these dikes will have an effect on Lake Okeechobee and in turn will somehow effect the estuaries and nearshore environments that receive water from it. Even if the effect is minimal, I think that there is a big enough chance that something could happen that it deserves more research into that topic. Instead of this section not being applicable to the project, there should be at least some form of caution when looking at these possible effects. It is much better to do a little extra work now to absolutely make sure that there will be no effect rather than to assume there will be no effect and there to be one. We have seen recently how much the lake effects the nearshore environments with all of the water</p>	<p>This EIS focused on effects due to the TSP, which is putting in a cutoff wall around the lake. This cutoff wall would not affect the saltwater resources. A subsequent study on lake regulation schedule would discuss effects of Lake Okeechobee releases on the estuaries and saltwater resources.</p>

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	releases recently (red tide, too much freshwater in the nearshore areas), so it would be beneficial to prevent anything like that from happening by an accident in this project.	
<b>PRIVATE CITIZEN – RACHEL MARGALUS</b>		
MARGALU S-1	Has there been any studies of the water quality throughout the Caloosahatchee River or the St. Lucie River, into where they lead out into the Gulf of Mexico and the Atlantic Ocean? Is there any way that before releasing any of the water into the two rivers that we can treat the water and have similar conditions the two rivers have? Has the water quality even in Lake Okeechobee been analyzed and compared to the two rivers? Instead of just releasing the water that could be toxic and can effect other areas and organisms, having the same water quality through each water way can protect the civilians, as well as the organisms living there.	Sources of water pollution to the Caloosahatchee and St. Lucie include Lake Okeechobee as well as the basins that are located between the lake and the ocean. State and Federal agencies are working on projects and programs to address the water quality issues in the Caloosahatchee and St. Lucie Basins. In general, nutrient loads and concentrations in Lake Okeechobee water are typically lower than nutrient concentrations and loads contributed by the basins that lie between the lake and the coastal estuaries.
<b>PRIVATE CITIZEN - REBECCA MAY</b>		
MAY-1	I was able to able to obtain a copy of Governor Rick Scott's letter in regards to the flooding of the Everglades Water Conservation Areas and the releases of water from Lake Okeechobee and also the draft Environmental Impact Statement for the Herbert Hoover Dike Dam Safety Modification Study. Under the Environmental Consequences of the Tentatively Selected Plan section of the E.I.S. there is a statement that says "there is potential for disturbance to the species during construction activities." Is there anything in place or in the works that aims to reduce these disturbances during construction?	Yes, there are avoidance and minimization measures in the draft FWCAR that the Corps will follow during construction to the maximum extent practicable.

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<b>PRIVATE CITIZEN – RUDY KRONAUGE</b>		
KRONAUG E-1	<p>I am writing to give public comment regarding the Herbert Hoover Dike Dam Safety Modification Study. As a Ft. Myers residence and FGCU Marine Science major, the issue of the current Lake Okeechobee water levels and the subsequent releases down the Caloosahatchee and St. Lucie rivers are of great concern to me. While I understand much of this issue has been misrepresented and skewed by the media, there are many legitimate concerns being buried in the process. On issue 10 in the study, the consistency statement specifically states that because the proposed project is located inland, it will have "no effect on saltwater resources either directly or indirectly through discharge downstream". This statement is in direct conflict with the common knowledge regarding rates of seagrass loss and oyster die-offs in the Ft. Myers/Sanibel area due to low salinity levels and decreased sunlight penetration due to turbidity resulting from river discharge. Equally false is the consistency statement in issue 13, which states "this work does not involve the transportation or discharge of pollutants", when in fact it has been shown that the discharge waters do contain excess nitrogen and phosphorous from agricultural activities. Whether or not these elements are in high enough concentrations to account for any known environmental issues we have observed, they are still pollutants and therefore must be addressed. I appreciate your time regarding this increasingly-important environmental issue in Southwest Florida. I hope that there is a solution that can be reached that benefits all parties involved. Thank you.</p>	<p>This EIS focused on effects due to the TSP, which is putting in a cutoff wall around the lake. This cutoff wall would not affect the saltwater resources. A subsequent study on lake regulation schedule would discuss effects of Lake Okeechobee releases on the estuaries and saltwater resources.</p>
<b>PRIVATE CITIZEN – STEPHANIE PALMER</b>		
PALMER-1	<p>Using the rights given under NEPA, this email is to express some concerns that I have with the draft EIS regarding the Herbert Hoover Dike dam safety modification. Under the table of contents, when looking at the environmental effects, some effects do not state a TSP. Since a TSP is not mentioned for all of them, does that mean that there is no favored alternative? With regards to the dam safety, is it rated to sustain a major hurricane on the Saffir-Simpson scale? In Appendix D, Chapter 258, State Parks and Aquatic Preserves, how can you be so sure that there will not be any impacts? And, how can you state that the chapter is not applicable, when there is definitely a possibility that there will be indirect impacts? Also, for Chapter 370 Living Saltwater Resources, it states that, "The proposed project is located inland and would have no effect on saltwater resources directly or indirectly through discharge downstream," but how can that be true when water is shipped down C-43? For Chapter 388 Arthropod Control, what would be done if the zika virus was exposed?</p>	<p>The TSP is valid for each environmental effect, however, some resources had the same effect due to any of the alternatives. This EIS focused on effects due to the TSP, which is putting in a cutoff wall around the lake. This cutoff wall would not affect the saltwater resources. A subsequent study on lake regulation</p>

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		<p>schedule would discuss effects of Lake Okeechobee releases on the estuaries and saltwater resources.</p> <p>USACE uses risk to evaluate the need for federal investment for infrastructure modification. The ability for the embankment to withstand storm surge from hurricanes is a function of both starting reservoir level and storm intensity. The risk analysis considered hurricane loading on the embankment, this included all categories of storms and all possible reservoir levels. The joint probability of wind and starting reservoir level showed that only 3 places on the dam exceeded USACE's tolerable risk guidelines.</p>
PRIVATE CITIZEN – WILLIAM GLASSEY		
GLASSEY-1	I feel that the issue at hand isn't just a public safety issue, but also a water quality issue.	Thank you for your comment. This EIS focuses on dam safety.
GLASSEY-2	I believe that another option would be to dredge a canal leading to the everglades past the agricultural farmland. If the water has a way to filter out all of the sediments and nutrients	Thank you for your comments.

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	<p>through the everglades naturally then not only will there be a way to move water out of the Lake faster and keep the water levels at a more sustainable level during rainy months like Jan.2016, but one would also be able to avoid the slew of problems caused by the discharging of water through the Saint Lucy and Caloosahatchee rivers. 1. Increase Dikes and Dams to withstand Category 5 hurricanes. a. During the process add a system to send water south efficiently. i. Water moving through the everglades gives more options for water control ii. Won't cause algae blooms as much iii. Will improve relations with Naples and Port Saint Lucy areas.</p>	
GLASSEY-3	<p>As a final comment what was the Herbert Hoover Dike and Dam system originally designed to withstand in terms of a hurricane. The levee system in Katrina was rated for Category 3 storms. I feel that Florida's should be rated for the worst storms that can be thrown at it.</p>	<p>USACE uses risk to evaluate the need for federal investment for infrastructure modification. The ability for the embankment to withstand storm surge from hurricanes is a function of both starting reservoir level and storm intensity. The risk analysis considered hurricane loading on the embankment, this included all categories of storms and all possible reservoir levels. The joint probability of wind and starting reservoir level showed that only 3 places on the dam exceeded USACE's tolerable risk guidelines.</p>
<b>PRIVATE CITIZEN – ZOE SPANBROEK</b>		
SPANBROE K-1	<p>"While this draft EIS document is very thorough in explaining all immediate effects of the proposed HHD repairs, I would like to know more about their longevity. More specifically, what is the expected lifespan of each proposed alternative? Are these reparation plans meant to last a</p>	<p>The proposed cutoff wall would be constructed using soil and cement, which is</p>

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	<p>while or will they require constant future upkeep? Given that these repairs are being made in the interest of public safety, wouldn't it benefit the citizens being protected by the HDD if its repairs lasted a long time? (Also, doesn't the tediousness of the EIS process give further cause to create strong, long-lasting repairs that don't require constant upkeep and thus constant involvement in the EIS process?) Put succinctly, I think it might be a good idea to indicate how long you anticipate the proposed repairs are likely to last before the HDD needs to be repaired again."</p>	<p>expected to have a design life in excess of 100 years and will not increase the operation and maintenance burden of the facility. The drainage systems could last indefinitely; however, clogging with vegetation or pump maintenance would be required throughout the service life.</p>
<b>PRIVATE CITIZEN – ROBERT NORTON</b>		
NORTON-1	<p>I have been active with SFWMD since 1989 to improve water quality and to stop agriculture run-off water. I still do not see water quality improvement 27 years later. The state did not make compliance of 40ppb in June 2015 in Lake Okeechobee. BMP's and BMAPS do not seem to want to enforce action to clean up water. BMPs must not be voluntary systems, but need to be enforced, cowboy's do not volunteer for anything even I know this. Cattle are in contact with flowing water to Lake Okeechobee.</p>	<p>Thank you for your comments. The EIS focuses on dam safety, with the Recommended Plan being cutoff wall to deter seepage and piping issues to prevent a failure in the system.</p>
NORTON-2	<p>We need to put more interest into completing more than 50 individual projects. Lake levels should be set at 12.5 to 15.5 for Lake Okeechobee Regulation Schedule.</p>	<p>Thank you for your comment.</p>
NORTON-3	<p>We need to stop sea planes land and take off from Lake Okeechobee. Remember Lake Okeechobee is a class 1 drinking water supply people, one accident and we have fuel in our drinking water. They can practice at sea or other lakes that are not a drinking water supply sir.</p>	<p>Thank you for your comment.</p>
NORTON-4	<p>A very good idea on the internal drainage system. I like that the seepage water is collected, filtered and sand filter system.</p>	<p>Thank you for your comment.</p>
NORTON-5	<p>Surface water use needs to be permit has too many loopholes. Need more action to control. Also the groundwater needs more controls set for use. Agriculture over use.</p>	<p>Thank you for your comment.</p>
NORTON-6	<p>Back pumping into the lake needs to stop and only floodwater pumped out of the lake, not into.</p>	<p>Thank you for your comment.</p>



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NORTON-7	I agree with the cutoff wall system, very good.	Thank you for your comment.
NORTON-8	Water quality will be improved if we filter agriculture runoff water to Lake Okeechobee. The state will never meet the water quality standard set TMDL 140mt-40ppb to Lake Okeechobee because of fish eating creek being a uncontrolled discharge. My point of view of your book I received it's very good, a lot of fine information. As I travel around the lake I see the cutoff wall work. I am sure it will work and be a good structural measure. I also like floodwall and armoring to replace culvert removals. Not in use anymore. Anytime I can help you with my public comments, please write me.	Thank you for your comment.

**C.5 Public and Agency Comment Letters and Emails**



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**Palm Beach County  
Board of County  
Commissioners**

Mary Lou Berger, Mayor  
Hal R. Valeche, Vice Mayor

Paulette Burdick

Shelley Vana

Steven L. Abrams

Melissa McKinlay

Priscilla A. Taylor

**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*

February 8, 2016

Stacie Auvenshine  
U. S. Army Corps of Engineers  
P.O. Box 4970  
Jacksonville, Fla. 32232-0019

Subject: Herbert Hoover Dam Draft Environmental Impact Statement (EIS)

Dear Ms. Auvenshine:

On behalf of Palm Beach County, Florida, I am submitting comments on the Army Corps of Engineers (ACOE) Draft Environmental Impact Statement as part of the Herbert Hoover Dam (HHD) Safety Modification Study.

**Our concerns regarding the technical aspects of the Draft EIS Study:**

- (1) The purpose of the Herbert Hoover Dike (HHD) Dam Safety Modification Study is to identify and recommend a cost effective alternative risk management plan that supports the expeditious reduction of risk at HHD. While the primary purpose of the remediation of HHD is to ensure public safety, objectives of the project also include lowering the probability of experiencing a breach with incurring impacts on ecological, cultural, and aesthetic resources (including the Everglades) that may result from a breach. **The EIS spends considerably more time discussing the impact of the HHD construction on the habitat surrounding the lake, than it does defining the risk reduction associated with the construction projection public safety.**
- (2) Palm Beach County strongly supports achieving the goal of a safer dam for Lake Okeechobee. However, we are very concerned about the approach ACOE is taking in attempting to ensure that the dam is safe. The main concern the County has is the schedule for certifying the dam to meet dam safety standards. As we have pointed out many times in our discussions with the ACOE, the Federal Emergency Management Agency (FEMA) has revised the Digital Flood Rate Insurance Maps (DFIRMs) for Palm Beach County. These maps are used to establish insurance premiums for flooding after a storm that is of the 1 in 100 year magnitude. FEMA has told the County on numerous occasions that until the ACOE certifies the dam, they will analyze the HHD as if it will fail. The analysis done to date contemplates the Base Flood Elevations for the Tri-Cities (Pahokee, Belle Glade, and South Bay) within the Glades area at extremely high elevations due to the analyses results being based on a compilation of 18 different levee



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breaches along the portion of the HHD within Palm Beach County. This has resulted in homes and businesses in the Tri-Cities area that were previously above the "100 year flood stages" to being within an AO Flood Zone where flooding will occur up to three feet deep across the existing natural grade causing many homes and businesses to be flooded "on paper". This will require the affected residents and businesses to have to purchase flood insurance at catastrophic rates. This area is one of the most economically challenged areas within the County. Having the portion of the dam that has been completed within Palm Beach County certified by the ACOE will eliminate the assumption by FEMA to analyze the/dam as if it will fail. **Therefore, it is the request of the County that the ACOE certify the dam as quickly as possible.**

(3) Palm Beach County shares the concerns of the Department of Agriculture and Consumer Services (DACS) in regard to the potential impacts of the introduction of high chlorides into the surficial aquifer that the farming community of the Glades area uses for their crop irrigation. Palm Beach County is the winter vegetable capital of the United States and a negative impact to that industry would have a detrimental effect on the economy of Palm Beach County. **Therefore, we join DACS in requesting that the ACOE continue to monitor the induction wells that have been added along the perimeter of the HHD and add an additional array of monitoring wells to assess chlorides as construction proceeds around the south and west areas of the HHD.**

(4) Palm Beach County also supports the concerns DACS has regarding the Lake Okeechobee regulation schedule. It does not appear that LORS08 Schedule is being addressed in this draft EIS. **The ACOE, as part of that Schedule, was to address the lake levels within Lake Okeechobee in order to bring the water supply component from a level of service of 1 in 6 years to a state mandated level of service of 1 in 10 years.** This review needs to be addressed so that Lake operations incrementally improve storage as repairs are made.

If you have any questions, please contact Ken Todd at (561) 355-4600.

Sincerely,

Mary Lou Berger, Mayor

Palm Beach County Board of County Commissioners

- c: Board of County Commissioners  
Verdenia C. Baker, County Administrator  
Jon Van Arnam, Deputy County Administrator  
Bill Johnson, Director, Emergency Management  
George Webb, County Engineer  
Rob Robbins, Director ERM  
Ron Rice, Director, Cooperative Extension Services  
Eric Call, Director, Parks & Recreation  
Rebecca Caldwell, Director, Planning, Zoning & Building  
Doug Wise, Director, Building Division  
Ken Todd, Water Resources Manager



## Florida Department of Environmental Protection

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Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Jonathan P. Steverson  
Secretary

March 2, 2016

Mr. Eric Summa, Chief  
Division of Policy and Planning - 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 Impact Statement for the Herbert Hoover Dike Dam Safety Modification  
Study - Florida.  
SAI # FL201601047515C

Dear Mr. Summa:

The Florida State Clearinghouse has coordinated the state's review of the referenced Draft Environmental Impact Statement (DEIS) for the proposed Herbert Hoover Dike Dam Modification Study under the following authorities: Presidential Executive Order 12372; § 403.061(42), *Florida Statutes*; the Coastal Zone Management Act (16 U.S.C. §§ 1451 *et seq.*, as amended); and the National Environmental Policy Act (42 U.S.C. §§ 4321-4347, as amended). The protection of the state's natural, historical and human resources is critical to Florida. Therefore, the state supports all of the efforts to ensure the safe operation of the Herbert Hoover Dike System. Any modifications should include options that will avoid or significantly minimize any impacts to natural and cultural resources.

In addition to the protection of natural and cultural resources, the successful rehabilitation of Herbert Hoover Dike is critical to the overall effectiveness of the Central and South Florida System improvements for restoration of America's Everglades. In order to expeditiously complete the remaining rehabilitation tasks, it is vital to procure appropriate and consistent funding. The state, therefore, urges Congress and the US Army Corps of Engineers to seek appropriations of the funds needed for the coming years so that Herbert Hoover Dike can provide the necessary water supply, flood protection and safety for those that live in the shadow of the dike. This would include the funds required to initiate modification of the current Lake Okeechobee Regulation Schedule (LORS 2008) so that this process would be completed on a parallel track to the dike repairs.



Without federal funding ensuring the proper maintenance of the Herbert Hoover Dike and a modified Lake Okeechobee Regulation Schedule, frequent harmful lake releases will continue to both the St. Lucie and Caloosahatchee estuaries. These releases cause unreasonable interference with the health, safety, and welfare of the state's natural resources and its residents. Further, the releases from Lake Okeechobee have resulted in extensive environmental harm to wildlife and the aquatic ecosystems, triggering multiple violations of state water quality standards in downstream rivers and estuaries. Inaction at the federal level will have severe negative consequences for the State of Florida and its residents.

The following state agencies have submitted agency-specific comments and recommendations on the DEIS, all of which (letters, memoranda or Clearinghouse database entries) are attached hereto, incorporated herein by this reference and made an integral part of this letter:

- Florida Department of Environmental Protection
- Florida Department of Transportation
- Florida Fish and Wildlife Conservation Commission
- Florida Department of Agriculture and Consumer Services
- South Florida Water Management District

Based on the information contained in the submittal and enclosed agency comments, the state continues to find that the U.S. Army Corps of Engineer's DEIS for the Herbert Hoover Dike is consistent with the Florida Coastal Management Program (FCMP). The state's continued concurrence will be based on the activities' compliance with FCMP authorities, including federal and state monitoring of the activities to ensure their continued conformance, and the adequate resolution of issues identified during this and subsequent regulatory reviews. The state's final concurrence of the project's consistency with the FCMP will be determined during the state's environmental permitting process, in accordance with Section 373.428, *Florida Statutes*.

Thank you for the opportunity to review these documents. Should you have any questions regarding this letter, please don't hesitate to contact Chris Stahl at [Chris.Stahl@dep.state.fl.us](mailto:Chris.Stahl@dep.state.fl.us) or (850) 245-2169.

Yours sincerely,



Jonathan Steverson, Secretary  
Florida Department of Environmental Protection

Enclosures

cc: Matthew Morrison, South Florida Water Management District  
Mark Markovich, Florida Department of Transportation  
Sara Catala, Florida Department of Transportation District 1

Mr. Eric Summa  
FL FL201601047515C  
Page 3 of 3  
March 2, 2016

Ed Smith, Florida Department of Environmental Protection  
Jane Chabre, Florida Fish and Wildlife Conservation Commission  
Rebecca Elliott, Florida Department of Agriculture and Consumer Services







# Memorandum

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TO: Chris Stahl, Florida State Clearinghouse

THROUGH: Ed Smith, Director  
Office of Ecosystem Projects

FROM: Stan Ganthier and Jerilyn Ashworth  
Office of Ecosystem Projects

Cheri Albin  
Division of Recreation and Parks

DATE: February 10, 2016

SAI#: FL201601047515C

SUBJECT: Department of the Army, Jacksonville District Corps of Engineers – Draft  
Environmental Impact Statement for the Herbert Hoover Dike (HHD) Dam Safety  
Modification Study – Glades, Hendry, Martin, Okeechobee, and Palm Beach  
Counties, Florida

## **Background:**

The purpose of the Herbert Hoover Dike (HHD) Dam Safety Modification Study (DSMS) is to identify and recommend a cost effective alternative risk management plan (RMP) that supports the expeditious reduction of risk at the HHD. While the primary purpose of the remediation of HHD is to ensure public safety, an objective of the project also includes lowering the probability of experiencing a breach and resulting impacts on ecological, cultural, and aesthetic resources and the Everglades. Species and habitats directly on the dike and within the path of the water due to a breach would be negatively impacted, and snail kite critical habitat could be negatively impacted due to lower lake levels. Further, if a breach were to occur along the southern perimeter of HHD, flooding would occur within the Everglades Agricultural Area (EAA) and further south, through the Water Conservation Areas (WCAs) and eventually to Everglades National Park. There are many state and federally listed species within south Florida that would be negatively impacted due to a loss of habitat from flooding resulting from a breach of HHD.

This Draft Environmental Impact Statement (EIS) assesses the environmental effects of four alternatives of the eleven alternatives, as well as the No Action Alternative, to rehabilitate the HHD that surrounds Lake Okeechobee. The Draft EIS is part of the Corps' Dam Safety Modification Study (DSMS) to identify and recommend a cost effective risk management plan that expeditiously reduces the risk of a breach of HHD. The DSMS divided the HHD levee into thirty-two segments for analysis of risk and potential risk reduction measures. These thirty-two segments were grouped into seven Common Inundation Zones (CIZ) that are downstream areas where similar inundation or flooding would occur from a breach anywhere within that zone.

The Corps evaluated the four alternatives to determine which one would most effectively reduce societal and individual life safety risks and the annual probability of failure to satisfy tolerable risk guidelines for the segments and CIZs that require remediation. The segments identified with intolerable life safety risk were Segments 5-2, 8, 12 and 13. The segments identified with intolerable annual probability of failure risk due to internal erosion were Segments 4, 5-2, 5, 6, 7, 8, 9 and 12. The segments identified with intolerable annual probability of failure risk due to overwash and overtopping were Segments 13, 14A, 14B, 15, 16 and 17.

Alternative 3 was determined to be the most economically, environmentally, and socially efficient alternative to reduce the overall risks of a breach in the HHD; thus, it was identified as the tentatively selected plan (TSP). Proposed components of the TSP include:

- 33.3 miles of cutoff wall along the approximate centerline of the embankment from just west of Lake Harbor to just east of Moore Haven (Segments 4 through a portion of 9) and near Lakeport (portion of Segments 12 and 13) with bottom tip elevations ranging from -10 ft. to -30 ft. NAVD.
- A filter and drainage blanket around the downstream end of the US Sugar Raw Water Intake pipes within Segment 5-2.
- Armoring the embankment at the intersection of the S.R. 78 bridge and Harney Pond Canal (Segments 13 and 15).
- A 1- to 6-foot high flood wall adjacent to Structure S-71 located on the Harney Pond Canal (Segments 14A and 14B).
- A 1- to 6-foot high flood wall adjacent to Structure S-72 located on the Indian Prairie Canal (Segments 16 and 17).

### **Comments:**

#### Environmental Effects of the TSP

Adverse effects associated with implementing the TSP are expected to be minimal to moderate. Many effects, such as noise levels, air quality and recreation, would be temporary during construction. Only aesthetics are expected to incur potential moderate effects due to the proposed floodwall, up to 6 feet above the crest of HHD, adjacent to Structures S-71 and S-72.

#### *Land Use*

The proposed cutoff wall in the TSP within Segments 4 – 9 (CIZ B) and Segments 12 and 13 (CIZ C) may permanently alter seepage flows for agricultural use with the potential to moderately impact current land use. However, the Corps has determined that land use would have just minor impacts since other water sources are available to agricultural operators. The proposed floodwalls and embankment armoring would have no effect on land use.

#### *Water Quality*

Since 2011, the Corps and the U.S. Geological Survey (USGS) have conducted groundwater monitoring to assess potential impacts of the cutoff wall installed in Reach 1 (within CIZ A) and to collect baseline groundwater quality data in Reaches 2 and 3. This groundwater monitoring has

shown impacts to shallow groundwater quality at locations where the tip of the cutoff wall is less than approximately 15 feet above the underlying saline groundwater. The observed impacts include a reduction in the depth of the saltwater interface at which the groundwater quality transitions from fresh to saline.

The proposed cutoff wall in Segments 4, 5, 7 and 9 is not likely to adversely affect shallow groundwater, because the maximum tip elevation is -30 feet NAVD which is approximately 15 to 20 feet above the saltwater interface. The proposed cutoff wall in Segments 5-2, 6 and 7 is not likely to degrade shallow groundwater quality because of the presence of clay layers that separate the base of the cutoff wall from the saltwater interface. The proposed cutoff wall within Segments 12 and 13 will have little to no effect on groundwater quality north of the Lake, because the predominant groundwater flow direction is from the north towards the Lake.

The proposed cutoff wall in Segment 6 will have a maximum tip elevation of -30 feet NAVD within a thick (15 ft.) clay layer which extends from ~-15 ft. to -30 ft. NAVD. High chloride (500 mg/L) groundwater is believed to be confined below this clay layer. Thus, upper layers of fresh groundwater will not pass under the cutoff wall. No groundwater users are expected to be affected because there are no permitted wells within 2,500 feet of the HHD levee along this segment. Agricultural users are not likely to be affected because they primarily rely on surface water supplies.

The proposed cutoff wall in Segment 8 will have a maximum tip elevation of -30 feet NAVD, while potable groundwater is believed to extend to at least -40 feet NAVD. The Corps believes that this cutoff wall will have minor effects to shallow groundwater quality, because the tip of the cutoff wall will be at least 10 feet above the saltwater interface.

#### *Vegetation/ Wetlands*

Wetlands in the Lake Okeechobee area, though greatly reduced in area and quality through human impact, still exist as valuable ecosystems both landward and lakeward of the HHD. Lake Okeechobee hydraulically feeds wetlands beyond the dike, providing freshwater for the Florida Everglades to the south and for the Water Conservation Areas in Palm Beach and Broward Counties. Low quality wetlands also occur in the toe ditches around the HHD. The majority of the wetlands appear to be outside of the TSP project footprint and occurring in the uplands. Proposed structural features would be constructed on or within the HHD embankment and construction/staging areas would be located in upland or previously disturbed areas. Please note, temporary impacts related to construction will be assessed in the regulatory permit application. The Corps will be required to demonstrate that wetland impacts have been avoided and minimized to the maximum extent possible and practicable.

#### *Threatened and Endangered Species*

Many State and Federally listed plant and wildlife species are found within the vicinity of the HHD including areas of designated critical habitat for the Everglades Snail Kite (*Rostrahamus sociabilis plumbeus*), West Indian Manatee (*Trichechus manatus*), Green Sea Turtle (*Chelonia mydas*), and Johnson's seagrass (*Halophila johnsonii*). For the TSP, species would not be directly affected by the long term effects of a cut off wall, however there is moderate, short term potential for

disturbance to species during construction activities. The action may produce noise above ambient levels, however, mufflers and sound dampening equipment would be required during construction, along with preconstruction surveys. The Corps determined that the TSP may affect but is not likely to adversely affect the following Federally listed species: the Audubon's crested caracara, Eastern indigo snake, Everglades snail kite, Okeechobee gourd, West Indian manatee, wood stork, Florida panther, and the Florida bonneted bat. Additionally, there are state listed species expected to occur within the TSP project area such as the gopher tortoise and burrowing owl. Preconstruction surveys for gopher tortoise and burrowing owls would occur, with appropriate relocation permits obtained by the contractor if necessary. Overall, negligible adverse impacts are anticipated to State listed species as a result of this project.

#### *Recreation*

The Office of Greenways and Trails (OGT) prefers that the Lake Okeechobee Scenic Trail (LOST) is temporarily closed for construction, and not permanently closed. A paved trail is preferred to gravel. It is important to note that neither the Florida Department of Environmental Protection, Division of Recreation and Parks, Florida Parks Service nor the OGT manages this trail as a state trail/park. The OGT provides statewide leadership and coordination to establish, expand and promote the Florida Greenways and Trails System. The LOST is a Priority Land Trail in the state trail system, approved by the Florida Greenways and Trails Council in 2012.

#### Regulatory Approval

The HHD rehabilitation is subject to Section 401 of the Clean Water Act, therefore the Corps is required and continues to obtain Water Quality Certification from the Department for planned repairs. Upon receipt of an Environmental Resource Permit application, the Department will review all submitted material and will require information related to groundwater quality. For example, summaries and analyses of groundwater monitoring data and groundwater modeling results will be important to support the review/approval of the proposed cutoff wall. Also, the Corps should submit a robust groundwater monitoring plan to assess the potential impacts, if any, of the proposed cutoff wall on both groundwater and surface water quality.

#### Hazardous, Toxic and Radioactive Wastes

The Corps has conducted surveys along the HHD to identify Hazardous, Toxic and Radioactive Waste (HTRW) contamination. The Department recommends that the Corps continue to coordinate with the South Florida Water Management District and the Department's Waste Cleanup Section to ensure that potentially contaminated sites are properly assessed and remediated, if necessary, prior to construction of HHD repairs.

#### **Specific Comments:**

- The title of Figure 2-2 states that the Lake stage is 25 ft NGVD, while the first footnote states that the Lake stage is 25 ft NAVD at the time of a breach in the HHD. Please make the referenced vertical datum consistent.

- Figure 2-15 shows that Alternative 1 includes a cutoff wall near Clewiston, while Section 2.4.1 on page 2-24 states that this alternative proposes a filter and drainage blanket for the U.S. Sugar Raw Water Intake pipes located within Segment 5-2 near Clewiston. Please address this discrepancy.
- In Section 2.4.4 on page 2-29, please revise the sentence that states that Figure 2-18 depicts the location of the cutoff wall for Alternative 4, since this figure actually depicts a pumped internal filter system.
- Table 2-4 shows the deepest bottom tip elevation of the cutoff wall as -30 ft NAVD for Alternative 3, while Section 2.6.1 on page 2-32 states the deepest tip elevation is -35 ft NAVD. Please reconcile this discrepancy.
- In Section 1.9, please clarify that the proposed construction activity will require an Environmental Resource Permit (ERP) to be obtained from the Department, under the authority of Part IV of Chapter 373, Florida Statutes (F.S.). This construction activity will not be authorized under the Lake Okeechobee Protection Act (LOPA) or Northern Everglades and Estuaries Protection Program (NEEPP) (Section 373.4595, F.S.).

The Department supports Alternative 3, the tentatively selected plan, and sincerely appreciates the opportunity to comment. Should you have any questions regarding our comments, please contact Natalie Barfield at 850-245-3197.

**cc:** Ed Smith, Frank Powell, Chad Kennedy, Deinna Nicholson, Jordan Pugh, Kelli Edson, Stan Ganthier, Jerilyn Ashworth, and Cheri Albin





*Florida Department of Transportation*

RICK SCOTT  
GOVERNOR

10041 Daniels Parkway  
Fort Myers, FL 33913

JIM BOXOLD  
SECRETARY

February 12, 2016

Mr. Chris Stahl  
Florida Department of Environmental Protection  
State Clearinghouse  
3900 Commonwealth Boulevard, MS 47  
Tallahassee, Florida 32399-3000

**RE: United States Army Corps of Engineers (USACOE) Draft Environmental Impact Statement (DEIS) Herbert Hoover Dike Dam Safety Modification Study – Intergovernmental Coordination and Review (ICAR), Project FL201602047515C**

Dear Mr. Stahl:

The Florida Department of Transportation (FDOT), District One, has reviewed the ICAR packet for the USACOE Herbert Hoover Dike (HHD) Safety Modification Study. The Department provided condensed comments to fit in the Clearinghouse Database and offers the following recommendations/comments as a comprehensive supplement to the Database:

1. Technical review of the potential for catastrophic failure of the HHD concluded that the current condition of the dam poses imminent risk to the people and environment of South Florida. The proposed project purpose and need is to identify and recommend a cost effective alternative risk management plan to reduce risk of breach in the HHD. Of four alternatives analyzed, Alternative 3 was identified as the preferred alternative, or tentatively selected plan (TSP). The TSP proposes the construction of a reinforcement cutoff wall along segments where the probability of a dike breach is intolerable. The majority of these segments are located in FDOT District One. As noted in the DEIS, U.S. Highway 27/State Road 80 is a potential emergency and hurricane evacuation route, a portion of which is located in close proximity to the area of greatest instability of the HHD, and U.S. Highway 78 is also proximate to the project area. Transportation safety is a priority for FDOT. The goal of improving safety of the HHD is consistent with the mission of the FDOT to improve public safety on Florida's transportation system.

U.S. Highway 27/ State Road 80 is part of the Strategic Intermodal System (SIS) which is the State's largest and most strategic system for moving people and freight throughout Florida, and outside of its borders. U.S. Highway 27 is a critical north-south freight corridor comprised of both highway and rail modes. The safety and security of all modes on the SIS remain a priority for the Department.

2. The TSP would also involve the replacement of SR78 Bridge over Harney Pond Canal, Indian Prairie Canal, and the Kissimmee River. The DEIS proposes that recommendation be made to the FDOT for the reconstruction of the bridge to HHD design grades at the end of the bridge's service life at these locations, with armoring of the bridge's abutments in the interim. For any planned changes in future flow conditions due to the Army Corps project, the bridge hydrology for each referenced bridge will need to be re-evaluated and possible scour countermeasures installed or bridge replacement considered by the USACOE. The USACOE should perform the analysis and submit it to District One (James J. Jacobsen, P.E., District Structures Maintenance Engineer) for review.

The Department performed a review of the bridges noted in the package and provide the following summary:

**Bridge Number: #050054: SR78 over Kissimmee River Overflow**

Year Built: 1978

Bridge Type: Low level concrete bridge. Five spans.

Deck elevation: Approx. 22.0 ft

Scour Critical: No: Low risk, monitor during inspection.

Condition summary: Overall in Good condition. The Department has no plans for bridge replacement based on condition in the foreseeable future.

Channel: There is minor deterioration of the slope protection which is maintainable by the FDOT. If there are planned changes in future flow conditions due to the Army Corps project, the bridge hydrology will need to be re-evaluated and possible scour countermeasures installed or bridge replacement considered by the USACOE. The USACOE should perform the analysis and submit it to the Department for review.

**Bridge Number: #910009: SR78 over Kissimmee River**

Year Built: 1964

Bridge Type: Low level concrete bridge with steel lift out span over channel. Nine spans total.

Deck elevation: Approx. 39.5 ft

Scour Critical: No: Low risk, monitor during inspection.

Condition summary: Overall in Good condition. The Department has a planned project to replace the center span grating in FY2017

The Department has no plans for bridge replacement based on condition in the foreseeable future.

Channel: There is minor deterioration of the slope protection which is maintainable by the FDOT. If there are planned changes in future flow conditions due to the Army Corps project, the bridge hydrology will need to be re-evaluated and possible scour countermeasures installed or bridge replacement considered by the USACOE. The USACOE should perform the analysis and submit it to the Department for review.



**Bridge Number: #050011: SR78 over Harney Pond Canal**

Year Built: 1960

Bridge Type: Low level concrete bridge. Seven spans.

Deck elevation: Approx. 35.6 ft

Scour Critical: No: Low risk, previous unknown foundation, monitor during inspection.

Condition summary: Overall in Good condition. The Department has no plans for bridge replacement based on condition in the foreseeable future.

Channel: There is minor ongoing minor maintenance of the slope protection which is maintainable by the FDOT. If there are planned changes in future flow conditions due to the Army Corps project, the bridge hydrology will need to be re-evaluated and possible scour countermeasures installed or bridge replacement considered by the USACOE. The USACOE should perform the analysis and submit it to the Department for review.

**Bridge Number: #050018: SR78 over Indian Prairie Canal**

Year Built: 1960

Bridge Type: Low level concrete bridge. Five spans.

Deck elevation: Approx. 31 ft

Scour Critical: No: Low risk, previous unknown foundation, monitor during inspection.

Condition summary: Overall in Good condition. The Department has no plans for bridge replacement based on condition in the foreseeable future.

Channel: There is occasional minor maintenance of the slope protection which is maintainable by the FDOT. If there are planned changes in future flow conditions due to the Army Corps project, the bridge hydrology will need to be re-evaluated and possible scour countermeasures installed or bridge replacement considered by the USACOE. The USACOE should perform the analysis and submit it to the Department for review.

3. The State of Florida has recognized the importance of developing and maintaining non-motorized trails as stated in 339.81, F.S. This authorized the creation of The Florida Shared-Use Nonmotorized (SUN) Trail Network and directs FDOT to use its expertise in efficiently providing transportation projects to develop a statewide system of paved non-motorized trails as a component of the Florida Greenways and Trails System (FGTS), which is planned by FDEP. The LOST is a major link in connecting South Florida with the rest of the state in the FGTS.

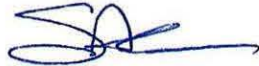
The LOST provides important eco-tourism opportunities and is a vital component of economic development in the economically distressed Lake Okeechobee Region.

The Department would appreciate that every effort be made to avoid damage to the LOST during construction of the cutoff wall and any future landside rehabilitation. If damage to the paved areas does occur, the Department requests that the USACOE provide for the reconstruction or funding of the asphalt paving.

Mr. Chris Stahl  
HHD ICAR – FDOT Comments and Recommendations  
February 12, 2016  
Page 4 of 4

Thank you for providing FDOT with the opportunity to review and comment on the ICAR. If you have any questions please free to contact me at (239) 225-1981 or [sarah.catala@dot.state.fl.us](mailto:sarah.catala@dot.state.fl.us).

Sincerely,



Sarah Catala, ICAR Coordinator  
FDOT District One



Florida Fish  
and Wildlife  
Conservation  
Commission

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February 5, 2016

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[Chris.Stahl@dep.state.fl.us](mailto:Chris.Stahl@dep.state.fl.us)

RE: SAI #FL201601047515C, Herbert Hoover Dike Dam Safety Modification Study, Draft Environmental Impact Statement, Glades, Hendry, Martin, Okeechobee and Palm Beach Counties, Florida

Dear Mr. Stahl:

Florida Fish and Wildlife Conservation Commission (FWC) staff has coordinated our agency's review of the above-referenced project, and provides the following comments for your consideration in accordance with the National Environmental Policy Act.

The purpose of the Herbert Hoover Dike (HHD) Dam Safety Modification Study (DSMS) is to identify and recommend a cost-effective alternative risk management plan (RMP) that supports the expeditious reduction of risk at HHD. While the primary purpose of the remediation of HHD is to ensure public safety, objectives of the project also include lowering the probability of a breach and evaluating potential impacts on ecological, cultural, and aesthetic resources and the Everglades resulting from a breach. FWC staff provided comments and recommendations on the related Herbert Hoover Dike Supplemental Major Rehabilitation Report (MRR) via the Florida State Clearinghouse in April, 2015. The comments below are in addition to those included in our previous response, which is enclosed.

FWC staff understands the need for the physical repair of the dike and we appreciate the plans for avoidance and minimization of impacts, education materials for workers, and inclusion of conservation measures for listed species including the *Standard Manatee Conditions for In-water Work* in the Fish and Wildlife Coordination Act Report (appendix E). The draft Environmental Impact Statement (DEIS) also identifies a number of ecological and recreational impacts that have been deemed temporary. Temporary impacts may include disruptions of recreational access during late November through January, which could coincide with periods of highest recreational use (i.e. for hiking) or with entire hunting seasons (i.e. for waterfowl) for the calendar year. We recommend considering the economic and societal value of recreational opportunities when planning for construction activities and contacting FWC staff to discuss alternatives that would avoid impacts to recreational users.

Additionally, the DEIS indicates the potential for the rehabilitated HHD to allow for higher lake stages under a new regulation schedule. Changes to the Lake Okeechobee Regulation Schedule (LORS) can have negative impacts to ecological conditions of Lake Okeechobee and the fish and wildlife resources dependent on the lake. For instance,



recent evidence suggests that Lake Okeechobee plays a vital role in linking snail kites from the Everglades with those of the Everglades headwater lakes. The lake ecology has only recently recovered from the effects of high water management which has allowed snail kites to return to nesting on Okeechobee. FWC staff recommends the future planning and alternatives for LORS consider potential negative impacts on this and other fish and wildlife resources in the ecosystem. We further recommend coordinating with FWC staff prior to proposing changes to the LORS so we can provide technical assistance in avoiding or offsetting potential impacts to fish and wildlife resources.

We appreciate the opportunity to provide comments on this project and find it consistent with our authorities under Chapter 397, F.S. If you need any further assistance, please do not hesitate to contact Jane Chabre either by phone at (850) 410-5367 or by email at [FWCConservationPlanningServices@MyFWC.com](mailto:FWCConservationPlanningServices@MyFWC.com). If you have specific technical questions regarding the content of this letter, please contact Marissa Krueger by phone at (561) 882-5711 or by email at [Marissa.Krueger@MyFWC.com](mailto:Marissa.Krueger@MyFWC.com).

Sincerely,



Jennifer D. Goff  
Land Use Planning Program Administrator  
Office of Conservation Planning Services

jdg/mk  
ENV 1-3-2  
Herbert Hoover Dike Dam Safety Modification Study\_22399\_020516  
Enclosure

cc: Stacie Auvenshine, USACE, [Stacie.J.Auvenshine@usace.army.mil](mailto:Stacie.J.Auvenshine@usace.army.mil)  
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April 24, 2015

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[Lauren.Milligan@dep.state.fl.us](mailto:Lauren.Milligan@dep.state.fl.us)

Re: SAI #FL201503177229C, Department of the Army, Jacksonville District Corps of Engineers – Draft Environmental Assessment for the Herbert Hoover Dike Supplemental Major Rehabilitation Report (MRR), Palm Beach County

Dear Ms. Milligan:

Florida Fish and Wildlife Conservation Commission (FWC) staff has coordinated our agency's review of the above-referenced project, and provides the following comments for your consideration in accordance with the National Environmental Policy Act.

The Herbert Hoover Dike (HHD) is a component of the Central and South Florida Project. The Supplement MRR Environmental Assessment (EA) (to the 2000 MRR) is evaluating alternatives for remediation of the dike for the 6.8 miles between Belle Glade and Lake Harbor within Common Consequence Zone A (CCZ A) which is the most at risk section of the dike. The HHD has experienced a high quantity of seepage through its embankment and foundation. Embankment and foundation erosion from these seepage forces has required emergency remediation along southeastern portions of the dike. The objective of the EA is to assess the environmental effects of rehabilitating the HHD embankment in Reach 3.

The alternatives developed for the EA include alternatives developed as part of the HHD Dam Safety Modification Study. The concepts and lessons learned in the development of rehabilitation designs for Reach 1 (the first HHD reaches to receive comprehensive evaluation) have been used to develop alternative designs for the remainder of HHD rehabilitation efforts. Alternative 1 is the No Action Alternative which assumes that aside from routine operation and maintenance, no additional actions would be taken to rehabilitate the dike. Alternative 2 (cutoff wall) includes construction of a cutoff wall at two locations within the embankment: at the centerline of the dike and on the upstream face of the dike. Cutoff walls of varying depths were evaluated within CCZ A and are included as Alternative 2A and Alternative 2B with consideration to local geologic conditions, estimated seepage exit gradients, and adjacent features such as ground surface elevations and ditch or canal invert elevations. Alternative 2A is a shallow cutoff wall which would extend from near the crest of the embankment to an elevation of approximately -7 feet to -25 feet NAVD88. Alternative 2B is a deep cutoff wall which would extend from near the crest of the embankment to an elevation of approximately -40 feet NAVD88. Alternative 3 is an internal drainage system which intercepts seepage waters moving through the embankment and foundation and safely discharges this water into the adjacent tow ditch through a designed drain. Alternative 4 is property acquisition and relocation to remove the threat of flooding to homes within CCZ A.

The U.S. Army Corps of Engineers (USACE) has developed and analyzed the alternatives and the Preferred Alternative is the shallow cutoff wall of Alternative 2A. The EA states that constructing a shallow cutoff wall would increase stability of the embankment as well as adequately accommodate for economic and environmental damages if a breach were to occur.



The USACE has determined that the Preferred Alternative is not likely to adversely affect any of the federally listed species or its critical habitat known to occur within the project area. The EA states that while small foraging or nesting areas utilized by the gopher tortoise and burrowing owl may be temporarily affected by the project, each alternative is not likely to adversely affect protected State species. Additionally, preconstruction surveys for gopher tortoise and burrowing owls would occur, with appropriate relocation permits obtained by the contractor if necessary.

The FWC believes that the Preferred Alternative (2A) is not likely to directly affect fish and wildlife resources as the work will be concentrated in the existing embankment. Consideration of the following recommendations would aid in reducing potential impacts on wildlife resources during construction activities.

FWC staff acknowledges that preconstruction surveys for gopher tortoise and burrowing owls will be conducted. FWC staff recommends that wildlife surveys follow survey protocols established by the U.S. Fish and Wildlife Service (USFWS) and the FWC, and surveys should be conducted by qualified individuals with recent documented experience. Basic guidance for conducting wildlife surveys may be found in the Florida Wildlife Conservation Guide (FWCG) at [http://fwcg.myfwc.com/index\\_files/800x600/index.html](http://fwcg.myfwc.com/index_files/800x600/index.html). Please refer to the FWC's Gopher Tortoise Permitting Guidelines Revised February 2015 (<http://myfwc.com/media/2984206/GT-Permitting-Guidelines-FINAL-Feb2015.pdf>) for survey methodology and permitting guidance prior to any land clearing or development activity. If burrowing owls are present, we recommend following the Burrowing Owl Nest Protection Guidelines and Procedures in Urban Areas (<http://myfwc.com/media/290095/buowguidelines2009.pdf>). Additionally, manatees have access to the rim canal around the lake and FWC has provided a copy of the Standard Manatee Conditions for In-Water Work (enclosed) to be followed if any in-water activity is proposed in order to protect manatees during project construction.

We find this project consistent with FWC's authorities under the Coastal Zone Management Act/Florida's Coastal Management Program. If you need any further assistance, please do not hesitate to contact Jane Chabre either by phone at (850) 410-5367 or by email at [FWCConservationPlanningServices@MyFWC.com](mailto:FWCConservationPlanningServices@MyFWC.com). If you have specific technical questions regarding the content of this letter, please contact Marissa Krueger by phone at (561) 882-5711 or by email at [Marissa.Krueger@MyFWC.com](mailto:Marissa.Krueger@MyFWC.com).

Sincerely,



Ernie Marks  
Regional Director

em/mk  
ENV 1-3-2  
Herbert Hoover Dike Major Rehabilitation Report Draft EA\_20841\_042415  
Enclosure

cc: Stacie Auvenshine, USACE, [Stacie.J.Auvenshine@usace.army.mil](mailto:Stacie.J.Auvenshine@usace.army.mil)  
Eric Summa, USACE, [Eric.P.Summa@usace.army.mil](mailto:Eric.P.Summa@usace.army.mil)

## STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com)
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to the email address listed above.







**FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**  
**COMMISSIONER ADAM H. PUTNAM**

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February 12, 2016

Mr. Chris Stahl  
Florida Department of Environmental Protection  
Florida State Clearinghouse  
3900 Commonwealth Blvd. MS 47  
Tallahassee, FL 32399-3000

RE: Department of the Army, Jacksonville District Corps of Engineers – Draft Environmental Impact Statement (EIS) for the Herbert Hoover Dike (HHD) Dam Safety Modification Study Report (DSMS) - SAI # FL201601047515C

Dear Mr. Stahl:

The Florida Department of Agriculture and Consumer Services (FDACS) appreciates the opportunity to provide comments on the Draft Environmental Impact Statement (EIS) for the Herbert Hoover Dike (HHD) Dam Safety Modification Study Report (DSMS) dated December 2015. We are submitting the following comments for consideration as part of the Florida State Clearinghouse consistency evaluation.

FDACS supports the United States Army Corps of Engineers' (USACE) efforts to address the most vulnerable areas of the HHD as quickly as possible. The rehabilitation of the HHD with a minimum of delay is important to public health and safety, could enhance the use of the Lake Okeechobee Regulation Schedule 2008 (LORS 08) operational flexibility, and provides an opportunity to adopt a revised regulation schedule to better meet Lake Okeechobee's multi-purpose objectives.

FDACS concerns are detailed below. We are committed to working with all our partners to address these concerns without creating delays for the project schedule proposed by the USACE in the Draft EIS for the HHD DSMS.

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Our review focused on the main report and aspects of the Draft EIS for the HHD DSMS which may impact private agricultural lands and agricultural operations. The comments below are specific to the topics addressed and do not constitute a review of the entire Draft EIS for the HHD DSMS and its supporting appendices.

*Need to complete the rehabilitation of the HHD to meet all purposes*

While acknowledging the need to complete the HHD remediation for all reaches and associated culvert improvements as determined necessary to lower the Dam Safety Action Classification (DSAC) rating from Level 1 without delay; the DSMS needs to be a rehabilitation plan that will optimize the dike's ability to meet all of the authorized purposes. After completing the currently proposed risk reduction features, the HHD will still be a dike at risk potentially with a rating of DSAC 2. This is not adequate to meet the future needs of the multi-purpose functions of the HHD.

*Provide technical guidance in the HHD DSMS on what range of lake management could be available in the future.*

There is a pressing need to begin the review of the LORS in hopes of finding a new approach that can reduce the impact on the estuaries and retain more water in the Lake for both economic and environmental needs. We know this report cannot promote any particular regulation schedule but it should provide some guidance on what range of lake level management could be available in the future. This is essential information if we are going to undertake a formal concurrent review of the schedule. It should not require another separate, time consuming risk evaluation study before the important next step of a LORS review can begin. With an expedited review of the LORS in mind, the HHD DSMS should indicate the level of protection expected with this plan and what interim flexibility will be available to make schedule adjustments once the structural changes are complete along the southern shore of the lake.

*Lake Regulation Schedule Information*

We recognize the Draft EIS for the HHD DSMS and the study for a new Lake Okeechobee regulation schedule are distinct and separate efforts subject to their own development processes and National Environmental Policy Act (NEPA) requirements. However, the LORS08 information provided and use of the LORS08 regulation schedule for the 100 year future without condition has resulted in some uncertainty regarding the intentions of the USACE to be consistent with the commitment of the LORS Final EIS (USACE 2007) to "timely shift from the

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interim LORS to a new schedule with the intent to complete any necessary schedule modifications or deviations concurrent with completion of (1) or (2).” One of the reasons for the concern is that (2) has been redefined from the LORS EIS “(2) completion of HHD seepage berm construction or equivalent dike repairs for reaches 1, 2 and 3” to the Draft EIS for the HHD DSMS “(2) completion of sufficient HHD remediation for all reaches and associated culvert improvements as determined necessary to lower the DSAC rating from Level 1.” It would be helpful if the Draft EIS for the HHD DSMS addressed the differences between the language used for the (2) criteria and describe if and why they are equivalent.

There are also some inconsistencies in the document where some sections predict a future “LORS08-like” regulation schedule with little change and others predict significant changes. It would be helpful to remove any unnecessary predictions since the LORS08 regulation schedule is being used for the HHD DSMS Risk Assessment and that should suffice for the evaluation exercise.

We recommend the USACE consider using some of the text provided in the public workshop power point presentation regarding the LORS throughout the document and also including it in the Executive Summary to address the indirect relationship of the DSMS to LORS08 in the “Areas of Controversy” section. The points presented at the public workshop that can clarify the relationship between the HDD DSMS and LORS08 are:

- The DSMS Risk Assessment utilized the current LORS.
- A study for a new regulation schedule could be undertaken concurrently while risk reduction features identified in the DSMS are constructed.

#### *Changes in the Saltwater Interface*

FDACS has concerns regarding the potential for changes in the salt water interface due to the installation of the shallow cut-off wall proposed in the Draft EIS for the HHD DSMS for Common Inundation Zone (CIZ) B. A comprehensive monitoring plan to determine whether or not the shallow cut-off wall is causing a saltwater interface shift needs to be included in the permit conditions. We acknowledge the proposed shallow cut-off wall probably has less potential to induce upwelling of the saline connate water than the Reach 1 deep cut-off wall. However, the data set currently available and used by the USACE is not adequate to assess the risk of future impacts to the groundwater.

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Due to insufficient monitoring data, there are uncertainties regarding the influence of the previously installed Reach 1 deep cut-off wall. The USGS report “Changes in Saltwater Interface Corresponding to the Installation of a Seepage Barrier Near Lake Okeechobee, Florida, Open File Report 2014-1256” identified changes in the salt water interface up to 19 feet below the slurry wall along the eastern rim of the lake. FDACS does not believe that the installation of the cut-off wall in Reach 1B can be ruled out as the primary cause for changes in the chloride concentrations in the surface water drainage/supply canals largely because the existing monitoring program is not adequate to make that determination. The proposed Draft EIS for the HHD DSMS cut-off wall should preclude such uncertainties by a monitoring program that can accurately assess the shift of the saline interface should it occur. Please see the FDACS Clearinghouse comments submitted for the Draft Environmental Assessment (EA) for the HHD Supplemental Major Rehabilitation Report (MRR) dated April 28, 2015 for additional technical comments and references on this subject.

A monthly review and report to Florida Department of Environmental Protection (FDEP) of the data collected is recommended as a permit condition to provide an early warning mechanism in the event problematic conditions are detected. While contingency plans for such a development are not included in the Draft EIS for the HHD DSMS, there should be some adaptive management considerations to lower the risk associated with the potential for changes in the saltwater interface.

We also recommend a permit condition requiring that the USACE hold an annual interagency meeting to review the data collected in support of this project similar to the agency review currently required by permit for the C-111 West Spreader Canal Project. The meeting’s purpose would be to provide interagency review of the data collected for the project and recommendations for the future.

*Characterization of the Everglades Agricultural Area (EAA) Operations Impact on the Surficial Aquifer Groundwater— page 4-8*

The Draft EIS for the HHD DSMS proposes a hydrologic relationship between EAA canal operations that increases salinities in the shallow surficial aquifer groundwater along the perimeter of the lake from Port Mayaca southwest to Moorhaven. It is our understanding that no such relationship has been documented and there is no data to support this claim. Unless the authors can provide conclusive data demonstrating this relationship, we recommend any discussion of this hypothetical relationship be deleted.

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*Lack of Acknowledgement of Reach 1 Deep Cut-Off Wall Connection to Acceleration of Upward Flow of Connate Groundwater – page 4-8*

We recommend the text in this section include a reference to the USGS report “Changes in Saltwater Interface Corresponding to the Installation of a Seepage Barrier Near Lake Okeechobee, Florida, Open File Report 2014-1256”.

*Need to Update and Revise Background Information*

FDACS recommends the authors of the Draft EIS for the HHD DSMS reach out to state partners such as the South Florida Water Management District (SFWMD) and the FDEP in order to have text regarding state programs updated by subject matter experts. This includes rules, regulations, and programs such as environmental resource permits, consumptive water use, and water quality related to Lake Okeechobee.

Thank you for the opportunity to provide Clearinghouse comments. We look forward to continued progress for the HHD Rehabilitation Project and working with our state and federal partners to improve system-wide capabilities. If you have any questions regarding FDACS’ comments, please contact Ray Scott at (850) 617-1716 or Rebecca Elliott at (561) 682-6040.

Sincerely,



Rebecca Elliott  
Water Policy Liaison  
Office of Agricultural Water Policy





**570.85 Agritourism.—**

(1) It is the intent of the Legislature to eliminate duplication of regulatory authority over agritourism as expressed in this section. Except as otherwise provided for in this section, and notwithstanding any other provision of law, a local government may not adopt an ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural land under s. 193.461. This subsection does not limit the powers and duties of a local government to address an emergency as provided in chapter 252.

(2) The Department of Agriculture and Consumer Services may provide marketing advice, technical expertise, promotional support, and product development related to agritourism to assist the following in their agritourism initiatives: Enterprise Florida, Inc.; convention and visitor bureaus; tourist development councils; economic development organizations; and local governments. In carrying out this responsibility, the department shall focus its agritourism efforts on rural and urban communities.

History.—s. 1, ch. 2007-244; s. 426, ch. 2011-142; s. 1, ch. 2013-179; s. 111, ch. 2014-150.

Note.—Former s. 570.96.

**570.86 Definitions.—**As used in ss. 570.85-570.89, the term:

(1) "Agritourism activity" means any agricultural related activity consistent with a bona fide farm or ranch or in a working forest which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, or harvest-your-own activities and attractions. An agritourism activity does not include the construction of new or additional structures or facilities intended primarily to house, shelter, transport, or otherwise accommodate members of the general public. An activity is an agritourism activity regardless of whether the participant paid to participate in the activity.

(2) "Agritourism operator" means a person who is engaged in the business of providing one or more agritourism activities, whether for compensation or not for compensation.

(3) "Farm" means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products, including land used to display plants, animals, farm products, or farm equipment to the public.

(4) "Farm operation" has the same meaning as in s. 823.14.

(5) "Inherent risks of agritourism activity" means those dangers or conditions that are an integral part of an agritourism activity including certain hazards, such as surface and subsurface conditions; natural conditions of land, vegetation, and waters; the behavior of wild or domestic animals; and the ordinary dangers of structures or equipment ordinarily used in farming and ranching operations. The term also includes the potential of a participant to act in a negligent manner that may contribute to the injury of the participant or others, including failing to follow the instructions given by the agritourism operator or failing to exercise reasonable caution while engaging in the agritourism activity.

History.—s. 1, ch. 2007-244; s. 17, ch. 2012-83; s. 2, ch. 2013-179; s. 112, ch. 2014-150.  
Note.—Former s. 570.961.

**570.87 Agritourism participation impact on land classification.—**

(1) In order to promote and perpetuate agriculture throughout the state, farm operations are encouraged to engage in agritourism. The conduct of agritourism activity on a bona fide farm or on agricultural lands classified as such pursuant to s. 193.461 shall not limit, restrict, or divest the land of that classification.

(2) Local governments and agricultural representatives shall meet for the purpose of discussing the benefits of agritourism to local economies and opportunities for cooperation, conflict resolution, regulatory streamlining, and incentives.

History.—s. 1, ch. 2007-244; s. 113, ch. 2014-150.

Note.—Former s. 570.962.

**570.88 Liability.—**



(1) Except as provided in subsection (2), an agritourism operator, his or her employer or employee, or the owner of the underlying land on which the agritourism occurs is not liable for injury or death of, or damage or loss to, a participant resulting from the inherent risks of agritourism activities if the notice of risk required under s. 570.89 is posted as required. Except as provided in subsection (2), a participant, or a participant's representative, may not maintain an action against or recover from an agritourism operator, his or her employer or employee, or the owner of the underlying land on which the agritourism occurs for the injury or death of, or damage or loss to, an agritourism participant resulting exclusively from any of the inherent risks of agritourism activities.

(2) In the event of the injury or death of, or damage or loss to, an agritourism participant, subsection (1) does not prevent or limit the liability of an agritourism operator or his or her employer or employee or the owner of the underlying land on which the agritourism occurs if he or she:

(a) Commits an act or omission that constitutes gross negligence or willful or wanton disregard for the safety of the participant, and that act or omission proximately causes injury, damage, or death to the participant; or

(b) Intentionally injures the participant.

(3) The limitation on legal liability afforded by this section to an agritourism operator or his or her employer or employee or the owner of the underlying land on which the agritourism occurs is in addition to any limitations of legal liability otherwise provided by law.

History.—s. 3, ch. 2013-179; s. 114, ch. 2014-150.

Note.—Former s. 570.963.

570.89 Posting and notification.—

(1)(a) Each agritourism operator shall post and maintain signs that contain the notice of inherent risk specified in subsection (2). A sign shall be placed in a clearly visible location at the entrance to the agritourism location and at the site of the agritourism activity. The notice of inherent risk must consist of a sign in black letters, with each letter a minimum of 1 inch in height, with sufficient color contrast to be clearly visible.

(b) Each written contract entered into by an agritourism operator for the provision of professional services, instruction, or the rental of equipment to a participant, regardless of whether the contract involves agritourism activities on or off the location or at the site of the agritourism activity, must contain in clearly readable print the notice of inherent risk specified in subsection (2).