

**PERTINENT CORRESPONDENCE
USFWS COORDINATION**

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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*).

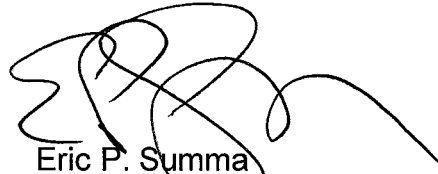
Concurrence on these determinations was received from USFWS February 9, 2010. A Final Fish and Wildlife Coordination Act Report was received December 22, 2009.

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

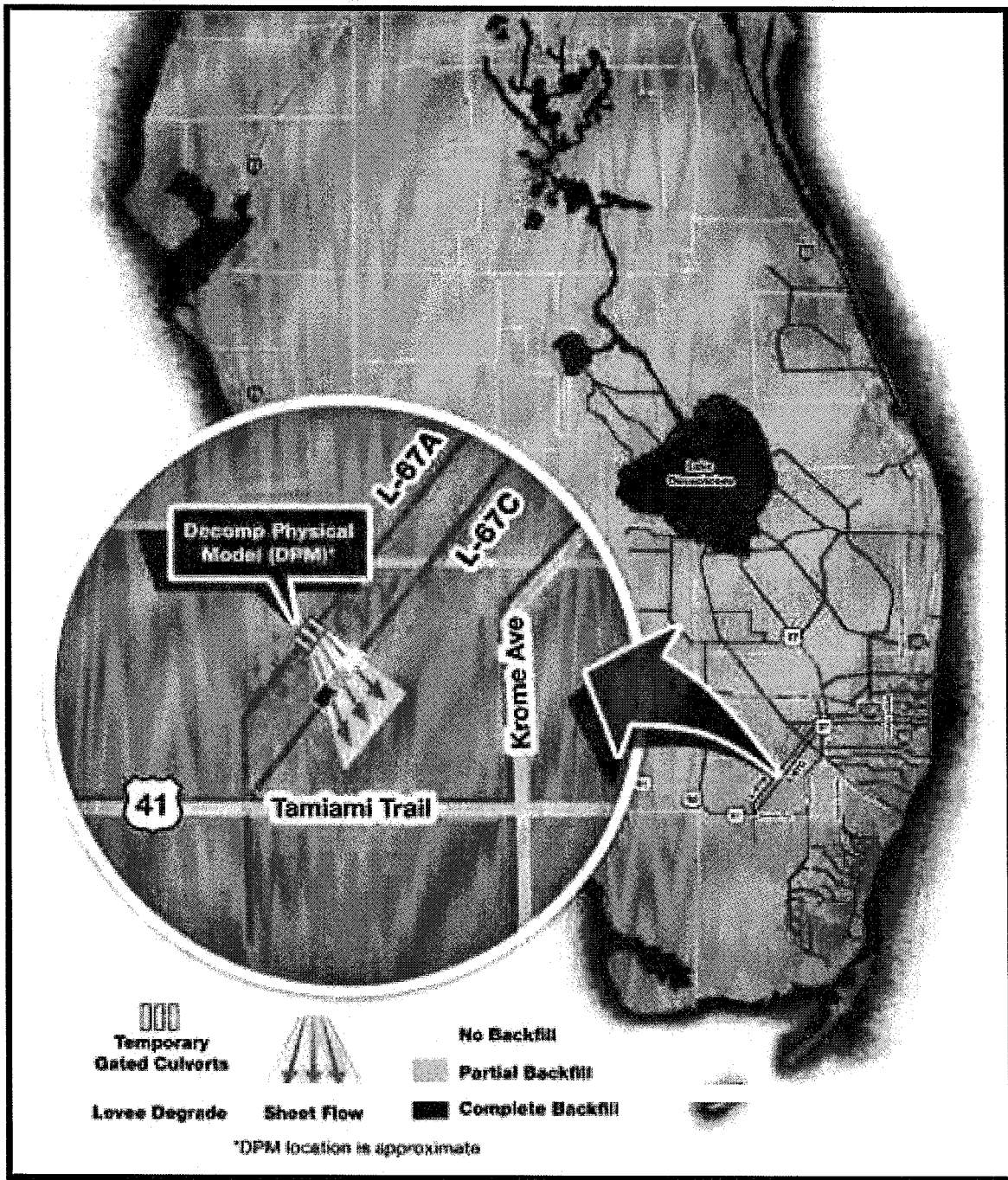


Figure 1. Project Area



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).

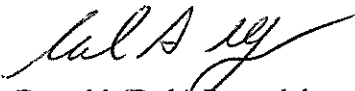
The project site falls within the Service's FBB focal area (Service 2013). Although no FBBs have been documented at the project site, they were documented in 2012 by the National Park Service (NPS) along the L-31 North Levee (L-31N), approximately eight miles east of the DPM project area. Based on the 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.