

APPENDIX D

NOTICE OF INTENT AND SCOPING

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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
4400 PGA BOULEVARD
PALM BEACH GARDENS, FLORIDA 33410

Regulatory Division
South Permits Branch
SAJ-2005-00053(IP-AAZ)

Brenda S. Bowen
Army Federal Register Liaison Officer
U.S. Army Records Management & Declassification Agency
(AAHS-RDR-C)
Casey Building, Rm 102
7701 Telegraph Road
Alexandria, VA 22315-3860

Dear Ms. Bowen:

Please find enclosed three original signed copies of a Notice of Intent to Prepare a Draft Supplemental Environmental Impact Statement on the A1 Flow Equalization Basin in Palm Beach County, Florida. The copies of the Notice are accompanied by a compact disk with the file in Microsoft Word format. We request publication in the Federal Register the week of August 20, 2012.

If you have any questions regarding this request, please contact me by e-mail at alisa.a.zarbo@usace.army.mil, or by telephone at (561) 472-3516. Thank you for your assistance.

Sincerely,

Leah Oberlin
Chief, Palm Beach Gardens Section

BILLING CODE: 3720-58

**DEPARTMENT OF DEFENSE
Department of the Army; Corps of Engineers**

Notice of Intent to Prepare a Draft Environmental Impact Statement on the Construction and Operation of the Everglades Agricultural Area A1 Flow Equalization Basin, Palm Beach County, Florida

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

ACTION: Notice of Intent (NOI).

SUMMARY: The U.S. Army Corps of Engineers (USACE), Jacksonville District, is in the preapplication phase of its evaluation of the anticipated application from the South Florida Water Management District (SFWMD) for a U.S. Department of the Army (DA) permit under Section 404 of the Clean Water Act for construction and operation of a Flow Equalization Basin (FEB) over the area previously designated as the location for the Everglades Agricultural Area (EAA) A1 Reservoir. The primary Federal involvement associated with the Proposed Action is the regulation of the discharge of dredged or fill material into Waters of the United States, including jurisdictional ditches and/or wetlands. Issuance of Federal authorization for the proposed activities would constitute a "Major Federal Action in accordance with 40 C.F.R. Section 1501.8." Based on the size of the project area, the changed project purpose for the site, and the potential environmental impacts, both individually and cumulatively, of the Proposed Action, the USACE will prepare

an Environmental Impact Statement (EIS) in compliance with the National Environmental Policy Act (NEPA) of 1969 (42 USC 4321 et seq.) to inform a final decision on the permit application. The USACE's decision will be to either issue, issue with modifications to the applicant's proposal, or deny Department of the Army permits for the Proposed Action.

The Draft EIS is intended to be sufficient in scope to address federal, state, and local requirements and environmental issues concerning the Proposed Action to support the Corps determination whether to issue a Section 404 permit. The U.S. Environmental Protection Agency (US EPA) and the U.S. Department of Interior (US DOI) will be offered the option of being a cooperating agency on the EIS.

DATES: The USACE plans to hold a public scoping meeting September 6, 2012, at 6:30 PM Eastern Standard Time (EST).

ADDRESS: The public scoping meeting will be held at 3301 Gun Club Road, West Palm Beach, Florida 33406.

FOR FURTHER INFORMATION CONTACT: Questions about the Proposed Action and Draft EIS should be directed to Ms. Alisa Zarbo, (561) 472-3516 or by email at Alisa.A.Zarbo@usace.army.mil. Written comments should be addressed to the U.S. Army Corps of Engineers, Attn: Ms. Alisa Zarbo, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, FL, 33410, or by facsimile at (561) 626-6971.

SUPPLEMENTARY INFORMATION:

a. Background/Project Authorization. The USACE is preparing this Draft EIS in accordance with NEPA, Council of on Environmental Quality (CEQ) Regulations (40 CFR 1500 et seq.), and USACE provisions for implementing the procedural requirements of NEPA (33 CFR 230, USACE Engineering Regulation ER 200-2-2). A primary purpose of a USACE Regulatory Program EIS is to provide full and fair discussion of the significant environmental impacts of a proposal or project seeking a DA permit. The Draft EIS and Final EIS are used to inform the public and agency decision-makers of alternatives to an applicant's project that might avoid or minimize adverse impacts or enhance the quality of the human environment. The EIS is not a USACE regulatory decision document. It is used by agency officials in conjunction with other relevant information in a permit application file, including public and agency comments presented in the Final EIS, to support the final decision on a permit application. In this instance, the SFWMD intends to submit a permit application to construct and operate a FEB on the site previously intended for the EAA A1 Reservoir known as the A1 Site. The purpose of the proposed action is to assist in meeting State of Florida water quality standards by attenuating peak stormwater flows and temporarily storing stormwater runoff from the central EAA which will improve inflow delivery rates to Stormwater Treatment Area (STA) 2 (including Compartment B) and STA 3/4. This project is anticipated to result in increased

phosphorus removal performance in these STAs in order to meet State water quality standards.

b. *Need or Purpose.* The purpose of the proposed action is to attenuate peak stormwater flows into Stormwater Treatment Areas 2 and 3/4 to assist in meeting State water quality standards.

c. *Prior EAs, EISs.* In 2006, an EIS was completed for the A1 Reservoir site, which is expected to have the same footprint as the A1 FEB site; however, the project purpose and intended use for the A1 FEB is different. This Draft EIS will include the project purpose, evaluation of the FEB and its potential effects, evaluation of alternatives, an update of relevant history and data, an explanation of the changed circumstances, an evaluation of downstream effects based on current state of the environment with the FEB, and an updated jurisdictional determination.

d. *Alternatives.* An evaluation of alternatives to the proposed FEB project, including a No Action alternative will be performed. The Draft EIS will analyze reasonable alternatives to meet the project purpose and need. Alternatives will be determined through scoping, but are expected to include at a minimum the A1 Reservoir in addition to a "no action" alternative.

e. *Issues.* The following issues have been identified for analysis in the Draft EIS. This list is preliminary and is intended to facilitate public comment on the scope of the Draft EIS. The Draft EIS will consider the effects on

Federally listed threatened and endangered species, health and safety, socioeconomics, aesthetics, general environmental concerns, wetlands (and other aquatic resources), historic properties, cultural resources, fish and wildlife values, land use, transportation, recreation, water supply and conservation, water quality, energy needs, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people, and other issues identified through scoping, public involvement, and interagency coordination. At the present time, our primary areas of environmental concern are the loss of wetland functions and value, mitigation of such losses, the improvements in the downstream timing and delivery of water, and water quality. We expect to better define the issues of concern and define the methods that will be used to evaluate those issues through the scoping comment period.

f. *Scoping Process.* CEQ regulations (40 CFR 1501.7) require an early and open process for determining the scope of a Draft EIS and for identifying significant issues related to the proposed action.

The Corps is furnishing this notice to advise other Federal and State agencies, affected federally recognized Tribes, and the public of our intentions. This notice announces the initiation of a 30-day scoping period which requests the public's involvement in the scoping and evaluation process of the Draft EIS. Stakeholders will be notified through advertisements, public notices and other means. All parties

who express interest will be given an opportunity to participate in this process. The process allows the Corps to obtain suggestions and information on the scope of issues and an opportunity to provide reasonable alternatives to be included in the Draft EIS. (See **DATES** and **ADDRESSES** for meeting schedules)

g. *Public Involvement.* The USACE invites Federal agencies, American Indian Tribal Nations, state and local governments, and other interested private organizations and parties to attend the public scoping meeting and to provide comments in order to ensure that all significant issues are identified and the full range of issues related to the permit request are addressed.

h. *Coordination.* The proposed action is being coordinated with a number of Federal, state, regional, and local agencies including but not limited to the following: U.S. DOI, U.S. Fish and Wildlife Service, U.S. National Marine Fisheries Service, U.S. EPA, Florida Department of Environmental Protection, the federally recognized Native American Indian Tribes, Florida State Historic Preservation Officer, Palm Beach County, and other agencies as identified in scoping, public involvement, and agency coordination.

i. *Agency Role.* The Corps will be the lead agency for the EIS. The US EPA and the US DOI will be asked to be cooperating agencies. The Corps expects to receive input and critical information from the U.S. Fish and Wildlife

Service, U.S. EPA, and other federal, state, and local agencies.

k. *A1 FEB Draft EIS Preparation.* It is estimated that the Draft EIS will be available to the public on or about December 2012. A Notice of Availability will be issued which will open the public comment period. Comments will be accepted during the Draft EIS public comment period which will last approximately 30 days.

DATE

Donald W. Kinard
Chief, Regulatory Division



NEWS RELEASE

U.S. ARMY CORPS OF ENGINEERS | Jacksonville District

BUILDING STRONG®

Release No.: NR 12-XXX

For Release: August 29, 2012

Contact: Nancy J. Sticht

Phone: (904) 232-1667 (904) 334-1054

Email: Nancy.J.Sticht@usace.army.mil

FOR IMMEDIATE RELEASE

DRAFT

U.S. Army Corps of Engineers holds public meeting

Input needed as Corps prepares to develop Environmental Impact Statement for A1 Flow Equalization Basin

Jacksonville, Fla. – The U.S. Army Corps of Engineers (USACE) will hold a public scoping meeting Thursday, Sept. 6 beginning at 6:30 p.m. at the South Florida Water Management District (SFWMD) Office, 3301 Gun Club Road, West Palm Beach. The meeting is associated with the development of a Draft Environmental Impact Statement (EIS) for the SFWMD's proposal to construct and operate the A1 Flow Equalization Basin (FEB) and will help to determine the range of actions, alternatives and impacts to be considered in its development. The meeting is open to the public.

The purpose of the proposed project is to attenuate peak stormwater flows to assist in achieving water quality standards in the Central Flowpath of the Everglades Protection Area. It includes a 15,000-acre shallow impoundment area that would store approximately 60,000 acre/feet of water approximately four feet in depth. Under Sec. 404 of the Clean Water Act, USACE regulates dredge and fill activities in waters of the United States, including wetlands. It is anticipated that up to 15,000 acres of waters of the United States may be impacted as a result of placement of fill and inundation.

After completing an EIS for the Everglades Agricultural Area A1 Reservoir in July 2006, USACE issued a permit to the SFWMD to construct the A1 Reservoir. The Everglades Agricultural Area borders Highway U.S. 27 and the North New River Canal to the east, Stormwater Treatment Area (STA) 3/4 to the south and Holey Land Wildlife Management Area to the southwest in western Palm Beach County. The SFWMD began construction but stopped work prior to completion. The permit expired July 11, 2011. To comply with mandated water quality standards and a Consent Order with the Florida Department of Environmental Protection (FDEP), the SFWMD is required to complete corrective actions to achieve a water quality based effluent limitation for total phosphorus discharges from the STAs into the Everglades Protection Area.

In accordance with Section 7 of the Endangered Species Act, USACE will initiate consultation with the U.S. Fish and Wildlife Service to determine the effects of the proposed project on the Audubon's crested caracara, wood stork, eastern indigo snake and Everglades snail kite and its designated critical habitat. USACE is not aware of any cultural resources on the project site or that may be affected by the project and will coordinate appropriate review with the State Historic Preservation Office and associated Native American Indian Tribes.

The scoping process will identify concerns of federal, state and local agencies, any affected Native American Indian Tribe, proponents of the action and the public. The scoping meeting will provide an opportunity for interested parties to raise

Page 1 of 2

US ARMY CORPS OF ENGINEERS | Jacksonville District
P.O. Box 4970 • Jacksonville, FL 32232-0019

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Facebook - www.facebook.com/JacksonvilleDistrict | YouTube - www.youtube.com/JaxStrong | Twitter - www.twitter.com/JaxStrong | Flickr - www.flickr.com/photos/jaxstrong



environmental or social concerns and/or concepts for minimizing potential environmental impacts. Comments may also be submitted by mail to: U.S. Army Corps of Engineers, Jacksonville District, Attention Ms. Alisa Zarbo, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Fla. 33410 or by e-mail to: Alisa.A.Zarbo@usace.army.mil.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. All factors which may be relevant to the proposal will be considered, including conservation, economics, aesthetics, wetlands, fish and wildlife values, flood hazards and others. A copy of the full public notice is available on USACE, Jacksonville District's website at www.saj.usace.army.mil, click on Regulatory Division, then Public Notices, then Florida, then A1 Flow Equalization Basin Public Notice [20120828-SAJ-2005-00053.pdf](http://www.saj.usace.army.mil/Regulatory/Regulatory%20Division/Public%20Notices/Florida/A1%20Flow%20Equalization%20Basin%20Public%20Notice/20120828-SAJ-2005-00053.pdf).

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Public Scoping Meeting for the A1 Flow Equalization Basin Environmental Impact Statement

September 6, 2012

Presented by:
Alisa Zarbo
US Army Corps of Engineers



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JACKSONVILLE DISTRICT



Public Scoping Meeting

A1 Flow Equalization Basin

- Meeting Organization
 - ▶ National Environmental Policy Act (NEPA)
 - ▶ The Environmental Impact Statement (EIS) Process
 - ▶ The Proposed Project
 - ▶ Major Sections of the EIS
 - ▶ Questions and Answers Concerning the Project
 - ▶ Public Input on the EIS content - Public Comments



What Drives NEPA Review?

- Review under NEPA is required for Federal actions, including issuance of permits
 - ▶ USACE is the Federal agency responsible for permits under Section 404 of the Clean Water Act – placement of fill in wetlands and other “Waters of the U.S.”
 - ▶ EAA FEB includes a need for a Section 404 permit
 - ▶ Therefore, USACE applies the NEPA process in review of applications for Section 404 permits



Types of NEPA Review Procedures

- NEPA procedure can be:
 - ▶ A Categorical Exclusion (very minor impacts expected)
 - ▶ An Environmental Assessment (to determine if impacts are likely significant)
 - ▶ An Environmental Impact Statement (if preliminary agency review concludes that there is potential for significant impacts)



Why an Environmental Impact Statement?

- ▶ A requirement of the National Environmental Policy Act (NEPA) for federal government actions with the potential for significant environmental impacts
- ▶ A detailed, public evaluation of project impacts and benefits so that agencies can make an informed decision
- ▶ About transparency



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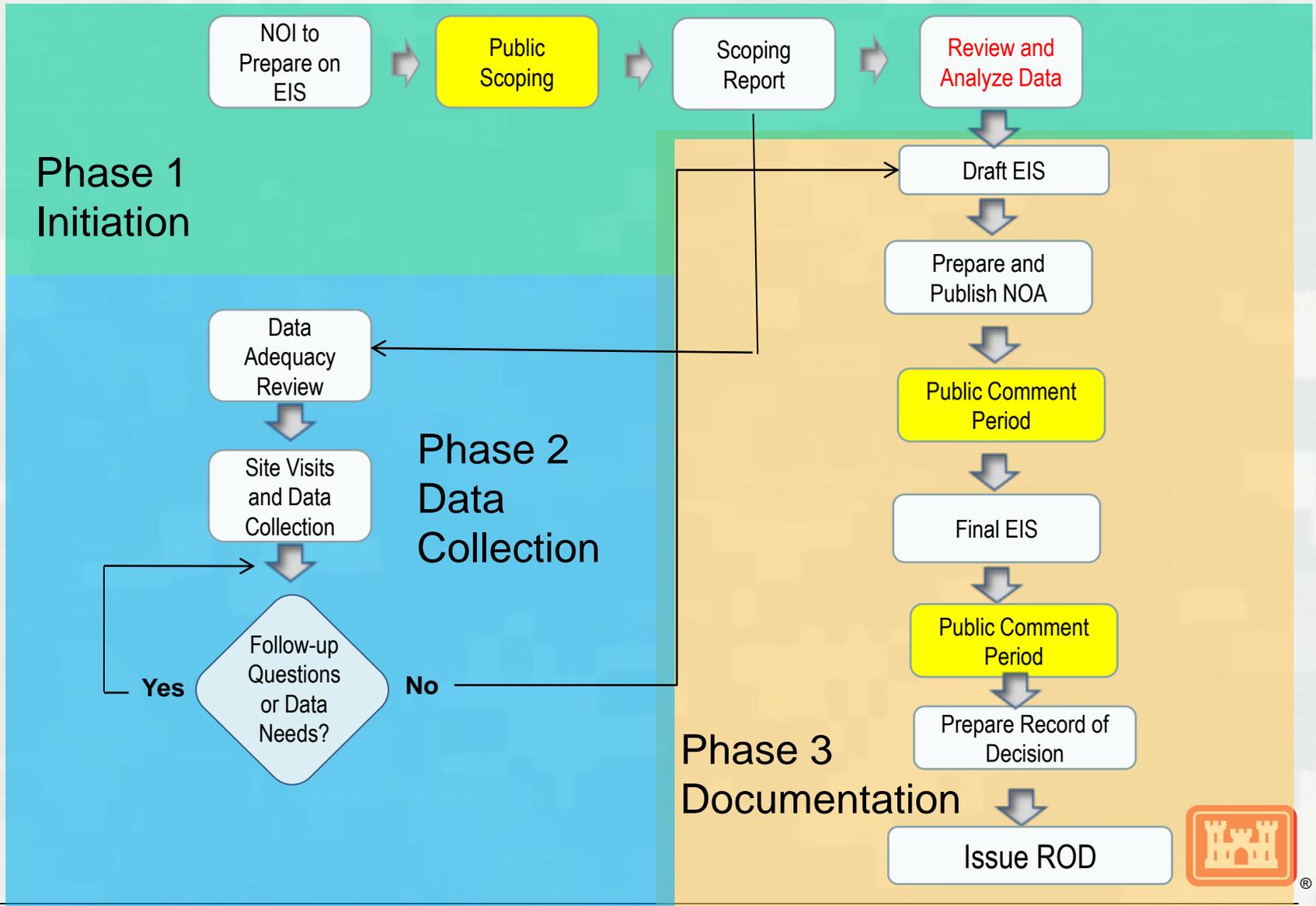
Who is conducting this EIS?

- ▶ Lead Agency for the EIS is the United States Army Corps of Engineers (USACE) Regulatory Division
 - Alisa Zarbo USACE, Regulatory Division Project Manager

- ▶ Cooperating Agency for the EIS (invited)
 - U.S. Department of Interior
 - US Fish and Wildlife Service
 - Environmental Protection Agency



EIS Process



The Public's Role In NEPA Process?

- During scoping process, provide input on what issues should be addressed and suggestions for range of alternatives to be considered
- Participate by attending public meetings
- Reviewing the Draft EIS document and submitting comments to the USACE
- Provide comments on the Final EIS

Under NEPA guidelines, all comments received from the public during the comment period(s) are considered.



Public Scoping Meeting

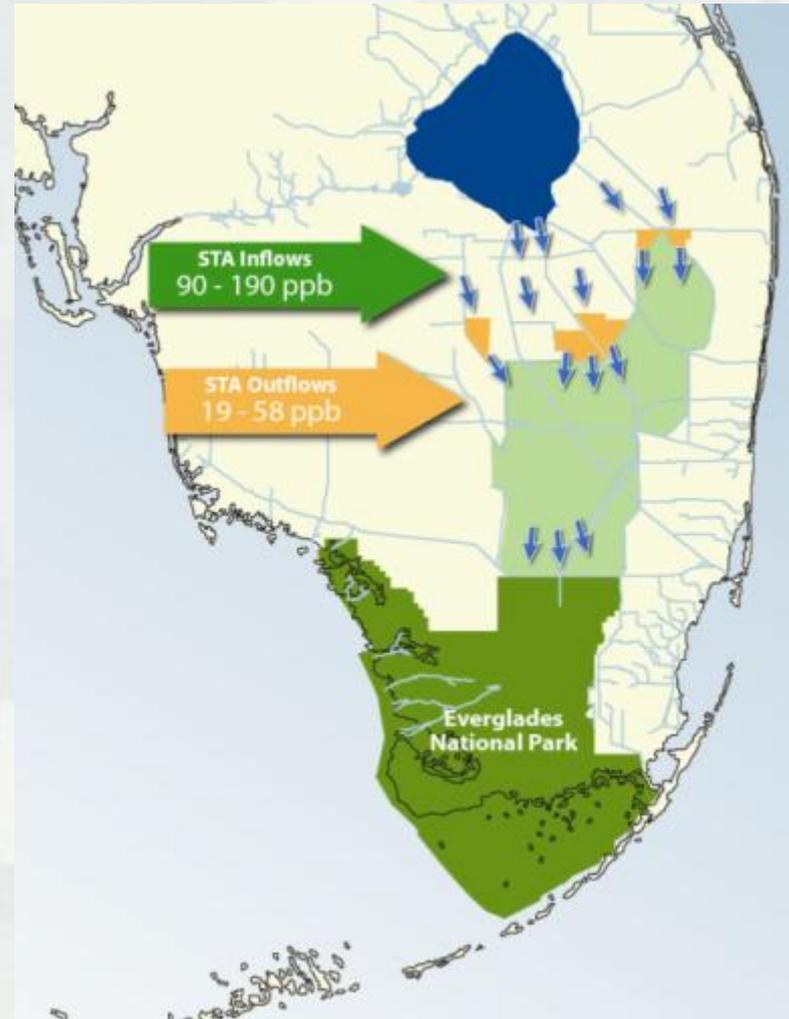
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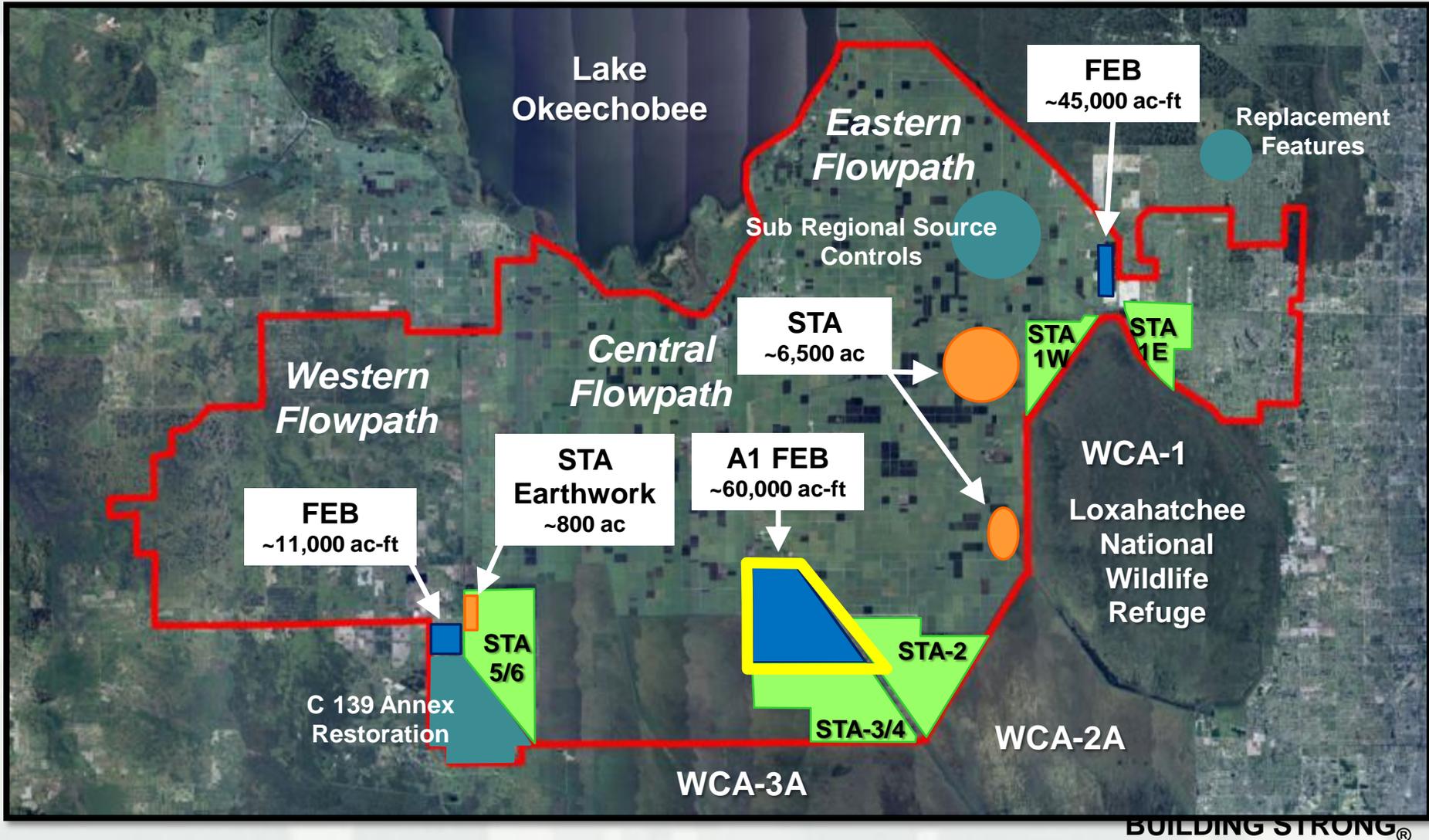
Proposed Project: A1 Flow Equalization Basin

- Overall target for Everglades Protection Area – achieve 10 ppb geometric mean phosphorus criterion



EIS Public Scoping Meeting

Key Projects for the SFWMD's Restoration Strategy



Proposed Project: A1 FEB

- Improve STA Performance by Attenuating Peak Flows and Temporarily Storing Stormwater Runoff
 - ▶ Assist in achieving 10 ppb geometric mean phosphorus criterion in the Everglades Protection Area
 - ▶ Improve inflow delivery rates to STA-2, Compartment B and STA-3/4 providing enhanced operation and phosphorus treatment performance
 - Source of existing water is primarily from the central Everglades Agricultural Area
 - ▶ Assist in maintaining minimum water levels and reducing the frequency of dryout conditions in STA-2 and STA-3/4



Public Scoping Meeting

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Major Sections of the EIS

- Purpose and Need
- Description of Alternatives
 - ▶ No Action
 - ▶ Alternatives to achieve the Purpose and Need
- Affected Environment
- Impact Assessments of Alternatives
 - ▶ Direct Impacts
 - ▶ Indirect Impacts
 - ▶ Cumulative Impacts
- Endangered species



Purpose and Need

- Purpose and need:
 - ▶ The purpose is to attenuate peak stormwater flows into STAs 2 and 3/4 to assist in achieving water quality standards
 - ▶ Different agencies may have different purpose and need statements

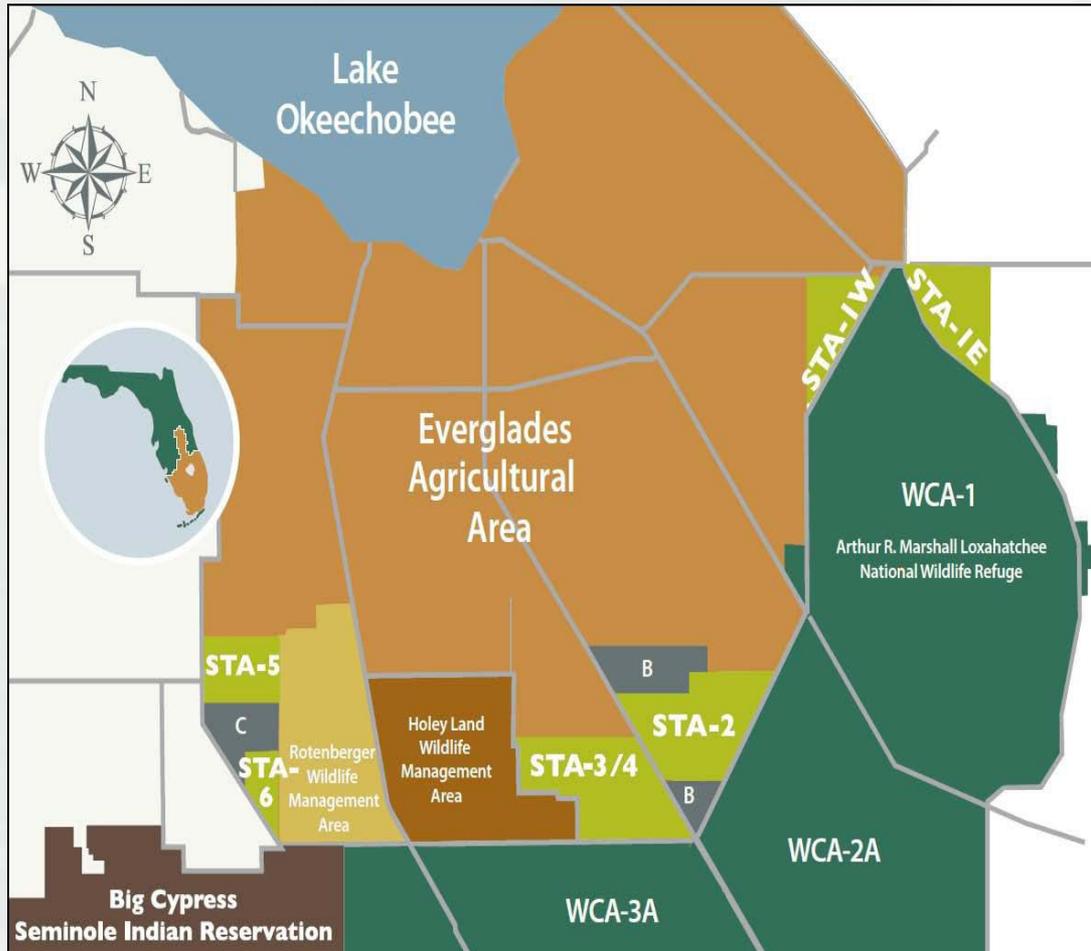


Alternatives

- Develop a comprehensive list
- Alternatives must be
 - ▶ Reasonable (practicable and feasible)
 - ▶ Meet the purpose and need
- Potential Alternatives:
 - ▶ No Action Alternative
 - ▶ Construction of the A1 Reservoir
 - ▶ Construction of the A1 Flow Equalization Basin
 - ▶ Others?



Affected Environment



Areas in gray marked with a "B" or "C" represent the current expansion of existing Stormwater Treatment Areas

Effects of the alternatives on the existing environment:

What should we look at?



Direct, Indirect, & Cumulative Effects

- Direct effects of the proposed action occur at the same time and place as the action.
- Indirect effects are reasonably foreseeable effects caused by the action that occur later in time or farther in distance, such as changes in land use patterns, effects on air, water, or natural resources.
- Cumulative effects are those which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions



Threatened or Endangered Species

- Everglades snail kite
- Eastern indigo snake
- Florida panther
- Wood stork
- Audubon's crested caracara
- Others?



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A1 FEB EIS Public Scoping Meeting

Questions about the Corps' EIS process or the purpose of the project?



Public Scoping Meeting

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General Schedule

- Notice of Intent in Federal Register: August 28, 2012
- Scoping Meeting
 - ▶ September 6, 2012: West Palm Beach
- Scoping Comments Period ends **September 27, 2012**
- Anticipated key future milestones:
 - ▶ Notice of Availability of the DEIS ~ mid December 2012
 - ▶ Notice of Availability of the FEIS ~ mid May 2013
 - ▶ Record of Decision ~ mid July 2013
 - ▶ Construction start ~ October 2013
 - ▶ Construction complete ~ December 2014



4 Ways for Public to Comment

1. Comment Publicly

2. Comment Form

Fill out the paper form and submit it tonight (drop boxes at the Comments Station)

3. Electronic Entry

Email comments to Alisa.A.Zarbo@usace.army.mil

4. Mail Comments

please send to:

US Army Corps of Engineers

4400 PGA Boulevard, Suite 500

Palm Beach Gardens, Florida 33410



**A1 FEB EIS
Public Scoping Meeting**

Comments?

**What should the
EIS consider?**

**What are your
concerns?**

