

FINDING OF NO SIGNIFICANT IMPACT

L-29 CANAL AND SOUTH DADE CONVEYANCE SYSTEM TEMPORARY EMERGENCY DEVIATION TO AFFECT RELIEF OF HIGH WATER LEVELS WITHIN WATER CONSERVATION AREA 3A (WCA 3A)

BROWARD AND MIAMI-DADE COUNTY, FLORIDA

I have reviewed the Environmental Assessment (EA) for the Proposed Action. This Finding incorporates by reference all discussions and conclusions contained in the EA enclosed hereto. Based on information analyzed in the EA, reflecting pertinent information obtained from agencies having jurisdiction by law and/or special expertise, I conclude that the Proposed Action will not significantly affect the quality of the human environment and does not require an Environmental Impact Statement. Reasons for this conclusion are in summary:

- a. Operations in the project area are currently governed by Increment 1 (G-3273 Constraint Relaxation/S-356 Field Test and S-357N Operational Strategy) which is a deviation to the 2012 Water Conservation Areas, Everglades National Park (ENP) and the ENP to South Dade Conveyance System (SDCS) Water Control Plan. The EA and Finding of No significant Impact (FONSI) for that action is dated May 27th 2015.

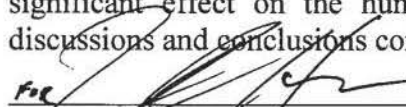
The U.S. Army Corps of Engineers (Corps), Jacksonville District, is initiating an emergency deviation to the current operating limit constraint of 7.5 feet National Geodetic Vertical Datum (of 1929 NGVD) in the L-29 Canal for purposes of providing high water relief in Water Conservation Area 3A and the SDCS. The proposed action is expected to mitigate for severe economic losses currently being experienced as a result of high water levels. The South Florida Ecosystem has experienced the highest rainfall on record during the month of January causing severe impacts to valuable natural resources. January 2016 was the wettest January since record keeping began in 1932. January 27th was the wettest dry season day in 25 years. January 22nd through the 28th was the single wettest week since Tropical Storm Isaac in August 2012. The first half of the dry season (November 2015-January 2016) was the wettest for this period since record keeping began in 1932. Very Strong El Niño conditions are forecasted to continue for the rest of the dry season.

The Proposed Action, would release water from WCA 3A via the S-333 pump station into the L-29 Canal effectively raising water levels in that canal up to no more than 8.5 feet 1929 NGVD. The temporary extent of this deviation is expected to be not more than 90-days from the date of implementation. Flows to Northeast Shark River Slough (NESRS) are expected to increase. Increased S-333 discharges are expected to be of a relatively short duration (90-days from date of implementation). There will be a meaningful (e.g. 60 day) recovery period once the L-29 constraint is returned to 7.5 feet NGVD, during which the water level would recede to stages typical of the recent hydrological conditions and the operational criteria under the current Water Control Plan, (Increment 1). S-151 and S-152 will be used to provide high water relief to WCA 3A by passing flows from WCA 3A to WCA 3B. Potential minor adverse effects to

Manatee Bay and Barnes Sound associated with salinity fluctuations from increased S-197 freshwater discharges would be temporary.

- b. Expedited coordination of this temporary measure was coordinated with various Federal and state agencies as well as federally recognized tribes. The Proposed Action is in full compliance with the Endangered Species Act (ESA), (emergency consultation, pursuant to Section 7 of the ESA is on-going) as well as the Fish and Wildlife Coordination Act. The Proposed Action is not expected to adversely affect protected species. The Corps agrees to maintain open and cooperative communication with the U.S. Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission during the proposed emergency deviation.
- c. The Corps has determined that the Proposed Action is consistent to the maximum extent practicable with the enforceable policies of Florida's approved Coastal Zone Management Program, per coordination with the Florida Department of Environmental Protection. The Florida Department of Environmental Protection has concurred.
- d. The Proposed Action has been coordinated with the Florida State Historic Preservation Officer and the appropriate federally recognized Tribes in accordance with the National Historic Preservation Act and consideration given under the National Environmental Policy Act. The Corps has determined that the Proposed Temporary Action will have no adverse effect on historic properties eligible or potential eligible for the National Register of Historic Places. The State Historic Preservation Officer has concurred with the determination of no adverse effect. Coordination on effects with the appropriate federally recognized tribes is ongoing.
- e. The Proposed Action is not anticipated to adversely affect water quality and water quality certification has been waived. The Proposed Action is in compliance with the Clean Water Act.
- f. The Proposed Action will maintain the authorized purposes of the Central and Southern Florida Project, including flood control, water supply for municipal, industrial, and agricultural uses, prevention of saltwater intrusion, water supply for ENP, and protection of fish and wildlife.
- g. This EA was for an emergency purpose. A supplemental National Environmental Policy Act Document will be completed to supplement this document, providing additional discussion of the actions proposed as appropriate.

In view of the above and the attached EA, and after consideration of coordination with Federal and state agencies and tribal representatives, I conclude that the Proposed Action would not result in a significant effect on the human environment. This FONSI incorporates by reference all discussions and conclusions contained in the EA enclosed herewith.



JASON A. KIRK, P.E.
Colonel, U.S. Army
District Commander

12 FEB 16

Date

Environmental Assessment and Finding of No Significant Impact

TEMPORARY EMERGENCY DEVIATION TO
AFFECT RELIEF OF HIGH WATER LEVELS WITHIN
WATER CONSERVATION AREA 3A
L-29 CANAL AND SOUTH DADE CONVEYANCE
SYSTEM OPERATIONAL STRATEGY

Broward and Miami-Dade Counties, Florida



**US Army Corps
of Engineers** *
Jacksonville District

This page intentionally left blank

**ENVIRONMENTAL ASSESSMENT
ON
L-29 CANAL AND SOUTH DADE CONVEYANCE SYSTEM
TEMPORARY EMERGENCY DEVIATION TO AFFECT RELIEF OF HIGH WATER
LEVELS WITHIN WATER CONSERVATION AREA 3A (WCA 3A)

BROWARD AND MIAMI-DADE COUNTIES, FLORIDA**

1.0	PROJECT PURPOSE AND NEED	2
1.1	PROJECT AUTHORITY	2
1.2	PROJECT LOCATION	2
1.3	PROJECT NEED OR OPPORTUNITY	2
1.4	RELATED ENVIRONMENTAL DOCUMENTS	3
1.5	DECISIONS TO BE MADE	3
2.0	PROPOSED ACTION AND ALTERNATIVES.....	3
3.0	ISSUES AND BASIS FOR CHOICE.....	3
4.0	AFFECTED ENVIRONMENT	4
5.0	DESCRIPTION OF ENVIRONMENTAL IMPACTS OF AGENCY PROPOSED ACTION.....	4
6.0	LIST OF AGENCIES AND PERSONS CONSULTED	5
7.0	CUMULATIVE EFFECTS.....	7
8.0	IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES.....	7
9.0	UNAVOIDABLE ADVERSE ENVIRONMENTAL EFFECTS.....	8
10.0	CONFLICTS AND CONTROVERSY.....	8
11.0	ENVIRONMENTAL COMMITMENTS	8

APPENDIX A OPERATIONAL STRATEGY

APPENDIX B PERTINENT CORRESPONDENCE

**ENVIRONMENTAL ASSESSMENT
ON
L-29 CANAL AND SOUTH DADE CONVEYANCE SYSTEM
TEMPORARY EMERGENCY DEVIATION TO AFFECT RELIEF OF HIGH WATER
LEVELS WITHIN WATER CONSERVATION AREA 3A (WCA 3A)**

BROWARD AND MIAMI-DADE COUNTIES, FLORIDA

1.0 PROJECT PURPOSE AND NEED

1.1 PROJECT AUTHORITY

The Central and Southern (C&SF) Project was initially authorized by the Flood Control Act of 1948, Public Law 80-858, approved June 30, 1948. The remaining works of the Comprehensive Plan were authorized by the Flood Control Act of 1954, Public Law 83-780, approved September 3, 1954.

1.2 PROJECT LOCATION

The water management operating criteria relating to the proposed action affects an area within the C&SF Project located in south Florida and includes Lake Okeechobee, the Caloosahatchee and St. Lucie Estuaries, Water Conservation Area 3 (WCA 3), Everglades National Park (ENP), and adjacent areas. Features of the proposed action are located in Broward and Miami-Dade Counties.

1.3 PROJECT NEED OR OPPORTUNITY

The C&SF Project currently functions and was originally authorized to function as a multi-purpose water management system. The Congressionally-authorized purposes of the C&SF Project include flood control, agricultural irrigation, municipal and industrial water supply, preservation of fish and wildlife, water supply to ENP, preservation of ENP, prevention of saltwater intrusion, drainage and water control, groundwater recharge, recreation, and navigation. Operations in the project area are currently governed by Increment 1 (G-3273 Constraint Relaxation/S-356 Field Test and S-357N Operational Strategy) which is a deviation to the 2012 WCAs, ENP and the ENP to South Dade Conveyance System (SDCS) Water Control Plan.

The highest rainfall on record has occurred within the South Florida Ecosystem during the month of January causing severe impacts to natural resources. All areas of South Florida are inundated with water restricting the ability to safely move water to mitigate the effects of flooding. Immediate action is necessary to deviate from permitted water management practices to move flood water out of the WCAs, and subsequently provide opportunities to move more water south out of Lake Okeechobee relieving pressure on the Caloosahatchee and St. Lucie Estuaries. The Corps, Jacksonville District, is initiating a temporary emergency deviation from the approved Water Control Plan for purposes of alleviating high water conditions within the project area. The proposed action is expected to mitigate for severe economic losses currently being experienced as a result of high water levels. There is an immediate threat and impact to valuable natural resources that underpin local economies. Loss of natural resources directly affects fisheries and fishing, seafood harvesting and ecotourism.

1.4 RELATED ENVIRONMENTAL DOCUMENTS

The Corps has documented a number of environmental documents relevant to the Proposed Action. A list of recent environmental documents can be found within the EA for the G-3273 Constraint Relaxation/S-356 Field Test and S-357N Operational Strategy and FONSI dated May 27, 2015. Please see this document for a detailed description.

1.5 DECISIONS TO BE MADE

This EA will evaluate whether to initiate an emergency deviation to current C&SF operations as governed by Increment 1 (G-3273 Constraint Relaxation/S-356 Field Test and S-357N Operational Strategy) which is a deviation to the 2012 WCAs, ENP and the ENP to South Dade Conveyance System (SDCS) Water Control Plan. This EA will document and evaluate alternatives to accomplish that goal. The No Action Alternative and other reasonable alternatives will be studied in detail to determine the Preferred Alternative.

2.0 PROPOSED ACTION AND ALTERNATIVES

Each of the following alternatives described below were considered evaluated against the project purposes, and environmental impacts considered.

Alternative A (No Action Alternative): The No Action Alternative would continue current C&SF water management operations as defined in Increment 1 (G-3273 Constraint Relaxation/S-356 Field Test and S-357N Operational Strategy) which is a deviation to the 2012 WCAs, ENP and the ENP to South Dade Conveyance System (SDCS) Water Control Plan.

Alternative B (Relaxation of the L-29 Canal Constraint; South Dade Conveyance System): Alternative B will relax the current 7.5 feet National Geodetic Vertical Datum of 1929 maximum operating limit in the L-29 Canal up to 8.5 feet 1929 NGVD and also include lowered canal stages within the SDCS and increased pumping within southern Miami-Dade County.

Alternative C (Relaxation of the L-29 Canal Constraint; South Dade Conveyance System; Use of S-152): Alternative C is the same as Alternative B except for the inclusion of operation of Structure 152 (S-152) currently being operated under the Comprehensive Everglades Restoration Plan Decompartamentalization and Sheetflow Enhancement Project (Decomp) Physical Model. The Decomp Physical Model is located in Miami-Dade County along the southern end of the L-67A and L-67C canals within WCA 3 and includes 10, 60-inch culverts in the L-67A levee (S-152) and a 3,000 foot gap in the L-67C levee with three 1,000 foot backfill treatments for purposes of passing water from WCA 3A to WCA 3B.

3.0 ISSUES AND BASIS FOR CHOICE

Based upon the impact analysis conducted within this EA, Alternative C is the Preferred Alternative. This plan is expected to best meet the objectives and constraints of the proposed action while minimizing any negative impacts. Alternative C best utilizes current capacity and existing structures within the C&SF system to increase water deliveries from WCA 3A to ENP. Immediate action is necessary to deviate from current water management practices for the purposes of removing water from the WCA 3A.

4.0 AFFECTED ENVIRONMENT

The affected environment is most recently described within the EA for the G-3273 Constraint Relaxation/S-356 Field Test and S-357N Operational Strategy and FONSI dated May 27, 2015. Please see this document for a detailed description of the affected project area.

5.0 DESCRIPTION OF ENVIRONMENTAL IMPACTS OF AGENCY PROPOSED ACTION

A potential reduction in large pulses of regulatory flood control releases sent from Lake Okeechobee to the Caloosahatchee and St. Lucie Estuaries has the potential to provide temporary benefits to natural resources within the Northern Estuaries. Loss of natural resources within this region directly affects fisheries and ecotourism, leading to economic losses within the project area. Discharges to the estuaries are contributing to impacts to the natural resources of those estuarine ecosystems. Those estuaries provide fishing, boating sightseeing, seafood harvesting and other important tourist related economic benefits.

The proposed action is expected to increase water deliveries from WCA 3A to ENP and Florida Bay for the temporary benefit of natural resources. Potential reductions in high water levels and decreased periods of prolonged flooding is expected to provide temporary benefits to vegetation and fish and wildlife resources, including Federally threatened and endangered species such as the Cape Sable Seaside Sparrow (*Ammodramus maritimus mirabilis*), Wood Stork (*Mycteria americana*) and Everglades snail kite (*Rostrhamus sociabilis plumbeus*). Prolonged periods of flooding eliminates foraging and nesting opportunities for wading birds. Moving water south, through ENP will also have the added ecological benefit of improving salinity conditions of Florida Bay. Potential minor adverse effects to Manatee Bay and Barnes Sound associated with salinity fluctuations from increased S-197 utilization.

Lowered canal stages within the SDCS currently being considered under the proposed action are expected to mitigate for potential flood protection risks for areas within South Miami-Dade County currently experiencing increased water levels. The majority of agricultural activities in the county are located south of Tamiami Trail and east of ENP. The most active growing season is between September and May.

There are many recreational opportunities throughout south Florida. WCA 3 has been used for recreational activities including hunting, fishing, frogging, boating, camping, and off-road vehicle use. Other nature-based activities include wildlife viewing and nature photography. Hiking and bicycling are also permitted on existing levees within the project area where appropriate. High water levels are currently limiting access to recreational opportunities within the project area. The Florida Fish and Wildlife Conservation Commission has closed access to the WCAs within the project area leading to economic losses within the region and impacts on local businesses.

Relaxing the L-29 constraint up to 8.5 feet NGVD will result in additional flows through the S-333 structure which will increase the total Northeast Shark River Slough (NESRS) inflow counted in the settlement agreement water Quality compliance equation for Shark River Slough. Greater Shark River Slough inflows result in a lower Total Phosphorous compliance limit. Given that the expected concentration of flows at S-333 during the relaxation period is around 8 parts per billion (ppb), the relaxation flows are likely to represent no more than 10 to 15 percent of the total annual

flow, and the lowest Long Term Limit is 7.6 ppb, it is unlikely that this action will result in a water quality exceedance for flows into NESRS. If an exceedance does occur this action could at most be a minor cause of the exceedance. Phosphorus concentrations at the s333 are at the seasonal low values for the water year (latest value, 2/1/16 was 8ppb) as we have recovered from the upstream dry season conditions and have experienced wet season conditions in the WCA's for the past several months. Phosphorus concentrations are expected to remain low (8ppb range plus or minus 2, tending more towards the low side of that range) at the S333 until dry season conditions are reestablished upstream of S333 in the WCA's. Based on the current prediction for El Nino conditions to continue through April 2016 and if we have normal wet season rainfall, we may not see normal rise in phosphorus concentrations typically seen at the end of the normal "dry season" (May).

Potential losses in tree islands as a result of high water levels are expected to occur if the proposed action is not taken. Loss of tree islands has the potential to impact cultural resources and culturally important ceremonies practiced by Native American Tribes within the project area.

6.0 LIST OF AGENCIES AND PERSONS CONSULTED

The Corps has been in coordination with other Federal and state agencies, and tribal representatives regarding the proposed action. Parties include the South Florida Water Management District, Florida Department of Environmental Protection, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, Florida Fish and Wildlife Conservation Commission, Everglades National Park, Florida Department of Agriculture and Consumer Services, State Historic Preservation Office, Seminole Tribe of Florida, and the Miccosukee Tribe of Indians of Florida. This coordination is a result of the magnitude of Corps efforts underway to implement water management strategies in south Florida. Appendix B of this EA includes documentation of all coordination regarding this action.

6.1 MICCOSUKEE TRIBE OF INDIANS OF FLORIDA

Informal coordination with staff of the Miccosukee Tribe was conducted 11-12 February 2016 for notification purposes and to solicit comments regarding the emergency deviation and the potential effects of flood waters released from WCA 3A. Initial comments included concern for higher stage on new and old Tamiami Trail and subsequent effect upon health and human safety issues. Tribe wanted to know if the Corps had contacted Florida Department of Transportation (FDOT) regarding the action. The Tribe requested that a more thorough analysis of alternatives be conducted during and post release. They were concerned for the Osceola Camp and particularly potential for flooding. The Corps has reviewed a letter dated 18 August 2011 to Dan Kimball, Superintendent of ENP which includes elevation of ground and residential elevations of the Osceola Camp. The original purpose of this letter was to assure water operations would not adversely affect the camp. A review of that information demonstrates that a canal elevation of 8.5 feet 1929 NGVD will not flood the lowest bottom elevation of the camp. The Tribe also requested continued coordination during and post release to ensure maximum visibility to the emergency deviation and release. The representative stated that official or formal documentation would require Government to Government consultation. The Jacksonville Commander was able to initiate verbal government to government consultation with the Chairman on 12 February 2016. The Interim Chairman indicated that the Osceola and Tiger Tail camps are at sufficient levels to accommodate the increase in L-29.

6.2 SEMINOLE TRIBE OF FLORIDA

Informal coordination with staff of the Seminole Tribe was conducted 12 February 2016 for notification purposes and to solicit comments regarding the emergency deviation and the potential effects of flood waters released from WCA 3A. Initial comments included the request that Corps consider utilizing S-343, S-344, S-12A and S-12B to assist in the water drawdown. There was concern for Tamiami Trail and coordination with FDOT for the extra water and potential effects. Representative of the Tribe suggested that the old and new Tamiami Trail was never de-mucked prior to construction which may generate an effect if prolonged flooding would occur. There was a concern that Tribal sensitive tree islands would flood in Shark River Slough. The representative stated that official or formal documentation would require Government to Government consultation. The Jacksonville Commander has initiated verbal government to government consultation with the Chairman on 12 February 2016. Consultation pursuant to Section 106 of the National Historic Preservation Act was initiated on 12 February 2016 requesting concurrence with the Corps determination of no adverse effect to historic properties. The Tribal Historic Preservation Office responded on 12 February 2016 acknowledging that they have been notified of the proposed action and have requested additional information on potential impacts the action may have on cultural resources with WCA 3A.

6.3 US ENVIRONMENTAL PROTECTION AGENCY (EPA)

EPA Region 4 was contacted for the purpose of notification and discussion of emergency NEPA. The Corps was requested to contact EPA headquarters for emergency purposes. EPA headquarters was contacted and notified of the pending action. Following the conversation, EPA staff discussed with EPA headquarters counsel who requested the Corps contact the President's Council on Environmental Quality (CEQ). Corps Headquarters (HQ) and South Atlantic Division (SAD) counsel advised the Jacksonville District to implement ER200-2-2 (Corps policy for NEPA compliance). Corps has determined to conduct a simple Environmental Assessment and to consider the applicability of a finding of no significant impact (FONSI) to address the federal action of the emergency deviation to the water control plan. Once the release occurs, then a supplemental EA would be generated discussing and disclosing all impacts and affects to the human environment.

6.4 US FISH & WILDLIFE SERVICE (USFWS)

The USFWS was contacted 11 February 2016 for notification and to solicit comments regarding the action. The Corps explained the proposed path (NEPA) and to what level we are proposing to raise water in the canal (up to 8.5 feet from 7.5 feet). The USFWS indicated support for the effort and that staff will support expeditious consultation and conclusion of Section 7 responsibilities under the ESA, whether that process necessitates formal or informal consultation. USFWS is fully supportive in moving forward with emergency efforts to reduce the impacts of high water to listed and non-listed species within the WCA 3A system.

6.5 FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

The FDEP was coordinated with regarding the Proposed Action and issued a final emergency order waiving water quality certification for the Proposed Action. This waiver is for a period of 90 days starting 11 February 2016. Coastal Zone Consistency concurrence was received from the Department on 12 February 2016.

6.6 SOUTH FLORIDA WATER MANAGE DISTRICT (SFWMD)

The SFWMD has requested the Proposed Action. The SFWMD has coordinated with stakeholders during the development of the operational strategy (Appendix A) and concurs.

6.7 STATE OF FLORIDA-STATE HISTORIC PRESERVATION OFFICER (SHPO)

Coordination with SHPO was conducted on 12 February 2016. Pursuant to the regulations contained in 36 CFR 800.12, the SHPO concurred with the Corps determination of no adverse effect on properties that are listed or eligible for listing on the National Register of Historic Places.

6.8 FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (FDACS)

Coordination with FDACS was conducted on 12 February 2016. FDACS appreciates the inclusion of their agency in the high water discussions and operational updates. As the FDACS liaison for operational concerns in the South Dade agricultural area, it is their understanding that representatives of the agricultural interests have been briefed on the operations proposed for releases through S-333 to provide relief for the high water level in WCA 3A.

7.0 CUMULATIVE EFFECTS

Cumulative effects are defined in 40 CFR 1508.7 as those effects that result from: the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. The primary goal of cumulative effects analysis is to determine the magnitude and significance of the environmental consequences of the Proposed Action in the context of the cumulative effects of other past, present, and future actions. The Proposed Action is expected to mitigate for severe economic losses currently being experienced as a result of high water levels. The general environmental effect of the Proposed Action would be beneficial and any downstream impacts would be of short duration.

8.0 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

An irreversible commitment of resources is one in which the ability to use and/or enjoy the resource is lost forever. One example of an irreversible commitment might be the mining of a mineral resource. An irretrievable commitment of resources is one in which, due to decisions to manage the resource for another purpose, opportunities to use or enjoy the resource as they presently exist are lost for a period of time. An example of an irretrievable loss might be where a type of vegetation is lost due to road construction. The Preferred Alternative consists of an operational change to Increment 1 (G-3273 Constraint Relaxation/S-356 Field Test and S-357N Operational Strategy) which is a deviation to the 2012 WCAs, ENP and the ENP to SDCS Water Control Plan and does not include construction of permanent structures or structural modifications to existing C&SF Project features. The Proposed Action would not cause the permanent removal or consumption of any natural resources.

9.0 UNAVOIDABLE ADVERSE ENVIRONMENTAL EFFECTS

Environmental effects for each resource are discussed above. Adverse environmental effects associated with implementing the Preferred Alternative are expected to be temporary based on the short duration of the field test and the generally beneficial nature of this action. Temporary minor adverse impacts have the potential to occur within Manatee Bay and Barnes Sound due to increases in the frequency, duration, and volume of S-197 discharges; however significant impacts are not expected. Potential environmental effects would be limited in spatial extent to the near shore areas of the southern estuaries.

10.0 CONFLICTS AND CONTROVERSY

Over the lifetime of the C&SF Project, considerable interest has been generated among local and regional stakeholders. The Corps continually strives to include all interested parties in its decision making process and will continue to consider all issues that arise.

11.0 ENVIRONMENTAL COMMITMENTS

The Corps commits to avoiding, minimizing or mitigating for adverse effects. All practicable means to avoid or minimize environmental effects were incorporated into the Preferred Alternative. Protective Operational Criteria to compensate for increase water stages up to 8.5 feet NGVD at L-29 is included in the action.

APPENDIX A
OPERATIONAL STRATEGY

This page intentionally left blank

Operational Criteria to Compensate for Sustained L-29 Stage of 8.5 feet NGVD

To provide high water relief for WCA-3A it is possible to substantively increase the available discharge capacity through S-333 by raising the L-29 stage limit.

The following criteria are protective and implementable operational criteria to compensate for the sustained increased flow to Northeast Shark River Slough (NESRS) associated with raising the L-29 Stage Limit from 7.5 to 8.5 feet NGVD. It is expected that over the period when flows to NESRS are increased that the water level in NESRS, and along the entire eastern boundary of Everglades National Park (ENP), will rise meaningfully.

The increased S-333 discharges associated with this action are expected to be of a relatively short duration. A fixed duration or target line (e.g. at or below the Zone A Regulation Schedule Line for WCA-3A) or a combination of both will need to be determined. There will be a meaningful (e.g. 60 day) recovery period once the L-29 constraint is returned to 7.5 feet NGVD, during which the water level would recede to stages typical of the recent hydrological conditions and the operational criteria of ERTIP Increment 1. The lowered operational ranges will remain until this recovery period is completed. A fixed duration or target stages [e.g. being below the upper quartile (P75) at representative gages along the eastern boundary of ENP] or a combination of both will need to be determined.

To the extent that the raised L-29 stage limit allows, S-333 discharges will be sent to Northeast Shark River Slough (NESRS). S-334 will only be used to the extent that is required to maintain the L-29 stage below the temporary stage limit of 8.5 feet while operating S-333 within its MAGO limits (maximum of 1,350 cfs). It is expected that if the L-29 stage limit is raised to 8.5 feet NGVD that initially there will be sufficient capacity for most if not all of S-333's full capacity. If the L-29 stage is below the raised L-29 stage limit with S-333 discharging at its' full capacity (1,350 cfs) the USACE may use S-356 to reduce the flow south and control the L-31N stage north of G-211. In addition, if the L-29 stage peaks well below the 8.5 feet- NGVD limit, with S-333 discharging at the maximum rate allowed by its MAGO limits, water from WCA-3A could be delivered through the manual route of S-151, S-337, and S-356 as long as the pumping rate at S-356 exceeds the discharge rate at S-335.

S-335 discharges will be minimized with the western reaches (S-336 to G-119 and G-119 to S-380) of the C-4 Canal lowered to the extent practical. S-335 flows will be minimized to free up downstream capacity until WCA-3A condition becomes more normal, or WCA-3B conditions become acutely adverse, or the headwater (HW) stage rises to above the top of S-335's gate at 8.0 feet NGVD. If S-335's HW stage rises above 8.0 feet S-335 gate may be opened as necessary prevent flow over the top of the gate.

Should flow through S-334 be needed then flows will be maximized to the extent the following constraints allow. However, if the L-31N stage rises above the operation ranges prescribed below then S-334 discharges will be reduced to 250 cfs or less until the canal daily average stage returns to within the prescribed ranges. If the available capacity at S-332B, S-332C, and S-332D is insufficient to maintain the L-31N below the top of the lowered operational range for more than 24 hours then all S-334 flow will be ceased until the L-31N stage is lowered and maintained in the lowered operational range for 24 hours.

S-338 discharges will be maximized (e.g. 250 to 300 cfs) to the extent that downstream conditions allow. This includes operating S-148 with an open/close of 3.0/2.5 for S-148 flows of

less than 700 cfs and with an open/close of 3.5/3.0 (lower half of the low range) for S-148 flow greater than 700 cfs.

G-211 will discharge to the extent practical to convey S-334 discharges, and to maintain the L-31N with the 5.7/5.3 stage range prescribed by Column 2 operations.

S-331 will be operated to maintain S-331's HW using the standard ranges lowered by 0.2 feet (normal 4.3 to 4.8 and low from 3.8 to 4.3) with the remaining criteria unchanged.

S-332B and S-332C will be operated to maintain the L-31N's average daily stage between 4.6 and 4.3; which is 0.2 feet lower than the Column 2 ranges of 4.8 and 4.5 feet NGVD.

S-332D will be operated to discharge up to 250 cfs to S-332D's detention area and up to 325 cfs to the Southern Detention Area (SDA) through S-332DX1 to maintain the L-31N's average daily stage between 4.6 and 4.3 feet NGVD.

Discharge to tide through the C-102 Canal will be maximized to the extent that downstream conditions allow. The SFWMD will continue to have full operational flexibility to operate S-165 within the low range of 3.0 to 1.9 feet NGVD. It is acknowledged that without remote control of S-194 (manually operated structure) that changes to S-194 will occur less frequently.

Discharge to tide through the C-103 Canal will be maximized to the extent that downstream conditions allow. The SFWMD will continue to have full operational flexibility to operate S-167 and S-179 within their low ranges of 3.0 to 1.9 feet NGVD and 3.1 to 2.7 feet NGVD. It is acknowledged that without remote control of S-196 (manually operated structure) that changes to S-196 will occur less frequently.

S-176 will be operated to maintain the L-31N average daily stage within the operational range. The amount of inflow from S-334 and discharge through S-176 will be adjusted to compensate for the available pumping capacity at S-332B, S-332C, and S-332D to 1) maintain the L-31N average daily stage within the operational range of 4.6 to 4.3 feet NGVD while facilitating S-334 flows. The SFWMD has complete discretion to increase pumping to proactively maintain the stage near the bottom of the range. The intention is to make full use the available capacity at S-332B, S-332C, and S-332D while allowing normal maintenance. During period of higher than normal rainfall S-334 discharges will be reduced as required to assist S-332B, S-332C, and S-332D in maintaining the canal stage at the bottom of the range.

S-199 will be operated with all available capacity until March 1, 2016 at which time the availability of the pumps will require compliance with the criteria for the Cape Cable Seaside Sparrow Critical Habitat Unit 3 (formerly known as Sub-Population D) ; stage at EVER4 below 2.36 feet NGVD.

S-200 will be operated with all available capacity until March 1, 2016 at which time the availability of the pumps will require compliance with the criteria for the Cape Cable Seaside Sparrow Critical Habitat Unit 3 (formerly known as Sub-Population D) ; stage at R3110 below 4.95 feet NGVD.

S-177 will be operated to maintain an average daily stage below 3.6 in the upstream reach of the C-111 Canal. The goal will be to maintain a fairly steady discharge through S-177 based on, but not limited to, the average daily/24-hour or instantaneous discharge from S-176 minus the flow through S-199. At times it will be necessary to discharge more than this amount due to rapid changes in the canal stage from rainfall and or increased inflow from S-176.

S-18C will be fully open (gates out of the water) to maintain the Column 2 operational range of 2.25 to 2.0.

S-197 will be operated to maintain the S-18C's Daily Average HW between 2.6 and 2.4 feet NGVD with a daily discharge limit which does not exceed the smaller of 1) the previous day's average pumping at S-331, 2) the previous day's average discharge through S-176, 3) the previous days average discharge through S-177, and 4) 400 cfs (half of the typical flow for a one third opening of S-197. This will result in discharges larger than those prescribed by the ERTTP Increment 1 when WCA-3A is above the High Water Action Line (Case 3).

Operational Changes for WCA-3B in Response to High Water in WCA-3A

To provide some high water relief for WCA-3A the S-151 and S-152 structure will be used to release water from WCA-3A into WCA-3B to the extent that the Trigger Stage (measured at Site 71) of 8.5 feet NGVD allows. The preferred inflow route for WCA-3B is through S-152 but S-151 may be used if S-152 is unavailable. The operation of S-152 can be partially or fully open with the expectation that S-152 will initially be fully opened and then could be partially closed when the stage at Site 71 approaches the Trigger Stage. If the Trigger stage is exceeded for more than 24 hours then all inflows shall be closed until the stage at Site 71 declines to below the Trigger Stage for more than 24 hours.

Operational Flexibility Allowed:

To address uncertainties, present or future system conditions, the following actions may be taken for any duration throughout the effect of the temporary deviation:

1. Adjust stages within the applicable canal system +/- 0.5 feet to maximize and/or optimize conditions consistent with the purpose.
2. Adjust gate openings, pump rates and/or flows as needed to maximize and/or optimize conditions consistent with the purpose.

APPENDIX B

PERTINENT CORRESPONDENCE

This page intentionally left blank



RICK SCOTT
GOVERNOR

February 11, 2016

Secretary Jo-Ellen Darcy
Assistant Secretary of the Army for Civil Works
U.S. Department of the Army
108 Army Pentagon
Washington, D.C. 20310-0108

Dear Secretary Darcy:

This letter is to request that the U.S. Army Corps of Engineers take immediate action to relieve the flooding of the Everglades Water Conservation Areas and the releases of water from Lake Okeechobee to the Caloosahatchee and St. Lucie Estuaries.

Specifically, the Corps needs to raise the level of the L-29 canal to eight and one half feet so that substantial volumes of water can be moved from Water Conservation Area 3 to the Everglades National Park through Shark River Slough.

Moving water south out of the Water Conservation Areas will prevent the die off of wildlife whose habitat is currently flooded due to the heavy rainfall and also allow us to move more water from Lake Okeechobee south, relieving pressure from discharges to the Estuaries.

We have communicated with stakeholders along Tamiami Trail, the Fish and Wildlife Service, the Everglades National Park, the South Florida Water Management District, the Miccosukee Tribe, and many others. They are supportive of this action.

The wildlife in the Water Conservation Area cannot sustain prolonged flooding and the economies that rely on the estuaries need immediate relief.

I have instructed the Department of Environmental Protection and the South Florida Water Management District to devote all necessary resources to provide relief for this region. The State of Florida stands ready to address this situation. However, the U.S. Army Corps of Engineers is critical to this equation and your immediate action is essential.

Thank you for your prompt attention to this most pressing matter.

Sincerely,

A handwritten signature in black ink, appearing to be "Rick Scott", written over a large, dark, circular scribble.

Rick Scott
Governor

cc: General C. David Turner
Colonel Jason Kirk

**BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In re:
EMERGENCY AUTHORIZATION)
FOR TEMPORARY OPERATIONAL)
CHANGES TO ADDRESS HIGH)
WATER CONDITONS IN THE SOUTH FLORIDA REGION)
_____)

OGC Case Nos.: 00-0889

EMERGENCY FINAL ORDER

Under Sections 120.569 and 373.119(2) of the Florida Statutes, the State of Florida Department of Environmental Protection (Department) enters this Emergency Final Order in response to the imminent or immediate threats to valuable natural resources and severe economic losses resulting from sustained high water levels in the South Florida region.

FINDINGS OF FACT

1. The highest rainfall on record has occurred within the South Florida Ecosystem during the month of January causing severe impacts to natural resources. All areas of South Florida are inundated with water restricting the ability to safely move water to mitigate the effects of flooding.

2. The Water Conservation Areas are flooding in a manner that inundates tree islands and other wildlife habitat, and if sustained will cause serious stress and loss of life particularly for birds and mammals dependent on that habitat including eliminating nesting opportunities that can inhibit recovery of imperiled bird species. Imperiled bird species include the Snail Kite, Limpkin, and Wood Stork to name a few. Tree Islands themselves can be lost. Because the Water Conservation Areas are flooded, water cannot be released from Lake

Okeechobee to the south. Due to Herbert Hoover Dike integrity concerns, large volumes of water are being released into the Caloosahatchee Estuary, St. Lucie Estuary, and Indian River Lagoon contributing to severe impacts to the ecology of their estuaries.

3. As a result, there are immediate threats and impacts to valuable natural resources that underpin local economies that surround the Everglades Protection Area, Lake Okeechobee, the Caloosahatchee Estuary, the St. Lucie Estuary, and Indian River Lagoon. Loss of natural resources directly affects fisheries and fishing, seafood harvesting, and ecotourism which leads to significant economic losses. Immediate action that addresses this condition is necessary.

4. Discharges to the estuaries are contributing to impacts to the natural resources of those estuarine ecosystems. Those estuaries provide fishing, boating, sightseeing, seafood harvesting, and other important tourist related economic benefits. In a recent resolution by the Martin County Commission, water-related economic benefits to Martin and St. Lucie County alone were estimated to total more than \$840 million annually, with an additional \$588 million in property value benefits.

5. Sustained flooding in the Water Conservation Areas presents an immediate threat to valuable natural resources. According to the Florida Fish and Wildlife Commission, there are 69 identified species of wildlife within the South Florida ecosystem, much of which depend on habitat in the Water Conservation Areas. Specifically, sustained flooding of natural habitat, especially tree islands, will seriously impact and reduce population levels of many of these species, particularly white-tailed deer, nesting birds and wading birds. These species support and encourage substantial outdoor recreational opportunities in this region. Loss of those species and associated recreation due to flooding will lead to significant economic losses and impacts on local businesses. Also, loss of the tree islands themselves will impact cultural resources, At the

South Florida Water Management District's Water Resources Advisory Committee meeting, specifically the Miccosukee Tribe's stated that losing tree islands impacts their ability to carry out its culturally important green corn ceremonies.

6. Immediate action is necessary to deviate from permitted water management practices in order to move significant volumes of flood water out of the Water Conservation Areas through Shark River Slough, and subsequently provide opportunities to move more water south out of Lake Okeechobee relieving pressure on the Caloosahatchee and St. Lucie Estuaries. Moving water south, through Shark River Slough, will also have the added ecological benefit of improving salinity conditions of Florida Bay.

7. The Department has issued permits to the Army Corps of Engineers (Corps) for the following projects: WCA 3 Decompartmentalization and Sheetflow Enhancement Physical Model Project (Permit No. 0304879), including the S-152 water control structure; Modified Water Deliveries to the Everglades National Park Project (Permit No. 0246512), including the S-355A and S-355B water control structures; Ninth Amended Emergency Final Order to Operate the S-332B, S-332C, S-332D Pump Stations and Appurtenant Structures (OGC Case Nos. 00-0889 and 99-2242).

8. The Department has issued permits to the South Florida Water Management District (District) for the following projects: C-111 Spreader Canal Project (Permit No. 0293559), including the S-199 and S-200 Pump Stations, and the S-18C water control structures; Non-Everglades Construction Project Discharge Structures Project (File No. 0237803), including the S-334 water control structure; S-197 Control Structure Project (File No. 0306639), including the S-197 water control structure.

9. Under the current emergency conditions, it is appropriate to temporarily modify operations of the projects and immediately employ any remedial means deemed necessary to redress the emergency.

10. The Corps shall continue water quality and hydrologic monitoring of the existing permitted Corps project features, to identify and evaluate water quality and hydrologic conditions. The monitoring work provides water quality data to evaluate compliance with state water quality standards and long-term phosphorus concentration limits contained within the Settlement Agreement to the Federal Everglades lawsuit (Case No. 88-1886), and hydrologic data necessary for the adaptive operation of the pump stations to meet the requirements of the Biological Opinion while minimizing impacts to the water supply and flood protection purposes of the C&SF project.

11. The District shall continue water quality and hydrologic monitoring of the existing permitted District project features, to identify and evaluate water quality and hydrologic conditions. The monitoring work provides water quality data to evaluate compliance with state water quality standards and long-term phosphorus concentration limits contained within the Settlement Agreement to the Federal Everglades lawsuit (Case No. 88-1886), and hydrologic data necessary for the adaptive operation of the pump stations to meet the requirements of the Biological Opinion while minimizing impacts to the water supply and flood protection purposes of the C&SF project.

12. Operational changes that will help mitigate the current emergency are set forth in the document entitled, "Protective Operational Criteria to Compensate for Sustained L-29 Stage of 8.5 feet NGVD," attached hereto as Exhibit A.

CONCLUSIONS OF LAW

13. Sections 120.569 and 373.119 of the Florida Statutes gives the Department the authority to issue an Emergency Final Order if, as agency head, I find that an emergency exists requiring immediate action to protect the public health, safety, or welfare; the health of animals, fish or aquatic life; a public water supply; or recreational, commercial, industrial, agricultural or other reasonable uses; and the order recites with particularity the facts underlying that conclusion.

14. Based on the above findings, I hereby conclude that temporary operations in accordance with the Protective Operational Criteria to Compensate for Sustained L-29 Stage of 8.5 feet NGVD are necessary to protect the public health, safety, and welfare; the health of animals, fish or aquatic life; and recreational, commercial, industrial, agricultural and other reasonable uses.

15. Suspension of certain permit conditions, statutes and rules, is required to prevent any hindrance or delay of necessary action in coping with the emergency.

THEREFORE, IT IS ORDERED:

16. Description of Authorized Project

The Corps and the District are hereby authorized to make temporary operational changes in order to implement operation criteria to compensate for sustained L-29 Stages of about 8.5 feet NGVD as described in Exhibit A.

17. General Conditions

(a) The Corps and District shall implement the emergency operation activities as described in Exhibit A and in a manner that will minimize detrimental impacts (including

harmful flooding and degradation of water quality) to the environment, to the public, to adjacent properties, and to downstream receiving waters to the greatest extent practicable, pursuant to federal law and Sections 373.413 and 373.414 of the Florida Statutes. The Corps and District shall implement the emergency operation activities in a manner that will maximize beneficial impacts to the environment to the greatest extent practicable consistent with the hydrological and biological restoration goals of the Everglades Forever Act (Section 373.4592, F.S.) and the Florida Bay Restoration Act (Section 373.4593, F.S.). Should any adverse impacts occur from conducting the emergency activities, the Corps and District shall be liable for damages to the extent applicable under federal and state law.

(b) All activities authorized by this Emergency Final Order shall be performed using appropriate best management practices. For activities conducted in or discharging to wetlands or other surface waters, best management practices shall include properly installed and maintained erosion and turbidity control devices, to prevent erosion and shoaling and to control turbidity. These turbidity/erosion controls shall be installed prior to any clearing, excavation or placement of fill material and shall be maintained in an effective conditions at all locations until construction is completed, disturbed areas are stabilized, and turbidity levels have fallen to less than 29 NTUs above background for flows to Class III Waters and to background levels for flows to OFW. The Corps and the District shall be responsible for ensuring that erosion control devices/procedures are inspected/maintained during all phases of construction authorized by this Order. Additional activities, as described in the document entitled, "The Florida Development Manual - A Guide to Sound Land and Water Management" (revised February 1993), shall be conducted as needed to prevent degradation of adjacent wetlands and surface waters, to prevent violations of state water quality standards.

(d) If, for any reason, the Corps and/or the District does not comply with any condition or limitation specified in this Emergency Final Order, the Corps and/or the District shall immediately provide the Department's Office of Ecosystem Projects, Water Quality Standards and Special Projects Program, and Southeast District Office with a written report containing the following information: a description and cause of noncompliance; the period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue; and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. Reports shall be provided to the above-referenced Department offices at the following addresses:

Florida Department of Environmental Protection
Office of Ecosystem Projects
3900 Commonwealth Boulevard, MS 45
Tallahassee, Florida 32399-3000
Telephone (850) 245-2228

(e) This Emergency Final Order conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of sovereignty land of Florida seaward of the mean high-water line, or, if established, the erosion control line, unless herein provided and the necessary title, lease, easement, or other form of consent authorizing the proposed use has been obtained from the Board of Trustees of the Internal Improvement Trust Fund.

(f) This Emergency Final Order does not convey to the Corps and/or the District or create in the Corps and/or the District any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property that is not owned or controlled by the Corps and/or the District. The issuance of this Emergency Final Order does not convey any vested rights or any exclusive privileges.

(g) The Corps and the District specifically agrees to allow authorized Department personnel access to the premises where the authorized activity is located or conducted for the purpose of ascertaining compliance with the terms of the Emergency Final Order; to have access to and copy any records that must be kept under conditions of the Emergency Final Order; to inspect the facility, equipment, practices, or operations regulated or required under this Emergency Final Order; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this Emergency Final Order.

(h) The Corps and the District are responsible for coordinating the emergency operations with stakeholders including the Department of Interior, the Florida Department of Agriculture and Consumer Services, the Florida Fish and Wildlife Conservation Commission (FWC), and the Miccosukee Tribe of Indians of Florida. Prior to commencement of the emergency operations, the District shall provide information to the Department that documents that this coordination has taken place and that there are no major objections.

(i) The Corps and the District shall coordinate with the U.S. Fish and Wildlife Service and the FWC to ensure that there will be no adverse impacts to endangered or threatened species as a result of the proposed operations.

18. Specific Conditions

(a) Monitoring shall be in accordance with all applicable permits and monitoring plans on file with the Department. Monitoring results shall include salinity and ecological monitoring at the S-197 water control structure in accordance with the Appendix C – G-3273 Constraint Relaxation/S-356 Field Test and S-357N Operational Strategy Monitoring Plan. Seepage monitoring results shall include seepage monitoring along the C-111 Canal between the S-176 water control structure and the S-199 Pump Station. All reports and data generated as a

result of this monitoring shall be submitted to the Office of Ecosystem Projects (at the address listed above) upon receipt by the Corps and/or the District and within a timely manner.

(b) Exhibit A requires that the system be closely monitored to maximize intended benefit and avoid unintended consequences. Close coordination with the Department and stakeholders shall be maintained to address any potential water quality, flood protection, and environmental resource issues in a timely fashion. To this end, the Corps and the District will submit an Emergency Operations After Action Report as soon as practicable after cessation of all emergency operations to the addresses listed in General Condition 17(d) above. The report shall include details of operation activities, pumping dates and times, volume of water pumped, gauge readings, flow measurements, flow direction and other visual observations, seepage monitoring results, water quality monitoring results (including provisional data), and a comparison with previous years' data and results.

19. Suspension of Statutes and Rules

The following provisions of permits, statutes and rules are hereby suspended for the activities authorized by this Order for the duration of this Order:

(a) For those activities noted above, subject to the limitations, duration and other provisions of this Order, all requirements for permits, leases, consents of use or other authorizations under Chapters 253, 373, 376 and 403 of the Florida Statutes, and rules adopted thereunder.

(b) Notice requirements of sections 253.115, and 373.413 of the Florida Statutes and rules 18-21, 62-4, and 62-312 of the Florida Administrative Code; and,

(c) Application fee, lease fee, and easement fee requirements of sections 373.109 of the Florida Statutes and Rules 18-21, and 62-4 of the Florida Administrative Code.

20. Other Authorizations Required

Nothing in this Emergency Final Order shall eliminate the necessity for obtaining any other federal, state, water management district, or local permits or other authorizations that may be required.

21. Adverse Off-Site Impacts

(a) The Corps and the District shall ensure that adverse off-site water resource related impacts do not occur as a result of this Emergency Final Order and shall fully monitor conditions related to the activities authorized by this order.

(b) The correction of any erosion, shoaling, water quality, or flooding problems that result from the operation of the structures authorized by this order shall be the sole responsibility of the Corps and the District. In addition, the Corps and the District shall immediately resolve such problems to the Department's satisfaction.

(c) If any adverse water quality, water quantity, or other negative environmental impacts occur as a result of this Emergency Final Order, the Department reserves the right to immediately revoke or modify this authorization upon written notice.

22. Immunity from Liability

The Department's immunity from liability under Section 373.443 of the Florida Statutes for any damages that might result from the activities authorized by this Emergency Final Order shall not be diminished by the terms of this order or any activities taken pursuant to this order.

23. Water Quality Certification

The Department waives water quality certification for those activities authorized by this Emergency Final Order.

24. Violation of Conditions of Emergency Final Order

Failure to comply with the conditions set forth in this Emergency Final Order shall constitute a violation of a Department Final Order under chapters 373, 376, and 403 of the Florida Statutes, and enforcement proceedings may be brought in any appropriate administrative or judicial forum.

25. Expiration Date

The Department finds that this state of emergency is expected to continue for up to 90 days. Therefore, this Emergency Final Order shall remain in effect until 90 days from effective date, unless rescinded, modified or extended by further order of the Department.

26. Effective Date

This Emergency Final Order shall be effective as of February 11, 2016.


NOTICE OF RIGHTS

Any person to whom this emergency order is directed may petition the Department for a hearing before the agency head in accordance with section 373.119 of the Florida Statutes.

Any party substantially affected by this order has the right to seek judicial review of it under Section 120.68 of the Florida Statutes, by filing a notice of appeal under Rule 9.110 and 9.190 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the notice accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this order is filed with the clerk of the Department.

DONE AND ORDERED on this 11th day of February 2016 in Tallahassee, Florida.

STATE OF FLORIDA, DEPARTMENT
OF ENVIRONMENTAL PROTECTION



JONATHAN P. STEVERSON
Secretary
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

FILING AND ACKNOWLEDGMENT

FILED, on this date under Section 120.52 of the Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Lea Crandall 2-11-16
Clerk Date

CERTIFICATE OF SERVICE

I, Lea Crandall, HEREBY CERTIFY that a true and correct copy of this Emergency Final Order was sent electronically to the following persons on this 11th day of February 2016:

Ehlinger, Gretchen S SAJ

From: Summa, Eric P SAJ
Sent: Friday, February 12, 2016 3:34 PM
To: Ehlinger, Gretchen S SAJ
Subject: FW: [EXTERNAL] Fwd: USACE NEPA CatEx

-----Original Message-----

From: Summa, Eric P SAJ
Sent: Thursday, February 11, 2016 8:49 PM
To: 'Larry Williams' <larry_williams@fws.gov>
Cc: Bob Progulske <donald_progulske@fws.gov>; LeeAnn Kelso <leeann_kelso@fws.gov>; Spinning, Jason J SAJ <Jason.J.Spinning@usace.army.mil>; Ralph, Gina P SAJ <Gina.P.Ralph@usace.army.mil>
Subject: RE: [EXTERNAL] Fwd: USACE NEPA CatEx

Thanks, Larry.

We will keep you and your staff apprised of the situation as it develops further.

VR,
-Eric

Very Respectfully,

Eric P. Summa
Chief, Planning and Policy
Jacksonville District
(904)232-1665

-----Original Message-----

From: Larry Williams [mailto:larry_williams@fws.gov]
Sent: Thursday, February 11, 2016 7:48 PM
To: Summa, Eric P SAJ <Eric.P.Summa@usace.army.mil>
Cc: Bob Progulske <donald_progulske@fws.gov>; LeeAnn Kelso <leeann_kelso@fws.gov>
Subject: Re: [EXTERNAL] Fwd: USACE NEPA CatEx

Eric,
Yes, consider this my confirmation. Thank you

Sent from my iPhone

> On Feb 11, 2016, at 6:27 PM, Summa, Eric P SAJ <Eric.P.Summa@usace.army.mil> wrote:

>

> Thanks, Larry.

>

> In order to document the conversation this evening can you please confirm that:

>

> -I explained our proposed path (Emergency NEPA) and to what level we are proposing to raise water in the canal (up to 8.5 ft from 7.5).

>

> You indicated your support for the effort and that your staff will support expeditious consultation and conclusion of Section 7 responsibilities under the ESA, whether that process necessitates formal or informal consultation.

>
> Bottom Line: the USFWS is fully supportive in moving forward with Emergency Efforts to reduce the impacts of High Water to listed and non-listed species within the WCA3A system.
>
> Many thanks.
> -Eric
>
> Very Respectfully,
>
> Eric P. Summa
> Chief, Planning and Policy
> Jacksonville District
> (904)232-1665
>
>
> -----Original Message-----
> From: Larry Williams [mailto:larry_williams@fws.gov]
> Sent: Thursday, February 11, 2016 6:18 PM
> To: Summa, Eric P SAJ <Eric.P.Summa@usace.army.mil>
> Subject: [EXTERNAL] Fwd: USACE NEPA CatEx
>
>
>
> Sent from my iPhone
>
> Begin forwarded message:
>
>
>
> From: "Tritaik, Paul" <paul_tritaik@fws.gov <mailto:paul_tritaik@fws.gov> >
> Date: February 11, 2016 at 5:04:55 PM EST
> To: "Williams, Larry" <larry_williams@fws.gov <mailto:larry_williams@fws.gov> >
> Subject: USACE NEPA CatEx
>
>
>
> Larry,
>
> Attached are some documents related to a boat ramp project that was apparently precipitated by a vessel capsizing at the boat launch. This is the closest thing I could find to a USACE NEPA CatEx in the Caloosahatchee. I hope this is what you were looking for. If not, let me know. Also, let me know if I can be of any more assistance.
>
> Paul
>
> -----
>
> Paul Tritaik
>
> Wildlife Refuge Manager (Project Leader)
> J.N. "Ding" Darling NWR Complex
> 1 Wildlife Drive
> Sanibel, Florida 33957

Best,
Tim

Timothy A. Parsons, Ph.D., RPA
Interim Division Director | State Historic Preservation Officer | Division of Historical Resources | Florida Department of State | 500 South Bronough Street | Tallahassee, Florida 32399 | 850.245.6300 | 1.800.847.7278 | Fax: 850.245.6436 | dos.myflorida.com/historical

-----Original Message-----

From: Summa, Eric P SAJ [mailto:Eric.P.Summa@usace.army.mil]
Sent: Friday, February 12, 2016 1:31 PM
To: Parsons, Timothy A.
Cc: Hughes, Daniel B @ SAJ; Moreno, Meredith A SAJ
Subject: Follow-up to our conversation

Thanks so much for the call today.

This is a summary of our conversation this afternoon...

The Governor has asked that we expedite removal of high water from Water Conservation Area 3A, (see attached). We will perform this action via moving water from WCA3A into the L-29 to raise it from its current constraint at 7.5 feet and limit the proposed action to no more than 8.5 feet for no more than 90-days.

After 90-days, we will stop pumping and allow the canal the recede back to 7.5 feet (app. 60-days).

You may recall that the Corps recently coordinated a Planned deviation to raise levels in NE Shark River Slough, (via the gauge 3273) from 6.8 to 7.5. The date of that coordination was April 14, 2014.

As this is a temporary action, and similar to the former action, we believe that this action will have no effect on eligible or potentially eligible properties.

Please confirm this note and affirm the finding.
Many thanks.

Very Respectfully,

Eric P. Summa
Chief, Planning and Policy
Jacksonville District
(904)232-1665

The Department of State is committed to excellence.
Please take our Customer Satisfaction
Survey<Blocked<http://survey.dos.state.fl.us/index.aspx?email=Timothy.Parsons@dos.myflorida.com>>.

Ehlinger, Gretchen S SAJ

From: Summa, Eric P SAJ
Sent: Friday, February 12, 2016 3:34 PM
To: Ehlinger, Gretchen S SAJ
Subject: FW: Follow-up to our conversation
Attachments: ACOE 2.11.16.pdf

-----Original Message-----

From: Summa, Eric P SAJ
Sent: Friday, February 12, 2016 1:31 PM
To: 'Parsons, Timothy A.' <Timothy.Parsons@dos.myflorida.com>
Cc: Hughes, Daniel B @ SAJ <Daniel.B.Hughes@usace.army.mil>; Moreno, Meredith A SAJ <Meredith.A.Moreno@usace.army.mil>
Subject: Follow-up to our conversation

Thanks so much for the call today.

This is a summary of our conversation this afternoon...

The Governor has asked that we expedite removal of high water from Water Conservation Area 3A, (see attached). We will perform this action via moving water from WCA3A into the L-29 to raise it from its current constraint at 7.5 feet and limit the proposed action to no more than 8.5 feet for no more than 90-days.

After 90-days, we will stop pumping and allow the canal the recede back to 7.5 feet (app. 60-days).

You may recall that the Corps recently coordinated a Planned deviation to raise levels in NE Shark River Slough, (via the gauge 3273) from 6.8 to 7.5. The date of that coordination was April 14, 2014.

As this is a temporary action, and similar to the former action, we believe that this action will have no effect on eligible or potentially eligible properties.

Please confirm this note and affirm the finding.
Many thanks.

Very Respectfully,

Eric P. Summa
Chief, Planning and Policy
Jacksonville District
(904)232-1665

Ehlinger, Gretchen S SAJ

From: Summa, Eric P SAJ
Sent: Friday, February 12, 2016 3:36 PM
To: Ehlinger, Gretchen S SAJ
Subject: FW: Follow-up to our conversation

-----Original Message-----

From: Parsons, Timothy A. [mailto:Timothy.Parsons@dos.myflorida.com]
Sent: Friday, February 12, 2016 1:57 PM
To: Summa, Eric P SAJ <Eric.P.Summa@usace.army.mil>
Cc: Hughes, Daniel B @ SAJ <Daniel.B.Hughes@usace.army.mil>; Moreno, Meredith A SAJ <Meredith.A.Moreno@usace.army.mil>; Berman, Mary G. <Mary.Berman@dos.myflorida.com>
Subject: [EXTERNAL] RE: Follow-up to our conversation

Hello Eric,

Pursuant to the regulations contained in 36 CRF 800.12, I concur with the Corps' determination of "no effect." This consultation has been documented as DHR Project Number 2016-0610. Thank you for the notification, and please let me know if the situation changes.

Best,
Tim

Timothy A. Parsons, Ph.D., RPA
Interim Division Director | State Historic Preservation Officer | Division of Historical Resources | Florida Department of State | 500 South Bronough Street | Tallahassee, Florida 32399 | 850.245.6300 | 1.800.847.7278 | Fax: 850.245.6436 | dos.myflorida.com/historical

-----Original Message-----

From: Summa, Eric P SAJ [mailto:Eric.P.Summa@usace.army.mil]
Sent: Friday, February 12, 2016 1:31 PM
To: Parsons, Timothy A.
Cc: Hughes, Daniel B @ SAJ; Moreno, Meredith A SAJ
Subject: Follow-up to our conversation

Thanks so much for the call today.

This is a summary of our conversation this afternoon...

The Governor has asked that we expedite removal of high water from Water Conservation Area 3A, (see attached). We will perform this action via moving water from WCA3A into the L-29 to raise it from its current constraint at 7.5 feet and limit the proposed action to no more than 8.5 feet for no more than 90-days.

After 90-days, we will stop pumping and allow the canal the recede back to 7.5 feet (app. 60-days).

You may recall that the Corps recently coordinated a Planned deviation to raise levels in NE Shark River Slough, (via the gauge 3273) from 6.8 to 7.5. The date of that coordination was April 14, 2014.

As this is a temporary action, and similar to the former action, we believe that this action will have no effect on eligible or potentially eligible properties.

Please confirm this note and affirm the finding.

Many thanks.

Very Respectfully,

Eric P. Summa
Chief, Planning and Policy
Jacksonville District
(904)232-1665

The Department of State is committed to excellence.

Please take our Customer Satisfaction

Survey<Blocked<http://survey.dos.state.fl.us/index.aspx?email=Timothy.Parsons@dos.myflorida.com>>.

Ehlinger, Gretchen S SAJ

From: Summa, Eric P SAJ
Sent: Friday, February 12, 2016 3:34 PM
To: Ehlinger, Gretchen S SAJ
Subject: FW: Summary of Coordination with Tribes - Emergency High Water

-----Original Message-----

From: Taplin, Kimberley A SAJ
Sent: Friday, February 12, 2016 2:37 PM
To: Summa, Eric P SAJ <Eric.P.Summa@usace.army.mil>
Cc: Spinning, Jason J SAJ <Jason.J.Spining@usace.army.mil>; Reynolds, Jennifer A LTC ARMY @ SAJ <Jennifer.A.Reynolds@usace.army.mil>; Ralph, Gina P SAJ <Gina.P.Ralph@usace.army.mil>; Nasuti, Melissa A SAJ <Melissa.A.Nasuti@usace.army.mil>; Moreno, Meredith A SAJ <Meredith.A.Moreno@usace.army.mil>; Hughes, Daniel B @ SAJ <Daniel.B.Hughes@usace.army.mil>; Taplin, Kimberley A SAJ <Kimberley.A.Taplin@usace.army.mil>
Subject: Summary of Coordination with Tribes - Emergency High Water

Eric,

Below is status of my notification/coordination with Tribal staff in an effort to ensure Chairmen of both Tribes are not surprised by contact from COL Kirk or his designee regarding the potential deviation to address current high water situation.

Micosukee Tribe - have talked with James Erskine (Water Resources) and Fred Dayhoff (NAGPRA representative) 11-12 February for notification purposes and to solicit comments regarding the emergency deviation and potential effects of flood water released from WCA-3A. Initial comments included:

- look for all possible avenues to send water east and west to relieve high water conditions in WCA-3A/Tribal lands to include S-12A, B, S-343, S-344 and S-333 and eastern canals;
- ensure coordination with FDOT and provide Tribe feedback regarding any potential effects to health and safety conditions of the Tamiami Trail roadway ingress/egress to Tribe's residential areas and businesses
- provide contingency process for Osceola Camp/Reservation to engage the Corps in the event any conditions arise that are concern for flooding
- seeing large number of deer up on the levees, stressed and vulnerable to predation and Tribe will begin feeding effort on Monday
- continued coordination with the Tribe throughout the deviation period

Seminole Tribe: I talked with THPO office but have been unsuccessful in reaching Cherise Maples (Environmental Resources Office). I did also speak with Patti Powers in DC (consultant) who will be letting Jim Shore (Tribe Counsel) know of our conversation. Request from the THPO office is for the Corps archeologist provide information on any cultural resources that may be affected and to continue coordination throughout the deviation.

V/r, Kim T.

Kimberley Taplin, P.E.
Strategic Program Manager
Programs and Project Management
US Army Corps of Engineers
Jacksonville District
Office: 561-472-8879; Mobile 561-801-0285
Email: kimberley.a.taplin@usace.army.mil

Ehlinger, Gretchen S SAJ

From: Taplin, Kimberley A SAJ
Sent: Friday, February 12, 2016 3:49 PM
To: Summa, Eric P SAJ; Spinning, Jason J SAJ; Nasuti, Melissa A SAJ; Ehlinger, Gretchen S SAJ; Moreno, Meredith A SAJ
Subject: FW: Summary of Coordination with Tribes - Emergency High Water

Jason et. al.,

Need to include the below latest from James Erskine - he was out with Tribal members today and they feel WCA-3A are their ancestral homes which are being flooded.....need to include mention of this in your NEPA and that for Tamiami Trail reservation they are watching levels and have pumps issued by FEMA and close to being in flood fighting mode on reservation.

-----Original Message-----

From: Reynolds, Jennifer A LTC ARMY @ SAJ
Sent: Friday, February 12, 2016 3:25 PM
To: Taplin, Kimberley A SAJ <Kimberley.A.Taplin@usace.army.mil>
Subject: RE: Summary of Coordination with Tribes - Emergency High Water

Kim,

On phone just now, James said that the other concern that the Miccosukee have is understanding why we are in this condition now and why Everglades Restoration is happening faster to prevent conditions like this in the future.

V/r,

Jennifer A. Reynolds
LTC, U.S. Army
Deputy District Commander, South Florida
Office: 561-472-8891
Cell: 904-322-0129

-----Original Message-----

From: Taplin, Kimberley A SAJ
Sent: Friday, February 12, 2016 2:37 PM
To: Summa, Eric P SAJ <Eric.P.Summa@usace.army.mil>
Cc: Spinning, Jason J SAJ <Jason.J.Spining@usace.army.mil>; Reynolds, Jennifer A LTC ARMY @ SAJ <Jennifer.A.Reynolds@usace.army.mil>; Ralph, Gina P SAJ <Gina.P.Ralph@usace.army.mil>; Nasuti, Melissa A SAJ <Melissa.A.Nasuti@usace.army.mil>; Moreno, Meredith A SAJ <Meredith.A.Moreno@usace.army.mil>; Hughes, Daniel B @ SAJ <Daniel.B.Hughes@usace.army.mil>; Taplin, Kimberley A SAJ <Kimberley.A.Taplin@usace.army.mil>
Subject: Summary of Coordination with Tribes - Emergency High Water

Eric,

Below is status of my notification/coordination with Tribal staff in an effort to ensure Chairmen of both Tribes are not surprised by contact from COL Kirk or his designee regarding the potential deviation to address current high water situation.

Miccosukee Tribe - have talked with James Erskine (Water Resources) and Fred Dayhoff (NAGPRA representative) 11-12 February for notification purposes and to solicit comments regarding the emergency deviation and potential effects of flood water released from WCA-3A. Initial comments included:

- look for all possible avenues to send water east and west to relieve high water conditions in WCA-3A/Tribal lands to include S-12A, B, S-343, S-344 and S-333 and eastern canals;
- ensure coordination with FDOT and provide Tribe feedback regarding any potential effects to health and safety conditions of the Tamiami Trail roadway ingress/egress to Tribe's residential areas and businesses
- provide contingency process for Osceola Camp/Reservation to engage the Corps in the event any conditions arise that are concern for flooding
- seeing large number of deer up on the levees, stressed and vulnerable to predation and Tribe will begin feeding effort on Monday
- continued coordination with the Tribe throughout the deviation period

Seminole Tribe: I talked with THPO office but have been unsuccessful in reaching Cherise Maples (Environmental Resources Office). I did also speak with Patti Powers in DC (consultant) who will be letting Jim Shore (Tribe Counsel) know of our conversation. Request from the THPO office is for the Corps archeologist provide information on any cultural resources that may be affected and to continue coordination throughout the deviation.

V/r, Kim T.

Kimberley Taplin, P.E.
Strategic Program Manager
Programs and Project Management
US Army Corps of Engineers
Jacksonville District
Office: 561-472-8879; Mobile 561-801-0285
Email: kimberley.a.taplin@usace.army.mil

Ehlinger, Gretchen S SAJ

From: Summa, Eric P SAJ
Sent: Friday, February 12, 2016 3:30 PM
To: Ehlinger, Gretchen S SAJ
Subject: FW: Emergency Deviation for L-29 to Alleviate High Water Conditions at 3A

-----Original Message-----

From: Taplin, Kimberley A SAJ
Sent: Friday, February 12, 2016 3:12 PM
To: Summa, Eric P SAJ <Eric.P.Summa@usace.army.mil>; Spinning, Jason J SAJ <Jason.J.Spining@usace.army.mil>; Nasuti, Melissa A SAJ <Melissa.A.Nasuti@usace.army.mil>; Moreno, Meredith A SAJ <Meredith.A.Moreno@usace.army.mil>; Hughes, Daniel B @ SAJ <Daniel.B.Hughes@usace.army.mil>; Ralph, Gina P SAJ <Gina.P.Ralph@usace.army.mil>
Subject: FW: Emergency Deviation for L-29 to Alleviate High Water Conditions at 3A

Jason,

See below response from STOF THPO staff Andrew Weidman.

V/r, Kim T.

-----Original Message-----

From: Andrew Weidman [mailto:AndrewWeidman@semtribe.com]
Sent: Friday, February 12, 2016 2:55 PM
To: Taplin, Kimberley A SAJ <Kimberley.A.Taplin@usace.army.mil>
Cc: Danny Tommie <DannyTommie@semtribe.com>; Paul Backhouse <PaulBackhouse@semtribe.com>; Anne Mullins <AnneMullins@semtribe.com>; Bradley Mueller <bradleymueller@semtribe.com>
Subject: [EXTERNAL] RE: Emergency Deviation for L-29 to Alleviate High Water Conditions at 3A

Kim,

Thank you for speaking with me this morning regarding the emergency deviation from the L-29 stage limits and for the follow up detailed e-mail. This message is to acknowledge that the Seminole Tribe of Florida - Tribal Historic Preservation Office has been notified of the proposed action and has requested additional information on potential impacts this action may have on cultural resources in WCA-3A. We look forward to reviewing these materials and working with the Corps throughout this process.

Respectfully,

Andrew J. Weidman, RPA
Compliance Review Specialist
Tribal Historic Preservation Office
Seminole Tribe of Florida
Phone: (863) 983-6549 ext. 12216
Email: andrewweidman@semtribe.com

-----Original Message-----

From: Taplin, Kimberley A SAJ [mailto:Kimberley.A.Taplin@usace.army.mil]

Sent: Friday, February 12, 2016 12:04 PM

To: Andrew Weidman

Cc: Paul Backhouse; Cherise Maples; Anne Mullins; Bradley Mueller; Spinning, Jason J SAJ; Summa, Eric P SAJ; Power, Patricia; Michelle Diffenderfer; Moreno, Meredith A SAJ; Hughes, Daniel B @ SAJ

Subject: Emergency Deviation for L-29 to Alleviate High Water Conditions at 3A

Andrew,

Thank you for speaking with Jason Spinning and I this morning regarding the current high water situation in WCA-3A. To provide high water relief for WCA-3A it is possible to substantively increase the available discharge capacity through S-333 by raising the L-29 stage limit. Due to the critical nature of the operation and Emergency request by the Governor, a condensed NEPA will be prepared to address the federal action to deviate the current plan allowing for the increase in stage in L-29 canal. The NEPA will be amended or supplemented during and post release to comply with NEPA policy and guidance.

The following criteria are protective and implementable operational criteria to compensate for the sustained increased flow to Northeast Shark River Slough (NESRS) associated with raising the L-29 Stage Limit from 7.5 to 8.5 feet NGVD.

The increased S-333 discharges associated with this action are expected to be of a relatively short duration. A fixed duration or target line (e.g. at or below the Zone A Regulation Schedule Line for WCA-3A) or a combination of both will need to be determined. There will be a meaningful (e.g. 60 day) recovery period once the L-29 constraint is returned to 7.5 feet NGVD, during which the water level would recede to stages typical of the recent hydrological conditions and the operational criteria of ERTF Increment 1.

We appreciate your initial preliminary input that from a cultural resources perspective, the THPO would like to hear back from the Corps archeologists on any cultural resources sites that may potentially be affected by the actions.

We appreciate if you are able to respond to this email acknowledging informal coordination has occurred regarding the action and any additional information you may wish to provide at this time. Thank you for providing comments and continued coordination is assured.

Very Respectfully,

Kim Taplin

--

.....

Kevin Kotun

Chief, Physical Resources Branch

Everglades National Park

950 N. Krome Ave Suite 300

Homestead FL 33030

O: 305.224.4229

M: 305.972.3640

Never trust an atom; they make up everything.

.....

HYPERLINK <mailto:Olice.e.williams@usace.army.mil> <<mailto:Olice.e.williams@usace.army.mil>>

From: Kotun, Kevin [mailto:kevin_kotun@nps.gov]
Sent: Friday, February 12, 2016 3:58 PM
To: Williams, Olice E SAJ <Olice.E.Williams@usace.army.mil>
Subject: [EXTERNAL] Re: Deviation to raise L-29 Stage constraint from 7.5 to 8.5 feet NGVD

Olice,

I have shared this with my management and have indicated that I do not have any major issues with it.

I do not have the authority to grant concurrence without hearing back.

I will contact you immediately when I hear back.

- kk

On Fri, Feb 12, 2016 at 1:56 PM, Williams, Olice E SAJ <Olice.E.Williams@usace.army.mil> <<mailto:Olice.E.Williams@usace.army.mil>> > wrote:

Kevin,

As discussed, attached are the Operational Criteria for the subject deviation. Please reply by 2:30 PM with your concurrence, non-concurrence or changes. Please feel free to contact me if you have any questions.

VR,

Olice Williams
Water Management Section
Multi Project Branch
U.S. Army Corps of Engineers - Jacksonville District
701 San Marco Blvd.
P.O. Box 4970
Jacksonville, Florida 32232-0019
(904) 232-2160 - office
(904) 613-8276 - mobile
(904) 232-1772 - fax
HYPERLINK <mailto:Olice.e.williams@usace.army.mil> <<mailto:Olice.e.williams@usace.army.mil>>

Ehlinger, Gretchen S SAJ

From: Summa, Eric P SAJ
Sent: Friday, February 12, 2016 4:22 PM
To: Ehlinger, Gretchen S SAJ
Subject: FW: [EXTERNAL] Re: Deviation to raise L-29 Stage constraint from 7.5 to 8.5 feet NGVD

-----Original Message-----

From: Ralph, Gina P SAJ
Sent: Friday, February 12, 2016 4:04 PM
To: Summa, Eric P SAJ <Eric.P.Summa@usace.army.mil>
Subject: Fw: [EXTERNAL] Re: Deviation to raise L-29 Stage constraint from 7.5 to 8.5 feet NGVD

Sent from my BlackBerry 10 smartphone.

From: Williams, Olice E SAJ <Olice.E.Williams@usace.army.mil>
Sent: Friday, February 12, 2016 4:02 PM
To: Kotun, Kevin
Cc: Alejandro, Luis A SAJ; DLL-CESAJ-MWD-OPS; Ralph, Gina P SAJ
Subject: RE: [EXTERNAL] Re: Deviation to raise L-29 Stage constraint from 7.5 to 8.5 feet NGVD

Thank you Kevin. I understand there was a very short suspense. I will forward this information.

VR,

Olice Williams

Water Management Section

Multi Project Branch

U.S. Army Corps of Engineers - Jacksonville District

701 San Marco Blvd.

P.O. Box 4970

Jacksonville, Florida 32232-0019

(904) 232-2160 - office

(904) 613-8276 - mobile

(904) 232-1772 - fax

Ehlinger, Gretchen S SAJ

From: Summa, Eric P SAJ
Sent: Friday, February 12, 2016 4:22 PM
To: Ehlinger, Gretchen S SAJ
Subject: FW: FDACS High Water Follow-Up

-----Original Message-----

From: Elliott, Rebecca [mailto:relliott@sfwmd.gov]
Sent: Friday, February 12, 2016 4:08 PM
To: Reynolds, Jennifer A LTC ARMY @ SAJ <Jennifer.A.Reynolds@usace.army.mil>
Cc: Summa, Eric P SAJ <Eric.P.Summa@usace.army.mil>; Ray Scott (Ray.Scott@freshfromflorida.com) <Ray.Scott@freshfromflorida.com>; 'Dwinell, Steve' <Steven.Dwinell@freshfromflorida.com>
Subject: [EXTERNAL] FDACS High Water Follow-Up

Lt. Col. Reynolds:

FDACS appreciates the inclusion of our agency in the High Water discussions and operational updates. As the FDACS liaison for operational concerns in the South Dade agricultural area, it is my understanding that representatives of the agricultural interest have been briefed on the operations proposed for releases through S-333 to provide relief for the high water level in WCA-3A. I have also reviewed the latest summary of the proposed operational criteria circulated by the SFWMD and consulted with Tom MacVicar regarding its ability to provide sufficient protection for growers in the C-111 Basin given the increased stage allowed in the L-29 Canal. It appears the deviation in operational criteria proposed includes the adjustments necessary at the south end of the system to address water levels in that area.

We support this effort to respond to the unusually high water levels in WCA 3 and will work with you to resolve any agricultural lands issues that may become evident as a result of the emergency operations.

Sincerely,

Rebecca Elliott
Water Policy Liaison
Florida Department of Agriculture and Consumer Services
Office of Agricultural Water Policy Office
561-682-6040
Cell 850-688-5767

Blockedwww.floridaagwaterpolicy.com <Blockedhttp://www.floridaagwaterpolicy.com>



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

REPLY TO
ATTENTION OF

AUG 18 2011

Programs and Project Management Division
Ecosystem Branch

Mr. Dan Kimball, Superintendent
Everglades National Park
950 North Krome Avenue
Homestead, Florida 33030-4443

Dear Mr. Kimball:

I am writing to advise you of the findings from the Jacksonville District, U. S. Army Corps of Engineers (Corps) review of the Osceola Camp Topographic Survey by E.R. Brownell & Associates, Inc., for the Miccosukee Tribe of Indians of Florida (Tribe) dated January 15, 2010 (post-development survey). The post-development survey was received in response to a joint letter from the Corps and Everglades National Park (ENP) to Chairman Billy Cypress, Miccosukee Tribe of Indians of Florida, dated November 12, 2010. The joint letter requested a topographic survey to ensure the modifications made by the Osceola family and Tribe to the Osceola Camp will withstand increases in water levels associated with the Modified Water Deliveries (MWD) project and as supporting documentation to allow the Department of the Interior (DOI) to pursue reimbursement for the work that the Osceola family and Tribe have accomplished.

Implementation of the Tamiami Trail Modifications (TTM) project requires that the Osceola Camp ground be raised to the average elevation of the roadway crown adjacent to the Camp or 11.36 feet National Geodetic Vertical Datum (NGVD), to avoid impacts as a result of associated water level increases. The non-residential finished floor should be at least 4" higher than ground, or 11.69 feet NGVD, and the residential finished floor at least 8" higher than ground, or 12.03 feet NGVD. The post-development survey indicates that the highest camp ground elevation is 10.9 feet NGVD in the northeast corner of the property at the limit of the top of the rock fill. The post-development survey also shows that 5 out of a total of 35 structures have a finished floor elevation of greater than or equal to 12.03 feet NGVD. The remaining 30 structures range in elevation from 8.4 to 12.0 feet NGVD. A summary spreadsheet of finished floor elevations extracted from the survey is included with this letter.

the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended; and the National Environmental Policy Act, 42 U.S.C. §§ 4321-4347, as amended.

Based on the information contained in the submittal and comments provided by the United State Corps of Engineers, the state has determined that the proposed federal action is consistent with the Florida Coastal Management Program.

Should you have any questions or require additional information, please don't hesitate to contact me.

Yours sincerely,

Chris Stahl

Chris Stahl, Coordinator

Florida State Clearinghouse

Florida Department of Environmental Protection

3900 Commonwealth Blvd, M.S. 47

Tallahassee, FL 32399-3000

ph. (850) 245-2169

fax (850) 245-2190

Chris.Stahl@dep.state.fl.us <mailto:Chris.Stahl@dep.state.fl.us>

<Blocked<http://survey.dep.state.fl.us/?refemail=Chris.Stahl@dep.state.fl.us>>

The limits of the original government survey of the Osceola Camp (pre-development survey) did not cover the extent of the limit of the rock fill placed and documented in the post-development survey, or the additional area (typical) required to construct a 1:1 angle of repose (slope) from the top of the rock fill to meet natural ground. In order to generate the approximate quantity of fill placed to raise the camp, a modified pre-development survey was created. To create the modified pre-development survey, spot elevations at the surveyed pre-development boundaries were projected several feet beyond the boundaries of the post-development survey creating a flat surface. A Digital Terrain Model (DTM) was created for both the modified pre-development and the post-development surveys. Based on the subtraction of the two DTM surfaces, it is estimated that approximately 21,000 cubic yards of material were used to raise the camp to its current elevation. A copy of the DTMs showing the pre-development (blue), modified pre-development (red) and post development (green) boundaries is included with this letter. To cover projection assumptions, a 5% contingency was added for a total of 22,050 cubic yards.

If you have any questions regarding our review and analysis, please contact me or Ms. Donna George, Senior Project Manager at (904) 232-1766.

Sincerely,

David S. Hobbie
Deputy District Engineer
for Programs and Project Management

Enclosures

Terry/x2412
George/PM-EE
Shaw/Arceata/PM-EE
Gonzales/PM-E
Pax/OC 8/10
Nelson/EN-DL
Wolz/EN-DL
Nelson/DN-D
Ruiz/EN-A 8/2 Dave-
Duba/EN 8/5 - please
Rogalski/PM
Hobbie/PM
see my
comment

L:\Admin\Division Office\Correspondence\DR-P\Osceola Survey Review Letter.docx

Required for TTM:

Existing Ground 11.36

Non Residential Finished Floor 11.69

Residential Finished Floor 12.03

Described left to right and north to south - All elevations in NGVD

	Description*	Chikee Elevation*	Building Elevation*	Other Elevation*
1	On Dirt	9.9		
2	On Dirt	8.9		
3	On Concrete	9.0		
4	On Dirt	8.4		
5	Concrete Slab			9.5
6	Generator Slab			10.6
7	CBS Building		11.2	
10	Generator Slab			Unkown
11	Well			Unkown
12	Frame Building		10.0	
13	On Concrete	9.7		
14	On Concrete	9.4		
15	Unipole			9.4
16	On Concrete	10.0		
17	On Concrete	9.3		
18	On Dirt	9.4		
19	On Concrete	9.6		
20	OnDirt	9.5		
21	CBS Building		11.8	
22	Utility Slab			Unkown
24	On Concrete	9.7		
25	On Concrete	9.9		
26	On Concrete	9.4		
27	On Dirt	10.3		
28	Generator Slab			11.5
31	CBS Building		11.9	
35	Utility Slab			Unkown

*Information obtained from survey by E.R. Brownell & Associates, Inc. for Miccosukee Tribe of Indians of Florida, dated January 15, 2010.

The limits of the original government survey of the Osceola Camp (pre-development survey) did not cover the extent of the limit of the rock fill placed and documented in the post-development survey, or the additional area (typical) required to construct a 1:1 angle of repose (slope) from the top of the rock fill to meet natural ground. In order to generate the approximate quantity of fill placed to raise the camp, a modified pre-development survey was created. To create the modified pre-development survey, spot elevations at the surveyed pre-development boundaries were projected several feet beyond the boundaries of the post-development survey creating a flat surface. A Digital Terrain Model (DTM) was created for both the modified pre-development and the post-development surveys. Based on the subtraction of the two DTM surfaces, it is estimated that approximately 21,000 cubic yards of material were used to raise the camp to its current elevation. A copy of the DTMs showing the pre-development (blue), modified pre-development (red) and post development (green) boundaries is included with this letter. To cover projection assumptions, a 5% contingency was added for a total of 22,050 cubic yards.

If you have any questions regarding our review and analysis, please contact me or Ms. Donna George, Senior Project Manager at (904) 232-1766.

Sincerely,



David S. Hobbie
Deputy District Engineer
for Programs and Project Management

Enclosures

Ehlinger, Gretchen S SAJ

From: Summa, Eric P SAJ
Sent: Friday, February 12, 2016 3:59 PM
To: Ehlinger, Gretchen S SAJ
Subject: FW: State Clearance Letter for FL201602127555C - Emergency Authorization of Water Release

-----Original Message-----

From: Stahl, Chris [mailto:Chris.Stahl@dep.state.fl.us]
Sent: Friday, February 12, 2016 3:58 PM
To: Summa, Eric P SAJ <Eric.P.Summa@usace.army.mil>
Cc: Smith, Ed <edward.c.smith@dep.state.fl.us>; Pugh, Jordon <Jordan.Pugh@dep.state.fl.us>; Powell, Frank <Frank.Powell@dep.state.fl.us>; Nasuti, Melissa A SAJ <Melissa.A.Nasuti@usace.army.mil>; Spinning, Jason J SAJ <Jason.J.Spinning@usace.army.mil>; Ehlinger, Gretchen S SAJ <Gretchen.S.Ehlinger@usace.army.mil>
Subject: [EXTERNAL] State Clearance Letter for FL201602127555C - Emergency Authorization of Water Release

February 12, 2016

Mr. Eric Summa, Chief

Division of Policy and Planning - Jacksonville District

U.S. Army Corps of Engineers

P. O. Box 4970

Jacksonville, Florida 32232-0019

RE: Department of the Army, Jacksonville District Corps of Engineers – Emergency Authorization of Water Release from Lake Okeechobee to the Caloosahatchee and St. Lucie Estuaries to Relieve Flooding on Everglades Water Conservation Areas

SAI # FL201602127555C

Dear Mr. Summa:

The Florida State Clearinghouse has reviewed the information submitted to the state agencies for the proposed emergency action under the following authorities: Presidential Executive Order 12372; § 403.061(42), Florida Statutes;

Ehlinger, Gretchen S SAJ

From: Summa, Eric P SAJ
Sent: Friday, February 12, 2016 3:58 PM
To: Ehlinger, Gretchen S SAJ
Subject: FW: [EXTERNAL] Fwd: 8.5

-----Original Message-----

From: Pedro Ramos [mailto:pedro_ramos@nps.gov]
Sent: Friday, February 12, 2016 3:57 PM
To: Summa, Eric P SAJ <Eric.P.Summa@usace.army.mil>
Cc: Kirk, Jason A COL SAJ <Jason.A.Kirk@usace.army.mil>
Subject: [EXTERNAL] Fwd: 8.5

Eric,
Here is the message I sent to the Col which you should feel free to use as documentation of the consultation we have had on this emergency high water situation.
Thank you,
Pedro

Sent from my iPhone

Begin forwarded message:

From: "Ramos, Pedro" <pedro_ramos@nps.gov <mailto:pedro_ramos@nps.gov> >
Date: February 11, 2016 at 2:07:38 PM EST
To: "Kirk, Jason A COL SAJ" <Jason.A.Kirk@usace.army.mil <mailto:Jason.A.Kirk@usace.army.mil> >
Cc: Shannon Estenoz <Shannon_Estenoz@ios.doi.gov <mailto:Shannon_Estenoz@ios.doi.gov> >, Robert Johnson <Robert_Johnson@nps.gov <mailto:Robert_Johnson@nps.gov> >
Subject: 8.5

Col,
Everglades National Park is ok with 8.5. As you know, we have 6 private land owners for whom we cannot speak and I'm glad you and the State are in consultation to secure those necessary easements to your and the land owners satisfaction.

Thanks and call if we need to discuss further.
Pedro

--

Pedro M. Ramos
Superintendent
Everglades and Dry Tortugas National Parks
305-242-7710

<<http://www.nps.gov/subjects/centennial/images/NPS-Centennial-E-Mail-Signature-with-Goal-11-24-14.jpg>>

Ehlinger, Gretchen S SAJ

From: Moreno, Meredith A SAJ
Sent: Friday, February 12, 2016 3:54 PM
To: Hughes, Daniel B @ SAJ; Summa, Eric P SAJ; Taplin, Kimberley A SAJ; 'Ramirez, Armando'; Ehlinger, Gretchen S SAJ; Ralph, Gina P SAJ; George, Donna S SAJ; 'jcharles@llw-law.com'; 'swalker@llw-law.com'; 'mdiffenderfer@llw-law.com'; 'Bradley Mueller'; 'Anne Mullins'; 'andrewweidman@semtribe.com'; 'Paul Backhouse'; 'Leonard Rawlings'; 'harold.peterson@bia.gov'; 'David.Saunders@bia.gov'; 'blusher@achp.gov'; 'vhauser@achp.gov'; 'Del Bene, Penelope'; 'timothy.parsons@dos.myflorida.com'; 'Tom McCulloch'; Donaldson, Matthew B (Matt) SAJ; Spinning, Jason J SAJ; Moore, Brooks W SAJ
Subject: Emergency Deviation for L-29 to Alleviate High Water Conditions for WCA 3A (UNCLASSIFIED)
Attachments: ACOE 2 11 16.pdf
Classification: UNCLASSIFIED

CLASSIFICATION: UNCLASSIFIED

Pursuant to 36 CRF Part 800.12(b) (Emergency Situations) and Part XIV. Deviations of the Everglades Restoration Transition Plan Programmatic Agreement (PA), the Corps is notifying all signatories of the PA that the Governor of Florida has requested the Corps take immediate action to relieve flooding within Water Conservation Area 3A (WCA 3A) (see attached). To provide this relief the Corps will move water from WCA 3A via the S-333 into the L-29 canal. The current stage limit of the L-29 will be raised from 7.5 feet NGVD to 8.5 feet NGVD for a maximum of 90 days. After the maximum of 90 days, the Corps will stop pumping and allow the canal to recede back to 7.5 feet. It may take up to 60 days for the water to recede back to 7.5 feet. As a result of this action there may be increased flows to Northeast Shark River Slough (NESRS). However, as raising the water levels will be a temporary action (a maximum of 150 day), the Corps believes that this will have no adverse effects on historic properties listed or eligible for listing in the National Register of Historic Places. Due to the nature of this emergency, the Corps is requesting an expedited consultation process as cited in 36 CFR Part 800.12(b)(2), and requests your concurrence on our determination of no adverse effect. Although this is an emergency deviation, we will continue to monitor water levels through the EDEN network as prescribed in the PA and the Corps welcome any additional consultation requested by the signatories during this operational period. Please feel free to call or email myself or Dan Hughes at dan.b.hughes@usace.army.mil or 904-232-3028 with any questions or concerns.

Kind regards,

Meredith A. Moreno, M.A., RPA
Archaeologist
Planning Division, Environmental Branch
USACE, Jacksonville District
701 San Marco Blvd.
Jacksonville, FL 32207

Phone: 904-232-1577
Email: meredith.a.moreno@usace.army.mil

Meredith A. Moreno, M.A., RPA
Archaeologist
Planning Division, Environmental Branch
USACE, Jacksonville District
701 San Marco Blvd.
Jacksonville, FL 32207

Ehlinger, Gretchen S SAJ

From: Summa, Eric P SAJ
Sent: Friday, February 12, 2016 3:35 PM
To: Pax, John A SAJ; Spinning, Jason J SAJ; Nasuti, Melissa A SAJ; Ehlinger, Gretchen S SAJ; Moreno, Meredith A SAJ; Williams, Shannetta M SAJ; Williams, Olice E SAJ; Riley, James M SAJ
Subject: FW: High Water Follow Up Discussion

See below.

-----Original Message-----

From: Reynolds, Jennifer A LTC ARMY @ SAJ
Sent: Friday, February 12, 2016 1:58 PM
To: Summa, Eric P SAJ <Eric.P.Summa@usace.army.mil>; Murphy, Tim SAJ <Tim.Murphy@usace.army.mil>
Subject: FW: High Water Follow Up Discussion

Is this good enough?

V/r,
Jennifer A. Reynolds
LTC, U.S. Army
Deputy District Commander, South Florida
Office: 561-472-8891
Cell: 904-322-0129

-----Original Message-----

From: Tom MacVicar [mailto:tom@macvicarconsulting.com]
Sent: Friday, February 12, 2016 1:40 PM
To: Reynolds, Jennifer A LTC ARMY @ SAJ <Jennifer.A.Reynolds@usace.army.mil>; Antonacci, Peter (pantonacci@sfwmd.gov) <pantonacci@sfwmd.gov>
Cc: Marks, Ernest (Ernest.Marks@MyFWC.com) <Ernest.Marks@MyFWC.com>; Mitnik, John <jmitnik@sfwmd.gov>
Subject: [EXTERNAL] High Water Follow Up Discussion

Lt. Col. Reynolds:

I was able to brief the Board of the Dade County Farm Bureau last week on the proposed releases through S-333 to provide relief for the high water level in WCA-3A. I have also reviewed the latest summary of the proposed operational criteria circulated by the SFWMD. We understand that the proposed operations in the C-111 Basin should be sufficient to protect growers in that area from harm caused by raising the stage in the L-29 Canal. We are also comfortable that if some unforeseen situation arises we will be able to bring that to your attention and work together to resolve any issues. With that in mind we support the proposed temporary operations to provide emergency relief to reduce the high water level in WCA-3A, and will do whatever we can to help this effort succeed. Thank you.

Tom MacVicar

MacVicar Consulting, Inc.
Phone 561.689.1708