

July 2015

Supplemental Finding of No Significant Impact

INSTALLATION, TESTING AND MONITORING OF A PHYSICAL
MODEL FOR THE WATER CONSERVATION AREA 3
DECOMPARTMENTALIZATION AND SHEETFLOW
ENHANCEMENT RPROJECT



Miami-Dade County, Florida



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

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

REPLY TO
ATTENTION OF

SUPPLEMENTAL FINDING OF NO SIGNIFICANT IMPACT

INSTALLATION, TESTING AND MONITORING OF A PHYSICAL MODEL FOR THE WCA 3 DECOMPARTMENTALIZATION AND SHEET FLOW ENHANCEMENT PROJECT MIAMI-DADE COUNTY, FLORIDA

This Finding supplements the Installation, Testing and Monitoring of a Physical Model for the Water Conservation Area (WCA) 3 Decompartmentalization (Decomp) and Sheet Flow Enhancement Project Final Environmental Assessment (EA) and Design Test Documentation Report (DTDR) previously completed and signed April 13, 2010. This Finding incorporates by reference all discussions and conclusions contained in the 2010 EA and DTDR. This finding was circulated for a 30 day review period to agencies, organizations and other interested stakeholders.

- a. The Decomp Physical Model (DPM) is a field test conducted along a 3,000 foot stretch of the L-67A and L-67C levees and canals in WCA 3A and WCA 3B to determine how best to design and formulate plans for future decompartmentalization of WCA 3, as visualized in the Comprehensive Everglades Restoration Plan (CERP). The 2010 EA and DTDR anticipated operational testing of the DPM to begin in early 2011 and continue until late 2014. Construction of the DPM was delayed by one year. Operational testing began on November 5, 2013. The Corps is proposing a third year of testing in 2015 (October 2015 - January 2016), with the potential for a fourth year of testing in 2016 (October 2016 - January 2017), to gain information to further address scientific, hydrologic and water management uncertainties that require clarification prior to the design of decompartmentalization features within WCA 3, included in CERP. Water flow, stage, sediment movement, water quality and ecological parameters will be measured during each operational test cycle (October – January) consistent with the 2010 EA and DTDR. This Finding will address potential effects of two additional operational periods in 2015 and 2016, not proposed in the 2010 EA and DTDR.
- b. The DPM is a limited duration, fully controlled test. The DPM is located in Miami-Dade County along the southern end of the L-67A and L-67C canals within WCA 3. The project provides for the temporary installation and testing of the following DPM features: installation of 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; no backfill, partial backfill and complete backfill using adjacent levee material. The

S-152 structure has a maximum combined flow of 750 cubic feet per second (cfs). De-construction will occur at the end of the DPM testing period and the project area will be restored to pre-DPM conditions.

- c. The DPM is a temporary field test, designed to provide essential information regarding environmental variables that may enable or control development or maintenance of the corrugated, ridge and slough landscape characteristic of the historic Everglades, including minimum water velocities required. Restoration and sustenance of this landscape is an important goal of the CERP and considered essential to restoration. It will also provide information regarding the effects of levee removal and canal backfill. Construction of the DPM was delayed by one year. Additional testing is needed to evaluate the repeatability of results gained to date and to provide sufficient statistical power for hypothesis testing. Alternatives considered in this Finding include: 1) Alternative A: No Action Alternative – Under the No Action Alternative, operational testing for the DPM concluded in January 2015; 2) Alternative B: Additional Year of Testing – Under Alternative B, up to two additional operational periods in 2015 and 2016 will be conducted. Operational testing will be consistent with the 2010 EA and DTDR under Alternative B. Controlled flow releases will be timed to occur in winter months over short periods when sufficient stage differences between WCA 3A and WCA 3B are usually present to provide the necessary flow, but extreme high water conditions in WCA 3A are not present. Flow will be controlled or stopped if adverse environmental conditions could occur. Effects of the DPM are expected to be localized to the test area, with no adverse effects outside the immediate test area.
- d. The proposed action will not cause a significant change in water levels (except very locally, at the site of the DPM itself). During the first high-flow event (November 5 to December 30, 2013) sustained water column velocities greater than three centimeters per second (cm s^{-1}) were achieved at a monitoring site nearest the S-152. These velocities were within the range of velocities predicted within the 2010 EA and DTDR. Water column velocities greater than one cm s^{-1} were mainly restricted to a 500 meter radius of the S-152 culvert structure. High velocities continued to increase over time, such that higher velocities were observed in December. In contrast, the head difference and discharge at S-152 remained the same or decreased slightly over this period. With the exception of the initial pulse on the first day of high-flow, water total phosphorus (TP) remained low (<10 micrograms per liter ($\mu\text{g/L}$)) throughout the site, including in the pocket between the L-67A levee and L-67C canal and marshes downstream of the L-67C canal/levee-gap. The combined flow at S-152 did not exceed 300 cfs during the first high-flow event. Results from fish sampling suggest that there has been no loss of fishing habitat within the partial or complete backfill treatments. The partial fill and complete fill treatments exhibited increased densities of large fish. These backfill treatments have created a new habitat that supports a similar community to the one currently found on the canal edge.

Further information pertaining to results from the 2013 flow event appears in the 2015 South Florida Environmental Report.

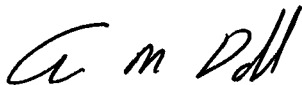
- e. The proposed action will continue to provide short term, moderate impacts to recreational boaters during operational testing. During the operational period, a portion of the L-67C Canal will be inaccessible to recreational boaters due to the backfill treatments associated with the design test. An airboat ramp located directly south of L-67C in southwestern WCA 3B is currently blocked due to stockpiling of material excavated from the L-67A levee during construction; prohibiting the use of this ramp by air boaters. At the conclusion of the DPM, the levees and canals will be restored to initial conditions and stockpiled material will be removed. Access through the L-67A Canal will continue to remain open during operational testing.
- f. The proposed action has been coordinated with the Florida State Historic Preservation Officer in accordance with the National Historic Preservation Act and National Environmental Policy Act. It is anticipated that the proposed action will not adversely affect historic properties eligible or potentially eligible for the National Register of Historic Places.
- g. The proposed action is in full compliance with the Endangered Species Act and the Fish and Wildlife Coordination Act. The Corps requested written confirmation of federally listed threatened and endangered species that are either known to occur or are likely to occur within the project area from the U.S. Fish and Wildlife Service (USFWS) by letter dated April 9, 2009. Concurrence on the presence of listed species was received July 22, 2009. Informal consultation was initiated December 17, 2009 with submission of the 2010 EA and DTDR. Species effects determinations were integrated into the EA and DTDR. The Corps had determined that the plan identified in the EA and DTDR would have the following effects on federally listed species and critical habitat: may effect, not likely to adversely affect, Eastern indigo snake (*Drymarchon corais couperi*), wood stork (*Mycteria americana*), Everglade snail kite (*Rostrhamus sociabilis*) and Everglade snail kite critical habitat; and no effect on West Indian Manatee (*Trichechus manatus*), Cape Sable seaside sparrow (*Ammodramus maritimus mirabilis*) and Florida panther (*Felis concolor coryi*). Concurrence on these determinations was received February 9, 2010. A Final Fish and Wildlife Coordination Act Report was received December 22, 2009.

The Florida bonneted bat (*Eumops floridanus*) has since been identified as a federally listed endangered species and may occur within the project area. Since this species was recently listed, there was no previous consultation with USFWS. The Corps re-initiated informal consultation on March 31, 2015, requesting written confirmation for no change in listed species determinations as discussed above and a may affect not likely to adversely affect determination for the Florida bonneted bat. Concurrence on these

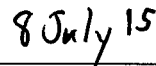
determinations was received from USFWS on April 28, 2015. The proposed action would not adversely affect listed species.

- h. The proposed action will not adversely affect water quality and will be in compliance with the appropriate conditions in the Comprehensive Everglades Restoration Plan Regulation Act (CERPRA) permit. A CERPA Water Quality Certification (Permit Number 0304879-003) was obtained for the DPM on January 9, 2010 to satisfy water quality certification under the Clean Water Act. This permit authorized construction and operational testing in accordance with the Interim Operations Monitoring Plan and is scheduled to expire on January 9, 2017. In compliance with the conditions of the permit, coordination with the Florida Department of Environmental Protection will occur prior to additional operational testing in 2015 and potentially 2016.
- i. The Corps coordinated a consistency determination pursuant to the Coastal Zone Management Act (CZMA) through circulation of the EA and DTDR for a 30-day review (November 6 to December 5, 2009). During review of the EA and DTDR, the State Clearinghouse determined that the DPM was consistent with the CZMA. The State provided final concurrence with issuance of CERPA Water Quality Certification (Permit Number 0304879-003).

In view of the above and the 2010 EA and DTDR, and after consideration of comments received on the project, I conclude that two additional operational periods in 2015 and 2016 would not result in a significant effect on the human environment. Based on information analyzed in this Finding, reflecting pertinent information obtained from agencies having jurisdiction by law and/or special expertise, I conclude that the proposed action does not require an Environmental Impact Statement.



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



Date

PERTINENT CORRESPONDENCE

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TABLE 1. COMMENTS RECEIVED ON THE PROPOSED SUPPLEMENTAL FINDING OF NO SIGNIFICANT IMPACT AND RESPONSES

Comment #	Commenter	Comment	Response
1	Everglades Foundation	<p>The Everglades Foundation appreciates the opportunity to comment on the Draft Supplemental Finding of No significant Impact (FONSI) for the Decomp Physical Model (DPM). The 1999 Re-Study makes clear that the “comprehensive Everglades Restoration Plan will be based on the best available science” and therefore must also must also be flexible as new information is gathered. Success in restoring this ecosystem is dependent on understanding the complex interactions among hydrological, biogeochemical, geomorphological, and biological processes. The DPM is an excellent example of a field test that advances our scientific understanding of these complex interactions while reducing our uncertainty of the benefits of decompartmentalizing the central Everglades.</p>	<p>Thank you for your comments.</p>
2	Everglades Foundation	<p>Within the past five years, we have made progress in advancing projects that target the central Everglades and Everglades National Park (ENP). The construction of the 1-mile Tamiami Trail bridge, the completion of the C- 111 Spreader Canal Western Project, the approval and advance of the State's "Restoration Strategies" water quality plan, and the recent completion and signing of the Central Everglades Planning Project Chief's Report are all essential project s that help to reestablish a more natural hydrology through the remnant Everglades. We are also on the verge of the first increment of testing the Modified Water Deliveries infrastructure that is focused on re-distributing freshwater to northeast Shark River Slough.</p> <p>Findings from the DPM will aid us in understanding how water flows across a degraded landscape from Water Conservation Area (WCA) 3A to WCA 3B (and ultimately to ENP) - how the ridge-and-slough habitats and tree</p>	<p>The Corps is proposing a third year of testing in 2015, with the potential for a fourth year of testing in 2016, to gain information to further address scientific, hydrologic and water management uncertainties that require clarification prior to the design of decompartmentalization features within WCA 3, included in CERP. Thank you for your support and comments.</p>

Comment #	Commenter	Comment	Response
		<p>islands will respond, whether water quality changes, and how flora and fauna will respond. We were excited to see preliminary results of this field test in a series of technical talks presented at the recent Greater Everglades Ecosystem Restoration meeting in April. These preliminary results and additional knowledge gained from the DPM will improve planning and construction of key restoration projects as they move forward. As a science-based organization, the Everglades Foundation recognizes the significance of the DPM field test and supports its continuation as proposed in the Draft FONSI.</p>	

June 18, 2015

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



Dear Ms. Nasuti,

The Everglades Foundation appreciates the opportunity to comment on the *Draft Supplemental Finding of No Significant Impact (FONSI) for the Decomp Physical Model (DPM)*. The 1999 Re-Study makes clear that the “Comprehensive (Everglades Restoration) Plan will be based on the best available science” and therefore must also be flexible as new information is gathered. Success in restoring this ecosystem is dependent on understanding the complex interactions among hydrological, biogeochemical, geomorphological, and biological processes. The DPM is an excellent example of a field test that advances our scientific understanding of these complex interactions while reducing our uncertainty of the benefits of decompartmentalizing the central Everglades.

Within the past five years, we have made progress in advancing projects that target the central Everglades and Everglades National Park (ENP). The construction of the 1-mile Tamiami Trail bridge, the completion of the C-111 Spreader Canal Western Project, the approval and advance of the State’s “Restoration Strategies” water quality plan, and the recent completion and signing of the Central Everglades Planning Project (CEPP) Chief’s Report are all essential projects that help to reestablish a more natural hydrology through the remnant Everglades. We are also on the verge of the first increment of testing the Modified Water Deliveries infrastructure that is focused on re-distributing freshwater to northeast Shark River Slough.

Findings from the DPM will aid us in understanding how water flows across a degraded landscape—from Water Conservation Area (WCA) 3A to WCA 3B (and ultimately to ENP)—how the ridge-and-slough habitats and tree islands will respond, whether water quality changes, and how flora and fauna will respond. We were excited to see preliminary results of this field test in a series of technical talks presented at the recent Greater Everglades Ecosystem Restoration meeting in April. These preliminary results and additional knowledge gained from the DPM will improve planning and construction of key restoration projects as they move forward. As a science-based organization, the Everglades Foundation recognizes the significance of the DPM field test and supports its continuation as proposed in the *Draft FONSI*.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen E. Davis".

Stephen E. Davis, PhD
Wetland Ecologist



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

REPLY TO
ATTENTION OF

Planning and Policy Division
Environmental Branch

MAY 20 2015

To Whom It May Concern:

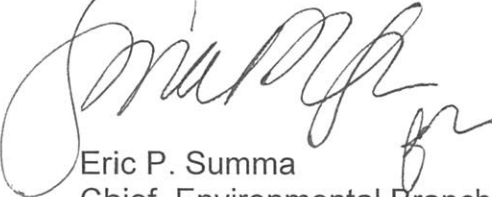
Pursuant to the National Environmental Policy Act (NEPA) and the U.S. Army Corps of Engineers (Corps) Regulation (33 CFR 230.11), this letter constitutes the Notice of Availability of the Proposed Supplemental Finding of No Significant Impact (FONSI) for the Installation, Testing and Monitoring of a Physical Model for the Water Conservation Area (WCA) 3 Decompartmentalization (Decomp) and Sheet Flow Enhancement Project. This Finding supplements the Final Environmental Assessment (EA) and Design Test Documentation Report (DTDR) previously completed and signed April 13, 2010. The 2010 EA and DTDR anticipated operational testing of the Decomp Physical Model (DPM) to begin in early 2011 and continue until late 2014. Construction of the DPM was delayed by one year. Operational testing began on November 5, 2013. The Corps is proposing a third year of testing in 2015, with the potential for a fourth year of testing in 2016, to gain information to further address scientific, hydrologic and water management uncertainties that require clarification prior to the design of decompartmentalization features within WCA 3, included in Comprehensive Everglades Restoration Plan. The field test proposed within the Proposed Supplemental FONSI would occur within Miami-Dade County, Florida.

The Proposed Supplemental FONSI is available for your review on the Corps Environmental planning website, under Miami Dade County:

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

Any comments you may have must be submitted in writing to the letterhead address within 30 days of the date of this letter. Questions concerning the DPM can be submitted to Mrs. Melissa Nasuti at the letterhead address or to Melissa.A.Nasuti@usace.army.mil. Mrs. Nasuti may also be reached by telephone at 904-232-1368.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric P. Summa". The signature is fluid and cursive, with a large initial "E" and "S".

Eric P. Summa
Chief, Environmental Branch



United States Department of the Interior



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

April 28, 2015

Eric Summa
Chief, Environmental Branch
U.S. Army Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

Service Federal Activity Code: 41420-2009-FA-0248
Service Consultation Code: 41420-2010-I-0124
Date Received: April 2, 2015
County: Miami-Dade

Dear Mr. Summa:

The U.S. Fish and Wildlife Service (Service) has reviewed your letter dated March 31, 2015, requesting concurrence for a 2-year extension of the Physical Model (DPM) of the Water Conservation Area (WCA) 3 Decompartmentalization (Decomp) and Sheet Flow Enhancement Project and its effect on threatened and endangered species in the project area. This amendment to our previous concurrence letter is submitted in accordance with section 7 of the Endangered Species Act of 1973, as amended (97 Stat. 884; 16 U.S.C. 1531 *et seq.*).

PROJECT DESCRIPTION

The current request is for an up to 2-year extension of operation and data collection of the DPM as previously described in the Corps' Environmental Assessment and Finding of No Significant Impact (Corps 2010). Operational testing began on November 5, 2013, and there are no planned physical or operational changes to the project at this time. The DPM is a large field-scale experiment designed to test hypotheses regarding water flow and sediment transport across a canal with various fill treatments located in southern WCA-3. The goal of the project is to obtain enough information to reduce the uncertainty involved in the planning of later phases of the Decomp Project which is a major component of the Comprehensive Everglades Restoration Project (CERP). The DPM is located in Miami-Dade County along the southern end of the L-67A and L-67C canals within WCA-3.

THREATENED AND ENDANGERED SPECIES

The Service concurred with the Corps' original species affects determinations by letter dated February 9, 2010, and a Final Fish and Wildlife Coordination Act Report was delivered on December 22, 2009. These determinations included "May affect, not likely to adversely affect" for the Eastern indigo snake (*Drymarchon corais couperi*), wood stork (*Mycteria americana*), Everglade snail kite (*Rostrhamus sociabilis*), and Everglades snail kite critical habitat. The DPM

would have no effect on the Cape Sable seaside sparrow (*Ammodramus maritimus mirabilis*) and Florida panther (*Felis concolor coryi*). Since changes to the operation or physical structure of the project are not being made the Service again concurs with the Corps' determinations regarding the effects of a 2-year extension of the DPM on threatened and endangered species in the project area.

Since the issuance of the 2010 concurrence, the Florida bonneted bat (FBB) (*Eumops floridanus*) has been listed as an endangered species and may occur within the project area. The Corps has reviewed all pertinent information with regard to potential effects from the project on this species and has determined the project "may affect, but is not likely to adversely affect" the Florida bonneted bat.

Florida bonneted bat

The FBB is the largest bat occurring in Florida and is named for its large ears that extend beyond its eyes, forming the appearance of a bonnet (Service 2013). This bat species feeds on insects and is known to inhabit forests, wetlands, other types of natural habitats, and suburban and urban areas (Service 2013). Roosting sites within south Florida generally occur within manmade structures and trees. The range of the FBB is largely restricted to south and southwest Florida and has been detected within Charlotte, Lee, Collier, Monroe, Miami-Dade, Polk, and Okeechobee counties (Service 2013).

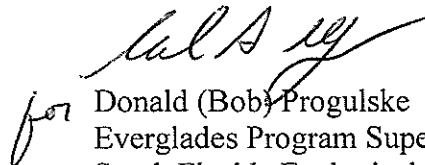
The project site falls within the Service's FBB focal area (Service 2013). Although no FBBs have been documented at the project site, they were documented in 2012 by the National Park Service (NPS) along the L-31 North Levee (L-31N), approximately eight miles east of the DPM project area. Based on the NPS survey data, the FBB has the potential to occur within the project area due to the project site proximity to the NPS monitoring site on the L-31N, but it has not been documented in the project area. It is uncertain if the FBB roosts within trees or tree cavities within the WCA's, Northeast Shark River Slough (NESRS) of Everglades National Park or artificial structures bordering NESRS, as no roosting surveys have been conducted in these areas. However, due to the limited mature woody vegetation and lack of other suitable roost substrates, it is unlikely Florida bonneted bats roost in the project area. It is possible the FBBs forage for insects within WCA-3A, WCA-3B and NESRS because they are known to forage over wetlands and range widely across the landscape. The DPM project will have little if any effect on local wetland hydrology therefore foraging habitat for FBB will not likely be impacted. For these reasons, the Service concurs with the Corps' determination that continuance of the DPM for 2 years, may affect but is not likely to adversely affect the FBB.

Environmental effects of the DPM are discussed in the Corps' 2010 EA and FONSI. Further, the Corps has determined additional operational testing is not expected to appreciably impact water depths within WCA-3A or WCA-3B. The DPM is short term and temporary in nature; any potential changes to existing natural resources within the project area are not expected to be of lasting duration. The Corps has indicated they will continue to follow all standard construction measures and any other conservation measures agreed upon during the 2010 consultation. The

Service believes the proposed extension of the operational period of the DPM Project will help to determine how and to what extent canals should be backfilled in order to restore the magnitude and direction of flow in the Greater Everglades and inform the latter phases of the Decomp component of CERP.

Thank you for your cooperation and effort in protecting Florida's natural resources. If you have any questions, please contact Kevin Palmer at 772-469-4280.

Sincerely yours,


for Donald (Bob) Progulske
Everglades Program Supervisor
South Florida Ecological Services Office

cc: electronic only
Corps, Jacksonville, Florida (Melissa Nasuti)

LITERATURE CITED

- U.S. Army Corps of Engineers. 2010. Decomp physical model Final Environmental Assessment and Design Test Documentation Report. April 2010. Jacksonville District, Jacksonville, Florida.
- U.S. Fish and Wildlife Service. 2013. Florida bonneted bat consultation and focal areas. U.S. Fish and Wildlife Service, South Florida Ecological Services Office; Vero Beach, Florida.



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

REPLY TO
ATTENTION OF

Planning and Policy Division
Environmental Branch

MAR 31 2015

Mr. Larry Williams, Field Supervisor
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, FL 32960

Dear Mr. Williams,

The Jacksonville District, U.S. Army Corps of Engineers (Corps) is beginning preparation of a Supplemental Finding of No Significant Impact (FONSI) for the Water Conservation Area 3 (WCA 3) Decompartmentalization (Decomp) and Sheetflow Enhancement Physical Model (DPM). The DPM is a field test conducted along a 3,000 foot stretch of the L-67A and L-67C levees and canals in WCA 3A and 3B to determine how best to design and formulate plans for future Decompartmentalization of WCA 3, as visualized in the Comprehensive Everglades Restoration Plan (CERP). An Environmental Assessment (EA) and FONSI were previously completed and signed April 13, 2010. The 2010 EA and FONSI anticipated operational testing of the DPM to begin in early 2011 and continue until late 2014. Operational testing began on November 5, 2013. The Corps is proposing a third year of testing in 2015, with the potential for a fourth year in 2016, to gain information to further address scientific, hydrologic and water management uncertainties that require clarification prior to the design of decompartmentalization features within WCA 3, included in CERP. Water flow, stage, sediment movement, water quality, and ecological parameters will be measured during each operational test cycle (October – January) consistent with the 2010 EA and FONSI.

The DPM is located in Miami-Dade County along the southern end of the L-67A and L-67C canals within WCA 3 (Figure 1). The project provides for the temporary installation and testing of the following DPM features: installation of 10, 60-inch culvers 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; no backfill, partial backfill, and complete backfill using adjacent levee material. De-construction will occur at the end of the DPM testing period and the project area will be restored to pre-DPM conditions.

The Corps requested written confirmation of federally listed threatened and endangered species that are either known to occur or are likely to occur within the project area from the U.S. Fish and Wildlife Service (USFWS) by letter dated April 9, 2009. Concurrence on the presence of listed species was received July 22, 2009. Informal consultation was initiated December 17, 2009 with submission of a Draft EA and Design Test Documentation Report (DTDR). The Corps had determined that the plan identified in the EA and DTDR would have the following effects on federally listed species and critical habitat:

a. May effect, not likely to adversely affect the Eastern indigo snake (*Drymarchon corais couperi*), wood stork (*Mycteria americana*), Everglade snail kite (*Rostrhamus sociabilis*), and Everglade snail kite critical habitat.

b. No effect on West Indian Manatee (*Trichechus manatus*), Cape Sable seaside sparrow (*Ammodramus maritimus mirabilis*) and Florida panther (*Felis concolor coryi*).

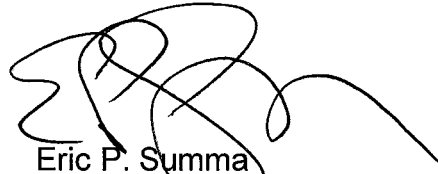
Concurrence on these determinations was received from USFWS February 9, 2010. A Final Fish and Wildlife Coordination Act Report was received December 22, 2009.

The Florida bonneted bat (*Eumops floridanus*) has since been identified as a federally listed endangered species and may occur within the project area. Since this species was recently listed, there was no previous consultation with USFWS. However, the Corps has reviewed all pertinent information with regard to potential effects from the project on this species and has determined that the project "may affect, but is not likely to adversely affect" Florida bonneted bat. While habitat loss, degradation, and modification due to development and agriculture have impacted Florida bonneted bat, the DPM does not propose tree canopy removal, vertical construction or expansion of agriculture. No roosting sites have been identified in the project area. The USFWS has defined consultation areas and focal areas for the Florida bonneted bat in south Florida. The project area falls within a defined consultation area.

Environmental effects of the DPM are discussed in the 2010 EA and FONSI. Additional operational testing is not expected to appreciably impact water depths within WCA 3A or WCA 3B. The DPM is short term and temporary in nature; any potential changes to existing natural resources within the project area are not expected to be of lasting duration. Pursuant to the Endangered Species Act, the Corps is requesting written confirmation for no change in listed species determinations as discussed above and a may affect not likely to adversely affect determination for the Florida bonneted bat.

If you have any questions concerning this project or our determinations, please contact Mrs. Melissa Nasuti by email melissa.a.nasuti@usace.army.mil or by telephone 904-232-1368. Thank you for your assistance in this matter.

Sincerely,



Eric P. Summa
Chief, Environmental Branch

Enclosure

Copy Furnished:

Mr. Kevin Palmer, U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach,
Florida 32960

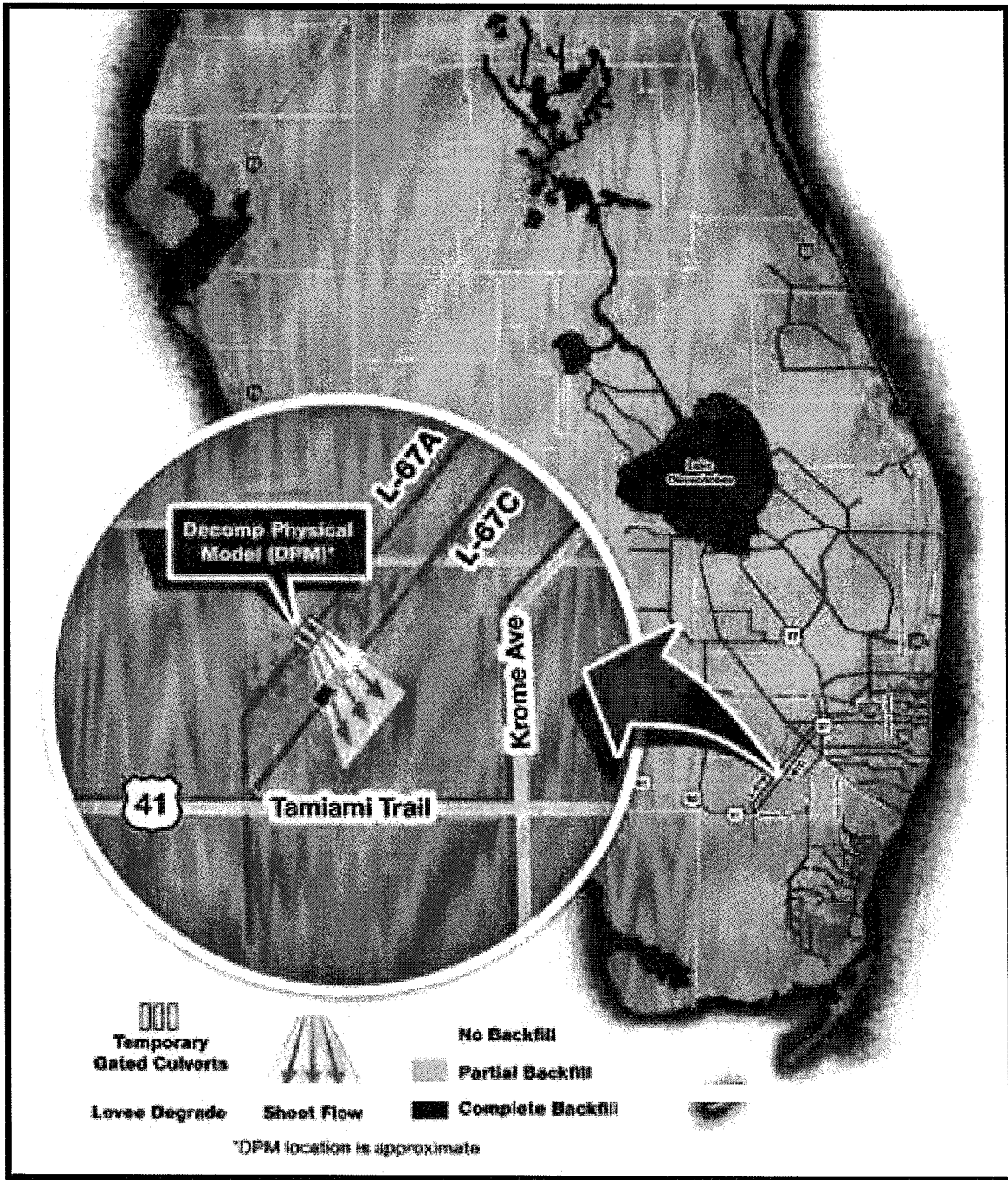


Figure 1. Project Area