



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
SOUTH ATLANTIC DIVISION
60 FORSYTH STREET SW, ROOM 10M15
ATLANTA, GA 30303-8801

CESAD-RBT

21 October 2011

MEMORANDUM FOR COMMANDER, JACKSONVILLE DISTRICT (CESAJ-OD/
ANTHONY RODINO III)

SUBJECT: Approval of the Review Plan for the Everglades Restoration Transition Plan Revisions to the Water Control Plan (Chapter 7) of the Water Conservation Areas, Everglades National Park, and ENP-South Dade Conveyance System Mater Water Control Manual (Volume 4) and Environmental Impact Statement

1. References:

- a. Memorandum, CESAJ-OD, 13 October 2011, subject as above (Enclosure).
- b. EC 1165-2-209, Civil Works Review Policy, 31 January 2010.

2. The enclosed Review Plan for the for the Everglades Restoration Transition Plan Revisions to the Water Control Plan (Chapter 7) of the Water Conservation Areas, Everglades National Park, and ENP-South Dade Conveyance System Mater Water Control Manual (Volume 4) and Environmental Impact Statement (EIS), dated 11 October 2011 submitted by reference 1.a, has been reviewed by this office and is approved in accordance with reference 1.b.

3. The South Atlantic Division (SAD) concurs with the conclusion of the District that the Everglades Restoration Water Control Plan is an "other work product." SAD also concurs that neither a Type I nor a Type II Independent External Peer Review (IEPR) is required on this effort. The primary basis for this concurrence is that failure of this water control plan does not pose a significant threat to human life; that this water control plan revision does not trip any of the triggers for the Type I IEPR; that the evaluation of the discretionary considerations concludes that a Type I IEPR would not improve the quality of nor reduce the risk of the recommendation being made; that the scope of this effort is to revise an existing operating plan to better protect endangered species; and that the revised operating criteria are in compliance with the Terms and Conditions of a United States Fish and Wildlife Service Biological Opinion while maintaining the Congressionally-authorized purposes of the Central & South Florida Project.

4. Although the proposed action is supported by an EIS, the EIS adequately documents that the proposal does not have adverse impacts on fish and wildlife species. Further, potential water quality concerns are analyzed in the EIS and conclude that the proposed plan is not likely to affect water quality, as compared to the current plan, and has the potential to result in improvements to water quality. EPA has determined that adequate information is provided and has concurred with the proposed plan.

CESAD-RBT

20 October 2011

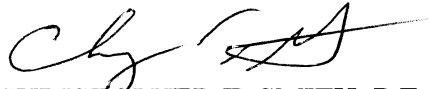
SUBJECT: Approval of the Review Plan for the Everglades Restoration Transition Plan Revisions to the Water Control Plan (Chapter 7) of the Water Conservation Areas, Everglades National Park, and ENP-South Dade Conveyance System Water Control Manual (Volume 4) and Environmental Impact Statement

5. The District should take steps to post the Review Plan to its web site and provide a link to CESAD-RBT. Before posting to the web site, the names of Corps/Army employees should be removed.

6. The SAD point of contact is Mr. James Truelove, CESAD-RBT, 404-562-5121.

FOR THE COMMANDER:

Encl

A handwritten signature in black ink, appearing to read 'Chris Smith', with a stylized flourish at the end.

CHRISTOPHER T. SMITH, P.E.
Chief, Business Technical Division



REPLY TO
ATTENTION OF

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

CESAJ-OD

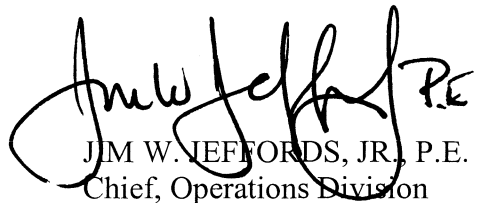
OCT 13 2011

MEMORANDUM FOR CDR, South Atlantic Division (ATTN: CESAD-RBT)

SUBJECT: Approval of Review Plan for Everglades Restoration Transition Plan Revisions to the Water Control Plan (Chapter 7) of the Water Conservation Areas, Everglades National Park, and ENP-South Dade Conveyance System Master Water Control Manual (Volume 4) and Environmental Impact Statement

1. Reference EC 1165-2-209, Civil Works Review Policy, 31 January 2010 and WRDA of 2007 (Public Law No. 110-114), 8 November 2007.
2. Request approval of the enclosed Review Plan and conclusion that Independent External Peer Review (IEPR) of the Everglades Restoration Transition Plan Revisions to the Water Control Plan (Chapter 7) of the Water Conservation Areas, Everglades National Park, and ENP-South Dade Conveyance System Master Water Control Manual (Volume 4) and Environmental Impact Statement is not required. The IEPR determination is based on the EC 1165-2-209 Risk Informed Decision Process as presented in the Review Plan. Approval of this Review Plan is for the Everglades Restoration Transition Plan Revisions to the Water Control Plan (Chapter 7) of the Water Conservation Areas, Everglades National Park, and ENP-South Dade Conveyance System Master Water Control Manual (Volume 4) and Environmental Impact Statement as other work products. The Review Plan complies with applicable policy, provides District Quality Control, Agency Technical Review (ATR) and has been coordinated with CESAD.
3. Once approved, the Review Plan will be posted to the CESAJ website. Names of Corps/Army employees will be withheld from the posted version, in accordance with guidance.
4. The point of contact for this action is Mr. Anthony Rodino III, Water Management Section, 904-232-1047.

Encl


JIM W. JEFFORDS, JR., P.E.
Chief, Operations Division

REVIEW PLAN

For

**Everglades Restoration Transition Plan
Revisions to the Water Control Plan (Chapter 7) of the
Water Conservation Areas, Everglades National Park,
and ENP-South Dade Conveyance System
Master Water Control Manual (Volume 4)
and Environmental Impact Statement**

Jacksonville District

11 October 2011

THE INFORMATION CONTAINED IN THIS REVIEW PLAN IS DISTRIBUTED SOLELY FOR THE PURPOSE OF PREDISSEMINATION PEER REVIEW UNDER APPLICABLE INFORMATION QUALITY GUIDELINES. IT HAS NOT BEEN FORMALLY DISSEMINATED BY THE U.S. ARMY CORPS OF ENGINEERS, JACKSONVILLE DISTRICT. IT DOES NOT REPRESENT AND SHOULD NOT BE CONSTRUED TO REPRESENT ANY AGENCY DETERMINATION OR POLICY.



**US Army Corps
of Engineers** ®

ENCLOSURE 1

REVIEW PLAN

Everglades Restoration Transition Plan Revisions to the Water Control Plan (Chapter 7) of the Water Conservation Areas, Everglades National Park, and ENP-South Dade Conveyance System Master Water Control Manual (Volume 4) and Environmental Impact Statement

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1. PURPOSE AND REQUIREMENTS

a. Purpose. This Review Plan defines the type of document classification and the scope of review activities for the Everglades Restoration Transition Plan (ERTP), an update to portions of the Water Control Plan (WCP), Chapter 7 of the Central and Southern Florida (C&SF) Project Master Water Control Manual Volume 4 for the Water Conservation Areas (WCAs), Everglades National Park (ENP), and ENP-South Dade Conveyance System (SDCS), and associated Environmental Impact Statement (EIS). The Water Control Plan update is being prepared in accordance with the requirements of ER 1110-2-240, Water Control Management.

EC 1165-2-209 stipulates a risk informed decision process be used to determine if the documents covered by this review plan are USACE decision documents, implementation documents, or other work products and the appropriate level of review for those documents.

b. References.

- (1) ER 1110-2-240, Water Control Management, 8 October 1982
- (2) EM 1110-2-3600, Management of Water Control Systems, 30 November 1987
- (3) ER 1110-2-8156, Preparation of Water Control Manuals, 31 August 1995
- (4) ER 1110-2-530 Flood Control Operations and Maintenance Policies, 30 October 1996
- (5) ETL 1110-2-362 Environmental Engineering Initiatives for Water Management, 31 July 1995
- (6) EC 1165-2-209, Civil Works Review Policy, 31 Jan 2010
- (7) EC 1105-2-412, Assuring Quality of Planning Models, 13 March 2011
- (8) ECB No. 2007-6, Model Certification Issues for Engineering Software in Planning Studies
- (9) ER 1110-1-12, Quality Management, 30 Sep 2006
- (10) National Academy of Sciences: Committee on Independent Scientific Review of Everglades Restoration Progress, 2010 page 122

c. Requirements. This review plan was developed in accordance with EC 1165-2-209, which establishes an accountable, comprehensive, life-cycle review strategy for Civil Works products by providing a seamless process for review of all Civil Works projects from initial planning through design, construction, and Operation, Maintenance, Repair, Replacement and Rehabilitation (OMRR&R). The EC provides the procedures for ensuring the quality and credibility of U.S. Army Corps of Engineers (USACE) decision, implementation, and operations and maintenance documents and work products. The EC outlines three levels of review: District Quality Control, Agency Technical Review, and Independent External Peer Review.

(1) **District Quality Control (DQC).** DQC is the review of basic science and engineering work products focused on fulfilling the project quality requirements defined in the Project Management Plan (PMP). It is managed in the home district and may be conducted by staff in the home district as long as they are not doing the work involved in the study, or overseeing contracted work that is being reviewed. Basic quality control tools

include a Quality Management Plan providing for seamless review, quality checks and reviews, supervisory reviews, Project Delivery Team (PDT) reviews, etc. Additionally, the PDT is responsible for a complete reading of the report to assure the overall integrity of the report, technical appendices and the recommendations before approval by the District Commander. The Major Subordinate Command (MSC)/District quality management plans address the conduct and documentation of this fundamental level of review.

(2) **Agency Technical Review (ATR).** ATR is an in-depth review, managed within USACE, and conducted by a qualified team outside of the home district that is not involved in the day-to-day production of the project/product. The purpose of this review is to ensure the proper application of clearly established criteria, regulations, laws, codes, principles and professional practices. The ATR team reviews the various work products and assures that all the parts fit together in a coherent whole. ATR teams will be comprised of senior USACE personnel (Regional Technical Specialists (RTS), etc.), and may be supplemented by outside experts as appropriate. To assure independence, the leader of the ATR team shall be from outside the parent MSC.

(3) **Independent External Peer Review (IEPR).** IEPR is the most independent level of review, and is applied in cases that meet certain criteria where the risk and magnitude of the proposed project are such that a critical examination by a qualified team outside of USACE is warranted.

d. Review Management Organization (RMO). With the exception of District Quality Control, all reviews shall be managed by an office outside the home district and shall be accomplished by professionals that are not associated with the work that is being reviewed. The USACE district/division managing a particular review effort is designated the RMO for that effort. Different levels of review and reviews associated with different phases of a single project can have a different RMO. The RMO for this update to the WCP and associated Environmental Impact Statement (EIS) is the South Atlantic Division (SAD).

2. PROJECT INFORMATION AND BACKGROUND

This update to the WCP is being prepared with consideration of information and water management operating criteria previously incorporated through changes made in the 2006 IOP, the 2011 8.5 Square Mile Area (SMA) Project, and pertinent content in the 1996 Master Water Control Manual Volume 4 – Water Conservation Areas, Everglades National Park, and ENP-South Dade Conveyance System.

a. 2006 IOP. On 19 February 1999, the U.S. Fish and Wildlife Service (FWS) issued a Final Biological Opinion (BO) for the MWD Project, Experimental Water Deliveries Program, and C-111 Project under provisions of the ESA of 1973, as amended. The FWS BO concluded that continuation of Test 7, Phase I operations would cause adverse modification of CSSS critical habitat and would jeopardize the continued existence of the CSSS. Currently, six such CSSS population clusters are known and are distributed within the southernmost portion of the C&SF Project area within ENP. The operating criteria for Test 7 were defined in a concurrency agreement between USACE, ENP, and the South Florida

Water Management District (SFWMD) in October 1995. Test 7 was to be implemented in two phases. Phase I consisted of operating the structures in place at that time until Phase II structures could be completed. The ultimate goal of Test 7 was to improve the timing, volume, and location of water deliveries to ENP to more closely reflect natural pre-development flows. The FWS BO also concluded that ultimate protection for the CSSS would be achieved by the rapid completion and implementation of the MWD Project. The Interim Structural and Operational Plan (ISOP) was designed to take the place of Test 7 until completion and implementation of the Interim Operational Plan (2006 IOP) for Protection of the Cape Sable Seaside Sparrow. The 2006 IOP would avoid jeopardizing the CSSS during the interim period leading up to full MWD implementation. ERTTP will supersede IOP and is expected to regulate operations of the C&SF Project features in the south Dade area until implementation of COP.

On 17 November 2006, FWS issued a new IOP BO. The intent and overall effect of the 2006 BO for IOP was two-fold: (1) it superseded the original 1999 final BO for the USACE MWD Project, the Experimental Water Deliveries Program, and the C-111 Project, and (2) it also superseded the 2002 amended final IOP BO for protection of the CSSS.

In the opinion of FWS, the FWS 1999 BO presented a Reasonable and Prudent Alternative (RPA) to the Experimental Program that would avoid jeopardizing the CSSS. The FWS RPA recommended that the following hydrological conditions be met for protection of the CSSS: (1) a minimum of 60 consecutive days of water levels at or below 6.0 feet, National Geodetic Vertical Datum (NGVD) at gage NP-205 between March 1 and July 15; (2) ensure that 30 percent in 2000, 45 percent in 2001, and 60 percent in 2002 of required regulatory releases crossing Tamiami Trail enter ENP east of the L-67 Extension Levee, or produce hydroperiods and water levels in the vicinity of CSSS sub-populations C (CSSS-C), E, (CSSS-E), and F (CSSS-F) that meet or exceed those produced by the 30, 45, and 60 percent targets; and (3) produce hydroperiods and water levels in the vicinity of CSSS-C, CSSS-E, and CSSS-F that equal or exceed conditions that would be produced by implementing the exact provisions of Test 7, Phase II operations (USACE 1995). During implementation of ISOP, USACE received confirmation from FWS that producing the hydrologic equivalent of the 30, 45, and 60 percent conditions, as opposed to the actual release percentages, would also meet the FWS RPA conditions. Operating criteria identified in Alternative 7R, which was the operating regime ultimately implemented, allowed USACE to meet the FWS RPA conditions and minimize impacts to other natural and human resources, while managing the system for purposes authorized under the C&SF Project.

b. ERTTP. The water management operating criteria relating to the ERTTP affects an area within the C&SF Project located in south Florida and includes portions of Broward and Miami-Dade counties, as well as portions of Everglades National Park (ENP), Big Cypress National Preserve, and adjacent areas. The USACE June 1992 MWD General Design Memorandum (GDM) defines the project boundary as Shark River Slough and that portion of the C&SF Project north of S-331 to include Water Conservation Area-3 (WCA-3). The C-111 Project is situated within the C-111 Basin which includes approximately 100 square miles of mostly agricultural lands in the Homestead/Florida City area. The C-111 Project is adjacent to ENP to the west, and discharges to the eastern panhandle of ENP, Florida Bay, Manatee Bay and Barnes Sound.

The ERTTP EIS is being prepared for the purpose of defining environmental impacts of water management operations for C&SF Project features and constructed features of the Modified Water Deliveries (MWD) and Canal 111 (C-111) projects until those projects are complete and a Combined Operations Plan (COP) can be implemented. This EIS examines the environmental consequences of implementation of the ERTTP, which will supersede the 2006 IOP. ERTTP objectives include improving conditions in WCA-3A for the endangered Everglade snail kite, wood stork, and other wading bird species while maintaining both protection for the endangered Cape Sable seaside sparrow (CSSS) and Congressionally-authorized purposes of the C&SF Project. The proposed action evaluated in the ERTTP EIS is a modification of the 2006 IOP and the water management operating criteria for features of the C&SF Project to provide further hydrological improvements consistent with protection of multiple listed species while maintaining Congressionally-authorized project purposes. The ERTTP proposed water management operating criteria is to be utilized to allow compliance with the Endangered Species Act (ESA) via adoption of the Terms and Conditions of the 2010 FWS ERTTP BO.

Based upon hydrological modeling of system conditions using the South Florida Water Management Model (SFWMM) Alternative 9E1 was determined to best meet the Terms and Conditions of the BO. In order to achieve the action objective specified in the BO, USACE and FWS in conjunction with the multi-agency ERTTP team, developed PMs and ETs for each species and their habitat. Results of the modeling efforts were evaluated in relation to the ERTTP performance measures (PMs) and ecological targets (ETs) to select the alternative which best met the objectives, PMs and ETs. ERTTP Alternative 9E1 incorporates more flexible operating criteria to better manage WCA-3A for the benefit of multiple species and represents a positive step towards balancing the competing needs of a complex system. The ERTTP also integrates consideration of new information consisting of current hydro-meteorological and species conditions, project specific PMs and Periodic Scientists Calls; that serve as a forum to provide input to the USACE decision making process for WCA-3A water management operations.

c. 2011 Interim Operating Criteria for the 8.5 Square Mile Area (SMA) Project. The 8.5 SMA is a component of the MWD Project, authorized in the 2000 Water Resources Development Act and reauthorized specifically by the U.S. Congress in the 2003 Appropriations Act. The 8.5 SMA is a residential area located to the west of the L-31N Levee in the Eastern Everglades. It was anticipated in the 2000 8.5 SMA General Reevaluation Report (GRR) and EIS that seepage control and flood damage mitigation features, as well as some relocations, would be necessary in order to prevent the 8.5 SMA from experiencing any increase in flooding as a result of the MWD project. The 8.5 SMA features were designed to mitigate for the increased flood risk associated with the planned increased water levels in ENP due to implementation of future MWD components. Major features of the July 2000 GRR/Final Supplemental EIS final recommended plan, known as Alternative 6D, include a perimeter levee (L-357W), internal levees (L-357), a seepage collection canal (C-357), pump station (S-357) and a flow way leading to a storm water treatment area (STA)/detention cell (L-359). The 8.5 SMA features work in conjunction with the existing S-331 pump station, the flood control structure for the immediate area.

The USACE evaluated the environmental effects of water management operating criteria alternatives for the 8.5 SMA Project in the 2011 Proposed Interim Operating Criteria for the 8.5 SMA Project EA. The water management operating criteria described in the EA were intended to serve as interim criteria that would be subject to change prior to completion of the ongoing construction of the MWD Project and the C-111 Project.

The objectives of the interim operating criteria, consistent with the July 2000 GRR/Final Supplemental EIS Recommended Plan, known as Alternative 6D, are to:

- (1) Maintain surface and groundwater levels within the project areas of the 8.5 SMA between the L-357W levee and L-31N levee at pre-MWD levels.
- (2) Preserve or enhance the hydropatterns of land located west of the L-357W levee (Everglades National Park and the publicly owned natural areas).

Operations of the C&SF project in the project area, except for S-357, are currently governed by the 2006 IOP. The approved Interim Operating Criteria for the 8.5 SMA components are reflected in the WCP update for ERTTP changes.

d. 1996 WCAs, ENP, and ENP-SDCS WCP/WCM. The WCP is one chapter within an existing Water Control Manual for a specific region within the C&SF Project. The WCP is a technical document, its content specifically relates to its reference and use by water managers/operators in performing their day-to-day water management activities.

The WCP contains a compilation of water control criteria, guidelines, diagrams, and specifications that govern the water level management and the release functions at a pertinent structure or structures for the Congressionally-authorized project purposes. In addition, there may be references within the WCP to specific areas of the WCM, Standing Operating Procedures, references to other USACE documents, and standard USACE procedures. The WCM contains additional information pertinent to the WCP such as basin description and characteristics, general history of the basin, description of project features as well as data collection and communication networks.

The 1996 WCP encompassed features of the C&SF Project which were constructed and operational at the time of its writing. The USACE operates the main outlets of WCA No. 1, 2, and 3 as authorized in House Document 643. The non-federal sponsor for the C&SF Project is the SFWMD, which operates the remainder of the project in accordance with regulation prescribed by the USACE. Project features, with the exceptions as noted above, have been transferred to the SFWMD for operations and maintenance.

e. 2011 WCAs, ENP, and ENP-SDCS WCP. The 2011 WCP is an updated version of the 1996 WCP incorporates changes in water management operating criteria proposed under ERTTP, as well as those previously approved for the 2006 IOP, and the 2011 8.5 SMA Project. The 2006 IOP resulted in the use of water management operating criteria amending criteria specified in the 1996 WCP/WCM. The 2011 ERTTP water management operating criteria and pertinent 1996 WCP/WCM water management operating criteria are now being

incorporated into the 2011 WCP update. The 8.5 SMA Project and recently constructed S-332DX1 structure resulted in new operating criteria that are also being incorporated into the 2011 WCP/WCM. The 2011 WCP/WCM update also reflects new/updated system information based upon water management related experience and knowledge gained since 1996.

3. POLICY AND LEGAL COMPLIANCE REVIEW

Guidance for policy and legal compliance reviews of Water Control Systems is contained in ER 1110-2-240, Water Control Management, and ER 1110-2-8156, Preparation of Water Control Manuals. The guidance culminate in determinations that the recommendations in the documents and the supporting analyses and coordination comply with law and policy, and warrant approval or further recommendation to higher authority by the home MSC Commander. DQC and ATR augment and complement the policy review processes by addressing compliance with pertinent published Army policies, particularly policies on analytical methods and the presentation of findings in decision documents.

4. RISK INFORMED DECISION ON TYPE OF DOCUMENT AND APPROPRIATE LEVEL OF REVIEW

The EC 1165-2-209 for review policy directs the team to make a risk informed decision to determine if the documents are decision documents, implementation documents or other work products and the appropriate level of review. District Quality Control is required for all products. The appropriateness of ATR and IEPR are based on the risk informed decision process as presented in this section.

a. District Quality Control (DQC).

(1) **ERTP EIS.** The ERTP EIS has undergone DQC and comments have been incorporated into the document. The home district managed the DQC. The DQC activities were conducted in accordance with the Quality Manual of the District and the home MSC.

(2) **WCAs, ENP, and ENP-SDCS WCP.** District Quality Control and Quality Assurance activities for other work products are stipulated in ER 1110-1-12, Engineering & Design Quality Management. The Water Control Plan was prepared by the Jacksonville District has undergone DQC and has been edited to incorporate DQC comments. This DQC also included review of applicable operating criteria described in the 1996 WCAs, ENP, ENP-SDCS WCP/WCM, the 2006 IOP, and the 2011 8.5 SMA which are included within this update to the WCP.

b. Agency Technical Review (ATR).

ERTP Revisions to the WCP and supporting documentation. It was determined to be appropriate for this effort to undertake ATR. An ATR on the Draft EIS is already complete. The ATR for the Draft ERTP EIS was certified when all ATR concerns were resolved and

the ATR documentation was complete. The ATR Lead prepared a Statement of Technical Review certifying that the issues raised by the ATR team had been resolved.

WCAs, ENP, and ENP-SDCS WCP. The Water Control Plan is identified as other work product as defined in EC 1165-2-209. The basis for this identification is that the WCP is neither a decision document nor an implementation document under EC 1165-2-209. The subject other work product contains operating criteria and does not require construction of any new project features. Review of the answers to the following questions from the risk informed decision process (Section 15.b of the EC) indicated that ATR is appropriate for this update to the Water Control Plan.

(a) Does it include any design (structural, mechanical, hydraulic, etc)? No. This work product consists of a modification to water management operations for WCA No. 3, ENP, and ENP-SDCS. There is no design work ongoing or currently proposed for any existing project features.

(b) Does it evaluate alternatives? No, the Water Control Plan does not evaluate alternatives. The Water Control Plan contains water management operations for WCA No. 3, ENP, and ENP-SDCS based upon various model runs to assess improvements needed to avoid/minimize impacts to species as identified in the FWS BO, as well as the appropriate operating criteria from the 1996 WCAs, ENP, and ENP-SDCS Water Control Plan, 2006 IOP EIS, and 2011 8.5 SMA EA.

(c) Does it include a recommendation? Yes, the Water Control Plan reflects the recommended changes to operating criteria for portions of water management operations in WCA No. 3, ENP, and the ENP-SDCS.

(d) Does it have a formal cost estimate? No, the Water Control Plan does not include a formal cost estimate.

(e) Does it have or will it require a NEPA document? Yes. The ERTF EIS was prepared to assess the effects associated with implementation of the revised operating criteria for WCA No. 3, ENP, and ENP-SDCS.

(f) Does it impact a structure or feature of a structure whose performance involves potential life safety risks? No. The Water Control Plan contains a revised Interim Regulation Schedule for WCA No. 3A, in which the top line of the Regulation Schedule (Zone A) was lowered up to 0.5 feet. This revised schedule is expected to result in lower water levels in WCA No. 3A, and thus provide for a lower risk of impact to life safety.

(g) What are the consequences of non-performance? Based on the changes being implemented under this revised Water Control Plan, the consequences of non-performance include potential violations of Terms and Conditions of the 2010 FWS Biological Opinion, the potential to affect flood stages within WCA No. 3 and the SDCS, and potential to affect water supply to Miami-Dade County.

(h) Does it support a significant investment of public monies? No. While there was significant prior investment of public monies in the construction of the WCA No. 3, ENP, and ENP-SDCS features, these features have already been constructed and are being operated currently. The changes in operation in this WCP do not represent a significant investment of public monies.

(i) Does it support a budget request? No.

(j) Does it change the operation of the project? Yes. The modification of the Water Control Plan allows for better management of the Congressionally-authorized project purposes and is intended to benefit ecological performance within the area. It should be noted, this Water Control Plan is a modification to the water management operations that were defined in the 2006 IOP and the 1996 Water Conservation Areas, Everglades National Park, and ENP-South Dade Conveyance System Water Control Manual and is intended to be implemented for a finite amount of time. This Water Control Plan will be revised further with the completion of the Combined Operating Plan (COP) for the C-111 South Dade and Modified Water Deliveries to ENP projects.

(k) Does it involve ground disturbances? No. There is no construction associated with this revision to the WCP, nor will the operations of the system introduce any such disturbances.

(l) Does it affect any special features, such as cultural resources, historic properties, survey markers, etc, that should be protected or avoided? No. The changes to operating criteria specified in the Water Control Plan are not expected to negatively affect any cultural resource or historic properties or other related appurtenances. While the effects of the proposed modifications to the operating criteria were analyzed in the ERTTP EIS the USACE is proposing a Programmatic Agreement (PA) to address uncertainties and more fully assess potential impacts.

(m) Does it involve activities that trigger regulatory permitting such as Section 404 or stormwater/NPDES related actions? No.

(n) Does it involve activities that could potentially generate hazardous wastes and/or disposal of materials such as lead based paints or asbestos? No.

(o) Does it reference use of or reliance on manufacturers' engineers and specifications for items such as prefabricated buildings, playground equipment, etc? No. This work product is operational in nature, with only modifications to the operations that were defined in the 2006 IOP, the 2011 8.5 SMA EA, and the 1996 Water Conservation Areas, Everglades National Park, and ENP-South Dade Conveyance System Water Control Manual.

(p) Does it reference reliance on local authorities for inspection/certification of utility systems like wastewater, stormwater, electrical, etc? No. This work product has no affect on any local utilities for inspection/certification of utility systems.

(q) Is there or is there expected to be any controversy surrounding the Federal action associated with the work product? Yes. As with any change, there may be resistance to flexibility in water management operations. The collective State/Federal agencies along with local interests support the Water Control Plan and are anticipating the revised water management operations. Potential water quality concerns were analyzed in the EIS and concluded that the proposed plan is not likely to affect water quality, and has the potential to result in improvements to water quality. While no significant controversy surrounding the WCP is anticipated, the operational criteria provide for consultation with regulatory agencies, when necessary and feasible, to minimize affects of hydrologic conditions on potentially impacted species.

The following factors were also considered:

(i) The challenges inherent within ERTTP include competing needs of endangered species, water quality, water supply, and cultural resources. The endangered Cape Sable Seaside Sparrow (CSSS) nests downstream of the S-12 structures in ENP, while the endangered Everglade snail kite and wood stork forage and breed with WCA-3A. Water quality, total phosphorus in particular, is also a concern due to requirements the State must comply with under the terms of the 1998 Everglades Settlement Agreement. In addition, the Miccosukee Tribe of Indians of Florida and the Seminole Tribe have rights to WCA-3A and rely upon WCA-3A.

(ii) If the information in the document or anticipated project design is likely to be based on novel methods, involve the use of innovative materials or techniques, present complex challenges for interpretation, contain precedent-setting methods or models, or present conclusions that are likely to change prevailing practices (with some discussion as to why or why not and, if so, in what ways): ERTTP PMs and ETs were based upon the FWS Multi-species Transition Strategy that was reviewed by a panel of scientists established through the National Academy of Science, which praised that strategy.

(iii) If the project design is anticipated to require redundancy, resiliency, and/or robustness, unique construction sequencing, or a reduced or overlapping design construction schedule (with some discussion as to why or why not and, if so, in what ways): NA. The ERTTP EIS does not change/alter the design of the project.

Required ATR Team Expertise: The ATR Team will consist of 4 members representing the major disciplines that contributed to preparation of the EIS and supporting documentation, include:

ATR Team Lead, Environmental Resources, Hydraulics and Hydrology, and Water Management. The following table further describes required team member expertise. The ATR Team will meet the requirements identified below.

ATR Team Members/Disciplines	Expertise Required
ATR Lead	The ATR lead should be a senior professional with extensive experience in preparing Civil Works documents. The lead should have the necessary skills and experience to lead a virtual team through the ATR process.
Environmental Resources	Should be a senior professional with extensive experience in NEPA compliance Endangered Species issues
Hydraulics and Hydrology	Should be experienced in the fields of hydraulics and hydrology, and have a thorough understanding of water management modeling analysis tools and water management operations.
Water Management	Water manger experienced in managing a large complex system with multiple competing needs including endangered species, cultural resources, water supply, flood control and recreation.

Documentation of ATR. DrChecks review software will used to document ATR comments, responses and associated resolutions accomplished throughout the review process. Comments should be limited

to those that are required to ensure adequacy of the product. The four key parts of a quality review comment normally include:

- (1) The review concern - identify the product's information deficiency or incorrect application of policy, guidance, or procedures;
- (2) The basis for the concern - cite the appropriate law, policy, guidance, or procedure that has not been properly followed;
- (3) The significance of the concern - indicate the importance of the concern with regard to its potential impact on the plan selection, recommended plan components, efficiency (cost), effectiveness (function/outputs), implementation responsibilities, safety, Federal interest, or public acceptability; and
- (4) The probable specific action needed to resolve the concern - identify the action(s) that the reporting officers must take to resolve the concern.

In some situations, especially addressing incomplete or unclear information, comments may seek clarification in order to then assess whether further specific concerns may exist.

The ATR documentation in DrChecks will include the text of each ATR concern, the PDT response, a brief summary of the pertinent points in any discussion, including any vertical team coordination (the vertical team includes the district, RMO, MSC, and HQUSACE, and the agreed upon resolution. If an ATR concern cannot be satisfactorily resolved between the ATR team and the PDT, it will be elevated to the vertical team for further resolution in accordance with the policy issue resolution process described in either ER 1110-1-12 or ER 1105-2-100, Appendix H, as appropriate. Unresolved concerns can be closed in DrChecks with a notation that the concern has been elevated to the vertical team for resolution.

At the conclusion of each ATR effort, the ATR team will prepare a Review Report summarizing the review. Review Reports will be considered an integral part of the ATR documentation and shall:

- Identify the document(s) reviewed and the purpose of the review;
- Disclose the names of the reviewers, their organizational affiliations, and include a short paragraph on both the credentials and relevant experiences of each reviewer;
- Include the charge to the reviewers;
- Describe the nature of their review and their findings and conclusions;
- Identify and summarize each unresolved issue (if any); and Include a verbatim copy of each reviewer's comments (either with or without specific attributions), or represent the views of the group as a whole, including any disparate and dissenting views.

c. Independent External Peer Review (IEPR).

EC 1165-2-209 provides implementation guidance for both Sections 2034 and 2035 of the Water Resources Development Act (WRDA) of 2007 (Public Law (P.L.) 110-114). The EC addresses review procedures for the planning, engineering, design, construction and operations and maintenance phase responsibilities.

IEPR is the most independent level of review, and is applied in cases that meet certain criteria where the risk and magnitude of the proposed project are such that a critical examination by a qualified team outside of USACE is warranted. A risk-informed decision, as described in EC 1165-2-209, is made as to whether IEPR is appropriate. IEPR panels will consist of independent, recognized experts from outside of the USACE in the appropriate

disciplines, representing a balance of areas of expertise suitable for the review being conducted. There are two types of IEPR:

(1) **Type I Independent External Peer Review (IEPR) Determination (Section 2034).** In addition to the questions and answers in paragraph 4 of this Review Plan, the following items were considered in making the risk-informed decision concerning Type I IEPR:

(a) The revisions to operating criteria in the WCP do not pose a significant threat to human life.

(b) The cost of the WCP does not exceed \$45M.

(c) No request has been made by the state for an IEPR. There is no request from either the local Native American tribes or the Governor at this time.

(d) The WCP is interim (to be updated once COP is complete) and is being used during a transitional period in which additional planned infrastructure is to become available to provide additional water management capabilities to meet Congressionally-authorized purposes in this region of the C&SF Project.

(e) The ERTTP water management operating criteria reflected in the WCP do not involve significant public dispute as to the size, nature, or effects of the WCP. The WCP includes water management operating criteria that are the result of the need to address USFWS concerns reflected in a revised BO on the effects of water management on two endangered species. The EIS adequately documents that the proposal does not have adverse impacts on fish and wildlife species. USFWS has indicated that they support the water management operating criteria as the best option currently available. The Miccosukee Tribe, which has often been critical of the current operating criteria (specifically 2006 IOP), also indicated their support for the ERTTP water management operating criteria. Although the State of Florida (South Florida Water Management District and Department of Environmental Protection) expressed specific concerns with respect to water quality (the potential for an exceedance of the 1998 Everglades Settlement Agreement Long-Term Limit for phosphorus concentration) during coordination of the ERTTP draft EIS, EPA has determined that adequate information was provided and concurred with the revised operating criteria. It is important to note that the potential for exceedance of phosphorus criteria also exists under the current WCP (2006 IOP). To further address the State's concern, the WCP includes guidance to water managers/operators to consider water quality conditions during water management decision-making.

(f) The WCP does not involve significant public dispute as to the economic or environmental cost or benefit of the WCP. There is a potential for environmental benefit because the revised WCP contains the ERTTP water management operating criteria, which were developed to minimize the effects on three endangered species, consistent with the Multi-species Transition Strategy. In contrast, the current operational plan modified prior operating criteria for the protection of a single endangered species, the CSSS.

(g) Models used to evaluate the ERTTP alternatives have been in widespread use for many years and have been peer reviewed and certified for use. Analyses used to assess the impacts of the ERTTP water management operating criteria in the WCP did not reflect use of novel methods or use of precedent setting methodologies.

Based on the questions and answers presented in Section 4 and the information presented above, the Jacksonville District has determined that the WCP would not significantly benefit from additional independent peer review and have recommended that a Type I IEPR not be required on the proposed ERTTP revisions to the Water Control Plan.

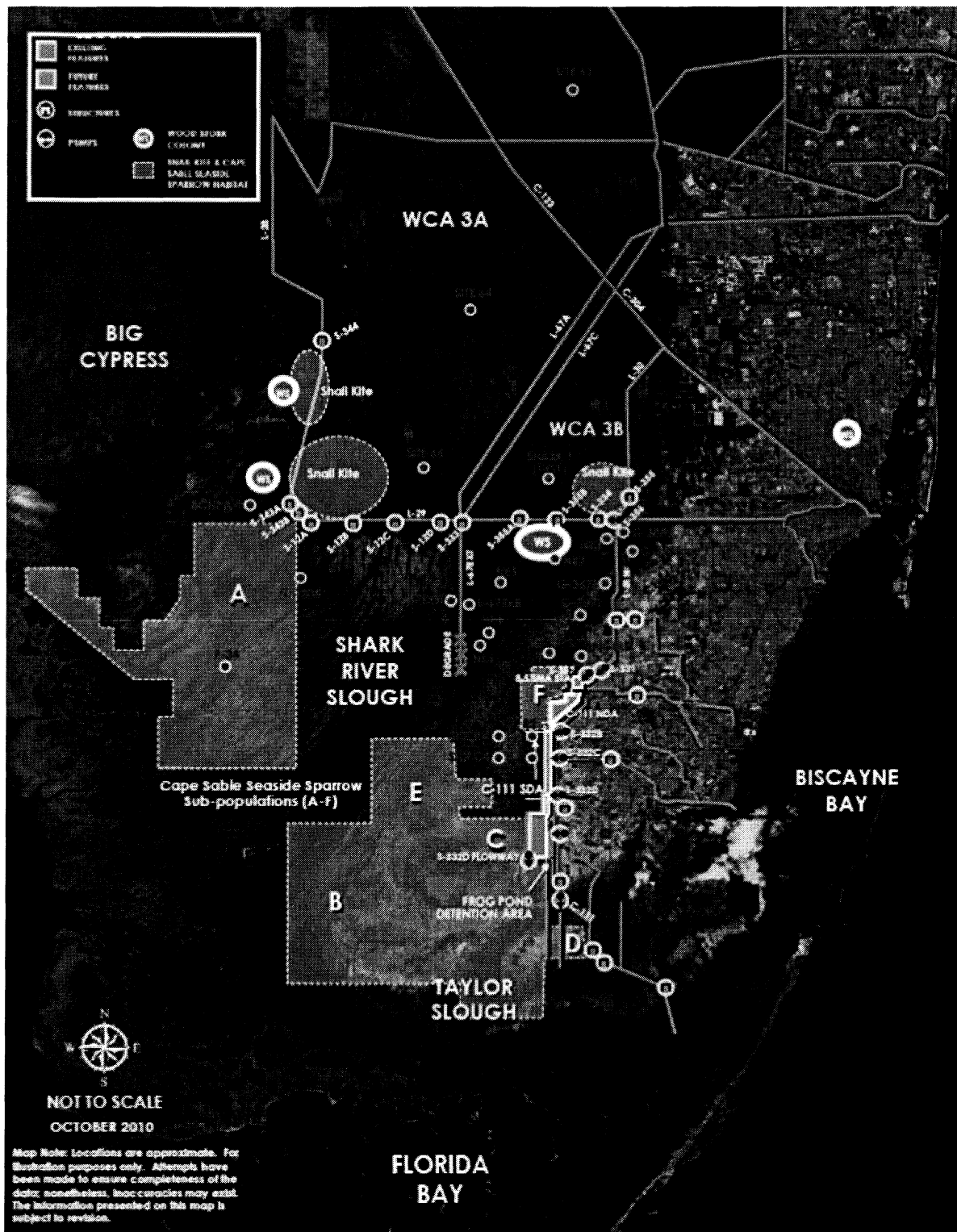
(2) **Type II Independent External Peer Review (IEPR) Determination (Section 2035).** This WCP does not trigger WRDA 2007 Section 2035 factors for Safety Assurance Review (termed Type II IEPR in EC 1165-2-209) since there are no design or construction activities associated with this WCP.

(3) **Decision on Type I and Type II IEPR.** The Jacksonville District is recommending that neither a Type I nor a Type II IEPR be required for this WCP. The scope of the ERTTP is to revise an existing operating plan to better protect endangered species. The revised operating criteria are in compliance with the Terms and Conditions of a USFWS BO, while maintaining the Congressionally-authorized purposes of the C&SF Project. As such, it does not include structural changes and does not pose a significant threat to human life. The WCP contains water management operating criteria which is similar to that currently in place.

5. MODEL CERTIFICATION AND APPROVAL

The selection and application of the model and the input and output data is still the responsibility of the users and is subject to DQC, ATR, and IEPR (if required). The responsible use of well-known and proven USACE developed and commercial engineering software will continue and the professional practice of documenting the application of the software and modeling results will be followed. As part of the USACE Scientific and Engineering Technology (SET) Initiative, many engineering models have been identified as preferred or acceptable for use on Corps studies and these models should be used whenever appropriate. Model approval is described in ECB 2007-6. The selection and application of the model and the input and output data is still the responsibility of the users and is subject to DQC, ATR, and IEPR (if required).

For the ERTTP, the model used for evaluation of alternative operating criteria was the South Florida Water Management Model (SFWMM) Version 5.5.2.2 (Unix), which has been approved for use. In summary, a valid SFWMM tool was utilized, enabling relative comparisons between ERTTP alternative operational schemes.



6. BUDGET AND SCHEDULE The estimated cost for the ATR for the WCP and EIS is \$20,000 and the schedule is as follows:

- (1) DQC – Completed October 2011
- (2) ATR Certification – October 2011
- (3) SAD Approval of Water Control Plan – December 2011

7. PUBLIC PARTICIPATION

a. Scoping. A NEPA scoping letter was mailed on 7 December 2009 to the agencies, organizations, and private individuals listed in Appendix D-1. A letter dated 2 February 2010 was received from the Florida State Clearinghouse, which coordinated agency and stakeholder comments. A copy of the scoping letter and comments received are also included within Appendix D of the EIS.

A Notice of Intent (NOI) to prepare an EIS was published in the Federal Register on 1 March 2010. A copy of the NOI is included within ERTF EIS Appendix D-3.

b. Agency Coordination. The various agencies, affected stakeholders, and interested members of the community were allowed opportunities to provide input during the NEPA process. Public participation was limited to comments received through the NEPA scoping process, and South Florida Water Management District (SFWMD) Water Resources Advisory Council, Governing Board and Technical Oversight Committee meetings. Table 6-1 provides a list of announcements, interagency coordination, and public presentations conducted throughout this process. A workshop was held on December 10, 2010 for interested non-governmental agencies and environmental groups, including Audubon of Florida, National Parks Conservation Association, and The Everglades Foundation. A Public Workshop will be held in March 2010 during the NEPA comment period to elicit input from interested parties. A summary of the scoping process was included in the Executive Summary.

ERTP EIS PUBLIC INVOLVEMENT SUMMARY

Action	Location	Date
Stakeholder Outreach- ENP, SFWMD	Teleconference	7 August 2009
Stakeholder Outreach- ENP, SFWMD	Teleconference	17 August 2009
Stakeholder Outreach- ENP, SFWMD	Teleconference	24 August 2009
Interagency Meeting	Vero Beach, FL	18 September 2009
Interagency Meeting	Teleconference	2 October 2009
Interagency Meeting	Jacksonville, FL	19 October 2009
Stakeholder Outreach- SFWMD, Miccosukee	Teleconference	26 October 2009
Stakeholder Outreach- ENP, SFWMD, Miccosukee	Teleconference	2 November 2009
Interagency Meeting	Teleconference	6 November 2009
Stakeholder Outreach- SFWMD	Teleconference	9 November 2009
Stakeholder Outreach- SFWMD	Teleconference	16 November 2009
Presentation to CISREP*	Jacksonville, FL	3 December 2009
Interagency Meeting	Teleconference	14 December 2009
Presentation to SFWMD Technical Oversight Committee*	West Palm Beach, FL	15 December 2009
NEPA Scoping Letter Mailed	NA	7 December 2009
Interagency Meeting	Teleconference	11 January 2010
Interagency Meeting	Teleconference	15 January 2010
Interagency Meeting	Vero Beach, FL	19 January 2010
Interagency Meeting	Teleconference	25 January 2010
Interagency Meeting	Teleconference	1 February 2010
Interagency Meeting	Vero Beach, FL	22 February 2010
NOI Published in Federal Register	NA	1 March 2010
Stakeholder Outreach- FDEP	Teleconference	30 March 2010
Stakeholder Outreach- FDACS	Teleconference	31 March 2010
Stakeholder Outreach- DERM	Miami, FL	5 April 2010
Stakeholder Outreach- FWC	West Palm Beach, FL	6 April 2010
Stakeholder Outreach- ENP	Homestead, FL	7 April 2010
Stakeholder Outreach- SFWMD	West Palm Beach, FL	7 April 2010
Presentation to SFWMD Water Resources Advisory Committee*	West Palm Beach, FL	8 April 2010
Presentation to SFWMD Governing Board*	West Palm Beach, FL	14 April 2010
Interagency Meeting	Teleconference	19 April 2010
Stakeholder Outreach- DOI	Homestead, FL	26 April 2010
Workshop (USACE/FWS)	Jacksonville, FL	28-29 April, 2010
Interagency Meeting	Teleconference	3 May 2010
Stakeholder Outreach- FDACS	Miami, FL	5 May 2010
Stakeholder Outreach- Miccosukee	Miami, FL	6 May 2010
Interagency Meeting	Teleconference	11 May 2010
Interagency Meeting	Teleconference	17 May 2010
Interagency Meeting	Teleconference	7 June 2010
Interagency Meeting	Teleconference	28 June 2010
Stakeholder Outreach- DOI	Naples, FL	13 July 2010
Stakeholder Outreach- Miccosukee	West Palm Beach, FL	18 August 2010
Stakeholder Outreach- SFWMD	Teleconference	19 August 2010
Stakeholder Outreach-ENP	Teleconference	23 August 2010
Presentation to Technical Oversight Committee*	West Palm Beach, FL	31 August 2010

Stakeholder Outreach- Miami-Dade DERM	Teleconference	1 September 2010
Interagency Meeting	Teleconference	29 September 2010
Interagency Meeting	Teleconference	6 October 2010
Presentation to SFWMD Water Resources Advisory Committee*	West Palm Beach, FL	7 October 2010
Presentation to SFWMD Governing Board*	West Palm Beach, FL	13 October 2010
Presentation to SFWMD Technical Oversight Committee*	West Palm Beach, FL	19 October 2010
Workshop (Environmental Organizations)	Hollywood, FL	10 December 2010

Miccosukee: Miccosukee Tribe of Indians of Florida

CISREP: Comprehensive Independent Science Review of Everglades Restoration Plan

FDEP: Florida Department of Environmental Protection

FDACS: Florida Department of Agriculture and Consumer Services

DERM: Miami –Dade Department of Environmental Resource Management

FWC: Florida Fish and Wildlife Conservation Commission

DOI: Department of the Interior

FWS: U.S. Fish and Wildlife Service

Note: Items marked with an * indicate meetings open to the general public.

This ERTTP EIS will be filed in accordance with ER-FRL-8994-7, Amended Environmental Impact Statement Filing System Guidance for Implementing 40 CFR 1506.9 and 1506.10 of the Council on Environmental Quality's Regulations Implementing the NEPA. Copies of the ERTTP EIS are available on the USACE Jacksonville District website:

http://www.saj.usace.army.mil/Divisions/Planning/Branches/Environmental/Projects_ERTTP.htm

A comments response matrix detailing comments received during the scoping and Endangered Species Act consultation process and the USACE response is included within ERTTP EIS Appendix D.

8. REVIEW PLAN APPROVAL AND UPDATES

The *South Atlantic Division* Commander is responsible for approving this Review Plan. The Commander's approval reflects vertical team input (involving district, MSC, RMO, and HQUSACE members, as appropriate) as to the appropriate scope and level of review. Like the PMP, the Review Plan is a living document and may change as the study progresses. The home district is responsible for keeping the Review Plan up to date. All significant changes to the Review Plan (such as changes to the scope and/or level of review) shall be re-approved by the MSC Commander following the process used for initially approving the plan. The latest version of the Review Plan, along with the Commanders' approval memorandum, will be posted on the Jacksonville District's webpage. The latest Review Plan should also be provided to the RMO and home MSC.

9. REVIEW PLAN POINTS OF CONTACT

Public questions/comments on this review plan can be directed to the following points of contact:

- Jacksonville District Water Management Section Chief, 904-232-2914
- South Atlantic Division, RMO, MSC point of Contact, 404-562-5121