



IN REPLY REFER TO:

# United States Department of the Interior



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Atlanta, Georgia 30303

SER-PC

JUL 22 2008

## Memorandum

To: Superintendent, Everglades National Park

From: Regional Director, Southeast Region *D. Williams*

Subject: Finding of No Significant Impact and Statement of Findings for the Tamiami Trail Modifications, Everglades National Park


The attached Finding of No Significant Impact and Statement of Findings for the Tamiami Trail Modifications are approved.


Attachment

**FINDING OF NO SIGNIFICANT IMPACT**  
**Integrated Limited Reevaluation Report and Environmental Assessment**  
**Tamiami Trail Modifications**  
**Modified Water Deliveries Project**  
**Everglades National Park, Florida**

The preferred alternative does not constitute an action that normally requires the preparation of an environmental impact statement (EIS), and the preferred alternative will not have a significant adverse effect on the human environment. Negative environmental impacts that could occur are negligible to minor. There are no unmitigated, adverse impacts on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. In addition, no highly uncertain or controversial impacts, unique or unknown risks, significant adverse cumulative effects, or elements of precedence have been identified and implementing the preferred alternative will not violate any federal, state, or local environmental protection law. There will be no impairment of park resources or values resulting from implementation of the preferred alternative.

Based on the foregoing, the NPS has determined the preferred alternative will not have a significant adverse effect on the human environment, that an EIS is not required for this project, and that an EIS will not be prepared.

Recommended  7/10/2008  
Dan B. Kimball  
Superintendent  
Everglades National Park  
Date

Approved:  7-22-08  
David Vela  
Southeast Regional Director  
Date

**Attachments:**

- A. Alternatives analyzed in Limited Re-evaluation Report and Environmental Assessment
- B. Coordination letters with Federal Highway Administration
- C. Comments Received and Responses to Comments Received

**Introduction.** The U.S. Army Corps of Engineers (USACE), Jacksonville District, has completed a Limited Reevaluation of modifications for conveyance of water through U.S. Highway 41, Tamiami Trail, as authorized in the Everglades National Park Protection and Expansion Act of 1989, in the 1992 Modified Water Deliveries (MWD) to Everglades National Park (ENP) General Design (GDM) and Environmental Impact Statement (EIS), in the Revised General Reevaluation Report (RGRR) and Supplemental Environmental Impact Statement (SEIS) of 2005-06, and in the 2007 Water Resources Development Act (WRDA). This Limited Reevaluation was undertaken due to unexpected and unprecedented cost increases under the previously selected plan described in the November 2005 RGRR and January 2006 Record of Decision (ROD).

The Environmental Assessment (EA) for the Limited Reevaluation Report (LRR) discusses the development and evaluation of 27 alternative plans including a no action alternative. Screening of alternatives was based on hydrologic efficiency (ability to increase conveyance to ENP), potential habitat benefits, cost and ability to be implemented quickly. Some of the considered alternatives are variations on alternatives developed previously, and others are new. New cost estimates were developed for all alternatives.

The Recommended Plan, equivalent to the Preferred Alternative in National Environmental Policy Act (NEPA) language, is to raise the operational water level constraint in the L-29 Canal from 7.5 feet to 8.5 feet National Geodetic Vertical Datum (NGVD), build a bridge approximately one mile long in the eastern segment of the roadway and reinforce the un-bridged roadway to Florida Department of Transportation standards compatible with the increased stage constraint. The size and location of the bridge would be as described for the eastern bridge under Alternative 14 of the 2005 RGRR/Final Supplemental Environmental Impact Statement (FSEIS) (the Selected Plan in the ROD). The environmental impacts of Alternative 14 were discussed in the FEIS and ROD, and are incorporated by reference here. The project location is a 10.7-mile section of Tamiami Trail from Structure 333 (S-333) on the west to Structure 334 (S-334) on the east. It is bordered to the north by Water Conservation Area (WCA)-3B and includes a discontinuous stretch of relatively deep marsh and slough called Northeast Shark River Slough (NESRS) in ENP.

The LRR/EA incorporates information contained in the November 2005 RGRR/FSEIS by reference, and is considered to be tiered off the referenced EIS. The National Park Service was a NEPA cooperating agency in the development of the LRR/EA. The commander of the USACE, Jacksonville District has approved the Recommended Plan and signed a Finding of No Significant Impact (FONSI) for the LRR/EA. The Chief of Engineers and the Assistant Secretary of the Army for Civil Works must review and approve the Recommended Plan before its delivery to Congress by July 1 2008. This NPS FONSI has been prepared to document NPS decisions and commitments necessary to implement the Recommended Plan following its approval by Congress.

**Background.** The Everglades National Park Protection and Expansion Act, (Public Law [PL] 101-229, Section 104, 16 U.S.C. Part 410r-5 *et seq.*, December 1989), authorized the Secretary of the Army to undertake certain actions to improve water deliveries from the Central and Southern Florida (C&SF) Project to the ENP. The USACE published a General Design Memorandum (GDM) in 1992 called Modified Water Deliveries (MWD) to Everglades National Park. This GDM satisfied, in part, the direction contained in the Everglades Protection and Expansion Act by providing for flood mitigation for the Indian camps and for the 8.5 Square Mile Area (8.5 SMA) of the "east Everglades", as well as a design for seepage and conveyance control features for the Water Conservation Areas (WCAs) north of Tamiami Trail. However, it did not address needed modifications to provide full conveyance capacity under the Tamiami Trail for anticipated additional flow volumes of up to 4,000 cubic feet per second (cfs) during the rainy season. It was known by 2000 that additional modifications to Tamiami Trail would be

required to convey improved flows to NESRS. There were widely opposing views on the magnitude of changes to Tamiami Trail that were needed to provide the conveyance, making the evaluation process lengthy and difficult. In 2005, the USACE published a Revised General Reevaluation Report (RGRR) and Supplemental Environmental Impact Statement (SEIS) that would have provided capacity to allow improved flow volumes across the Trail, once the conveyance and seepage control features in WCA-3A and 3B were built. The major problem with the 2005 Recommended Plan was its anticipated cost. Although a Record of Decision (ROD) selecting the 2005 Recommended Plan was signed in January 2006, the plan was proposed to Congress, and the Selected Plan was not approved. Instead, Congressional managers drafting the Water Resources Development Act (WRDA) of 2007 directed the USACE to identify a lower-cost plan still capable of meeting the MWD Project objectives, and to submit a revised report by July 2008. The present report is intended to tier from the detailed evaluations provided in the 2005 RGRR and SEIS and meet the directives of WRDA 2007.

### **PREFERRED ALTERNATIVE (RECOMMENDED PLAN) IN THE LRR/EA)**

The Preferred Alternative (Recommended Plan) consists of the following components which are described in detail in Section 6 of the LRR/EA.

1. The USACE will construct a one-mile bridge, bridge approaches and reinforce the unbridged portion of the 10.7 mile roadway to mitigate for possible impacts of increased water levels. The bridge will provide two 12-foot-wide travel lanes with 10-foot shoulders, outside barriers and a stormwater treatment system. The time required to complete construction of the project is estimated to be 36 months.
2. After completion of the bridge construction, the USACE will remove the unneeded portion of the highway. This will result in one mile of connectivity between the L-29 Canal and ENP and will enhance hydraulic conveyance through the Tamiami Trail. Approximately 2.3 acres of wetlands will be filled, 6.6 acres of wetlands will be temporarily affected, and 8.5 acres restored to open water habitat by roadway removal during the construction of the Tamiami Trail modifications.
3. The federal government will obtain real estate rights in order to create a conveyance channel through Tamiami Trail, raise water levels in the L-29 canal, and flow additional water through and under Tamiami Trail utilizing the existing culverts and new bridge, to NESRS. The DOI, FDOT and private landowners own or hold interests in lands required for the project. Real estate requirements are discussed in detail in the Real Estate Appendix of the LRR (Appendix F).
4. Raise the operational water level constraint in the L-29 Canal to 8.5 feet NGVD. A one-mile eastern bridge, when coupled with an increased stage of 8.5 feet, may increase annual flow volumes by about 92 percent (to 339,703 acre-feet per year) and peak flows may increase by about 48 percent (1,848 cfs).

The preferred alternative is an action of reduced scope compared to the previously selected plan, Alternative 14 in the 2005 RGRR/SEIS. The eastern bridge location is the same location recommended in that document; however, no western bridge segment or segments are recommended. No businesses are operating directly in the footprint of the proposed bridge or its approaches. Florida Power and Light owns lands that are currently vacant within the footprint. The USACE will seek to acquire real estate interests from them. Due to lower water level constraints (8.5 feet instead of 9.7 feet in the 2005-06 RGRR) indirect impacts are expected to be minimal. Real estate requirements for the recommended plan have been identified. Road modifications to parts of U.S. 41, Tamiami Trail, will be required and their costs are included in the project cost estimates. Water levels (stages) in the L-29 Canal will be constrained to

lower stages than those anticipated in the 2005 RGRR/SEIS, reducing the need for modifications to the roadbed. The recommended action is expected to be compatible with budgeted funds for the completion of the MWD to ENP project and allow for future improvements to further increase conveyance through U.S. 41.

The Preferred Alternative represents a balance between alternatives that produce a very large quantity of ecosystem benefits but are very costly and alternatives that are less expensive but provide few ecosystem benefits. The preferred alternative meets both the requirements to exceed minimum flow and benefits to NESRS and to stay below the cost of the 2005 RGRR plan.

### **Decisions to be Made Associated with the Implementation of the Preferred Alternative**

The adoption of a Recommended Plan, after USACE-Headquarters (HQ) approval, public and agency coordination of the LRR/EA, is the primary decision that must be made. As directed in the Conference Report for WRDA 2007, the cooperating federal agencies must recommend a plan to Congress by July 1, 2008 to provide immediate steps to increase flows to the Park

Several NPS/DOI agreements and actions are required to implement the Tamiami Trail Modifications project. They include the following:

- 1. Highway Easement Deed & Relocation Agreement.** In order to construct the one-mile bridge, the project requires one hundred feet of land (50 feet permanent and 50 feet temporarily for construction) south of Tamiami Trail for the one mile width of the site of the bridge from the DOI. One legal mechanism for DOI to convey these parklands is by means of a Highway Easement Deed (HED). The DOI would consent to the deeding of these ENP lands by the FHWA to FDOT since these lands are required for the construction, operation, and maintenance of the project. The HED would be negotiated by DOI, FHWA, FDOT, South Florida Water Management District (SFWMD) and USACE. In addition to conveying the rights necessary for the construction and operation, maintenance, repair, rehabilitation and replacement (OMRR&R) of the highway (i.e., the bridge), this HED would also contain a perpetual channel easement and perpetual flowage easement. These additional rights would then allow for the construction, OMRR&R of a channel underneath the bridge and also allow for the flow of water through the channel. As the only grantee to the HED, all of these rights would then issue only to FDOT at this point. The USACE, not being a party to the HED conveyance, would not have the legal right to enter upon the property of FDOT. Therefore, the USACE would acquire the real estate interests contained in the HED through a separate agreement with FDOT. This separate document is the Relocation Agreement. The HED is viewed here as a temporary solution for transferring these lands to the state. It is the overall intention of DOI to seek specific legislation from Congress to convey the lands contained in this HED over to the state in fee.
- 2. Temporary Construction Easement / Special Use Permit.** ENP will issue a Special Use Permit to the USACE for a 50' wide Temporary Construction Easement alongside the new one mile long bridge and a 10' wide Temporary Construction Easement adjacent to the two new bridge approach lanes planned for construction within Everglades National Park to facilitate the construction of the Tamiami Trail Modifications project. This area will be utilized only for construction and will be restored to pre-existing conditions after construction is complete.
- 3. Land Management Agreement,** This agreement is between USACE, DOI, and SFWMD on how to manage the project features where they extend into lands owned by ENP.

- 4. Real Estate.** Flowage easements are required from the private parcels located along Tamiami Trail before the higher water stages can be implemented. There are six remaining privately owned parcels located along the Tamiami Trail that are authorized for acquisition by DOI as part of the Everglades National Park Protection and Expansion Act (PL 101-229). These properties were included within the ENP boundary map that was established by Congress; therefore, the NPS is responsible for acquisition of those properties.

## **ALTERNATIVES ANALYZED IN THE ENVIRONMENTAL ASSESSMENT**

Twenty-seven alternatives were identified and analyzed with varying stage in L-29 stage and highway opening size. These alternatives are summarized in the Table 4-2 of the LRR/EA and can also be found in NPS FONSI Attachment A.

Management measures and subsequent alternative plans developed for this project were consistent with those that were produced during prior planning efforts. Management measures for this project focused on increasing conveyance of freshwater flows to ENP. In order to deliver additional flows, two major items need to be evaluated:

- 1. L-29 Canal Stage Increase:** Increasing the stage in the L-29 Canal provides hydraulic head to push water from the L-29 Canal into Northeast Shark River Slough and to allow water to flow through the existing 19 culvert sets under the roadway. Five categories of alternatives were analyzed having a range in L-29 canal stage from 7.5 feet (current) to a maximum of 9.7 feet where hydrologic analyses indicate unconstrained flow into ENP would occur.
- 2. Opening Size and Location:** Increasing the width of the opening(s) beneath the Tamiami Trail would increase flow compared to the existing culverts. The major freshwater flow benefits of an increased opening span are derived from the reduction in head loss between the canal and marsh surfaces. By creating a larger space for water to flow between canal and slough, it creates a more equal distribution of water surfaces and functions to enhance the effectiveness of freshwater flows under any set of stage conditions. In addition to this hydrologic connectivity, larger openings provide for potential wildlife connectivity across the trail. Wildlife passage is greatly limited under the current culvert openings, as the culverts are frequently wet and not suitable for migrating terrestrial species. Increasing the opening under Tamiami Trail would involve construction activity. The range in opening varied from the existing 19 sets of culverts to a bridge span across the entire length of the project area (10.7-mile causeway).

### **a. No Action Alternative**

The future without project conditions are the conditions expected in the project area if no project is implemented. It is the baseline for evaluation and comparison of alternatives. The study team assumed that future without project conditions would be similar to existing conditions. The future without project conditions for this planning study is synonymous with the No Action alternative under NEPA.

### **b. Initial Screening of Alternatives**

The screening of the LRR alternatives was based on both performance and cost criteria. These factors were used to remain in compliance with the language of the 2007 WRDA Managers' Report (Section 1) as well as policy guidance provided by senior policy personnel within the USACE and the DOI. Using this broad guidance, the LRR team screened the LRR alternatives using a subset of the performance measures described in the Benefits Analysis Section (Section 4.4.1) as well as the estimates of the total

project costs. The performance measures selected for use in the screening were those measures which provided the greatest ability to segregate the alternatives based on relative ecological and hydrological performance as well as being representative of measures requiring some minimum level of performance for an alternative to be considered acceptable. The screening strategy employed was to apply the selected ecological and hydrological performance measures sequentially and then subject the remaining alternatives to a final screening based on the project costs. The ecological and hydrological performance measures used for this process are found in the table below and are listed in their order of application in the screening process, including the threshold level of performance used for the acceptance/rejection of a given alternative:

### ECOLOGICAL AND HYDROLOGICAL PERFORMANCE MEASURES USED FOR SCREENING

Screening Priority	Measure	Hydrological/Ecological Measure Description	Screening Threshold (% above No Action)
1	1A	Average annual flow volumes	<= 20%
2	2B	Difference between average velocity in the marsh and average velocity at road	<= 20%
3	4B	Potential connectivity of WCA-3B marsh with NESRS as percent of total project length	<=5%
4	3A	Hydrologic Suitability for Slough Vegetation	<=20%

These performance measures, used in the order stated, provide a needed combination of hydrologic performance: (1 and 2), marsh connectivity (3), and downstream ecological response (4) for the team to be confident that the screening process would provide an acceptable suite of alternatives following their sequential application. Results of the iterative screening are described in detail below:

Screening of Alternatives Based on Average Annual Flow Volume Performance (Screening Priority 1). Alternatives which met this minimum level of performance were all alternatives in Categories 2, 3, 4, and 5. All alternatives in Category 1, which maintained the L-29 canal stage at 7.5 feet, were eliminated from further consideration because each of these alternatives failed to produce flow volumes greater than the screening thresholds stated above. This is because this category of alternatives maintains stage in the L-29 canal at a level equivalent to the No Action Alternative (7.5 feet) and results in hydrologic conditions insufficient to increase flow volumes into Northeast Shark Slough.

Screening of Alternatives Based on Difference between Average Velocity in the Downstream Marsh and Average Velocity at Road (Screening Priority 2). Application of this screening measure resulted in the elimination of an additional six alternatives (2.1, 2.2.1, 3.1, 3.2.1, 4.1, and 4.2.1). Essentially, this screening measure eliminated all alternatives that did not have at least one bridge span within the road alignment. This is because the output from the hydrologic modeling of velocities downstream of the discharge outlets indicated that alternatives with smaller openings produce greater velocity distortions than those alternatives with larger openings. All remaining alternatives that had bridge spans were retained (Alternatives 2.2.2a, 2.2.2b, 2.2.3, 3.2.2a, 3.2.2b, 3.2.3, 4.2.2a, 4.2.2b, 4.2.3, 5.1, 5.2, 5.3, and 5.4) for subsequent screening.

Screening of Alternatives Based on Connectivity of WCA-3B Marsh and NESRS (Screening Priority 3). Application of this screening measure did not result in the elimination of any additional alternatives but did affirm the need to eliminate the alternatives that failed to meet the minimum level of performance of

the previous screening criteria. Alternatives 2.2.2a, 2.2.2b, 2.2.3, 3.2.2a, 3.2.2b, 3.2.3, 4.2.2a, 4.2.2b, 4.2.3, 5.1, 5.2, 5.3, and 5.4 were retained for further screening.

Screening of Alternatives Based on Hydrologic Suitability for Slough Vegetation (Screening Priority 4).

All alternatives that were retained following screening by screening priorities 1, 2, and 3 were again retained following the application of this screening priority. Alternatives 2.2.2a, 2.2.2b, 2.2.3, 3.2.2a, 3.2.2b, 3.2.3, 4.2.2a, 4.2.2b, 4.2.3, 5.1, 5.2, 5.3, and 5.4 were retained but also affirmed the results of the application of the earlier screening criteria when Alternatives 1.2, 1.3, 2.1, 2.2.1, 3.1, 3.2.1, 4.1, and 4.2.1 exhibited a low level of performance for marsh connectivity.

Screening of Alternatives Based on Cost. Based on the results from the screening based on ecological performance criteria, the remaining alternatives (2.2.2a, 2.2.2b, 2.2.3, 3.2.2a, 3.2.2b, 3.2.3, 4.2.2a, 4.2.2b, 4.2.3, 5.1, 5.2, 5.3, and 5.4) were then subjected to the final screening priority-cost. The alternatives remaining following the application of all of the screening measures, including cost, are Alternatives 2.2.2a, 2.2.2b, 3.2.2a, and 3.2.2b.

**c. Final Alternatives Evaluated Following Initial Screening**

Four action alternatives were identified in addition to the No-Action Alternative. The final array of alternatives were:

- 1.1 No-Action
- 2.2.2a Raise canal stage to 8.0 feet, reinforce road, one-mile eastern bridge
- 2.2.2b Raise canal stage to 8.0 feet, reinforce road, one-mile western bridge
- 3.2.2a Raise canal stage to 8.5 feet, reinforce road, one-mile eastern bridge
- 3.2.2b Raise canal stage to 8.5 feet, reinforce road, one-mile western bridge

The final suite of alternatives was evaluated more fully in subsequent analysis using the remaining performance measures discussed in the LRR/EA. The resulting alternatives meet the general guidance provided by the USACE and DOI for the identification of a reasonable cost effective alternative less costly than the 2005 RGRR Selected Plan, but still providing a level of performance consistent with the objectives of the MWD Project.

**ENVIRONMENTALLY PREFERRED ALTERNATIVE**

The NPS, in accordance with the DOI policies contained in the Department Manual (516 DM 4.10) and the Council on Environmental Quality's Forty Questions, defines the environmentally preferred alternative (or alternatives) as the alternative that best promotes the national environmental policy expressed in NEPA (Section 101(b)) which considers: (1) fulfilling the responsibilities of each generation as trustee of the environment for succeeding generations; (2) assuring for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings; (3) attaining the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences; (4) preserving important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice; (5) achieving a balance between population and resource use which would permit high standards of living and a wide sharing of life's amenities; and (6) enhancing the quality of renewable resources and approach the maximum attainable recycling of depletable resources."

The Council on Environmental Quality's Forty Questions (Q6a), further clarifies the identification of the environmentally preferred alternative, stating "ordinarily, this means the alternative that causes the least



damage to the biological and physical environment; it also means the alternative which best protects, preserves and enhances historic, cultural, and natural resources.”

Based on the analysis prepared for the 2005 RGR/SEIS and input from other agencies and the public, the ROD for the RGR/SEIS identified the environmentally preferred alternative for the Tamiami Trail Modifications component of the MWD Project as the 10.7 mile bridge (Alternative 17 in the RGR/SEIS). This alternative was not recommended for implementation in the RGR/SEIS because of its unreasonable high cost and significant adverse cultural and socio-economic impacts (ROD page 2). For this LRR, the 10.7 mile bridge alternative (Alternative 4.2.4) is again the environmentally preferred alternative. As before, this alternative was not recommended for implementation in the LRR because of its extremely high cost.

## **THE PREFERRED ALTERNATIVE AND SIGNIFICANCE CRITERIA**

As defined in 40 CFR §1508.27, significance is determined by examining the following criteria:

***Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial***

Over the short-term, minor adverse impacts will occur to the wetlands within the construction zone of the 1-mile bridge. Wildlife and park visitors will be disturbed by activities and noise associated with the construction. Vegetation and soils within the footprint of the bridge will be removed to bedrock to facilitate construction and subsequent operations to maintain flow to the area. Soil disturbance and increased sediment could, temporarily, affect local surface water quality. Mitigation for increased sediment will be provided during construction. There would also be long term, minor to moderate benefits to several resources including wetlands, wildlife and wildlife habitat, and special status species primarily due to the water flow improvements. Beneficial effects would also include the preservation and enhancement of approximately 10 acres of land within the 8.5 Square Mile Area as compensation for the loss of 9.28 acres of Florida panther habitat in the footprint of the bridge and roadway approaches.

***The degree to which the proposed action affects public health or safety***

Implementation of the preferred alternative would not increase or decrease traffic on the Tamiami Trail. Construction associated with reinforcing of the roadway would reduce the undulations and cracks in the highway surface and improve the drivability of the road. During construction of the project, traffic may be delayed in construction zones, particularly when it is necessary to temporarily close one lane of the highway. Under these situations, signage, signals, and other appropriate traffic control measures would be utilized to ensure safety in accordance with FDOT requirements.

The highway would remain available for evacuation during hurricane season; improvements made to the highway would improve safe travel of motorists during future evacuations. During hurricane evacuations, the contractor would secure the area and provide two way travel on the road unless otherwise designated by evacuation requirements.

***Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas***

**Historic and Cultural Resources.** Five cultural resources have been recorded within the Tamiami Trail MWD to the ENP-GRR/SEIS project area; four being eligible or potentially eligible for the National Register of Historic Places. One of these properties, Tamiami Trail, would be adversely affected by implementation of the preferred alternative. Other historic properties would not be adversely affected as they are outside the Area of Potential Effect of the one-mile bridge. A Memorandum of Agreement (MOA) among the USACE, ENP and the Florida State Historic Preservation Officer (SHPO) has been

completed to mitigate the adverse effects on Tamiami Trail. Mitigation will consist of an interpretive display or kiosk to be installed at a location within the Shark Valley Interpretive area at ENP. The MOA is only for the construction features (the bridge, bridge approaches, removal of the roadway section upstream of the bridge opening, and the roadway reinforcement work). Changes to current operations of the L-29 Canal are not addressed in the agreement. The remaining historic properties will be evaluated for potential adverse effects depending on future modifications to this project and based upon monitoring of water levels in the area

As the anticipated stage increase resulting from implementation is 12 inches, the effects to archeological sites located within the Shark River Slough National Register Archeological District in ENP by rising waters should be negligible, as this is well below historic flood stage. As water levels rise, significant sites will be monitored to ensure that impacts remain negligible. If over time impacts exceed this threshold, further consultation and mitigations would take place.

Should construction activities uncover any unanticipated archaeological finds, activity in the immediate area of the find would be stopped and the USACE notified. Construction would not continue until the site finds are evaluated by a professional archaeologist and the USACE provides a notice to proceed.

In the event that human remains are found during construction or maintenance activities, the provisions of *Chapter 872, Florida Statute (872.05)* would apply to the extent there exists a waiver of Federal sovereignty. If Native American remains are encountered within the boundary of ENP, provisions of the Native American Graves Protection and Repatriation Act (NAGPRA) would apply.

Parklands. Because a bridge would be located primarily on ENP lands up to 50 feet to the south of the existing highway, new construction would be necessary to provide transitions from the existing highway alignment to the bridge. These transitional areas to access the bridge would be constructed on ENP property as well, resulting in a permanent loss through conversion to highway embankment. A temporary wetland loss would occur in the 50-foot construction easement on ENP south of a bridge. Vegetation in this area would be removed to facilitate access by equipment. After bridge construction has been completed, the temporary construction easement footprint would be restored.

Wetlands. Approximately 62,000 acres of wetlands would benefit from the implementation of the preferred alternative. However, implementation of the preferred alternative will result in impacts to less than 10 acres and are fully described in the National Park Service Statement of Findings (SOF) for this project (see Parklands above). Based on the analyses included in the LRR/EA and the SOF, the preferred alternative provides ecological benefits, among them improved hydroperiod, ridge and slough habitat, ecological connectivity, and abundance and diversity of wildlife.

There are no prime farmlands, wild or scenic rivers, or designated ecologically critical areas in the project area.

***The degree to which the effects on the quality of the human environment is likely to be highly controversial***

While there is some opposition, the preferred alternative is strongly supported by the Federal and State Resource Agencies as well as many environmental advocacy groups and much of the general public. Please see Attachment C for a detailed account of public comments on the plan.

***Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks***

The risks to the quality of the human of the human environment associated with the preferred alternative will be negligible. There would be no highly uncertain, unique or unknown risks associated with implementation of the preferred alternative.

***Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration***

The preferred alternative would not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration.

***Whether the action is related to other actions with individually insignificant but cumulatively significant impacts***

This project is one component of the MWD project, which would restore to the extent practicable a portion of the Everglades ecosystem. Implementation of the preferred alternative represents a crucial first step toward conveying increased flows past Tamiami Trail, restoring more natural hydrologic conditions in Northeast Shark River Slough and benefiting a wide range of vegetation types and wildlife species in ENP. Full restoration of natural flows to NESRS and ENP may only be accomplished through implementation of MWD project features coupled with the restoration features of the Comprehensive Everglades Restoration Plan as described in the LRR/EA and the 2005 RGRR/SEIS. These projects, if funded and fully implemented, may result in cumulatively significant beneficial effects on the southern Everglades ecosystem as described in the RGRR/SEIS. No significant adverse cumulative impacts were identified during the environmental analysis for the LRR/EA.

***Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources***

Direct adverse effects to the National Register eligible Tamiami Trail from construction will be mitigated through the MOA developed with the Florida SHPO, therefore impacts will be moderate. Indirect impacts from the rising water stage to National Register eligible Coopertown will be minor. Indirect impacts to sites located in the Shark River Slough Archeological District will be negligible to minor. A long term monitoring strategy will be implemented to ensure that impacts do not exceed this threshold.

***Degree to which the action may adversely affect an endangered or threatened species or its critical habitat***

The 2005 Fish and Wildlife Coordination Act Report (FWCAR) referenced six threatened or endangered species in the project area: CSSS, eastern indigo snake, Florida panther, snail kite, West Indian manatee, and wood stork. USFWS and the FWC also identified the Frog City wading bird colony as potentially requiring protective measures during construction. The LRR/EA and the FWCAR address each of these species, their habitat, as well as detail the measures needed for conservation and protection of each during and after construction of the preferred alternative.

The USFWS has completed formal consultation on the potential effects of the preferred alternative on listed species within the project area. By letter dated June 25, 2008, the USFWS concurred with the USACE's determination that implementation of the preferred alternative "may affect, but is not likely to adversely affect" the eastern indigo snake, wood stork, Everglades snail kite, West Indian Manatee, and Cape Sable seaside sparrow and will have "no effect" on Everglades snail kite critical habitat, West Indian manatee critical habitat, and CSSS critical habitat. The USFWS also completed a Biological Opinion on potential effects of the recommended plan on the Florida panther. The BO concluded that

implementation of the preferred alternative is not likely to jeopardize the continued existence of the Florida panther.

The USFWS also determined that the preferred alternative has the potential to benefit endangered species outside the project footprint. These benefits include lowering water levels in WCA-3A which could improve tree island habitat for the Florida panther, and reduction in discharges through the S-12 structures which have impacted CSSS habitat located in western Shark River Slough

***Whether the action threatens a violation of Federal, state, or local environmental protection law***

The preferred alternative will not violate and Federal, state, or local environmental protection laws.

***Impairment***

In addition to reviewing the list of significance criteria, the NPS has determined that implementation of the preferred alternative will not constitute an impairment to ENP resources and values. This conclusion is based on a thorough analysis of the environmental impacts described in the Limited Reevaluation Report and associated Environmental Assessment, public comments, relevant scientific studies, and the professional judgment of the decision-maker guided by the direction in National Park Service Management Policies, 2006. Although implementation of the project will cause short-term, localized adverse effects, in all cases these result from actions taken to preserve vital park resources. Overall, implementation of the preferred alternative will result in benefits to natural resources and the human environment and will increase opportunities for their long-term enjoyment. Implementation of the LRR preferred alternative will not result in impairment of Everglades National Park resources and values and will not violate the NPS Organic Act.

**PUBLIC INVOLVEMENT AND CONSULTATION**

Two previous planning studies have been published, recommending two different alternatives for providing conveyance across Tamiami Trail. The 2003 final GRR and SEIS recommended an alternative of a 3,000-foot long bridge along the 10.7-mile stretch of Tamiami Trail. After this document underwent public and agency coordination, many agencies and environmental groups, including ENP, recommended further studies and evaluation to determine if a greater conveyance capacity could be achieved. These studies led to the 2005 RGRR and SEIS, which recommended a one-mile long east bridge and a two-mile long west bridge. Both of these studies aroused considerable public and agency interest, and some controversy. Previously identified public issues and concerns included: maximizing potential connectivity between the ecosystems and communities of the WCAs and the ENP; restoration of historic deep water areas (sloughs) and medium-hydroperiod marshes; restoration of typical ridge-and-slough ground patterns by restoring higher-velocity sheet flow; maintenance of typical ecotourism businesses to the extent feasible along the south side of Tamiami Trail; impacts on the road itself and on other business properties; potential impact on Miccosukee camps and traditional use areas; and potential impacts on endangered species and their habitats. Federal and state agencies including FDOT, FDEP, FWC, Florida SHPO and the Florida Department of State, as well as the DOI, NPS and USFWS, the general public and the Miccosukee Tribe provided comments and recommendations for these previous reports.

**Scoping.** A general public scoping letter was mailed on January 28, 2008, and was closed on March 7, 2008, inviting all concerned agencies and citizens who provided previous comments to provide information on their ongoing issues, concerns and recommendations for this study.

Detailed comments received and associated responses to these comments are included in the LRR/EA. Concerns that were emphasized include the following:

- The suite of studied alternatives includes several that would have provided very substantial potential benefits but were eliminated due to extremely high cost.
- Several government and non-government agencies consider a stage increase of one foot, which would provide a stage constraint of 8.5 feet, a more environmentally favorable stage. Scoping comments from SFWMD, USFWS and FWC favor raising the stage constraint to 8.5 feet.
- Additionally many providing comment feel that the ability to pass 4,000 cfs is equally important as an average peak rainy season flow goal.
- Representatives of the Miccosukee Tribe, in meetings with USACE representatives, repeated previous comments that cleanout or expansion of the culverts and regular maintenance thereafter would provide sufficient benefits, citing the high cost of bridges relative to road repair as one reason for these comments.
- The FWC would like serious consideration given to improving conveyance along other portions of the Trail in addition to the bridge on the eastern portion.
- Miami Dade County expressed concern about potential seepage and flood protection level of service to the east.
- Some providing comment repeated previous calls for bridging the entire road segment to maximize potential re-connection of the WCAs and Park wetlands.
- Several non-governmental organizations objected to concrete bridge construction on the assumption that the cement used would ultimately come from limestone mines in the Lake Belt area.
- FDOT Representatives called for full inclusion of road repair costs in all project alternatives, and provided detailed specifications for road design along this stretch of Tamiami Trail.
- The Sierra Club stated support for the “Blue Shanty Plan” and asked the USACE to adopt all or a portion of that plan.
- Radio One is concerned with potential flooding impacts to its property

**Public Review of the Draft LRR/EA.** The draft LRR/EA was made available for public review between April 9 and May 9 2008 through mailings and posting on USACE and NPS websites. Comments received have been incorporated into the EA discussion of issues and concerns. The U.S. Environmental Protection Agency (EPA) and the DOI expressed support for the recommended plan. Some stakeholder groups expressed preference for certain alternatives. The Miccosukee Tribe has reiterated comments on previous evaluations, stating that it does not favor a bridge or believe one is necessary, urging the USACE to consider an option that increases culverts, provides getaway swales south of the road and maintains these structures open. Most state and federal agency comments have been supportive, and many expressed support for an alternative from the (3) group (raising L-29 water level constraint one foot to force more water into the Park). Non-governmental conservation groups generally favor larger (higher water level, more bridges) alternatives, such as Alternative 4.2.4, which includes bridging the entire 10.7 mile length of Tamiami Trail in the project area.

A public work shop was held April 22, 2008 in the Miami area to receive additional public and stakeholder comments. All comments received during this workshop or via mail or email have been reproduced in the LRR/EA.

**Other Consultation.** Coordination with local, state and federal agencies and various interest groups was conducted during the NEPA process to identify issues and/or concerns related to MWD Tamiami Trail modifications.

Consistent with the requirements of Section 7 of the Endangered Species Act, the USFWS completed formal consultation on the potential effects of the preferred alternative on listed species. The USFWS concurred with the USACE’s determination that implementation of the preferred alternative “may affect,

but is not likely to adversely affect” the eastern indigo snake, wood stork, Everglades snail kite, West Indian Manatee, and Cape Sable seaside sparrow and will have “no effect” on Everglades snail kite critical habitat, West Indian manatee critical habitat, and CSSS critical habitat. The USFWS also completed a Biological Opinion on potential effects of the recommended plan on the Florida panther. The BO concluded that implementation of the preferred alternative is not likely to jeopardize the continued existence of the Florida panther.

A Memorandum of Agreement (MOA) among the USACE, ENP and the Florida SHPO has been completed to mitigate the adverse effects on Tamiami Trail.

The USACE has applied for a State Water Quality Certification (WQC) in parallel to the NEPA process.

Attachment A: LRR/EA Alternatives

Alternative Number	Alternative Description	L-29 Design Stage (Feet)
<b>1</b>	<b>No roadway reinforcement</b>	
1.1	no action (19 culvert sets)	7.5
1.2	spreader swales (30ft x 1000ft)	7.5
1.3	add culvert sets (19 - 3x5ft dia) with swales	7.5
1.4a	add 1-mile eastern bridge	7.5
1.4b	add 1-mile western bridge	7.5
1.5	(crown) and add 1-mile western bridge	7.5
<b>2</b>	<b>Roadway improvements - Crown 11.05ft</b>	
2.1	reinforce low points along road	8
2.2.1	reinforce low points, add culverts with swales	8
2.2.2a	reinforce road, add 1-mile eastern bridge	8
2.2.2b	reinforce road, add 1-mile western bridge	8
2.2.3	reinforce low points, add 2-mile + 1-mile bridges	8
<b>3</b>	<b>Roadway improvements - Crown 11.55ft</b>	
3.1	reinforce road	8.5
3.2.1	reinforce road, add culverts with swales	8.5
3.2.2a	reinforce road, add 1-mile eastern bridge	8.5
3.2.2b	reinforce road, add 1-mile western bridge	8.5
3.2.3	reinforce road, add 2-mile + 1-mile bridges	8.5
<b>4</b>	<b>Roadway improvements - Crown 12.75ft</b>	
4.1	reinforce road	9.7
4.2.1	reinforce road, add culverts with swales	9.7
4.2.2a	reinforce road, add 1-mile eastern bridge	9.7
4.2.2b	reinforce road, add 1-mile western bridge	9.7
4.2.3	reinforce road, add 2-mile + 1-mile bridges	9.7
4.2.4	10.7-mile bridge	9.7
<b>5</b>	<b>Structural alternatives and/or road realignment</b>	
5.1	northern alignment of Alt 14	9.7
5.2	northern alignment with 1-mile bridge	9.7
5.3	relocation of L-67 levee - Crown 13.00ft	9.7
5.4	of L-67 levee - Crown 13.00ft	9.7
5.5	pump stations along L-29	-

**Attachment B: FHWA Coordination letters**



W30 Oct 06



U.S. Department  
of Transportation  
Federal Highway  
Administration

545 John Knox Road, Suite 200  
Tallahassee, Florida 32303

(850) 942-9650

GOVERNMENT  
OCT 25 2006

October 20, 2006

In Reply Refer To: HPR-FL

Mr. Dan B. Kimball  
Superintendent  
US Department of Interior  
Everglades and Dry Tortugas National Parks  
40001 State Road 9336  
Homestead, Florida 33034-6733

Dear Mr. Kimball:

Subject: Modified Water Distribution to Everglades National Park -- Tamiami Trail Modifications

This letter is in response to your letter of October 10, 2006 and serves as verification of information provided in conversations and emails between our respective staffs. Section 4(f) of the Department of Transportation (DOT) Act does not apply to the transfer of Everglades National Park (ENP) property to Florida DOT for implementation of the Modified Water Deliveries (MWD) project. The proposed project is an environmental restoration project and the Federal Highway Administration's involvement in the transfer of property between another Federal Agency and the Florida DOT would not trigger the applicability of Section 4(f).

Should you have any further questions, please contact Mr. George Hadley at (850) 942-9650, extension 3011.

Sincerely,

For: David C. Gibbs  
Division Administrator

cc: Ms. Alice Bravo, FDOT (District 6)





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

REPLY TO  
ATTENTION OF

JUN 12 2006

Programs and Project Management Division  
South Florida Restoration Branch

Mr. Dan Kimball  
Superintendent  
Everglades National Park  
40001 State Road  
Homestead, Florida 33034-6733

Dear Mr. Kimball:

The approval of the Revised General Reevaluation Report (RGRR) for modification to Tamiami Trail in February 2006 was another important step forward for Everglades National Park (ENP) and the U.S. Army Corps of Engineers (Corps) in completion of Modified Water Deliveries (MWD) Project. The MWD project remains one of Jacksonville District's highest priorities. Our next major milestone is the issuance of a construction contract for the modification to Tamiami Trail by the beginning of Calendar Year (CY) 2007. This correspondence will identify major milestones necessary to continue the project's momentum, seek clarification of each agency's responsibilities, and provide an update since our meeting on March 30, 2006.

- 1. Construction Schedule for Tamiami Trail Modifications:** After evaluation of the funding stream, real estate actions, engineering feasibility and contractual requirements, it has been determined that phasing the construction for the modification of the 10.7 miles of Tamiami Trail is our best alternative for meeting our agencies' goal of contract award in the beginning of CY 2007. The first phase of construction or base contract will consist of construction of 3.06 miles of the eastern most section of the 10.7 miles. The second phase will be an option to the base contract and consists of constructing 4.23 miles of the western most section of the 10.7 miles. The final phase, also an option to the base contract, consists of constructing the remaining 3.36 miles of the center section. The detail of the construction phasing is enclosed. Upon approval of this phased construction, we will need to adjust the Capital Asset Plan to coincide with the construction schedule. Please provide us any concerns or limitations ENP may have with this approach.
- 2. Privately Owned Lands along Tamiami Trail:** Lands within the 10.7 mile project footprint along Tamiami Trail will require immediate real estate actions in order to begin construction in CY 2007. It is our understanding that ENP was authorized to acquire these privately owned lands south of Tamiami Trail as part of the Everglades National Park Expansion and Protection Act of 1989, PL 101-229. These properties consist of Florida Power and Light Co., Radio One Communications, Coopertown Airboat Rides, Gator Park,

Everglades Safari Park and Lincoln Financial Media (formerly Jefferson Pilot). The Airboat Association of Florida was specifically excluded from the boundary of the ENP map at the time PL 101-229 was enacted. It is also our understanding that these lands have not been acquired to date; however, the future use of these lands will be documented in ENP's General Management Plan Review, which is currently scheduled to be completed in 2009. We recognize that the Corps will need to acquire the necessary real estate interests in these privately owned lands for Tamiami Trail in order to meet the construction schedule.

As you know, the Corps is preparing a Real Estate Supplement for the RGRR, which will be complete the end of May 2006. The Corps will make sure that the lands are available for construction of Tamiami Trail and evaluate any impacts to those lands for operation with the appropriate National Environmental Policy Act documentation. The Corps has issued a Notice of Intent (NOI) to prepare a Supplemental Environmental Impact Statement (SEIS) that is to be published in the Federal Register on May 26, 2006. Our current evaluations of the privately owned real estate actions are based strictly on the real estate needs for construction and operations. The Corps plans to purchase many of these private lands in fee and in some cases the structures will be demolished and lands degraded. These lands will be transferred to ENP after project completion. Therefore, if ENP has any needs or future uses for these lands or structures, provide this information to the Corps and make provisions for policing and managing these structures.

- 3. ENP Owned Lands along Tamiami Trail:** The lands owned by ENP south of Tamiami Trail located within construction footprint will need to be permanently transferred to Florida Department of Transportation (FDOT) prior to construction. However, in order to meet the construction schedule, we need to know if ENP is willing to issue a construction permit, or other type of authorization, to FDOT and/or Corps granting authorization to begin construction for the modification to Tamiami Trail on ENP lands.

The Corps provided the boundary survey to ENP on May 1, 2006, and we are planning to have the 30 percent design completed by the end of July 2006, that will provide the footprint of the Tamiami Trail modifications. Based on this information, we need to know the minimum time needed for ENP to transfer required lands to FDOT. If ENP is in agreement with issuing a construction permit, what is the minimum time needed to grant construction authorization?

The Corps submitted a request for Right-of-Entry (ROE) from ENP in December 2005 to complete subsurface investigations. We understand that your staff is working with the state's compliance office to obtain the necessary permit. Request a date that we can anticipate receipt of the ROE, so that we can notify the drill crews.


- 4. Funding:** The Corps has authority to acquire the privately owned lands necessary for the construction and operation of the Tamiami Trail project and MWD project. However, these costs were not included in the ENP Capital Asset Plan, which identified a MWD project cost of \$398 million. Since these lands were originally to be acquired by ENP under the Expansion Act, does ENP have funding for these real estate costs? It is the Corps

understanding that the real estate costs for these privately owned lands would be carried under the Everglades Expansion Act and not under MWD. Funding and execution of these real estate actions is one of the highest priorities for initiating construction on Tamiami Trail. A request for Fiscal Year 2006 MWD funding will be provided under separate cover.

5. **Osceola Camp Elevation Project:** The modification to Osceola Camp must be completed prior to the operation of the MWD Project. In a letter dated March 12, 2003, ENP outlined the responsible agency for all work associated with this project. ENP would perform work in the planning phase including obtaining required National Environmental Policy Agency (NEPA) documentation, appropriate permits, and prepare and negotiate an agreement with the Osceola Camp residents for this modification. ENP would also be responsible for the detailed design for this construction and task the Corps for the construction. Based on a meeting held March 30, 2006 between ENP and the Corps, it is our understanding that ENP is requesting the Corps perform the detailed design work associated with this modification as well as the construction. The Corps will gladly assist ENP with performing work in the design phase as well as the construction, but we will need a formal written request. We will also need the ENP to provide the signed agreement with the Osceola Family and appropriate NEPA documentation by June 2007 in order to avoid delays to the MWD operation.

The U.S Army Corps of Engineers is committed along with ENP on completing Modified Water Deliveries. We look forward to your response on these items so we can continue with our expeditious efforts to begin Tamiami Trail modifications in the first part of CY 2007. If you have any questions or need additional information, please contact Mr. Brice McKoy, Project Manager, at 904-232-1041.

Sincerely,



Robert M. Carpenter  
Colonel, U.S. Army  
District Commander

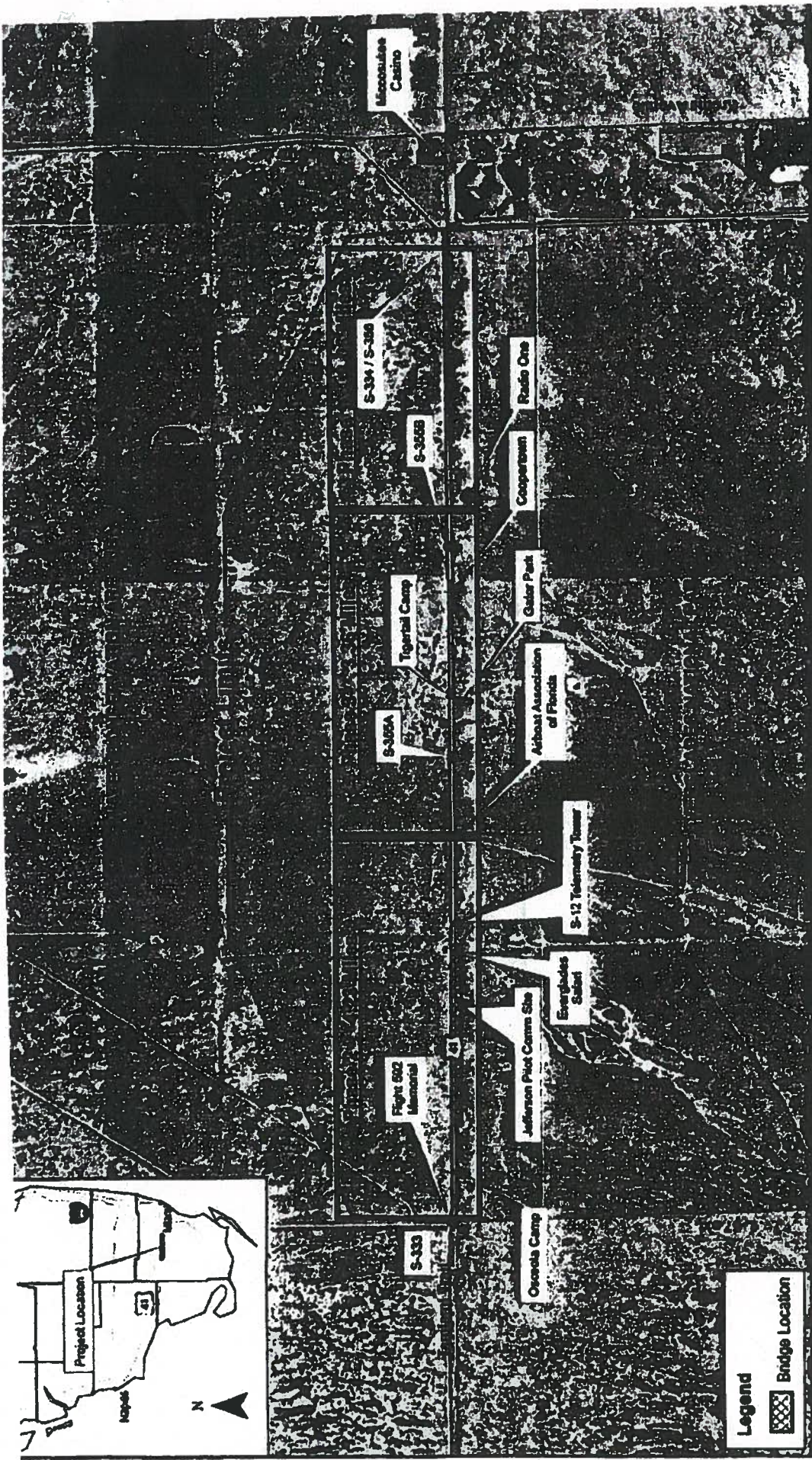
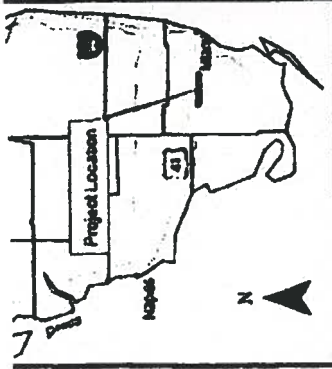
Enclosures

Erik L. Stor  
Lieutenant Colonel, US Army  
Deputy Commander

Copies Furnished:

U.S. Army Corps of Engineers, CESAD-CM, (Michael Magley)  
Mr. Dave Sikkema, Everglades National Park, Pine Island Maintenance Area, 40001  
State Road 9336, Homestead, Florida 33034-6733  
Mr. Paul Linton, South Florida Water Management District, Post Office Box 24680,  
West Palm Beach, Florida 33416-4680





**Legend**  
 Bridge Location

**ALTERNATIVE 14**

Two-Mile Bridge West and One Mile Bridge East (Recommended Plan)  
 Revised General Re-evaluation Report / Supplemental Environmental Impact Statement, Tamiami Trail  
 Modified Water Deliveries to Everglades National Park, Florida

Coastal Cooperation #1942E (1/8/99)

USF  
 Figure 10  
 Date: August 2008  
 Scale: 1 inch equals 1 mile  
 Source: GEC  
 Map Author: G. Sigurd

**Tamiami Trail Modifications  
Feature Location and Construction Phasing**

Phase	Location	Station	Difference between Features (miles)	Propose Phase Lengths (miles)	Opinion of Probable Cost per Phase* (2005 \$s)	Opinion of Probable Cost per Phase* (2007 \$s)
<b>2</b>	Start Project	736+18.25	0.76	4.23	\$65,000,000	\$68,737,500
	1-Osceola Camp	762+00.00				
		766+00.00				
	Begin Transition	776+41.39	2.68			
	Bridge 1 Abutment Begin	792+52.22				
	Bridge 1 Abutment End	840+52.68				
	2-Jefferson Pilot	841+27.71				
		842+27.71				
	Bridge 2 Abutment Begin	842+52.68				
	3-Everglade Safari	886+74.89	0.79			
		893+35.27				
Bridge 2 Abutment End	901+72.68					
End Transition	917+73.22	0.79				
4-Airboat	959+37.92					
<b>3</b>		962+68.03	1.44	3.63	\$23,000,000	\$24,322,500
	5-Gator Park	1038+73.68	1.19			
		1041+96.23				
	6-Coopertown	1104+76.84				
<b>1</b>		1106+08.85	1.36	3.06	\$39,000,000	\$41,242,500
	7-Radio One	1151+27.63				
	Begin Transition	1177+65.05	1.30			
	Bridge 3 Abutment Begin	1193+46.06				
		1210+61.06				
	8-FPL	1214+30.81	0.96			
	Bridge 3 Abutment End	1246+26.12				
End Transition	1262+51.67					
End Project	1313+00.00					

\*Cost are taken from previous RGRR cost estimate and divided accordingly among phases

**Attachment C: Responses to Comments**



MWD TTM LRR Comments and Responses

	Comment	Response
	Federal Agencies	
EPA 1	<p>US Environmental Protection Agency, Heinz Mueller, Chief NEPA Program Office, Office of Policy and Management, May 8, 2008</p> <p>Overall, EPA believes that the proposed plan clearly improves the southward flows, distribution and timing of WCA-3B waters and should benefit Everglades restoration. However, while we understand funding constraints, the 2005 plan was superior in terms of ecological benefits since more culverts would be replaced by the two bridges (total of 3 miles spanned) compared to the proposed one bridge (1 mile spanned). Specifically, the former 2005 plan would have further increased ENP rehydration and associated creation of downstream wetlands, wetland-upland habitat and foraging areas for wading birds, as well as resulted in less need for water management upstream in WCA-3B (i.e., conveying excess water eastward to tide). Nevertheless, given the funding constraints and Congressional directive as well as the benefits of this revised bridging proposal, EPA supports the tentatively selected plan to construct one 1 - mile bridge along Tamiami Trail and to elevate the Trail consistent with Florida DOT standards.</p>	<p>Thank you for expressing your support for the TSP.</p>
EPA 2	<p>The Final EA (FEA), or potential Finding of No Significant Impact (FONSI), should verify if additional culverts in combination with the 1 - mile bridge would be cost-effective.</p>	<p>This is a new alternative that was not analyzed by the team, included in the draft Limited Reevaluation Report, or coordinated with the public. We are not in a position to determine whether it is cost effective relative to the alternatives that were analyzed. We anticipate that there would be some increase in benefits and there would be an increase of cost.</p>
EPA 3	<p>Because of downstream environmental needs and escalating costs, EPA recommends expedited implementation of the tentatively selected plan. We also recommend that flows and downstream effects be monitored in the Everglades to ensure project success.</p>	<p>Concur. In response to environmental needs and escalating costs, this planning process is on an accelerated schedule and will be submitted to Congress in July, 2008. Flows and their effects will be monitored by ENP.</p>
EPA 4	<p>The swale pilot project, to the extent that it is foreseeable, should also be added to the EA's cumulative impacts matrix (Table 5-5) listing the "past, present and reasonably foreseeable actions and plans affecting the study area". In addition, we recommend that the expected impacts, both positive and negative, of all the projects listed in this matrix also be at least qualitatively documented in the matrix.</p>	<p>Since all agencies do not agree that the spreader swales pilot can be characterized as a reasonably foreseeable action, this will not be added to the cumulative impacts table. Swales were split out of the LRR for separate NEPA analysis due to disagreement over their potential benefits and adverse impacts. The NEPA decision document (FONSI or ROD) for the pilot project will determine whether or not pilot swales would be authorized and implemented.</p>
EPA 5	<p>That is, while the EA discusses the general effects of these projects on common resources (ENP, Northeast Shark River Slough, water quality), the document could be improved if the expected impacts (e.g., increased turbidity and sedimentation) and improvements (increased southward flows and nutrient reduction) of each project was also listed.</p>	<p>Table 5-5 has been expanded to include expected project impacts.</p>
	<p>US Department of the Interior, Everglades National Park, Terrance Salt, Director of Everglades Restoration Initiatives, May 9, 2008</p>	



MWD TTM LRR Comments and Responses

DOI 1	The DOI supports the Tentatively Selected Plan, Alternative 3.2.2a State Agencies	Thank you for expressing your support for the TSP.
STATE 1	<p>Florida Department of Transportation, Stephanie C. Kopelousos, Secretary; Florida Department of Environmental Protection, Michael W. Sole, Secretary; South Florida Water Management District, Carol Ann Wehle, Executive Director May 12, 2008</p> <p>We support the Tentatively Selected Plan identified in the Report. While the "plan" is not and cannot be perfect, the ability to almost double the annual average volume of water delivered into Everglades National Park is a significant step. We understand the fiscal concerns identified by the Appropriations Committees. We believe the tentatively selected plan is the minimal alternative for addressing Tamiami Trail and is worthy of the investment by the federal government.</p> <p>Florida State Clearinghouse: May 19, 2008 The Florida State Clearinghouse received State agency comment letters and collectively forwarded them to the Corps. These letters are referenced below from Florida DEP Department of Environmental Protection, Department of Agriculture and Consumer Services, Fish and Wildlife Commission, Department of Transportation, , South Florida Regional Planning Council, Department of State, Division of Historical Resources Bureau of Historic Preservation, and SFWMD</p>	Thank you for expressing your support for the TSP.
FL CLHS 1	<p>...the state has determined that, at this stage, the proposed federal action is consistent with the Florida Coastal Management Program (FCMP). The concerns identified by our reviewing agencies must be addressed, however, prior to project implementation. The state's continued concurrence with the project will be based, in part, on the adequate resolution of issues identified during this and subsequent reviews. The state's final concurrence of the project's consistency with the FCMP will be determined during the environmental permitting stage.</p> <p>Florida Department of Agriculture and Commerce Services, W. Ray Scott, May 19, 2008</p>	Comment noted
FDAC 1	<p>...notes that the potential for negative impacts on the Homestead agricultural community is FDACS' area of interest. The FDACS has expressed concerns that a rise in water elevations in North East Shark River Slough will result in the diversion of more seepage from the Park to south Miami Dade County through the L-31N and C-III canals unless this proposal includes a firm commitment to operate the S-356 pump station as recommended in the CSOP process.</p>	<p>The LRR/EA has stated that future operations will be discussed and developed when the CSOP team is re-activated later this summer. The S-356 pump station is part of the authorized Modified Waters project. Along with the S-357 pump station at the southern end of the 8.5 SMA, there will be capacity to move seepage out of the L-31N canal, either into L-29, or through the S-357 pump station and STA into the C-111 impoundments and eventually into Taylor Slough. The purpose of the LRR is to receive authorization to build the Tamiami Trail component of Mod Waters. Initially, the system will operate under the Interim Operational Plan (IOP), as modified to incorporate operations of S-357.</p>

MWD TTM LRR Comments and Responses

FDAC 2	<p>...the G-3273 constraint on operating S-333 must not be removed until all the permits needed to operate S-356 per the operational protocol proposed in the Combined Structural and Operational Plan (CSOP) are obtained and the Corps' Water Control Plan is updated to show the use of S-356.</p>	<p>The system is operating under the Interim Operational Plan. There is as yet no "CSOP" Operational Plan. Its development was temporarily halted in early 2007 due to the need to evaluate effects on the Cape Sable seaside sparrow. CSOP planning is scheduled to begin again in July 2008. Currently modifications to operations would include operating the new S-357 pump station at the south end of the 8.5 Square Mile Area to handle additional seepage if the G-3273 constraint is lifted.</p>
<p>Florida Department of State, Division of Historical Resources, Frederick P. Gaske, Director and State Historic Preservation Officer April 17, 2008</p>		
FDOS 1	<p>...raising the elevation of the Tamiami Trail roadway on an elevated bridge structure will have an adverse effect on the integrity of an historic property that has been determined eligible for listing on the <i>National Register of Historic Places</i> (Site No. 8DA651O).</p>	<p>The one-mile segment proposed for the elevated roadway does not contain any identified historic resources other than the road itself. Currently the proponent agencies are developing a Memorandum of Agreement with the State Historic Preservation Officer regarding mitigation for effects on identified cultural resources.</p>
FDOS 2	<p>In addition, the Airboat Association of Florida headquarters (8DA6768) and the Coopertown Airboat Rides and Restaurant property (8DA6767) are eligible for listing in the <i>National Register</i>.</p>	<p>The footprint of the proposed project will not affect properties of the Airboat Association of Florida or Coopertown Airboat Rides and Restaurant.</p>
FDOS 3	<p>Although the Tamiami Canal (8DA6766) was previously determined to be eligible for listing, staff questions that finding since the canal is no longer a roadway ditch and since ca. 1960 has become a major water control and movement structure.</p>	<p>In recent talks with the SHPO's office, it was determined that the Tamiami Canal has been modified many times since its original construction as a roadway ditch. As such, it has lost its integrity and is no longer considered eligible.</p>
FDOS 4	<p>Lastly, there are several cultural resources that may be within the area of potential effect of the proposed project that may be affected directly or indirectly. The resources are the Osceola and Tigertail Camps (likely traditional cultural properties) and 52 prehistoric sites in the Shark Valley Archeological District south of Tamiami Trail in the Everglades National Park.</p>	<p>The camps will most likely require cultural resource surveys. They are within the boundaries of the Park and the agencies are currently discussing how to handle responsibility of the surveys. The indirect effects on any cultural resources would be a result of increased water levels in the Park. Phone consultations with the SHPO and the Park Archeologist have determined that the Corps will not be able to assess those effects until monitoring of water levels begins after project completion.</p>
<p>FDEP, South Florida Restoration Section, Stacey Feken May 15, 2008</p>		
DEP 1	<p>...staff strongly supports implementation of Alternative 3.2.2.a without further delay. Given cost constraints imposed in WRDA 2007, the tentatively selected plan offers the best incremental approach to reconnect the Everglades and restore more natural flows to Everglades National Park and Florida Bay.</p>	<p>Thank you for expressing your support for the TSP, Alternative 3.2.2.a.</p>
DEP 2	<p>DEP reiterates its previous comments supporting moving forward with maintenance/flow way equalization swales as part of the Tamiami Trail project and including NEPA coverage of tile pilot swale project within the subject LRR.</p>	<p>Since the swales would be constructed completely within the boundaries of Everglades National Park and the Park's hydrologists are uncomfortable with building swales until first conducting a pilot test to show if they would be effective, this option (covering the road improvements in the same NEPA document as potential spreader swales) is not practicable. There is disagreement among interpretations of the results of models used to predict the swales' effectiveness;</p>

MWD TTM LRR Comments and Responses

		therefore the agencies have proposed pilot tests. The agencies must report to Congress July 2008 on their recommendations to improve conveyance through the Trail, and cannot wait to see the results of a pilot test.  The Department of the Interior and Everglades National Park are aware that the real estate rights must be obtained before water levels are raised and are working so that the timing of acquisition of these rights does not delay achieving ecosystem benefits.
DEP 3	The improved conveyance and the associated benefits of the TSP are dependent upon the increased water elevations in the L-29 canal. The LRR states that the Department of Interior is responsible for securing real estate rights on seven privately owned properties along Tamiami Trail necessary to implement the TSP. The Department requests that the Department of Interior expedite securing such rights in order to ensure that project benefits can be realized as soon as possible.	
DEP 4	1. P1-10. First paragraph makes reference to graphics in figure 4-10 for describing high levels, which this figure does not display. 2. Section 1 Introduction. Since the 1992 General Design Memorandum, it has been evident that there is a need to raise the Osceola Camp in order to increase water levels in the L-29 canal. The LRR indicates that ENP is still negotiating with the 'Osceola family regarding how to implement mitigation for increased water levels. As with the other real estate issues surrounding the Mod Waters project, a timeframe and general plan for implementing such activities should be provided.	Concur. Text has been corrected.
DEP 5		The progress and results of negotiations are difficult to predict. Both the Corps and ENP recognize that the Osceola Camp must be modified prior to increasing the water levels in the L-29 canal.
DEP 6	3. P 1-13. Third paragraph makes reference to WCA No 38.	This was a typographical error. The corrected reference is "3A."
DEP 7	4. P-1-16, section 1.8. Second bullet makes reference to 2002, 2006. Not sure where or what the 2006 refers to (perhaps the correct reference is 2007?).	The Interim Operational Plan had two EISs: 2002 was the FEIS and due to a court case the Corps supplemented the original 2002 FEIS with the 2006 FSEIS. The text has been amended to state 2002 and 2006.
DEP 8	5. P 3-5, third paragraph. Please provide the supporting documentation for the statement that water stages in WCA 3B are generally lower than in the L-29 canal.	In order to clarify, language was added into the LRR main body section 3 discussing historical water stage data to support the text.
DEP 9	6. Section 3.4. Water quality section contains old data and references that were presented in the 2003 GRR and are no longer applicable. Department staff worked with the Corps to revise this section for the 2005 GRR. We request that future revisions to the LRR include the most recent information.	The LRR has been modified to include the most recent and relevant water quality information. The 2004-2005 SFWMD WQ data from culvert sampling has been added to section 3.4.
DEP 10	7. Section 3, page 3-7: A Site Specific Alternative Criterion for Dissolved Oxygen in the Everglades Protection Area was adopted by the Department and subsequently approved by the U.S. Environmental Protection Agency in 2005.	This has been reflected in section 3.4 of the document.
DEP 11	8. Section 3, page 3-9, and Appendix F, page F-20. The LRR states that the Hazardous, Toxic, and Radioactive Waste (HTRW) site assessment identified four potential contamination sites. If the TSP results in impacts to these sites, the Environmental Assessment should include information on remediation. Any HTRW cleanup should be closely coordinated with the Department's Waste Cleanup Section in the Southeast District Office in West Palm Beach.	The project implementation for the TSP will first require the construction of the bridge and the road reinforcement work. Per the analysis of the project area with a Phase I&II HTRW investigation, there is no HTRW within the construction footprint. Construction is expected to last about 3.5 years. The next sequence of the TSP implementation will involve application to the FDEP to raise the L29 canal stage. In the operational WQ permit application, the Corps will fully address any potential HTRW issues that could be linked to raising



MWD TTM LRR Comments and Responses

		the canal stage and will coordinate any HTRW issues with the SE FDEP cleanup section. The information derived from the Phase I&II investigations indicate that there are no significant problems on the areas offsite of the construction footprint for the TSP and the Corps believes the minor level of contaminants identified from those investigations can be fully dealt with to the satisfaction of all parties. The corrected figure reference is "Figure 1-1."
DEP 12	9. Page 3-11. Second paragraph indicates that Figure 3-1 shows ENP in south Florida, yet ENP is not identified in the figure, only the location of the project.	
DEP 13	10. Section 3.11 Noise environment. Please provide some type of conclusion with respect to the implications regarding the peak hour noise levels presented.	A sentence was added to clarify the table. However, the table was simply included to demonstrate the existing peak noise levels. No implications are intended.
DEP 14	11 Section 5.7.5. Impacts to State listed threatened and endangered species are not discussed.	Impacts to state listed species are discussed on page 5-22 under "Other Protected Species." No adverse impacts are expected.
DEP 15	12. Annex A, 2.6.1. A mixing zone has not yet been granted. This section should be revised to state that a mixing zone will be requested as part of the permit application.	Annex A, 404(b)(1) section 2.6.1 was revised to reflect that the Corps will request a mixing zone variance from FDEP. ENP supports this request.
DEP 16	13. Annex A, 3.3 The determination of whether the TSP will violate any applicable state water quality standards will be made after an adequate permit application has been received and reviewed by Department staff.	Comment noted.
DEP 17	14. Appendix F. d. Operation and Maintenance requirements. Details of the "research" that is referred to should be provided. This statement is misleading and should be revised.	The first sentence was revised to remove "Research has revealed that".
DEP 18	15. Appendix G. The Department's comments are not included in the summary of scoping comments. Please refer to our March 2008 letter submitted through the State Clearinghouse, also enclosed again for reference	The comments were added to the summary of scoping comments.
	<b>FDOT District Director of Transportation Development, Alice N. Bravo, P.E., District Director of Transportation Development, May 9, 2008</b>	
FDOT 1	(1.) In Section 7.0, Recommendations, you have expressly reserved the right to compensate FDOT with a payment rather than actually constructing the substitute facility. FDOT is strongly opposed to that option and will require an express waiver of that option in the Relocation Agreement. The FDOT has been extremely consistent on this point. We expect the Corps to build the bridge and raise the road as two equal parts of the same project, prior to raising the water levels.	Section 7 was revised to state that road reinforcement is part of the Tamiami Trail Modifications and will be paid for by the Modified Water Deliveries project. Florida Department of Transportation will contribute \$4,500,000 to the road reinforcement as part of their normal maintenance program.
FDOT 2	(2.) Currently the LRR embraces the 8.5' water level. This level is described as a "canal stage elevation" or "operational elevation". ... It does not appear to equate to a design high water (DHW) using the 20 year, 24-hour stage. The clearance guidance provided to you by the FDOT earlier this year assumed that you would still honor the traditional design high water concept with a 20 year, 24-hour stage restriction. Otherwise, the road could be potentially undermined, which is, of course, unacceptable. ... The	As discussed at the May 14, 2008 meeting between the FDOT, COE, and SFWMD, the Corps will follow FDOT design criteria in establishing the Design High Water (DHW). Per FDOT Drainage Manual this is based on a storm with a 10-Year return frequency applied to the average October surface water elevation. The Corps will look at three different durations (1, 8, and 24 hours) of a storm event and pick the worse case to set the DHW. After applying the FDOT

MWD TTM LRR Comments and Responses

	<p>Department is currently in a dialogue with the Corps regarding this important issue which may require reduced operating levels during the rainy season and future adjustments of that level as a result of pavement monitoring.</p>	<p>design criteria and utilizing the Combined Structural and Operational Plan (CSOP) Tentatively Selected Plan (TSP) Alternative 5R (Alt5R) which combines the operations of the MWD and C-111 Projects into a cohesive operating plan that works with the rest of the C&amp;SF system. This model run however did not have a stage constraint placed on Tamiami Trail which results in a slightly higher average October water level than what will be produced once the CSOP Team reconvenes to develop the new operational plan based on a stage constraint of 8.5 ft in the L-29 BC. The FDOT and COE jointly prepared a set of criteria for short term stoppage of inflows to L-29 Canal, 2-3 days in advance of named storms and predicted large rainfall events, to reduce the likelihood and/or duration of exceeding 8.5 ft in the canal. See Section 6.1.3 of the Final LRR. These criteria would be considered when the CSOP Team reconvenes.</p>
<p>FDOT 3</p>	<p>(3.) The LRR is silent as to the timing for raising water levels. Water levels should not be raised until the bridge is fully constructed, the road raised, and the existing road north of the bridge removed.</p>	<p>The estimated construction period is 3.5 years. The water will not be raised until the bridge is constructed, the road is reinforced, and the existing road north of the bridge is removed.</p>
<p>FDOT 4</p>	<p>(4.) The LRR is silent as to the current timeline(s) for design and construction of the bridge and the raising of the balance of the roadway. If the roadway design work is lagging, then the benefits of the project will lag.</p>	<p>Bridge and road reinforcement will be awarded as one contract. Target award date is 26 September 2008. Construction duration for both the bridge and road reinforcement is estimated around 3 ½ years. Please see the amended text in Section 6.2.8 of the final LRR.</p>
<p>FDOT 5</p>	<p>(5.) The statement on page 1-10 regarding the withdrawal of the 2003 report and EIS should be elaborated upon. The way the statement reads currently is that it seems to imply that the 2003 report and EIS were withdrawn solely because no agreement could be reached with FDOT regarding the flowage easement and compensation. That report was withdrawn for a multitude of reasons.</p>	<p>The report was withdrawn because the project did not receive concurrence or support from cooperating State agencies including FDOT, DEP and SFWMD. However, it is true that FDOT's comments were a major reason for non-approval of the report by these State agencies, and for rejection by higher level reviewers in the Corps of Engineers. At that time the Corps proposed establishing a trust fund to compensate FDOT for any road repairs that would become necessary due to establishing higher stages in the L-29 Canal. FDOT rejected this idea, stating its opinion that the Project should elevate or repair the affected section of the roadway. This is consistent with FDOT's current position.</p>
<p>FDOT 6</p>	<p>(6.) We have a concern with the language used in the report that describes the Perpetual Flowage Easement. That easement is surely intended to extend only to the land beneath the one mile bridge and, perhaps, the culverts and not "the entire expanse of the roadway within the project limits" as indicated on p. 6-7 or "over the full length of the project lands" as indicated on p. 6-3. FDOT does not anticipate granting authority to otherwise pass water over or under the Tamiami Trail since that could damage the integrity of the roadway. The language of the Flowage Easement will need to contain that clarification and limitation.</p>	<p>The perpetual flowage easement is an easement that is limited to a certain elevation and will necessarily extend for the full length of the roadway within the project area since the Corps is unable to contain the water only to the bridge and culverts areas. In addition, the LRR seeks to raise low portions of the roadway to mitigate future impacts of the project's water levels. If the Corps limited the flowage easement only to those areas where the bridge and culverts are located, then we would similarly have to limit the roadway raising to those areas as well. As such, it is very likely that low areas of the roadway would exist where there are no culverts, hence the FDOT would then be responsible for the raising of those portions. In order to avoid that type of situation, the</p>

MWD TTM LRR Comments and Responses

		Corps must obtain a flowage easement for the entire length of the project area. Further, the Corps will seek to have FDOT maintain the existing culverts and culvert capacity to ensure conveyance for the project.
	Florida Fish and Wildlife Conservation Commission, Mary Ann Poole, Director, Office of Policy and Stakeholder Coordination	
FWC 1	Although the draft LRR mentions that conveyance over the remainder of Tamiami Trail would also be provided through improvements of existing culverts, it includes no details. As previously stated (see our letter to Lauren Milligan dated March 4, 2008), we believe that the strategic placement of box culverts at historic sloughs and/or aligned with the S-355 and other existing or planned water conveyance structures in the L-29 levee, in conjunction with downstream spreader swales, would greatly augment hydraulic and ecological connectivity.	The Recommended Plan or TSP does not include the box culverts or spreader swales mentioned in this comment; reasons include cost and delay factors as well as engineering questions regarding swale efficiency, as explained elsewhere in response to other comments. The eastern bridge will provide significant conveyance through the eastern historic slough. Providing box culvert or bridge conveyance over the western sloughs would require significant design work and real estate requirements leading to further delay of the project, due to this area's proximity to existing private properties.
FWC 2	Although some scientific uncertainties remain, we are encouraged by the COE's most recent modeling results, which predict that the addition of spreader swales below each set of Tamiami Trail culverts would result in an increase in the conveyance capacity of these culverts by approximately 12% at stage of 8.0 feet NGVD in the an L-29 canal. Even greater flows would be realized when the L-29 canal stage reaches 8.5 feet. ....Furthermore, in order to facilitate the continuity of flows through the Tamiami Trail into the future, we request that a maintenance agreement be formulated between the COE and ENP whereby conveyance features associated with the culverts receive routine maintenance.	Spreader swales are not a part of the TSP or preferred plan. The effectiveness of spreader swales will be tested, as described in the National Park Service's scoping documentation for the Spreader Swale Pilot Project. NPS will take the lead on this report and EA. The Corps and Park cooperatively determined that resolving doubts about spreader swale effectiveness would unduly delay completion of the Tamiami Trail Modifications LRR and broke out the spreader swale study for separate evaluation. A Land Management Agreement is being drafted among ENP, SFWMD, and USACE to address maintenance of the area downstream from the culverts. FDOT currently maintains the culverts. After completion of the project, SFWMD will be responsible for conveyance. Coordination on this issue is ongoing.
FWC 3	In the Evaluation Report of Annex A, the COE states that restrictions would be in place during construction to minimize impacts to the two wood stork rookeries and snail kite management areas. We request that the COE also take appropriate precautions to avoid disrupting the nesting efforts of the state-listed species of wading birds mentioned above that also use these same rookeries. The FWC has developed set-back distances to protect nesting bird colonies from human disturbance (Rogers and Smith 1994).	The Agencies are aware that these are mixed rookeries. We believe that precautions to be applied to protect Federally endangered wood storks will equally protect other species of colonial nesting wading birds.
FWC 4	Everglades minks are known to have used such upland areas as den sites on the Tamiami Trail in the past (Smith 1980). A survey by an experienced biologist should be conducted in areas with suitable potential habitat prior to the initiation of construction activity to help determine whether any mink are present in the study area, and if any den areas may be present.	The Corps will request the Park and FWC assist and cooperate in conducting the survey. However, we cannot commit to protecting mink denning habitat if it falls in the required highway or bridge right of way. The USACE also has concerns regarding the Everglade mink and will cooperate in preparing pre-briefing materials.
FWC 5	To reduce road-related mortality of the Everglades mink and other riparian wildlife, we recommend that underpass shelves be incorporated into bridge and culvert designs.	The two bridge abutments (right and left) are not designed as vertical walls; rather, the rip-rap protected ramps up to the bridge terminate in a 1:2 side slope. This would provide dry passage, above the average



MWD TTM LRR Comments and Responses

FWC 6	<p>The draft LRR states that the one-mile bridge would provide for the movement of small animals beneath it and reduce road-related wildlife mortality by about nine percent. Although not described adequately in the draft LRR, it is our understanding that the COE plans to remove the peat soils down to bedrock beneath the bridge footprint, presumably to improve the conveyance of flows from the L-29 canal into ENP... a water depth of two feet in the marsh would equate to a water depth of three to five feet in the scraped area beneath the bridge. Absent wildlife shelves or other elevated passage features, the deeper water below the bridged expanse would not provide for the safe passage of terrestrial and semi-aquatic animals, as is assumed in the draft LRR. We recommend that those areas beneath the bridge where terrestrial wildlife are most likely to occur retain their peat soil and the additional elevation and vegetative cover that it provides. Such areas should include, at a minimum, the east and west ends of the bridge and the location where the agricultural canal would intersect the proposed bridge.</p>	<p>water line. The L-29 Canal itself is probably a greater impediment to passage of terrestrial animals.</p>
SFRP 1	<p>South Florida Regional Planning Council  Council staff generally agrees that recommended Alternative 3.2.2.a will benefit the South Florida region and will further our goals for a more livable, sustainable, and competitive South Florida. The goal of restoring the natural hydrologic conditions to Everglades National Park is generally consistent with the <i>Strategic Regional Policy Plan for South Florida...</i>  Local Governments  City of Sanibel, Vice Mayor Kevin Ruane  May 9, 2008</p>	<p>The passage would be across via the bridge abutments. L-29 Canal is up to fifteen feet deep. Leaving a peat layer over bedrock under the bridge deck would likely not make a difference, and is not good practice, because the peat would likely provide substrate for invasive exotic vegetation.</p>
SAN1	<p>The City endorses the Corps' decision to take immediate action under the tentatively selected plan to increase annual flow volume, increase marsh connectivity, and rehabilitate slough vegetation habitat by building a one-mile bridge on the Tamiami Trail adjacent to S-334 and raising the L-29 Canal headwater stage constraint to 8.5 feet NGVD.</p>	<p>Thank you for expressing your support for the TSP of a 1-mile bridge and L-29 Canal constraint of 8.5 feet.</p>
SAN2	<p>Although the MWD project will provide notable improvements over the status quo, the City urges the Corps to undertake these modifications with the understanding that this should only represent the first phase of a much needed larger project. The City supports creating a second longer passageway (or series of larger passageways to replace the inadequate existing culverts) along the Tamiami Trail. The City encourages the Corps to make this a planning priority going forward.</p>	<p>After approval of a plan for Tamiami Trail Modifications under the Modified Water Deliveries (MWD) project, we will complete the planning and approval process for the remaining features of the MWD project – openings in the L-67A and L-67C levees, additional removal of the L-67 Extension levee, flood mitigation measures for Osceola Camp, and a new operations plan.</p> <p>Studies of further openings in Tamiami Trail are expected to begin soon. An initial workshop or meeting for future conveyance through Tamiami Trail is being planned tentatively for July or August 2008. Additional details on this event will be made public as soon as they are</p>

MWD TTM LRR Comments and Responses

		available.
	Tribal	
	Lehtinen, Vargas & Riedi, Attorneys at Law, Dexter Lehtinen, May 9, 2008 MICCOSUKEE TRIBE	
Micc 1	1. The Corps is Required to Conduct an EIS or SEIS Under NEPA... The Corps attempts to get around this NEPA requirement by relying on the 2005 RGR/SEIS, which does not even analyze this alternative... For instance, the 2005 RGR states that Alt. 14 will be on the "existing alignment". In contrast, the LRR/EA states that "most of the land on which the bridge would be located is federally owned land that is part of ENP... There are significant differences between Alt 3.2.2a in the LRR/EA and Alt. 14 in the 2005 GRR/SEIS... It is improper for the Corps to rely on a segment of a totally different alternative in the 2005 RGR/SEIS, which never analyzed building only a one mile eastern bridge, to attempt to bypass NEPA requirements. An EA, and Finding of No Significant Impact, will not suffice here. NEPA requires that an EIS, or SEIS be conducted on the TSP.	An EA may be prepared to comply with NEPA. If it is determined that significant impacts would result from a project during the NEPA analysis process, an EIS would be required. If no significant impacts would result, a Finding of No Significant Impacts (FONSI) would be warranted. In addition, this EA is tiered from the 2005 RGR/ SEIS and includes the recommended plan from the 2005 report as one of the alternatives.
Micc 2	2. The Corps' NEPA Process Was Pre-Decisional... The TSP was selected by, and recommended by, an LRR advisory group that met outside the public process... The Corps and others in the group held a meeting with the DEP to discuss water quality certification for construction of the one mile eastern bridge on 1/25/08, three months before the LRR/EA was issued. At this meeting, the only alternative discussed in detail was the construction of the eastern one mile bridge.	The selection of the recommended plan was made on the basis of comments received during the public scoping process, comparing objectives, constraints and performance measures of all alternative actions. In addition, this EA is tiered from the 2005 RGR/SEIS and includes the recommended plan from the 2005 report as one of the alternatives.
Micc 3	3. The LRR/EA Fails to Analyze, and Improperly Rejects, Reasonable Alternatives... For instance, Alt. 3.2.1 was improperly rejected from consideration by the advisory group even though the matrix shows it approaches the flows and volumes of the TSP at a lower cost... The advisory team used an arbitrary and capricious "velocity" performance measure to improperly reject the lower cost Alt. 3.2.1 from consideration.	Twenty-six alternatives were developed and evaluated on the basis of objectives, constraints and performance measures. Alternatives that failed to meet objectives were rejected; the remainder received more detailed consideration.
Micc 4	4. The LRR/EA Fails to Assess the Cost of Delay As a Performance Measure... Based on Attachment D of the Final GRR/SEIS on the 8.5 Square Mile Area, for each year of delay of MWD, the cost to restore tree islands lost by delay is \$23-\$123 million dollars a year, if they can ever be restored.	Comment noted. The cost of future delays is built into the cost estimate as "escalation." Therefore, the plans which take longer to build would rate lower on the cost effectiveness and incremental cost analysis (CEICA) evaluation due to the higher cost as a result of escalation. The study included a full suite of performance measures that were considered to be those of greatest importance to the project. It is anticipated that construction of Tamiami Trail modifications would begin in 2008.
Micc 5	5. The LRR/EA Improperly Segments the MWD Project. The 1992 GDM and EIS for the MWD Project... included Tribal lands in WCA 3A but are excluded from the analysis in the LRR/EA. NEPA requires that connected projects should be evaluated in a single EIS... Improper segmentation has caused the LRR/EA to inadequately assess impacts on Tribal lands and resources.	Although NEPA guidance from CEQ prefers discussion of all elements of a proposed Federal action in a single NEPA document, for very large projects where details have to be developed in stages, this is often not practical. The EPA has the legal mandate, along with CEQ, to review NEPA documents for adequacy and conformance with established policy. Since the re-evaluation of the Tamiami Trail modification was



MWD TTM LRR Comments and Responses

<p>Micc 6</p>	<p>6. The LRR/EA Improperly Narrows the Purpose, Scope and Study Area... Section 5.20 of the LRR/EA improperly limits the scope and study area to ENP and NESS... the 1992 GDM for the MWD Project states "when fully operational the MWD project will benefit the ecosystem function and habitat value of appx. 100,000 acres of wetlands in NESRS, 600,000 acres of wetlands in WCA-3A and 200,000 acres of wetlands within the Shark River Slough basin of ENP." Thus, the LRR/EA scope and study area should have included all the areas that comprise 900,000 acres of Everglades wetlands.</p>	<p>mandated by Congress, it is doubtful that this NEPA document is an "improper segmentation." It was written to respond to Congressional requirements. EPA has not indicated concerns with segmentation of the NEPA process.</p> <p>The purpose of the LRR/EA is to "answer directives from the Managers' language cited in Section 1.1" and no narrowing of the purpose or scope of the MWD project or its component studies is intended or stated in the LRR/EA. The LRR/EA tiers off the 2005 RGR/SEIS.</p>
<p>Micc 7</p>	<p>7. The Future Without Project Condition Is Improperly Defined... The document states in Section 5.4 that: "The No Action alternative would maintain the existing capacity for conveying water from the L-29 canal, under Tamiami Trail, to ENP without causing deterioration of the road way". There is no Congressionally authorized Tamiami Trail project.</p>	<p>The Future Without Project Condition is defined in Section 3.1 as "the conditions expected in the project area if no project is implemented." This is a reasonable characterization of the "No Action Alternative."</p>
<p>Micc 8</p>	<p>8. The Cumulative Impacts Analysis is Woefully Inadequate... It leaves... WCA-3A out of the discussion of "target resources", and focuses only on ENP. It lists actions, such as the IOP, in Table 5.5 but makes no attempt to analyze IOP's past, present, and future impacts. The geographic scope is improperly limited to 63,915 acres below Tamiami Trail... The Corps must conduct an EIS that analyzes the combined impacts of the delay of the MWD Project, coupled with the impacts that the last ten years of operational plans for the sparrow, have had on Tribal lands, endangered species in 3A, and other areas of the Everglades.</p>	<p>The cumulative impacts analysis was prepared in accordance with the guidance provided in the 1997 Council on Environmental Quality publication, "Considering Cumulative Impacts under the National Environmental Policy Act."</p> <p>The LRR proposes a construction project that would facilitate flexibility in the operational management of water flows. IOP is an operational plan, the impacts of which were described in the 2006 FSEIS, Interim Operational Plan (IOP) for Protection of the Cape Sable Seaside Sparrow. The modifications to the Tamiami Trail described in the LRR would not affect the operations described in IOP and therefore not affect the water levels in or the flows from WCA-3A. The Tamiami Trail modifications would allow the flows to NESRS to be increased - more water could be passed through S-333 (which could operate at full capacity) and less through the S-12 structures to meet the target flow of 55% of the flow into NESRS and 45% to NWSRS. In addition to increased flows benefiting NESRS, redistributing 55% of the current water budget would benefit NWSRS by reducing S-12 A, B, and C discharges during the early wet season. In addition, decreased total S-12 wet season discharges could reduce wet season water depths and possibly decrease hydroperiods to be more consistent with species and habitat needs.</p>
<p>Micc 9</p>	<p>9. WRDA 2000 Constraints and Congressional Cost Constraints Are Not Divulged... The LRR/EA ignores the WRDA 2000 constraint language that</p>	<p>WRDA 2000 does not constrain the MWD project. Rather, it constrains selected components of Comprehensive Everglades</p>

MWD TTM LRR Comments and Responses

<p>restoration Plan (CERP). Congress did not provide specific cost constraints other than that the updated cost of Alternative 14 from the 2005 report was too high.</p> <p>The cost savings described in the draft LRR are reasonable and, while not guaranteed at the time of the draft LRR, have a strong likelihood of being realized/achieved. The team applied the cost savings similarly to all of the final alternatives.</p> <p>The purpose of the LRR/EA is stated in Section 1.4 to "answer directives from the Managers' language cited in Section 1.1". No changes to the MWD project purpose are inferred.</p>	<p>prohibits Tamiami Trail until the MWD Project is complete. Moreover, it contains no mention of Congress' guidance that \$150 million dollars should be adequate to complete the MWD Project.</p> <p>10. Alternatives Must be Assessed With and Without Alleged Cost Savings... The analysis admits in Appendix C that not all cost savings are applicable to all alternatives. It is also true that not all cost savings listed by the Corps are certain.</p> <p>11. The LRR/EA Improperly Modifies the MWD Project Purpose... The purpose of the MWD Project is to improve water deliveries into the Park and, "to the extent practicable" take steps to restore the natural hydrologic conditions... While it appears the advisory group relied on a series of new modeling exercises to assess impacts and environmental benefits, the process is incomprehensible... and cannot be reviewed for independent verification... The Tribe contends that the one mile bridge that was selected is not necessary to improve water deliveries "to the extent practicable" and suspects that the "modeling" was used to support a predetermined conclusion for Tamiami Trail.</p>	
<p>The LRR/EA tiers off the 2005 RGRR/SEIS as stated in Section 1.0. The road will be reinforced to FDOT current standards. Because the stage constraint in the LRR recommended plan is raised only 1', the road base will not require widening, as was the case for the RGRR Recommended Plan, which had an unconstrained stage up to 9.7'.</p> <p>Do not concur. The benefits analysis was conducted by an inter-agency team of scientists which included ENP, SFWMD, UCACE, and USFWS. It is similar to the analysis completed in the 2005 RGRR/SEIS.</p>	<p>12. The LRR/EA Does Not Detail What Will Be Done to Modify the Road... While raising the road is defined as part of the TSP, the LRR/EA defines it in other sections as road mitigation and/or modifications. Details on how the Corps envisions this will be done, or if it will be done at all, are scant.</p> <p>13. The LRR/EA Contains a Skewed Environmental Benefits Analysis... Under NEPA, the Corps is only required to analyze <i>reasonable alternatives</i>. The <i>skyway</i> alternative 17 is not reasonable under MWD Project statutory authority and funding constraints, and should not be used as a benchmark... The skewed analysis used by the LRR advisory group resulted in the screening out of all non-bridge alternatives. The Tribe contends that the lower cost culvert/swale/road raising alternative is the environmentally preferred alternative.</p>	
<p>The LRR/EA tiers off the 2005 RGRR/SEIS as stated in Section 1.0. Greater detail on water quality may be found in that document.</p> <p>The bridge is not expected to change the composition of the water flowing into the ENP. Any flow changes into the ENP will be captured by the Settlement Agreement required monitoring for inflow structures into the NESRS. The stormwater treatment system for the bridge will be coordinated with the FDEP for approval and will be designed to meet the state and federal requirements for runoff treatment. The existing level of runoff treatment is limited in the footprint of the bridge. It is the Corps technical staff's opinion that the planned stormwater treatment system will slightly improve the water quality in that section of the roadway due to the increase of grassed shoulders on</p>	<p>14. The LRR/EA Does Not Contain An Adequate Analysis of Water Quality... The LRR/EA merely states that "the State of Florida requires the treatment of stormwater runoff to be included as a component of the highway and bridge construction projects." It does not define the level of treatment, how it will be done, or how much it will cost. There is no support for the Corps' contention in Section 5.5 that the bridge could provide an incremental benefit to water quality by treating a one-mile section of highway runoff. Nor does the LRR/EA mention the fact that the S-9 pump could discharge water to ENP under the MWD project, which could have an impact on water quality.</p>	

<p>the bridge approaches and the treatment system for the bridge runoff. We agree that this opinion cannot be conclusively proved at this time. The S9 structure is not within the scope of this project and the construction of the TTM Bridge is not expected to have any changes on the operation of the S9 pump station. Any flows through the S9 structure are monitored, analyzed and reported to the public.</p> <p>As the Tribe states the Corps looked to other feasible and prudent alternatives than to using property owned by the park and sought to minimize harm. Due to the location of the project area, very few alternatives are available to the Corps. In addition, though the project itself is not a transportation project, it is virtually impossible to flow water under Tamiami Trail without impacting the roadway due to the road acting as a levee between Miami and Naples.</p> <p>Regarding the Section 4(f) review, the Corps and NPS consulted with the Federal Highway Administration (FHWA), a federal agency under the U.S. Department of Transportation (USDOT). FHWA has deemed Section 4(f) review inapplicable to this project for the following reasons:</p>	<p>1. Section 4(f) only applies to USDOT projects. Even though this project is a federal government project, the USDOT is not the lead agency. The Corps, in conjunction with the DOI/NPS, are the project proponents. USDOT/FHWA only have tangential involvement in the project;</p> <p>2. There are no USDOT funds that are involved in the project. All project funds emanate from Public Law 101-229, its amendments, and related appropriation bills. Neither the USDOT nor FHWA will be contributing any funds towards the completion of this project;</p> <p>3. This project does not require any USDOT or FHWA technical approvals for roadway or bridge construction. Neither USDOT nor FHWA are providing any project oversight before, during or after construction and will not be involved in the operation or maintenance of the project;</p> <p>4. FHWA is only acting in the capacity of a land transfer agent. By law, the FHWA is the agency that is authorized to transfer park lands in this situation. As such, with the exception of this involvement through the Highway Easement Deed, neither the USDOT nor FHWA is a participant in the project!;</p> <p>5. The project is not a USDOT or FHWA sponsored transportation project. The actual construction of the bridge and elevation of the roadway are merely real estate transactions incidental to the major purpose of the project which is the</p>
<p>Micc 15</p>	<p>A SECTION 4(f) REVIEW IS REQUIRED FOR A BRIDGE IN THE PARK. Section 4(f) of the Department of Transportation Act of 1966... prohibits the DOT from approving any program that uses publicly owned land unless: 1) there is no feasible and prudent alternative, and 2) such use includes all possible planning to minimize harm. While the LRR/EA states at Section 4.3.3 that "This project is not a transportation project", the reality is that it involves building a bridge to transport people. This is recognized at page 5-38 of the LRR where it discusses "the conversion of parklands to transportation conveyances," and that "the proposed project would convert parklands to highway right-of-way." Moreover, the LRR states that "most of the land on which the bridge would be located is federally owned land that is part of the ENP..." It further states that transfer of these Park lands to the State to construct the bridge will involve U.S. DOT.</p> <p>...Rather than conduct the required Section 4(f) review, the Corps improperly relied on a short letter, not based on the TSP, to incorrectly claim in Appendix F that a Section 4(f) is not required. The Tribe contends that a Section 4(f) review is required here, because the federal government plans to build a bridge on national park lands, and suspects the Corps knows that such a review would show that there are feasible and prudent alternatives to constructing a bridge.</p>

<p>conveyance of water from north of Tamiami Trail to the south into the Everglades National Park. Since the existing Tamiami Trail acts as a dam or levee inhibiting the flow of water, the Corps and the park seek to modify the existing structures to induce flows back to their natural levels, to the extent practicable. In order to construct these features, the Corps and the park must obtain the real estate interests from all third party owners within the project area and vicinity necessary to generate those flows. The government must acquire real estate interests where the project impacts will negatively impact those owners. Therefore, in addition to the private owners south of Tamiami Trail, the Corps must also obtain both a flowage easement and channel easement from the Florida Department of Transportation (FDOT). FDOT's status as a state agency does not obviate the need for this acquisition. Currently, neither the Corps nor the park have the legal right to remove an existing portion of the road and replace it with a bridge to increase water conveyance. The fact that there is a transportation facility at this location is merely coincidental and is not the primary purpose of the project; and</p>	<p>6. The Congressional mandate under Public Law 101-229 is to convey water into the Everglades National Park to rehydrate the park to the extent practicable. Therefore, it is clear that the intent of Congress is restore the park environmentally. Clearly, the fundamental purpose of this environmental restoration project is not to provide the public with a better transportation facility.</p>	<p>It is for these reasons that the government believes that the project is exempt from Section 4(f). Copies of the agency correspondence confirming this position will be included with the ENP/NPS FONSI for the project.</p>	<p>The Corps received a BO concurring with our determination of May Affect, Not Likely to Adversely Affect for all species in the TTM area in January 2006 for the RGR/FSEIS, covering Alternative 14. Our current TSP or preferred plan is a sub-set of Alternative 14. We have formally re-initiated Section 7 consultation with FWS and have received a revised BO. We note that the timetable for compliance under ESA is not the same as that for NEPA compliance.</p>
<p>Micc 16</p>	<p>THE CORPS FAILED TO COMPLY WITH THE ESA. ...the Corps failed to conduct Section 7 consultation with the FWS prior to issuing the LRR/EA... The March 6, 2008 Planning Aid Letter from the FWS does not substitute for the required Section 7 consultation and a Biological Opinion.</p> <p>The Corps is required to analyze any potential adverse impacts to endangered species...that have been caused, and will continue to be caused, by the delay of the MWD Project resulting from the TSP...Neither the LRR/EA, nor the FWS PAL, mention the alarming 50% decline in the endangered Snail Kite population that has occurred under ISP and IOP, nor analyze whether more delay will jeopardize this endangered species. Finally, the Corps must conduct Section 7 consultation on how the TSP will</p>	<p>It is for these reasons that the government believes that the project is exempt from Section 4(f). Copies of the agency correspondence confirming this position will be included with the ENP/NPS FONSI for the project.</p>	<p>The Corps received a BO concurring with our determination of May Affect, Not Likely to Adversely Affect for all species in the TTM area in January 2006 for the RGR/FSEIS, covering Alternative 14. Our current TSP or preferred plan is a sub-set of Alternative 14. We have formally re-initiated Section 7 consultation with FWS and have received a revised BO. We note that the timetable for compliance under ESA is not the same as that for NEPA compliance.</p>

MWD TTM LRR Comments and Responses

<p>Micc 17</p>	<p>impact Sparrow populations... and Snail Kites nesting in ENP.  <b>THE CORPS FAILED TO COMPLY WITH FACAs.</b> ...The advisory group included non-federal entities, who developed performance measures and screened alternatives at secret meetings... While the Corps attempts to paint this advisory group as a fact finding team, it is clear that the group made policy recommendations to a federal agency.</p>	<p>The LRR team met with both federal and state agency employees for purposes of exchanging information on the project. The team did not and cannot set policy which is only implemented by higher governmental authority. It is our contention that there was no violation of FACAs rules.</p>
<p>Micc 18</p>	<p><b>THE CORPS DID NOT MEET ITS TRUST RESPONSIBILITY TO THE TRIBE.</b> ... The Corps failed to analyze the culvert/swale alternative in its final array of alternatives... and allowed an LRR advisory group to select the TSP behind closed doors... the advisory group held secret meetings, which the Tribe and the public could not attend. The Tribe only found out about these meeting indirectly or when documents were inadvertently released, even though they had a direct impact on its natural resources.</p>	<p>The Corps met and consulted with the Tribe and invited the Tribe to certain meetings which the Tribe chose not attend. Meetings held from October-January, prior to the January 25, 2008 scoping and pre-application meeting for the WQC, which the tribe's representatives attended, were Federal agency working meetings, attended by representatives of the US Department of the Interior and the Corps of Engineers. Stu Appelbaum of the Corps presented the preliminary alternatives analysis of this Federal Government Team at the December Task Force and Working Group meetings. This was the first presentation of the re-evaluation to other agency and public representatives. The Corps opened scoping for the LRR/EA in late January, and coordinated the NEPA document and LRR beginning in early March. During scoping, Corps representatives met with representatives of the Tribe to present the screening process and receive comments. There was an April public meeting to discuss and receive comments on the LRR/EA. Therefore, it is the Corps' contention that there was no violation of the government's Trust Responsibility to the Tribe.</p>
<p>Micc 19</p>	<p><b>Study Authority:</b> ...Unfortunately, the Corps continues to conduct skewed analyses that result in the selection of unnecessary and expensive alternatives for Tamiami Trail that go beyond MWD Project authority</p>	<p>The Corps contends that the project is fully within its authority as prescribed by Congress. DOI and the U.S. Environmental Protection Agency have expressed support for this analysis and their subsequent conclusions in their comments included herein.</p>
<p>Micc 20</p>	<p><b>Manager's Language:</b> The LRR/EA at page iv says alternatives were compared against the targets set by the Manager's language, and cost constraints. ... It does not explain, however, why alternative 3.2.1 (culvert/swale/road raising) was eliminated from analysis. ... This section also makes no mention that Congress clearly stated that it felt the MWD Project could be completed for \$150 million dollars. ... selected a TSP that exceeds the \$150 million dollar cost target.</p>	<p>Page iv is part of the Executive Summary. The study team did not attempt to present in the Executive Summary all of the details of all of its analyses. The screening of Alternative 3.2.1 and other alternatives is presented in Section 4.4.3 of the draft LRR. The WRDA 2007 Managers' Language does not contain a dollar cost cap for Tamiami Trail.</p> <p>The discussion of alternative screening in Section 4 of the report has been expanded to explain why culvert-only alternatives were not selected. They were within cost limits but were not as effective as bridge alternatives in providing favorable stage-duration results in ENP marshes or in reducing adverse velocity changes in the benefit zone immediately south of the road, extending into the Park about 1 mile.</p>
<p>Micc 21</p>	<p><b>Tribal Lands:</b> Section 3.12 contains a woefully inadequate analysis of Tribal lands that could be impacted by the proposed project. The scope of</p>	<p>Benefits to WCA-3A will depend on future operations of the system. The LRR covers a proposed structural (construction) project, not a</p>

MWD TTM LRR Comments and Responses

	<p>Tribal lands that can be impacted includes a vast area of the Everglades (WCA 3A) that is not discussed here. ...the Corps has ignored these land interests and narrowed the scope of "Tribal lands" to the Tiger Tail and Osceola Camps. Even with this narrow scope, the Corps fails to adequately analyze the impacts. The statement that, "The living facilities of the Tiger Tail Camp were recently elevated above the flow levels anticipated for MWD" is not based on any analysis of the volumes and flow levels of the TSP. Moreover, this section provides no analysis whatsoever of the impact on the Osceola Camp. Under NEPA, the impacts on both these camps must be analyzed, along with the direct and indirect and cumulative impacts to Tribal Reservation and lease lands in WCA 3A, and the Miccosukee Reserved Area. These Tribal lands will all be either adversely or beneficially impacted by the selection of a Tamiami Trail alternative. The Tribe will not accept adverse impacts to Tribal lands. Nor will the Tribe accept any adverse impacts to the Osceola and Tiger Tail camps or any interference with their traditional practices.</p>	<p>change in operations of the whole C-11/Mod Waters system. When the TTM project is completed these would only be potential benefits. Real improvement in flows is expected to reduce ponding in southern WCA-3A, as it will be possible to pass greater volumes of water southward through L-29 Canal into NESRS. We did not use the 2x2 model to select an alternative in the LRR, as it is not sensitive enough to distinguish widespread impacts by alternative. However, when the CSOP (operational modifications) project starts up again in July, 2008, the 2x2 and MODBRANCH model outputs will be used to look at benefits and adverse effects in a broader area, including WCA-3s. We have added potential benefits to WCA 3 and effects in southern Miami-Dade agricultural areas east of L-31 N in the "secondary impacts" section of the revised EA. We do not anticipate adverse effects upon Tribal lands inside ENP, or in Tiger Tail or Osceola camps.</p>
<p>Micc 22</p>	<p><b>Hurricane Evacuation:</b> The LRR/EA states without any analysis that hurricane evacuation will not be impeded. The Tribe has continuously told the Corps that Tamiami Trail is the only hurricane evacuation route for Tribal members who live along it. As the Miccosukee Tribal members and others in the Service Area use Tamiami Trail to travel across the Everglades, it is vital that the Corps conduct an analysis of the impact that one lane travel would have on hurricane evacuation capability in an EIS. Access must be maintained to protect the health and safety of both Tribal members and the public.</p>	<p>A lane closure analysis as required by FDOT would be performed during design. The road would not be one lane during evacuations or at night. During daylight hours the road would be manned by flagmen in the working area. The area at the bridge location would have two-lane traffic except for when the final tie to the existing road is made then flagmen will be utilized.</p>
<p>Micc 23</p>	<p><b>Compatibility With CERP:</b> As stated previously, the Tribe supports the federal government's desire for compatibility with CERP, but that desire must not delay the implementation of the MWD Project. The Tribe does not believe that the TSP offers that compatibility, and reiterates that building a bridge in Everglades National Park has a great potential for political and bureaucratic delay. On the other hand, the culvert/swale/road raising alternative would allow the MWD Project to be expeditiously completed so that CERP decartmentalization could proceed. It appears that the advisory group once again used a skewed modeling and environmental benefits analysis to attempt to fool Congress into wasting vast sums of money on building an unnecessary bridge in a national park.</p>	<p>The TSP in the 2008 LRR is compatible with CERP. If modifications are not made to the Tamiami Trail embankment then no increase in flows above existing conditions is possible. Without raising the embankment elevation and the stage constraints there will not be alleviation of high water events in WCA-3A or reconnection of WCA-3B to NESRS/ENP. As CERP projects move forward re-evaluation of the impacts future projects will have on the embankment and a determination as to additional necessary openings (whether bridges, culverts, swales, etc.) and increased road elevations for this portion of Tamiami Trail will be made.</p>
<p>Micc 24</p>	<p><b>Socioeconomic Factors:</b> In reference to the socioeconomic factors outlined in Section 3.13, the Corps has discarded the performance measure ("PM") used in the previous Tamiami Trail EIS to avoid and minimize impacting the Tiger Tail and Osceola Camps as a constraint in evaluating the alternatives. In the past, the Corps had developed a performance measure to assess the impacts to the camps, including access, privacy and encroachment, both during and after the construction phase. The advisory</p>	<p>Access to the Tiger Tail and Osceola Camps will be maintained throughout the construction period. The footprint of Tamiami Trail will not expand onto the land of these two Camps.</p> <p>We did not use this PM because it became clear at an early stage that most of the adverse impacts on Tiger Tail or Osceola camps would occur in relation to the longer western bridge alternative evaluated in</p>

MWD TTM LRR Comments and Responses

	<p>team did not use this PM in the LRR/EA. The Tribe reiterates that it will not accept any adverse impacts to either the Tiger Tail or Osceola Camps and that any interference with the traditional use of these camps is non-negotiable.</p>	<p>the RGR/SEIS of 2005-6, which was incorporated by reference into the LRR/EA evaluations. Long western bridges were not part of any alternative that survived preliminary screening; therefore these impacts were not discussed.</p>
<p>Micc 25</p>	<p><b>Hydraulics and Hydrology:</b> Again, the Corps appears to have changed its requirement from Section 5 of the 2003 GRR/FEIS, that the final alternative selected need only pass MWD flows, in favor of a new model that passes much greater volumes and flows. The section on hydraulics and hydrology contains language concerning the L-29 canal only.</p>	<p>The 1992 GDM did not specify a required flow volume to be delivered to NESRS, but the total structure capacity of all features that were capable of discharging water into NESRS was approximately 4,000 cfs. In the 2005 RGR, for the reconstruction of the roadway embankment target water levels from the Natural System Model were used. The NSM target was chosen for the re-construction of the roadway embankment were chosen to make the project compatible with MWD and future restoration projects. As part of the 2008 LRR the COE incrementally examined the effect of raising the canal stage within the L-29 BC. A spreadsheet analysis was developed that analyzed the historical delivery of flows to ENP and then redistributed those flows in a target distribution of 55% to the east and 45% to the west as long as stages were below the L-29BC stage constraint. This inflow volume was then used in a mass balance approach to compute potential increase in stage within North East Shark River Slough if we could have re-distributed inflows into ENP.</p>
<p>Micc 26</p>	<p><b>Costs and Section 902:</b> The LRR/EA at C-6 incorrectly states that the MWD Project is not subject to Section 902 limits. This misrepresentation has caused the Corps and DOI to have a blank check mentality that has caused the MWD cost to sky rocket!</p>	<p>Modified Waters was authorized under 1989 Everglades Protection and Expansion Act and was funded 100% by Department of Interior through FY 2006. Public Law 109-275 provided for Corps funding in FY 2006 for this project, to be cost shared 50/50 with the DOI from FY 2006 forward. The authorizations did not cite a dollar amount, therefore the 902 limit is not applicable.</p>
<p>Micc 27</p>	<p><b>WRDA Constraint Language:</b> The LRR/EA cleverly paraphrases the WRDA constraint language to omit the prohibition against bridging Tamiami Trail under Mod Waters. (Page 1-8.) Perhaps the Corps did so, because it knows the selection of the eastern bridge alternative defies Congress's mandate. Section 601 (b)(2) of WRDA 2000 prevents the authorization of Tamiami Trail bridging until the MWD Project is completed. ... It appears that the Corps thinks bridging Tamiami Trail is not contrary to WRDA 2000, as long as the L-29 levee is not removed. ... Congress will be even more incensed to learn that precious tax dollars are being wasted on a white elephant bridge that will do little for flow with the levee still in place.</p>	<p>WRDA 2000 (Section 601 (b)(2)(D)(iv)) does not prevent construction of bridges under MWD or provide any direction to MWD. Rather, the WRDA 2000 language says that there will be no CERP funds appropriated for construction of the CERP Tamiami Trail bridges (and several other CERP components) until MWD is complete.</p> <p>We understand the WRDA 2000 constraint is a direct reference to the CERP element called "WCA-3 Decompartmentalization and Sheet Flow" This CERP component includes 10 short bridges, and its CONSTRUCTION was prohibited until after completion of the Mod Waters project. We do not think the WRDA clause prohibits consideration of any bridge under Mod Waters.</p>
<p>Micc 28</p>	<p><b>Flooding and Flowage Easements:</b> Section 5.14.2 states that real estate will be required from private landowners impacted by project operation and that operation of the project would not be implemented until the necessary</p>	<p>The Corps will obtain a perpetual flowage easement from FDOT by way of the Relocation Contract. The compensation for the easement will be for the Corps to make certain modifications to the existing</p>

MWD TTM LRR Comments and Responses

	<p>real estate interests have been acquired. Section 6.2.6 states that the Corps intends to obtain a perpetual flowage easement from FDOT for 10.7 miles of Tamiami Trail. The LRR/EA does not contain any analysis of whether, and when, the road will be modified and whether Florida DOT has agreed to not seek any additional compensation for the 10.7 mile flowage easement. The Corps is required to conduct an EIS that fully analyzes flooding impacts and assesses the full costs for any flowage easements.</p>	<p>roadway to mitigate for the effects of higher water elevations in exchange for receiving a perpetual flowage easement. The required modifications will be determined during the design phase of the project. The Corps intends to contract road improvements and bridge construction under a single contract.</p>
Micc 29	<p><b>Real Estate Costs Are Not Adequately Assessed:</b> The LRR/EA does not adequately assess all real estate costs that will result from the TSP. For instance, the costs for the modifications to the Osceola Camp discussed at F-20 are not assessed in the LRR/EA. It is also unclear from the LRR/EA whether there will be additional real estate costs associated with obtaining a perpetual flowage easement for 10.7 miles of Tamiami Trail from FDOT or whether costs (or a land swap) will be involved in transferring fee title from Everglades National Park lands to the State. Any such costs related to these matters must be analyzed in an EIS.</p>	<p>The real estate costs included in the total project costs for the LRR are for construction only, no real estate costs for operations. Any costs associated with modifications to the Osceola Camp would be for operations and is not considered a real estate cost as the lands are owned by DOI.</p> <p>The Corps will obtain a perpetual flowage easement from FDOT by way of the Relocation Contract. The compensation for the easement will be for the Corps to make certain modifications to the existing roadway to mitigate for the effects of higher water elevations in exchange for receiving a perpetual flowage easement. The required modifications will be determined during the design phase of the project.</p> <p>Administrative costs for DOI to grant necessary interests to FDOT are included in the real estate cost estimate; however, there are no land costs for DOI lands included in the estimate.</p> <p>As stated elsewhere in response to comments, the next stage of planning will be detailed planning of the remaining structures and operations needed to achieve full benefits. Revised operations will require an EIS.</p>
Micc 30	<p><b>No Realistic Project Schedule:</b> The LRR/EA contains no realistic project schedule for the bridge building and road modifications associated with the TSP. The LRR/EA merely makes the broad generalization that if bridge construction starts in 2008, it would take three years, and be completed at the end of 2011. There is no construction time estimate for the road modifications. The Tribe contends that the amount of time necessary to complete the project should have been a factor in screening alternatives. It is clear from the admission in the LRR/EA that Congressional approval will be required to transfer federal national park lands to the State of Florida and that a 2008 construction date is overly optimistic. ...</p>	<p>Bridge and road reinforcement will be awarded as one contract. Target award date is 26 September 2008. Construction duration for both the bridge and road reinforcement is estimated around 3 ½ years. Construction duration does play an important part in screening alternatives. In general, the alternatives that require a longer time to construct would cost more because of higher uncertainty and more escalation.</p> <p>Road modifications are expected to have a shorter duration than bridge construction and are expected to be complete within the cited 3 years.</p> <p>See response to Micc 22.</p>
Micc 31	<p><b>Transportation:</b> In reference to Section 6.1.8, the LRR/EA contains no analysis of the impact that one lane travel during paving would have on hurricane evacuation capability. The Tribe reiterates that the Corps must take all precautions that both transportation and the safety of the Tribe and the public not be compromised during, or after, construction.</p>	



MWD TTM LRR Comments and Responses

<p>Micc 32</p>	<p><b>Impact on Tribal Lands:</b> The LRR/EA contains no analysis of the impact that the TSP will have on Tribal lands. The Corps must conduct an EIS that shows the impact that all alternatives, including the cost of delay, will have on the Tribal Everglades in WCA 3A. Moreover, the use of greater than CERP flows must also be analyzed for impacts to the MRA, and other Tribal properties, and to the Tiger Tail and Osceola Camps.</p>	<p>See replies to Micc 21 for 3A.  See replies to Micc 21 and Micc 24 for Tiger Tail and Osceola.  The LRR/EA explains that we must calculate the maximum possible stages and flows under reasonably foreseeable meteorological conditions to design road improvements. What the Tribe characterizes as "greater than CERP flows" are not additional planned flows but the cumulative effect of high planned flows with a natural storm of a given frequency added.</p>
<p>Micc 33</p>	<p><b>Impact on Businesses:</b> Section 5.14 of the LRR/EA does not assess the impact that the TSP would have on Tribal businesses, such as the Miccosukee Resort and Gaming Facility, and the Tribe's Miccosukee Indian Village, Airboats, Restaurant, and Gas Station along Tamiami Trail.</p>	<p>Section 5.14 addresses effects on businesses. No impacts from either construction of the Tamiami Trail modifications or flooding that would result from operations of the MWD project would affect tribal businesses. The Miccosukee Resort is outside the area of road modifications. Driveways into existing facilities along Tamiami Trail will be graded up to the raised road.</p>
<p>Micc 34</p>	<p><b>Osceola and Tiger Tail Camps:</b> Section 5.17 of the LRR/EA contains no modeling to show the impact that the TSP will have on the Osceola Camp and Tiger Tail camps. ... The LRR/EA contains no modeling of the impacts that the greater flows and volumes of the TSP will have on the Tiger Tail Camp. Thus, there is no basis for the Corps' statement of no impact. ... The Corps must conduct an analysis of impacts on the Tiger Tail and Osceola camps in an EIS. ...</p>	<p>This modeling was conducted during previous phases of the CSOP study as well as during the Restudy that led to the CERP plan. The Tiger Tail camp was raised to be well above the stages generated by CERP. The plan under consideration reaches stages well below the CERP unconstrained stages of up to 9.7' in L-29; therefore the document correctly anticipates no adverse impacts.</p>
<p>Micc 35</p>	<p><b>Environmental Justice:</b> Section 5.19.1 claims, without the requisite analysis, that no long term impacts would be created for the residents of the Tiger Tail and Osceola Camps. The Corps is required to conduct such an analysis under NEPA. The Tribe is especially concerned that the advisory team did not use the previous Performance Measure that analyzed potential adverse impacts of alternatives on the Tiger Tail and Osceola Camps. The Tribe contends that the Corps must ensure that the project is not likely to affect the environmental health or safety, and traditional way of life, of either the Tiger Tail or Osceola Camps. The Tribe also contends that the disparate impacts to Tribal Everglades and its culture and way of life due to the failure to implement the MWD Project, should also be analyzed in an EIS. The TSP will further delay the MWD Project, and will adversely and disproportionately impact the Miccosukee Tribe. Those impacts must be assessed in an EIS.</p>	<p>Construction of a bridge and raising of the highway are expected to have no impacts on the Tigertail or Osceola Camps. Because of the raising of the Tigertail Camp, no impacts from flooding are expected. The previous constraint (not a performance measure) of avoiding adverse impacts to the Tiger Tail and Osceola Camps (in the 2005 RGRR) was also a factor in selection of the TSP, but since more extensive alternatives were screened out due to cost limitations, none of the final alternative array would have generated such impacts. Negotiations between the Osceola Camp and ENP are underway to raise the Osceola Camp. Because no impacts would result from the project, no disproportionate impacts would result.</p>
<p>Micc 36</p>	<p><b>Public Involvement:</b> Section 9.1 claims that the Corps complied with USACE and NEPA policies and sought public input. In reality, the process conducted by the Corps was a secretive back door process that was pre-decisional and excluded the public. An LRR advisory group, which did not comply with FACA and met in private, selected the alternatives and the TSP. The public was brought in after the decisions were made to feign</p>	<p>A general public scoping letter was mailed on January 28, 2008, and was closed on March 7, 2008 inviting all concerned agencies and citizens who provided previous comments to provide information on their ongoing issues, concerns and recommendations for this study. Additionally, the planning and public scoping process for Tamiami Trail Modifications, which this EA aims to finalize, has commenced for</p>

	<p>"public involvement," contrary to both FACA and NEPA.</p>	<p>years and has involved two previous planning studies that underwent considerable public and agency coordination. This LRR began as an intra-agency effort but has since been coordinated with stakeholders and the public, with that input being given equal consideration in the alternative selection process.</p>
<p>Micc 37</p>	<p><b>Modeling Chicanery:</b> In the 2005 GRR/EIS, the advisory group relied on a Natural System Model (NSM), which used greater than CERP acre feet of water, to predict water levels in WCA3B and the L-29 canal to determine the potential impacts to Tamiami Trail. The discussion of modeling in the LRR/EA is so confusing, it is difficult to determine exactly which models were used and whether the results from the 2005 RGR/SEIS were relied on here. The LRR/EA also does not contain the modeling spread sheet used by the advisory group, so that the public can review it. Moreover, it appears that different models were used to assess different performance measures. This section is so incomprehensible that a Tribal representative called the Corps to attempt to decipher the modeling used. The Tribe was told the advisory group did not use the 2x2 model, which has been used in past EIS processes. It should not be necessary for the Tribe to attempt to make sense out of a NEPA document. A NEPA document is supposed to be understandable. While the Tribe continues to be uncertain as to the exact models used, it appears that the advisory group modeled arbitrary performance measures to rubber stamp an unnecessary and expensive bridge alternative. ...NEPA is required to be comprehensible to the public and to be a full disclosure document. The Corps should conduct an EIS that adequately explains the modeling used and contains the actual model results for independent verification and analysis.</p>	<p>As part of the 2008 LRR the COE incrementally examined the effect of raising the canal stage within the L-29 BC. A spreadsheet analysis was developed that analyzed the historical delivery of flows to ENP and then redistributed those flows in a target distribution of 55% to the east and 45% to the west as long as stages were below the L-29BC stage constraint. This inflow volume was then used in a mass balance approach to compute potential increase in stage within North East Shark River Slough if we could have re-distributed inflows into ENP. As documented in Appendix D section 5 provides the conceptual layout of the spreadsheet analysis. This analysis is based upon a mass balance approach to compute the increase in stage within NESRS as flows are increased. The Appendix was written to step the reader through development of the model.</p> <p>Section 5. Conceptual Model Layout                  Section 6. Calibration                  Section 7. Alternative Modeling Strategy</p> <p>The 2005 GRR/EIS and the 2008 EA both reference NSM levels only as an outside boundary on the highest water stages and greatest wet season flows thought to be attainable. NSM models theoretical hydrology of a pre-development Everglades system without any man-made features, including levees, gates, canals, pump stations or reservoirs, without a Herbert Hoover Dike encircling Lake Okeechobee, and with regular overflow of Lake Okeechobee into the northern part of the 'River of Grass' flow-way.</p> <p>NSM is useful only as a comparison of the wettest conditions imaginable, not as a target. The 2008 EA did not use a whole-Everglades model. It did look (see Fig. 4-15) at the distribution of high flows under current operations, compared to CERP (2050) flows, and put the NSM flows as an upper limit for comparison. It did this because Congress asked the agencies to look at forward compatibility with the CERP projects.</p> <p>See response to Micc 22.</p> <p>The Corps has determined that the proposed road modifications will not adversely affect public health and safety. Again, this analysis was explicit in the 2005 GRR/SEIS, and incorporated into the 2008 LRR/EA by reference. The 2008 TSP proposes a lower road surface</p>
<p>Micc 38</p>	<p><b>Safety:</b> The Tribe insists that Tribal and public health and safety must be strictly maintained both during, and after, construction of the Tamiami Trail modifications. The Corps should conduct an EIS that analyzes the road modifications in sufficient detail, so that the Tribe can ascertain whether public safety will be maintained.</p>	

MWD TTM LRR Comments and Responses

	<p>(corresponding to a lower canal stage) and a narrower road footprint, than the 2005 RGR/FSEIS.</p> <p>The HED is the real estate mechanism that would allow the Corps, following execution of a relocation agreement with the FDOT, to construct the bridge on the land prior to enactment of legislation transferring the lands to the state in fee simple title. Again, the project was deemed to be exempt from Section 4(f). The Corps contends that due to the location of the Tamiami Trail, use of a very small portion of park lands is reasonable and prudent, especially in light of the increased benefits to the park overall.</p>
<p>Micc 39</p> <p>Highway Easement Deed and Congressional Approval: Section 6.2.5 discusses the use of a Highway Easement Deed ("HED") as a legal mechanism for DOI to convey the Park lands needed for the one mile bridge to FDOT through the Federal Highway Administration. The LRR/EA says this is merely a "temporary solution" for transferring the lands to the state, and it is the overall intention of DOI to seek specific legislation from Congress to convey the lands to the state in fee. It is unclear from the LRR/EA whether the Corps intends to use the HED to begin construction prior to DOI obtaining Congressional approval to essentially give away national park lands to the State. This section is indicative of the challenging, and uncertain, process that building a bridge in a National Park will entail. The Tribe contends that Congressional approval is needed prior to construction, and that a Section 4(f) review would result in such approval not being given. There are reasonable and prudent alternatives to building a bridge in the Park that would not require transferring fee title to national park land.</p>	<p>Non-Government Organizations</p> <p>Rick Person, Vice President, S.A.F.E.R., Inc rpbr1117@bellsouth.net</p> <p>As Vice President of S.A.F.E.R., Inc I would like to repeat our views on the Tamiami Trail Project. We have for years presented the idea of just Maintaining the culverts or rebuilding them to allow water to flow freely under the Tamiami Trail. By removing the cattail reeds to the South of the Trail, you will allow water to flow without backing up against the road. Sky or other bridges are not necessary, and are too great of an expense. There still does not seem to be an answer to the question "How much is enough water for the Park?"</p> <p>Maureen Bonness, Naples Pathways Coalition, River of Grass Greenway maureenb@evergladesROGG.org</p>
<p>BON 1</p> <p>Please accept the enclosed public comments concerning the Limited Reevaluation Report and Environmental Assessment (LRR/EA). The Tamiami Trail is the ONLY road that cyclists can use to get across southern Florida. It is very important that your road design consider cyclists. Additionally, please consider the proposed River of Grass Greenway (brochure enclosed) and how it can be coordinated with your bridge/road design. I would like to discuss the River of Grass Greenway with you.</p> <p>Florida Coastal Everglades LTER Florida International University, Miami, FL 33199, May 9, 2008</p>	<p>Removing the vegetation south of Tamiami Trail does not provide for the restoration of NESRS because of the current stage constraint along Tamiami Trail for the protection of the embankment. To restore NESRS not only flows but stages in the canal/marsh need to be raised. The increased stages will allow for a more natural hydroperiod and the restoration of the proper flora and fauna within the area.</p> <p>The shoulder for the proposed bridge would be 10 feet wide and the shoulder for the rest of the road would be 5 feet paved plus 5 feet of grass. We do not plan to construct raised reflectors or rumble strips in the shoulder. Drainage features for the bridge would be located on the outermost edge of the shoulder and would not be expected to be in the travel path for bicycles.</p> <p>The LRR's TSP provides an increment of restoration to NESRS.</p> <p>The benefits analysis was conducted by an inter-agency team of</p>
<p>LTER 1</p> <p>We feel that the revised plan does not address the goal of improving hydrologic conditions in SRS, and does virtually nothing to support the re-hydration of the marl prairies. We also feel the scientific rigor of the</p>	

MWD TTM LRR Comments and Responses

<p>evaluations of the environmental benefits of potential alternatives has been compromised, which effectively weakens their support. The proposal to build a 1 mile bridge along the eastern edge of Tamiami Trail that allows an 8.5 ft maximum stage in the L29 canal will have limited effectiveness in restoring natural conditions in Everglades National Park, due to the short length of the bridge, its location and the flow allowance. We discuss problems associated with each of these factors below and provide alternative solutions that would meet the long-term goals of modified water deliveries (MWD).</p>	<p>scientists which included ENP, SFWMD, USACE, and USFWS. It is similar to the analysis completed in the 2005 RGR/SEIS. The document has undergone external peer review as well as agency and public review.</p>
<p><b>LTER 2</b></p> <p><b>Distance:</b> The proposal to further reduce to the extent of the bridge was considerably disappointing. Aside from understandable cost inflation during the years of delay, it appears that alternatives supporting longer and/or multiple bridges were also devalued for short-term political and economic reasons that appeared to outweigh their obvious long-term environmental benefits. A 1-mile bridge along a 10.7-mile flow blockage is not an effective plan for restoring sheet-flow to Everglades National Park.</p> <p><b>Solution:</b> Build into the LRR a plan and schedule for long-term implementation of multiple and extended bridges recommended in prior plans. Further delays will only increase the costs of necessary construction but more importantly, will allow further deterioration of the ecosystem that will cause restoration to become increasingly difficult.</p>	<p>Studies of further openings in Tamiami Trail are expected to begin soon. An initial workshop or meeting for future conveyance through Tamiami Trail is being planned tentatively for July or August 2008. Additional details on this event will be made public as soon as they are available.</p>
<p><b>LTER 3</b></p> <p><b>Location:</b> We found one of the more confusing aspects of the proposal was the selection of the eastern corner of northeast SRS for the proposed 1 mile bridge. The LRR provided little or no scientific support for resultant improvement of (1) hydrological conditions in northeast SRS or (2) ecological consequences that would result from constructing a bridge to the east rather than west....</p> <p><b>Solution:</b> Reconsider option of western bridge. Otherwise, the hydrological and ecological grounds for the eastern alternative need to be more clearly defined. If the eastern bridge remains the preferred alternative, build a program of hydrological and ecological monitoring in impacted areas to address its effectiveness and facilitate adaptive management. This monitoring should take place both downstream of construction but also in areas where water and flows may be depleted during implementation (i.e., downstream of existing flow ways – S-12 structures).</p>	<p>A full analysis of eastern and western bridges was performed. The western bridge was found to be less cost effective when considering cost versus ecological benefits. See Section 4.5.3.</p> <p>The location of the bridge was based on the recommendations from the 2005 RGR. The goal is to restore NESRS to the extent practicable. If one analyzes historical stage data (NESRS-1, NESRS-2, and NESRS-3) within NESRS one would see that during wet conditions the stage in the area is very consistent (almost a flat pool). Seepage losses are typically calculated based on a head differential. Just because the flow enters the system closer to the levee does not mean it will create more seepage; the seepage is related to the stage differential on both sides of the levee. It is expected as stages increase so will the seepage, but the stage in NESRS will increase regardless of where the bridge is located. In addition, the only culverts proposed to be removed are within the bridge footprint. While a majority of the water will be delivered through the bridge, the culverts will also aid in the spatial distribution of flows into NESRS.</p>
<p><b>LTER 4</b></p>	<p>Comparison of alternative plans to a No Action alternative is a</p>



MWD TTM LRR Comments and Responses

<p>Restoration of this system cannot occur with adjustments to only the maximum wet season water depths. Dry season conditions must also be considered. The LRR evaluation promoted a 8.5 ft stage over 8 ft height in L-29 but it was disappointing to find only a superficial evaluation of the previously proposed 9.7 ft stage height. By comparing 8.0 and 8.5 ft stages against a "do nothing" alternative, the selection process is biased toward a weakly effective result. Instead, the impact of a full suite of stage heights should be evaluated and compared. Again, the ecological effectiveness of the two compromised alternatives (8 vs. 8.5 ft) seem to have been 'copied and pasted' from one column to another rather than resulting from a systematic understanding of the consequences of these two different hydrologic settings. Although the natural Everglades water movement was characterized by long durations of sheet flow there is increasing evidence that catastrophic events helped shape this ecosystem (e.g. fires, hurricanes, etc.). Allowing a greater variation in maximum stage (and larger bridge openings properly located) would allow more heterogeneity in flow volumes. A major problem across the Everglades is that large portions of the compartmentalized system are subjected to regulation schedules which are not linked to rainfall causing entire areas to be either too wet or too dry. Designs should allow for heterogeneous flows (including occasional very high water scouring events) which reflect trends in rainfall amounts and which will in turn support ridge and slough development.  <b>Solution:</b> Allow the maximum stage values (and thus hydraulic head) driving water into SRS respond to rainfall naturally to allow heterogeneous flow patterns and ridge and slough habitat to develop.</p>	<p>fundamental requirement of Federal water resources planning. It provides information to the decision-makers on how the Nation would benefit in return for the investment of Federal funds in each of the alternative plans.</p> <p>Full restoration of NESRS is ideal and would require greater fluctuation within the system. However, full restoration is not possible at this time due to funding constraints and the Corps was tasked to the extent practicable to take steps to restore the natural hydrologic conditions within the ENP. The LRR TSP is an increment of restoration of NESRS.</p>
<p>LTER 5</p> <p>We are especially concerned that effective restorative plans are being perpetually delayed causing further deterioration of the system and escalation in implementation costs. We hope the LRR includes a time-line that shows a schedule of completion for not only this small first step but also specifies when the overall long-term objectives will be met.</p>	<p>Tentatively selected plan for the Tamiami Trail Modifications includes building a bridge and reinforcing U.S. 41. Bridge and road reinforcement will be awarded as one contract. Target award date is 26 September 2008. Construction duration for both the bridge and road reinforcement is estimated to take around 3 ½ years.</p> <p>After approval of a plan for Tamiami Trail Modifications under the Modified Water Deliveries (MWD) project, we will complete the planning and approval process for the remaining features of the MWD project – opening in the L-67A and L-67C levees, additional removal of the L-67 extension levee, flood mitigation measures for Osceola Camp, and a new operations plan.</p> <p>Studies of further openings in Tamiami Trail are expected to begin soon. An initial workshop or meeting for future conveyance through Tamiami Trail is being planned tentatively for July or August 2008. Additional details on this event will be made public as soon as they are available.</p>
<p>Sierra Club, South Florida/Everglades Office</p>	

MWD TTM LRR Comments and Responses

SC 1	<p>2700 SW 3rd Ave, Ste. 2F, Miami, FL 33129, May 9, 2008</p> <p>There are only two possible ways to restore natural flow into Shark River Slough. One is to eliminate the road. The other is to elevate it. (please see Sierra Club original comments for more details)</p>	<p>Comment noted.</p>
SC 2	<p>We have repeatedly supported elevation of an 11-mile stretch of Tamiami Trail widely referred to as the "Everglades Skyway". In numerous press statement, reports and documents, the Corps of Engineers has identified the Skyway as the environmentally-preferred alternative as well as a "Best Buy." The National Park service and the U.S. Fish and Wildlife Service have also identified the Skyway as the best environmental solution for the Modified Waters delivery project. The Science Coordination Team to the South Florida Ecosystem Restoration Task Force also wrote in 2001 that the Skyway was the best alternative. While no agency disputes the environmental supremacy of the Skyway, the Corps has consistently ruled it out for one reason – cost.</p> <p>... Sierra Club's preferred alternative continues to be the Skyway as it has in every Mod Waters decision.</p>	<p>We concur that the 11-mile bridge is the environmentally preferred plan that would provide maximum benefits, and that the TSP does not provide as many ecosystem benefits. However, the total cost of the 11-mile bridge alternative prevents its approval and funding.</p>
SC 3	<p>The Sierra Club's main objective is to see Shark River Slough restored. If that can be done timely and cost effectively in one project, we would lend our support. If we believed that it could be achieved timely and cost effectively in two consecutive projects, part in Mod Waters and part in another, we could support that as well. But we must see some verifiable commitment to a second project before we can give our support to a first. We must know that the first project will not stand for a decade while a second project becomes too expensive and ultimately abandoned.</p>	<p>After approval of a plan for Tamiami Trail Modifications under the Modified Water Deliveries (MWD) project, we will complete the planning and approval process for the remaining features of the MWD project – openings in the L-67A and L-67C levees, additional removal of the L-67 Extension levee, flood mitigation measures for Osceola Camp, and a new operations plan.</p> <p>Studies of further openings in Tamiami Trail are expected to begin soon. An initial workshop or meeting for future conveyance through Tamiami Trail is being planned tentatively for July or August 2008. Additional details on this event will be made public as soon as they are available.</p>
SC 4	<p>What are the concrete steps that will follow the TSP leading to restoration of Shark River Slough?</p>	<p>Please see the response to the previous comment. The remaining features of MWD will be completed. A workshop is being planned tentatively for July or August 2008.</p>
SC 5	<p>How long will it take until more bridging can take place? That is unclear; however, the laying of asphalt appears to be cost-effective only if there is a 10 year delay between the TSP's completion and the completion of more bridging. The remainder of the bridging should start immediately after the first project or be simultaneously constructed.</p>	<p>The timing of future construction that would be in addition to the TSP is not known.</p>
SC 6	<p>What are the cost increases expected for the next phase of bridging as a result of choosing this alternative?</p>	<p>Before we can prepare a cost estimate, we would need to establish the features, locations, and dimensions of this yet-to-be-specified next phase.</p>
SC 7	<p>We are very disappointed in the way that the Corps calculates its costs. The plan that we felt had the most merit in the LRR and one we supported was the Blue Shanty plan developed by Everglades National Park. The plan</p>	<p>The Blue Shanty plan cost more because of:          additional structures needed to obtain the high water elevations;          requisite road raising to elevation 13.0'; and</p>

MWD TTM LRR Comments and Responses

<p>restored natural flow to a corner of WCA 3 and Shark River Slough. Although it entailed only a one mile bridge, it provided the greatest environmental benefit per dollar and transitioned easily into the Skyway. The plan should have been comparable to the TSP in cost as it involved the same length of bridge and required only temporary fill on the Blue Shanty Canal. Instead the Corps estimated the cost far above prevailing bridge and fill transport costs and ruled it out.</p>	<p>levees must maintain the current flood protection for the road.</p> <p>Raising water levels in the canal with an opening raises water levels in the marsh to the same elevation. Without the remainder of the road raised the levees to the north and south would have to be the height of the existing L-67 levees. They would also have to the length of the L-67 extension to protect the road. A structure was necessary in the L-67 canal that could pass the same flows as S-333 to maintain flood protection on the road. These differences are what drives up the cost.</p> <p>A general public scoping letter was mailed on January 28, 2008, and scoping was closed on March 7, 2008 inviting all concerned agencies and citizens who provided previous comments to provide information on their ongoing issues, concerns and recommendations for this study. Additionally, the planning and public scoping process for Tamiami Trail Modifications, which this EA aims to finalize, has been ongoing for years and has involved two previous planning studies that underwent considerable public and agency coordination.</p> <p>This project is on an accelerated schedule to the benefit of restoration goals. The change in canal stage from 8.0 to 8.5 occurred during the cost estimating phase of the planning process, when it was found that ecological benefits could be maximized considerably with only an incremental increase in cost and concomitant increase in canal stage.</p> <p>As directed in the Conference Report for WRDA 2007, the cooperating federal agencies must recommend a plan for modifying Tamiami Trail to Congress by 1 July 2008 to provide immediate steps to increase flows to the Park. Once the plan for modifying Tamiami Trail has been approved, other efforts will be coordinated with agencies and the public to determine the next steps in bringing greater conveyance to NESRS.</p> <p>Swales are not components of any of the four final alternatives in the LRR. Everglades National Park is the lead agency studying and preparing a report to decide whether to construct a Pilot Project for swales at the culverts. This would be a separate action from the LRR. The LRR acknowledges that this separate Pilot study is ongoing.</p> <p>It is anticipated that construction of the bridge would begin in late 2008. This bridge would reduce the impediment to flows created by the Tamiami Trail highway embankment.</p> <p>Congress originally under The Everglades National Park Protection and Expansion Act (PL 101-229) Sec 104(a)(1) did not authorize a specific</p>
<p>SC 9</p>	<p>We believe that in order to achieve an October 2008 ground breaking date the LRR may not have follow the standard procedures normally required by the EIS process. The scoping process seemed squeezed-in, almost presented as an afterthought, after decisions were already made. The Corps only met with environmental groups days before a presentation to the Task Force and one day before the LRR was released. Opportunities for input were limited. State negotiations to change the plan significantly from an 8.0 canal stage to an 8.5 (and thus requiring 10 miles of asphalt) in the last three weeks before the LRR release seemed contrary to the public process we had expected. We are especially concerned that effective restorative plans are being perpetually delayed causing further deterioration of the system and escalation in implementation costs. We hope the LRR includes a time-line that shows a schedule of completion for not only this small first step but also specifies when the overall long-term objectives will be met.</p>
<p>SC 10</p>	<p>LRR presented no analyses on the swales, yet by their mention, it seems to imply that the culvert spreader swales remain part of Mod Waters. We believe that this action or any pilot project requires an EIS. We do not feel that constructing more than 60 football fields of swales in a national park will make culverts any more viable as a solution for restoring flow Shark River Slough. The only solution is to remove the road as a barrier.</p> <p>Part of the government's plan for saving the Cape Sable Seaside Sparrow, the Snail Kite and the Wood Stork, and complying with the Endangered Species Act, was the removal of, in significant measure, constraints to flows under Tamiami Trail. That provides more reason why significant bridging must commence immediately.</p> <p>Congress indicated in WRDA 2007 that it wanted to see 4,000 cfs in Mod Waters. The only plan that comes close to achieving that goal is the Blue</p>
<p>SC 12</p>	<p>Congress originally under The Everglades National Park Protection and Expansion Act (PL 101-229) Sec 104(a)(1) did not authorize a specific</p>



MWD TTM LRR Comments and Responses

	<p>Shanty Plan or the Skyway.</p>	<p>flow rate but states:                   “Upon completion of a final report by the Chief of the Army Corps of Engineers, the Secretary of the Army, in consultation with the Secretary, is authorized and directed to construct modifications to the Central and Southern Florida Project to improve water deliveries into the park and shall, to the extent practicable, take steps to restore the natural hydrological conditions within the park.”                   The goal of MWD is to the extent practicable take steps to restore the natural hydrologic conditions within the park. The restoration of NESRS is not based on any specific flow rate but rather having the ability to reproduce a natural hydroperiod within NESRS. See Section 4 of Appendix D.                   Thank you for your suggestion. CERP is one existing authority that could be used to study and construct additional conveyance through Tamiami Trail.</p>
<p>SC 13</p>	<p>The next phase of bridging could be part of the CERP if it were moved up on the schedule to immediately follow the TSP. Right now it is not.</p>	<p>The intent of MWD project is not to counteract sea level rise but to take steps to the extent practicable to restore the natural hydrologic condition within WCA-3B and NESRS.</p>
<p>SC 14</p>	<p>The TSP should have considered what the predicted timelines are for sea level rise and done an analysis of how much fresh water flow might be needed and by when to counter the salt water. Sea level rise is the greatest short term threat to the Everglades and one that should guide every decision the Corps makes, especially those will affect the timeliness of delivering restored flow to through Shark River Slough to Florida Bay. The massive economic and social cost of losing the Everglades, western urban areas of South Florida and the water supply to sea level rise must be factored in when determining if the project is cost effective.                   Ana Blanco, May 9, 2008, on behalf of:                  David Anderson, Executive Director, Audubon of Florida                  E. Thom Rumberger, Chairman, Everglades Trust                  Marti Daltry, President, Caloosahatchee River Citizens Association/Riverwatch                  Sara E. Fain, Everglades Restoration Program Manager, National Parks Conservation Association                  Kathleen Aterno, Managing and Florida Director, Clean Water Fund                  Bradford H. Sewell, Senior Attorney, Natural Resources Defense Council                  Kirk Fordham, Chief Executive Officer, Everglades Foundation                  Rae Ann Wessel, Natural Resource Policy Director, Sanibel Captiva Conservation Foundation                  Laura Reynolds, Executive Director, Tropical Audubon Society                  Debra Harrison, Director, South Florida Program, World Wildlife Fund</p>	<p>The intent of MWD project is not to counteract sea level rise but to take steps to the extent practicable to restore the natural hydrologic condition within WCA-3B and NESRS.</p>
<p>BLA 1</p>	<p>The tentatively selected plan begins the process of bridging, and is a necessary first step on the road to providing essential environmental benefits to Everglades National Park and the restoration of historic, natural</p>	<p>Thank you for expressing your support for the TSP of a 1-mile bridge and L-29 Canal constraint of 8.5 feet.</p>



MWD TTM LRR Comments and Responses

	<p>unimpeded water flow through the Everglades, particularly the reestablishment of sheetflow into the Northeast Shark River Slough and into Florida Bay. However, this initial modest step must be followed by bridging capable of reestablishing the previously authorized critical natural flow. Clearly the tentatively selected plan alone will not remove Tamiami Trail as a barrier to flow.</p>	<p>We concur that the 11-mile bridge is the environmentally preferred plan that would provide maximum benefits, and that the TSP does not provide as many ecosystem benefits. However, the total cost of the 11-mile bridge alternative prevents its approval and funding.</p>
<p>BLA 2</p>	<p>While the Modified Water Deliveries project is a necessary first step on the road to full restoration, the only way we can ever hope to restore the Park is to allow maximum connectivity between Water Conservation Area 3 ("WCA 3") and Everglades National Park through many miles of elevated roadway. Indeed, the Corps of Engineers has acknowledged that a 10.7 mile bridge spanning Shark River Slough is the environmentally preferred alternative. While we acknowledge that the plan before us is a modest first step, we are disappointed that the project does not achieve those benefits as originally envisioned by Congress when it passed the Everglades National Park Protection and Expansion Act of 1989. While we know that the Mod Waters project was not going to achieve full restoration of Northeast Shark River Slough and Everglades National Park, the current proposed project falls short of our expectations.</p>	<p>We are unable to use your statement as it is written.</p> <p>Like most parties familiar with Tamiami Trail, we recognize that the TSP, even together with the rest of the MWD features, would not fully restore NESRS and the Everglades ecosystem. We recognize that CERP or other authorities would be needed to achieve higher restoration goals.</p> <p>The Jacksonville District through its planning report makes recommendations to the Administration and Congress. Congress then must issue authority to the Corps to implement the recommendation. This report does not have the authority to commit the Federal government to specific future studies or to numerical performance targets beyond those expected to be achieved by the TSP of this report.</p> <p>The Jacksonville District is continuing to work with the state of Florida to explore next steps for realizing additional benefits in the southern Everglades. Please also see the response to the next comment that an initial workshop is being planned for later in 2008.</p>
<p>BLA 4</p>	<p>We urge you to incorporate the following language into Section 6.8:</p> <p>"The U.S. Army Corps of Engineers and the Department of the Interior recognize that this project must not be the only project for modifying Tamiami Trail, and much additional work is needed to adequately restore flows into Northeast Shark River Slough, and ultimately reestablish connectivity through the great Everglades ecosystem and into Florida Bay. Congress understood that the Modified Water Deliveries project alone would not restore the Everglades, and approved further restoration for Everglades National Park in the Comprehensive Everglades Restoration Plan of 2000. The tentatively selected plan constitutes a step in achieving the goals and direction given in the Statement of Managers for the Conference Report of the Water Resources Delivery Act of 2007. It achieves the immediate goal to increase flows to Everglades National Park by 1,400 cubic feet per second. The Federal government is committed to reaching those goals set out in the Conference Report to achieve flows to the Park that "have a minimum target of 4,000 cubic feet per second so as to address the restoration envisioned in the 1989 Act... [and] initiate an evaluation of the Tamiami Trail project component of the Comprehensive Everglades Restoration Plan authorized by section 601 (b)(2)(C)(viii) of the Water Resources Development Act of 2000, or other appropriate authorities, as soon as practicable." The Federal government commits to working with the state of Florida to begin these next steps to achieve the higher flows immediately upon the release of a Record of Decision for the Preferred Alternative."</p>	

MWD TTM LRR Comments and Responses

BLA 5	<p>We urge you to not delay planning for future Tamiami Trail modifications until data from studying the effects of either the preferred alternative or a pilot project for swales (if one is approved) are collected and analyzed. It is inappropriate to delay future progress in order to research these matters further. The federal agencies have already justified and explained the fact that the environmentally preferred alternative is a 10.7 mile bridge.</p>	<p>Studies of further openings in Tamiami Trail are expected to begin soon. An initial workshop or meeting for future conveyance through Tamiami Trail is being planned tentatively for July or August 2008. Additional details on this event will be made public as soon as they are available.</p>
BLA 6	<p>In previous comments submitted by several environmental groups to the Corps, concerns about the construction of culvert spreader swales in Everglades National Park were addressed. This LRR presented no analyses on that issue, yet by their mention, it seems to imply that the swales remain part of Mod Waters. We would like specific clarification as to whether the swales are a feature of Mod Waters, under the authority of the Secretary of the Army and part of the C &amp; SF Project when completed. Regardless of whether the authority lies with the Corps or the National Park Service, we believe that, under Federal law and policy, the construction of swales, or a pilot project to test the swales concept, may require an EIS.</p>	<p>Swales at the south ends of culverts were considered early during the development of alternatives for Tamiami Trail. Swales are not components of any of the final array of four alternatives that passed through the screening analysis. Swales are not a component of the TSP. Everglades National Park is the lead agency for a separate NEPA analysis of a proposed Pilot Study for swales. Scoping of issues for the Pilot Study is ongoing. ENP has not completed NEPA and has not decided whether to implement the Pilot Project. If the decision is made to construct the Pilot Project, construction may be funded by the Modified Water Delivery project.</p>
BLA 7	<p>There is another reason to move forward immediately with significant Tamiami Trail bridging: to ensure the continued survival of several of the Everglades' most imperiled species. As you know, the current water management regime, the Interim Operational Plan (IOP), was intended to be temporary, to provide a few years of relief for the highly-imperiled Cape Sable Seaside Sparrow. The IOP does not provide a long-term solution for the Sparrow, and provides little to no benefit for the Snail Kite and Wood Stork. Rather, for almost a decade, the responsible agencies have stressed to the public and to the federal courts that these species will only be saved, as well as the Park restored, if water flows from WCA 3A into WCA 3B and into Northeast Shark River Slough are significantly restored. Part of the government's plan for saving these species, and complying with the Endangered Species Act, was the removal of, in significant measure, constraints to flows under Tamiami Trail.</p>	<p>Concur. The tentatively selected plan is the first step in increasing water conveyance to NESRS. Once the plan for modifying Tamiami Trail has been approved, other efforts will be coordinated with agencies and the public to determine the next steps in bringing greater conveyance to NESRS.</p>
BLA 8	<p>Because subsequent steps to the tentatively selected plan are essential, we urge the Corps to give high priority to those projects under the Comprehensive Everglades Restoration Plan ("CERP") that would build upon restoring sheetflow through the central and southern Everglades, including Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement and Everglades National Park Seepage Management to take the next steps to increase flows through the Everglades and reconnect the lower portions of WCA3A and 3B to Everglades National Park and Florida Bay.</p>	<p>Comment noted.</p>
BLA 9	<p>We repeat our previous suggestions that another entity beyond the Corps, such as the Department of Transportation or Federal Highway Administration, may be better suited to design and build a more elevated roadway along Tamiami Trail. We urge the Corps to consider other</p>	<p>After approval of a plan for Tamiami Trail Modifications under the Modified Water Deliveries (MWD) project, we will complete the planning and approval process for the remaining features of the MWD project – opening in the L-67A and L-67C levees, additional removal of</p>

MWD TTM LRR Comments and Responses

	<p>possibilities now for immediate future restoration planning. At this time of limited resources, innovation is essential. The Corps should work with these and other agencies to develop the most efficient means of achieving the goals of Everglades restoration.</p>	<p>the L-67 extension levee, flood mitigation measures for Osceola Camp, and a new operations plan.</p> <p>Studies of further openings in Tamiami Trail are expected to begin soon. An initial workshop or meeting for future conveyance through Tamiami Trail is being planned tentatively for July or August 2008. Additional details on this event will be made public as soon as they are available</p>
AAAF 1	<p>Andrew E. Stearns, representing Airboat Association of Florida Museum Tower, Suite 2200, 150 West Flagler Street, Miami, FL 33130</p> <p>The AAoF objects to the LRR/EA to the extent it delineates the taking of the AAoF's property by the USACE (through a proposed flowage easement) where a taking of AAoF property was explicitly precluded under the Everglades National Park Protection and Expansion Act of 1989. The USACE's contends that real estate interests in the AAoF's property must be taken by the USACE without providing the legal justification for the purchase of such an interest. If, as the USACE claims, their authority to implement MWD emanates from the Expansion Act, then the project must preserve the AAoF's private property rights, as provided by the Expansion Act.</p>	<p>The 1989 Expansion Act incorporated a map by reference demonstrating the location of the park expansion and what lands the park was authorized to acquire. In that map, the Airboat Association of Florida was excluded from the park boundary; however, the Corps' mandate is to improve water deliveries into the park. The Corps' authorization is not limited by the park's boundary map.</p>
AAAF 2	<p>(LRR/EA, F-6). The USACE, within the LRR/EA, fails to propose the preferred and reasonable alternative to the taking of AAoF property: the raising of the elevation of the AAoF's property to a height above the estimated 100 year flood height.</p> <p>The raising of the elevation of property is an alternative that the USACE extended to other stakeholders similarly affected by the USACE's actions with regards to the Modified Water Deliveries to Everglades National Park ("MWD") Project. The raising of the AAoF's property is the preferred alternative to mitigate the prospective damage to the AAoF's property that the USACE contends will occur with the implementation of the MWD Project.</p>	<p>Under an acquisition of a flowage easement, the landowner is paid compensation whereby the landowner may choose to enact a cost to cure solution for his property, though this option is not required. The raising of the site by the government is not an option that is mandated due to the Airboat Association of Florida's status of being excluded from the park boundary map.</p>
AAAF 3	<p>The Expansion Act contemplates the taking of property in two circumstances, first, for properties located within the Expansion Area (§ 102(c)(1)), and second, for properties located partially within and partially outside of the Expansion Area (§ 102(d)). Nowhere does the Expansion Act authorize the taking of land wholly outside of the Expansion Area; rather, it unarguably specifically precludes such a taking.</p>	<p>The 1989 Act authorizes the lands slated for acquisition as part of the park's 107,600 acres of lands within the park. The Corps' authorization in that Act was two-fold, 1.) legislation relating to the lands in the 8.5 Square Mile Area, and to 2.) improve water deliveries to the Everglades National Park to the extent practicable. By increasing flows into the park through the Tamiami Trail project, the Corps will necessarily be adding water to those lands south of the Trail. Therefore, it is anticipated that the Airboat Association tract will experience water levels above the existing stages and quantities. In order to avoid an inverse condemnation action in the future, the Corps must obtain the minimum real estate interest required for the project.</p>

AAF 4

Authority of USACE to Take Private Real Property Army Regulation 405-10, Acquisition of Real Property and Interests Therein, outlines the circumstances in which the USACE may acquire real property:

The Airboat Association of Florida specifically cites Section 1-3 of Army Regulation 405-10 as the basis for why the Corps cannot acquire an interest in real estate over the Airboat Association tract since that regulation states that "No military department may acquire real property not owned by the United States unless the acquisition is expressly authorized by law." It should be noted that Section 1-1 of that same regulation sets forth the scope of the regulation. Specifically, that section states:

1-1. Scope

This regulation sets forth the authority, policy, responsibility, and procedures for the acquisition of real property and interests therein, for military purposes by the Department of the Army. It implements Department of Defense Directives 4165.6, 4165.12, and 4165.16. This regulation does not apply to Civil Works Projects, which are under the supervision of the Chief of Engineers.

As cited above, the regulation is specifically for military projects. The Modified Water Deliveries to Everglades National Park Project is a civil works project operating under separate real estate acquisition authority. The specific authority for this project emanate from the following public laws:

River and Harbor and Flood Control Projects.

a. River and Harbor Projects. The Act of Congress approved 24 April 1888 (33 U.S.C. 591) authorizes acquisition of land for river and harbor purposes. These include the construction, operation, maintenance and improvement of both natural and artificial waterways, the construction of locks and dams, dikes, bulkheads, jetties, revetment and other bank protection works, and spoil disposal dikes and retaining structures for construction and maintenance; and

b. Flood Control Projects. The Act of Congress approved 1 March 1917 [33 U.S.C. 701) authorizes acquisition of land for flood control purposes, and Section 2 of the Act of Congress approved 28 June 1938, as amended (33 U.S.C. 701c-1), authorizes the acquisition of land and interests therein for dam and reservoir projects, channel improvements, and rectification projects for flood control at Federal expense. Dam, reservoir and lake projects are generally constructed entirely at the expense of the United States and are maintained and operated with the use of Federal funds. Local interests are not required to furnish lands, easements and rights-of-way for dam and reservoir projects, unless specifically authorized by law for small reservoirs which provide



MWD TTM LRR Comments and Responses

		<p>localized flood protection (EM 1120-2-101). For local flood protection projects except channel improvement or channel rectification projects authorized by the Flood Control Acts of 1936, 1937 and 1938, local interests must provide, without cost to the United States, all necessary lands, easements, and rights-of-way. They must also hold and save the United States free from damages due to the construction, operation and maintenance of the project, except where such damages are due to the fault or negligence of the United States or its contractors, and maintain and operate all the works after completion, in accordance with regulations prescribed by the Secretary of the Army. Channel improvement and channel rectification projects authorized by the Acts of 1936, 1937 and 1938 are built entirely at Federal expense and no local cooperation is required. Exceptions to these rules are provided by law in the case of certain specific projects such as hurricane protection, shore protection, beach erosion control or other purposes. As in river and harbor projects, a cash contribution may also be required if enhancement of land values results from disposal of spoil dredged from project areas (ER 1150-2-301 and EM 1120-2-101).</p> <p>Again, the Airboat Association of Florida is correct in that their 10 acre parcel of land was excluded from the National Park Service (NPS) Boundary Map, hence the NPS is not authorized to acquire that property; however, the fact that Congress did not intend for that property to be incorporated within the park's boundary is not a permanent prohibition for any or all federal agency acquisition of that land.</p>
AAAF 5	<p>The AAoF's Property Was "Carved Out" of the Expansion Area by the Expansion Act</p>	
AAAF 6	<p>In summary, the USACE's proposed easement provides that the AAoF is to abandon practically all of its rights to its property situated below 9.0 feet NGVD. Such a "flowage easement" is in reality equivalent to a fee simple interest in property, whereby AAoF would be asked to abandon practically all of its rights of possession, use, and enjoyment of its property. The LRR/EA elevation exhibit of the AAoF's property clearly shows how the proposed a "flowage easement" would actually be a taking of nearly the entire property:</p>	<p>The current average water level on the properties south of Tamiami Trail is roughly 7.5 feet over the period of record while in post-project conditions, it is anticipated that portions of the southern half of the subject property may experience water levels in the 7.5 to 8.5 levels with extreme high water levels for a 100 year event equating to a 9.0 foot level. Due to the fact that the Airboat Association of Florida was excluded from the park boundary, the Corps sought to allow usage of the property in post-project conditions, even though it is understood that a large portion of the property will be negatively impacted in high water situations. Accordingly, the Corps will pay just compensation for those impacts, mainly a perpetual and occasional flowage easement; however, should the landowner consider their ownership to be so severely impacted that they will not retain any usage of the property in post-project conditions, the Corps is willing (and authorized) to acquire the property in fee simple title.</p>
AAAF 7	<p>Contrary to the assertion by the USACE in the LRR/EA, the USACE and AAoF have never negotiated terms of a flowage easement relating to the AAoF's property. The AAoF contends the USACE estimate of the ten acre</p>	<p>The LRR/EA mischaracterized the negotiations involved with the Airboat Association of Florida. The Corps has not negotiated the terms of a flowage easement. The LRR/EA has been edited to state that the</p>

MWD TTM LRR Comments and Responses

	<p>property of \$1,625,000 is significantly lower than the actual value. The AAoF refuses to accept the terms of the USACE's March 3, 2005 proposal.</p>	<p>Jacksonville District has been negotiating the acquisition of a flowage easement with the Airboat Association of Florida, rather than actually negotiating the terms of the flowage easement. The estimate of value is currently more than two years old and took into consideration the then planned water levels of 9.7 feet under the RGRR. Due to the lower water levels under the current LRR/EA, the Corps will have to reevaluate the estimated value of the real estate interest that the Corps requires prior to any new negotiations with the property owner. The Corps understands the Airboat Association of Florida's rejection of our prior offer to acquire a flowage easement. Upon approval of the LRR/EA, the Corps will seek new appraisals to determine the value of the site under the LRR/EA plan and begin negotiations with the landowner thereafter.</p>
	<p>Sydney T. Bacchus, Ph.D., Hydroecologist, Applied Environmental Services, LLC PO Box 174 Athens, GA 30603, May 11, 2008</p>	
<p>BAC 1</p>	<p>On March 21, 2004 and March 5, 2008 I provided comments on the proposed elevation of the Tamiami Trail, purportedly promoted as a form of Everglades restoration. ... there is no evidence that your agency even considered the alternatives or impacts described in my previous comment letters. Specifically, there is no scientific evidence that elevating the Tamiami Trail will result in an increase in flow through the Everglades.</p>	<p>A large suite of 26 alternatives was considered and screened. We feel this covered all reasonable and feasible paths of action. All previous comments have been considered in the alternative selection process.</p>
<p>BAC 2</p>	<p>Your agency failed to consider alternatives that are known to increase flows of both surface and groundwaters. Those alternatives include reductions in existing groundwater and surfacewater withdrawals from the Everglades Basin by agricultural, municipal and industrial users. Those withdrawals are not confined to mechanical pumping (e.g., supply wells and dewatering pumps). They include nonmechanical dewatering of the aquifer system by excavations (e.g., mine pits) throughout the Everglades, due to increased evaporative loss and volumetric displacement of groundwater into excavated areas.</p>	<p>The MWD project has no regulatory authority to require agricultural, municipal or industrial reductions in groundwater or surface water withdrawals.</p>
<p>BAC 3</p>	<p>Failure to Conduct a Comprehensive Cumulative Impacts Analysis The Environmental Analysis (EA), Environmental Impact Statement (EIS) and Cumulative Impacts Analysis conducted by your agency and the FWS all failed to consider the cumulative adverse impacts associated with your proposed agency action for this project, as well as your past and proposed approvals of other mining and construction projects in the Everglades Basin. Because both your agency and the FWS failed to consider all of the cumulative impacts of the proposed project, your agency's conclusions by Mr. Woodley, Jr. on January 25, 2006 regarding the "Means to Avoid or Minimize Adverse Effects" also failed to account for cumulative impacts. For example, in Table 6 of the FWS's "Florida Panther Habitat Matrix" only the "Project Footprint" was considered, rather than the additional</p>	

MWD TTM LRR Comments and Responses

	dewatering and destructive wildfires that the proposed alternative would cause in the Everglades.	
BAC 4	I concur with the conclusion stated by Dexter W. Lehtinen in his letter dated January 9, 2006, that the proposed alternative (and considered alternatives) is not consistent with the purpose in PL 101-229 WRDA 2000. The estimated cost of approximately \$255 million in tax dollars for the proposed large-scale construction project ignores the fact that adequate water could be supplied to the entire Everglades Basin, at no cost to the tax payers, if your agency and FWS would identify all related cumulative impacts, issue no additional permits in the Everglades that would reduce water availability to the Everglades ecosystems and require mandatory avoidance and minimization of groundwater use and dewatering associated with existing permits you have issued in the Everglades basin. Individual/Private Citizens or Businesses	Comment noted.
	Guy Hackett, 405 NE 23rd AVE, Cape Coral, Florida <a href="mailto:ghackett@comcast.net">ghackett@comcast.net</a>	
HAC 1	Please keep this road bicycle friendly. No obstructions in the shoulder, such as rumble strips, raised reflectors, or drainage grates. If any of these obstructions are required please keep them as far to the right as possible. Keep most of the 10 foot shoulder smooth and clear for skinny tire road bikes.	The shoulder for the proposed bridge would 10 feet wide and the shoulder for the rest of the road would be 5 feet paved plus 5 feet of grass. We do not plan to construct raised reflectors or rumble strips in the shoulder. Drainage features for the bridge would be located on the outermost edge of the shoulder and would not be expected to be in the travel path for bicycles.
	Sean R. Melvin, Partner, Island Bike Shop, Naples, FL <a href="mailto:seanmelvin@mac.com">seanmelvin@mac.com</a>	
MEL 1	On this project keep the needs of cyclists in mind.. from the mom and dad to the guy putting in 400 miles a week we need a safe way to get around and putt in miles as well	The shoulder for the proposed bridge would 10 feet wide and the shoulder for the rest of the road would be 5 feet paved plus 5 feet of grass. We do not plan to construct raised reflectors or rumble strips in the shoulder. Drainage features for the bridge would be located on the outermost edge of the shoulder and would not be expected to be in the travel path for bicycles.
	<a href="mailto:JORGEMF@comcast.net">JORGEMF@comcast.net</a>	
JOR 1	Would the public meetings be an appropriate place to request that a bike/nature trail be instituted as part of this project?	Paved shoulders along this segment of Tamiami Trail will be 5 feet wide for most of the length and 10 feet wide on the proposed bridge.
	Mario Yanez, 8201 SW 99 Court, Miami, FL 33173 <a href="mailto:mario@earth-learning.org">mario@earth-learning.org</a>	
YAN 1	The 1-mile bridge is so insufficient and is not the intent of the CERP. As you may remember, CERP's original intent was to restore the functionality of the Greater Everglades system. Please reconsider the implementing 11-mile SkyWay. Nothing short of that will suffice. Dare to make your work relevant to the health of the Greater Everglades.	We concur that the 11-mile bridge is the environmentally preferred plan that would provide maximum benefits, and that the TSP does not provide as many ecosystem benefits. However, the total cost of the 11-mile bridge alternative prevents its approval and funding.
	Dewey Steele, 22320 SW 256 Street, Homestead FL 33031 <a href="mailto:stee9190@bellsouth.net">stee9190@bellsouth.net</a>	



MWD TTM LRR Comments and Responses

STE 1	<p>In the past half century I have witnessed:</p> <ul style="list-style-type: none"> <li>* water being blocked by the Tamiami Trail resulting in flooding of tree islands to the north and death and destruction of wildlife and habitat.</li> <li>* reduced water flow to the south resulting in destruction of habitat and algae build up in Florida Bay</li> <li>* polluted water being dumped into Biscayne and Manatee Bays destroying wildlife</li> </ul> <p>I am totally opposed to beginning any project, such as a one mile bridge, that does not incorporate the idea of fully restoring water flow to the southern Everglades.</p>	<p>We concur that the TSP does not provide as many ecosystem benefits as alternatives with longer bridges. However, the total costs of the 2-mile + 1-mile bridges alternative and the 11-mile bridge alternative prevent their approval and funding.</p>
STE 2	<p>I am all for beginning a project immediately aimed at restoring historical water flow funded, in part, by Defense Department allocations, tourist taxes, rock mining per ton fees and development impact fees.</p>	<p>The Corps and the Everglades National Park also want construction to begin as soon as possible. The Corps of Engineers does not have authority to use these alternative sources of funds for the MWD project.</p>
LOF 1	<p><a href="mailto:williamlofus@bellsouth.net">williamlofus@bellsouth.net</a></p> <p>While the proposed alternative may provide incremental benefit for the southern Everglades, it does not provide nearly the amount of flow across a wide-enough cross-section of Tamiami Trail to restore the hydrological conditions of Shark River Slough. Neither will it allow enough water to pass the western area of the cross-section near S-333 to alleviate flood conditions in WCA-3A during high rainfall years. Why throw good money after bad? It makes more sense to do this project correctly by elevating as much of the cross-section as possible, rather than spending millions doing an inadequate job. Only by eliminating this hydrological barrier will Shark River Slough begin its recovery.</p>	<p>We concur that the 11-mile bridge is the environmentally preferred plan that would provide maximum benefits, and that the TSP does not provide as many ecosystem benefits as alternatives with longer bridges. However, the total cost of the longer bridge alternative prevents their approval and funding under MWD.</p>
LOF 2	<p>Although the document states that the project is in compliance with EE 13112, it addresses only exotic plants. There are at least a dozen species of exotic fishes and several non-native snails in the canals that are not addresses in the document. How will the swales and any spreader canals affect populations of these animals and prevent their entry into the ENP?</p>	<p>Because technical disagreements exist regarding the ability to adequately simulate spreader swale performance, the NPS is taking the lead on a separate planning and NEPA process to consider a spreader swale pilot project and evaluate the potential effects of spreader swales along the Tamiami Trail.</p>
ARN 1	<p>Deb Arnason, 12 Dill St, Alva, FL 33920 <a href="mailto:DiamondtelDeb@aol.com">DiamondtelDeb@aol.com</a></p> <p>I urge the Army Corps to focus on the big picture in the Everglades, especially since we are spending \$billions to restore the Everglades, both within the State of Florida and Nationally to try to preserve our unique River of Grass. Please, do not put in a quick, cheap fix of a 1-mile bridge when the whole 11-mile Skyway is needed to solve the underlying problem to restore sheet flow in the Everglades.</p>	<p>We concur that the 11-mile bridge alternative would provide maximum benefits, and that the TSP does not provide as many ecosystem benefits. However, the total cost of the 11-mile bridge alternative prevents its approval and funding.</p>
ARN 2	<p>Since the Federal Government is spending half of the \$11 Billion budgeted to restore the Everglades, I encourage you, as a Federal Agency, to coordinate with Everglades Restoration to find the funds there to build the 11-mile skyway for the best solution, not just a quick fix. Half measures</p>	<p>We are continuing to coordinate with teams working on the Comprehensive Everglades Restoration Plan (CERP). The Water Resources Development Act of 2000 requires a separation of construction funds between MWD and CERP.</p>



MWD TTM LRR Comments and Responses

	<p>will avail us nothing.</p>	
<p>ARN 3</p>	<p>Please review the comments by Dr Wanless, an expert on Florida and sea level rise, also a keynote speaker at the Everglades Coalition I attended on Sanibel with Governor Crist and other prominent political and environmental leaders in the State:          * The science chair of Miami-Dade County's Global Warming Task Force and University of Miami Geology Chair, Dr. Harold Wanless, predicts a 3 to 5 foot sea level rise by 2100. He said that restoring natural historic flows may be pivotal to saving the Everglades. This week marks the 80th Anniversary of the completion of Tamiami Trail. In another 80 years, the road and much if not all the Everglades could be underwater if we don't make the right choices now. We hope State and Federal officials agree on a post-Mod Waters bridging plan by July to address these predictions.</p>	<p>The intent of MWD project is not to counteract sea level rise but to take steps to the extent practicable to restore the natural hydrologic condition within WCA-3B and NESRS.</p>
<p>ARN 4</p>	<p>Independent experts have said the bridge could be built in 4 years or less. The Skyway Coalition is investigating creative financing arrangements from state and federal governments and public/private partnerships. Tolling revenues from new and existing sources could be tapped for this effort. Please do not let monetary concerns prevent the Corps from doing the right thing for our Everglades. That would be "penny-wise and dollar-foolish"</p>	<p>We concur that the 11-mile bridge is the environmentally preferred plan that would provide maximum benefits, and that the TSP does not provide as many ecosystem benefits. However, the total cost of the 11-mile bridge alternative prevents its approval and funding through the MWD authority. We are not authorized to use these alternate funding methods at this time.</p>
<p>SIE 1</p>	<p>Robbie Siemon, 208 Ashworth St, West Palm Beach, FL 33405  <a href="mailto:rsiemon@hgdmain.net">rsiemon@hgdmain.net</a>          I support finishing the original Mod Waters Act of 1989 (nine years ago!!!) so that we can start restoration. We need to act not deliberately endlessly while the ecosystem dies. We can try to fund the bridge at a later time but let's get started.</p>	<p>Since 1989 the Corps' understanding of restoring NESRS has advanced and it is now understood that the culverts cannot pass sufficient water needed to restore, to the extent practical, NESRS without also addressing the safety of the Tamiami Trail.</p>
<p>AVO 1</p>	<p>Michelle Avola, <a href="mailto:michelle@naplespathways.org">michelle@naplespathways.org</a>          PLEASE do not to allow your project to prevent, impede or delay construction of the "River of Grass Greenway". Also, cyclists should be considered in bridge designs (e.g., shoulders should be free of obstructions such as rumble strips, raised reflectors, and drainage grates).</p>	<p>The shoulder for the proposed bridge would 10 feet wide and the shoulder for the rest of the road would be 5 feet paved plus 5 feet of grass. We do not plan to construct raised reflectors or rumble strips in the shoulder. Drainage features for the bridge would be located on the outermost edge of the shoulder and would not be expected to be in the travel path for bicycles.</p>
<p>DEI 1</p>	<p><a href="mailto:Deux42@aol.com">Deux42@aol.com</a>          Access for sportsman, and airboat is not avail., north or south, of Trail and should be.          Access to area 3a, for airboat in case of plane crash is not avail., and should be.          Flowage easement to Airboat Association of Florida, should NOT change day to day operations, or recreation access.          The bridge, is too expensive, the 55 curvets will flow enough with higher water level in L-29</p>	<p>No effects on boat ramps or non-commercial airboating and related activities would occur. Even during high-water events, the bridge would provide enough clearance for small airboats to access ENP and the L-29 Canal under the Trail.           WCA 3A is not in the project area and would not be impacted by the tentatively selected plan.           Obtaining a flowage easement from the Airboat Association would not change day-to-day operations or recreation access.</p>

MWD TTM LRR Comments and Responses

		<p>Flowing more water through the 55 culverts is not feasible. Studies subsequent to the 1992 General Design Memorandum showed that while the design volumes of water could indeed be passed through the culverts into NESRS, this flow rate through the culverts would only occur after water levels on the north side of the road increased enough to force water through. Such high levels would exceed a stage of 7.5 feet in L-29 canal, the level considered safe by Florida Department of Transportation (FDOT) standards. If levels higher than 7.5 feet were to occur regularly or persist for longer periods, they would make the road vulnerable to structural damage.</p>
	<p>Martha Musgrove, 2432 Edgewater Dr., West Palm Beach, FL 33406, malmusgrove@yahoo.com, May 11, 2008</p> <p>I support your proposed plan to build a Tamiami Trail bridge to complete the Modified Waters Delivery Project. This will allow more water to flow into the Northeast Shark River Slough section of Everglades National Park, and it will clear the way to implement additional Everglades Restoration projects (known locally as decompartmentalization and sheetflow enhancement) to restore sheetflow through Conservation Area 3. Completion of the Modified Water Deliveries Project has been too long delayed.</p> <p>Ultimately Tamiami Trail will have to become a series of bridges to pass all the water needed to ensure the viability of Everglades National Park. That goal begins with construction of the first bridge, for which I hope Congress will appropriate what is necessary.</p>	<p>Thank you for expressing your support for the TSP.</p>
<p>MUS 2</p>		<p>Studies of further openings in Tamiami Trail are expected to begin soon. An initial workshop or meeting for future conveyance through Tamiami Trail is being planned tentatively for July or August 2008. Additional details on this event will be made public as soon as they are available.</p>
<p>MUS 3</p>	<p>I have followed these issues for many years. It is my considered opinion that there is nothing the COE or Congress could do this year that would provide more direct benefits to Everglades National Park. Those of us committed to saving and restoring the Everglades recognize that it is irresponsible to let our pursuit of perfection trample the good.</p> <p>Stan Carlin, Gator Park P. O. Box 517, Melbourne FL 32902-0517; 321-729-8387 * 305-559-4136</p>	<p>Thank you for expressing your support for the TSP. We recognize that there are alternatives in the LRR that would provide more ecosystem benefits than the TSP. However, the total costs of these alternatives prevent their approval and funding at this time under MWD.</p>
<p>CAR 1</p>	<p>In 1992 and 1993 White Construction repaved roadway and extended 8' to 10' south, and extended culverts one length south. White Construction said 80% or more of existing culverts were clogged with mud and trash. We asked if they were cleaning out the culverts so water could flow 100%. White Construction said "no" because it was not in their contract. There has also been no maintenance on the water distribution canals that run south of the culverts.</p> <p>A clean out/maintenance contract should be issued now for all clogged culverts and canals so 100% of even water flow would be restored this year. This could be done rapidly and would be cost effective.</p>	<p>In recent years, the culverts have been maintained by Florida Department of Transportation and are clean. The areas south of the existing culverts are owned by and maintained by Everglades National Park.</p> <p>The vegetation that is blocking the downstream flow from the culverts will be addressed under a separate project.</p>

MWD TTM LRR Comments and Responses

BER 1	Catherine Bernabei, 1713 SW 103 Pl., Miami, FL 33165	Thank you for your support for the TSP.  We concur that the 11-mile bridge is the environmentally preferred plan that would provide maximum benefits, and that the TSP does not provide as many ecosystem benefits.  The MWD project is not authorized at this time to use these sources of labor and funds.
HOL 1	Public Meeting (22Apr2008) Comments Joe Holland	Planning for future conveyance under Tamiami Trail will continue as soon as this study is complete. A workshop or meeting is being planned tentatively for July or August 2008. The public will be notified as soon as details become available.
HIL 1	Julie Hill, Audubon of Florida	Future conveyance under Tamiami Trail will be considered at a workshop or meeting planned tentatively for July or August 2008. The public will be advised of the workshop/meeting as soon as additional details are available.
MOR 1	Larry Morrison	Comment noted.
RAD 1	Charles Radner, Trust	It is south of the trail for 2 reasons. We do not have to stop traffic during construction. Also, ENP owns most of it, so it is cheaper in the long run.
RIE 1	Mr. Riedi, Miccosukee Tribe	Tamiami Trail modification is not the only feature of MWD that remains to be completed. Additional work is needed for L-67A, L-67C, L-67 Extension, Osceola Camp, and a new operations plan.
RIE 2		After the road reinforcement described in the LRR is complete, the road will be higher.
RIE 3		Concur. In order to increase the water delivered to Northeast Shark River Slough of ENP, there must be more water available in the L-29 Canal.
RIE 4		The cost estimates presented in the draft LRR include risk analysis procedures and represent the 90 percent confidence not likely to exceed level.



MWD TTM LRR Comments and Responses

RIE 5	<p>The first thing that needs to happen is to clean out the culverts. Pictures show that they are clogged. Flow efficiency has dropped since they have been built. The flow is impeded by Brazilian pepper and sediment build up. We hope that you will consider clean out.</p>	<p>In part due to substantial differences of opinion among agencies on the effectiveness of vegetation and sediment removal for improving flow through the culverts, a Pilot Study has been proposed. ENP has initiated a separate NEPA analysis on whether to implement the Pilot Study.</p>
FAI 1	<p>Sara Fain, National Parks Conservation Association          This plan falls short. The plan is a only a first step which will provide more water flow into ENP. I am glad that you have the bridge, which does help with the connectivity. But it is just a step. We need to get LRR done and we desire a commitment from Corps and DOI on what the next steps are. Let's move decompartmentalization forward. What are the next steps to truly restore the Everglades?</p>	<p>The study team recognizes that some of the alternatives in the draft LRR would provide more ecosystem benefits than the TSP. The decompartmentalization study in CERP is one of the major efforts toward future steps for restoration of the Everglades.</p>
LEN 1	<p>Dr. Thomas Van Lent, Everglades Foundation          MWD project needs to move forward. I am glad there is a bridge and support and glad that stage targets moved from 8.0 feet to 8.5 feet. I would like to see the Corps get out of the bridge building business and see FDOT get more involved and help solve the TIM. We were expecting more. I am looking forward to a clear way forward in the short term and the long term. Let's remove obstacles that are slowing us down – L30 and DECOMP of CERP. I would like to see this project implemented.</p>	<p>Thank you for expressing your support for the TSP.          We recognize that there are alternatives in the LRR that would provide more ecosystem benefits than the TSP. However, the total costs of these alternatives prevent their approval and funding at this time under MWD.          Studies of further openings in Tamiami Trail are expected to begin soon. An initial workshop or meeting for future conveyance through Tamiami Trail is being planned tentatively for July or August 2008. Additional details on this event will be made public as soon as they are available.          The plan does include reinforcement to support 8.5 foot stage.</p>
LEN 2	<p>I want to be sure reinforcement includes pavement to support 8.5 foot stage.</p>	<p>The plan does include reinforcement to support 8.5 foot stage.</p>
PER 1	<p>Rick Persson, SAFER          I oppose any alternatives that adversely impact the business south of the Trail. It is the least expensive way.</p>	<p>Although acquisition of a construction easement from FP&amp;L would be needed, none of the airboat touring businesses would be directly affected by construction activities. However, the project provides the opportunity for increased water levels south of the highway, which would increase the potential for the businesses to be impacted by flooding. The Real Estate Plan (Appendix F) concluded that perpetual and occasional flowage easements from businesses would be required to provide compensation for flooding potential.</p>
BRY 1	<p>Albert Bryan, President of Conservation Club          We have asked to have airboat access from the north to the south. At some point, will we need this access for emergencies.</p>	<p>Airboat access would not be changed by the tentatively selected plan.</p>
BRY 2	<p>There is a need to have ground access for bank fishing, rest stops, or parking for recreation. There should be access for hunting or fishing.</p>	<p>We anticipate that Florida Department of Transportation would prohibit fishing from the proposed bridge and approaches. Bank fishing from the unbridged road would remain similar to current conditions. Due to wetlands and water along each side of the road, no additional rest areas or parking areas are planned at this time.</p>

MWD TTM LRR Comments and Responses

BRY 3	<p>What is the level in 3B going to be? How high is the water going to be? What is the normal hydroperiod?</p>	<p>The objective of the MWD Project is not only to restore the natural hydrologic conditions within NESRS but to reconnect WCA-3B as an integral part of the Everglades system. As flows are passed from WCA-3A to WCA-3B to ENP the stages will decrease from area to area. For example if the L-29 BC was being held at 8.5 ft the stage in the southern part of WCA-3B would be slightly higher dependent upon the flow volume going through the structures in the L-29 levee and the resistance of the marsh within WCA-3B to pass that volume to the structure. This would increase the stage approximately 0.1-0.5 feet or more dependent on stages and volume of flow.</p>
BRY 4	<p>Target is on the high side. Are you aware that we are going to wipe out all of the fur bearing animals if we add 15 inches or more, which is a waste land?</p>	<p>Very good point. We need to work on this point during the operations.</p>
Unknown Meeting Attendee		
UNK 1	<p>The money that was spent so far probably could have built the project already. Has Dade County put any money into this project? Why aren't they?</p>	<p>Dade County has not contributed funds.</p>
UNK 2	<p>Has the culture been studied? Are we making provisions for Everglades Safari, Cooperstown, etc.?</p>	<p>We are looking at cultural resources</p>
Unknown Meeting Attendee		
UKN 1	<p>You should be working with the community and I would be happy to serve on a Task Force. Has any one asked us about our culture? I would like my kids to see it the way it is and was.</p>	<p>We are looking at cultural resources.</p>
UKN 2	<p>Should these bridges be tied into the sloughs? It seems like common sense.</p>	<p>All valid points.</p>
Dr. Tom Lodge, author of the Everglades Handbook		
LOD 1	<p>We still do not know what is all needed to promote ridge and slough, but we are fairly certain that it has to do with the extremes – catastrophic events. In communication with Fred Dayton, enormous amounts of water flow over the trail during two catastrophic hurricanes in 1947. WCA 3B was probably 6 ft deep during 1947 hurricane. It is a mistake not bridging the entire area for accommodating the flows that we are hoping to reattain. I advocate for allowance massive flows.</p>	<p>We concur that the 11-mile bridge is the environmentally preferred plan that would provide maximum benefits, and that the TSP does not provide as many ecosystem benefits.  Future conveyance under Tamiami Trail will be considered at a workshop or meeting planned tentatively for July or August 2008. The public will be advised of the workshop/meeting as soon as additional details are available.</p>
Frank Denninger		
DEN 1	<p>On page B-1: reinforcement – 8.0 foot versus 8.5 foot. Lowest portions of road to clear for 8.0 foot not 8.5 foot.</p>	<p>We will definitely correct it.</p>
Bruce Rowlett		
ROW 1	<p>In 2005, Alternative 14 was selected and recommended, because 55 culverts were not moving water through Shark Valley. An 11-mile bridge would allow sheet flow, which seems most logical. A 2-mile and 1-mile bridge total only 5,000 – 10,000 feet. Why only these small openings for the water to flow to the Everglades? Let the water flow freely. There are 10 egresses for the 11 miles for the business. Just tell congress to appropriate the</p>	<p>We concur that the 11-mile bridge is the environmentally preferred plan that would provide maximum benefits, and that the TSP does not provide as many ecosystem benefits.</p>

MWD TTM LRR Comments and Responses

	<p>money. There should be a bridge from Krome to 30-mile bend to allow sheet flow. I've been out there 50 years. Get the money from congress.</p> <p>Bill Hutchinson</p>	
HUT 1	<p>We cannot always afford what we want. Thank you for selecting a reasonable alternative. It is reasonably scoped and has a positive benefit/cost ratio.</p>	<p>Thank you for expressing your support.</p>
HUT 2	<p>Have you all engaged in a futurist, or what would you like or dislike about the project 50 years from now? Are there things that you will have to undo? Have you looked way out in the future for adverse impacts?</p>	<p>We are trying to keep the project compatible with CERP and the future. We do not want to build something only to have to rip it out later. We wanted to minimize having to redo projects. The team made sure that there is compatibility with future projects.</p> <p>We will try to do better in not using acronyms.</p>
HUT 3	<p>Please use fewer abbreviations. I need to reconstruct the acronym.</p> <p>Catherine Burnabei, Sierra Club leader</p>	
BER 1	<p>Can we build with recycled materials? Other countries do it (Yangtze River Bridge in China, bridge in Germany). This would bring the costs down.</p>	<p>This will be an option that the contractor may consider. The Corps, FDOT and FDEP have regulations regarding which materials may and/or may not be suitable for use or recycle, and the construction will be strictly according to Corps, State of Florida DOT and environmental regulations.</p>
BER 2	<p>Can prisoners be put to work?</p>	<p>We do not have authority to use this source of labor.</p>
BER 3	<p>I heard and agree with Miccosukee – why is there not a plan to keep the 55 culverts clean.</p> <p>Fred ?, 8.SSMA</p>	<p>Culverts are inspected regularly, and monitored by USGS with photo cameras. The interiors are clean. Downstream they have concerns.</p>
FRD 1	<p>On the south side of Tamiami there is a spoil bank. Wildlife use it. Is there some mitigation opportunity for introduction of tree islands?</p>	<p>They are very natural tree islands. The tree island is on the embankment of the road and that is not going to change. We are only changing the approaches to the bridge.</p>
UKA 1	<p>Unknown Meeting Attendee</p> <p>I support the two bridges.</p> <p>Aren't we trying to deliver 5500 cfs? Will you have the capacity to move the MWD target? Will you still need an increase in stage? Don't we want some kind of weir so that we do not dry out?</p>	<p>Congress originally under The Everglades National Park Protection and Expansion Act (PL 101-229) Sec 104(a) (1) did not authorize a specific flow rate but states:</p> <p>“Upon completion of a final report by the Chief of the Army Corps of Engineers, the Secretary of the Army, in consultation with the Secretary, is authorized and directed to construct modifications to the Central and Southern Florida Project to improve water deliveries into the park and shall, to the extent practicable, take steps to restore the natural hydrological conditions within the park.”</p> <p>The goal of MWD is to the extent practicable take steps to restore the natural hydrologic conditions within the park. The restoration of NESRS is not based on any specific flow rate but rather having the ability to reproduce a natural hydroperiod within NESRS. See Section 4 of Appendix D.</p>



MWD TTM LRR Comments and Responses

		Yes, an increase in stage is required for restoration of NESRS. Cost and stage constraints have limitations on what can flow.
	<b>Keith Price</b>	
PRI 1	I work at the SFWMD. I have personally flown the camera through each one and had to wrestle one of the cameras from an alligator.	Comment noted. Thank you.
PRI 2	I work on Sundays as president of Airboat Association. Every alternative has been okay but they all run into cost concerns. Governors have only stepped in to cut taxes. Projects are reduced, and we are having to do more with less.	We have worked to make the tentatively selected plan meet cost requirements set by Congress. We hope that the plan will be funded.

# Statement of Findings for Wetland

**Proposed Tamiami Trail Modifications,  
Modified Water Deliveries to Everglades National Park Project,  
Limited Reevaluation Report and Environmental Assessment,  
U.S. Army Corps of Engineers, April 2008**

**Submitted by:  
South Florida Natural Resources Center  
Everglades National Park  
Homestead, FL 33030**

Recommended:



Superintendent, Everglades National Park

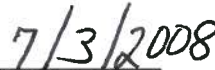


Date

Certified for Technical Adequacy  
And Servicewide Consistency:



Chief, Water Resources Division

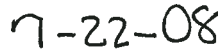


Date

Approved:



Southeast Regional Director



Date

### Introduction

The U.S. Army Corps of Engineers (USACE) has prepared and made available for public review a Draft Tamiami Trail Limited Reevaluation Report (LRR) to the General Reevaluation Report/Second Supplemental Environmental Impact Statement for the Tamiami Trail Modifications (DRGRR/SSEIS) project. The purpose of this project is to modify flow into and improve wetland function within the Shark River Slough (SRS) region of Everglades National Park (EVER). This Statement of Findings (SOF) documents the wetland and floodplain impacts associated with this project.

Executive Orders 11988 ("Floodplain Management") and 11990 ("Protection of Wetlands") require the National Park Service (NPS) and other federal agencies to evaluate the likely impacts of actions in floodplains and wetlands. The objectives of the Executive Orders are to avoid to the extent possible the long-term and short-term adverse impacts associated with occupancy, modification, or destruction of floodplains and wetlands and to avoid indirect support of development and new construction in such areas wherever there is a practicable alternative. The purpose of this SOF is to present the rationale for the location of the proposed plan in the floodplain/wetland area and to document the anticipated effects on these resources.

### Project Description and Benefits

The Tamiami Trail Modifications (TTM) project would provide an array of environmental benefits to Everglades National Park (EVER). The project is part of the larger Modified Water Deliveries to Everglades National Park (MWD) project. The purpose of the MWD project is to restore wetland functions within the park by modifying water deliveries to the park and altering water management operations outside of the park. The project is jointly funded by the NPS and the US Army Corps of Engineers (USACE) and is expected to be completed in fiscal year (FY) 2012.

Hydrologic analysis has shown that the Tamiami Trail roadway and the existing culverts beneath it act to impede natural flow quantity, timing, and distribution. The proposed modifications to the Tamiami Trail would reduce these impediments, thus improving conveyance of flows and facilitating the restoration of more natural hydro patterns and sheetflow in SRS. The Tentatively Selected Plan (TSP) for the TTM proposes the addition of a one-mile long bridge at the eastern end of Tamiami Trail. The original highway and embankment, now present where the proposed bridge would be built would be removed. During construction, in accordance with USACE guidelines and in order to minimize wetland impacts, all necessary and typical construction best management practices would be employed.

Portions of the TSP are located within or immediately adjacent to the northern boundaries of EVER. Implementation of the TSP would result in impacts to EVER lands including impacts to and loss of wetlands. The TSP location, including an engineering schematic and typical cross sections of the existing roadway, proposed roadway, proposed bridge approaches, and proposed bridge, is shown in Attachment A.

### Alternatives Considered

Twenty-seven alternatives, along with the "No Action" Alternative, were considered in the LRR; however, only four alternatives were considered for detailed evaluation. Alternative 4.2.4, which included a ten-mile bridge, was environmentally preferred alternative in the RGRR, but deemed too expensive and not considered for detailed evaluation in the LRR. The TSP, as outlined in the LRR, provides approximately 28 and 46 percent of the average annual environmental lift of the environmentally preferred plan and TSP, respectively, identified in the RGRR and is considered a first step in achieving the restoration objectives of the project at a reasonable cost. The LRR TSP, a one-mile long eastern bridge and road reinforcement that allows for a stage of 8.5 ft in the L-29 Canal, differs substantially from the RGRR TSP. The RGRR TSP included an additional two miles of bridges in western SRS and allows stages in the L-29 Canal to rise to 9.7 feet. Other alternatives considered included combinations of bridges of different span lengths and locations. These alternatives often provided considerably more environmental benefits, but they were not considered for detailed evaluation as a result of cost and other factors. As suggested in the LRR, other projects, such as those in the Comprehensive Everglades Restoration Plan (CERP), need to be implemented to provide flows consistent with the RGRR TSP and that would result in substantial restoration of ENP wetlands.

### The Project and the Everglades National Park Boundary

The project is defined as the length of Tamiami Trail (US Highway 41) from water control structure S-334 in the east for a distance of approximately 10.9 miles west to water control structure S-333. Impacts of the project would occur because the roadway, shoulder, side-slope, and right of way (ROW) would be shifted south as for the construction of the approaches to the new eastern bridge that would be constructed just south of the existing roadway. The Florida Department of Transportation (FDOT) owns the roadway and controls an adjacent, variable-width maintenance ROW on both sides of the highway. The highway runs generally east to west. In the project area, the authorized boundary of EVER runs parallel to the southern ROW of the highway. No boundary survey for either the ROW or the authorized boundary of EVER is currently available. A boundary survey would be completed as part of the project once design drawings are refined.

The crown-elevation of the roadway is variable. Increasing the elevation of the roadway is required to accommodate the increase the stage in the L-29 Canal to 8.5 feet. However this would be accomplished by building up the existing roadway in accordance with FDOT guidelines without augmenting it's width outside the limits of the bridge approaches.

### Uplands, Wetlands, and Floodplains Within the Project Area

Most of EVER is situated in areas prone to frequent and continual flooding due to low elevation, lack of extensive physical relief, and freshwater hydrologic inputs (rainfall, overland sheet flow, and direct surface water discharges). The project site is thus in an area that is subject to seasonal inundation. Lands impacted by the project are described below. Floodplains have not been delineated for the park by the Federal Emergency

Management Agency through the National Flood Insurance Program. The US Fish and Wildlife Service (FWS) classification (Cowardin, 1992) of each wetland described below is indicated in parentheses.

The area to be affected by the physical footprint of the project (as opposed to the area to be affected by the restored flow regime) is a mix of mesic upland forest, emergent wetland including some shrub scrub and forested wetland area, and open water areas associated with existing roadway culverts. Immediately adjacent to, and south of the existing roadway for the entire project length (and located entirely on roadway spoils) is an approximately ten to 40 foot wide strip of mesic upland forest including a number of native tree species along with some invasive Brazilian pepper (*Schinus terebinthifolius*). At several locations the forested strip is broken by open water wetlands (POW) associated with roadway culverts. South of these open water wetlands there are willow (*Salix caroliniana*) and pond apple (*Anona glabra*) "heads" and forested wetlands (PFO), also associated with flows from roadway culverts. South of this forested strip is a broad expanse of palustrine emergent wetland (PEM) dominated by sawgrass (*Cladium jamaicense*) with some extensive patches of cattail (*Typha latifolia*) located at the northern edge.

#### Functions Provided by Wetlands within the Project Area

The primary functions that are provided by the wetlands that are to be impacted by the project include, most significantly, surface and subsurface water storage, but also the support of biogeochemical processes, the presence of a characteristic plant community, and the provision of fish and wildlife habitat. All of these functions are currently degraded within the area to be impacted; the project purpose is actually to restore these functions to very similar, adjacent wetlands.

#### *Emergent Wetland Functions*

The emergent wetlands within the project area function to provide water storage, the characteristic Everglades sawgrass vegetation community, support for biogeochemical processes, and fish and wildlife habitat. The water storage function is degraded through proximity to the existing roadway and altered distribution and timing of flows to the wetland. The characteristic vegetation community is degraded through the invasion of Cattail (*Typha latifolia*) into the sawgrass community due to elevated nutrient levels. Support for biogeochemical processes occurs; nutrients flowing into the wetland from the roadway and lands outside of the park are uptaken, but high nutrient loading in the inflow have altered and degraded this function. These habitats are utilized by a variety of fishes, birds, invertebrates, reptiles, and amphibians; however, the habitat is degraded as a result of degradation of the above processes and proximity to the roadway.

#### *Forested and Open Water Wetland Functions*

The forested and open water wetlands within the project area function to provide water storage, a characteristic forested vegetation community, support for biogeochemical processes, and fish and wildlife habitat. The water storage function is degraded through proximity to the existing roadway and altered distribution and timing of flows to the wetland. The characteristic forested vegetation community is degraded through the



invasion of Brazilian pepper; this invasive makes up five to 30 percent of the forest cover in the area. Forested and open water habitats are utilized by a variety of fishes, birds, and other wildlife; however, the habitat is degraded as a result of degradation of the above processes and proximity to the roadway. The forested habitat has been degraded by the alteration of soils via the dumping of spoils during roadway construction. Aquatic habitat in the open water areas is especially degraded by the presence of numerous exotic invasive fish species and elevated nutrient levels.

#### Floodplain Impacts

The plan would remove flow impediments to and improve water flow into SRS. Hence floodplain and floodplain processes would benefit from this project.

#### Federally Listed Threatened and Endangered Species

A total of six federally listed (five endangered, one threatened) species are known to exist in the project area: the wood stork, Cape Sable seaside sparrow (CSSS), snail kite, the Florida panther, the West Indian manatee (unlikely to occur in the vicinity of the project), and the eastern indigo snake. Due to the presence of these species, and as discussed in the LRR, some special precautions would be taken, including phased implementation of construction activities. No significant impacts to any of the species are expected.

#### Wetland Impacts

Based on calculations done by the USACE using concept-level design drawings and assuming that the impacted area is wetland, the TSP would involve an impact of 8.99 acres of wetlands. These wetland impacts are based on a permanent and temporary construction easement associated with the project. The approximate associated wetland and upland impacts are as follows:

Permanent Construction Easement: 9.28 acres

- Graminoid wetlands (sawgrass, cattail): 0.61 acres
- Forested wetlands: 1.38 acres
- Open water: 0.3 acres
- Uplands (road toe): 6.99 acres

Temporary Construction Easement: 7.13 acres

- Graminoid wetland: 3.57 acres
- Forested wetland: 2.77 acres
- Mixed forest and graminoid wetland (pond apple, willow): 0.66 acres
- Upland forest: 0.13 acres

A total of approximately 8.99 acres of wetland is expected to be impacted during implementation of this project. According to the USACE calculations, the project would also restore approximately six acres of wetlands where the road and road embankment is removed. Most of this area would be partially shaded, unusually deep, and possibly devoid of wetland soils; thus, only partial wetland functional value is expected.

Upon completion of bridge construction, the 7.13 acre Temporary Construction Easement (TCE) footprint would be restored by placing and grading wetland soils to restore natural contours and elevations, and removal of exotic species that may have colonized areas during or post-construction, and wetland plantings as needed.

In addition to these six acres of restored wetlands and the 7.13 acres of the TCE, the project has the potential to enhance function to more than 63,195 acres of wetlands in SRS through the improvement of flow (quantity, timing, and distribution), the promotion of sheet flow, and strengthened ridge and slough wetland processes. Therefore, when paired with an operational plan that allows additional water delivery to the project's full potential, all wetland and wetland function loss should be offset by both restoration of wetland acreage (under the bridge) as well as enhancement of downstream wetland function.

There are no practicable non-wetland alternatives to the selected plan because of the existing road alignment and the fact that all of the area, except some spoil areas (which are immediately adjacent to the roadway and which would all be impacted by the project), south of the roadway is wetland.

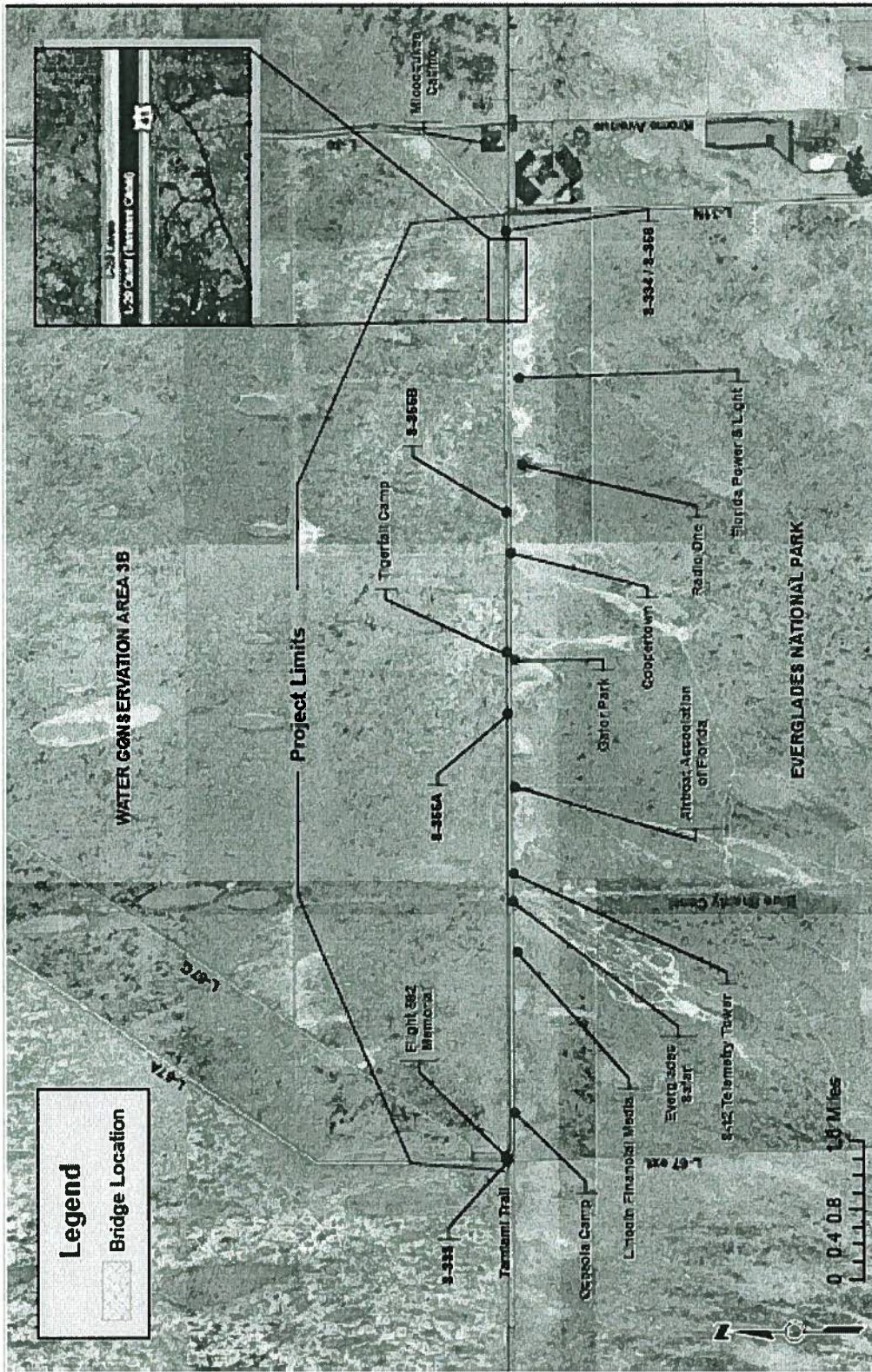
The wetlands to be enhanced or restored are primarily emergent wetlands (PEM) but also include forested, shrub scrub, and open water areas (PFO, PSS, and POW). All of the wetland types to be impacted along the project alignment are well represented within the restored area. Thus, the project would by enhancing hydrological function, benefit all of the types of wetlands impacted by the project, in greater quantities than that impacted and restore all lost wetland functions.

#### Conclusion

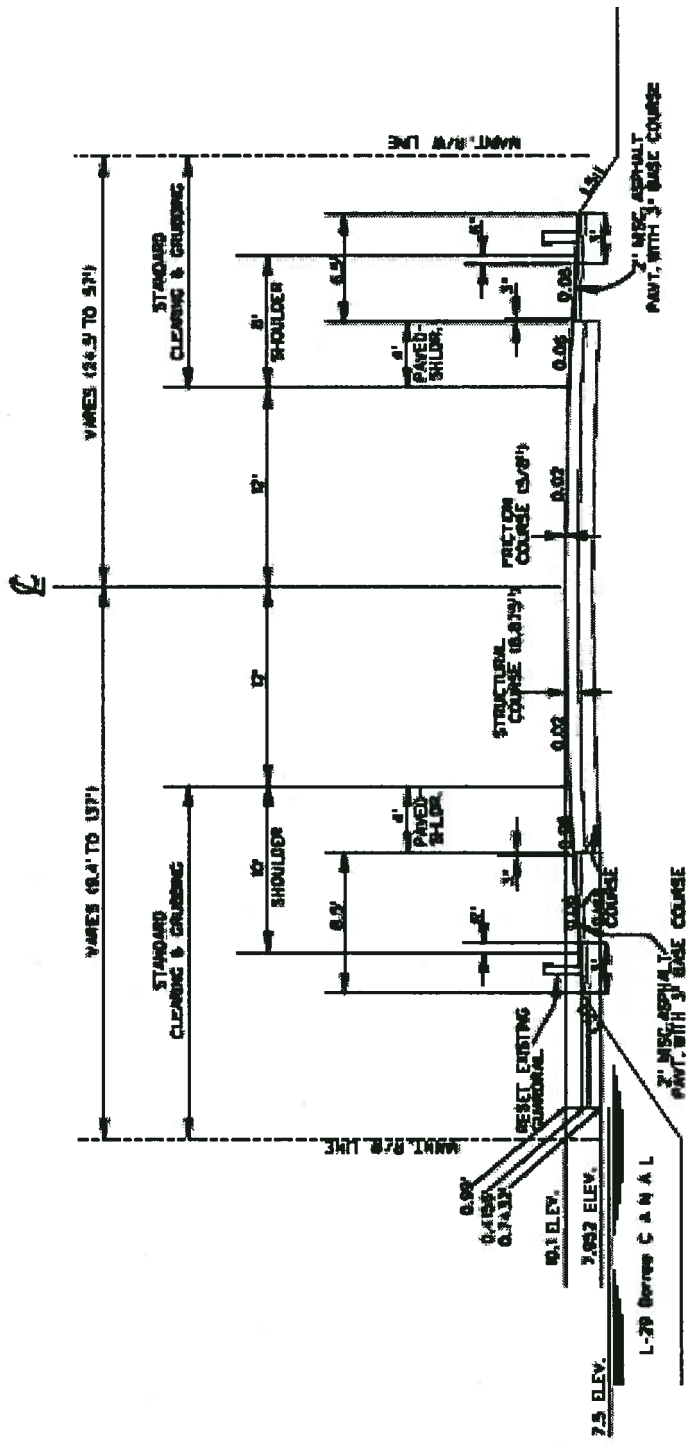
The NPS has concluded that the plan as outlined above, and in detail in the LRR, is a viable strategy to make progress towards meeting restoration goals and completing the TTM project. Hydrologic analysis has shown that the existing roadbed and culverts beneath it act to impede natural flow quantity, timing, and distribution. The project would modify the Tamiami Trail roadway by adding one-eastern bridge. The proposed modifications would reduce flow impediments; therefore, improving conveyance of flows and facilitating the restoration of more natural hydropatterns and sheetflow in SRS. While the project would adversely impact approximately 8.99 acres of wetlands, this impact would be outweighed by removal of road fill from the proposed bridge location, restoration of the TCE area, and by the enhancement of flow, providing long-term benefits to more than 63,195 acres of wetlands within the SRS region of EVER. Therefore, the NPS finds that the proposed action is consistent with the service-wide no net loss of wetlands policy and is acceptable under Executive Orders 11988 and 11990 for the protection of floodplains and wetlands.

**Attachment A. Project site location, project engineering schematic, and typical cross sections of existing roadway, proposed roadway, proposed bridge approaches, and proposed bridge. NOTE: figures are not to scale.**

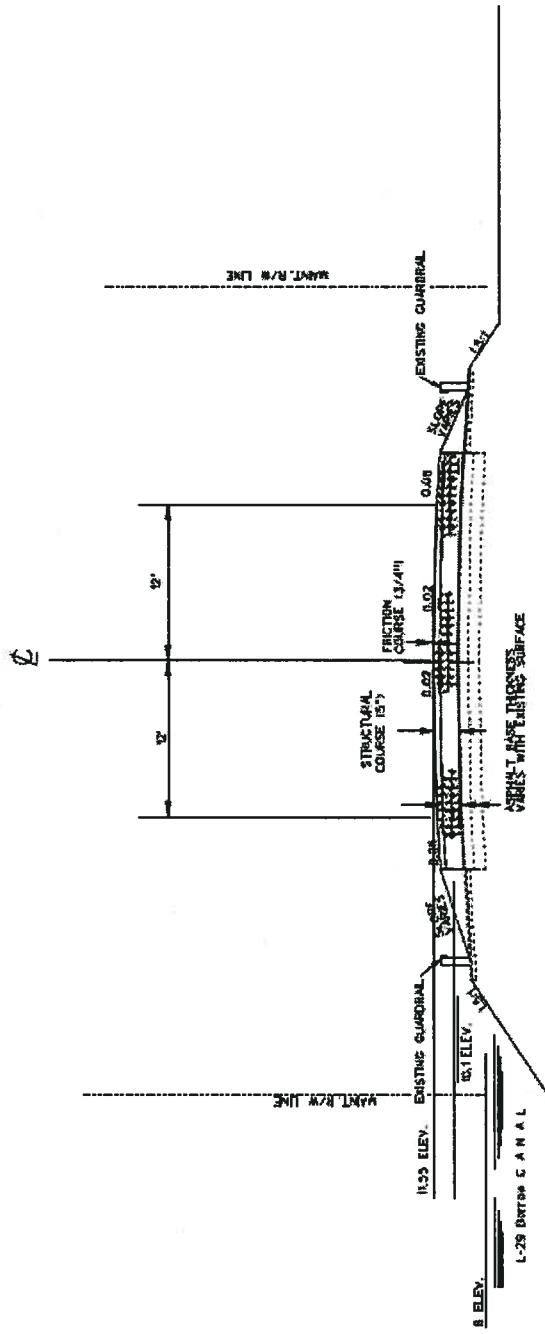
Source: Draft Limited Reevaluation Report for the Tamiami Trail Modifications Modified Water Deliveries to Everglades National Park. U.S. Army Corps of Engineers, Jacksonville District, South Atlantic Division, April 2008



Comment [MSOffice1]: Note 3 mile and 2 mile bridge label- old mistake?

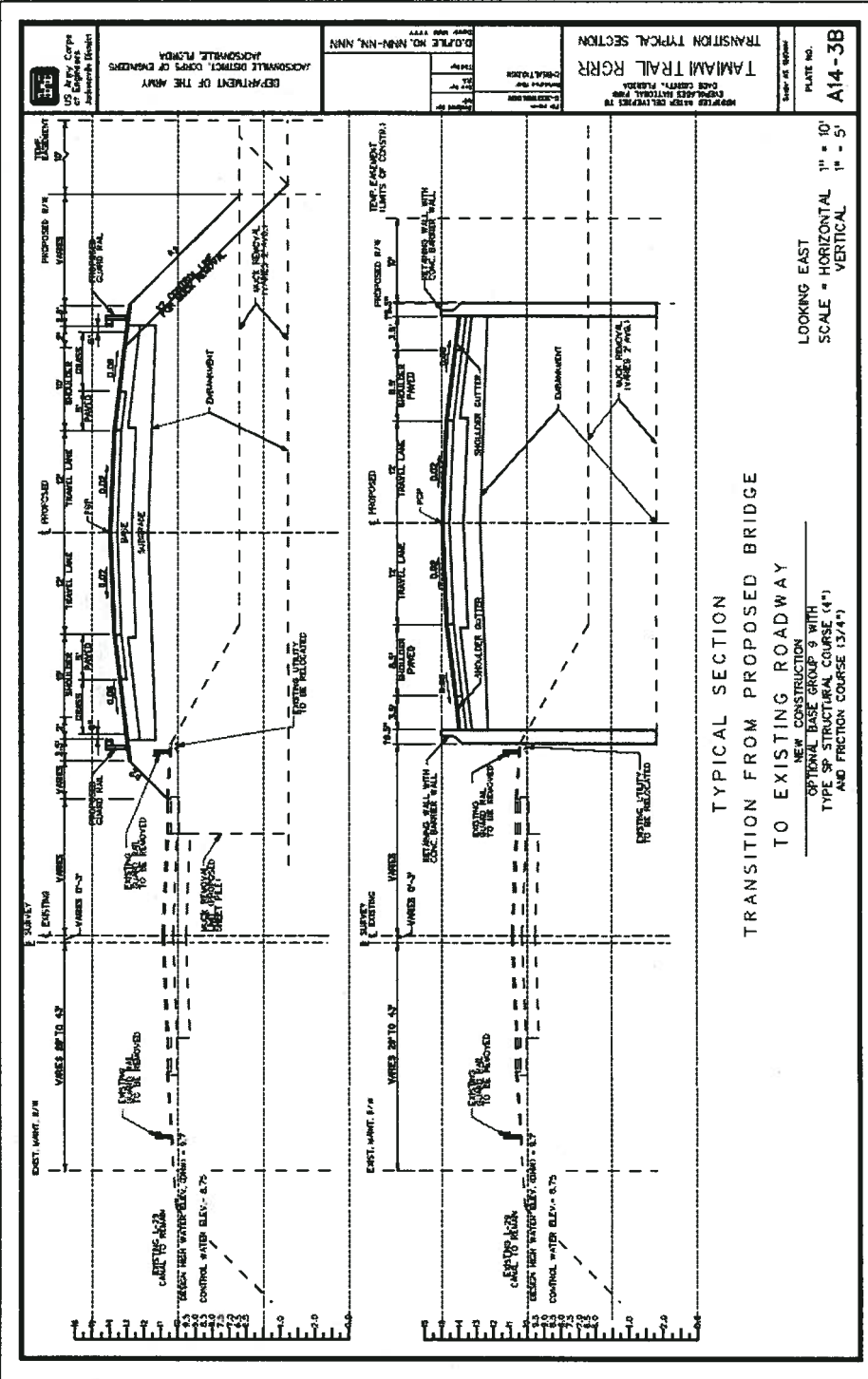


EXISTING CONDITIONS  
SCALE: 1" = 35'



11.55 ELEVATION  
 PROPOSED CROSSECTION  
 SCALE: 1"=250'



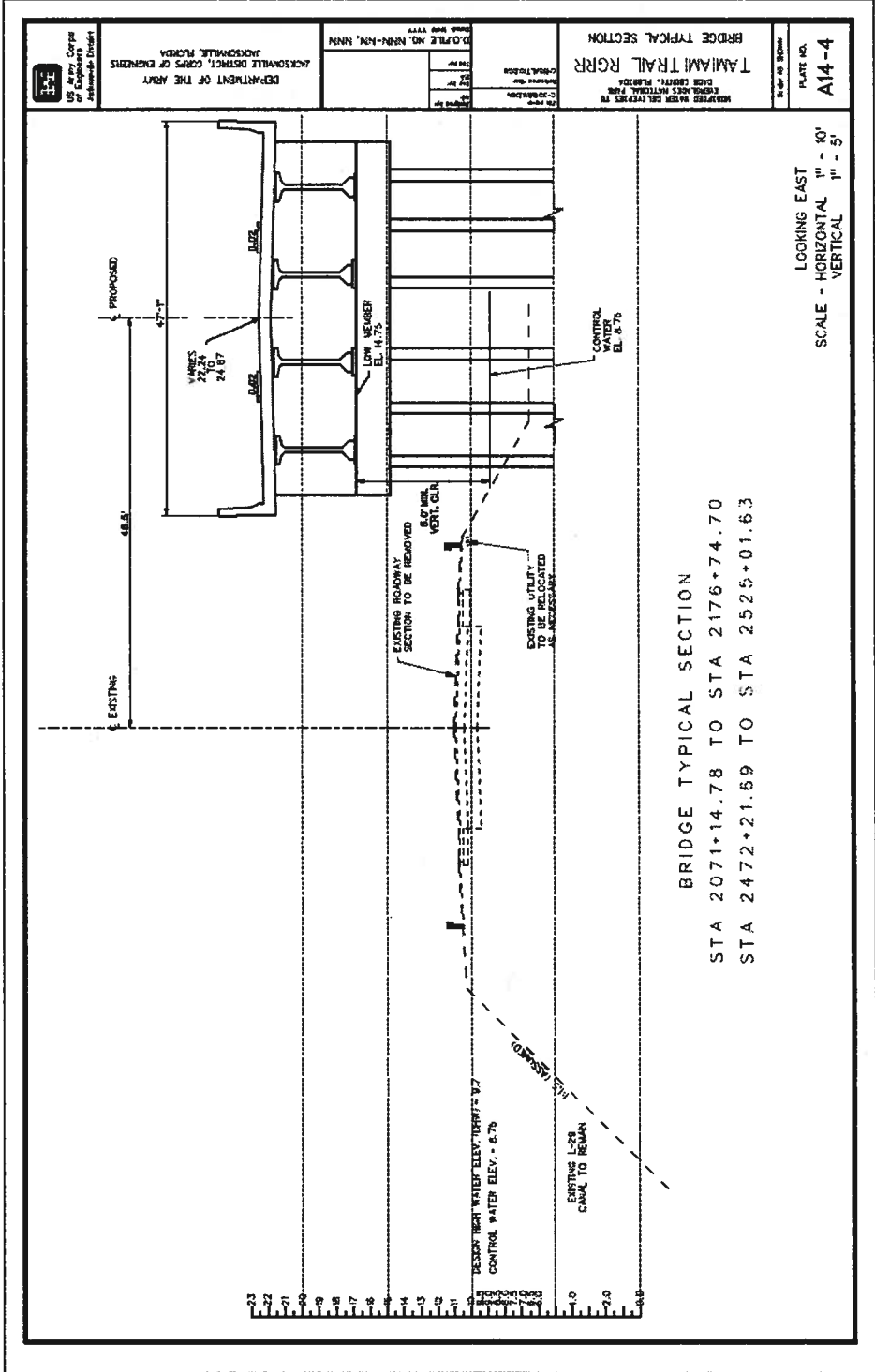


TYPICAL SECTION  
 TRANSITION FROM PROPOSED BRIDGE  
 TO EXISTING ROADWAY

NEW CONSTRUCTION  
 OPTIONAL BASE GROUP 9 WITH  
 TYPE SP STRUCTURAL COURSE (4")  
 AND FRICTION COURSE (3/4")

LOOKING EAST  
 SCALE - HORIZONTAL 1" = 10'  
 VERTICAL 1" = 5'

DEPARTMENT OF THE ARMY JACKSONVILLE DISTRICT, CORPS OF ENGINEERS JACKSONVILLE, FLORIDA		TAMIAMI TRAIL RGR/R (SEE SHEET A14-3A) TRANSITION TYPICAL SECTION	
DRAWING NO. NNN-NN-NNN		SHEET NO. 11	
DATE: 11/1/54		SCALE: AS SHOWN	
PROJECT NO. 11-101		PLATE NO. A14-3B	



BRIDGE TYPICAL SECTION

STA 2071+14.78 TO STA 2176+74.70  
 STA 2472+21.69 TO STA 2525+01.63

LOOKING EAST  
 SCALE - HORIZONTAL 1" = 10'  
 VERTICAL 1" = 5'

DEPARTMENT OF THE ARMY ENGINEERS NATIONAL FLORIDA TAMAMI TRAIL RQRR BRIDGE TYPICAL SECTION	DRAWING NO. NNN-NN, NNN DATE	PLATE NO. <b>A14-4</b>
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