Appendix N

PUBLIC COMMENTS REGARDING THE DRAFT EIS AND RESPONSES

Public Hearing #1 - Tamiami Trail GRR/SETS
18 December 2001 - 7 p.m.
Miami-Dade County Extension Office
18710 SW 288th Street
Homestead, Florida

NOTE: The following information is intended to be a summary of the comments received during the two public meetings that were held for the Tamiami Trail Draft GRR/SEIS. Under many circumstances, comments received did not necessitate a formal change to the document. In addition, if specific information was requested on a topic, a respose can be found under the column titled "response."

Speaker	Organization	Synopsized Comment	Response	Changes to GRRISEIS if Applicable
Rick Persson	SFAER	Sufficient flow can be obtained without filling in the canals.	Noted	None
		' Impact to recreation should be taken seriously.	Noted	None
		Canals were built for a reason and that was to control flooding. Do not compromise flood control.	Noted	
Jonathan Ullman	Sierra Club	The road, parallel canal and levee are as bad as a dam.	Noted	None
		Our responsibility is to retore the everglades.	Noted	None
		Top state and federal scientists say to fully restore the everglades you must build the skyway.	Noted	None
		' The recommended plan is merely phase I of the skyway.	Noted	None
		Understands the fiscal and legal constraints, and believe everyone is committed to doing what is necessary to fully restore the everglades.	Noted	None
		Good first step.	Noted	None
		USFWS determined that Alt. 5 was the environmentally preferred alternative. The COE should agree with this determination and state so up front in the GRR/SEIS.	Noted - The GRR/SEIS describes the benefits of Alternative 5 and recognizes this in Section 5.10.3 as the plan that maximizes environmmental ouputs without regard to fiscal or other constraints.	None
		' Should not overstate that the 1/2 mile bridge would "enhance aquatic biological communities." The 1/2 mile bridge funnels the water through the 1/2 mile section.	Noted - the 3000 ft. bridge does enhance the aquatic habitat that exists in the area currently by opening up the flow of water north to south.	None
		How will the funds be set aside by the State of Florida and not be used to truck in fill to build up the rest of Tamiami Trail?	Noted - A summary will be included within the final GRR/SEIS that summarizes the concept of the real estate agreement that is being negotiated with FOOT.	Section 5.12 will be expanded to include more detail on the real estate agreement and its concept.
		` Need seamless integration of any M W D project with the full skyway.	Noted	None
Speaker	**Organization**	**Synopsized Comment**	**Response**	**Changes to GRR/SEIS if Applicable**
Michael Chenoweth	Isaac Walton League of America	` This project is only the beginning. The real measure of this is dependant upon what you do when you're done with this.	Noted	None
Al Ovies	SFAER	In favor of everglades restoration.	Noted	None
		` As recreational users of the everglades, we have a very personal stake in the matter.	Noted	None
		Commend the COE for recommending the 3000 ft. bridge.	Noted	None
		` This is a short range fix for a long range problem.	Noted	None
		' Finish this project as expeditiously and as inexpensively as possible.	Noted	None

		Dismayed in the decision to reject bridging of the Tamiami Trail at a height which would allow for the passage of airboats.	Noted - An increased bridge height is not required to pass the increased flows into NESRS.	Section 6.1.1 describes what the COE sees as betterments or enhancements to the recommended plan. These can be implemented given that additional funding is realized or an alternative funding source is identified.
		* SFAER considers the rejection of the recreational interest of the Airboat Association as a warning flag of what is to come.	Noted	None
		Recreationalists vs. exclusionists.	Noted	None
		We have to defend our rights to access the everglades.	Noted	None
		Urge the COE to show us through the actual plans and construction that enhance the quality of recreation offered by the everglades that the COE is doing more than just paying lip service to recreational interersts.	Noted	None
Robert Miby	SFAER	* Opposed to filling in of the canals of the everglades.	Noted	None
		Filling in the canals will put an end to recreation in the everglades.	Noted	None
		This is a plan of the everglades National Park.	Noted	None
		Trying to exclude the public from the use of park lands.	Noted	None
Barbara Jean Powell	Everglades Coordinating Council	' In line with SFAER's position.	Noted	None
		No group that has been wanting or encouraging implementation of MWD more than ECC.	Noted	None
		* In general we support the preferred option.	Noted	None
Speaker	**Organization**	**Synopsized Comment**	**Response**	**Changes to GRR/SEIS if Applicable**
		* Current or expanded level of access for recreational purposes must be provided as well as private property access north and south of the trail.	Noted	A more thorough description of the impacts to recreation will be included within the Final GRR/SEIS. If applicable, a map showing recreational access before and after the project will be provided.
		Emphatically do not support the skyway option.	Noted	None
		There are ways of restoring the water flow without the bells and whistles option.	Noted	None
Brian Scherf	Florida Bio-Diversity	' Disappointed in the recommended alterantive. Recommend Alternative 5c.	Noted	None
		* The recommended alternative is not consistent with the everglades National Park and Protection Act.	Noted	None
		* Modifications are justified by environmental benefits and do not require further economic justification.	Noted	None
		* The COE is elevating the economics and downplaying restoration and the natural hydrologic conditions.	The COE has evaluated plans based on objectives and performance measures developed by the interagency team. Economics were not given more weight in the evaluation process than the restoration factors. Given the restrictions with MWD, this MWD project was only authorized to construct a feature that would pass the expected MWD flows of 4000 cfs.	None
		* The whole thrust of the act is restoration.	Noted	None

		* Disappointed we are mostly talking about conveyance.	Noted	None
		Need sound science and political expediency.	Noted	None
		On virtually every environmental objective, Alternative 5 came out higher.	When evaluating total restoration, alternative 5 did rate favorably. However, total restoration is within the boundaries of future CERP projects and not applicable with MWD and the restrictions associated with it, ie. Pass 4000 cfs.	None
Speaker	**Organization**	**Synopsized Comment**	**Response**	**Changes to GRRISEIS if Applicable**
		Didn't see an analysis on alternative funding. This has to be put in the final EIS.	Funding for this project is being provided by DO]. A full causeway exceeds what is necessary to pass the MWD flows of 4000 cfs. A full causeway which would establish sheetflow from the WCA into ENP is more applicable for investigation under the CERP Decompartmentalization study.	None
		* You can't have restoration without restoring the ecological functions, that is why you need the broad sheet flow and why you need the 11 mile skyway.	Noted	None
Kelly Brooks	Lehtinen Vargas & Reiner	* Miccosukee Tribe is opposed to the skyway that is proposed as Alternative 5.	Noted	None
		* COE should take maximum advantage of the infrastructure in place and should only add minimal infrastructure needed to meet the requirements of MWD.	Noted	None
		* Must allow MWD to be complete by December 31, 2003.	Noted	None
		COE has not thoroughly considered the adverse impacts to the Tigertail and Osceola Camps.	Noted	The COE will ensure that the impacts to the Tigertail and Osceola Camps is fully explained within the final GRR/SEIS.
		* The Miccosukee Tribe wasn't a part of any formal advisory team that gave any sort of consensus, advice or recommendations and it should be clarified.	Noted	References to the Miccosukee Tribe being a part of a formal advisory team will be removed from the final GRR/SEIS.
Joette Lorion	Miccosukee Tribe of Indians	* COE has segmented the MWD projects into components. This has caused people who care about the everglades to focus on a bridge when MWD was designed to do so much for the everglades.	Noted	None
		Project area should not be 10.7 miles because the purpose of MWD was to restore and benefit the ecosystem function and habitat value of approximately 100K acres of wetlands in Shark River Slough, 600K acres of wetlands within WCA 3A and 200K acres of wetlands within the Shark River Slough Basin of everglades National Park.	Total restoration addresses the magnitude of acreage restored which is more applicable for CERP. For this MWD prooject, the team evaluated the impact of the project within the project area only.	None
		The project is improperly segmented.	Noted	None
		WRDA calls for you to complete MWD before CERP.	Noted	None

Speaker	Organization	Synopsized Comment	Response	Changes to GRR/SEIS if Applicable
		The WRAP analysis and many other things in the EIS have the wrong scope and the scope is more than this 10.7 miles.	Total restoration addresses the magnitude of acreage restored which is more applicable for CERP. For this MWD prooject, the team evaluated the impact of the project within the project area only.	None
		* You're only looking at the Tigertail and Osceola camps and not looking at how the Miccosukee Tribal community will be impacted by construction or how it affects the perpetual lease from the State in WCA 3A.	Noted	The final GRR/SEIS will address any impacts to the entire Miccosukee tribe, not specifically just the Tigertail and Osceola camps.
		Enlarge your scope.	Noted	None
		Want to make sure that everyone can get in and out of the area via Tamiami Trail during evacuation scenarios.	Noted	There are no impacts expected to Tamiami Trail that would impact evacuation scenarios. However, in the final GRR/SEIS we will state this fact.
		* Tribe will accept no adverse impact on the Tigertail or Osceola Camps.	Noted	None
		Need an answer on how completing the project in 2006 meets the December 31, 2003 deadline.	The Fish and Wildlife Service's ammended Biological opinion for IOP in April of 2002 recinded their recommendation for completion of the MWD project by the end of 2003 in order to protect the CSSS. They concluded that IOP would provide the necessary protection	None
Mike Richardson	tst National Bank of South Florida	* Echo concern about the completion date of the MWD project in Jne 2006 and how that relates to the projects 2003 completion date.	The Fish and Wildlife Service's ammended Biological opinion for IOP in April of 2002 recinded their recommendation for completion of the MWD project by the end of 2003 in order to protect the CSSS. They concluded that IOP would provide the necessary protection	None
		What is the impact of the diverted water flows are changed water flows on the 8.5 square mile area and the south Dade Ag area?	There is no change to the flows from previous plans presented to the 8.5 square mile area and south Dade Ag area. The Tamiami Trail Project is focused on how to safely convey the project flows under Tamiami Trail. The quantity, timing, and distribution of flows remains unchanged.	None

		* Why were the water quality alterantives dropped out?	With the design of water quality features, it was determined that the wetland acreage lost due to construction of these features had potential worse impacts than not implementing water quality features. EPA in their letter commenting on the Draft GRR/SETS issued a lack of objection on the prelimlinary recommended plan; therefore, it was not required to construct water quality features.	None
Speaker	**Organization**	**Synopsized Comment**	**Response**	**Changes to GRR/SEIS**
Mark Oncavage	Sierra Club	* Urge the COE to build the 3,000 ft. bridge so that it will ultimately work well with a full 11 mile skyway.	Noted	**Changes to GRR/SEIS if Applicable**
		Urge the COE to not purchase additional fill for the road.	Noted	None
Public Hearing #2 - Tamiami Trail GRR/SETS				
15 January 2002 - 7 p.m.				
South Plantation High School				
1300 Paladin Way				
Plantation, Florida				

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Speaker	**Organization**	**Synopsized Comment**	**Response**	**Changes to** GRRISEIS if Applicable
Unidentified male speaker	unknown	` Is it true that this project is going to remove 240 miles of canals?	No, that is a potential action under the comprehensive everglades plan. The total plan does involved a lot of backfilling or filling in of canals, removal of levees. This is not part of the MWD prjoect.	None
Brian Scherf	Florida Biodiversity Project	" Alternative 7 is not consistent with the 1989 Park Expansion Act.	Noted	None
		* The recommended alternative is not consistent with the everglades National Park and Protection Act.	Noted	None
		Funding justification is not required.	The COE evaluates cost effectiveness of all alternatives. Alternative 7 is the plan that satisfies the requirements of MWD. Any plan above and beyond this exceeds what can be done under MWD and may be more applicable to a CERP implementation.	None
		Has issues with the facts that the COE says that Alternative 7 restores ecological connectivity, only 5%.	' Alternative 7 does restore some amount of connectivity. CERP deals with complete restoration.	None
		` The recommended plan does not use the best available science.	Noted	None
		The Coordination Act Report contains a better ecological evaluation.	Noted	None

		The EIS does not designate the most preferred alternative.	Noted - The GRR/SEIS describes the benefits of Alternative 5 and recognizes this in Section 5.10.3 as the plan that maximizes environmmental ouputs without regard to fiscal or other constraints. However, alternative 7 is the plan that is being recommenede4d for implementation and the one that best meeting the authorization.	None
Speaker	**Organization**	**Synopsized Comment**	**Response**	**Changes to GRR/SEIS if Applicable**
		' DOI funding should not be used for a contingency plan.	Noted	None
		" Funds should not be wasted for raising the roadbed with fill.	Noted	None
		There is substantial credible and compelling evidence that Alternative 5 is the best alternative and not Alternative 7.	Alternative 7 has been identifed as the plan needed to satisfy MWD requirements.	None
		The EIS should be revised to should Alternative 5 as the preferred alternative.	Alternative 7 has been identifed as the plan needed to satisfy MWD requirements. Any plan in excess of this may be more applicable to CERP and full restoration.	None
Shannon Estenoz	World Wildlife Fund Everglades Program	' Please that the EIS recognizes that Alternative 5 is the ecologically preferred alternative.	Noted	None
		' Recognize that MWD is constrained by time and money and that the scope of this EIS was not able to designate Alternative 5.	Noted	None
		' MWD will give the southern everglades and Florida Bay its biggest bang for the restoration buck for about 20 years.	Noted	None
		' Make sure that money is escrowed so that it doesn't come out of DOI's pocket should there be overtopping of the road in the interim.	Noted	None
Richard Grosso	Environmental and Land Use Law Center	' We support, ultimately, Alternative 5 knowing that the time and economic funding and proactical constraints that are with us.	Noted	None
		Do not preclude the full briding at a later date.	Noted	None
		' Support the general concept of maintaining access into the area.	Noted	None
		Full bridging is the superior ecological result.	Noted	None
Birch Willey	Fisherman of the Everglades	' Concerned that whatever is decided on for Tamiami Trail would be used as a means of impacting 67A and 67B coming up the Miami Canal.	Noted	None
		' Concerned with the filling of the canals.	Noted	None
		How will Tamiami Trail impact the 240 miles of canals?	The Tamiami Trail project is not a pre-requisite for the backfilling of the 240 miles of canals.	None
Rod Tirrell	Florida Sierra Club	' Support Alternative 5.	Noted	None
		Alternative 5 will bring an instant or almost instant benefit to the public and it gives the public something as far as a return for their investment in CERP.	Noted	None
		' By raising Tamiami Trail to the skyway, you give the public a real benefit.	Noted	None
Speaker	**Organization**	**Synopsized Comment**	**Response**	**Changes to GRR/SEIS if Applicable**
		' Alternative 5 will give the oppportunity to decomparmentalie the system.	Noted	None
		' CERP is the public inventment and is intended to restore the everglades.	Noted	None

		* Tremendous benefit by linking WCA 3B and Northeast Shark River Slough.	Noted	None
		* Urge the COE to continue the fine work on CERP and continue returning a public benefit.	Noted	None
		" Reconsider all funding sources for Alternative 5.	Noted	None
Gretel McCausland	IGFA Fishing Hall of Fame and Museum	" Support Alternative 5.	Noted	None
		* Alternative 5 restores the actual sheetflow an dincreases the connectivity that is desired.	Noted	None
		* Don't lose sight of the big picture. Its one project, do it right not halfway.	Noted	None
Brad Arnold	Trail Glades Bassmasters and SFAER	* We are conservationists, environmentalists and also recreationalists.	Noted	None
		Do not believe in excluding the recreational users from these areas.	Noted	None
		Please with the decision to not build the 11 mile bridge.	Noted	None
		As that before the proejct starts, during constructino, and after completion that the COE keep the recreational activities of fishermen and hunters in mind so that access isn't lost.	Noted	None
		Opposed to the closing of the canals.	Noted	None
Bruce Rowlett	Unknown	" When the Tamiami Trail was constructed some 80 years ago, that was the beginning of the degradation to thesheetflow of water.	Noted	None
		What is left of the sheet flow could resume by building a large bridge.	Noted	None
Lawrence Strecter		' No individual question, will speak with someone after the meeting.	n/a	n/a
Dennis Erich	Renegades Bass Club and SFAER	The removal of 240 miles of levees is a definite mistake.	This is a potential action under CERP, not this MWD project.	None
		Family values are important and go along with fishing.	Noted	None
		' There is not enough recreation in this area to begin with.	Noted	None
		' Making a mistake by filling in the canals. There must be a way to do this without filling in the canals.	Noted	None
Rocky Coile	Unknown	' The trail is not the enemy. Need to look north to the alley.	Noted	None
Speaker	**Organization**	**Synopsized Comment**	**Response**	**Changes to GRR/SEIS if Applicable**
		' Alternative 5 is a great proposal, but we need to attack the right place.	Noted	None
Billie Bates	Unknown	' Adaptive management also means working with other groups.	Noted	None
		' Alligator Alley is a huge dam.	Noted	None
		Alternative 5 is the best alternative. Need to raise the trail.	Noted	None
		The 3000 foot bridge is not going to bring much water down, it will hardly make a dent. It should be raised the entire 10 miles.	Noted	None
		' Many costs were left out of the analysis. When the trail was first built did anyone add in the 23 million dollars that will be needed to fix it?	Noted	None
		The COE has not factored in what the benefit is of a healthy everglades from a 10 mile bridge. There are no hidden costs showing that would increase the death of the everglades.	Total restoration addresses the magnitude of acreage restored which is more applicable for CERP. For this MWD prooject, the team evaluated the impact of the project within the project area only.	None
Thomas Carracino	Unknown	' Concerned with the impacts to the L-29 canal and the recreational fishery.	Noted	None

		By decompartmentalizing, you are fooling around with mother nature.	Noted	None
		" Filling in the canals is a bad idea.	Noted	None
		* Support the COE's recommendation of Atlerative 7a while still agreeing with the environmentalists that 5a is probably a better plan.	Noted	None
		* Its very hard for us to speak on these subjects and get our interests heard.	Noted	None
		* Where would the water be during droughts if there were no canals out there.	Noted	None
		It will be a disaster to backfill the canals.	Noted	None
		Want to work with the COE proactively to get the right soluation so we can keep these valuable fisheries and economic resources that can never be replaced.	Noted	None
Pedro Monteiro	Unknown	" Any alternative other than the elevated roadway will not be compatible with CERP.	Noted	None
		" Any other alternative will have to be torn down in the future to make it more compatible with CERP.	Alternatives have been evaluated based on their CERP compatability. If Alternative 7 is implemented along with the real estate agreement, the only waste would be the approaches to the 3000 foot bridge. All other infrastructure could be expanded should a large expanse of bridge be the CERP plan.	None
		* Alternative 5 will go the furthest in restoring the ecosystem.	Noted	None
Speaker	**Organization**	**Synopsized Comment**	**Response**	**Changes to GRR/SEIS if Applicable**
		Restoring the everglades will be good for the fisheries.	Noted	**Changes to GRR/SEIS if Applicable**
		Preserving the ecosystem is a family value.	Noted	
Frank Denninger	Unknown	* The COE has left out providing a safe highway where the protection of health, saftety, and welfare of the traveling public is concerned.	All plans that were evaluated were develoed with the safety of the traveling public in mind. Any plan designed and implemented will be done with safety in mind. There was not a specific performance measure that wouuld compare the safety of various plans.	None
		* Is the contingency fund mentioned the agreement under development by the COE and FDOT?	yes	None
		* Hope that there is enough contingency funding available to cover any safety issues.	Noted	None
		* Hope the COE has better things to do with the money than build concrete barriers.	Noted	None
		* If an elevated highway is built, need to make sure that a veiw is maintained.	Noted	None
Louis Serra	Unknown	declined	n/a	n/a
Jonathon Uliman	Sierra Club	* The road was built out of ignorance and wrong intentions, our responsibility to restore what is left of the everglades before its too late.	Noted	None
		* Half mile that is proposed is encouraging, it could be seamlessly turned into a skyway.	Noted	None
		Need to get as much skyway as possible with the available funds. Believe we can build three times what is being proposed in MWD.	Noted. The amount of bridge that can be constructed under M W D is equal to the amount needed to pass the M W D flows safely.	None
		Encouraged that the COE is putting aaysome money that might have been used to truck in fill.	Funds are not being set aside. A real estate agreement is in development that would prevent the need for bringing in additional fill.	None

		* If fill is brought in and the road re-built, that is a signal that an everglades skyway can never occur.	Noted	None
		* Funds must be put away before the final document is finished.	The real estate agreement will not be implemented until after plans and specifications are finished for the recommended plan.	None
		End goal must be seamless integratino of any M W D project with the full skyway.	Noted	None
		* Cost of building the skyway is miniscule to the total plan. The skyway has the greatest restoration value in decompartmentalization.	Noted	None
Speaker	**Organization**	**Synopsized Comment**	**Response**	**Changes to GRR/SEIS if Applicable**
Joel Marco	Airboat Association of Florida	Thank you for wisely choosing the least expensive project.	Noted	None
		There were two alternatives before the 3000 toot bridge that would do the same job. The 3000 foot bridge is a compromise to the environmentalists who want to get on this bridge and look down at everything.	Alternative 7 after evaluation was seen as providing for the most environmental benefits given the restrictions under MUD. This plan also would be more easily retrofitable for later actions and provide the least amount of construction impacts.	None
		' Water does not go over Tamiami Trail. The water on the south side is the same as the water ont e north side.	Noted	None
		' No one has seen the south side dry when the north side was with. It doesn't happen.	Noted	None
		Its not necessary to raise the road.	Noted	None
		Median water level is going from four to nine, correct?	Yes	None
		There is no way you are going to keep 9 feet in the canal. You can't keep four feet now.	Noted	None
		We don't need a skyway, water is flowing and going under the road through the cul-de-sacs.	The current flow is being passed through the existing culvert system under Tamiami Trail. However, with the increase to 4000 cis, the existing culvert system will not be able to pass these flows without potentially damaging the road.	None
Don Watts	GFA Fishing Hall of Fame and Museum	' Will not support anything that takes away our right to a recreational use of the everglades.	Noted	None
		* Any plan that takes away any of the rights to hunt, fish watch wildlife is wrong.	Noted	None
		" We will be watching and insisting that recreation being a major part of your program.	Noted	None
		Raise bridges high enough so an airboat can pass under them.	Noted	None
		A lot of small details that need to be taken care of.	Noted	None
		We are going to support the right to fish.	Noted	None
Drew Gregg	Resident	* Have to get sheetflow.	Noted	None
		" Have to have access for hunters and fishermen and the air boaters.	Noted	None
		* The barriers to sheet flow are the levees. Makes sense to build a bridge to give access to the waters and also remove the levees, not put dirt in the canal, but remove the dirt completely.	Noted	None

Agency Comments and Responses to the Tamiami Trail Draft GRR/SEIS

Commenter	Comment Number	Synopsized Comment	Corps of Engineers **Response** / **Change to GRR/SEIS** if **Applicable**
Emails by:		Do not fill in the canals.	The recommended plan does not include backfilling of any canals. However, this may be considered in future restoration projects such as CERP Decompartmentalization.
Bob Bagnall			
Bill and Janice Atkins			
Frank Hufstedler			
K. Marshall			
Bob DeRoner			
Thomas Carracino			
Bruce Castle			
Nelson Peeples			
Capt. Phil Walters			
Clemente Rodriquez			
Emails by:		Construct the bridge high enough to allow for airboat passage.	Airboat access will not be negatively impacted by the constructino of the 3000 foot brige. There is presently access on both sides of the highway and this will remain unchanged. An elevated bridge would only provide more convenient access between areas (L-29 canal to the north and North East Shark River Slough to the south) that are presently accessibly seperately. There is no access currently between the L-29 Canal and WCA 3B due to th. L-29 levee. A preliminary estimate of the additional cost to raise the bridge high enough to pass airboats is approximately $2,500,000.
Michael Warren			
Clemente Rodriquez			
Capt. Phil Walters			
Keith Price			
Nelson Peeples			
Barbara Jean Powell			
Bruce Castle			

Commenter	Comment Number	Synopsized Comment	Corps of Enigineers Response / Change to GRR/SEIS if Ap.licable
Gail Bagley	GB-1	Advocate the full skyway be built in 2 phases - a 1/2 mile bridge for phase I and the rest of the 11 miles for phase II (as part of CERP).	A full bridge alternative is expected to be considered in CERP.
	GB-2	Should not use any of the money from DOI to pay the State of Florida for its right of way.	The Corps is required to purchase real estate rights from FDOT in order to flow water across Tamiami Trail
Stephen Waters	SW-1	Are there plans for boat ramps to allow access to the L-29 and the L-67A Canals if Alternative sa were implemented?	The existing boat ramps into the L-29 Canal would not be affected by the final recommended plan or Alt 5a. L-67A Canal is not in the project area.
	SW-2	The 11 mile bridge would affect angler who fish the L-29 from shore.	Existing fishing access to the L-29 Canal from the north shore would not be affected by the "11-mile bridge" alternative.
Jesse Kennon	JK-1	Put an elevated road dow the middle of the L-29 canal.	Such an alternative was not considered because it would be much more costly without commensurare increased benefits.
	JK-2	2 or 3 3,000 foot bridges would enhance the water flow.	Multiple 3000-foot bridges would be unnecessary to pass the design MWD flows. Enhanced flows could be considered during the CERP process.
Michael Warren	MW-1	Please support a bridge sufficient to allow airboat passage between north and south.	An elevated bridge would only provide more convenient access between areas (L-29 canal to the north and North East Shark River Slough to the south) that are presently accessible separately. There is no access currently between the L-29 Canal and WCA 3B due to the L-29 levee. A preliminary estimate of the additional cost to raise the bridge high enough to pass airboats is approximately $2,500,000.
	MW-2	Urge a second look at documentation disqualifying the Airboat Association from all abilit for listin in the NRHP.	The Corps has determined that the Airboat Association does not meet the eligibility criteria for listing in the NRHP. In a letter dated September 27, 2001 the Florida State Historic Preservation Officer concurred with this determination A endix G
Barbara Jean Powell	BJP-1	Bridge should be sufficient height to accommodate airboat passage for recreation, law enforcement, resource management, public safety and ecotourism. A bridge of this height would have added benefit to wildlife that would be hesitant to cross under a lower bridge.	roviding or airboat passage under the proposed bridge would, in our view, be mostly or convenience rather than being necessary to maintain existing access to these waters. The cost of adding additional height to the proposed bridge for an airboat passage betterment is estimated at over $2 million. Concerning how law enforcement, public safety and recreational needs will be met if the Corps rejects the elevated bridge proposal, law enforcement and emergency personnel would obtain water access, if needed, at one of the existing boat ramps. It's not clear how passage under the bridge would improve response time by these personnel. As stated above, recreational needs can be met by the existing facilities and will not be adversely impacted by this project.
	BJP-2	Conveyance capability of L-29 Canal can not be diminished.	There would be no reduction in conveyance capacity.
	BJP-3	Clarification is needed that recreational activitise include hunting, camping, frogging and airboating in addition to fishing, boating and wildlife viewing.	Section 5.4 in the GRR will be revised to include the additional recreational activities.
	BJP-4	The plan fails to clarify that access during and after construction must accommodate private propter both north and south of the highway.	Access will remain to all properties within the project area. Clarification will be made within the GRR/SEIS.
Florida Power and Light	FPL-1	We understand that Decomp will remove the L-29, so our power pole line will need to be relocated along Tamiami Trail.	CERP Decomp will look it this+D161.
	FPL-2	The relocation of the pole line to Tamiami Trail will necessitate a duct bank system with manhos in the 3000-foot bridge. The design of this system must be incorporated into the bridge design.	The CERP decision is expected before the bridge plans and specs would have been completed. So there would be time to incorporate a manhole design, it needed.
Florida Fish and Wildlife Conservation Commission	FWC-1	It is important that the real estate agreement be formalized before the final GRR/SEIS is released for public review and that the appropriate changes be incorporated into the final document under the description of the perferred alternative.	A draft real estate agreement has been developed and sent to FDOT for coordination. At this time, the agreement has not be finalized and will not be ready to include in the final GRR. The Corps needs real estate rights to flow water across Tamiami Trail and has offered to purchase real estate rights from FDOT. FDOT would use or not use the funds, as it sees fit, to protect the unbridged road bed from damage from high water. Negotiations between the COE and DOT are underway. The recommended plan will include the road raising and the placement of the bridge since final negotiations have not been completed with FDOT.
	FWC-2	Discrepancies regarding the siting of the 3000 should be rectified before the final document is released for review. In addition, the installation of a wildlife shelf on the west bridge abutment should be investigated further since this may help reduce the mortality of the threatened everglades mink.	Recommendations have been made for the western terminus of the bridge to be sited at the Blue Shanty Canal. A final determination has not been made to date. Consideration will be given to widening any shelf-like feature of the abutment design to make it more compatible for wildlife passage however investigations into the cost will have to be made.
	FWC-3	Annual surveys should be done for state and federally protected bird species. Since the COE is currnently supporting monitoring of wading bird colonies and snail kite nesting is the WCAs, an expanded scope could satisfy the bird nest monitoring request. In addition, we recommend that a survey be supported at construction sties to determine the risk of impacts to the, threatened Fvernlades mink	The protective measures for Federally listed wading birds would also suffice for state listed species. Surveys for the mink could be considered if on re-comment, a further explanation of the rational and possible outcomes were provided.
	FWC-4	The means for measuring impacts to recreational facilites should be more clearly defined.	The text has been revised to address the comment.
	FWC-5	The real estate easement as described in the executive summary should be more narrowly defined as being between the Blue Shanty Canal and the Airboat Association.	The text has been revised to address the comment.
	FWC-6	If the real estate agreement is in place, will the road profile between Blue Shanty and Coopertown still be modified? A better explanation is needed.	No; the text has been revised to address the comment.
	FWC-7	S-334 should be replaced with S-333 on page 4, Section 1.3.2, first line.	The text has been revised to address the comment.
	FWC-8	It would be more appropriate to state that the FWC manages WCA 3B as a wildlife management area called the Francis S. Taylor Wildlife Management Area on pace 32 section 2 5 3	The text has been revised to address the comment.

Commenter	Comment Number	S no -sized Comment	Cor • s ofEn •ineersRes • onse/ Chan • e toGRR/SEISifA. •I icable
	FWC-9	Tree islands should be mentioned as being present within the Francis S. Taylor Wildlife Management Area as stated above. Although rare, they are extremely important habitats for a wide array of terrestrial and semi-aquatic species of Everglades wildlife.	The text has been revised to address the comment.
	FWC-10	Appendices A and B are mislabeled. Appendices I and J contain the USFWS and FWC CARS respectively.	The text has been revised to address the comment.
	FWC-11	Page 67, section 5.3.3, third paragraph inaccurately states that the RPA of the FWS final biological opinion on the Cape Sable Seaside Sparrow requires that water be dischared through WCA 3b into NESRS. Rather, the Opinion states that 60% of regulatory wtaer be discharged into NESRS east f th 167 xt n inn I vee.	The text has been revised to address the comment.
	FWC-12	Page 76, section 5.4, first line should be edited to state that the L-29 canal also serves as a recreational fishery.	The text has been revised to address the comment.
	FWC-13	On page 202-204, section 5.11 a clarification is needed to show how alternative 7 better meets the flow requirements.	The text has been revised to address the comment.
	FWC-14	To facilite review, it would be better to move the COE-s responses to the draft CAR to the beginning of Appendix J.	Agreed. Comments have been moved.
Audobon of Florida	AOF-1	The portion of Tamiami Trail outside the 3000 foot bridge should not be modified under results of the FIR for the first phase of CERP are identified. A maintenance agreement or other applicable document should be developed to ensure the structural integrity of the trail and the safety of motorists during the brief interval between MWD and Decnmnartmentalizafion Phase I	A draft real estate agreement has been developed and sent to FDOT for coordination. At this time, the agreement has not be finalized and will not be ready to include in the final GRR. The Corps needs real estate rights to flow water across Tamiami Trail and has offered to purchase real estate rights from FDOT. FDOT would use or not use the funds, as it sees fit, to protect the unbridged road bed from damage from high water. Negotiations between the COE and DOT are underway. The recommended plan will include the road raising and the placement of the bridge since final negotiations have not been completed with FDOT.
South Florida Regional Planning Council	RPC-1	Concerned with the impacts of the projects on the water gality, wildlife habitat and the overall ecological integrity of the region. The project should be consistent with the goals and policies of the Miami-Dade County comprehensive plan and its corresponding land development regulations, the Everglades National Park management plan, the Lower East Coast WAter Suooly Plan and the CERP.	Concur
	RPC-2	Recommends the the impacts to the natural systems be minimized to the greatest extent and that the permit grantor determine the extent of sensitive wildlife and vegetative communitise in the vicinity of the project and require protection and or mitigation of disturbed habitat.	Concur
	RPC-3	The goals and policies of the Strategic Regional Policy Plan should be observed when making decisions regarding this project.	Concur
Ruth H. Clark	RHC-1	Hope that it would be possible to construct the 3000 foot bridge at a site that is compatible with possible CERP alternatives, ie. Alternative 5c.	The bridge would be designed to maximize computability with possible CERP plans.
Florida Biodiversity Protect	FBP-1	Urges the COE to select Alternative 5c as the preferred alternative.	This is not possible for the reasons described in the report.
	FBP-2	The project goal dealing with the restoratino of hydrologic conditions should be modified to state that "the overall goal for the Tamiai Trail Project is to maximize hydrologic and ecologic restoration through modificatinos to the existing roadway to allow for moer natural flow conditions in a manner compatible with the restoration requirements of the 1989 ENP Protection and Exnansion Act "	The project goals and objectives have been developed and coordinated with the interagency team.
	FBP-3	The COE must consider the cost of retrofitting and ecological costs in addition to the overall construction, maintenance, recurring and life cycle costs.	The bridge would be designed to maximize compatability with possible CERP plans, thereby minimizing retrofitting costs. Ecological costs are non-quantifiable.
	FBP-4	The cost effectiveness objective should be modified to include the cost of retrofitting and ecological costs in addition to the overall construction, maintenance, recurring and life cycel costs.	The project goals and objectives have been developed and coordinated with the interagency team.
	FBP-5	Alternative 5 is more consistent than the other alterantives evaluated in that it provides more conveyance capacity and meets more restoration objectives.	Alternative 5 is not implementable because it exceeds the authority provided in the MWD legislation and exceeds the funds available in the NPS budget to build the project. As such, it has been removed from further consideration for this project and no furher analysis of it is appropriate.
	FBP-6	Alternative 5 provides greater hydrological benefits which results in more natural sheetflow, decomparmentalization and ecological connectivity.	Alternative 5 is not implementable because it exceeds the authority provided in the MWD legislation and exceeds the funds available in the NPS budget to build the project. As such, it has been removed from further consideration for this project.
	FBP-7	The COE should further analyze PM 4, Wetland acreage restored. Alternative 5 maximizes wetland acreage restoration.	Since alternative 5 is not being considered further, there is no need to refine the analysis.
	FBP-8	The project objective standard should be revised to only "consider" recreational impacts instead of minimizing recreational impacts. The performance measures should be reevaluated in the final GRR/SEIS.	All performance measures must be given equal weight and therefore we must miniminze all negative impacts associated with construction of the recommended plan.

Commenter	Comment Number	S no sized Comment	Co ' s of En •i neersRes ' o nse/ Chan ' e toGRR/SEIS if A •• icable
	FBP-9	The draft GRR/SEIS overstates the performance measure of ecological integrity of Alternative 7a in Section 5.8.8. The 3000 foot bridge would only provide 5 % of the ecological connectivity.	Concu Te t will be revised to reflect the comment.
	FBP-10	Section 5.8.8 notes that the retaining the existing culvert system under Tamiami Trail would assist in maintaining sheetflow. How can this be when the highway is considered a barrier7	The existing 19 sets of culverts assist in spreading the flow across the 10.7 mile flow section. It is beyond the scope of this project to consider issues of sheetflow in analysis of the alternatives. It will be left to CERP; it is not practicable for Tamimai Trail. MWD authority directs the Corps to restore natural hydrologic conditions in the Park to the extent practicable.
	FBP-1 1	To comply with the intent of NEPA the COE should identify the environmentally preferred alternative.	There is no NEPA requirement to label any alternative as environmentally preferred. The FWS presents their view of this in their CAR.
	FBP-12	Other federal funding sources should be pursued and the results included in the final GRR/SEIS.	It is beyond the scope and authority of this project to explore alternative sources of funding beyond that which Congress intended.
	FBP-13	Long term maintenance of the roadbed, ramps, signage, piers and water quality system should be a FOOT responsibility.	FDOT will have the maintenance responsibility for any highway facilities the Corps constructs as part of this project.
	FBP-14	It is not accurate to say the Alternative 7a best meets all project objectives as does Section 5.11.5. Additional information on a flow analysis and a comprehensive discussion on sheetflow is needed to support this finding.	When considering the MWD authority and the purpose of the project, Alternative 7a does meet the project objectives better than other alternatives that could be implemented under MWD. Further discussion regarding a flow analysis or comprehensive discussion of sheetflow is not considered necessary with this MWD project and is more applicable to CERP applications.
	FBP-15	The final GRR/SEIS should include a comprehensive analysis on the ecological impacts of roads and more specifically on the Tamiami Trail in order to fully comply with NEPA.	The Tamiami Trail project objective is to improve conveyance of water across the highway to meet the flow design of the MWD project. It is not meant to analyze impacts of highways on wildlife. The discussion in the comment and in the CAR is hereby incorporated.
	FBP-16	If water quality treatment can be deferred until Decomp, the final GRR/SEIS should provide details on how and when it may be integrated and should also list relevant water quality regulations and standards and how the alterantives comply or do not comply.	By letter of February 18, 2002, the FDEP concluded that stormwater treatment is not required for this project (see Public Comment Appendix). FDEP will make a separate determination for any CERP plan. The COE does not concur that the GRR needs to address any further water quality concerns.
	FBP-17	A comprehensive risk analysis should be included in the final GRR/SEIS relating to saturation of the existing roadbed, potholes, cracking, overtopping and complete washout.	The FDOT is the agency of expertise on road bed damage from flooding. They will be responsible for any analysis of the need and methods for protecting the unbridged road bed.
	FBP-18	The amount of fill needed to raise the road profile to prevent potential damage from overtopping during incrased flows associated with MWD should be clarified in the final GRR/SEIS.	The FOOT is the agency of expertise on road bed damage from flooding. They will be responsible for any analysis of the need and methods for protecting the unbridged road bed. The exact amount of fill cannot be determined at this time; however, if the COE pursues construction of raising the remaining portion of Tamiami Trail, the amount of fill will be determined during the plans and specifications phase.
	FBP-19	A risk analysis should be undertaken to determine if fill material would be absolutely required to withstand increased flows.	The FOOT is the agency of expertise on road bed damage from flooding. They will be responsible for any analysis of the need and methods for protecting the unbridged road bed
	FBP-20	Funding for incidental damage to the road should be paid for by FHA or FOOT, not DOI.	The FOOT is the agency of expertise on road bed damage from flooding. They will be responsible for any analysis of the need and methods for protecting the unbridged road bed. FOOT will have the responsibility for maintenance of the road.
	FBP-21	The final GRR/SEIS should fully address and disclose any proposals or agreements for contingency funding to address potential overtopping of the road.	There are no such proposals or agreements. A draft real estate agreement has been developed. Negotiations are underway with FDOT to for the Corps to purchase real estate rights from FDOT to flow water across Tamiami Trail. FOOT would use or not use the funds, as it sees fit, to protect the unbridged road bed from damage from high water.
	FBP-22	Without formal consultation with FWS on listed species that may be affected by the project, the FWS could not prepare a draft Biological opinion.	ESA consultation is required on the final recommended plan, which is not identified until the FEB. By deferring it until then, it obviates the need for a draft BO and a subsequent final.
South Florida Anglers for Everglades Restoration	SFAER-1	Once the bridge is built, the addition of an airboat passage will become too expensive and complex. The time for action by the COE is now, in the planning staes of bridge construction.	Consideration of an airboat passage would be better left to CERP where there might be increased justification if there was direct connection between the WCA 3B marsh and the Tamiami Canal or NESRS by removal of L-29. Project sequencing will allow time to adjust bridge design to accomodate airboat passage if that becomes justified.
US Department of Interior	DOI-1	Development of a real estate agreement should be timely and prior to the release of the final GRR/SEIS.	A draft real estate agreement has been developed. Negotiations are underway with FOOT to for the Corps to purchase real estate rights from FDOT to flow water across Tamiami Trail. FDOT would use or not use the funds, as it sees fit, to protect the unbridged road bed from damage from high water. The real estate agreement will not be implemented before the final GRR/SEIS is complete.

Commenter	Comment Number	Synopsized Comment	Corps of Engineers Response / Change to GRR/SEIS if Applicable
	DO -2	The Corps should actively involve the FWS and NPS in the development of the real estate agreement.	DOI has been brought into discussions on the draft agreement and will continue to be part of the team that is developing the agreement.
	DOI-3	The Corps should officially recognize and concur with the recommendations and findings in Section LA and B. of the FWCA report.	There are no recommendations made in Section 1A and B to which to respond. We recognize the DOI findings in those sections.
	DOI-4	Deferring issues such as the exotic removal plan, implementing necessary water quality features, conducting an interagency wildlife mortality study and developing a recreational access plan leaves unanswered questions. The final GRR/SEIS should provide a thorough discussion on how the deferment of these issues will impact fish and wildlife resources and how planning for these concerns will be integrated into the CERP Decomp project.	There would be minimal effects of deferring the stated items to CERP because CERP planning and decisions would be concluded before the subject project is constructed. If CERP funds are available to undertake the activities, they could be carried out, as appropriate, immediately upon executing the decision.
	DOI-5	The GRR/SEIS overstates the significance of the ecological connectivity of the preliminary recommended plan,	The preliminary recommended plan does increase the ecological connectivity along the project area althought it does not provide the connectivity that future CERP projects may provide.
	DOI-6	Recommend that "limited connectivity" be used to describe alternative 7a and that "enhancement of aquatic biological communities" be either be supported by factual analyses or removed from the final GRR/SEIS.	The amount of connectivity has been addressed in the performance measure matrix and how the various alternatives compare with each other. Althought not to the extent that future CERP actions may enhance aquatic biological communities, this project under MWD does make improvements to the existing conditions.
	DOI-7	There are scaling discrepencies is section 5.11 that should be corrected.	The scaling differences relate to how the hydrologic information was assembled. With the full causeway, since a large area is being shown, the scale is smaller to ensure the full effects can be seen.
	DOI-8	The flow distribution analysis in the draft GRR/SEIS should be combined with the flow velocity analysis contained in the draft FWCA reprot to create a more complete picture of the hydrologic effects of the proejct alternatives. A discussion is needed regarding the ability of the various project alternatives to restore sheetflow to the Shark River Slough and the Park.	Further analysis of flow distribution is beyond the scope of the project.
	DOI-9	A more localized description of the bridge siting is needed throughout the document.	The final siting will be made during development of detailed plans and specifications. An interagency approach can be taken.
	DOI-10	Recommend adjustments to the siting/design of the bridge be made during an interagency onsite inspection(s) prior to the final GRR/SEIS with the goal of locating the western terminus of the bridge as close to Blue Shanty Canal as practicable.	The final siting will be made during development of detailed plans and specifications. An interagency approach can be taken. The final siting of the bridge will be shown in the plans and specifications and will not be available for the final GRR/SEIS.
	DOI-11	Further investigations into the current abutment design and its ability to provide the capability to help wildlife pass safety is recommended.	Concur; during plans and specifications, the current abutment design will be investigated to see if it can assist in the safe passage of wildlife under the highway.
	DOI-12	It is understood that the Corps will continue listed species coordination into the final GRR/SEIS stage.	ESA coordination has been completed. The listing error of the Everglades mink has been corrected.
	DOI-13	It is requested that the final GRR/SEIS include a discussion regarding the necessary measures the Corps and NPS are taking to address issues associated with the Osceola Camp as related to the MWD project.	The Osceola Camp will not be affected by the recommended plan. All other alternatives provided continued access. ENP has been given responsibility to address any flooding concerns regarding the MWD project.
	DOI-14	All planning efforts that may affect cultural or religious interests, including archeological sites, should be closely coordinated with the Miccosukee Tribe.	The Miccosukee Tribe has been and will continue to be closely coordinated with on the project.
	DOI-15	Before dismissing the integration of wetland mitigation into the project design, it is requested that the Corps investigate the feasibility of incorporating this e of wetland restoration effort into the o ect.	Soaping-down old fill is considered mitigation, which is not needed for this project.
	DOI-16	The Corps should fully describe and quantify the wetland functional gains attributable to the preliminary recommended plan for disclosure in the final GRR/SEIS in order to justify the use of the term "self"mitigating".	The MWD project objective is to improve water deliveries to ENP by returning WCA 3B and NESRS to the Everglades hydrologic system. This would result in functional improvement in several hundred thousand acres of wetlands. This improvement would offset many times over the minimal loss of wetlands from constructing any of the alternative plans, i.e., the project is self-mitigating. This does not need to be quantified because, if the functional gain was thought to barely come close to offsetting the losses, there would be no justification for spending the millions to build the project.
	DOI-17	It appears inconsistent to claim both credit for exotic vegetation removal and also defer exotic vegetation removal to CERP.	xotic vegetation will be removed in the area immediately adjacent to the bridge construction.
	DOI-18	The final report should contain a separate impact statement and separate project report to fully comply with NEPA. The documentation provided does not provide a clear analysis of alternatives and full disclosure of project impacts.	It is not practical at this stage to reformate the document. All items that are required by NEPA have an * placed beside them in the table of contents for easy identification,
	DOI-19	Section 1.1, page 2 erroneously references section 104 of the Act regarding ENP rather than section 101 of the Act.	The text has been revised to reflect the comment.

Commenter	Comment Number	Synopsized Comment	Corps of En ineers Res onse
	DOI-20	Last sentence of Section 2.55, page 65 states that the FWCA tha the FWS and State report are included in Appendices A and B. These are found in Appendices I and J.	The text has been revised to reflect the comment,
	DOI-21	Section 5.2, page 65, the first sentence states that the objective is to provide a technical solution that is "also compatible with the expected hydraulic conveyance of CERP as modeled by the restudy and the Act of 1989." This leads to confusion since it is stated in other sectinos that this is a separate nroject.	The purpose of this statement was to explain that this MWD project has not been developed without considering how it would be compatible with future CERP actions.
	DOI-22	Section 5.7.2, page 140, last sentence mentions eliminating the culverts under the 'b" option for water quality. It was understood that the culverts would remian for all alternatives. Please clarify.	The text has been revised to reflect the comment.
	DO(-23	Section 5.7.5.4, page 146, fourth paragraph states that "if in the future, it becomes desirable to restore ecological connectivity between WCA 3B and ENP through the removal of the L-29 Levee and the filling of the L-29 Canal..."	Restoring connectivity between WCA 38 and ENP is more applicable to future CERP actions.
	DOI-24	Section 5.8.6, page 189 states that Alternative 5 would result in significat wetland functional gains and the next sentence reflects that this alternative is also the least damaging to wetlands. Recommend rewording since there are no damages associated with Alternative 5.	The text has been revised to reflect the comment.
	DOI-25	Section 5.9.1, page 195 states that all alternatives were analyzed in-depth with regard to engineering. The appendix that was distributed does not contain this information and therefore this is in contrast with part 1502.14 of CEQ's Implementing Regulations.	Do not concur. The comment provides the wrong CEO reference. CEO part 1502.21 provides for "incorporation by reference" in order to "cut down on bulk without impeding agency or public review of the action." The Engineering Appendix was provided along with the SDEIS to agencies and was made available for review by the general public at several area libraries. This is consistent with CEO guidance.
	DOI-26	Section 5.10.3.1, page 199, third paragraph states that inclusion of Alternatives 5 and 6 in plan formulatino occurred only as a result of input from the Department and conservation organizations. Recommend this be re written to reflect the planning team approach.	The text has been revised to reflect the comment.
	DOI-27	Table 32, page 206, the "not applicable" designation listed for Objective 5, PM 1 is misleading. We recommend including an additional performance measure for "wetland functional units gained."	All objectives and performance measures were developed and agreed upon by the interagency team, which included DOI agencies.
	DOI-28	Section 5.12, page 208 needs more information what additional NEPA documentation would be needed if the bridge is resided.	Depending on specifics, resiting could be covered in an EA or may not need any further documentation.
	DOI-29	Section 7.6.6, page 223, it is important to disclose in the final GRR/SEIS the phasing of construction as to not cause significant impacts to threatened or endangered species.	This is covered in the COE's Biological Assessment, which will be included in the FEIS.
	DOI-30	Section 7.11, page 225, it is inaccurate to state that the removal of exotic vegetation on the south side of the trail would enhance the aesthetics. Removal of the exotics would do little to improve the views when driving at grade, unless on encountered an elevated bridge. See the WRAP for additional information.	The text has been revised to reflect the comment.
	DOI-31	Section 7.20, page 229, the final GRR/SEIS should provide some measure or assessment of the MWD actions that would "greatly outweigh any unavioidable adverse impacts", similar to self-mitigating comment.	The MWD project objective is to improve water deliveries to ENP by returning WCA 3B and NESRS to the Everglades hydrologic system. This would result in functional improvement in several hundred thousand acres of wetlands. This improvement would offset many times over the minimal loss or adverse impacts to wetlands from constructing any of the alternative plans, i.e., the project is self-mitigating. This does not need to be quantified because, if the functional gain was thought to barely come close to offsetting the losses, there would be no justification for spending the millions to build the rrroiect.
	DOI-32	Section 7.27, page 230, there is a contradiction with using the term mitigating adverse impacts when in Appendix I, page 3 self-mitigating is used. This should be explained. In addition, the Everglades mink referenced in this section isnot a federally listed species and as such does not require inclusion in the. referenced RA.	The text has been revised to reflect the comment.
	DOI-33	Section 7.29.2, page 232, It is premature to conclude that the project com lies with the section 7 consultation until the BA is submitted.	The referenced statement will be accurate at the FEIS stage.

			Corps of Engineers Response
	DOI-34	Appendices, they are out of order.	Noted. This will be corrected.
	DOI-35	Summary Comments - the flow distribution analysis contained in the draft GRR/SEIS should be combined with the flow velocity anlaysis continaed int eh draft FWCA report to generate a more complete picture of the hydrologic effects of the proiect alternatives.	Further analysis of flow distribution is beyond the scope of the project.
	DOI-36	Summary Comments - Discussion is needed regarding the relative abilities of the alternatives to restore sheetflow to the Shark River Slough and the Park.	Further analysis of flow distribution is beyond the scope of the project.
	DOI-37	Summary Comments - more discussion is needed on hbow the Tamiami Trail component of MWD will be integrated into the CERP Decompartmentalization. Particularly, the deferment of important components of the Tamaimi Trail including the sequencing/timeing of the intenratinn.	Alternative actions and recommendations by agencies or the general public that are beyond the scope of the MWD project may be considered during the CERP PIR/EIS process. Any information and analyses generated during the subject project could be incorporated/integrated into that decision document.
Environmental Protection Agency	EPA-1	Water quality considerations should play a central role in how discharge operations occur.	The comment better applies to operations that will be considered in the upcoming CSOP document.
	EPA-2	A long-term water quality monitoring program should be established at the site of the bridge opening.	Consideration will be given to making the bridge opening one of the WQ monitoring sites for ENP water deliveries. However, the decision might best be deferred until the CERP plan for Tamiami is determined so as to enable a choice of the most relevant location. At present, WQ monitoring is done at each of the 19 sets of culverts under the Trail in the proiect area.
	EPA-3	An evaluation is needed in the final GRR/SEIS which addresses the potential long-term water quality impolications of storm water discharges originating from the south side of the bridge. If it were determined that the walter quality an dthe underlying marsh would be significantly affected, a conveyance system to capture storm water leaving the road surface and directing it to the Tamiami Trail would need to be designed.	The Corps will design the bridge so that all bridge runoff will be directed to the canal side, as requested by FDEP.
Miccosukee Tribe	Mic-1	The draft GRR/SEIS does not contain a referece to the tribe's rejection of the skyway alternative that was articulated to the Corps before the draft was released,	Pre-coordination comments other than Scoping are not presented nor addressed in a DEIS because it is considered that the commenter should have the benefit of the complete document before the comment is registered so it would not represent premature views. In the present case, the Tribe had also supported the "skyway" alternative by letter of 20 June 2000. The information developed on the full bridging of Tamiami Trail is included, however he alternative was screened out from further consideration.
	Mic-2	Maximum advantage should be taken of existing infrastructure the addition of new infrasturcture should only occur when absolutely essential to protect public health an dsafey and to meet MWD requirements.	The recommended alternative provides the minimum infrastructure to meet the requirements of the MWD project within the fiscal constraints of the project.
	Mic-3	The selected alternative must ensure that MWD is complete and operational by December 31, 2003.	It is estimated that the design and construction of the recommended alternative would require about four years, so completion would be some time in 2006. The December 31, 2003 date referenced came from the FWS's February 1999 Biological Opinion (BO). That date has since been rescinded by their April 2002 amended BO on the IOP.
	Mic-4	Any alternative that delays MWD beyond December 31, 2003 should be removed from further consideration.	The December 31, 2003 date referenced came from the FWS's February 1999 Biological Opinion (BO). That date has since been rescinded by their April 2002 amended BO on the IOP.
	Mic-5	Any plan recommended must be consistent with the requirements of PL101-229, WRDA 2000, NEPA, ESA and the Corps' trust responsibility to the tribe.	Any play that the Corps would recommened would be consistent with the listed items.
	Mic-6	The tribe will oppose any plan that has an adverse impact on the Tiger Tail or Osceola Camps.	No such impacts are expected.
	Mic-7	The water management system must be operated to ensure that the accesss and egress of the Tribe is not jeopardized.	Concur.
	Mic-8	Ensuring compatibility with CERP cannot delay MWD.	Concur. Such delays are unexpected.
	Mic-9	The Corps has not fully complied with NEPA requirements outlined in Section 4 as the project is improperly segmented.	Comment noted. This comment is on process and is not applicable and does not require a response.
	Mic-10	Benefits as described in the draft GRR/SEIS should include the 900,000 acres of Everglades wetlands.	Investigations into the benefits obtained by full restoration will be applicable to future CERP studies/projects,
	Mic-11	The draft does not include issues such as the impact of the proejct and project delays on Tribal Everglades and the endngered and threatened species that inhabit these areas.	The impacts sited would relate to water manage operations which are being addressed in CSOP. That project is scheduled for completion by December 2005, *very* close the the anticpated completion date for Tamiami Trail.
	Mic-12	The cost of delay must be assessed as it was in the 8.5 square mile for each alternative.	The time to complete each alternative was addressed in the performance measures in terms of months/construction duration. The true ecological cost of delay cannot be determined with any accuracy because they are so dependant on meteorological conditions during the period in question.
	Mic-13	The draft GRR/SEIS improperly defines the future without project conditions under NEPA Section 3. The future without project condition is the future without any MWD project not the condition of the study area	The COE does not concur. The future without project condition is the future without condition with no modifications to Tamiami Trail. It must be considered that all components as outlined in the 1992 GDM would be implemented.
	Mic-14	NEPA requires that the cumulative impacts of past, present and future actions be analyzed in the final GRR/SEIS.	The COE did analyze cumulative impacts
	Mic-15	The alternatives listed in Section 5.10.3 that cannot be completed by December 31, 2003 should have been deemed unreasonable and should not have been inlcued in the draft GRR/SEIS.	It is estimated that the design and construction of the recommended alternative would require about four years, so completion would be some time in 2006. The December 31, 2003 date referenced came from the FWS's February 1999 Biological Opinion (BO). That date has since been rescinded by their April 2002 amended BO on the IOP.

rommenter	Comment Number	Synopsized Comment	Corps of Engineers Response / Change to GRR/SEIS if Applicable
	Mic-16	Additional analysis is needed to determine it the culvert's capacity can be increased by removal of mud and debris. This low cost, low infrastructure alternative should be assessed fully.	FDOT performed a culvert analysis that investigaed the impact of vegetation and siltation of flows. In summary, it was determined that water level was the factor for flow rate through the culverts and not obstructions. Reference Appendix E.
	Mic-17	The draft FWS CAR Wrap is fundamentally flawed.	The WRAP is a product of the the FWS which is not subject to comment or revision by the COE.
	Mic-18	The draft report states that there are 2 PIRs underway, one for the MWD Tamiami Trail component and one for the CERP component. It states that planning efforts for the CERP Decomp are scheduled to be completed prior to construction of MWD Tamiami Trail. Does this mean that there is some undisclosed potential plan to substitute the skyway for the preliminary recommended pian before it is builfl	No. This statement reflects the intent to continually consider compatifility with future CERP actions. There will be no substitutions of plans. The preliminary recommended plan that is built as part of MWD will be that which is described in the final GRR/SEIS. That is not to say that CERP could not propose adding to the MWD plan to create a "skyway."
	Mic-19	The Corps must fully outline any future potential plans that they are aware of that may impact the selectino and or completino of the final recommended plan in the final GRR/SEIS.	No such plans are envisioned.
	Mic-20	The federal objective outlined in Section 5.2 should be to only pass those flows that will result under the MWD project.	Concur.
	Mic-21	The cost of dealy that will be caused to the Miccosukee Tribal lands should be listed as a performance measure for analyzing the alternatives in Section 5.5.	The objectives and performance measures of this project were developed by the interagency team which included representatives from the Miccosukee Tribe.
	Mic-22	The selection of the alternative that meets the project purpose and will allow the expeditious completion of the project will benefit 900,000 acres of the Everglades and is truly the environmentally preferred alternative.	The COE has not identified an environmentally preferred alterative. However, DOI in their CAR identify alternative 5a as being the environmentally preferred plan.
	Mic-23	The Corps has no responsibility or authority to analyze unreasonable or unimplementable alterantives.	Concur.
	Mic-24	The Corps should not have evaluated the unreasonable alterantives 5 and 6 in the draft GRR/SEIS.	These have been removed from further consideration. However, in a letter dated 20 June 200 the Miccosukee Tribe "advocated that Tamiami Trail should be raised up on stilts along its entire length." Alternatives were evaluated equally and the information included within the GRR. However, it should be noted that the full "skyway' was removed from further consideration during the plan formulation process.
	Mic-25	The project area assessed under the ESA in the draft GRR/SEIS is inadequate, Section 5.4.3. This analysis must include any potential adverse impacts t the endangered species on Tribal Everglades in WCA 3A, including the snail kite and the wood stork, that have been caused, and will continue to be caused, by teh delay of teh MWD project.	The project area is that which would be directly affected by constructino of this MWD project. Indirect effects of delay is more a function of operations which will be addressed in CSOP.
	Mic-26	Section 1.2, the Miccosukee Tribe never operated as part of any advisory team that gave recommendations or advice to the Corps. Section should be revised to remove this reference.	The Miccosukee Tribe was included in the interagency team and were given an role as the other agencies involved. As such, it is appropriate to list them as being a member of this team. The tribe took part in a number of meetings including ones where objectives and performance measures were discussed.
	Mic-27	They study authority is misstated in the first paragraph in Section 1 and should read: "...authorized the Secretary of the Army to undertake certain action to improve water deliveries to ENP to the extent practicable to restore natural hydrologic conditions..."	Concur. Text will be revised to reflect the comment,
	Mic-28	The Corps should not base interim flow targets on a faulty BO that has never been subject to NEPA review.	Case law has determined that Biological Opinions by the FWS under the ESA are not subject to NEPA review.
	Mic-29	The draft GRR/SEIS fails to mention the historical importance of the authenitic Miccosukee Indian Village along old Tamiami Trail and including the tree islands in WCA-3A.	Reference to the authentic Miccosukee Indian Village and tree islands in WCA-3A, these areas lie outside of the project area for this MWD project.
	Mic-30	The scope of tribal lands should include both rservation and lease lands in WCA 3A and the Miccosukee Reserved areas, Section 2.0 and 2.14 in the draft GRR/SEIS.	The tribal lands that lie within the project limits have been fully described within paragraph 2.14. The other Tribal lands referenced in the comment lie outside the project area and will not be affected by this MWD project. Any effects on those lands would be an operational effect which will be addressed during CSOP.
	Mic-31	The Corps has not identified the effects the MWD project water levels will have on the Osceola camp, Section 2.14.	The Tamiami Trail MWD project will have no affects on water levels. Such effects will be a result of operations which will be addressed during CSOP.
	Mic-32	Section 4.0 of the the final GRR/SEIS should describe in detail how the chosen alternative will allow the road's capability for evacuation during hurricane season.	There are no anticipated changes on how the road will be able to accommodate those evaucating during a hurricane threat. During construction, the full traffic capacity of the road will be maintained.
	Mic-33	The Tribe is concerned with the Corp's plan for 2 PIRs outlined on page 201 of Section 4.4 and that this approach will keep the preferred alternative from being implemented.	Two PIPS reflects the intent to continually consider compatifility with future CERP actions. This method will not prevent the recommended plan from being constructed.
	Mic-34	Reference the socioeconomic fators outlined in Section 5.5, the Tribe reitterates that they will not accept any adverse impacts to either the Tiger Tail or Osceola camps.	No such impacts are expected.
	Mic-35	Section 5.4.8, the alternative selected should be able to pass MWD flows and the legally mandated water level in the L-29 canal must not be exceeded.	Concur.
	Mic-36	Section 5.10.3.1, this section should also include language that the costs of MWD should not exceed those allowed by Section 902 without going back to Congress.	Noted; however the COE does not feel that it is necessary to modify this section of the report.

Commenter	Comment N__umber	Synopsized Comment	Corps of Engineers Response / Change to GRRISEIS if Applicable
	Mic-37	The Corps must select an alternative that is within its funding constraints, and the statuatory authority of PL 101-229 to ensure the MWD project will be completed expeditiously.	Concur.
	Mic-38	The Tribe objects to betterments to protect and enhance wildlife as becoming part of the preferred altenrative process sine it would require going before the SFWMD governing board and would seriously delay the project.	Noted.
	Mic-39	' Provide for conveyance capacity acreoss Tamiami Trail consistent with restoration objectives" should be limited to the restoration objectives authorized and defined by PL 101-229.	Concur.
	Mic-40	The construction duration for the preliminary recommended plan is 24 months, which surpasses the jDecember 31, 2003 deadline for MWD. The GRR does not address this deay issue and its potential impacts on the roadbed. In Section 6.12, the Corps must disclose and justify any basis for the alleged position that they can implement the flows of MWD prior to cnmnletinn the Tamiami Trail comnnnent	The December 31, 2003 date is no longer a constraint based on the April 2002 amended Biological Opinion. MWD will be ready to implement once CSOP is complete, which is anticipated to be December 2005 which is almost simultaneous with this MWD component.
	Mic-41	Reference Section 5.0, any alternative chosen must be operated in a way that does not adversely impact transportation and compromise the health and safety of the Tribe and the public, including during storms and hurricanes.	The recommended altertaive will no adversely impact transportation or compromise the health and safety of the Tribe or the public during storms and hurricanes.
	Mic-42	What does the Corps mean by impact on boat access to the Tiger Tail camp, per Seciton 7.14.	The 3000 foot bridge is not sited in the vicinity of the Tigertail camp; therfore, there are no direct impacts to tribal lands either during or after constructior anticipated.
	Mic-43	The draft GRR/SEIS has not assessed the impact that the flooding in WCA 3A, caused by the delay of MWD, has had on Tribal businesses nor does it assess the potential impacts that construction activities will have on the Miccosukee Resort and Gaming Facility and the Tribe's Indian Village, Airboats, Restaurant and nas station.	This MWD project will have no direct impacts on any of the listed activities.
	Mic-44	Section 7.17 should analyze the disparate impacts being caused to Miccosukee Tribal Everglades lands, and the Tribe's culture and way of life due to the failture to implement the MWD project.	Text has been revised to address this comment. There are no direct or indirect impacts expected with implementation of this project; therefore, no cumulative impacts should be expected.
Radio One, Inc.	ROI-1	It is not clear what businesses were considered with regard to maintaining access or how such access would be provided or the associated costs.	All businesses with current access to their property along Tamiami Trail, including Radio One, Inc., will have their access fully maintained during construction by any means appropriate at no cost to them.
	ROI-2	The increased water levels could limit access to the Radio One property even during minor storm events, thus adversely affecting Radio One's operations and likely result in erosion damage to the road beds and tower pads.	Impacts to access from potential future flooding would be an operational issue that will be addressed during CSOP. The Tamiami Trail project is a structural not operational project. Increased conveyance under Tamiami Trail would not in of itself raise water levels higher than they now exist from conveyance via the existing 19 sets of culverts.
	ROI-3	The increased water levels could result in signal disruption or distrtion interfering with Radio One's broadcast capabilities.	See response above,
	ROI-4	Radio One's property should be more fully evaluated using the Corps modeled hydraulic conditions to better understand the ultimate effect on its property.	The requested modeling will be done under CSOP.
	ROI-5	Impacts to access need to be considered not only in light of this project but also other projects undertaken or to be undertaken that could result in impacts to this area.	The referenced impacts were considered and reported on under IOP and will also be addressed under the upcoming CSOP.
	ROI-6	The draft GRR/SEIS does not adequately condsider the socio-economic, economic, environmental and cumulative impacts or costs.	The referenced impacts are not germane to the project, as described above.
National Parks Conservation Association	NPCA-1	Disagree with the approach of determining the preferred alternative based on unweighted performance measures.	It is the policy of the COE and sponsor to not weigh performance measures.
	NPCA-2	The project objectives should be weighted to enable the factors contributing to ecological restoration to take precedence.	It is the policy of the COE and sponsor to not weigh performance measures or project objectives.
	NPCA-3	It is difficult to understand how alternative 7a and 7b and 5a and 5b have similar low ratings under Objective 2's performance measures.	Noted. The performance measure matrix has been revised.
	NPCA-4	Performance measures under objective 1 do not reflect what true cost effectiveness is. Items such as retrofit costs and overall cost effectiveness for tax payers is more applicable.	The performance measures under objective 1 follow economic guidelines that the COE must utilize. By evaluating life cycle cost, that is a representativf of what the project will cost over its life.
	NPCA-5	The final GRR/SEIS must make it clear that the reason for selecting the less optimal alternative are the obstacles set up by Congress.	It was determined that Alternative 7a best meets the goal of MWD. Any alternative that exceeds what is needed for MWD is not considered reasonable.
	NPCA-6	Hope that the planners will do their best to work towards full raising an dbridging of Tamiami Trail through this project and CERP. The final GRR/SEIS must acknowldge this need in a way that will be useful to decisionmakers, and that W RDA and fiscal constraints were the deciding factors fnr.etentinnAlternativaZa.	It was determined that the purpose of this project was to pass MWD flows from Tamiami Canal into ENP. The alternatives outlined all would pass these flows, however it was determined that several of the alternatives exceeded what was necessary to pass the increased flows. The minimal opening needed to pass the flows, whether a single opening or a series of small openings, was determined to be what was required. The 3000 foot bridge as identified as part of Alternative 7a, was determined to be the minimal opening required in a single brige to pass the increased flows.

	Comment Number	S no -sized Comment	Corps of Engineers Response / Change to GRR/SEIS if Applicable
p	FDOT-1	The amount of design life for the existing culverts under Tamiami Traillisted as 300 years on page 47 should be clarified.	The text has been revised to address the comment.
	FDOT-2	Continued coordination with the SHPO is needed since Tamiami Trail has been designatied as potentially eligible for listing as a historical site.	Concur. The Corps has determined that the Tamiami Trail, the Tamiami Canal, and the Cooperstown Airboat concession are eligible for inclusion on the National Register of Historic Places. The Corps has further determined that the undertaking will have an adverse effect on the Tamiami Trail and may have an adverse effect on the Tamiami Canal. These determinations were made in fulfillment of the requirements of 36 CFR Part 800. In a letter dated September 27, 2001, the Florida State Historic Preservation Officer has concurred with these determination (Appendix G). Further consultation rerrardinn notential ways to mitinate adverse effects will he conducted.
	FDOT-3	There is no explanation in the draft document specifically detialing how this restoration project would offset unavoidable wetland impacts associated with various alternatives or the preliminary recommended plan.	The MWD project objective is to improve water deliveries to ENP by returning WCA 3B and NESRS to the Everglades hydrologic system. This would result in functional improvement in several hundred thousand acres of wetlands. This improvement would offset many times over the minimal loss or adverse impacts to wetlands from constructing any of the alternative plans, i.e., the project is self-mitigating.
	FDOT-4	Losses in wetland acreage should be listed in acres in addition to functional units.	Since the wetland analysis was prepared by the FWS in their CAR, the Corps must use the wetland units they provide. However, the Clean Water Act Section 404(b)(1) evaluation of the recommended plan (Appendix K) does provide acreage for permitting purposes.
	FDOT-5	The final GRR/SEIS should explain further the distinction in Table 15, page 149 between "direct effects" and "indirect effects."	The document text directs the reader to the FWS CAR Appendix for more complete information. This would include clarification of direct and indirect effects.
	FDOT-6	All potential contamination sites or generators adjacent to the corridor should be Isited, and results of the contaminatino assessement for each site should be provided.	A complete Level 1 contamination assessment has been made of the corridor, and no sites of concern for HTRW contamination were found (DEIS Figure 3). The SFWMD would be responsible for any remediation needs if new information on contamination is developed during construction.
	FDOT-7	The statement about a design variance was not carried forward in the draft document.	It is not believed that a design variance will be needed.
	FDOT-8	It is anticipated that the Corps will relocate french drains from beneath the guardrails during the design phase in order to meet FDOT requirements.	Concur. Coordinatino with FDOT regarding design specifics will occur during plans and specifications.
	FDOT-9	There is no documentation in the report that the Corps has received an exemption from FDEP regarding stormwater treatment.	By letter of February 18, 2002, the FDEP concluded that stormwater treatment is not required (see Public Comment Appendix).
	FDOT-10	There is no indication to the location of the public meeting that was held on December 18, 2001.	The text has been updated to reflect the comment. Notification was sent regarding the location of the public meeting. At the time the draft document was printed, the meeting location had not been established.
	FDOT-11	FDOT's comments from the letter dated July 25, 2001 were not included in Appendix C. Also, Appendix N contained no comments.	FDOT's comment letter of July 25, 2001 was not included because it was pre-coordination prior to the public comment period. The FEIS includes an appendix with all comments received on the DEIS during the public comment period.
	FDOT-12	Table 15, page 149, it is unclear how the additional 3.5 acres oto be restored have been factored into the total losss of 3.42 functional units.	The information in Table 15 was provided by the FWS. They have corrected the functional unit calculation based on the comment.
	FDOT-13	FDOT recommends that the Corps seek an early determination from FDEP regarding the need for stormwater treatment.	See response 9, above.
	FDOT-14	Prior to the assumption of responsibilities for maintenance, FDOT would require assurances that th esubstitute facilites would be constructed in accordance with Chapter 25 of the FDOT's plans preparation manual.	The project facilities would be constructed in accordance with Chapter 25.
	FDOT-15	In the event that the proposed plan still results in inundation of the sub-base, the Corps should provide the funding to FDOT for maintenance of early pavement failure.	The Corps needs real estate rights from FDOT to flow the specified volume of water across Tamiami Trail at the specified canal stage. The real estate rights to flow water is up to the anticipated maximum water level expected with MWD implementation.
Flordia Department of Environmental Protection	FDEP-1	The siting of the bridge needs to be clarified. On page 209 lists the site as one mile from the western end of the corridor and other sections list between Blue Shanty Canal and Coopertown.	The text will be revised to provide consistency in bridge location description.
	FDEP-2	It is unclear how the Corps will avoid having CERP remove features funded by MWD.	The schedule for the detailed plans and specifications for the MWD project will overlap the CERP PIR/EIS schedule such that when the decision is made on the latter, the MWD plans can be adjusted to provide the best integration of the two projects.
	FDEP-3	Until the final decision is made on the real estate agreement, it is impossible to determine project environmental and monetary impacts.	The final recommended plan includes the 3000-foot bridge and the purchase of real estate rights from FDOT to flow water across Tamiami Trail. FDOT may or may not use the funds to elevate the unbridged road bed or otherwise protect the unbridged roadbed. For the purposes of environmental analysis in this Corps document, it is assumed that the road would elevate the unbridged road bed to prevent future damage.
	FDEP-4	If flow location and direction are not adequately addressed, restoration of the health of NESRS cannot be achieved.	It is beyond the scope of this project to consider issues of sheetflow in analysis of the alternatives. It will be left to CERP; it is not practicable for Tamimai Trail. MWD authority directs the Corps to restore natural hydrologic conditions in the Park to the extent practicable.
	FDEP-5	If future CERP projects call for the removal of the roadway that has been raised, and therefore waste part of the money used to raise the road.	The recommended 3000-foot bridge alternative would be compatible with CERP. Raising the unbridged road bed might not, but that decision will be FDOT's to make.
	FDEP-6	It must be recognized that the existing roadway offers little treatment for stormwater runoff and traffic on the roadway will increase.	Any future increase of traffic on the roadway would not be a result of this project. It is expected to increase with or without the project.
	FDEP-7	Ask that the use of scuppers be limited and that runoff from the bridge surface be safel directed off the bride toward the canal.	The bridge would be designed to manage runoff as requested.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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FEB 0 1 2002

Colonel James G. May
District Engineer
Jacksonville District, Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232
ATTN: Dr. Jon Moulding

SUBJECT: Tamiami Trail Feature Draft General Reevaluation Report and Supplement to the 1992 Final Environmental Impact Statement (GRR/SEIS) on Modified Water Deliveries to Everglade National Park; Central and Southern Florida Project; Dade County, Florida; CEQ No. 010505

Dear Colonel May:

Pursuant to Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act, the U.S. Environmental Protection Agency (EPA), Region 4 has evaluated the long-term environmental consequences of structural measures which will facilitate the movement of water under the Tamiami Trail (Trail). This increase in conveyance (via an enlarged cross sectional opening) became necessary when modeling results revealed that diverted flows from Water Conservation Area (WCA)-3B would occasionally be of such magnitude that elevated water levels in the L-29 canal could threaten the overall structural integrity of the Trail and/or low points between Blue Shanty and Coopertown would be overtopped. Since the Trail is an important east-west connector in South Florida, especially during hurricane events, this situation needed to be rectified.

After deliberation, the solution was to augment the existing culvert system with an opening whereby the required volume of water could be evenly passed to the south without impeding automobile traffic during unusual rain events or incurring damage to the Trail's road bed. Further, the embankment profile/alignment between the noted reach will be slightly altered with low areas paved and raised to a minimum elevation of 11.0 feet. Surface access will be provided to a number of businesses/activities which otherwise would have been adversely affected by these modifications.

A 3000-foot bridge (Alternative 7a) was ultimately selected as the structural means to pass exceptional water levels across the Trail and then into Northeast Shark Slough (NESS). This conversion from a solid causeway to a bridge opening will have an impact

on the way water is delivered to NESS and eventually Everglades National Park (ENP), i.e., it provides the capacity to discharge a large volume of water (and nutrient load) into a localized area. Given this reality, EPA has always promoted the widest opening (bridge) consonant with economic constraints as a means to approximate sheet flow conditions.

The quality of water delivered to the ENP at Shark Slough must meet some stringent requirements from a legal perspective. Namely, a U. S. District Court Settlement Agreement (Consent Decree) states that water delivered to Shark Slough must comply with a phosphorus limit of about 8 to 13 parts per billion (ppb), depending upon annual water conditions. Further, all Florida Class III water quality criteria apply to waters delivered to ENP. In this regard, Florida has proposed that a numeric total phosphorus standard of 10 ppb be adopted for the Everglades Protection Area. Lastly, ENP is afforded a more stringent level of water quality protection as an *Outstanding Florida Water*.

When the proposal to breach the Trail with a bridge was initially discussed, we supported the general concept, but wanted the NEPA evaluation to examine whether the quality of the water delivered to the ENP would be significantly affected by roadway modifications. As a working premise, it was assumed that if the source(s) of water delivered to NESS remained the same, the quality of the water passing through any enlarged opening(s) would approximate the status quo. However, water manipulation and the operational decisions thereof must be taken into consideration. For example, water passing through the proposed bridge opening which originates from the WCA-3B marshes (directly to the north) and the S-355 structures would be expected to be of better quality and lower phosphorus content than water arising from the urban C-11 basin delivered by S-9 down L-67 and through S-333. Therefore, water quality considerations should play a central role in how discharge operations occur and/or are sequenced. EPA-1
Generally speaking, the issues about water quality would be addressed if discharges through the S-335 structures were maximized and discharges through S- 333 were minimized.

A long-term water quality monitoring program should be established at the site of the bridge opening. EPA-2
Monitoring inflows which could affect ENP will document if the water quality conditions resulting from the selected alternative meet its many water quality mandates. There is the potential for some localized water quality issues which also need to be examined. It is our understanding that the bridge will be partially built over the existing canal; therefore, storm water runoff from that side of the bridge would fall directly into the canal. However, water from the south side of the road surface would leave the bridge through scuppers and fall directly into the marsh. Based on the analysis presented in the EIS, it does not appear that the quality of the water leaving the road surface will pose a significant problem. Nonetheless, during periods when the marsh is

otherwise dry there is the potential for flash rain events to produce a scouring effect resulting in localized erosion and off-site turbidity concerns. The final EIS would be improved with an evaluation of the potential long-term water quality implications of storm water discharges originating from the south side of the bridge. If it were concluded that water quality and the underlying marsh would be significantly affected, a conveyance system to capture storm water leaving the road surface and directing it to the Tamiami canal would need to be designed. EPA-3

Because of the overall societal and environmental benefits anticipated from this proposal and the fact that future projects associated with the Comprehensive Everglades Restoration Plan will improve potential upstream water quality problems, EPA has assigned a rating of LO, i.e., Lack of Objections to this action. However, we believe that an adaptive management approach would be beneficial to take advantage of information gained from the noted water quality monitoring. EPA appreciated the opportunity to review the document. Should you have questions regarding our comments, please contact Dr. Gerald Miller (404-562-9626) and Mr. Dan Scheidt (706/365-8724) regarding NEPA and water quality matters, respectively.

Sincerely,

Heinz Mueller

Heinz J. Mueller, Chief
Office of Environmental Assessment

cc:Henry Dean - Executive Director, SFWMD
David Struhs - Secretary, FDEP
Jay Slack - FWS: Vero Beach, FL

United States Department of the Interior

National Park Service
Everglades National Park
40001 State Road 9336
Homestead, FL 33034

Fish and Wildlife Service
South Florida Ecological Services Office
1339 20th Street
Vero Beach, FL 32960

November 15, 2001

Colonel James G. May
District Commander
Jacksonville District
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Attention: Planning Division

RE: Modified Water Deliveries to Everglades National Park, Tamiami Trail Project

Dear Colonel May:

The U.S. Fish and Wildlife Service (FWS) and the National Park Service (NPS) have prepared this Draft Fish and Wildlife Coordination Act (FWCA) Report for the Draft Supplemental General Reevaluation Report/Supplemental Environmental Impact Statement (GRR/SEIS), Modified Water Deliveries (MWD) to Everglades National Park (ENP), Tamiami Trail Project, Miami-Dade County, Florida. This GRR/SEIS analyzes and evaluates an array of alternatives to allow for restoration of ecological function and hydrological conditions in Northeast Shark Slough and the Rocky Glades in ENP, through the structural modification of U.S. 41/Tamiami Trail.

This Draft FWCA Report is provided in accordance with the Fish and Wildlife Coordination Act of 1958 (48 Stat. 401, as amended (16 U.S.C. 661 *et seq.*) and section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). After opportunity for public comment, anticipated in December 2001, and in conjunction with the views and recommendations the Florida Fish and Wildlife Conservation Commission, a Final FWCA Report will be prepared which will constitute the report of the Secretary of the Interior as required by section 2(b) of the FWCA. This Draft FWCA Report does not constitute a biological opinion under section 7 of the ESA. As discussed in earlier Planning Aid Letters and in meetings with your staff, the FWS awaits your Biological Assessment of the effects this federal action will have on threatened and endangered species.

The Department of the Interior (DOI) considers the full and successful restoration of Tamiami Trail to be a critical step toward restoring the hydrological and ecological connection between the Central and Southern Everglades. This effort is key to reestablishing more historic flows to ENP and Florida Bay. Eliminating the ecological and hydrological barrier of Tamiami Trail is also an essential component of the Comprehensive Everglades Restoration Plan (CERP), and will be the subject of a complex planning effort conducted under the Decompartmentalization (Phase 1) component of the CERP. Thus, the project under review as a component of the MWD Project will have a considerable impact on CERP implementation over the next decade.

After a thorough review of an array of nine project alternatives, the DOI has reached the following conclusions:

Environmentally Preferred Alternative

The DOI concludes that Alternative 5A (Full Causeway), without water quality treatment and with full removal of the existing Tamiami Trail, is clearly the Environmentally Preferred Alternative without regard to fiscal constraints. This conclusion is consistent with that of the Corps of Engineers (Corps) as described in the GRR/SEIS. The DOI, however, recognizes that fiscal limitations make the pursuit of this alternative infeasible at this time.

The DOI finds that this alternative plan for elevating Tamiami Trail and restoring flows to the ENP is the most consistent of all alternatives with the goals of the Everglades National Park Expansion and Protection Act (PL 101-229). Alternative 5A fully meets the stated goal in this Act of "*improving the abundance, diversity and ecological integrity of native plants and animals in the Park.*" Alternative 5 is also fully consistent and complimentary with the goals set forth in the CERP authorized by the Water Resources Development Act of 2000 (PL 106-541). A summary of the performance assessment of Alternative 5A is provided in Chapter 10 of this report.

Environmentally Acceptable Plan

The Corps has identified Alternative 7A (3000-foot bridge without water quality treatment) as the Federally Recommended Plan. It is the position of the DOI that Alternative 7A is an environmentally acceptable plan, performing sufficiently well for all project objectives within the limits imposed by the project constraints. In developing this position, the DOI took into consideration the fact that the Corps has developed an expedited schedule for the implementation of the Tamiami Trail component of the CERP Decompartmentalization (Part 1), leading to a more seamless integration of these MWD and CERP efforts. The DOI is confident that this strategy will lead to the meaningful reconnection of the Central and Southern Everglades.

Alternative 7A also meets the Florida Department of Transportation (FDOT) concern for road safety by providing necessary mitigation to offset the adverse impacts to road safety associated with the projected high water following implementation of the MWD Project. While the DOI remains concerned that the current configuration of Alternative 7A specifies the need to raise the profile of more than 10 miles of existing highway that is potentially incompatible with future CERP-related modifications, the DOI is confident that the Corps will enter into an agreement with the FDOT to prevent, or significantly minimize, the expenditure of approximately $13 million for this potentially unneeded project feature.

To complete our review of Alternative 7A, the DOI requests the Corps provide the Tamiami Trail "risk analysis", the Draft FDOT Agreement, and an explanation of how NPS funds will be used to fulfill the terms of the Agreement. The DOI will review and comment on this material prior to the release of the Final FWCA Report in January 2002.

Remaining Alternatives

It is the position of the DOI that Alternatives 6A (four-mile causeway) and 9 (2.7-mile causeway) do not meet the requirements of the MWD Project due to the fiscal constraints imposed by the NPS. The DOI recommends that the remaining non-causeway alternatives, (Alternatives 1, 2, 3, 4, and 8), be eliminated from further consideration, as they were found to be incompatible with the goals of the MWD Project, and were found to potentially add additional cost to future CERP restoration.

Integration with CERP Decompartmentalization (Phase 1)

The DOI is pleased that the Corps has agreed to accelerate the Tamiami Trail component of Decompartmentalization (Phase 1) by preparing a separate and accelerated Project Implementation Report for the Tamiami Trail component. The DOI recommends that the Corps utilize, to the maximum extent practicable, the results of the MWD GRR/SEIS and the Final FWCA Report in this accelerated schedule. There is considerable interest amongst the interagency planning partners to develop an integrated and holistic plan that minimizes the expense associated with retrofitting project features constructed under the MWD authority. The DOI is confident that this accelerated effort will combine the technical and financial resources of both restoration authorities in order to develop an efficient, phased plan leading to a more significant and meaningful restoration, consistent with both the MWD and CERP authorities.

Issues Needing Further Clarification

Water Quality Treatment

The assumptions and selected water quality treatment facility design remain a concern to the

DOI. The conceptual plans for the CERP Decompartmentalization (Phase 1) Project specify the potential degradation of both the L-29 canal and levee. In order to minimize the loss of wetlands, the DOI prefers that any water quality treatment facilities be located in areas that are presently disturbed and not in areas of undisturbed wetlands. Furthermore, the DOI is concerned that there appears to be a persistent, yet unanswered, question regarding whether water quality treatment will be required for the MWD Tamiami Trail Project. Until these issues are resolved, the DOI is not supportive of facilities that result in the loss of additional undisturbed, high quality wetlands in either ENP or WCA 3B.

In order to clarify this issue, the DOI recommends that a thorough review of the available water quality data provided by the Corps for this project be conducted by the Florida Department of Environmental Protection (FDEP) to ensure compliance with applicable water quality standards. Should the FDEP require water quality features for the MWD Tamiami Trail Project, the DOI recommends deferring construction of these features until the fate of the L-29 canal and L-29 levee have been determined. The DOI understands that these features may be removed through implementation of future CERP projects, thereby providing an already disturbed area for construction of any required water quality treatment facilities and eliminating the need to destroy additional existing wetlands within either the ENP or WCA 3B.

Agreement with the FDOT

The current design of the Recommended Plan (Alternative 7A) includes provisions to mitigate the FDOT's concerns regarding potential damage to the road sub-grade and overtopping of the existing road surface due to the projected high water associated with the implementation of the MWD Project. The mitigation is in the form of raising the portion of the existing highway not elevated by the construction of the 3000-foot bridge. Specifically, implementation of the Recommended Plan would elevate over 10 miles of the existing road by approximately two feet through the addition of fill material and asphalt resurfacing. Depending on the plan recommended in the CERP Decompatmentalization (Phase 1) Project, the potential exists for portions of Tamiami Trail raised by the MWD Project to be removed as part of the CERP recommended plan. This could result in as much as $13 million in MWD Project funding being expended on unneeded features.

To avoid construction of potentially unneeded features, while still meeting the mitigation requirements to assure highway safety, the DOI recommends the Corps enter into an agreement with the FDOT to ensure that the safety requirements of the FDOT are met until the CERP project features can be identified and implemented. The DOI also recommends that the Corps closely coordinate the development of this agreement with ENP, FWS, and the Office of the Solicitor for the DOI.

Additional Recommendations

Additional recommendations concerning the placement of the 3000-foot bridge, threatened and endangered species conservation, hydrologic analyses, wildlife mortality reduction, wetland functional gains and losses, wetland mitigation, recreational effects, and water quality treatment are provided in the attached Draft FWCA Report.

We solicit your comments on the analyses and recommendations contained in the attached FWCA Report, and look forward to continued close coordination with you and your staff in this evolving project. The FWS and NPS remain confident that the strategy to closely coordinate the design and implementation of the MWD and CERP Tamiami Trail Projects will result in the successful reconnection of the Central and Southern Everglades, thereby greatly facilitating the future implementation of the CERP.

Please contact Mr. David Ferrell of the FWS at (561) 562-3909 (ext. 224), or Mr. David Sikkema of the NPS at (305) 242-7800, if you have any questions regarding the contents of this Draft FWCA Report.

Sincerely,

James J. Slack
Field Supervisor
South Florida Field Office

Maureen A. Finnerty
Superintendent
Everglades and Dry Tortugas National Parks

cc:

FWS, Assistant Regional Director (ES), Atlanta, GA (Attn: Cindy Dohner)
NPS, Regional Director, Atlanta, GA (Attn: Jerry Belson)
South Florida Water Management District, WPB, FL (Attn: Henry Dean)
Corps of Engineers, Jacksonville, FL (Attn: Doris Marlin)
Corps of Engineers, Jacksonville, FL (Attn: Shelley Trulock)
Florida Department of Transportation, Miami, FL (Attn: Barbara Culhane)
Florida Department of Environmental Protection, West Palm, FL (Attn: Herb Zebuth)
Florida Fish and Wildlife Conservation Commission, Vero Beach, FL (Attn: Joe Walsh)
Miccosukee Tribe of Indians of Florida, Miami, FL (Attn: Chairman Billy Cypress)

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

BRADLEY J. HARTMAN, DIRECTOR
OFFICE OF ENVIRONMENTAL SERVICES
(850)488-6661 TDD (850)488-9542
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January 16, 2002

Ms. Jasmin Raffington
Florida State Clearinghouse
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: SAI #FL200112061274C, Tamiami Trail Feature- Draft General Reevaluation Report/Supplement to the 1992 Final Environmental Impact Statement (GRR/SEIS) on Modified Water Deliveries to Everglades National Park, Miami-Dade County

Dear Ms. Raffington:

The Office of Environmental Services of the Florida Fish and Wildlife Conservation Commission (FWC) has reviewed the referenced Draft General Reevaluation Report/Supplement to the 1992 Final Environmental Impact Statement (GRR/SEIS), and provides the following comments.

This project is one of four components that have arisen from the original 1992 Modified Water Deliveries General Design Memorandum. The other highly interrelated components include flood protection of the 8.5 square mile area residential development along the eastern side of Northeast Shark River Slough (NESRS), conveyance of water between Water Conservation Area (WCA)-3A, WCA-3B and NESRS, and an overall operational plan for the newly constructed water control structures. Many of our comments and concerns on the Tamiami Trail Feature have previously been conveyed directly to the Army Corps of Engineers (COE) in a review of a preliminary draft GRR/SEIS via a preliminary Coordination Act Report (CAR) (attached) dated September 14, 2001, and through a Planning Aid Letter (PAL) on the project dated February 23, 2001. Our comments in this letter will thus focus on the COE's responses to some of our previous recommendations in the preliminary CAR, as well as providing specific comments on the text of the GRR/SEIS.

First of all, we are pleased that the COE is actively seeking a real estate agreement with the Florida Department of Transportation (FDOT) on the potential maintenance of the Tamiami Trail in lieu of raising the entire road profile. Furthermore, we believe it is important that an agreement be formalized before the release of the Final GRR/SEIS, and that the appropriate changes be incorporated into the description of the preferred alternative for public review. FWC-1

We are also encouraged that the COE has concurred with us on the placement of the 3,000-foot bridge immediately east of the Blue Shanty Canal. However, the location appears much less certain in many sections of the document. Its location is variously listed as occurring somewhere between the Blue Shanty Canal and Coopertown, to a site one mile east of the S-333 structure. These discrepancies should be rectified before the release of the Final GRR/SEIS. Furthermore, we believe that the installation of a wildlife shelf on the western bridge abutment should be investigated further since such a feature may help reduce road mortality of the threatened Everglades mink. The proposed 10 to 15-foot width of the shelf could be reduced in size to accommodate only the mink and other small mammals, and incorporated into the design plans of the bridge structure to lessen costs, if needed. FWC-2

Concerning the COE's response to our request that annual surveys be conducted for state or federally protected bird species, there was a general failure in the restating of our recommendation in that those species with protective designations other than endangered were omitted. Since the COE is currently supporting monitoring of wading bird colonies and snail kite nesting in the Water Conservation Areas, a continuation of this commitment with a slightly expanded scope could easily satisfy the bird nest monitoring part of our request. However, since the intent of this project is environmental restoration, we still recommend that a survey be supported at construction sites to determine the risk of impacts to the threatened Everglades mink. FWC-3

In response to our concerns about impacts to recreational access, the COE stated that no adverse effects on recreational access were anticipated. However, section 5.8.8 of the document states that there would be temporary impacts during the 24-month construction period under alternative 7a. Furthermore, a 3,000-foot bridge on the Blue Shanty Canal alignment would likely eliminate fishing access to at least one culvert being replaced by the bridge, and at least a 3,000-foot length of the south bank of the L-29 Canal. A bridge alignment west of the Airboat Association would displace two culvert outfalls and a similar length of access along the L-29 Canal. Since one of the planning objectives was to minimize impacts to recreation facilities, the metrics developed for measuring impacts (page 79) should be dutifully employed. FWC-4

In conclusion, we support the preliminarily preferred alternative (7a) with the understanding that 1) a real estate agreement between the COE and FDOT will be formalized and included in the Final GRR/SEIS to avoid costly retrofitting during implementation of the

Comprehensive Everglades Restoration Plan, 2) the specific location of the 3,000-foot bridge is rectified within the document, and 3) all potential recreational access impacts are fully addressed.

Sincerely,

Bradley J. Hartman, Director
Office of Environmental Services

BJH/DTT
ENV 2-16/4
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Enclosure
cc: Colonel James G. May, COE, Jacksonville
Environmental Branch, COE, Jacksonville
Mr. Jay Slack, USFWS, Vero Beach
Superintendent Maureen Finnerty, ENP, Homestead

Specific Comments on the GRR/SEIS Text

The pages referred to in this attachment are those in the draft GRR/SEIS document dated November 2001. Comments are presented in the order in which they occur in the text.

p. ES-1, last paragraph: The real estate interests describe a 3000-foot conveyance channel/easement to be located between the Blue Shanty Canal and Coopertown. The siting of this easement should be more narrowly defined as between the Blue Shanty Canal and the Airboat Association of Florida. FWC-5

p. ES-3, 3rd paragraph: Will the existing Tamiami Trail embankment profile between the Blue Shanty Canal and Coopertown still need to be modified if a road maintenance real estate agreement is formulated between the COE and FDOT? A better explanation should be provided as to why the modifications are being proposed for only this specific portion of the roadway. FWC-6

p. 7, section 1.3.2, 1st line: It is stated that the limits of the project "extend approximately 10.7 miles to the west to Water Control Structure S-334." The S-334 should be replaced with S-333. FWC-7

p. 32, section 2.5.3: It would be more appropriate to state that the FWC manages WCA-3B as a wildlife management area called the Francis S. Taylor Wildlife Management Area. The area is managed primarily to maintain the inherent ecological values unique to the Everglades while also allowing compatible public recreational uses. Although the area may be dominated by sawgrass, reference should be made to the generally unimpacted tree island communities that, although rare, are extremely important habitats for a wide array of both terrestrial and semi-aquatic species of Everglades wildlife. In addition to snail kites, WCA-3B also provides foraging habitat for federally endangered wood storks as well as for snowy egrets, tricolored herons, little blue herons, white ibis, and limpkins (all listed by the FWC as species of special concern). FWC-8 FWC-9

p. 41, section 2.5.5, last sentence: Copies of the USFWS and FWC CARs are not included in appendices A and B as stated here, but rather are located in appendices I and J, respectively. FWC-10

p. 67, section 5.3.3, 3rd paragraph: It is incorrectly stated that the Reasonable and Prudent Alternative of the FWS Final Biological Opinion on the Cape Sable Seaside Sparrow requires that water discharges be passed *through WCA-3B* and into Northeast Shark River Slough (NESRS). Rather, the Opinion only requires that the set percentage (60% beginning in March 2002) of regulatory water discharges enter into NESRS east of the L-67 Extension levee. This can easily be accomplished by releasing water from WCA-3A via the S-333 structure into the L-29 Canal, and then passing the flows through the Tamiami Trail culverts into NESRS, in conjunction with the use of the South Dade Conveyance System and its associated structures. FWC-11

p. 75, section 5.4, 1st line: As described in our preliminary CAR, the L-29 Canal also serves as a recreatoinal fishery which is likely to improve upon the completion of the Mod Waters project. FWC-12

p. 202-204, section 5.11: This is a new section in which the COE performed an incremental analysis to determine the optimal bridge opening needed to pass the required flows and achieve

an acceptable water distribution south of the Tamiami Trail. The graphics portrayed on these pages are difficult for the reader to interpret since the contour scales vary between the illustrations and the colors used for the legend are difficult to differentiate. Additional clarification of how alternative 7 better meets the flow requirements would also be helpful. FWC-13

Appendix I: The COE's responses to our draft CAR would probably be easier for the reader to locate if they were moved from the beginning of the USFWS CAR in appendix I to the beginning of our own CAR in appendix J. FWC-14

September 14, 2001

Colonel James G. May
District Engineer
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Re: General Reevaluation Report/ Supplemental Environmental Impact Statement (GRR/SEIS) for the Tamiami Trail, Modified Water Deliveries to Everglades National Park, Miami-Dade County

Dear Colonel May:

The Office of Environmental Services of the Florida Fish and Wildlife Conservation Commission (FWC) has reviewed the revised preliminary draft GRR/SEIS for the Tamiami Trail Project of Modified Water Deliveries to Everglades National Park ("Mod Waters"), dated June 2001. This project is one of four components that have arisen from the original 1992 Modified Water Deliveries General Design Memorandum. The other highly interrelated components include flood protection of the 8.5-square-mile area residential development along the eastern side of Northeast Shark River Slough (NESRS); conveyance of water between Water Conservation Area (WCA)-3A, WCA-3B, and NESRS; and an overall operational plan for the newly constructed water control structures. Our comments and concerns on the Tamiami Trail Project component are included in the following preliminary Coordination Act Report (CAR) which is being submitted under the authority of the Fish and Wildlife Coordination Act of 1958.

Description of Alternatives

This GRR/SEIS is being developed because new information acquired since the project was approved in 1992 indicates that the original design would be insufficient to pass the volume of water that would need to be conveyed under the Tamiami Trail via Mod Waters. In addition to the six basic alternatives (nine, if water quality treatment options are considered separately) previously addressed in our Planning Aid Letter (PAL), dated February 23, 2001, two completely new alternatives (seven and eight) have been developed, a modification of Alternative 5 (5C) has

been added, and Alternative 6 has now been formally accepted. Also, a new bridge alternative, "Alternative 9 ", with a 2.7-mile span length, intermediate between that of Alternatives 6 and 7, is being floated by the Department of the Interior as a possible compromise. Since we have recently been informed by your staff that any alternatives with bridge expanses much longer than what is deemed necessary to convey Mod Water flows are considered to be outside of your authority for this project, we have opted not to discuss the tentative "9a" and "9b" alternative options any further. For a short description of these 18 alternatives and their associated options, please refer to Table 1. Our three major areas of concern with regard to the potential impacts of this project remain as follows: (1) impacts to existing recreational facilities and access points of the Francis S. Taylor Wildlife Management Area (WCA-3B), (2) impacts to fish and wildlife resources, and (3) potential loss of Everglades marsh.

Impacts to Existing Recreational Facilities and Access Points

Those concerns that were previously addressed pertaining to potential impacts to FWC recreational facilities and access points under Alternatives 1 through 5 remain (please refer to our previous PAL [attached] dated February 23, 2001), and also apply to the three new alternatives (Alternatives 6, 7, and 8) added in this document. Since that letter, we have learned of an additional boat ramp, and also now provide supplementary information on the identification numbers of FWC boat ramps within or adjacent to the project area. We know of three boat ramps in the project area that provide access to the marsh of Francis S. Taylor Wildlife Management Area (FSTWMA). The westernmost ramp (#135) is located immediately east of the S-333 structure on the L-29 Levee and has unimproved parking capable of accommodating about ten vehicles. A popular marsh access ramp of unknown ownership is located on the L-29 Levee at Recreation Site No. 1, immediately south of the S-334 structure, and has unimproved parking. A third concrete boat ramp of unknown origin, previously unidentified, is located in a swale on the L-29 Levee opposite the Airboat Association of Florida. Of the three FWC maintained boat ramps that provide access to the canal system within the project area, two are located at Recreation Site No. 4. One of these (#96), immediately north of the S-333 structure, provides access to the popular L-67A canal, while the other boat ramp (#161), at the juncture of the L-67A and L-67C levees, provides access both to the L-67C canal and to the marsh in the "pocket" of WCA-3B. The remaining boat ramp (#153), located at Recreation Site No.2, is the sole access point for the eastern 11-mile stretch of the L-29 Canal.

A cursory look at the recreational fishing pressure along much of the 11- mile stretch of the L-29 Canal that is being examined under this project suggests that use may be relatively low, except near the S-334 and S-333 structures (FWC, unpublished data). However, changes that are soon anticipated to occur with implementation of the conveyance features of the Mod Waters Project, as well as certain features of the Comprehensive Everglades Restoration Plan (CERP), are likely to improve hydrological connections between the L-29 Canal and the marsh interface,

as well as prolong adjacent marsh hydroperiods both to the north and to the south of the L-29 Canal. Consequently, such predicted hydrological changes combined with the addition of new water management structures (bridges, culverts, weirs, etc) are likely to lead to an increase in local sport fish populations, followed by an increase in recreational fishing demand and concomitant changes in angler distribution patterns along this eastern stretch of the Tamiami Trail. It should be noted that prior to the construction of the L-67 and L-29 levees, this section of the Tamiami Canal (precursor to the L-29 Canal) was one of the premiere fishing areas in the Everglades. Creel surveys conducted during a study in 1960 (Game and Fresh Water Fish Commission [GFC], unpublished report) revealed that the first four miles of the Tamiami Canal west of the L-30 canal received an exceptional amount of use, and that the 11-mile stretch west of the L-30 canal received considerably more fishing pressure than the 9 miles of the Tamiami Canal west of the present-day L-67 Canal. The imminent decline of this great fishery, effected through a separation of the Tamiami Canal from the marsh with the completion of the L-29 Levee, was predicted in the aforementioned GFC report.

Besides recreational access for sport fishing purposes, the airboat ramps provide access to the natural resources of the Everglades marsh contained within the Francis S. Taylor Wildlife Management Area. Recreational frogging, airboating, and seasonal hunting are the primary activities pursued here. Recreational use of these access points may be relatively high during short hunting seasons, particularly when game population levels allow a liberal harvest. For instance, there were 140 airboat permits issued for an approximately 3-week deer season in the FSTWMA in 1984, and 156 permits issued the following year. Although deer population levels in WCA-3B are anticipated to decline under the projected deeper water regime that will occur with the implementation of Mod Waters and CERP, overall recreational use of the area for frogging, general airboating, duck hunting, and fishing is expected to increase. The potential impacts associated with each group of alternatives are listed as follows.

Alternatives 2a, 2b to 2b6, 4a, and 4b to 4b6. This document describes creative water quality treatment options b1 to b3 of Alternatives 2 and 4 as encroaching into the L-29 Canal. We understand from statements made by your staff that it will be necessary to maintain the water supply conveyance capacity of the L-29 Canal for some undefined period of time, which would necessitate maintaining deeper water conditions in this section of the canal. Nevertheless, the above-mentioned water quality treatment options would encroach into the south portion of the L-29 Canal and require widening of the canal to the north. This option would essentially eliminate any existing littoral zone on the south bank of the canal and would result in the loss of boat ramp #153 and impact Recreation Site No. 2 located on the north bank of the L-29 Canal. In the event that a boat ramp is impacted, the Army Corps of Engineers (COE) would be responsible for building a replacement ramp at a new location to be selected by the FWC.

Alternatives 8a and 8b. Alternative 8a should not impact existing recreation access sites, and could provide new fishing opportunities at the 24 additional box culverts, particularly if the culvert outfalls are scalloped out to improve the passage of water into northeast Shark River Slough. Alternative 8b would require filling the existing culverts, and could result in a loss of fishing opportunities unless the 40 new box culverts are constructed in a way that creates shallow collection basins at the outfalls.

Impacts to Fish and Wildlife Resources

Of particular concern are the impacts that an alternative could have on state-listed species of wildlife or important habitat components. There are three historic wading bird rookeries containing species listed by the state as endangered or species of special concern, recent records of endangered snail kite nests in southern WCA-3B, a number of records of the threatened Everglades mink along the highway corridor, and a single documented occurrence of the endangered West Indian manatee in the L-29 Canal. In addition, other listed species such as the limpkin and roseate spoonbill (both listed as species of special concern) utilize marsh areas, and the least tern (threatened) forages in canal habitats that could be impacted under certain alternatives. The potential impacts that could occur are listed by alternative groups as follows.

Alternatives 1 and 2a. The temporary road for detouring traffic while proposed bridge #3 is under construction would encroach into the pond apple forest at the Tamiami West wading bird colony, on the south side of the Tamiami Trail, that provides nesting substrate for white ibis, tricolored herons, little blue herons, snowy egrets, and wood storks. Consequently, a portion of this forested area would be eliminated as a nesting substrate for an unknown number of years. Any heavy construction activity that would be expected to occur within 600 meters of a known rookery location, including construction of the temporary road, should be conducted outside of the wading bird nesting season, which normally extends from early February to the onset of the rainy season.

Alternative 2b. This alternative encroaches to a greater extent (average of 51 feet) into the marsh south of the existing Tamiami Trail, with incursions of 5 to 6 additional feet at bridge approaches. Consequently, this alternative would have a greater permanent impact on the Tamiami East and Tamiami West wading bird colonies due to a greater permanent loss of nesting substrate as well as a decrease in the amount of buffer capacity available. The Everglades mink has been documented to use both natural and artificial upland areas for denning purposes; therefore, this alternative could potentially impact mink denning areas that may occur in either native upland areas or at the artificially created upland areas

where the airboat concession and radio tower sites are located. Option 2b1, which shifts the alignment to the north, is only a slight improvement over Alternative 2b.

The 2b creative water quality treatment options of 2b2 to 2b6 (Table 1) result in much more modest incursions into the two Tamiami wading bird colonies; however options 2b2 and 2b3 would eliminate littoral zone elements on the south shore of the L-29 Canal, eliminate reptile oviposition and basking sites on the south shore of the canal, and could result in the entrapment of terrestrial animals attempting to cross the canal.

Alternatives 3a and 3b. Both of these alternatives and the various 3b options presented would result in the loss of a significant amount of high quality wildlife habitat. The woody vegetation supporting the Frog City wading bird colony, which has been documented to contain nesting tricolored and little blue herons (both species of special concern), would be either eliminated or severely impacted by the road alignment, which would encroach further into the marsh at this point in order to avoid the Tigertail Camp. This northerly diversion of the road around the Tigertail Camp would also impact a high quality tree island (WRAP score of 0.83) that may also have a special cultural value to the Tigertail family. The relocation of a high speed highway to the north of the L-29 Levee would result in much greater wildlife mortality during high water episodes in WCA-3B than presently occurs. There could be dens of the Everglades mink in the L-29 Levee or on adjacent tree islands that are impacted, as well.

Alternatives 4a and 4b. Both of these alternatives would produce significant incursions into the Tamiami West and Tamiami East wading bird rookeries, as well as eliminate important swamp forest habitat along the remainder of the corridor. Although options 4b1-4b6 would reduce the amount of encroachment from Alternative 4b, they are only slightly better than Alternative 2b. The Everglades mink has been documented to use some of the man-made upland sites along this alignment for denning purposes, and could potentially be impacted by construction activity.

Alternatives 5a, 5b, and 5c. These alternatives are believed to be the most beneficial to wildlife, with little known impacts. These alternatives would leave important rookery vegetation intact on both sides of the Tamiami Trail and reduce potential impacts to mink denning areas. Road-related mortality of the Everglades mink, with at least 14 documented occurrences, would essentially be eliminated. However, the leaving in place of renovated sections of the old roadbed under Alternatives 5a and 5b could possibly provide suitable habitat for Everglades mink and oviposition sites for alligators and other egg-laying reptiles, as well as provide safe havens for terrestrial wildlife during high water periods.

Alternatives 6a and 6b. Alternative 6a would produce impacts to the two Tamiami rookeries as described for alternatives 1 and 2a, above. Alternative 6b and its various options would result in impacts to these rookeries and to the L-29 Canal identical to those described under Alternative 2b, above. Road-related mortality of the Everglades mink and other wildlife would be eliminated at the four-mile bridge, and mink survival could be further enhanced by providing elevated wildlife crossing shelves under the east and west ends of the extended bridge. Mink denning areas could also be protected by avoiding the need to encroach upon the upland sites south of the existing road. Mink habitat could actually be improved by planting the abandoned upland sites south of the Trail with shrubs and trees so as to resemble native Everglades tree island communities.

Alternatives 7a and 7b. Alternative 7a would have negligible permanent impacts on the two Tamiami rookeries, but Alternative 7b would result in impacts as described above for Alternative 2b. However, we believe that greater ecological and wildlife benefits may be derived from these alternatives by a shift of the 3,000-foot bridge to the east of the Blue Shanty Canal. This would result in water discharges onto a land surface with a slightly lower average ground elevation and would be more centrally located in present day northeastern Shark River Slough. This location may likewise facilitate the safe passage of wildlife, especially if the bridge were equipped with a wildlife shelf.

Alternatives 8a and 8b. Alternative 8a would likewise have little effect on the two Tamiami rookeries, as long as new box culverts are not constructed at the rookery locations. Alternative 8b would produce impacts similar to those described for Alternative 2b. The additional box culverts under these alternatives, if placed at strategic locations, could improve the passage of aquatic and semiaquatic fauna across the roadway, especially if animal barriers were erected to deflect animals to the culvert crossings.

Potential loss of Everglades marsh and connectivity effects

In order to ascertain the potential impacts that each alternative iteration would pose to the functionality of wetlands, a multi-agency team was assembled to apply the Wetland Rapid Assessment Procedure (WRAP) to the various wetland plant communities in the Tamiami Trail corridor. The results of this assessment found that the functional value of wetland communities immediately north of the L-29 Levee in WCA-3B were of somewhat higher quality (average score of 0.74) than similar wetlands situated immediately south of the Tamiami Trail in the Everglades Expansion Area of Everglades National Park (average score of 0.62).

Alternatives 1, 2a, 2b to 2b6, 4a, and 4b to 4b6. The nine water quality treatment options of 4b through 4b6, 2b, and 2b1 were predicted to result in the loss of from 34

(2b1) to 64 (4b) wetland functional units in the Everglades Expansion Area, whereas Alternative 4a (without water quality treatment) was little better, with a predicted loss of 40 wetland functional units (Table 1). By comparison, Alternative 2a, using the existing highway alignment and four new bridges, resulted in a relatively low loss of wetland function (10 units) at a substantially lower cost than the 2b2 to 2b6 water quality treatment options. Each of these alternatives physically connect the L-29 Canal to the marsh in Everglades National Park for only 2.5% of the entire project corridor length (i.e., create a 2.5% marsh-canal interface) by means of the four new bridges; however, creative water quality treatment options b1 to b3 of Alternatives 2, 4, and 6 would encroach into the L-29 Canal.

Alternatives 3a and 3b. The seven water quality treatment options of 3b through 3b6 presented for Alternative 3 were predicted to result in the loss of from 15 to 30 wetland functional units in WCA-3B, whereas Alternative 3a (without water quality treatment) was predicted to result in the loss of 19 functional units (Table 1). Although north-south connectivity for these alternatives is stated to be 10%, the primary purposes of the eight bridges that supposedly create this connectivity are to cross the L-29 Canal, and to span the two S-355 and three weir water conveyance structures on the L-29 Levee. Connectivity between the L-29 Canal and wetlands to the south would be no greater in Alternative 3 than under Alternatives 2 or 4, since no additional breaching of the Tamiami Trail is included under this alternative.

Alternatives 5a, 5b, and 5c. This suite of alternatives performs the best in that there is actually a net gain in functional units of wetlands (from 29 units in 5b to 45 units in 5c) compared to the base condition. Connectivity under Alternatives 5a (98%) and 5c (nearly 100%) are excellent, but if in situ water quality treatment is required (5b), connectivity would decrease markedly to 75% due to the need to leave sections of the old highway bed in place for dry retention. From a purely ecological perspective, without regard to cost or authority, Alternative 5 appears to exhibit the best overall performance.

Alternatives 6a and 6b. Alternative 6a would result in the loss of only 6.6 wetland functional units (< 10 acres) whereas Alternative 6b would result in significantly greater losses (22.8 functional units) due to the broad footprint necessary for water quality treatment. Alternative 6a is also estimated to result in about a 36% opening of the entire 10.7-mile length of the Tamiami Trail corridor, providing for a significant improvement in aquatic connectivity. Alternative 6b would provide a reduced level of connectivity (27%) due to the necessity to leave portions of the old Tamiami Trail for water quality treatment.

Alternatives 7a and 7b. Alternative 7a would result in a minimal loss of only 3.4 functional units (5 acres) of marsh. In contrast, the acreage demand for standard water

quality treatment along 10 miles of roadway in Alternative 7b would result in wetland losses approaching 50 functional units (72 acres). Both of these alternatives would result in a 5% increase in the connectivity of the L-29 Canal to Everglades marshes in the south near the western end of the project area. The ground elevation of the Everglades marsh at the western end of the project area appears to be slightly higher than at other locations to the east. If this is actually the case, the aquatic connectivity between the L-29 Canal and the marshes south of the Tamiami Trail would be severed sooner during low water conditions than would occur if such an opening were situated at a point east of the Blue Shanty Canal. Aquatic connectivity may even be reduced beyond current levels during periods of low water if Alternative 7b were selected, since the existing culverts would be filled in.

Alternatives 8a and 8b. Alternative 8a would likewise produce a minimal loss of only 3.5 wetland functional units, resembling Alternative 7a. However, wetland losses under Alternative 8b would be considerably greater (46.6 functional units). These alternatives rely on additional box culverts to convey Mod Waters flows, and would increase connectivity between the L-29 Canal and the marsh south of the roadway by a mere 0.4%. These alternatives are not compatible with the CERP concept of removing the Tamiami Trail as an impediment to flow by elevating portions of the roadway.

Features for reducing road-related wildlife mortality

In an effort to obtain some data that could be used for evaluating the need for highway features that could be employed to reduce road-related wildlife mortality, and that could be used as an aid in determining the placement of such features along the project corridor, biologists from the FWC, the U.S. Fish and Wildlife Service, and the COE conducted a survey of wildlife mortality along five miles of the Tamiami Trail corridor. Remains representing 411 individual animals were found during a walking survey of 3 miles of the Tamiami Trail on December 19-20, 2000 (Tables 2, 3, and 4) and of 2 miles on April 18, 2001 (Tables 5 and 6). During these single visit surveys, an average of 82 wildlife deaths were recorded per mile. If this same level of mortality is extrapolated for the entire 10.7 mile road corridor, the number of road-kill casualties observable on a given day would equal 880 individuals. However, since 60% of the survey length was surveyed during the coldest part of the year when reptile activity is at its lowest point, and since many carcasses are quickly scavenged from the road before they can be counted, we believe that the actual mortality would likely be several times greater than this. For example, during December, an average of 2 dead snakes and 1 alligator were documented per mile of highway; these numbers increased dramatically, following a marsh dry-down in April, to an average of 22 dead snakes and 7 alligators per mile. An Arizona study (Kline and Swann 1998) attempting to quantify wildlife road mortality found that only 24% of road-killed animals recorded during all-night surveys were discovered on surveys the following day. Likewise, a

daily walking survey of a section of central Florida secondary highway found that most road-killed snakes were present for only a day or two, with few remains detectable for as long as two weeks (Kristin Wood, pers com.). During our study, aquatic turtles were the most commonly encountered taxa group, accounting for 66% of the total recorded mortality, followed by snakes (13%), birds (10%), mammals (5.5%), alligators (4.5%), and frogs (1%). A total of 21 species were identifiable from the remains, including 4 turtles, 7 snakes, the alligator, 4 birds, and 5 mammals. Due to the tendency for turtle shell fragments to persist for long periods of time along the road, their prevalence may have actually been less than suggested in our surveys. Aquatic or semiaquatic reptiles dominated the survey with only one terrestrial snake (*Elape guttata*) detected. Of the mammals found, only the river otter and the marsh rat were semiaquatic. The other road-killed mammals, requiring an upland habitat component, included the racoon, the opossum, and the armadillo.

The construction of animal barriers along the Tamiami Trail corridor in between the bridges or culverts on both sides of the road could aid in reducing road-related wildlife mortality. Perhaps a barrier based on the design currently being used at Payne's Prairie State Preserve south of Gainesville, Florida would serve well here also. The review of an unpublished evaluation by Dick Franz (1996) on the effectiveness of different barrier heights ranging from one to four feet suggests that a 2-foot barrier would be sufficient for deterring all turtles, all small snakes and most large-bodied aquatic snakes, all ranid frogs, most alligators, and all rabbits. The addition of a six-inch overhang would further increase the effectiveness of this barrier. It would be difficult to exclude arboreal animals such as racoons, opossums, treefrogs, and rat snakes, and potentially large alligators, even with the 4-foot barrier design. Furthermore, the 4-foot barriers would be a difficult obstacle for bank fishermen to traverse, especially if an over-hanging lip is present. The scenic vistas of the Everglades from the highway would likewise be greatly reduced by a 4-foot barrier. For these reasons, and the high cost ($124.24/ linear foot) associated with constructing the higher concrete barriers, we recommend that a 2-foot barrier height be considered in project design. Further cost reductions could be achieved by using alternate barrier materials such as a low field fence with aluminum flashing at the base.

Since most mammal mortality was documented in the first and last mile of the project corridor (Tables 3 and 4), we believe that the use of wildlife underpasses and diversion fences to connect the L-30 to the L-31 Levee and the L-67A to the L-67 Extension Levee would help alleviate much of the mammalian mortality. A wildlife crossing at the L-30 Levee would be of most value since no crossing of the L-29 Canal currently exists here, and because the L-30 and L-31 levees must remain in place for flood protection. Neither would this location impede boat use of the L-29 Canal. A successful and economical design used on State Road 29 by the Florida Department of Transportation consists of a 50-foot concrete slab bridge placed in the highway alignment, providing a 24-foot-wide passageway with a clearance height of 8 feet. The diversion fences for channeling animals to the crossings should be of a small mesh design and extend for one-half mile on each side of the underpass. The only other section of road surveyed that

exhibited a trend of greater mammal mortality and where the greatest number of historic Everglades mink road-kills have been documented was the 1-mile section centered at the Blue Shanty Canal (Table 5). Consequently, if the western end of the bridge expanse were relocated to the vicinity of the Blue Shanty Canal, the installation of a bridge shelf there could create a safe passage corridor for mammals and other wildlife that utilize this tree-lined agricultural canal that traverses the Tamiami Trail. A shelf width of 10 to 15 feet placed at an elevation slightly above the mean high water line would accommodate the larger animals as well as the small.

Furthermore, an improved highway design will most likely lead to faster driving speeds by motorists, which may necessitate strict enforcement of posted speed limits and stiff fines to insure that wildlife mortality does not increase.

Concerns and Recommendations

Given the stated authority limitations of the COE and the financial limitations of Everglades National Park to implement alternatives such as Alternative 5 or 6 for the Tamiami Trail portion of the Mod Waters project, Alternative 7a, or a derivative thereof, would appear to be the most reasonable interim alternative to implement prior to the approval of a more permanent solution under CERP. Although implementation of Alternative 7a will not entirely remedy all of the predrainage flow characteristics that existed prior to construction of the Tamiami Trail, it is anticipated to be capable of handling a shift in the bulk of Shark River flow volumes that will be channeled from the west side of the L-67 Levee to the east and into northeastern Shark River Slough.

Lacking in-house hydrological expertise, we must rely on the COE's modeling results, which indicate that a design high water level of 9.3 feet is sufficient for protecting the integrity of the Tamiami Trail road base, as the basis for our support of Alternative 7a. We note that the approved CERP conceptual plan, Alternative D-13R, as designed, is not expected to return the Everglades entirely to its historical flow regimes. The CERP plan may, in fact, need to be improved upon in order to reduce unnaturally high water levels and inundation periods that have been predicted under Alternative D-13R for WCA-3B. However, should any re-evaluation by the COE suggest that the design high water level of 9.3 feet would not be adequate to efficiently move flood water out of WCA-3B, then we would favor the adoption of a higher criterion to lessen the likelihood of deleterious flooding impacts upon the wildlife and vegetative communities of WCA-3B.

In summary, we offer the following recommendations concerning the alternatives under consideration, including possible improvements to Alternative 7a, the preliminary preferred alternative.

1. We support the idea of selecting an alternative that would be as compatible as possible with the upcoming CERP Decompartmentalization Project, and recommend that a real estate agreement between the COE and the Florida Department of Transportation for the Tamiami Trail be pursued in lieu of raising the profile of the roadway.

2. We understand that water quality treatment will probably not be required at this time since the impervious surface of the highway is not expected to significantly increase. Due to the potential for significant losses of high quality wetlands, impacts to important wildlife habitats, impacts to bank fishing, and possible incompatibility with CERP that would occur by including water quality treatment, we support the implementation of a water quality monitoring plan to ascertain whether treatment would be desirable in the future.

3. We are concerned about the potential reduction in public recreational access to the FSTWMA and fishing sites along the Tamiami Trail that could occur under Alternatives 3a, 3b, and the water quality treatment options b1 to b3 of Alternatives 2, 4, and 6, since such access is anticipated to decline as a result of restoration activities associated with both the Conveyance and Seepage component of Mod Waters and with the Decompartmentalization of WCA-3A Project of CERP. We are pleased to see at this time that, apart from a temporary lack of access to the south bank of the L-29 Canal during construction, Alternative 7a is expected to have minimal impacts on recreational use. However, special attention will need to be given to the siting of construction staging areas so that access is not blocked to the three boat ramps and parking facilities associated with the popular Recreation Site No. 4, the boat ramp and parking facility at Recreation Site No. 1, or to the boat ramp facility located west of the S-12D structure.

4. Of the viable alternatives being considered for this project, Alternative 7a would appear to have the least amount of impact on fish and wildlife resources. However, we believe that greater ecological and wildlife benefits may be derived from this alternative by a shift of the bridge from the proposed site one mile east of the L-67 Levee to a location east of the Blue Shanty Canal. If feasible, the placement of the western end of the bridge span, equipped with a wildlife crossing shelf beneath it, at a location immediately east of the Everglades Safari Airboat concession could aid in the reduction of wildlife mortality, particularly of the threatened Everglades mink.

5. Since wading bird and snail kite nesting patterns, as well as Everglades mink territories may vary with the prevailing hydrological conditions, surveys should be conducted on an annual basis by qualified biologists to determine whether any

nesting efforts of state and federally protected bird species, or mink dens, would potentially be affected, prior to the commencement of construction activities.

6. Alternatives 2b, 3a, 3b, 4a, 4b, 6b, 7b, and 8b produce an unacceptable amount of wetland functional loss, result in permanent impacts to wading bird rookeries, and have the potential to impact the threatened Everglades mink population; therefore, we recommend that they be removed from further consideration as ecologically viable alternatives.

7. Results from our preliminary wildlife mortality surveys and historical information suggest that there is a need for a more detailed wildlife mortality study on this portion of the Tamiami Trail prior to the completion of the Decompartmentalization Phase I project design plans.

8. Any reduction in recreational access or use of the Francis S. Taylor Wildlife Management Area that occurs in connection with this project would need to be compensated for on terms amenable to the FWC. We urge that the COE devise a program whereby the development of the recreational potential, adequate to meet anticipated public-use requirements, is more fully incorporated into project plans.

Sincerely,

Brian Barnett, for

Bradley J. Hartman, Director
Office of Environmental Services

BHH/DTT
ENV 2-16/4
a:\TamTrail_FinPrelimCAR_Sep01.rep.wpd

cc: Mr. Jay Slack, FWS, Vero Beach
Ms. Maureen Finnerty, END, Homestead
Ms. Doris Marlin, COE, Jacksonville
Dr. Hanley "Bo" Smith, COE, Jacksonville
Mr. Mark Robson, FWC, South Region

Literature Cited

Florida Game and Fresh Water Fish Commission. 1960. Recommended Program for Conservation Area 3. Vero Beach, Florida.

Kline, N.C. and D.E. Swann. 1998. Quantifying Wildlife Road Mortality in Saguaro National Park *in* Proceedings of the International Conference on Wildlife Ecology and Transportation FL-ER-69-98, Florida Department of Transportation, Tallahassee, Florida. 263 pp.

Table 1. Description of Alternatives being considered for the Tamiami Trail Project and their effects on wetland extent and function as determined by the Wetland Rapid Assessment Procedure.

Alternative	Description	Acres Lost	Functional Units Lost- / Gained+
1	Existing alignment and profile with 4 new bridges without water quality treatment	-1.6	-2.9
2a	Existing alignment with raised profile and 4 new bridges without water quality treatment	-11.8	-10.1
2b	Existing alignment with raised profile, 4 new bridges, with standard dry detention water quality treatment	-86.0	-37.5
2b Options	"Creative" water quality treatment options		
2b 1	Shift alignment to north and compress swale with wall elements/south side	-44.6	-33.6
2b 2	Shift alignment to north and compress swale with wall elements/north side	-8.0	-8.4
2b 3	Shift typical section north encroaching approximately 50 ft. into L-29 Canal	-8.0	-8.4
2b 4	Grass strips	-8.0	-8.4
2b 5	Exfiltration trenches with curb and gutter	-8.0	-8.4
2b 6	Exfiltration trenches with shoulder gutter	-7.9	-8.3
3a	New north alignment in WCA-3B with raised profile and 8 new bridges without water quality treatment	-14.3	-18.8
3b	New north alignment in WCA-3B with raised profile, 8 new bridges, and standard dry detention water quality treatment	-28.9	-30.2
3b Options	"Creative" water quality treatment options		
3b 1	Modified 2b 1 Option	-22.8	-25.4
3b 2	Modified 2b 2 Option	-10.6	-16.0
3b 3	Modified 2b 3 Option	-13.5	-18.2
3b 4	Grass strips	-9.6	-15.2
3b 5	Same as 2b 5	-10.3	-15.8
3b 6	Same as 2b 6	-10.4	-15.9

Alternative	Description	Acres Lost	Functional Units Lost (-) / Gained
4a	New south alignment with raised profile and 4 new bridges without water quality treatment	-68.4	-40.4
4b	New south alignment with raised profile, 4 new bridges, and standard dry detention water quality treatment	-103.9	-64.4
4b Options	"Creative" water quality treatment options		
4b 1	Modified 2b 1 Option	-62.6	-36.5
4b 3	Modified 2b 3 Option	-62.5	-36.5
4b 4	Grass strips	-61.3	-35.6
4b 5	Same as 2b 5	-62.6	-36.5
4b 6	Same as 2b 6	-62.5	-36.5
5a	Elevated roadway within existing right-of-way without water quality treatment	57.3	39.3
5b	Elevated roadway within existing right-of-way with water quality treatment	43.0	29.5
5c	Elevated roadway within existing right-of-way, without water quality treatment, with degradation of the existing highway embankment	65.9	45.3
6a	Existing alignment with raised profile, 4-mile bridge and 8 new box culverts without water quality treatment	-9.6	-6.6
6b	Same as alternative 6a with standard dry detention water quality treatment	-33.3	-22.8
6b Options	"Creative" water quality treatment options		
6b 1	Same as Option 2b 1 applied to remaining roadway	-30.4	-20.9
6b 2-6b 5	Same as Option 2b 2 - 2b 5 applied to remaining roadway	-4.8	-3.3

Alternative	Description	Acres Lost	Functional Units Lost- / Gained+
7a	Existing alignment with raised profile and 3000-foot bridge without water quality treatment	-5.0	-3.4
7b	Existing alignment with raised profile and 3000-foot bridge with standard dry detention water quality treatment	-72.4	-49.5
7b Options	"Creative" water quality treatment options		
7b 1	Same as Option 2b 1 applied to remaining roadway	-10.4	-7.2
7b 2	Same as Option 2b 2 applied to remaining roadway	-5.0	-3.4
7b 3	Same as Option 2b3 applied to remaining roadway	-10.4	-7.2
8a	Existing alignment with raised profile and 24 additional culverts without water quality treatment	-5.1	-3.5
8b	Existing alignment with raised profile and 40 additional culverts with standard dry detention water quality treatment	-68.0	-46.6
8b Options	"Creative" water quality treatment options		
8b 1& 8b3	Same as Options 2b1& 2b 3 applied to remaining roadway	-15.9	-7.5
8b2	Same as Option 2b2 applied to remaining roadway	-5.1	-3.5
" 9a"	Existing alignment with raised profile, 2.7-mile bridge and 8 new box culverts without water quality treatment	-2.8	-1.9
"9b"	Existing alignment with raised profile, 2.7-mile bridge and 8 new box culverts with standard dry detention water quality treatment	-39.1	-33.4

Table 2. Wildlife remains identified along Tamiami Trail, one-half mile on each side of Agricultural Canal at Coopertown, located four miles west of S-334 (December 19, 2000).

NORTH SIDE OF TAMIAMI TRAIL			
Class	East ½ mile	West ½ mile	Total
Turtles	16	12	28
Snakes	1	2	3
Frogs	1	1	2
Alligators	0	0	0
Birds	0	0	0
Mammals	0	1	1
Unidentified	1	4	5
SOUTH SIDE OF TAMIAMI TRAIL			
	East ½ mile	West ½ mile	Total
Turtles	4	6	10
Snakes	0	3	3
Frogs	0	0	0
Alligators	0	1	1
Birds	4	1	5
Mammals	0	0	0
Unidentified	2	1	3

TOTAL: 61

Table 3. Wildlife remains identified along one mile of Tamiami Trail beginning at the Flight 592 Memorial adjacent to the L-67 Canals and ending ½ mile east of Osceola Camp (December 20, 2000).

NORTH SIDE OF TAMIAMI TRAIL			
Class	East ½ mile	West ½ mile	Total
Turtles	11	7	18
Snakes	0	0	0
Frogs	0	0	0
Alligators	0	0	0
Birds	3	0	3
Mammals	0	1	1
Unidentified	0	0	0

Table 3. Continued

SOUTH SIDE OF TAMIAMI TRAIL			
Class	East ½ mile	West ½ mile	Total
Turtles	5	4	9
Snakes	0	0	0
Frogs	0	0	0
Alligators	1	1	2
Birds	1	0	1
Mammals	2	4	6
Unidentified	2	2	4

TOTAL: 44

Table 4. Wildlife remains identified on December 20, 2000 along one mile of Tamiami Trail beginning at the L-30 Canal extending one mile west and ending at a bank of culverts (Begin: UTM 550299 N; 2849310 E End: 548615 N; 2849297 E).

NORTH SIDE OF TAMIAMI TRAIL			
Class	East ½ mile	West ½ mile	Total
Turtles	38	20	58
Snakes	0	0	0
Frogs	0	0	0
Alligators	0	0	0
Birds	3	0	3
Mammals	3	0	3
Unidentified	0	1	1
SOUTH SIDE OF TAMIAMI TRAIL			
	East ½ mile	West ½ mile	Total
Turtles	18	4	22
Snakes	0	0	0
Frogs	0	0	0
Alligators	1	1	2
Birds	1	2	3
Mammals	2	1	3
Snakes	1	1	2

TOTAL: 97

Table 5. Wildlife remains identified by FWC on April 18, 2001, along one mile of Tamiami Trail (between culverts #44 to #46 at the Blue Shanty Canal [culvert #45]).

NORTH SIDE OF TAMIAMI TRAIL			
Class	East ½ mile	West ½ mile	Total
Turtles	18	3	21
Snakes	1	0	1
Frogs	0	0	0
Alligators	2	2	4
Birds	0	0	0
Mammals	0	1	1
Unidentified	1	1	2
SOUTH SIDE OF TAMIAMI TRAIL			
Turtles	19	12	31
Snakes	4	2	6
Frogs	0	0	0
Alligators	2	1	3
Birds	3	3	6
Mammals	1	5	6
Unidentified	1	0	1

TOTAL: 82

Table 6. Wildlife remains identified by FWC on April 18, 2001, along one mile of Tamiami Trail (between culverts #56 to #54 at the Tamiami West woodstork colony [culvert #55]).

NORTH SIDE OF TAMIAMI TRAIL			
Class	East ½ mile	West ½ mile	Total
Turtles	16	20	36
Snakes	5	3	8
Frogs	2	1	3
Alligators	1	2	3
Birds	4	6	10
Mammals	0	0	0
Unidentified	1	1	2
SOUTH SIDE OF TAMIAMI TRAIL			
Turtles	9	15	24
Snakes	23	7	30
Frogs	0	0	0
Alligators	2	2	4
Birds	4	3	7
Mammals	0	0	0
Unidentified	0	0	0

TOTAL: 127

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Department of Environmental Protection

Jeb Bush
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

February 18, 2002

Mr. Jasmin Raffington
Florida State Clearinghouse
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: U.S. Army Corps of Engineers and South Florida Water Management District Central and Southern Florida Project, Tamiami Trail Feature Draft General Reevaluation Report Supplement to the 1992 Final Environmental Impact Statement (GRR/SEIS) on Modified Water Deliveries to Everglades National Park, Miami-Dade County

SAI: FL 200112061274C

Dear Ms. Raffington:

We have reviewed the above-referenced Clearinghouse project and offer the following comments.

The Corps has selected Alternative 7A as the "Preliminary Recommended Plan". Alternative 7A consists of improvements along the existing alignment and includes modifying the existing Tamiami Trail profile and typical section at the beginning and the end of the study corridor, and the construction of a 3,000 foot bridge to convey Modified Water Deliveries project flows. The construction of this project feature is a necessary step to restore natural flows and hydrologic conditions to Everglades National Park and in particular Northeast Shark River Slough from WCA 3B. The most notable feature lacking from the "preliminary recommended plan" is stormwater runoff treatment facilities.

The Tamiami Trail Modified Water Delivery to Everglades National Park Project (TTMWDP) offers unique challenges including determining the exact design of the preliminary recommended plan. Some contradictions exist and need clarification. In several parts of the GRR/SEIS, the location of the 3000-foot bridge is described as "*between Blue Shanty Canal and Coopertown*" which is about in the middle of the project area. However, in Section 6, Preliminary Recommended Plan, its location is listed as "*one mile from the western end of the corridor*" (Page 209). Other project features are also unclear and would benefit from clarification. FDEP-1

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Co./Dept. FWS	Co.	
Phone #	Phone #	
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A Tamiami Trail Comprehensive Everglades Restoration Project (CERP) will immediately follow this project and will address remaining environmental and other questions not covered by the TTMWDP. Because of this sequence of events, the Department has suggested that it would be prudent to design this project to ensure that the following CERP Project does not remove features funded by the TTMWDP. While the Draft GRR and EIS refers to this problem, it is unclear how it will be resolved. Project features are described as, "*the real estate interests for (1) a 3,000-foot conveyance channel/easement to be located between Blue Shanty Canal and Coopertown, (2) the perpetual right for conveyance through the existing structures (57 culverts) along Tamiami Trail, and (3) a flowage easement throughout the remaining segment of Tamiami Trail between S-333 and S-334*" (Page ES-1). FDFP-2

Physical modifications to Tamiami Trail are described as "substitute facilities" for "the real estate interests." On Page 208, there is a statement that the compensation will be determined by appropriate Federal and State organizations that will develop and approve the details and methods of implementation. While the current preliminary recommended alternative includes improvements along the entire 10.7 mile length of the project; the final selected alternative could include only a new 3000-foot bridge and additional financial or other consideration given to the FDOT. Until this decision is made, it is impossible to determine project environmental and monetary impacts. FDFP-3

Location and direction of water flow are critical to the health and survival of the important ridge and slough landscape of the Everglades, as well as to the free movement of aquatic organisms (Fish and Wildlife Coordination Act Report, Page 56). Current information appears to indicate that sheet flow across the entire expanse of Northeast Shark River Slough is required to adequately protect and enhance the ridge and slough landscape. A major goal of the Modified Water Delivery Project, restoration of the health of Northeast Shark River Slough, could not be achieved if flow location and direction are not adequately addressed. FDFP-4

For this reason, the GRR/SEIS acknowledges that Alternative 5 (full bridging), "*is recognized as the plan that maximizes environmental outputs without regard to fiscal or other constraints. DOI in the Fish and Wildlife Coordination Act Report (CAR) designated Alternative 5 as the "Environmentally Preferred Alternative, Performs Best for Environmental Objectives without Regard to Fiscal Constraints"* (Page 198). Tamiami Trail CERP will consider among other options, the construction of a bridge or a series of bridges for the remaining part of the roadway. If adopted, such action could result in the removal of all or some of the roadway and a loss of all or part of the $16,368,973 used to raise its elevation for this project. (Tamiami Trail Engineering Appendix Addendum, Table 10). We urge that the design of this project be as compatible as possible with future roadway modifications to improve flow to Everglades National Park. FDFP-5

Water quality is critical to the health and survival of the Everglades. The report says, "because there are no known studies of the quality or quantity of runoff from the Tamiami Trail, the quality of the runoff and effects to the Everglades must be inferred. The report further concludes that "the ADT traffic volume along the Tamiami Trail, approximately 5,200 vpd is quite low"

and "based on other studies from other locations, it would be expected that the biological effects of the runoff would be minimal." Nevertheless, it must also be recognized that the existing roadway offers little treatment for stormwater runoff, and traffic on the roadway will increase over time. The proposed bridge runoff will have no treatment, and adjacent waters are classified as "Outstanding Florida Waters" and are afforded the highest protection by the Department. It should also be noted that the CERP Water Conservation Area 3 Decompartmentalization (Decomp) and Sheetflow Enhancement Project, parts 1 and 2, will likely include additional bridges to restore ridge and slough habitat and sheet flow.

Nevertheless, based on the expected minimal effects of stormwater runoff and mitigating situation regarding flow-way improvements and enhancement of wetlands from the removal of causeway fill, the Department has determined that stormwater treatment for the TTMWDP project is not required. However, this decision does not preclude any future stormwater treatment requirements in CERP projects that may be necessary to provide water quality assurances. It can be expected that the CERP WCA 3 Decomp Project even with its flow and wetland enhancement benefits will require stormwater treatment facilities to meet state water quality standards. In regards to the TTMWDP we ask that the use of scuppers be limited as much as possible and that runoff from the bridge surface be safely directed off the bridge toward the canal side of the project. An application for water quality certification should be submitted to the Department once final design and engineering is completed.

If you have questions regarding this letter, or if we may be of further assistance, please give me a call at (850) 488-4892.

Sincerely,

Ernie Barnett, Director
Office of Ecosystem Projects

cc: Melissa Meeker
Jose Calas
Herb Zebuth
Jerry Brooks
Frank Nearhoof
Frank Metzler

COUNTY: MIAMI-DADE

DATE: 12/5/01
COMMENTS DUE DATE: 1/5/02
CLEARANCE DUE DATE: 2/3/02
SAI#: FL200112061274C

M je:

STATE AGENCIES	WATER MNGMNT. DISTRICTS	OPB POLICY UNITS
AGRICULTURE COMMUNITY AFFAIRS FISH & WILDLIFE CONSERV. COMM STATE X TRANSPORTATION ENVIRONMENTAL PROTECTION		ENVIRONMENTAL POLICY/C & ED

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To Jasmin Rattington | From David Korros
Co./Dept. DCA | Co. FDOT D6
Phone # | Phone # (305) 377-5910
Fax # (850) 414-0479 | Fax # (305) 377-5684

The attached document requires a Coastal Zone Management Act/Florida al Management Program consistency evalutation and is categorized of the following:

— Federal Assistance to State or Local Government (15 CFR 930, Subpart F). Agencies are required to evaluate the consistency of the activity.

X Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are required to furnish a consistency determination for the State's concurrence or objection.

— Outer Continental Shelf Exploration, Development or Production Activities (15 CFR 930, Subpart E). Operators are required to provide a consistency certification for state concurrence/objection.

— Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such projects will only be evaluated for consistency when there is not an analogous state license or permit.

Project Description:

U.S. Army Corps of Engineers/South Florida Water Management District - Central and Southern Florida Project - Tamiami Trail Feature - Draft General Reevaluation Report/Supplement to the 1992 Final Environmental Impact Statement (GRR/SEIS) on Modified Water Deliveries to Everglades National Park - Miami-Dade County, Florida.

To: Florida State Clearinghouse
AGENCY CONTACT AND COORDINATOR (SCH)
2555 SHUMARD OAK BLVD
TALLAHASSEE, FLORIDA 32399-2100
(850) 414-6580 (SC 994-6580)
(850) 414-0479

EO. 12372/NEPA
☐ No Comment
☑ Comment Attached
☐ Not Applicable

Federal Consistency
☐ No Comment/Consistent
☐ Consistent/Comments Attached
☐ Inconsistent/Comments Attached
☐ Not Applicable

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Florida Clearinghouse

From:
Division/Bureau: FDOT D6 Planning Office
Reviewer: Marie S. Papillon
Date: 2/15/02

United States Department of the Interior

OFFICE OF THE SECRETARY

OFFICE OF ENVIRONMENTAL POLICY AND COMPLIANCE

Richard B. Russell Federal Building
75 Spring Street, S.W.
Atlanta, Georgia 30303

January 31, 2002

ER 01/1060

Mr. Jon Moulding
Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232

RE: Tamiami Trail Draft General Reevaluation Report and Supplement to the 1992 Final EIS on Modified Water Deliveries to Everglades National Park (ENP)

Dear Mr. Moulding:

The Department of the Interior (Department) has reviewed the Draft General Reevaluation Report/Supplement Environmental Impact Statement (GRR/SEIS) for the proposed structural modification of Tamiami Trail (U.S. Highway 41) to improve water deliveries to ENP and to restore natural hydrological conditions, to the extent practicable, in ENP under the provisions of the Everglades National Park Protection and Expansion Act (Act). As planning partners in this project, the Fish and Wildlife Service (FWS) and the National Park Service (NPS) prepared a Draft Fish and Wildlife Coordination Act (FWCA) Report expressing the views and recommendations of the Department, which is appended to the Draft GRR/SEIS.

Overall, we find that the conclusions reached in the Draft GRR/SEIS are consistent with the major findings and recommendations in the Draft FWCA Report. The Modified Water Deliveries (MWD) Project is currently partially funded by the Department through the NPS. The current authorized funding level for the Tamiami Trail component of the MWD Project is $20.215 million (June 2001 Capital Asset Plan, OMB Circular A-11, Exhibit 300(b), Modified Water Deliveries). The Draft GRR/SEIS acknowledges that the Department has limited project funds available for this component of the MWD Project. This fiscal constraint was factored into the screening of alternatives and the Corps' selection of the Preliminary Recommended Alternative. Other more environmentally desirable project alternatives (*i.e.,* Alternative 5 - Elevated Causeway and Alternative 6 - Four-Mile Bridge), while generating significant environmental outputs and benefits for ENP, exceed the current fiscal constraints imposed on the project. Rather than seeking additional Congressional authorization and funding for the project, the GRR/SEIS identifies a

strategy whereby the MWD features will be integrated with the Comprehensive Everglades Restoration Plan (CERP) Decompartmentalization (Part 1) plans leading to a future, more significant and comprehensive restoration of Tamiami Trail, consistent with both the MWD and CERP authorities.

We look forward to working with the Jacksonville District and other planning partners in meeting our mutual restoration goal of reconnecting the Central and Southern Everglades. The implementation of the Preliminary Recommended Plan (PRP) (Alternative 7a: 3,000-foot bridge) must eventually be augmented with further modifications to Tamiami Trail to attain the level of restoration ultimately desired by the Department and outlined in the Act.

One important aspect of the project strategy is the development of a real estate agreement with the Florida Department of Transportation. We want to stress the timeliness of developing a real estate agreement prior to release of the Final GRR/SEIS in order to facilitate project alternative disclosure and to solicit appropriate public input. A well coordinated agreement is needed to avoid the construction of potentially unnecessary features which may require future retrofitting during CERP implementation. We request that the Corps actively involve the FWS and NPS in the development of this key agreement. DOI - 1 DOI - 2

Finally, we appreciate the Corps' decision to accelerate the Project Implementation Report for the CERP Decompartmentalization (Part 1) project. The acceleration of this effort will more fully integrate the MWD and CERP projects, thus leading to a more comprehensive restoration of Tamiami Trail.

General Comments

Some concerns remain involving the planning and implementation of this project. Our general concerns are outlined below and supported by the noted specific concerns.

Corps Responses to Recommendations in the Draft Fish and Wildlife Coordination Act Report

In Appendix I, the Corps has selectively responded to our views and recommendations which were contained in Chapter 11 of the Draft FWCA Report. While the Corps responded to the recommendations found in section "I. C. Other Alternatives," there was no response to either FWCA report section I. A., "Environmentally Preferred Alternative," or section I. B., "Environmentally Acceptable Alternative." We note that in Section 5.10.3 of the GRR/SEIS on page 198, the Corps recognizes, after screening all alternatives, that the Department's Environmentally Preferred Alternative (Alternative 5) "...is recognized as the plan that maximizes environmental outputs without regard to fiscal or other constraints." As such, we request the Corps, in the Final GRR/SEIS, officially recognize and concur with our recommendations and findings offered in Sections I. A, and B. of the FWCA report. DOI - 3

Deferring MWD Tamiami Trail Recommendations to CERP Decompartmentalization (Part 1)

The GRR/SEIS states that several important activities affecting the ecological health of the project area will be investigated and/or carried out during implementation of the CERP Decompartmentalization (Part 1) project. These activities include: 1) developing an Exotic Removal Plan; 2) implementing necessary water quality features; 3) conducting an Interagency Wildlife Mortality Study; and, 4) developing a Recreational Access Plan.

The Final GRR/SEIS would be substantially improved if these issues were combined and discussed in a more formal manner. As currently written, the Draft GRR/SEIS, while deferring these issues to CERP implementation, leaves unanswered questions regarding how this integration is proposed to be accomplished. This type of discussion would also clarify for the public how these issues, several of which directly affect the public's use of the area, will be integrated into the CERP analyses. The Final GRR/SEIS should provide a thorough discussion of how the deferment of these issues will impact fish and wildlife resources and how planning for these concerns will be integrated in the CERP Decompartmentalization (Part 1) project. DOI-4

Ecological Connectivity

We believe that the GRR/SEIS overstates the significance of the ecological connectivity attributable to the PRP. DOI-5 For example, page ES-3 (fourth paragraph) states that the PRP would "...provide partial connectivity between ENP and the L-29 Canal. Improving ecological connectivity would enhance aquatic biological communities south of the existing Tamiami Trail." The PRP (a 3,000-foot bridge) would reconnect 5.4 percent of the 10.7-mile historic flowway at the headwaters of Shark River Slough. This leaves almost 95 percent of the remaining flowway in a disconnected condition. The analyses contained in the Draft FWCA Report document that Alternative 7 scored relatively low for maximizing ecological connectivity (a rank of five out of seven for linear feet of flowway reconnected, and a rank of five out of eight for reduction in highway wildlife mortality, where a rank of one most fully meets this goal).

We recommend that the benefits of ecological connectivity associated with the PRP be placed in their proper context. The Final GRR/SEIS should rely on the field investigations and findings in the Draft FWCA Report in this regard. Furthermore, we recommended that a more appropriate term such as "limited connectivity" be used to describe this alternative, and that "enhancement of aquatic biological communities" be either supported by factual analyses or stricken in the Final GRR/SEIS. DOI-6

Incremental Analysis

We did not have the benefit of reviewing the flow distribution analysis used for the Incremental Analysis prior to issuance of the Draft FWCA Report. In general, the graphics in Section 5.11 are not as helpful as they could be, primarily because the contour scales differ. For example, the

four bridge alternatives are shown with a scale from 6 to 11 feet, while the elevated causeway alternative is shown with a scale from 7.9 to 9.5 feet. We recommend these scaling discrepancies be corrected in the Final GRR/SEIS. DOI-7

Additionally, the graphics are not discussed in any detail, but only referred to briefly (*i.e.,* The graphic below depicts how Alternative __ would react and the water distribution south of Tamiami Trail.). Clearly, stage is only one way of examining water distribution down stream of Tamiami Trail. Flow velocities are equally important to the ecology of Shark River Slough, and graphics depicting these velocity distributions, by alternative, are provided in the Draft FWCA Report on page 57.

Restoration of Sheetflow

Prior to the release of the Final GRR/SEIS, we recommend that the flow distribution analysis contained in the Draft GRR/SEIS be combined with the flow velocity analysis contained in the Draft FWCA Report to generate a more complete picture of the hydrologic effects of the project alternatives. As part of this analysis, a discussion is needed regarding the relative abilities of the project alternatives to restore sheetflow to the Shark River Slough and the Park. This is an important goal of the MWD project that has not been fully evaluated to date. The Department stands ready to assist in the effort. DOI-8

Location of the PRP

We are pleased that the Corps concurs with the FWS and NPS recommendations for the siting of the 3,000-foot bridge (Appendix I, Responses to the Draft FWCA Report) beginning at the Blue Shanty Canal and extending eastward for 3,000 feet towards the Airboat Association. The primary purpose for selecting this location is based on the Florida Fish and Wildlife Commission's original recommendation to enhance wildlife connectivity by providing safe passage of wildlife under Tamiami Trail in proximity to the Blue Shanty Canal. This canal provides a north-south landscape feature which is thought to attract migrating terrestrial species along the canal's spoil banks/islands, as well as providing some benefit to aquatic species moving in the canal itself.

There does appear to be an error on page ES-3 (third paragraph), where the location is described as between the Blue Shanty Canal and Coopertown. The Coopertown concession is situated some five miles to the east of the Airboat Association. This generalized description of the proposed location of the bridging referencing Coopertown occurs throughout the document. We suggest that a more localized description consistent with project location close to the Blue Shanty canal be utilized throughout the document. DOI-9 Consistent with the findings of the Draft FWCA report, we recommend that adjustments to siting/design of the bridge be made during an interagency onsite inspection(s) prior to the Final GRR/SEIS, with the goal of locating the western terminus of the bridge as close to the Blue Shanty Canal as practicable. DOI-10

"Betterments" and Wildlife Connectivity Features

We recognize that the wildlife underpasses and land bridges identified in the Draft FWCA Report are considered by the Corps to be "betterments" which are not strictly required in order for the project to meet the basic engineering project purpose of passing 4000 cfs of water under Tamiami Trail. We also acknowledges that currently, insufficient funds to construct these wildlife features have been authorized by Congress. We do remain interested, however, in providing some type of elevated movement corridor on the western bridge abutment apron (*i.e.*, 20-feet wide) adjacent to the Blue Shanty Canal which could be considered a component of the bridge design (and not necessarily a specific betterment) in order to help pass wildlife safely under the highway, particularly during periods of high water. It may be that the current abutment design already provides this capability. Further investigation is recommended prior to finalization of the plan. DOI-11

Endangered Species Act Coordination

Considerable information and analyses are provided in the Draft FWCA Report concerning measures to avoid or minimize adverse effects to federally listed species. However, the Corps has yet to prepare a Biological Assessment (BA) and forward a formal "effect determination" to the FWS. We understand that the Corps will continue listed species coordination into the Final GRR/SEIS stage, as described on page 231, in section 7.27 (d). Please note that the Everglades mink (State listed) is not a federally listed species, as erroneously stated in this paragraph. DOI-12

Miccosukee Tribe Osceola Camp

We request that the Corps include a discussion in the Final GRR/SEIS regarding the necessary measures the Corps and NPS are taking to address issues associated with the Osceola Camp as related to the MWD project. DOI-13

Also, we want to point out that all planning efforts that may affect cultural or religious interests, including archeological sites should be closely coordinated with the Miccosukee Tribe. To follow up with this matter you can contact the Tribe directly at 305-223-8380. Mr. Billy Cypress is the Tribal Chairman. DOI-14

Mitigation for Wetland Losses

In the response to the Draft FWCA Report (Appendix I, page 3), it is stated that the PRP is "self-mitigating" and that mitigation for wetland functional losses is not necessary. The Draft FWCA report identified specific wetland mitigation opportunities directly adjacent to the Tamiami Trail which, if implemented, would offset the direct wetland functional losses identified by the

interagency Wetland Rapid Assessment Team (WRAP). These mitigation opportunities (the restoration of old fill areas) appear practicable to implement while equipment is staged onsite, and may provide a source of needed construction fill, thus providing a cost savings.

Prior to dismissing the integration of wetland mitigation into the project design, we request that the Corps investigate the feasibility of incorporating this type of wetland restoration effort (scraping down old fill) into the project. If, after analysis and coordination with the interagency WRAP Team, this effort is found infeasible, we recommend the Corps fully describe and quantify the wetland functional gains attributable to the PRP for disclosure in the Final GRR/SEIS in order to justify the use of the term "self-mitigating". DOI-15 DOI-16

Exotic Vegetation Removal

The Draft FWCA Report recommends that exotic vegetation (primarily Brazilian pepper) be removed along Tamiami Trail. The NPS is currently aggressively removing exotic vegetation immediately south of the highway on ENP lands, and removal of exotic vegetation along Tamiami Trail would augment this ongoing effort. It is noted on page ES-4 (second paragraph) that credit for enhancing aesthetics along the southern length of the highway is attributed to the PRP. It appears inconsistent to claim both credit for exotic vegetation removal, and at the same time defer exotic vegetation removal to CERP implementation (Appendix I, Corps Responses to the Draft FWCA Report). Please clarify this apparent inconsistency in the Final GRR/SEIS. DOI-17

Specific Comments

Section 1.0, Page 1 - The last sentence of the first paragraph states that the document is a fully integrated supplemental EIS and General Design Memorandum. Question 21 of the guidance promulgated by the Council on Environmental Quality (CEQ) addresses the preparation of such a document and states in part:

> "Under some circumstances, a project report or management plan may be totally merged with the EIS, and the one document labeled as both "EIS" and "management plan" or "project report." This may be reasonable where the documents are short, or where the EIS format and the regulations for clear, analytical EISs also satisfy the requirements for a project report."

In this case, we do not believe the documentation provided a clear analysis of alternatives and full disclosure of project impacts. We suggest the final documentation contain a separate impact statement and a separate project report as a better method to fully comply with the NEPA mandates and guidance which have been provided by CEQ. DOI-18

Section 1.1, Page 2 - This section provides a direct quote from the Act regarding ENP and the recent impact on park resources. The discussion erroneously references section 104 of the Act rather than section 101 of the Act. This oversight should be rectified in the final document. DOI-19

Section 1.4, Page 7 - This section briefly discusses NEPA compliance requirements and references Appendix B which is supposed to outline compliance for each alternative. Appendix B consists of a single table which states that all alternatives are in compliance with the listed guidance. This represents the unsupported opinion of the document authors, and in our opinion do not present factual evidence of compliance with any of the legislation or policy referenced in the table.

Section 2.55, Page 41 - The last sentence of this section states that the FWCA reports of the FWS and the State are included in Appendices A and B respectively. These reports are found in Appendices I and J. These errors should be corrected in the final document. DOI-20

Section 5.2, Page 65 - The first sentence of this section states that the objective is to provide a technical solution that is "...also compatible with the expected hydraulic conveyance of CERP as modeled by the restudy and the Act of 1989." This statement leads to some confusion since in several places earlier in the document great efforts were taken to let all readers know that this is a separate project with separate authorizations and that parts of the MWD project may have to be completed prior to CERP projects. DOI-21

Section 5.7.2, Page 140 - The last sentence of this section mentions eliminating the existing culvert system under the water quality "b" options. We understood during the planning process that the existing culverts would be extended in order to maintain at least the existing degree of sheetflow distribution under the highway for the water quality "b" options. Please clarify this discrepancy in the Final GRR/SEIS. DOI-22

Section 5.7.5.4, Page 146 - We have two concerns about the statement in the fourth paragraph which reads in part "If, in the future, it becomes desirable to restore ecological connectivity between WCA-3B and ENP through the removal of the L-29 Levee and the filling of the L-29 Canal, ..." First, the Department's current desire and the mandate in the authorizing legislation is to restore ecological connectivity throughout the remaining Everglades. Second, it is our understanding that the L-29 Levee/Canal are proposed for restoration in the CERP. Please clarify the intent of this statement in the Final GRR/SEIS. DOI-23

Section 5.8.6, Page 189 - This section states that Alternative 5 would result in significant wetland functional gains, yet the next sentence states that this alternative is the "least damaging" to wetlands. We recommend this part be rewritten, since there are no damages to wetlands associated with Alternative 5, only wetland gains. DOI-24

Section 5.9.1, Page 195 - This section states that all alternatives were subjected to an in-depth engineering analysis. However, the appendix which contained that analysis was not distributed with the document. This is in contrast with the guidance found in part 1502.14 of CEQ's Implementing Regulations. The appendix should be distributed with the final document. DOI-25

Section 5.10.3.1, Page 199 - As written, the third paragraph states that inclusion of Alternatives 5 and 6 in plan formulation occurred only as a result of input from the Department and conservation organizations. To be fair, the Corps was an integral member of this team and actively reviewed these two particular plans. We recommend this section to be re-written to reflect the planning team approach. DOI-26

Table 32, Page 206 - The "Not Applicable" designation listed for Objective 5. PM 1, Wetland Functional Units for Alternative 5 is somewhat misleading, since this alternative exhibits significant wetland functional gains. We recommend including an additional Performance Measure (as a new row) for "Wetland Functional Units Gained" to reflect the various alternatives performance in rendering wetland functional unit gains, and to demonstrate for the public the full range of functional units between all alternatives for comparative purposes. The entire range of functional gains and losses are discussed in detail in the Draft FWCA Report (see Chapter 6 - Wetland Functional Analysis) and should be used by the Corps for this purpose. DOI-27

Section 5.12, Page 208 - Please elaborate on what "appropriate NEPA documentation" is contemplated if the 3,000-foot bridge is resited. Again, it appears that the inclusion of Coopertown is in error, based on the Corps' concurrence with the Department's siting location between the Blue Shanty Canal and the Airboat Association. DOI-28

Section 7.6.6, Page 223 - It would be important to disclose in the Final GRR/SEIS the "phasing of construction" that would result in "no significant impacts to threatened or endangered species" as stated here. Please include this discussion in the Final GRR/SEIS, as well as in the BA when it is submitted. DOI-29

Section 7.11, Page 225 - It is inaccurate to state that the removal of exotic vegetation on the south side of Tamiami Trail would enhance aesthetics by "offering a view of the expanse of Everglades throughout the project corridor". Much of the vegetation on the roadway embankments consists of larger canopied species such as bays, pond apple, wax myrtle, and *Ficus*. Brazilian pepper is scattered in "pockets" of infestation along the 10.7 mile corridor. Therefore, removal of exotics, even along the entire reach, would do little to improve the views when driving at grade, unless one encountered an elevated bridge. Please see the WRAP results for details of the vegetative composition of the roadway embankments, and the aesthetic rankings, by alternative, on page 104 in the Draft FWCA report. The PRP was ranked as "limited" for sightseeing along the 10.7 mile corridor. We recommend this section be rewritten to reflect the true nature of aesthetic improvement for the PRP as evaluated in the Draft FWCA Report. DOI-30

Section 7.20, Page 229 - The Final GRR/SEIS should provide some measure or assessment of the MWD actions which would "greatly outweigh any unavoidable adverse impacts" as stated here, similar to the "self-mitigating" comment referenced in the general comments section above. DOI-31

Section 7.27, Page 230 - This section uses the term "mitigating adverse impacts", which is contradictory to the "self-mitigating" concept stated in Appendix I, page 3. Please explain this contradiction in the Final GRR/SEIS. In addition, the Everglades mink referenced in this section is not a federally listed species and as such does not require inclusion in the referenced BA. DOI-32

Section 7.29.2, Page 232 - Until the Corps prepares a BA which submits an "effect determination" to the FWS and receives either a concurrence statement or completes formal consultation, it is premature to conclude that the project complies with the section 7 consultation provisions of the Act. DOI-33

Appendices - The appendices are presented out of order as presented in the Table of Contents and are inappropriately or incorrectly labeled making the verification of details and presentation of data in those appendices difficult. These concerns should be corrected in the final documentation. DOI-34

Summary Comments

In summary,our general and specific comments collectively lead to the following principal recommendations for the preparation of the Final GRR/SEIS:

1. At this stage of the planning process, we find that the successful and timely development of the proposed real estate agreement between the planning partners and the Florida Department of Transportation is of the highest priority. We stand ready to assist in this effort.

2. Many of the errors and inconsistencies cited above could be corrected by more fully incorporating the analyses and findings contained in the Draft FWCA Report into the Final GRR/SEIS. Issues pertaining to listed species, recreation, exotic vegetation removal, wetland function, hydrologic analyses, ecological connectivity, and others are fully assessed in the Draft FWCA Report. Greater reliance on the Draft FWCA Report would substantially improve the quality and accuracy of the Final GRR/SEIS. Please contact the FWS and NPS if assistance is needed in this regard.

3. We recommend that the flow distribution analysis contained in the Draft GRR/SEIS be combined with the flow velocity analysis contained in the Draft FWCA Report to generate a more complete picture of the hydrologic effects of the project alternatives in the Final GRR/SEIS. DOI-35 As part of this analysis, a discussion is needed regarding the relative abilities of the alternatives to restore sheetflow to the Shark River Slough and the Park. DOI-36 This is an important goal of the MWD project that has not been fully evaluated to date. We are prepared to assist in this analysis.

4. A more complete discussion of how the Tamiami Trail component of the MWD Project will be integrated into the CERP Decompartmentalization (Part 1) Project is needed in the final GRR/SEIS. In particular, the deferment of important components of the Tamiami DOI-37

Trail MWD Project to CERP implementation, including the sequencing/timing of the integration, needs to be fully disclosed in the Final GRR/SEIS.

If you should have any questions concerning these comments I can be reached 404-331-4524.

Sincerely,

Gregory L. Hogue
Regional Environmental Officer

cc:
Heinz Mueller, EPA
Division Administrator, FHA
Henry Dean, SFWMD
Joe Walsh, FL F&WCC
Barbara Culhane, FL DOT
Herb Zebuth, FL DEP
Gene Duncan, Miccosukee Tribe of Indians
Carlos Espinosa, DERM
Bruce Bell, FWS
Dave Farrell, FWS
Anita Jackson, NPS
David Sikkema, NPS
Kurt Chandler, BIA
Don Jodrey, SOL
Terrence Salt, SFL Eco Rest Task Force
OEPC, WASO

Miccosukee Tribe of Indians
of Florida

COL Joe R. Miller
District Engineer
US Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

June 20, 2000

SUBJECT: Tamiami Trail Modifications

Dear COL Miller:

I am writing to express the Miccosukee Tribe's concerns over the raising of Tamiami Trail. For decades, the Miccosukee Tribe has advocated that Tamiami Trail should be raised up on stilts along it's entire length. Finally, the COE has concurred in this assessment. At a minimum, the section between 40 Mile Bend and Krome Avenue should be elevated. The presence of Tamiami Trail presents a significant impediment to the natural flow of water southward into Everglades National Park. More importantly, the presence of Tamiami Trail causes water to back up and pond north of the Trail and causes over-drainage conditions south of the Trail. Impacts to wildlife are tremendous. Wildlife deaths occur on a daily basis along Tamiami Trail.

While we recognize the valid need to raise Tamiami Trail, the Tribe would like to make the following concerns known to the Corps of Engineers:

1. Presence of Tigertail Camp. COE plans cannot interfere with the traditional use and occupancy of the Tigertail family along the northern banks of the L-29 canal.

2. Presence of the Osceola Camp. COE plans cannot interfere with the traditional use and occupancy of the Osceola family along the southern edge of Tamiami Trail.

3. Tamiami Trail should be on stilts. Simply raising the road bed or installing additional bridges (the hydrologic solutions) will not prevent the continued loss of wildlife along Tamiami Trail.

4. Wood Stork Rookery. There is an active Wood Stork rookery located along the southern edge of Tamiami Trail. Their population has been estimated at 1800 breeding pairs. This needs to be factored into your decision.

5. Traffic Control. Tamiami Trail is a very busy highway. Steps must be taken to avoid traffic delays during construction. Tamiami Trail has been designated as a Hurricane Evacuation Route and cannot be obstructed. Additionally, police, fire and ambulance service must never be obstructed.

6. Impacts to Business. There are several businesses located along Tamiami Trail. Every effort should be taken to avoid impacts to their legal rights.

7. Surface Water Run-Off. After Tamiami Trail has been elevated onto stilts and the Old Trail removed, historic flows will have been returned. However, it may be necessary to leave small portions of the Old Trail intact to provide a treatment area for surface water run off from the highway. These islands of Old Trail could also serve as ramps which would allow access to the existing businesses and camps along the highway.

The Miccosukee Tribe wishes to be consulted every step of the way, as the COE develops plans to raise Tamiami Trail. Thank you for including the Tribe's concerns in your planning efforts. If you have questions concerning these comments or the Tribe's concerns, please do not hesitate to call me at (305) 223-8380, extension 2240.

Sincerely yours,

Truman E. Duncan, Jr.
Water Resources Director

cc.
Billy Cypress, Tribal Chairman
Dexter Lehtinen, Tribal General Counsel
Tigertail Camp
Osceola Camp

LEHTINEN, VARGAS & REINER
ATTORNEYS AT LAW
A PROFESSIONAL ASSOCIATION

February 4, 2002

Colonel James Greg May
c/o Jon Moulding
400 West Bay Street
Jacksonville, Florida 32232-0019

Via Fax, E-mail and Express Mail

Re: Miccosukee Tribe's Comments on the Draft General Reevaluation Report and Supplemental Environmental Impact Statement (GRR/SEIS) for Tamiami Trail

Dear Colonel May,

The Miccosukee Tribe of Indians of Florida hereby provides comments on the U.S. Army Corps of Engineers (Corps) Draft General Reevaluation Report and Supplemental Environmental Impact Statement (GRR/SEIS) on Tamiami Trial dated November 2001. The Tribe also incorporates the comments of Joette Lorion and Kelly Brooks made at the public meeting on the Draft GRR/SEIS on December 18, 2001, along with the comments provided on the 95% preliminary draft document that was distributed to government entities. While the Draft GRR/SEIS is an improvement over the 95% preliminary draft document, it does not contain any mention of the Tribe's rejection of the *skyway* alternative that was articulated to the Corps before the Draft GRR/SEIS was released, due to concerns (among other things) that it would delay the Modified Water Deliveries Project (MWD Project). The expeditious implementation of this long delayed restoration project is vital to the Tribal Everglades, which supports the culture and way of life of the Miccosukee Tribe. We urge the Corps to use the Miccosukee Tribe's Ten Tamiami Trail Tenets to govern their selection of a final plan that is within the statutory authority of PL101-229, so that the MWD Project can be implemented on, or before, December 31, 2003. MT-1

A. THE MICCOSUKEE TRIBE'S TEN TAMIAMI TRAIL TENETS

1. The Tribe is opposed to all plans that will elevate Tamiami Trail before the Modified Water Deliveries Project is completed and implemented, including the protection for the 8.5 Square Mile Area mandated by PL101-229. (The Tribe opposes a *skyway*.) The Tribe believes that the Corps should take maximum advantage of existing infrastructure in place, and should

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only add new infrastructure that is absolutely essential to protect public health and safety and to meet the requirements of the Modified Water Deliveries Project, as directed by PL101-229. MT-2

2. The Corps' selected alternative must ensure that the Modified Water Deliveries Project is completed and operational on, or before, December 31, 2003. MT-3

3. Any alternatives that would delay the Modified Water Deliveries Project beyond December 31, 2003, including but not limited to alternatives 5 (a), (b), and (c), and 6 (a) and (b), should be deemed "unreasonable" and removed from further consideration as the Tamiami Trail component of the Modified Water Deliveries Project Draft GRR/SEIS. MT-4

4. Any plan recommended by the Corps for Tamiami Trail must be consistent with the requirements of PL101-229, the Water Resources and Development Act of 2000 (WRDA 2000), the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA) and the Corps' trust responsibility to the Tribe. MT-5

5. The Tribe will oppose any plan to modify Tamiami Trail that has an adverse impact on the Tiger Tail and Osceola Camps. Any interference with the traditional use of these camps is non-negotiable. MT-6

6. The Tribe will oppose all plans to elevate Tamiami Trail until I-75 is also elevated.

7. The Tribe will oppose all plans to elevate Tamiami Trail until all the levees are pushed into the canals (e.g. the L-29 and Miami canal); and will oppose any plan that elevates Tamiami Trail that does not remove the levee that separates WCA-3A and WCA-3B from the L-29 canal, with any such decompartmentalization plans being contingent upon the provisions in Tenet 8.

8. Control of the water at Tamiami Trail must not be given up under any future CERP decompartmentalization plans until it is absolutely certain that the flow north and south of the Trail are compatible. This cannot be done until the component of the flow lost to Miami-Dade and Broward Counties has been reinstated via the Comprehensive Everglades Restoration Plan (CERP), which is based on technologies that are so suspect that each requires a pilot study prior to proceeding.(i.e. in ground reservoirs, wastewater reuse and L-31 North seepage control.)

9. The Corps must operate the water management system to ensure that the access and egress of the Miccosukee Tribe is not jeopardized until such time as Tamiami Trail is modified to the extent necessary to protect it from degradation due to higher water levels during those events which would threaten the stability of the road. MT-7

10. While attempting to make the Tamiami Trail component of the Modified Water Deliveries Project compatible with CERP is a noble goal, it must not delay this already seriously delayed project, which only authorizes those flows directed in PL101-229, nor compromise the health and safety of the public or the Tribe. MT-8

B. THE DRAFT GRR/SEIS MUST COMPLY WITH NEPA

1. GRR/SEIS Improperly Segments the Modified Water Deliveries Project

The National Environmental Policy Act (NEPA) clearly provides that connected projects should be evaluated in a single Environmental Impact Statement (EIS). (40 CFR 1502.4) The Council on Environmental Quality (CEQ) regulations governing NEPA state that, p*roposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement.* When the Corps prepared the General Design Memorandum (GDM) for the Modified Water Deliveries Project in 1992, it evaluated all aspects of this interrelated project in a single EIS. The Corps has now improperly segmented the MWD Project into separate components, such as the 8.5 Square Mile Area, Tamiami Trail, and Seepage Control components, even while acknowledging that the GDM detailed the condition of the environmental and resources within a much larger study area that is currently being analyzed in the GRR/SEIS on Tamiami Trail. Tribal lands in WCA 3A, a 915 square mile area, were included in the impacted area in the 1992 GDM but are totally excluded from the analysis in the Draft GRR/SEIS. This improper segmentation has caused the Draft GRR/SEIS to fail to adequately assess impacts on Tribal lands and resources. The Tribe continues to contend that the Corps has not fully complied with the NEPA requirement outlined in Section 4, as they continue to improperly segment the MWD project, contrary to NEPA. MT-9

2. The Draft GRR/SEIS Improperly Narrows the Purpose, Scope and Study Area

The narrow purpose and scope in Section 1 of the Draft GRR/SEIS allows the impacts of delay, especially those to the Tribal lands in WCA-3A, to be unassessed and skews the analysis (including the Wetland Rapid Assessment Procedure (WRAP) analysis) of the alternatives. It should be noted that **Section 104(3)(d) of PL. 101-229 which directed the Corps to construct the Modified Water Deliveries Project says that the *project modifications are justified by the environmental benefits to be derived by the Everglades ecosystem in general and by the Park in particular.*** The purpose and scope should be that of the Modified Water Deliveries Project that is contained in the 1992 General Design Memorandum, which included the Water Conservation Areas, Northeast Shark River Slough and the Shark River Slough Basin of Everglades National Park (ENP). **The 1992 GDM stated that: *when fully operational the MWD project will benefit the ecosystem function and habitat value of approximately 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 described benefits in the Draft GRR/SEIS should include these areas that comprise 900,000 acres of Everglades wetlands. MT-10

Due to the failure of the Corps to broaden the study area, and consider the serious environmental harm being caused by the failure to complete the MWD project, the Draft GRR/SEIS omits issues of vital importance, such as the impact of the project and project delays on Tribal Everglades and the endangered and threatened species that inhabit these areas. The Corps has admitted in the Final GRR/SEIS on the 8.5 Square Mile Area component of the MWD MT-11

project that ***the loss of tree islands has an impact on critical habitats and cultural resources in WCA 3A, delayed implementation of the MWD project will cause an estimated loss of 8.4 islands and 246 acres per year at an estimated cost of $50,000 to $500, 000 per acre.*** (Final GRR/SEIS on the 8.5 Square Mile Area, Section 5.2.7, page 64 and Table 7.) In light of the serious environmental and economic costs of delay, the Corps must assess the cost of delay associated with the selection of each of the alternatives in the Final GRR/SEIS. MT-12

3. The Future Without Project Condition Is Improperly Defined

The Draft GRR/SEIS improperly defines the future without project conditions under NEPA in Section 3. The *future without project condition* for the Modified Water Deliveries Project is NO MODIFIED WATER DELIVERIES PROJECT and *not the condition of the study area as it would be expected to exist in the future after the implementation of* MWD, as stated in the Draft GRR/SEIS. The failure to define the true without project condition, as required by NEPA, has resulted in a skewed analysis of alternatives in both the GRR/SEIS and the Fish and Wildlife Service (FWS) Draft Coordination Act Report (Draft CAR) Wetland Rapid Assessment Procedure (WRAP) analysis, because it does not assess the impact that the delay of the project will have on hundreds of thousands of acres of Tribal Everglades, and the wildlife, in WCA 3A, as well as other areas of the Everglades. MT-13

4. Cumulative Impacts Are Not Adequately Assessed in the Draft GRR/SEIS

Section 7.18 of the Draft GRR/SEIS fails to analyze the cumulative impacts that the MWD Project (and delay of the project), coupled with the impacts of the interim operational plans that have been implemented due to that delay (such as ISOP), have had on the Tribal lands in WCA 3A and other areas of the Everglades. It must also assess the cumulative impacts on the endangered species that inhabit those areas. NEPA and its implementing regulations require that the cumulative impacts of past, present, and future actions be analyzed in the Final GRR/SEIS. MT-14

5. The Draft GRR/SEIS Deleted Reasonable Alternatives and Analyzed Unreasonable Ones

The alternatives listed in Section 5.10.3 that cannot be completed by December 31, 2003, (such as alternatives 5a, 5b and 5c and 6a and 6b that elevate Tamiami Trail) should have been deemed *unreasonable* and should not have been included in the Draft GRR/SEIS. The Tribe would support additional placement of culverts or minimal road raising, only as necessary, to restore flows and not degrade the road bed, as long as the Osceola and Tiger Tail camps are not adversely affected. MT-15

The Tribe does not understand why the Corps has deleted the placement of culverts as a reasonable alternative, since the Draft GRR/SEIS does not contain an analysis supporting the Corps' statements that it had construction and traffic rerouting problems, and it could degrade the road bed. The Corps should analyze the information provided in the letter in Appendix C from Mr. Stan Carlin dated May 30, 2000, which states that the culverts under Tamiami Trail would

be able to pass MWD flows if the culverts were widened and cleaned out. Mr. Carlin says the existing culvert's capacity has been reduced by 50% due to a buildup of mud and debris. The Final GRR/SEIS should assess the possibility of this proposed low cost, low infrastructure alternative in detail before dismissing it from consideration. MT-16

Finally, the Tribe appreciates the Corps' removal of alternative 3 and 4, which the Corps acknowledged would have had adverse impacts on Osceolas and Tiger Tail camps, from further consideration in the GRR/SEIS.

6. The Draft FWS CAR Wrap Analysis of Alternatives is Fundamentally Flawed MT-17

The WRAP analysis in Section 5 of the Draft GRR/SEIS is flawed because its scope and study area are woefully inadequate. The WRAP only analyzes the impacts that the road will have on the direct area and does not assess the impact that the delay of building alternatives, such as the skyway, would have on wetlands throughout 900,000 acres of Everglades that are included in the study area of the 1992 GDM on the MWD project. The WRAP alternatives analysis is also incorrectly based on a *future without project condition* that is really a *future with project condition* because it considers the MWD project completed, instead of the *project not completed condition* that would result from the delay. A WRAP analysis that factored in the yearly wetland destruction that has been, and will continue to be caused by the failure to implement the MWD project would undoubtedly result in the selection of the alternative that would allow MWD to be completed as expeditiously as possible, and would not have resulted in the delay-packed *skyway* alternative being selected as an *environmentally preferred alternative*.

7. Alternative Plans Must Be Based on Statutory Authority & Fiscal Constraints

The Tribe commends the Corps for including the WRDA 2000 constraint language on the MWD Project, and statutory authority and fiscal constraints, in the Draft GRR/SEIS. The Tribe is hopeful that this will finally lead to the selection of an alternative that could help ensure that the long delayed MWD Project will finally be implemented. As stated above, the Tribe does not understand why the *reasonable* culvert alternative has been removed from consideration, while the skyway alternatives that are *unreasonable* and *unimplementable* under the Modified Water Deliveries Project authority were analyzed as alternatives in the Draft GRR/SEIS.

The Tribe also has concerns about Section 2, which they believe is not entirely clear. For instance page 201 states that *two Project Implementation Reports (PIRs) will be completed: one on the MWD project Tamiami Trail component and one on CERP component...Planning efforts underway for the CERP WCA3A Decompartmentalization Phase 1 are scheduled to be completed prior to construction of modifications of Tamiami Trail under CERP.* Does this mean that there is some undisclosed potential plan to substitute the *skyway* for the preliminary recommended plan before it is built? And, if so, what does this mean to the completion of the MWD project? The Draft GRR/SEIS identifies only $20.15 million dollars available for the Tamiami Trail component of the MWD project. The preliminary recommended plan 7 (a) will MT-18

cost $23, 045,733.00. Yet, despite the acknowledged limited funding and authorization, Alternative 5, which costs 7 times as much as the preliminary recommended plan at $140,314,000.00, was not removed from consideration in the Draft GRR/SEIS. Since NEPA is a full disclosure document, the Corps must clearly outline any potential future plans that they are aware of that may impact the selection and/or completion of the final recommended plan in the Final GRR/SEIS. MT-19

8. The Federal Objective in the Selection of an Alternative Should Be Based on PL 101-229

It is the Tribe's position that the federal objective outlined in Section 5.2 should be to only pass those flows that will result under the Modified Water Deliveries Project authorized by PL.101-229. It is our understanding that these flows are predicted to be 4,000 CFS. While it is a noble goal to attempt to identify a technical solution to the Tamiami Trail component of Mod Waters that is compatible with the expected hydraulic conveyance of CERP, the hydraulic conveyance of the Everglades National Park Protection and Expansion Act of 1989 should be the federal objective. Future CERP planning must not be allowed to delay the already seriously delayed MWD Project. MT-20

9. Performance Measures for Alternatives Should Include the Cost of Delay

The cost of delay that will be caused to the Miccosukee Tribal lands, and other parts of the Everglades, should be listed as a performance measure for analyzing the alternatives in Section 5.5. For instance, delay was a performance measure in the GRR/SEIS on the 8.5 Square Mile Area Component of the MWD Project. In Table 7 of the Final GRR/SEIS on the 8.5 SMA, it was estimated that about 246 acres of tree islands in WCA-3A are being lost for each year of delay of MWD and estimates the cost of restoration from $50,000 to 500,000 per acre. Delay of the MWD project also causes damage to Lake Okeechobee, the east/west estuaries and Everglades National Park. The cost of delay that would be caused by the selection of an alternative that will delay the completion of the MWD Project should also be estimated and factored into the analysis of alternatives. MT-21

10. Plan That Maximizes Environmental Outputs Without Regard to Costs Was Based on a Faulty Analysis and Should be Rejected As Not Meeting the Project Purpose

Section 5 states that Alternative 5, the skyway, is *recognized as the plan that maximizes environmental outputs with regard to fiscal or other constraints.* The faulty FWS CAR analysis also designated Alternative 5 as *the environmentally preferred alternative.* The FWS CAR does so because it allegedly saves 45.27 functional units of wetlands. Yet, the FWS Draft CAR totally ignores the fact that the Modified Water Deliveries Project will benefit 900,000 acres of wetlands and delay of this project will continue to destroys thousands of acres. (See Section 7, page 161.) Certainly the selection of an alternative that meets the project purpose and will allow the expeditious completion of a project that will benefit 900,000 acres of the Everglades is truly the environmentally preferred alternative. The delay packed alternatives 5 would clearly fail as the MT-22

environmentally preferred plan if the Corps had not improperly segmented and narrowed the scope of the MWD project.

Moreover, Alternative 5 should not have been assessed without regard to costs and the purpose of MWD Project. Failure to have the money necessary to construct this alternative would both further delay MWD and compromise CERP, since WRDA 2000 requires that the MWD project be completed before important restoration components are funded. Under NEPA, the Corps is only required to analyze *reasonable alternatives.* This alternative is not reasonable under the MWD statutory authority and funding and, as the Corps admits in the GRR/SEIS, *that it cannot be implemented* based on WRDA 2000. The Corps has no responsibility or authority to analyze unreasonable and unimplementable alternatives. Section 902 of WRDA 1986 also prohibits the adoption of this alternative without authorization by Congress, as the cost is $142,156,700, which is well above what was allotted for the cost provision of the Tamiami Trail component of the MWD project. MT-23

The Tribe continues to contend that the Corps should not have evaluated *the unreasonable* alternatives 5 and 6 in the Draft GRR/SEIS. The Corps says in Section 5.10.3 that these unreasonable and implementable alternatives were included in the Draft GRR/SEIS *because of strong public interest.* The Tribe contends that if the Corps had included the statutory and funding constraints, and the WRDA 2000 language, now contained in the Draft GRR/SEIS, in their preliminary documents, the public would have realized that alternatives 5 and 6 could not be implemented under the authorization of PL 101-229. While the Corps later included that language in the Draft GRR/SEIS in the discussion of why these alternatives are not being recommended for implementation, the Tribe contends that the confusion inspired by the Corps failure to clearly identify the MWD project authority and constraints from the very beginning of the process has caused confusion and delay. MT-24

C. THE DRAFT GRR/SEIS MUST COMPLY WITH THE ESA

The project area assessed under the Endangered Species Act (ESA) in the Draft GRR/SEIS in Section 5.4.3 was woefully inadequate. The area assessed under the ESA should be the entire area analyzed in the 1992 General Design Memorandum on the Modified Water Deliveries Project. Such an analysis must include any potential adverse impacts to the endangered species on Tribal Everglades in WCA 3A, including the snail kite and the wood stork, that have been caused, and will continue to be caused, by the delay of the Modified Water Deliveries Project. This should include the impacts of delay being caused to the snail kite's designated critical habitat. While this section now identifies that Reasonable and Prudent Alternative (RPA) of the February 9, 1999, Biological Opinion requires that the Modified Water Deliveries Project be implemented by December 31, 2003, it fails to mention that its completion is also vital to other threatened and endangered species, including the wood stork, snail kite, American crocodile and manatee. MT-25

D. OTHER COMMENTS ON THE DRAFT GRR/SEIS

1. Project Partners, Section 1.2: While the Tribe appreciates the Corps' reference to the Miccosukee Tribe as a partner, we were never part of an interagency advisory team, as suggested in section 1.2 of the Draft GRR/SEIS. While we did provide our individual technical input and comments individually as the Miccosukee Tribe, we never operated as part of any advisory team that gave recommendations or advice to the Corps. We ask you to please revise this section, at least as it refers to the Tribe. MT-26

2. Study Authority: The study authority is misstated in the first paragraph in Section 1. It should read as follows: *PI 101-229...authorized the Secretary of the Army to undertake certain action to improve water deliveries to ENP and to the extent practicable to restore natural hydrologic conditions...* MT-27

3. Biological Opinion and Interim Flow Targets: The Tribe does not agree with the interim flow targets from the Biological Opinion in section 3.4, because the closing of the S-12 structures has been, and continues to be, environmentally destructive to Tribal lands in WCA-3A. The Corps should not base interim flow targets on a faulty Biological Opinion that has never been subject to NEPA review. The Tribe does acknowledge that the Biological Opinion on the Cape Sable seaside sparrow requires that the long-delayed Modified Water Deliveries Project be completed by December 31, 2003. MT-28

4. Cultural Resources: While the Draft GRR/SEIS mentions the historical importance of the Coopertown Airboat rides, it fails to mention the historical importance of the authentic Miccosukee Indian Village along old Tamiami Trail. The Village is an historic family camp. The cultural resources that could be impacted by this project include the cultural resources of the Miccosukee Tribe and peoples, including the tree islands in WCA-3A and other parts of the Everglades. MT-29

5. Tribal Lands: The scope of the Tribal lands that will be impacted by the Modified Water Deliveries Project, and its Tamiami Trail component, is improperly narrowed in Sections 2.0 and 2.14 of the Draft GRR/SEIS to include only the Tiger Tail and Osceola Camps. The Tribal lands should include both reservation and lease lands in WCA 3A, and the Miccosukee Reserved Area. These lands will all be either adversely or beneficially impacted by the selection of a Tamiami Trail alternative. The scope of the Tribal lands should be the same as it was in the 1992 GDM and the impact of delay that would be caused by selection of certain alternatives should be quantitatively and qualitatively assessed. Additionally, the Tribe is concerned that the Corps has not identified precisely what impact, if any, the MWD project water levels will have on the Osceola camp. The GRR/SEIS states in Section 2.14 that these lands have not been raised above the MWD Project higher water elevation and that the method of water protection has not been determined. How can the Corps state that the Osceola Camp will not be adversely affected by the project if they have not determined the impact that MWD flows could have on the camp? As stated earlier, the Tribe will not accept adverse impacts on the Osceola camp, or any interference with their traditional practices. MT-30 MT-31

6. **Hurricane Evacuation:** Section 4 of the Draft GRR/SEIS does not adequately analyze the ability to evacuate in a hurricane. The Miccosukee Tribal members and others in the Service Area use Tamiami Trail to travel across the Everglades. The Final GRR/SEIS should describe in detail how the chosen alternative will allow the road's capability for evacuation must be maintained during hurricane season. The ability to evacuate in a hurricane must be fully analyzed and discussed in the Final GRR/SEIS. MT-32

7. **Compatibility With CERP**: The Tribe supports the federal government's desire for compatibility with the Comprehensive Everglades Restoration Plan in Section 4.4, only as long as it does not delay the implementation of the Modified Water Deliveries Project. The Tribe is very concerned that the Corps' plan for two pronged project implementation reports (PIRS) outlined on page 201 of this section will prevent the preferred alternative and MWD from being implemented, due to the potential for political and bureaucratic mischief that it could inspire. MT-33

8. **Socioeconomic Factors**: In reference to the socioeconomic factors outlined in Section 5.5, the Tribe reiterated that it will not accept any adverse impacts to either the Tiger Tail or Osceola camps, and any interference with the traditional use of these camps is non-negotiable. MT-34

9. **Hydraulics and Hydrology**: In reference to Section 5.4.8, the alternative selected should be able to pass Modified Water Deliveries flows, and the legally mandated water level in L-29 canal must not be exceeded. MT-35

10. **Fiscal Constraints and Costs**: The Tribe is pleased to see that the Corps has listed the $20.215 million dollar cost constraint on the Tamiami Trail component of the MWD project in Section 5.10.3.1. This section should also include language that he costs of MWD water should not exceed those allowed by Section 902 without going back to Congress. MT-36

11. **WRDA Constraint Language:** The Tribe agrees with the Corps listing of the WRDA 2000 language in Section 5.10.3.2. The selection of an alternative must be based on the fact that Section 601(b)(2) of WRDA 2000 prevents CERP components from being funded until the MWD Project is completed. Thus, it is incumbent on the Corps to select an alternative that is within its funding constraints, and the statutory authority of PL 101-229, to ensure that the MWD Project will be completed expeditiously. MT-37

12. **Betterments**: While the Tribe is not opposed to betterments to protect and enhance wildlife, they would object to it becoming part of an Locally Preferred Alternative process. Such a process would require this seriously overdue project to go before the South Florida Water Management District Governing Board, as the 8.5 Square Mile Area component did and would seriously delay the project. MT-38

13. **Project Requirements**:(look up) The sentence, *provide for conveyance capacity across Tamiami Trail consistent with restoration objectives* should be limited to the restoration objectives authorized and defined by PL 101-229. MT-39

14. Schedule: In Section 6.12, it states that the duration of the construction of the preliminary recommended plan is 24 months. This would put the recommended plan beyond the December 31, 2003 deadline for the Modified Water Deliveries Project. Although, Corps representatives stated that the MWD Project could be implemented prior to completing the Tamiami Trail component of the MWD Project, nowhere in the Draft GRR/SEIS does it discuss this delay issue and its potential impacts on the roadbed or the MWD Project. NEPA is a full disclosure document that requires the Corps to disclose and justify any basis for the alleged position that they can implement the flows of MWD prior to completing the Tamiami Trail component. This should be fully disclosed and explained in the Final GRR/SEIS. MT-40

15. Transportation: In reference to Section 5, any alternative chosen must be operated in a way that does not adversely impact transportation and compromise the health and safety of the Tribe and the public, including during storms and hurricanes. MT-41

16. Impact on Tribal Lands: The statement in Section 7.14 that there would be no direct impacts of any alternatives on Tribal lands should be supported by evidence in the record. What does the Corps mean by impact on boat access to the Tiger Tail Camp? As stated previously, the Draft GRR/SEIS does not assess the impact that the delay of the MWD project is having, and will continue to have on Tribal lands. Each alternative should be assessed for this cost of delay in the Final GRR/SEIS. MT-42

17. Impact on Businesses: The Draft GRR/SEIS has not assessed the impact that the flooding in WCA 3A, caused by delay of the MWD project, has had on Tribal businesses, such as the Airboat rides. Nor does it assess the potential impacts that construction activities will have on the Miccosukee Resort and Gaming Facility, and the Tribe's Miccosukee Indian Village, Airboats, Restaurant, and Gas Station whose customers use Tamiami Trail. MT-43

18. Osceola Camp: In reference to Section 5, the Tribe will oppose any plan that has adverse impacts on the Osceola Camp.

19. Tiger Tail Camp: In reference to Section 5, the Tribe will oppose any plan that has adverse impacts on the Tiger Tail Camp.

20. Environmental Justice: Section 7.17 should analyze the disparate impacts being caused to Miccosukee Tribal Everglades lands, and the Tribe's culture and way of life, due to the failure to implement the MWD Project. Any alternative that would further delay this project should be identified as adversely and disproportionately impacting the Miccosukee Tribe of Indians. MT-44

E. SELECTION OF A PLAN CONSISTENT WITH THE CORPS' TRUST RESPONSIBILITY TO THE MICCOSUKEE TRIBE

The selection of the preliminary recommended plan in Section 5.11.5 must be consistent with the Project Purpose in PL 101-229, WRDA 2000 language, and the Corps' trust

responsibility to the Miccosukee Tribe. While the draft GRR/SEIS lists alternative 5 as the *environmentally preferred plan,* this would not be the result if the GRR/SEIS had adopted the MWD Project purpose and scope, as required by NEPA. A NEPA review that was based on the original MWD Project purpose and scope would clearly result in the selection of a recommended plan that would ensure that MWD Project is completed as expeditiously as possible, and at least by December 31, 2003. Certainly the selection of an alternative that meets the project purpose and will allow the expeditious completion of a project that will benefit 900,000 acres of the Everglades would be the true environmental alternative.

The Tribe supports the Corps rejection of the delay packed alternative 5 *skyway* and urges the Corps to select a recommended plan that meets the Tribe's Tenets outlined in the first section of these comments, which would allow the MWD project to be fully operational by December 31, 2003. The Corps has a solemn trust responsibility to choose a plan that will protect Tribal natural resources and trust resources. The Tribe is encouraged by the Corps' apparent attempt to select a recommended plan that is cost effective and meets the purpose dictated by PL 101-229. However, we continue to be concerned that political pressure from those who do not fully understand the purpose and authority of the Modified Water Deliveries Project could cause the Corps to once again embrace an unwise plan that delays a vital Everglades restoration project.

While the Tribe is hopeful that the implementation of the Modified Water Deliveries Project may one day become a reality, we must be prepared for a worst case scenario both for the Everglades and restoration if this vital restoration project is once again veered off track. The Tribe asks the Corps to ignore the Department of the Interior's assertions that the construction of an alternative that would allow the MWD Project to move forward expeditiously may waste money on infrastructure that will be undone by CERP. The MWD Project was always intended to be an interim restoration project designed to protect and preserve 900,000 acres of Everglades. For an agency that has forced the Corps to use tens of millions of unbudgeted MWD Project dollars for single species water management plans to now claim that spending budgeted MWD dollars to benefit 900,000 acres of the Everglades is a waste of resources is both shortsighted and disconcerting. The Tribe urges the Corps to abide by its trust responsibility and see that the Modified Water Deliveries Project suffers no further delays. The culture and way of life of the Miccosukee Tribe of Indians, and the future of Everglades restoration as directed by WRDA 2000, depends on it.

Sincerely,

Dexter Lehtinen

Dexter W. Lehtinen

Florida Department of Transportation

JEB BUSH
GOVERNOR

THOMAS F. BARRY, JR.
SECRETARY

District Six
1000 N.W. 111 Avenue, Room 6101
Miami, Florida 33172

February 4, 2002

Doris Marlin, Project Manager
U.S. Army Corps of Engineers
Jacksonville District
400 West Bay Street
Jacksonville, Florida 32202-4412

Re: Comments on the Central and Southern Florida Project, Tamiami Trail Feature, Draft General Reevaluation Report/Supplement to the 1992 Final Environmental Impact Statement (GRR/SEIS) on Modified Water Deliveries to Everglades National Park

Dear Ms. Marlin:

The Florida Department of Transportation (FDOT) has reviewed the above referenced finalized Draft GRR/SEIS for the Tamiami Trail portion of the Modified Water Deliveries to Everglades National Park. The finalized Draft does not contain the FDOT's letter from July 25, 2001 that provided comments on the Revised Preliminary Draft (95%) phase of this document (see the attached letter). Therefore, presented below are the FDOT's comments from the July 25, 2001 letter that were not addressed in the finalized Draft with pertinent updates; comments that were addressed in the finalized Draft plus specific details about how these comments were addressed; and, FDOT's additional comments on the final Draft document.

Unaddressed Comments From FDOT's July 25, 2001 Letter:

Engineering Comment No. 3

The amount of Design Service Life (DSL) for the existing pipe culverts under Tamiami Trail, listed as 300 years on page 47, should be clarified. This may be incorrectly interpreted by non-technical readers to mean that the individual culverts that exist on Tamiami Trail are estimated to remain functional for 300 years.

FDOT-1

This comment was not addressed in the document. The above statement remains in the document in the second paragraph on page 52.

Environmental Comment No. 1:

Coordination with the State Historic Preservation Officer (SHPO) regarding the eligibility of Tamiami Trail as an historic resource should occur immediately. Although the document states that several of the alternatives have no affect on any of the National Register of Historic Places (NR) eligible resources in the project area, all alternatives (with the exception of the No Project alternative) have at least some affect on the NR-eligible Tamiami Trail. Coordination with the SHPO may be time intensive and could substantially impact the project schedule and selection of alternatives.

Update: Since Tamiami Trail has been designated as potentially eligible for listing as a historical site, continued coordination should take place with SHPO. Furthermore, Section 4(f) and Section 106 consultation could be initiated should Federal transportation funds ever be required. This type of involvement is often times intensive and could impact the project schedule. FDOT - 2

Environmental Comment No. 4:

The document states that the project complies with Executive Order (EO) 11990 (No Net Loss of Wetlands), and states that the project will have an overall beneficial effect on wetlands; however, no specific quantification of wetland losses vs. gains (through wetland mitigation, enhancement, etc.) is made. In addition, while some potential mitigation sites are listed in the document, no specific mitigation plan is discussed which would compensate for the temporary or permanent loss of wetlands for the various alternatives.

Update: Although the Corps states that this ecosystem restoration project is "self-mitigating", there is no explanation in the document specifically detailing how this restoration project would offset the unavoidable wetland impacts associated with various alternatives or the Preliminary Recommended Plan (Alternative 7A). FDOT - 3

Environmental Comment No. 5:

When discussing the wetland losses (or gains) for each alternative, the document should list the losses in acreage (in addition to "functional units"), since the actual wetland acreages lost will be the number evaluated under regulatory permitting. FDOT - 4

Environmental Comment No. 6:

The document text should explain the distinction in Table 15, page 149 (Summary of WRAP Functional Units Lost and Gained), between "Direct effects" and "Indirect effects", for the benefit of non-technical readers. FDOT - 5

Environmental Comment No. 11:

Regarding potential hazardous, toxic and radiological waste, all potential contamination sites or generators adjacent to the corridor should be listed, and results of the contamination assessment for each site should be provided. A complete Level 1 contamination assessment of the corridor, including a listing of known documented highways spills in the area, at a minimum, is necessary in order to properly anticipate and evaluate the potential for contamination impacts during construction. Additional details regarding how contamination will be handled during construction, and what construction methods (such as dewatering) may be necessary, is needed in order to relieve the FDOT of potential contamination liability in the future following construction. FDOT-6

Comments from the July 25, 2001 Letter That Have Been Addressed in the Document:

Engineering Comment No 1:

The document states that a request for a design variance from the FDOT regarding raising the elevation of the existing roadway has been made and pending a response, however, the FDOT has not received such a request to date.

This statement about a design variance request was not carried forward in the finalized Draft document. FDOT-7

Engineering Comment No. 2:

Regarding leveling the existing asphalt to a minimum elevation of 11 feet, please clarify whether this elevation was measured from the base of the roadway or the crown.

The document states that the existing asphalt will be incorporated into the sub-base of the proposed roadbed that will be raised to a crown elevation of 11.5 feet.

Engineering Comment No. 4:

Regarding design of the water quality features depicted in Figure 23, the top of the French drain can be placed at the bottom of the roadway base. This design would allow for an approximate 2-foot reduction in roadway elevation, thereby reducing overall impacts and construction costs. In addition, the French drain should not be located under the guardrail. Please refer to the handwritten notes on (attached) Figure 23.

According to the document, elevating the crown of the roadway to a minimum elevation of 11.5 feet is a primary need of the project for segments of the existing roadway that will remain in place. Therefore, reducing roadway elevations will not achieve the protection

of the roadway sub-base during periods when water deliveries to the North East Shark River Slough (NESRS) result in Design High Water Levels (DHWL) of 9.3 feet. It is anticipated that the Corps will relocate French drains from beneath the guardrails during the Design phase in order to meet FDOT requirements. FDOT-8

Engineering Comment No. 5:

A dry detention/retention stormwater treatment system is substantially preferable to a wet detention system, and there is adequate space in the project area to design for dry a detention system. Pleased be aware that FDOT has typically been given only a 50% credit for wet detention stormwater treatment systems, thereby necessitating a "doubling" of treatment in order to treat the required first inch of stormwater runoff.

The position the Corps has taken in this document is that implementing stormwater treatment systems will exacerbate the project's cost and result in unnecessary wetland impacts. Therefore, the Corps anticipates that FDEP will exempt this project from stormwater treatment requirements. However, there is no documentation in the document of the Corps having received an exemption from FDEP for stormwater treatment. FDOT-9

Engineering Comment No. 6:

An additional water quality treatment option that could be explored is a combination dry detention system with exfiltration trenches at the bottom of the swale.

This comment is addressed in the document. Figures that depict the creation of a swale, such as Figure 13, Alternative 4B (with water quality treatment) include the placement of exfiltration trenches at the bottom of the swale.

Engineering Comment No 7:

It appears that a portion of Appendix E, Florida Department of Transportation Culvert Analysis Summary Report, has been omitted from the document.

The report was reproduced in its entirety for this draft SEIS.

Environmental Comment No. 2:

The results of coordination with USFWS and FFWCCC for each potentially affected species listed in Section 2.5.5 (p.33) should be discussed in the document in order to allow a proper evaluation of alternatives under NEPA. The document does provide a general discussion of these species but no specific information on the results of field surveys, occurrence of these species in the project area or the potential affects of the proposed alternatives on these species. The Environmental Commitments section

(9.26, pp.182-3) of the document states that coordination with USFWS will be initiated in the future and that a Biological Assessment under Section 7 of the Endangered Species Act may be performed to evaluate project effects on the five listed species that potentially occur in the project area. This evaluation is needed, however, in order to properly evaluate the alternatives discussed in the document and the need for wildlife protection measures and wildlife features such as underpasses, bridges and barrier walls.

Appendix I – USFWS Fish and Wildlife Coordination Act Report and Appendix J – Florida Fish and Wildlife Conservation Commission Coordination Act Report address the potential affects on each different species for the separate proposed alternatives. Elements from these reports have been incorporated into the document in order to further detail possible affects on endangered species and other affected wildlife.

On pages 9 and 10 of Appendix J, under "Features for reducing road-related wildlife (road kill) mortality" the FFWCC conducted wildlife surveys and concluded a two-foot wildlife barrier wall on both sides of the road along the project limits and a wildlife crossing at L 30 Levee should be incorporated into the project to reduce wildlife mortality.

The Corps response to the proposed wildlife barrier walls and wildlife crossings is provided in the last paragraph on page 207 of the document:

"Wildlife features are not included in the Preliminary Recommended Plan. However, at the request of DOI, information and costs associated with providing wildlife protection have been developed (See Section 5.6.5 – Wildlife Crossing Options). These features could be added as an enhancement to [the] project and therefore funded by DOI.

In Section 7.27 – Environmental Commitments, pages 230 -231, the Corps makes the following commitment:

"(d) A Biological Assessment (BA), if needed, will be prepared under the provision of Section 7 of the Endangered Species Act. The BA would likely evaluate project effects on five listed species that are known to, or might occur in the area affected by the project, including the wood stork, snail kite, American alligator, indigo snake, and Everglades mink. Coordination with USFWS will be initiated, and their concurrence with the determination requested."

Environmental Comment No. 3:

The document should include a discussion of Everglades National Park as an officially designated Outstanding Florida Waters (OFW) in the project area.

This comment has been address in various sections in the document. For an example, see Section 5.3.10 – Water Quality Treatment Requirements on page 71.

Environmental Comment No. 4:

The document states that the project complies with Executive Order (EO) 11990 (No Net Loss of Wetlands), and states that the project will have an overall beneficial effect on wetlands, however, no specific quantifications of wetland losses vs. gains (through wetland mitigation, enhancement, etc.) is made. In addition, while some potential mitigation sites are listed in the document, no specific mitigation plan is discussed which would compensate for the temporary or permanent loss of wetlands for the various alternatives.

In Appendix I, on page three of Corps responses to recommendations in the DOI Coordination Act Report the following exchange represents the Corps positions on wetland mitigation for the project:

"c. DOI Recommendation on Mitigation for Wetland Functional Losses: Any wetland functional losses should be fully mitigated.

Corps response: Do not concur. The Corps believes that, because Tamiami Trail is part of an ecosystem restoration project, the project is self-mitigating."

Environmental Comment No. 7:

The statement regarding applicability of Section 4(f) on page 60 should be clarified to read that Section 4(f) may be triggered on this project by involvement of the U.S. Department of Transportation.

This comment has been addressed in the second paragraph in Section 5.3.6 – Section 4(f) Considerations, page 69.

Environmental Comment No. 8:

(See Environmental Comment No. 10)

Environmental Comment No. 9:

(See Environmental Comment No. 10)

Environmental Comment No. 10:

Noise analysis should normally utilize LOS C, not LOS D, since LOS C represents the worst-case scenario from a noise standpoint. The FDOT is currently evaluating this further and will provide additional input on this issue in the near future.

On page 50 of the document in Section 2.11 – Noise Environment in the first paragraph, justification is provided for using LOS D for evaluating noise levels for peak traffic volumes during the January tourist season when traffic volumes are higher and highway speeds are at 50 mph.

Please note that Environmental Comment No. 8 and No. 9 address the reasoning and methodology the Corps utilized to conduct the noise analysis for the project. It seems the analysis was conducted along the entire project limits when it may have only been required for the segment containing the realignment for the bridge. Although the Corps has presented this noise study quite differently than FDOT requirements for an environmental document of this nature, the noise study has provided a more than adequate analysis for the various alternatives. However, in the final analysis, the Corps' reasoning for rejecting the placement of noise abatement measures (noise walls) is based solely on cost, whereas other evaluation criteria are also just as applicable.

Environmental Comment No. 12:

The FDOT requests that the public hearing for this SEIS be conducted in Miami-Dade County in a school, hotel, university, or other suitable facility that is located at or near the project area in order to aid with citizen participation.

On page 243, Section 9.7 – Public Meetings, a public meeting is tentatively scheduled to receive public comments on the contents of this document on December 18, 2001. In the document, no indication is given as to the location of this meeting. FDOT-10

Information derived from the Corps' Tamiami Trail website indicates that two additional public meetings have been held for the project. On December 18, 2001, a public meeting was held at the Miami-Dade County Extension Office in Homestead, Florida. A second public meeting was held on January 15, 2002 at South Plantation High School Auditorium in Plantation, Florida.

Note: The FDOT's comments from the letter dated July 25, 2001 were NOT included in Appendix C – Comments Received During Comment Period. Also, Appendix N – Public Comments Regarding the Draft SEIS contained no comments whatsoever. FDOT-11

Additional comments on the finalized Draft document:

1. For Alternative 7A (without water quality treatment), the document states that there will be a permanent wetland loss of 5 acres (-3.42 functional units). This alternative includes a bridge extending 3000 feet along the west end of the project. After the bridge has been constructed, the abandoned segment of Tamiami Trail will be removed and returned to pre-existing wetland elevations. The removal of this segment of roadbed will result in approximately 3.5 additional acres of wetland habitat, as mentioned in Section 6.7 – Environmental Factors, page 213. It is unclear from Table 15, page 149 (Summary of WRAP Functional Units Lost and Gained) how the additional 3.5 acres to be restored have been factored into the total loss of 3.42 functional units. FDOT-

2. According to the finalized Draft, water quality and stormwater management issues associated with this project remain unresolved. Since the South Florida Water Management District (SFWMD) is also a sponsor of this project, the Florida Department of Environmental Protection (FDEP) will be responsible for permitting stormwater discharges associated with Tamiami Trail. It should be noted that the regulatory agencies consistently require the FDOT to upgrade and retrofit stormwater management systems whether a project involves simple reconstruction or capacity improvements along a corridor. Inevitably, simple reconstruction increases impervious surface areas, thereby initiating regulatory jurisdiction. The Preliminary Recommended Plan for Tamiami Trail will result in additional impervious area along the shoulders of the roadway and the proposed bridge. In addition, direct stormwater discharges and increased pollutant loading will result from the proposed bridge scuppers to OFW in Everglades National Park. Current stormwater treatment will actually be lessened with the bridge in place because the vegetated portions of the roadway shoulders and sideslopes to be removed will no longer provide the existing minimal treatment.

   The FDOT recommends that the Corps seek an early determination from FDEP regarding whether or not stormwater treatment will be required for this project. It is imperative that this issue be resolved as early as possible because adding any of the proposed stormwater treatment options will result in substantial additional costs to the project and may result in greatly increased wetlands impacts. FDOT-13

3. Page two of the document states, "The substitute facilities will not be operated and maintained by the Federal or Non-Federal Sponsor. The substitute facilities for the preliminary recommended plan consist of two items: (a) a 3,000 foot bridge and (b) pavement upgrades to the unbridged portion of the Tamiami Trail road between S-333 and S-334."

   This implies that the Florida Department of Transportation (FDOT) would be responsible for the maintenance and operation of the 3,000 foot bridge and the

pavement upgrades to the unbridged portions of the project. Prior to assumption of these responsibilities, the FDOT would require assurances that the substitute facilities would be constructed in accordance with Chapter 25 of the FDOT's Plans Preparation Manual. Any design variances would require formal request and FDOT's subsequent consideration and approval. FDOT-14

To date no agreement has been reached between the FDOT and the Corps concerning maintenance of the elevated portion of the roadbed. Elevating the roadbed to accommodate future increases in adjacent water levels is not an FDOT required maintenance activity, but is required in order to prevent catastrophic failure of the existing roadway sub-base which will likely occur after water levels are increased as a result of this project. In the event that the proposed plan still results in inundation of the roadway sub-base, the Corps should provide the funding to the FDOT for maintenance of early pavement failure caused by inundation of the roadway sub-base within the elevated portion of the project. FDOT-15

Thank you for the opportunity to comment on this important project. If there are any questions regarding the above comments, please contact Ms. Marjorie Bixby or me at (305) 470-5220.

Sincerely,

Javier Rodriguez, P.E.
Project Development Engineer

(attachment)

cc: Maureen Finnertym Everglades National Park
Dave Sikemma, Everglades National Park
Robert Crimm, FDOT Tallahassee
Donna Pope, FDOT Tallahassee
John Martinez, FDOT Miami
Gus Pego, FDOT Miami
Marjorie Bixby, FDOT Miami
Barbara Culhane, FDOT Miami
Ricardo Salazar, FDOT Miami
Reinaldo Carvajal, FDOT Miami
Roberto Perez, FDOT Miami
Mikhail Dubrovsky, FDOT Miami
David Miro, FDOT Davie

District Six
District Environmental Management Office
1000 N.W. 111th Avenue, Room 6101
Miami, Florida 33172

FAX TRANSMITTAL

Date: 2/4/02
To: Doris Marlin
Company: AECOM
Fax Number: 904-232-2201

Total number of pages, including cover sheet: 10

From: Margaret Bixby
Department Number: 305-470-5221
Fax Number: (305) 499-2308

Comments: Trail SEIS Comments

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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Governor

STEVEN M. SEIBERT
Secretary

February 26, 2002

Mr. James C. Duck
Department of the Army
Jacksonville District Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

RE: U.S. Army Corps of Engineers/South Florida Water Management District - Central and Southern Florida Project - Tamiami Trail Feature - Draft General Reevaluation Report/Supplement to the 1992 Final Environmental Impact Statement on Modified Water Deliveries to Everglades National Park - Miami-Dade County, Florida
SAI: FL200112061274C

Dear Mr. Duck:

The Florida State Clearinghouse, pursuant to Presidential Executive Order 12372, Gubernatorial Executive Order 95-359, the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended, and the National Environmental Policy Act, 42 U.S.C. §§ 4231, 4331-4335, 4341-4347, as amended, has coordinated a review of the above-referenced project.

The Florida Fish and Wildlife Conservation Commission (FWC) supports the preliminarily recommended plan alternative (7a) identified in the Draft General Reevaluation Report/Supplement to the 1992 Final Environmental Impact Statement on Modified Water Deliveries to Everglades National Park (GRR/SEIS). FWC's support for this alternative is based on the understanding that 1) a real estate agreement between the U.S. Army Corps of Engineers (Corps) and the Florida Department of Transportation will be formalized and included in the Final GRR/SEIS to avoid costly retrofitting during implementation of the Comprehensive Everglades Restoration Plan; 2) the specific location of the 3,000-foot bridge is rectified within the document; and 3) all potential recreational access impacts are fully addressed. Please refer to the enclosed FWC comments for further details.

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The Department of Environmental Protection (DEP) is concerned that the preliminary recommended plan offers no stormwater runoff treatment facilities. DEP also notes that other project features are unclear and would benefit from clarification. A Tamiami Trail Comprehensive Everglades Restoration Project (CERP) will immediately follow this project and will address remaining environmental and other questions not covered by the Tamiami Trail Modified Water Delivery to Everglades National Park Project (TTMWDP). DEP, therefore, has suggested that it would be prudent to design this project to ensure that the following CERP project does not remove features funded by the TTMWDP. DEP recommends that the design of this project be as compatible as possible with future roadway modifications to improve flow to Everglades National Park. Based on the expected minimal effects of stormwater runoff and mitigating situation regarding flow-way improvements and enhancement of wetlands from the removal of causeway fill, DEP has determined that stormwater treatment for the TTMWDP project is not required. However, this does not preclude any future stormwater treatment requirements in CERP projects that may be necessary to provide water quality assurances. DEP does recommend that the project sponsor limit the use of scuppers as much as possible and that runoff from the bridge surface be directed toward the canal side of the project. Finally, an application for water quality certification should be submitted to DEP once final design and engineering is completed. Please refer to the enclosed DEP comments for further details.

The Florida Department of Transportation (DOT) notes that the GRR/SEIS does not contain its July 25, 2001 response to the Revised Preliminary Draft phase of this document. Therefore, DOT has outlined the comments from its previous letter that were not addressed in the GRR/SEIS along with pertinent updates as well as providing additional comments on this document not previously identified. DOT is particularly concerned that the document implies that DOT would be responsible for the maintenance and operation of the 3,000-foot bridge and the pavement upgrades to the unbridged portions of the project. Prior to assuming such responsibilities, DOT would require assurances that the substitute facilities would be constructed in accordance with Chapter 25 of the Florida Department of Transportation's Plans Preparation Manual. Any design variances would require formal request and subsequent DOT consideration and approval. In addition, no agreement has yet been reached between DOT and the Corps concerning maintenance of the elevated portion of the roadbed. Elevating the roadbed to accommodate future increases in adjacent water levels is not a DOT required maintenance activity, but is required in order to prevent catastrophic failure of the existing roadway sub-base which will likely occur after water levels are increased as a result of this project. If the proposed plan results in inundation of the roadway sub-base, the Corps should provide funding to DOT for maintenance of early pavement failure caused by such inundation. Please refer to the enclosed DOT comments for further details.

The South Florida Regional Planning Council (SFRPC) is concerned about the impacts this project could have on the water quality, wildlife habitat, and the overall ecological integrity of the region. SFRPC has identified the goals and policies of the Strategic Regional Policy Plan for South Florida which should be observed when making decisions regarding this project. Please refer to the enclosed SFRPC comments for further details.

Based on the information contained in the GRR/SEIS and the enclosed comments provided by our reviewing agencies, the state has determined that, at this stage, the above-referenced action is consistent with the Florida Coastal Management Program (FCMP). All subsequent environmental documents prepared for this project must be reviewed to determine the project's continued consistency with the FCMP. 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.

Thank you for the opportunity to review this project. If you have any questions regarding this letter, please contact Ms. Jasmin Raffington at (850) 922-5438.

Sincerely,

Shirley W. Collins, Acting Administrator
Florida Coastal Management Program

SWC/dc

Enclosures

cc: Ernie Barnett, Florida Department of Environmental Protection
Bradley Hartman, Florida Fish and Wildlife Conservation Commission
Javier Rodriguez, Florida Department of Transportation
John Hulsey, South Florida Regional Planning Council

UNTY: MIAMI-DADE

COMMENTS DUE DATE: 1/5/02
CLEARANCE DUE DATE: 2/3/02
SAI#: FL200112061274C

STATE AGENCIES	WATER MNGMNT. DISTRICTS	OPB POLICY UNITS
X AGRICULTURE COMMUNITY AFFAIRS FISH & WILDLIFE CONSERV. COMM STATE TRANSPORTATION ENVIRONMENTAL PROTECTION		ENVIRONMENTAL POLICY/C & ED

RECEIVED
DEC 17 2001
Division of Forestry
FRP&SS BUREAU

e attached document requires a Coastal Zone Management Act/Florida
astal Management Program consistency evalutation and is categorized
one of the following:

— ederal Assistance to State or Local Government (15 CFR 930, Subpart F). Agencies are required to evaluate the consistency of the activity.

X Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are required to furnish a consistency determination for the State's concurrence or objection.

— Outer Continental Shelf Exploration, Development or Production Activities (15 CFR 930, Subpart E). Operators are required to provide a consistency certification for state concurrence/objection.

— Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such projects will only be evaluated for consistency when there is not an analogous state license or permit.

Project Description:

U.S. Army Corps of Engineers/South Florida Water Management District - Central and Southern Florida Project - Tamiami Trail Feature - Draft General Reevaluation Report/Supplement to the 1992 Final Environmental Impact Statement (GRR/SEIS) on Modified Water Deliveries to Everglades National Park - Miami-Dade County, Florida.

To: **Florida State Clearinghouse**
AGENCY CONTACT AND COORDINATOR (SCH)
2555 SHUMARD OAK BLVD
TALLAHASSEE, FLORIDA 32399-2100
(850) 414-6580 (SC 994-6580)
(850) 414-0479

EO. 12372/NEPA
- [X] No Comment
- [ ] Comment Attached
- [ ] Not Applicable

Federal Consistency
- [X] No Comment/Consistent
- [ ] Consistent/Comments Attached
- [ ] Inconsistent/Comments Attached
- [ ] Not Applicable

Jack P. Dodd, Planner
Division of Forestry
Forest Resource Planning &
Support Services Bureau
3125 Conner Blvd. Mail Stop C23
Tallahassee, FL 32399-1650

From:
Division/Bureau:
Reviewer:
Date: 01-04-02

COUNTY: MIAMI-DADE

Mer ...:

DATE: 12/5/01
COMMENTS DUE DATE: 1/5/02
CLEARANCE DUE DATE: 2/3/02
SAI#: FL200112061274C

STATE AGENCIES	WATER MNGMNT. DISTRICTS	OPB POLICY UNITS
AGRICULTURE COMMUNITY AFFAIRS FISH & WILDLIFE CONSERV. COMM X STATE TRANSPORTATION ENVIRONMENTAL PROTECTION	surrev- corps 01-8067 Complete & Sufficient Findings addressed in report p. 43	ENVIRONMENTAL POLICY/C & ED Dade SAI-Corps 2001-12252

The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evalutation and is categorized as the following:

— Federal Assistance to State or Local Government (15 CFR 930, Subpart F). Agencies are required to evaluate the consistency of the activity.

X Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are required to furnish a consistency determination for the State's concurrence or objection.

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Project Description:

U.S. Army Corps of Engineers/South Florida Water Management District - Central and Southern Florida Project - Tamiami Trail Feature - Draft General Reevaluation Report/Supplement to the 1992 Final Environmental Impact Statement (GRR/SEIS) on Modified Water Deliveries to Everglades National Park - Miami-Dade County, Florida.

To: Florida State Clearinghouse
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2555 SHUMARD OAK BLVD
TALLAHASSEE, FLORIDA 32399-2100
(850) 414-6580 (SC 994-6580)
(850) 414-0479

EO. 12372/NEPA
- [X] No Comment
- [ ] Comment Attached
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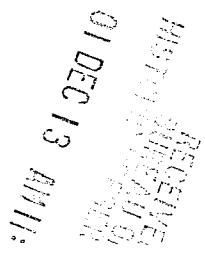
Federal Consistency
- [X] No Comment/Consistent
- [ ] Consistent/Comments Attached
- [ ] Inconsistent/Comments Attached
- [ ] Not Applicable

From:
Division/Bureau: ~~Bureau of Historic Preservation~~ Division of Historical Resources
Reviewer: SARAH JALVING Frederick P. Gaske
Date: 1/10/02 Deputy SHPO 1/11/02



SAI Routing Sheet

DATE: 12/06/2001

COUNTY: MIAMI-DADE

SAI#: FL200112061274C

Message:

PROJECT TO BE REVIEWED BY: (Div/Program)	ASSIGNED REVIEWERS (Print Last Name)	IS PROJECT LOCATED IN APPROVED DRI? (Circle Yes/No) YES: Is Project Consistent with DO?	IS PROJECT LOCATED IN APPROVED DRI? (Circle Yes/No) NO: Is Project DRI Scale?	Is Project CONSISTENT w/ COMPLAN? YES	Is Project CONSISTENT w/ COMPLAN? NO	Is Project CONSISTENT w/ FCMP? YES	Is Project CONSISTENT w/ FCMP? NO	Do you have any COMMENTS on project? YES	Do you have any COMMENTS on project? NO	DATE REVIEW COMPLETED	RVWR/ SUPV INIT
DCP	RWD	YES / NO	YES / NO	N/A						12/31/01	RWD
12/26 Date Rec'd		Monitoring Letter? YES / NO	Monitoring Letter? YES / NO								
Complete and forward to Div/Prog Below no later than: **1/5/02**											
CMP	Clayton	**Wetlands?** YES / NO	**Stormwater?** YES / NO					V		1-3-02	ae
1/2/02 Date Rec'd											
Complete and forward to ACC Coordinator no later than: **1/5/02**											

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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Governor

STEVEN M. SEIBERT
Secretary

February 26, 2002

Mr. James C. Duck
Department of the Army
Jacksonville District Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

RE: U.S. Army Corps of Engineers/South Florida Water Management District - Central and Southern Florida Project - Tamiami Trail Feature - Draft General Reevaluation Report/Supplement to the 1992 Final Environmental Impact Statement on Modified Water Deliveries to Everglades National Park - Miami-Dade County, Florida
SAI: FL200112061274C

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Thank you for the opportunity to review this project. If you have any questions regarding this letter, please contact Ms. Jasmin Raffington at (850) 922-5438.

Sincerely,

Shirley W. Collins, Acting Administrator
Florida Coastal Management Program

SWC/dc

Enclosures

cc: Ernie Barnett, Florida Department of Environmental Protection
Bradley Hartman, Florida Fish and Wildlife Conservation Commission
Javier Rodriguez, Florida Department of Transportation
John Hulsey, South Florida Regional Planning Council

Department of Environmental Protection

Jeb Bush
Governor

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David B. Struhs
Secretary

February 18, 2002

Mr. Jasmin Raffington
Florida State Clearinghouse
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: U.S. Army Corps of Engineers and South Florida Water Management District Central and Southern Florida Project, Tamiami Trail Feature Draft General Reevaluation Report Supplement to the 1992 Final Environmental Impact Statement (GRR/SEIS) on Modified Water Deliveries to Everglades National Park, Miami-Dade County

SAI: FL 200112061274C

Dear Ms. Raffington:

We have reviewed the above-referenced Clearinghouse project and offer the following comments.

The Corps has selected Alternative 7A as the "Preliminary Recommended Plan". Alternative 7A consists of improvements along the existing alignment and includes modifying the existing Tamiami Trail profile and typical section at the beginning and the end of the study corridor, and the construction of a 3,000 foot bridge to convey Modified Water Deliveries project flows. The construction of this project feature is a necessary step to restore natural flows and hydrologic conditions to Everglades National Park and in particular Northeast Shark River Slough from WCA 3B. The most notable feature lacking from the "preliminary recommended plan" is stormwater runoff treatment facilities.

The Tamiami Trail Modified Water Delivery to Everglades National Park Project (TTMWDP) offers unique challenges including determining the exact design of the preliminary recommended plan. Some contradictions exist and need clarification. In several parts of the GRR/SEIS, the location of the 3000-foot bridge is described as "*between Blue Shanty Canal and Coopertown*" which is about in the middle of the project area. However, in Section 6, Preliminary Recommended Plan, its location is listed as "*one mile from the western end of the corridor*" (Page 209). Other project features are also unclear and would benefit from clarification.

A Tamiami Trail Comprehensive Everglades Restoration Project (CERP) will immediately follow this project and will address remaining environmental and other questions not covered by the TTMWDP. Because of this sequence of events, the Department has suggested that it would be prudent to design this project to ensure that the following CERP Project does not remove features funded by the TTMWDP. While the Draft GRR and EIS refers to this problem, it is unclear how it will be resolved. Project features are described as, "*the real estate interests for (1) a 3,000-foot conveyance channel/easement to be located between Blue Shanty Canal and Coopertown, (2) the perpetual right for conveyance through the existing structures (57 culverts) along Tamiami Trail, and (3) a flowage easement throughout the remaining segment of Tamiami Trail between S-333 and S-334*" (Page ES-1).

Physical modifications to Tamiami Trail are described as "substitute facilities" for "the real estate interests." On Page 208, there is a statement that the compensation will be determined by appropriate Federal and State organizations that will develop and approve the details and methods of implementation. While the current preliminary recommended alternative includes improvements along the entire 10.7 mile length of the project; the final selected alternative could include only a new 3000-foot bridge and additional financial or other consideration given to the FDOT. Until this decision is made, it is impossible to determine project environmental and monetary impacts.

Location and direction of water flow are critical to the health and survival of the important ridge and slough landscape of the Everglades, as well as to the free movement of aquatic organisms (Fish and Wildlife Coordination Act Report, Page 56). Current information appears to indicate that sheet flow across the entire expanse of Northeast Shark River Slough is required to adequately protect and enhance the ridge and slough landscape. A major goal of the Modified Water Delivery Project, restoration of the health of Northeast Shark River Slough, could not be achieved if flow location and direction are not adequately addressed.

For this reason, the GRR/SEIS acknowledges that Alternative 5 (full bridging), "*is recognized as the plan that maximizes environmental outputs without regard to fiscal or other constraints. DOI in the Fish and Wildlife Coordination Act Report (CAR) designated Alternative 5 as the "Environmentally Preferred Alternative, Performs Best for Environmental Objectives without Regard to Fiscal Constraints"* (Page 198). Tamiami Trail CERP will consider among other options, the construction of a bridge or a series of bridges for the remaining part of the roadway. If adopted, such action could result in the removal of all or some of the roadway and a loss of all or part of the $16,368,973 used to raise its elevation for this project. (Tamiami Trail Engineering Appendix Addendum, Table 10). We urge that the design of this project be as compatible as possible with future roadway modifications to improve flow to Everglades National Park.

Water quality is critical to the health and survival of the Everglades. The report says, "because there are no known studies of the quality or quantity of runoff from the Tamiami Trail, the quality of the runoff and effects to the Everglades must be inferred. The report further concludes that "the ADT traffic volume along the Tamiami Trail, approximately 5,200 vpd is quite low"

and "based on other studies from other locations, it would be expected that the biological effects of the runoff would be minimal." Nevertheless, it must also be recognized that the existing roadway offers little treatment for stormwater runoff, and traffic on the roadway will increase over time. The proposed bridge runoff will have no treatment, and adjacent waters are classified as "Outstanding Florida Waters" and are afforded the highest protection by the Department. It should also be noted that the CERP Water Conservation Area 3 Decompartmentalization (Decomp) and Sheetflow Enhancement Project, parts 1 and 2, will likely include additional bridges to restore ridge and slough habitat and sheet flow.

Nevertheless, based on the expected minimal effects of stormwater runoff and mitigating situation regarding flow-way improvements and enhancement of wetlands from the removal of causeway fill, the Department has determined that stormwater treatment for the TTMWDP project is not required. However, this decision does not preclude any future stormwater treatment requirements in CERP projects that may be necessary to provide water quality assurances. It can be expected that the CERP WCA 3 Decomp Project even with its flow and wetland enhancement benefits will require stormwater treatment facilities to meet state water quality standards. In regards to the TTMWDP we ask that the use of scuppers be limited as much as possible and that runoff from the bridge surface be safely directed off the bridge toward the canal side of the project. An application for water quality certification should be submitted to the Department once final design and engineering is completed.

If you have questions regarding this letter, or if we may be of further assistance, please give me a call at (850) 488-4892.

Sincerely,

Ernie Barnett, Director
Office of Ecosystem Projects

cc: Melissa Meeker
Jose Calas
Herb Zebuth
Jerry Brooks
Frank Nearhoof
Frank Metzler

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

BRADLEY J. HARTMAN, DIRECTOR
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January 16, 2002

Ms. Jasmin Raffington
Florida State Clearinghouse
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: SAI #FL200112061274C, Tamiami Trail Feature- Draft General Reevaluation Report/Supplement to the 1992 Final Environmental Impact Statement (GRR/SEIS) on Modified Water Deliveries to Everglades National Park, Miami-Dade County

Dear Ms. Raffington:

The Office of Environmental Services of the Florida Fish and Wildlife Conservation Commission (FWC) has reviewed the referenced Draft General Reevaluation Report/Supplement to the 1992 Final Environmental Impact Statement (GRR/SEIS), and provides the following comments.

This project is one of four components that have arisen from the original 1992 Modified Water Deliveries General Design Memorandum. The other highly interrelated components include flood protection of the 8.5 square mile area residential development along the eastern side of Northeast Shark River Slough (NESRS), conveyance of water between Water Conservation Area (WCA)-3A, WCA-3B and NESRS, and an overall operational plan for the newly constructed water control structures. Many of our comments and concerns on the Tamiami Trail Feature have previously been conveyed directly to the Army Corps of Engineers (COE) in a review of a preliminary draft GRR/SEIS via a preliminary Coordination Act Report (CAR) (attached) dated September 14, 2001, and through a Planning Aid Letter (PAL) on the project dated February 23, 2001. Our comments in this letter will thus focus on the COE's responses to some of our previous recommendations in the preliminary CAR, as well as providing specific comments on the text of the GRR/SEIS.

First of all, we are pleased that the COE is actively seeking a real estate agreement with the Florida Department of Transportation (FDOT) on the potential maintenance of the Tamiami Trail in lieu of raising the entire road profile. Furthermore, we believe it is important that an agreement be formalized before the release of the Final GRR/SEIS, and that the appropriate changes be incorporated into the description of the preferred alternative for public review.

We are also encouraged that the COE has concurred with us on the placement of the 3,000-foot bridge immediately east of the Blue Shanty Canal. However, the location appears much less certain in many sections of the document. Its location is variously listed as occurring somewhere between the Blue Shanty Canal and Coopertown, to a site one mile east of the S-333 structure. These discrepancies should be rectified before the release of the Final GRR/SEIS. Furthermore, we believe that the installation of a wildlife shelf on the western bridge abutment should be investigated further since such a feature may help reduce road mortality of the threatened Everglades mink. The proposed 10 to 15-foot width of the shelf could be reduced in size to accommodate only the mink and other small mammals, and incorporated into the design plans of the bridge structure to lessen costs, if needed.

Concerning the COE's response to our request that annual surveys be conducted for state or federally protected bird species, there was a general failure in the restating of our recommendation in that those species with protective designations other than endangered were omitted. Since the COE is currently supporting monitoring of wading bird colonies and snail kite nesting in the Water Conservation Areas, a continuation of this commitment with a slightly expanded scope could easily satisfy the bird nest monitoring part of our request. However, since the intent of this project is environmental restoration, we still recommend that a survey be supported at construction sites to determine the risk of impacts to the threatened Everglades mink.

In response to our concerns about impacts to recreational access, the COE stated that no adverse effects on recreational access were anticipated. However, section 5.8.8 of the document states that there would be temporary impacts during the 24-month construction period under alternative 7a. Furthermore, a 3,000-foot bridge on the Blue Shanty Canal alignment would likely eliminate fishing access to at least one culvert being replaced by the bridge, and at least a 3,000-foot length of the south bank of the L-29 Canal. A bridge alignment west of the Airboat Association would displace two culvert outfalls and a similar length of access along the L-29 Canal. Since one of the planning objectives was to minimize impacts to recreation facilities, the metrics developed for measuring impacts (page 79) should be dutifully employed.

In conclusion, we support the preliminarily preferred alternative (7a) with the understanding that 1) a real estate agreement between the COE and FDOT will be formalized and included in the Final GRR/SEIS to avoid costly retrofitting during implementation of the

Comprehensive Everglades Restoration Plan, 2) the specific location of the 3,000-foot bridge is rectified within the document, and 3) all potential recreational access impacts are fully addressed.

Sincerely,

Bradley J. Hartman, Director
Office of Environmental Services

BJH/DTT
ENV 2-16/4
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Enclosure
cc: Colonel James G. May, COE, Jacksonville
Environmental Branch, COE, Jacksonville
Mr. Jay Slack, USFWS, Vero Beach
Superintendent Maureen Finnerty, ENP, Homestead

Specific Comments on the GRR/SEIS Text

The pages referred to in this attachment are those in the draft GRR/SEIS document dated November 2001. Comments are presented in the order in which they occur in the text.

p. ES-1, last paragraph: The real estate interests describe a 3000-foot conveyance channel/easement to be located between the Blue Shanty Canal and Coopertown. The siting of this easement should be more narrowly defined as between the Blue Shanty Canal and the Airboat Association of Florida.

p. ES-3, 3rd paragraph: Will the existing Tamiami Trail embankment profile between the Blue Shanty Canal and Coopertown still need to be modified if a road maintenance real estate agreement is formulated between the COE and FDOT? A better explanation should be provided as to why the modifications are being proposed for only this specific portion of the roadway.

p. 7, section 1.3.2, 1st line: It is stated that the limits of the project "extend approximately 10.7 miles to the west to Water Control Structure S-334." The S-334 should be replaced with S-333.

p. 32, section 2.5.3: It would be more appropriate to state that the FWC manages WCA-3B as a wildlife management area called the Francis S. Taylor Wildlife Management Area. The area is managed primarily to maintain the inherent ecological values unique to the Everglades while also allowing compatible public recreational uses. Although the area may be dominated by sawgrass, reference should be made to the generally unimpacted tree island communities that, although rare, are extremely important habitats for a wide array of both terrestrial and semi-aquatic species of Everglades wildlife. In addition to snail kites, WCA-3B also provides foraging habitat for federally endangered wood storks as well as for snowy egrets, tricolored herons, little blue herons, white ibis, and limpkins (all listed by the FWC as species of special concern).

p. 41, section 2.5.5, last sentence: Copies of the USFWS and FWC CARs are not included in appendices A and B as stated here, but rather are located in appendices I and J, respectively.

p. 67, section 5.3.3, 3rd paragraph: It is incorrectly stated that the Reasonable and Prudent Alternative of the FWS Final Biological Opinion on the Cape Sable Seaside Sparrow requires that water discharges be passed *through WCA-3B* and into Northeast Shark River Slough (NESRS). Rather, the Opinion only requires that the set percentage (60% beginning in March 2002) of regulatory water discharges enter into NESRS east of the L-67 Extension levee. This can easily be accomplished by releasing water from WCA-3A via the S-333 structure into the L-29 Canal, and then passing the flows through the Tamiami Trail culverts into NESRS, in conjunction with the use of the South Dade Conveyance System and its associated structures.

p. 75, section 5.4, 1st line: As described in our preliminary CAR, the L-29 Canal also serves as a recreatoinal fishery which is likely to improve upon the completion of the Mod Waters project.

p. 202-204, section 5.11: This is a new section in which the COE performed an incremental analysis to determine the optimal bridge opening needed to pass the required flows and achieve

an acceptable water distribution south of the Tamiami Trail. The graphics portrayed on these pages are difficult for the reader to interpret since the contour scales vary between the illustrations and the colors used for the legend are difficult to differentiate. Additional clarification of how alternative 7 better meets the flow requirements would also be helpful.

Appendix I: The COE's responses to our draft CAR would probably be easier for the reader to locate if they were moved from the beginning of the USFWS CAR in appendix I to the beginning of our own CAR in appendix J.

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September 14, 2001

Colonel James G. May
District Engineer
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Re: General Reevaluation Report/ Supplemental Environmental Impact Statement (GRR/SEIS) for the Tamiami Trail, Modified Water Deliveries to Everglades National Park, Miami-Dade County

Dear Colonel May:

The Office of Environmental Services of the Florida Fish and Wildlife Conservation Commission (FWC) has reviewed the revised preliminary draft GRR/SEIS for the Tamiami Trail Project of Modified Water Deliveries to Everglades National Park ("Mod Waters"), dated June 2001. This project is one of four components that have arisen from the original 1992 Modified Water Deliveries General Design Memorandum. The other highly interrelated components include flood protection of the 8.5-square-mile area residential development along the eastern side of Northeast Shark River Slough (NESRS); conveyance of water between Water Conservation Area (WCA)-3A, WCA-3B, and NESRS; and an overall operational plan for the newly constructed water control structures. Our comments and concerns on the Tamiami Trail Project component are included in the following preliminary Coordination Act Report (CAR) which is being submitted under the authority of the Fish and Wildlife Coordination Act of 1958.

Description of Alternatives

This GRR/SEIS is being developed because new information acquired since the project was approved in 1992 indicates that the original design would be insufficient to pass the volume of water that would need to be conveyed under the Tamiami Trail via Mod Waters. In addition to the six basic alternatives (nine, if water quality treatment options are considered separately) previously addressed in our Planning Aid Letter (PAL), dated February 23, 2001, two completely new alternatives (seven and eight) have been developed, a modification of Alternative 5 (5C) has

been added, and Alternative 6 has now been formally accepted. Also, a new bridge alternative, "Alternative 9 ", with a 2.7-mile span length, intermediate between that of Alternatives 6 and 7, is being floated by the Department of the Interior as a possible compromise. Since we have recently been informed by your staff that any alternatives with bridge expanses much longer than what is deemed necessary to convey Mod Water flows are considered to be outside of your authority for this project, we have opted not to discuss the tentative "9a" and "9b" alternative options any further. For a short description of these 18 alternatives and their associated options, please refer to Table 1. Our three major areas of concern with regard to the potential impacts of this project remain as follows: (1) impacts to existing recreational facilities and access points of the Francis S. Taylor Wildlife Management Area (WCA-3B), (2) impacts to fish and wildlife resources, and (3) potential loss of Everglades marsh.

Impacts to Existing Recreational Facilities and Access Points

Those concerns that were previously addressed pertaining to potential impacts to FWC recreational facilities and access points under Alternatives 1 through 5 remain (please refer to our previous PAL [attached] dated February 23, 2001), and also apply to the three new alternatives (Alternatives 6, 7, and 8) added in this document. Since that letter, we have learned of an additional boat ramp, and also now provide supplementary information on the identification numbers of FWC boat ramps within or adjacent to the project area. We know of three boat ramps in the project area that provide access to the marsh of Francis S. Taylor Wildlife Management Area (FSTWMA). The westernmost ramp (#135) is located immediately east of the S-333 structure on the L-29 Levee and has unimproved parking capable of accommodating about ten vehicles. A popular marsh access ramp of unknown ownership is located on the L-29 Levee at Recreation Site No. 1, immediately south of the S-334 structure, and has unimproved parking. A third concrete boat ramp of unknown origin, previously unidentified, is located in a swale on the L-29 Levee opposite the Airboat Association of Florida. Of the three FWC maintained boat ramps that provide access to the canal system within the project area, two are located at Recreation Site No. 4. One of these (#96), immediately north of the S-333 structure, provides access to the popular L-67A canal, while the other boat ramp (#161), at the juncture of the L-67A and L-67C levees, provides access both to the L-67C canal and to the marsh in the "pocket" of WCA-3B. The remaining boat ramp (#153), located at Recreation Site No.2, is the sole access point for the eastern 11-mile stretch of the L-29 Canal.

A cursory look at the recreational fishing pressure along much of the 11- mile stretch of the L-29 Canal that is being examined under this project suggests that use may be relatively low, except near the S-334 and S-333 structures (FWC, unpublished data). However, changes that are soon anticipated to occur with implementation of the conveyance features of the Mod Waters Project, as well as certain features of the Comprehensive Everglades Restoration Plan (CERP), are likely to improve hydrological connections between the L-29 Canal and the marsh interface,

as well as prolong adjacent marsh hydroperiods both to the north and to the south of the L-29 Canal. Consequently, such predicted hydrological changes combined with the addition of new water management structures (bridges, culverts, weirs, etc) are likely to lead to an increase in local sport fish populations, followed by an increase in recreational fishing demand and concomitant changes in angler distribution patterns along this eastern stretch of the Tamiami Trail. It should be noted that prior to the construction of the L-67 and L-29 levees, this section of the Tamiami Canal (precursor to the L-29 Canal) was one of the premiere fishing areas in the Everglades. Creel surveys conducted during a study in 1960 (Game and Fresh Water Fish Commission [GFC], unpublished report) revealed that the first four miles of the Tamiami Canal west of the L-30 canal received an exceptional amount of use, and that the 11-mile stretch west of the L-30 canal received considerably more fishing pressure than the 9 miles of the Tamiami Canal west of the present-day L-67 Canal. The imminent decline of this great fishery, effected through a separation of the Tamiami Canal from the marsh with the completion of the L-29 Levee, was predicted in the aforementioned GFC report.

Besides recreational access for sport fishing purposes, the airboat ramps provide access to the natural resources of the Everglades marsh contained within the Francis S. Taylor Wildlife Management Area. Recreational frogging, airboating, and seasonal hunting are the primary activities pursued here. Recreational use of these access points may be relatively high during short hunting seasons, particularly when game population levels allow a liberal harvest. For instance, there were 140 airboat permits issued for an approximately 3-week deer season in the FSTWMA in 1984, and 156 permits issued the following year. Although deer population levels in WCA-3B are anticipated to decline under the projected deeper water regime that will occur with the implementation of Mod Waters and CERP, overall recreational use of the area for frogging, general airboating, duck hunting, and fishing is expected to increase. The potential impacts associated with each group of alternatives are listed as follows.

Alternatives 2a, 2b to 2b6, 4a, and 4b to 4b6. This document describes creative water quality treatment options b1 to b3 of Alternatives 2 and 4 as encroaching into the L-29 Canal. We understand from statements made by your staff that it will be necessary to maintain the water supply conveyance capacity of the L-29 Canal for some undefined period of time, which would necessitate maintaining deeper water conditions in this section of the canal. Nevertheless, the above-mentioned water quality treatment options would encroach into the south portion of the L-29 Canal and require widening of the canal to the north. This option would essentially eliminate any existing littoral zone on the south bank of the canal and would result in the loss of boat ramp #153 and impact Recreation Site No. 2 located on the north bank of the L-29 Canal. In the event that a boat ramp is impacted, the Army Corps of Engineers (COE) would be responsible for building a replacement ramp at a new location to be selected by the FWC.

Alternatives 8a and 8b. Alternative 8a should not impact existing recreation access sites, and could provide new fishing opportunities at the 24 additional box culverts, particularly if the culvert outfalls are scalloped out to improve the passage of water into northeast Shark River Slough. Alternative 8b would require filling the existing culverts, and could result in a loss of fishing opportunities unless the 40 new box culverts are constructed in a way that creates shallow collection basins at the outfalls.

Impacts to Fish and Wildlife Resources

Of particular concern are the impacts that an alternative could have on state-listed species of wildlife or important habitat components. There are three historic wading bird rookeries containing species listed by the state as endangered or species of special concern, recent records of endangered snail kite nests in southern WCA-3B, a number of records of the threatened Everglades mink along the highway corridor, and a single documented occurrence of the endangered West Indian manatee in the L-29 Canal. In addition, other listed species such as the limpkin and roseate spoonbill (both listed as species of special concern) utilize marsh areas, and the least tern (threatened) forages in canal habitats that could be impacted under certain alternatives. The potential impacts that could occur are listed by alternative groups as follows.

Alternatives 1 and 2a. The temporary road for detouring traffic while proposed bridge #3 is under construction would encroach into the pond apple forest at the Tamiami West wading bird colony, on the south side of the Tamiami Trail, that provides nesting substrate for white ibis, tricolored herons, little blue herons, snowy egrets, and wood storks. Consequently, a portion of this forested area would be eliminated as a nesting substrate for an unknown number of years. Any heavy construction activity that would be expected to occur within 600 meters of a known rookery location, including construction of the temporary road, should be conducted outside of the wading bird nesting season, which normally extends from early February to the onset of the rainy season.

Alternative 2b. This alternative encroaches to a greater extent (average of 51 feet) into the marsh south of the existing Tamiami Trail, with incursions of 5 to 6 additional feet at bridge approaches. Consequently, this alternative would have a greater permanent impact on the Tamiami East and Tamiami West wading bird colonies due to a greater permanent loss of nesting substrate as well as a decrease in the amount of buffer capacity available. The Everglades mink has been documented to use both natural and artificial upland areas for denning purposes; therefore, this alternative could potentially impact mink denning areas that may occur in either native upland areas or at the artificially created upland areas

where the airboat concession and radio tower sites are located. Option 2b1, which shifts the alignment to the north, is only a slight improvement over Alternative 2b.

The 2b creative water quality treatment options of 2b2 to 2b6 (Table 1) result in much more modest incursions into the two Tamiami wading bird colonies; however options 2b2 and 2b3 would eliminate littoral zone elements on the south shore of the L-29 Canal, eliminate reptile oviposition and basking sites on the south shore of the canal, and could result in the entrapment of terrestrial animals attempting to cross the canal.

Alternatives 3a and 3b. Both of these alternatives and the various 3b options presented would result in the loss of a significant amount of high quality wildlife habitat. The woody vegetation supporting the Frog City wading bird colony, which has been documented to contain nesting tricolored and little blue herons (both species of special concern), would be either eliminated or severely impacted by the road alignment, which would encroach further into the marsh at this point in order to avoid the Tigertail Camp. This northerly diversion of the road around the Tigertail Camp would also impact a high quality tree island (WRAP score of 0.83) that may also have a special cultural value to the Tigertail family. The relocation of a high speed highway to the north of the L-29 Levee would result in much greater wildlife mortality during high water episodes in WCA-3B than presently occurs. There could be dens of the Everglades mink in the L-29 Levee or on adjacent tree islands that are impacted, as well.

Alternatives 4a and 4b. Both of these alternatives would produce significant incursions into the Tamiami West and Tamiami East wading bird rookeries, as well as eliminate important swamp forest habitat along the remainder of the corridor. Although options 4b1-4b6 would reduce the amount of encroachment from Alternative 4b, they are only slightly better than Alternative 2b. The Everglades mink has been documented to use some of the man-made upland sites along this alignment for denning purposes, and could potentially be impacted by construction activity.

Alternatives 5a, 5b, and 5c. These alternatives are believed to be the most beneficial to wildlife, with little known impacts. These alternatives would leave important rookery vegetation intact on both sides of the Tamiami Trail and reduce potential impacts to mink denning areas. Road-related mortality of the Everglades mink, with at least 14 documented occurrences, would essentially be eliminated. However, the leaving in place of renovated sections of the old roadbed under Alternatives 5a and 5b could possibly provide suitable habitat for Everglades mink and oviposition sites for alligators and other egg-laying reptiles, as well as provide safe havens for terrestrial wildlife during high water periods.

Alternatives 6a and 6b. Alternative 6a would produce impacts to the two Tamiami rookeries as described for alternatives 1 and 2a, above. Alternative 6b and its various options would result in impacts to these rookeries and to the L-29 Canal identical to those described under Alternative 2b, above. Road-related mortality of the Everglades mink and other wildlife would be eliminated at the four-mile bridge, and mink survival could be further enhanced by providing elevated wildlife crossing shelves under the east and west ends of the extended bridge. Mink denning areas could also be protected by avoiding the need to encroach upon the upland sites south of the existing road. Mink habitat could actually be improved by planting the abandoned upland sites south of the Trail with shrubs and trees so as to resemble native Everglades tree island communities.

Alternatives 7a and 7b. Alternative 7a would have negligible permanent impacts on the two Tamiami rookeries, but Alternative 7b would result in impacts as described above for Alternative 2b. However, we believe that greater ecological and wildlife benefits may be derived from these alternatives by a shift of the 3,000-foot bridge to the east of the Blue Shanty Canal. This would result in water discharges onto a land surface with a slightly lower average ground elevation and would be more centrally located in present day northeastern Shark River Slough. This location may likewise facilitate the safe passage of wildlife, especially if the bridge were equipped with a wildlife shelf.

Alternatives 8a and 8b. Alternative 8a would likewise have little effect on the two Tamiami rookeries, as long as new box culverts are not constructed at the rookery locations. Alternative 8b would produce impacts similar to those described for Alternative 2b. The additional box culverts under these alternatives, if placed at strategic locations, could improve the passage of aquatic and semiaquatic fauna across the roadway, especially if animal barriers were erected to deflect animals to the culvert crossings.

Potential loss of Everglades marsh and connectivity effects

In order to ascertain the potential impacts that each alternative iteration would pose to the functionality of wetlands, a multi-agency team was assembled to apply the Wetland Rapid Assessment Procedure (WRAP) to the various wetland plant communities in the Tamiami Trail corridor. The results of this assessment found that the functional value of wetland communities immediately north of the L-29 Levee in WCA-3B were of somewhat higher quality (average score of 0.74) than similar wetlands situated immediately south of the Tamiami Trail in the Everglades Expansion Area of Everglades National Park (average score of 0.62).

Alternatives 1, 2a, 2b to 2b6, 4a, and 4b to 4b6. The nine water quality treatment options of 4b through 4b6, 2b, and 2b1 were predicted to result in the loss of from 34

(2b1) to 64 (4b) wetland functional units in the Everglades Expansion Area, whereas Alternative 4a (without water quality treatment) was little better, with a predicted loss of 40 wetland functional units (Table 1). By comparison, Alternative 2a, using the existing highway alignment and four new bridges, resulted in a relatively low loss of wetland function (10 units) at a substantially lower cost than the 2b2 to 2b6 water quality treatment options. Each of these alternatives physically connect the L-29 Canal to the marsh in Everglades National Park for only 2.5% of the entire project corridor length (i.e., create a 2.5% marsh-canal interface) by means of the four new bridges; however, creative water quality treatment options b1 to b3 of Alternatives 2, 4, and 6 would encroach into the L-29 Canal.

Alternatives 3a and 3b. The seven water quality treatment options of 3b through 3b6 presented for Alternative 3 were predicted to result in the loss of from 15 to 30 wetland functional units in WCA-3B, whereas Alternative 3a (without water quality treatment) was predicted to result in the loss of 19 functional units (Table 1). Although north-south connectivity for these alternatives is stated to be 10%, the primary purposes of the eight bridges that supposedly create this connectivity are to cross the L-29 Canal, and to span the two S-355 and three weir water conveyance structures on the L-29 Levee. Connectivity between the L-29 Canal and wetlands to the south would be no greater in Alternative 3 than under Alternatives 2 or 4, since no additional breaching of the Tamiami Trail is included under this alternative.

Alternatives 5a, 5b, and 5c. This suite of alternatives performs the best in that there is actually a net gain in functional units of wetlands (from 29 units in 5b to 45 units in 5c) compared to the base condition. Connectivity under Alternatives 5a (98%) and 5c (nearly 100%) are excellent, but if in situ water quality treatment is required (5b), connectivity would decrease markedly to 75% due to the need to leave sections of the old highway bed in place for dry retention. From a purely ecological perspective, without regard to cost or authority, Alternative 5 appears to exhibit the best overall performance.

Alternatives 6a and 6b. Alternative 6a would result in the loss of only 6.6 wetland functional units (< 10 acres) whereas Alternative 6b would result in significantly greater losses (22.8 functional units) due to the broad footprint necessary for water quality treatment. Alternative 6a is also estimated to result in about a 36% opening of the entire 10.7-mile length of the Tamiami Trail corridor, providing for a significant improvement in aquatic connectivity. Alternative 6b would provide a reduced level of connectivity (27%) due to the necessity to leave portions of the old Tamiami Trail for water quality treatment.

Alternatives 7a and 7b. Alternative 7a would result in a minimal loss of only 3.4 functional units (5 acres) of marsh. In contrast, the acreage demand for standard water

quality treatment along 10 miles of roadway in Alternative 7b would result in wetland losses approaching 50 functional units (72 acres). Both of these alternatives would result in a 5% increase in the connectivity of the L-29 Canal to Everglades marshes in the south near the western end of the project area. The ground elevation of the Everglades marsh at the western end of the project area appears to be slightly higher than at other locations to the east. If this is actually the case, the aquatic connectivity between the L-29 Canal and the marshes south of the Tamiami Trail would be severed sooner during low water conditions than would occur if such an opening were situated at a point east of the Blue Shanty Canal. Aquatic connectivity may even be reduced beyond current levels during periods of low water if Alternative 7b were selected, since the existing culverts would be filled in.

Alternatives 8a and 8b. Alternative 8a would likewise produce a minimal loss of only 3.5 wetland functional units, resembling Alternative 7a. However, wetland losses under Alternative 8b would be considerably greater (46.6 functional units). These alternatives rely on additional box culverts to convey Mod Waters flows, and would increase connectivity between the L-29 Canal and the marsh south of the roadway by a mere 0.4%. These alternatives are not compatible with the CERP concept of removing the Tamiami Trail as an impediment to flow by elevating portions of the roadway.

Features for reducing road-related wildlife mortality

In an effort to obtain some data that could be used for evaluating the need for highway features that could be employed to reduce road-related wildlife mortality, and that could be used as an aid in determining the placement of such features along the project corridor, biologists from the FWC, the U.S. Fish and Wildlife Service, and the COE conducted a survey of wildlife mortality along five miles of the Tamiami Trail corridor. Remains representing 411 individual animals were found during a walking survey of 3 miles of the Tamiami Trail on December 19-20, 2000 (Tables 2, 3, and 4) and of 2 miles on April 18, 2001 (Tables 5 and 6). During these single visit surveys, an average of 82 wildlife deaths were recorded per mile. If this same level of mortality is extrapolated for the entire 10.7 mile road corridor, the number of road-kill casualties observable on a given day would equal 880 individuals. However, since 60% of the survey length was surveyed during the coldest part of the year when reptile activity is at its lowest point, and since many carcasses are quickly scavenged from the road before they can be counted, we believe that the actual mortality would likely be several times greater than this. For example, during December, an average of 2 dead snakes and 1 alligator were documented per mile of highway; these numbers increased dramatically, following a marsh dry-down in April, to an average of 22 dead snakes and 7 alligators per mile. An Arizona study (Kline and Swann 1998) attempting to quantify wildlife road mortality found that only 24% of road-killed animals recorded during all-night surveys were discovered on surveys the following day. Likewise, a

daily walking survey of a section of central Florida secondary highway found that most road-killed snakes were present for only a day or two, with few remains detectable for as long as two weeks (Kristin Wood, pers com.). During our study, aquatic turtles were the most commonly encountered taxa group, accounting for 66% of the total recorded mortality, followed by snakes (13%), birds (10%), mammals (5.5%), alligators (4.5%), and frogs (1%). A total of 21 species were identifiable from the remains, including 4 turtles, 7 snakes, the alligator, 4 birds, and 5 mammals. Due to the tendency for turtle shell fragments to persist for long periods of time along the road, their prevalence may have actually been less than suggested in our surveys. Aquatic or semiaquatic reptiles dominated the survey with only one terrestrial snake (*Elape guttata*) detected. Of the mammals found, only the river otter and the marsh rat were semiaquatic. The other road-killed mammals, requiring an upland habitat component, included the racoon, the opossum, and the armadillo.

The construction of animal barriers along the Tamiami Trail corridor in between the bridges or culverts on both sides of the road could aid in reducing road-related wildlife mortality. Perhaps a barrier based on the design currently being used at Payne's Prairie State Preserve south of Gainesville, Florida would serve well here also. The review of an unpublished evaluation by Dick Franz (1996) on the effectiveness of different barrier heights ranging from one to four feet suggests that a 2-foot barrier would be sufficient for deterring all turtles, all small snakes and most large-bodied aquatic snakes, all ranid frogs, most alligators, and all rabbits. The addition of a six-inch overhang would further increase the effectiveness of this barrier. It would be difficult to exclude arboreal animals such as racoons, opossums, treefrogs, and rat snakes, and potentially large alligators, even with the 4-foot barrier design. Furthermore, the 4-foot barriers would be a difficult obstacle for bank fishermen to traverse, especially if an over-hanging lip is present. The scenic vistas of the Everglades from the highway would likewise be greatly reduced by a 4-foot barrier. For these reasons, and the high cost ($124.24/ linear foot) associated with constructing the higher concrete barriers, we recommend that a 2-foot barrier height be considered in project design. Further cost reductions could be achieved by using alternate barrier materials such as a low field fence with aluminum flashing at the base.

Since most mammal mortality was documented in the first and last mile of the project corridor (Tables 3 and 4), we believe that the use of wildlife underpasses and diversion fences to connect the L-30 to the L-31 Levee and the L-67A to the L-67 Extension Levee would help alleviate much of the mammalian mortality. A wildlife crossing at the L-30 Levee would be of most value since no crossing of the L-29 Canal currently exists here, and because the L-30 and L-31 levees must remain in place for flood protection. Neither would this location impede boat use of the L-29 Canal. A successful and economical design used on State Road 29 by the Florida Department of Transportation consists of a 50-foot concrete slab bridge placed in the highway alignment, providing a 24-foot-wide passageway with a clearance height of 8 feet. The diversion fences for channeling animals to the crossings should be of a small mesh design and extend for one-half mile on each side of the underpass. The only other section of road surveyed that

exhibited a trend of greater mammal mortality and where the greatest number of historic Everglades mink road-kills have been documented was the 1-mile section centered at the Blue Shanty Canal (Table 5). Consequently, if the western end of the bridge expanse were relocated to the vicinity of the Blue Shanty Canal, the installation of a bridge shelf there could create a safe passage corridor for mammals and other wildlife that utilize this tree-lined agricultural canal that traverses the Tamiami Trail. A shelf width of 10 to 15 feet placed at an elevation slightly above the mean high water line would accommodate the larger animals as well as the small.

Furthermore, an improved highway design will most likely lead to faster driving speeds by motorists, which may necessitate strict enforcement of posted speed limits and stiff fines to insure that wildlife mortality does not increase.

Concerns and Recommendations

Given the stated authority limitations of the COE and the financial limitations of Everglades National Park to implement alternatives such as Alternative 5 or 6 for the Tamiami Trail portion of the Mod Waters project, Alternative 7a, or a derivative thereof, would appear to be the most reasonable interim alternative to implement prior to the approval of a more permanent solution under CERP. Although implementation of Alternative 7a will not entirely remedy all of the predrainage flow characteristics that existed prior to construction of the Tamiami Trail, it is anticipated to be capable of handling a shift in the bulk of Shark River flow volumes that will be channeled from the west side of the L-67 Levee to the east and into northeastern Shark River Slough.

Lacking in-house hydrological expertise, we must rely on the COE's modeling results, which indicate that a design high water level of 9.3 feet is sufficient for protecting the integrity of the Tamiami Trail road base, as the basis for our support of Alternative 7a. We note that the approved CERP conceptual plan, Alternative D-13R, as designed, is not expected to return the Everglades entirely to its historical flow regimes. The CERP plan may, in fact, need to be improved upon in order to reduce unnaturally high water levels and inundation periods that have been predicted under Alternative D-13R for WCA-3B. However, should any re-evaluation by the COE suggest that the design high water level of 9.3 feet would not be adequate to efficiently move flood water out of WCA-3B, then we would favor the adoption of a higher criterion to lessen the likelihood of deleterious flooding impacts upon the wildlife and vegetative communities of WCA-3B.

In summary, we offer the following recommendations concerning the alternatives under consideration, including possible improvements to Alternative 7a, the preliminary preferred alternative.

1. We support the idea of selecting an alternative that would be as compatible as possible with the upcoming CERP Decompartmentalization Project, and recommend that a real estate agreement between the COE and the Florida Department of Transportation for the Tamiami Trail be pursued in lieu of raising the profile of the roadway.

2. We understand that water quality treatment will probably not be required at this time since the impervious surface of the highway is not expected to significantly increase. Due to the potential for significant losses of high quality wetlands, impacts to important wildlife habitats, impacts to bank fishing, and possible incompatibility with CERP that would occur by including water quality treatment, we support the implementation of a water quality monitoring plan to ascertain whether treatment would be desirable in the future.

3. We are concerned about the potential reduction in public recreational access to the FSTWMA and fishing sites along the Tamiami Trail that could occur under Alternatives 3a, 3b, and the water quality treatment options b1 to b3 of Alternatives 2, 4, and 6, since such access is anticipated to decline as a result of restoration activities associated with both the Conveyance and Seepage component of Mod Waters and with the Decompartmentalization of WCA-3A Project of CERP. We are pleased to see at this time that, apart from a temporary lack of access to the south bank of the L-29 Canal during construction, Alternative 7a is expected to have minimal impacts on recreational use. However, special attention will need to be given to the siting of construction staging areas so that access is not blocked to the three boat ramps and parking facilities associated with the popular Recreation Site No. 4, the boat ramp and parking facility at Recreation Site No. 1, or to the boat ramp facility located west of the S-12D structure.

4. Of the viable alternatives being considered for this project, Alternative 7a would appear to have the least amount of impact on fish and wildlife resources. However, we believe that greater ecological and wildlife benefits may be derived from this alternative by a shift of the bridge from the proposed site one mile east of the L-67 Levee to a location east of the Blue Shanty Canal. If feasible, the placement of the western end of the bridge span, equipped with a wildlife crossing shelf beneath it, at a location immediately east of the Everglades Safari Airboat concession could aid in the reduction of wildlife mortality, particularly of the threatened Everglades mink.

5. Since wading bird and snail kite nesting patterns, as well as Everglades mink territories may vary with the prevailing hydrological conditions, surveys should be conducted on an annual basis by qualified biologists to determine whether any

nesting efforts of state and federally protected bird species, or mink dens, would potentially be affected, prior to the commencement of construction activities.

6. Alternatives 2b, 3a, 3b, 4a, 4b, 6b, 7b, and 8b produce an unacceptable amount of wetland functional loss, result in permanent impacts to wading bird rookeries, and have the potential to impact the threatened Everglades mink population; therefore, we recommend that they be removed from further consideration as ecologically viable alternatives.

7. Results from our preliminary wildlife mortality surveys and historical information suggest that there is a need for a more detailed wildlife mortality study on this portion of the Tamiami Trail prior to the completion of the Decompartmentalization Phase I project design plans.

8. Any reduction in recreational access or use of the Francis S. Taylor Wildlife Management Area that occurs in connection with this project would need to be compensated for on terms amenable to the FWC. We urge that the COE devise a program whereby the development of the recreational potential, adequate to meet anticipated public-use requirements, is more fully incorporated into project plans.

Sincerely,

Brian Barnett, for

Bradley J. Hartman, Director
Office of Environmental Services

BHH/DTT
ENV 2-16/4
a:\TamTrail_FinPrelimCAR_Sep01.rep.wpd
cc: Mr. Jay Slack, FWS, Vero Beach
Ms. Maureen Finnerty, END, Homestead
Ms. Doris Marlin, COE, Jacksonville
Dr. Hanley "Bo" Smith, COE, Jacksonville
Mr. Mark Robson, FWC, South Region

Literature Cited

Florida Game and Fresh Water Fish Commission. 1960. Recommended Program for Conservation Area 3. Vero Beach, Florida.

Kline, N.C. and D.E. Swann. 1998. Quantifying Wildlife Road Mortality in Saguaro National Park *in* Proceedings of the International Conference on Wildlife Ecology and Transportation FL-ER-69-98, Florida Department of Transportation, Tallahassee, Florida. 263 pp.

Table 1. Description of Alternatives being considered for the Tamiami Trail Project and their effects on wetland extent and function as determined by the Wetland Rapid Assessment Procedure.

Alternative	Description	Acres Lost	Functional Units Lost- / Gained+
1	Existing alignment and profile with 4 new bridges without water quality treatment	-1.6	-2.9
2a	Existing alignment with raised profile and 4 new bridges without water quality treatment	-11.8	-10.1
2b	Existing alignment with raised profile, 4 new bridges, with standard dry detention water quality treatment	-86.0	-37.5
2b Options	"Creative" water quality treatment options		
2b 1	Shift alignment to north and compress swale with wall elements/south side	-44.6	-33.6
2b 2	Shift alignment to north and compress swale with wall elements/north side	-8.0	-8.4
2b 3	Shift typical section north encroaching approximately 50 ft. into L-29 Canal	-8.0	-8.4
2b 4	Grass strips	-8.0	-8.4
2b 5	Exfiltration trenches with curb and gutter	-8.0	-8.4
2b 6	Exfiltration trenches with shoulder gutter	-7.9	-8.3
3a	New north alignment in WCA-3B with raised profile and 8 new bridges without water quality treatment	-14.3	-18.8
3b	New north alignment in WCA-3B with raised profile, 8 new bridges, and standard dry detention water quality treatment	-28.9	-30.2
3b Options	"Creative" water quality treatment options		
3b 1	Modified 2b 1 Option	-22.8	-25.4
3b 2	Modified 2b 2 Option	-10.6	-16.0
3b 3	Modified 2b 3 Option	-13.5	-18.2
3b 4	Grass strips	-9.6	-15.2
3b 5	Same as 2b 5	-10.3	-15.8
3b 6	Same as 2b 6	-10.4	-15.9

Alternative	Description	Acres Lost	Functional Units Lost (-) / Gained
4a	New south alignment with raised profile and 4 new bridges without water quality treatment	-68.4	-40.4
4b	New south alignment with raised profile, 4 new bridges, and standard dry detention water quality treatment	-103.9	-64.4
4b Options	"Creative" water quality treatment options		
4b 1	Modified 2b 1 Option	-62.6	-36.5
4b 3	Modified 2b 3 Option	-62.5	-36.5
4b 4	Grass strips	-61.3	-35.6
4b 5	Same as 2b 5	-62.6	-36.5
4b 6	Same as 2b 6	-62.5	-36.5
5a	Elevated roadway within existing right-of-way without water quality treatment	57.3	39.3
5b	Elevated roadway within existing right-of-way with water quality treatment	43.0	29.5
5c	Elevated roadway within existing right-of-way, without water quality treatment, with degradation of the existing highway embankment	65.9	45.3
6a	Existing alignment with raised profile, 4-mile bridge and 8 new box culverts without water quality treatment	-9.6	-6.6
6b	Same as alternative 6a with standard dry detention water quality treatment	-33.3	-22.8
6b Options	"Creative" water quality treatment options		
6b 1	Same as Option 2b 1 applied to remaining roadway	-30.4	-20.9
6b 2-6b 5	Same as Option 2b 2 - 2b 5 applied to remaining roadway	-4.8	-3.3

Alternative	Description	Acres Lost	Functional Units Lost- / Gained+
7a	Existing alignment with raised profile and 3000-foot bridge without water quality treatment	-5.0	-3.4
7b	Existing alignment with raised profile and 3000-foot bridge with standard dry detention water quality treatment	-72.4	-49.5
7b Options	"Creative" water quality treatment options		
7b 1	Same as Option 2b 1 applied to remaining roadway	-10.4	-7.2
7b 2	Same as Option 2b 2 applied to remaining roadway	-5.0	-3.4
7b 3	Same as Option 2b3 applied to remaining roadway	-10.4	-7.2
8a	Existing alignment with raised profile and 24 additional culverts without water quality treatment	-5.1	-3.5
8b	Existing alignment with raised profile and 40 additional culverts with standard dry detention water quality treatment	-68.0	-46.6
8b Options	"Creative" water quality treatment options		
8b 1& 8b3	Same as Options 2b1& 2b 3 applied to remaining roadway	-15.9	-7.5
8b2	Same as Option 2b2 applied to remaining roadway	-5.1	-3.5
" 9a"	Existing alignment with raised profile, 2.7-mile bridge and 8 new box culverts without water quality treatment	-2.8	-1.9
"9b"	Existing alignment with raised profile, 2.7-mile bridge and 8 new box culverts with standard dry detention water quality treatment	-39.1	-33.4

Table 2. Wildlife remains identified along Tamiami Trail, one-half mile on each side of Agricultural Canal at Coopertown, located four miles west of S-334 (December 19, 2000).

NORTH SIDE OF TAMIAMI TRAIL			
Class	East ½ mile	West ½ mile	Total
Turtles	16	12	28
Snakes	1	2	3
Frogs	1	1	2
Alligators	0	0	0
Birds	0	0	0
Mammals	0	1	1
Unidentified	1	4	5
SOUTH SIDE OF TAMIAMI TRAIL			
	East ½ mile	West ½ mile	Total
Turtles	4	6	10
Snakes	0	3	3
Frogs	0	0	0
Alligators	0	1	1
Birds	4	1	5
Mammals	0	0	0
Unidentified	2	1	3

TOTAL: 61

Table 3. Wildlife remains identified along one mile of Tamiami Trail beginning at the Flight 592 Memorial adjacent to the L-67 Canals and ending ½ mile east of Osceola Camp (December 20, 2000).

NORTH SIDE OF TAMIAMI TRAIL			
Class	East ½ mile	West ½ mile	Total
Turtles	11	7	18
Snakes	0	0	0
Frogs	0	0	0
Alligators	0	0	0
Birds	3	0	3
Mammals	0	1	1
Unidentified	0	0	0

Table 3. Continued

SOUTH SIDE OF TAMIAMI TRAIL			
Class	East ½ mile	West ½ mile	Total
Turtles	5	4	9
Snakes	0	0	0
Frogs	0	0	0
Alligators	1	1	2
Birds	1	0	1
Mammals	2	4	6
Unidentified	2	2	4

TOTAL: 44

Table 4. Wildlife remains identified on December 20, 2000 along one mile of Tamiami Trail beginning at the L-30 Canal extending one mile west and ending at a bank of culverts (Begin: UTM 550299 N; 2849310 E End: 548615 N; 2849297 E).

NORTH SIDE OF TAMIAMI TRAIL			
Class	East ½ mile	West ½ mile	Total
Turtles	38	20	58
Snakes	0	0	0
Frogs	0	0	0
Alligators	0	0	0
Birds	3	0	3
Mammals	3	0	3
Unidentified	0	1	1
SOUTH SIDE OF TAMIAMI TRAIL			
	East ½ mile	West ½ mile	Total
Turtles	18	4	22
Snakes	0	0	0
Frogs	0	0	0
Alligators	1	1	2
Birds	1	2	3
Mammals	2	1	3
Snakes	1	1	2

TOTAL: 97

Table 5. Wildlife remains identified by FWC on April 18, 2001, along one mile of Tamiami Trail (between culverts #44 to #46 at the Blue Shanty Canal [culvert #45]).

NORTH SIDE OF TAMIAMI TRAIL			
Class	East ½ mile	West ½ mile	Total
Turtles	18	3	21
Snakes	1	0	1
Frogs	0	0	0
Alligators	2	2	4
Birds	0	0	0
Mammals	0	1	1
Unidentified	1	1	2
SOUTH SIDE OF TAMIAMI TRAIL			
Turtles	19	12	31
Snakes	4	2	6
Frogs	0	0	0
Alligators	2	1	3
Birds	3	3	6
Mammals	1	5	6
Unidentified	1	0	1

TOTAL: 82

Table 6. Wildlife remains identified by FWC on April 18, 2001, along one mile of Tamiami Trail (between culverts #56 to #54 at the Tamiami West woodstork colony [culvert #55]).

NORTH SIDE OF TAMIAMI TRAIL			
Class	East ½ mile	West ½ mile	Total
Turtles	16	20	36
Snakes	5	3	8
Frogs	2	1	3
Alligators	1	2	3
Birds	4	6	10
Mammals	0	0	0
Unidentified	1	1	2
SOUTH SIDE OF TAMIAMI TRAIL			
Turtles	9	15	24
Snakes	23	7	30
Frogs	0	0	0
Alligators	2	2	4
Birds	4	3	7
Mammals	0	0	0
Unidentified	0	0	0

TOTAL: 127

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COUNTY: MIAMI-DADE

DATE: 12/5/01
COMMENTS DUE DATE: 1/5/02
CLEARANCE DUE DATE: 2/3/02

Message:

SAI#: FL200112061274C

STATE AGENCIES

AGRICULTURE
COMMUNITY AFFAIRS
FISH & WILDLIFE CONSERV. COMM
STATE
X TRANSPORTATION
ENVIRONMENTAL PROTECTION

WATER MNGMNT. DISTRICTS

OPB POLICY UNITS

ENVIRONMENTAL POLICY/C & ED

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To Jasmin Raffington | From David Korros
Co./Dept. DCA | Co. FDOT D6
Phone # | Phone # (305) 377-5910
Fax # (850) 414-0479 | Fax # (305) 377-5684

The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evalutation and is categorized as one of the following:

— Federal Assistance to State or Local Government (15 CFR 930, Subpart F). Agencies are required to evaluate the consistency of the activity.

X Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are required to furnish a consistency determination for the State's concurrence or objection.

— Outer Continental Shelf Exploration, Development or Production Activities (15 CFR 930, Subpart E). Operators are required to provide a consistency certification for state concurrence/objection.

— Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such projects will only be evaluated for consistency when there is not an analogous state license or permit.

Project Description:

U.S. Army Corps of Engineers/South Florida Water Management District - Central and Southern Florida Project - Tamiami Trail Feature - Draft General Reevaluation Report/Supplement to the 1992 Final Environmental Impact Statement (GRR/SEIS) on Modified Water Deliveries to Everglades National Park - Miami-Dade County, Florida.

To: Florida State Clearinghouse
AGENCY CONTACT AND COORDINATOR (SCH)
2555 SHUMARD OAK BLVD
TALLAHASSEE, FLORIDA 32399-2100
(850) 414-6580 (SC 994-6580)
(850) 414-0479

EO. 12372/NEPA
☐ No Comment
☑ Comment Attached
☐ Not Applicable

Federal Consistency
☐ No Comment/Consistent
☐ Consistent/Comments Attached
☐ Inconsistent/Comments Attached
☐ Not Applicable

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From:
Division/Bureau: FDOT D6 Planning Office
Reviewer: Marie S. Tapillon-Tallahassee
Date: 2/15/02

Suzie Ladouceur

Florida Department of Transportation

JEB BUSH
GOVERNOR

THOMAS F. BARRY, JR.
SECRETARY

District Six
1000 N.W. 111 Avenue, Room 6101
Miami, Florida 33172

February 4, 2002

Doris Marlin, Project Manager
U.S. Army Corps of Engineers
Jacksonville District
400 West Bay Street
Jacksonville, Florida 32202-4412

Re: Comments on the Central and Southern Florida Project, Tamiami Trail Feature, Draft General Reevaluation Report/Supplement to the 1992 Final Environmental Impact Statement (GRR/SEIS) on Modified Water Deliveries to Everglades National Park

Dear Ms. Marlin:

The Florida Department of Transportation (FDOT) has reviewed the above referenced finalized Draft GRR/SEIS for the Tamiami Trail portion of the Modified Water Deliveries to Everglades National Park. The finalized Draft does not contain the FDOT's letter from July 25, 2001 that provided comments on the Revised Preliminary Draft (95%) phase of this document (see the attached letter). Therefore, presented below are the FDOT's comments from the July 25, 2001 letter that were not addressed in the finalized Draft with pertinent updates; comments that were addressed in the finalized Draft plus specific details about how these comments were addressed; and, FDOT's additional comments on the final Draft document.

Unaddressed Comments From FDOT's July 25, 2001 Letter:

Engineering Comment No. 3

The amount of Design Service Life (DSL) for the existing pipe culverts under Tamiami Trail, listed as 300 years on page 47, should be clarified. This may be incorrectly interpreted by non-technical readers to mean that the individual culverts that exist on Tamiami Trail are estimated to remain functional for 300 years.

This comment was not addressed in the document. The above statement remains in the document in the second paragraph on page 52.

Environmental Comment No. 1:

Coordination with the State Historic Preservation Officer (SHPO) regarding the eligibility of Tamiami Trail as an historic resource should occur immediately. Although the document states that several of the alternatives have no affect on any of the National Register of Historic Places (NR) eligible resources in the project area, all alternatives (with the exception of the No Project alternative) have at least some affect on the NR-eligible Tamiami Trail. Coordination with the SHPO may be time intensive and could substantially impact the project schedule and selection of alternatives.

Update: Since Tamiami Trail has been designated as potentially eligible for listing as a historical site, continued coordination should take place with SHPO. Furthermore, Section 4(f) and Section 106 consultation could be initiated should Federal transportation funds ever be required. This type of involvement is often times intensive and could impact the project schedule.

Environmental Comment No. 4:

The document states that the project complies with Executive Order (EO) 11990 (No Net Loss of Wetlands), and states that the project will have an overall beneficial effect on wetlands; however, no specific quantification of wetland losses vs. gains (through wetland mitigation, enhancement, etc.) is made. In addition, while some potential mitigation sites are listed in the document, no specific mitigation plan is discussed which would compensate for the temporary or permanent loss of wetlands for the various alternatives.

Update: Although the Corps states that this ecosystem restoration project is "self-mitigating", there is no explanation in the document specifically detailing how this restoration project would offset the unavoidable wetland impacts associated with various alternatives or the Preliminary Recommended Plan (Alternative 7A).

Environmental Comment No. 5:

When discussing the wetland losses (or gains) for each alternative, the document should list the losses in acreage (in addition to "functional units"), since the actual wetland acreages lost will be the number evaluated under regulatory permitting.

Environmental Comment No. 6:

The document text should explain the distinction in Table 15, page 149 (Summary of WRAP Functional Units Lost and Gained), between "Direct effects" and "Indirect effects", for the benefit of non-technical readers.

Environmental Comment No. 11:

Regarding potential hazardous, toxic and radiological waste, all potential contamination sites or generators adjacent to the corridor should be listed, and results of the contamination assessment for each site should be provided. A complete Level 1 contamination assessment of the corridor, including a listing of known documented highways spills in the area, at a minimum, is necessary in order to properly anticipate and evaluate the potential for contamination impacts during construction. Additional details regarding how contamination will be handled during construction, and what construction methods (such as dewatering) may be necessary, is needed in order to relieve the FDOT of potential contamination liability in the future following construction.

Comments from the July 25, 2001 Letter That Have Been Addressed in the Document:

Engineering Comment No 1:

The document states that a request for a design variance from the FDOT regarding raising the elevation of the existing roadway has been made and pending a response, however, the FDOT has not received such a request to date.

This statement about a design variance request was not carried forward in the finalized Draft document.

Engineering Comment No. 2:

Regarding leveling the existing asphalt to a minimum elevation of 11 feet, please clarify whether this elevation was measured from the base of the roadway or the crown.

The document states that the existing asphalt will be incorporated into the sub-base of the proposed roadbed that will be raised to a crown elevation of 11.5 feet.

Engineering Comment No. 4:

Regarding design of the water quality features depicted in Figure 23, the top of the French drain can be placed at the bottom of the roadway base. This design would allow for an approximate 2-foot reduction in roadway elevation, thereby reducing overall impacts and construction costs. In addition, the French drain should not be located under the guardrail. Please refer to the handwritten notes on (attached) Figure 23.

According to the document, elevating the crown of the roadway to a minimum elevation of 11.5 feet is a primary need of the project for segments of the existing roadway that will remain in place. Therefore, reducing roadway elevations will not achieve the protection

of the roadway sub-base during periods when water deliveries to the North East Shark River Slough (NESRS) result in Design High Water Levels (DHWL) of 9.3 feet. It is anticipated that the Corps will relocate French drains from beneath the guardrails during the Design phase in order to meet FDOT requirements.

Engineering Comment No. 5:

A dry detention/retention stormwater treatment system is substantially preferable to a wet detention system, and there is adequate space in the project area to design for dry a detention system. Pleased be aware that FDOT has typically been given only a 50% credit for wet detention stormwater treatment systems, thereby necessitating a "doubling" of treatment in order to treat the required first inch of stormwater runoff.

The position the Corps has taken in this document is that implementing stormwater treatment systems will exacerbate the project's cost and result in unnecessary wetland impacts. Therefore, the Corps anticipates that FDEP will exempt this project from stormwater treatment requirements. However, there is no documentation in the document of the Corps having received an exemption from FDEP for stormwater treatment.

Engineering Comment No. 6:

An additional water quality treatment option that could be explored is a combination dry detention system with exfiltration trenches at the bottom of the swale.

This comment is addressed in the document. Figures that depict the creation of a swale, such as Figure 13, Alternative 4B (with water quality treatment) include the placement of exfiltration trenches at the bottom of the swale.

Engineering Comment No 7:

It appears that a portion of Appendix E, Florida Department of Transportation Culvert Analysis Summary Report, has been omitted from the document.

The report was reproduced in its entirety for this draft SEIS.

Environmental Comment No. 2:

The results of coordination with USFWS and FFWCCC for each potentially affected species listed in Section 2.5.5 (p.33) should be discussed in the document in order to allow a proper evaluation of alternatives under NEPA. The document does provide a general discussion of these species but no specific information on the results of field surveys, occurrence of these species in the project area or the potential affects of the proposed alternatives on these species. The Environmental Commitments section

(9.26, pp.182-3) of the document states that coordination with USFWS will be initiated in the future and that a Biological Assessment under Section 7 of the Endangered Species Act may be performed to evaluate project effects on the five listed species that potentially occur in the project area. This evaluation is needed, however, in order to properly evaluate the alternatives discussed in the document and the need for wildlife protection measures and wildlife features such as underpasses, bridges and barrier walls.

Appendix I – USFWS Fish and Wildlife Coordination Act Report and Appendix J – Florida Fish and Wildlife Conservation Commission Coordination Act Report address the potential affects on each different species for the separate proposed alternatives. Elements from these reports have been incorporated into the document in order to further detail possible affects on endangered species and other affected wildlife.

On pages 9 and 10 of Appendix J, under "Features for reducing road-related wildlife (road kill) mortality" the FFWCC conducted wildlife surveys and concluded a two-foot wildlife barrier wall on both sides of the road along the project limits and a wildlife crossing at L 30 Levee should be incorporated into the project to reduce wildlife mortality.

The Corps response to the proposed wildlife barrier walls and wildlife crossings is provided in the last paragraph on page 207 of the document:

"Wildlife features are not included in the Preliminary Recommended Plan. However, at the request of DOI, information and costs associated with providing wildlife protection have been developed (See Section 5.6.5 – Wildlife Crossing Options). These features could be added as an enhancement to [the] project and therefore funded by DOI.

In Section 7.27 – Environmental Commitments, pages 230 -231, the Corps makes the following commitment:

"(d) A Biological Assessment (BA), if needed, will be prepared under the provision of Section 7 of the Endangered Species Act. The BA would likely evaluate project effects on five listed species that are known to, or might occur in the area affected by the project, including the wood stork, snail kite, American alligator, indigo snake, and Everglades mink. Coordination with USFWS will be initiated, and their concurrence with the determination requested."

Environmental Comment No. 3:

The document should include a discussion of Everglades National Park as an officially designated Outstanding Florida Waters (OFW) in the project area.

This comment has been address in various sections in the document. For an example, see Section 5.3.10 – Water Quality Treatment Requirements on page 71.

Environmental Comment No. 4:

The document states that the project complies with Executive Order (EO) 11990 (No Net Loss of Wetlands), and states that the project will have an overall beneficial effect on wetlands, however, no specific quantifications of wetland losses vs. gains (through wetland mitigation, enhancement, etc.) is made. In addition, while some potential mitigation sites are listed in the document, no specific mitigation plan is discussed which would compensate for the temporary or permanent loss of wetlands for the various alternatives.

In Appendix I, on page three of Corps responses to recommendations in the DOI Coordination Act Report the following exchange represents the Corps positions on wetland mitigation for the project:

"c. DOI Recommendation on Mitigation for Wetland Functional Losses: Any wetland functional losses should be fully mitigated.

Corps response: Do not concur. The Corps believes that, because Tamiami Trail is part of an ecosystem restoration project, the project is self-mitigating."

Environmental Comment No. 7:

The statement regarding applicability of Section 4(f) on page 60 should be clarified to read that Section 4(f) may be triggered on this project by involvement of the U.S. Department of Transportation.

This comment has been addressed in the second paragraph in Section 5.3.6 – Section 4(f) Considerations, page 69.

Environmental Comment No. 8:

(See Environmental Comment No. 10)

Environmental Comment No. 9:

(See Environmental Comment No. 10)

Environmental Comment No. 10:

Noise analysis should normally utilize LOS C, not LOS D, since LOS C represents the worst-case scenario from a noise standpoint. The FDOT is currently evaluating this further and will provide additional input on this issue in the near future.

On page 50 of the document in Section 2.11 – Noise Environment in the first paragraph, justification is provided for using LOS D for evaluating noise levels for peak traffic volumes during the January tourist season when traffic volumes are higher and highway speeds are at 50 mph.

Please note that Environmental Comment No. 8 and No. 9 address the reasoning and methodology the Corps utilized to conduct the noise analysis for the project. It seems the analysis was conducted along the entire project limits when it may have only been required for the segment containing the realignment for the bridge. Although the Corps has presented this noise study quite differently than FDOT requirements for an environmental document of this nature, the noise study has provided a more than adequate analysis for the various alternatives. However, in the final analysis, the Corps' reasoning for rejecting the placement of noise abatement measures (noise walls) is based solely on cost, whereas other evaluation criteria are also just as applicable.

Environmental Comment No. 12:

The FDOT requests that the public hearing for this SEIS be conducted in Miami-Dade County in a school, hotel, university, or other suitable facility that is located at or near the project area in order to aid with citizen participation.

On page 243, Section 9.7 – Public Meetings, a public meeting is tentatively scheduled to receive public comments on the contents of this document on December 18, 2001. In the document, no indication is given as to the location of this meeting.

Information derived from the Corps' Tamiami Trail website indicates that two additional public meetings have been held for the project. On December 18, 2001, a public meeting was held at the Miami-Dade County Extension Office in Homestead, Florida. A second public meeting was held on January 15, 2002 at South Plantation High School Auditorium in Plantation, Florida.

Note: The FDOT's comments from the letter dated July 25, 2001 were NOT included in Appendix C – Comments Received During Comment Period. Also, Appendix N – Public Comments Regarding the Draft SEIS contained no comments whatsoever.

Additional comments on the finalized Draft document:

1. For Alternative 7A (without water quality treatment), the document states that there will be a permanent wetland loss of 5 acres (-3.42 functional units). This alternative includes a bridge extending 3000 feet along the west end of the project. After the bridge has been constructed, the abandoned segment of Tamiami Trail will be removed and returned to pre-existing wetland elevations. The removal of this segment of roadbed will result in approximately 3.5 additional acres of wetland habitat, as mentioned in Section 6.7 – Environmental Factors, page 213. It is unclear from Table 15, page 149 (Summary of WRAP Functional Units Lost and Gained) how the additional 3.5 acres to be restored have been factored into the total loss of 3.42 functional units.

2. According to the finalized Draft, water quality and stormwater management issues associated with this project remain unresolved. Since the South Florida Water Management District (SFWMD) is also a sponsor of this project, the Florida Department of Environmental Protection (FDEP) will be responsible for permitting stormwater discharges associated with Tamiami Trail. It should be noted that the regulatory agencies consistently require the FDOT to upgrade and retrofit stormwater management systems whether a project involves simple reconstruction or capacity improvements along a corridor. Inevitably, simple reconstruction increases impervious surface areas, thereby initiating regulatory jurisdiction. The Preliminary Recommended Plan for Tamiami Trail will result in additional impervious area along the shoulders of the roadway and the proposed bridge. In addition, direct stormwater discharges and increased pollutant loading will result from the proposed bridge scuppers to OFW in Everglades National Park. Current stormwater treatment will actually be lessened with the bridge in place because the vegetated portions of the roadway shoulders and sideslopes to be removed will no longer provide the existing minimal treatment.

   The FDOT recommends that the Corps seek an early determination from FDEP regarding whether or not stormwater treatment will be required for this project. It is imperative that this issue be resolved as early as possible because adding any of the proposed stormwater treatment options will result in substantial additional costs to the project and may result in greatly increased wetlands impacts.

3. Page two of the document states, "The substitute facilities will not be operated and maintained by the Federal or Non-Federal Sponsor. The substitute facilities for the preliminary recommended plan consist of two items: (a) a 3,000 foot bridge and (b) pavement upgrades to the unbridged portion of the Tamiami Trail road between S-333 and S-334."

   This implies that the Florida Department of Transportation (FDOT) would be responsible for the maintenance and operation of the 3,000 foot bridge and the

pavement upgrades to the unbridged portions of the project. Prior to assumption of these responsibilities, the FDOT would require assurances that the substitute facilities would be constructed in accordance with Chapter 25 of the FDOT's Plans Preparation Manual. Any design variances would require formal request and FDOT's subsequent consideration and approval.

To date no agreement has been reached between the FDOT and the Corps concerning maintenance of the elevated portion of the roadbed. Elevating the roadbed to accommodate future increases in adjacent water levels is not an FDOT required maintenance activity, but is required in order to prevent catastrophic failure of the existing roadway sub-base which will likely occur after water levels are increased as a result of this project. In the event that the proposed plan still results in inundation of the roadway sub-base, the Corps should provide the funding to the FDOT for maintenance of early pavement failure caused by inundation of the roadway sub-base within the elevated portion of the project.

Thank you for the opportunity to comment on this important project. If there are any questions regarding the above comments, please contact Ms. Marjorie Bixby or me at (305) 470-5220.

Sincerely,

Javier Rodriguez, P.E.
Project Development Engineer

(attachment)

cc: Maureen Finnertym Everglades National Park
Dave Sikemma, Everglades National Park
Robert Crimm, FDOT Tallahassee
Donna Pope, FDOT Tallahassee
John Martinez, FDOT Miami
Gus Pego, FDOT Miami
Marjorie Bixby, FDOT Miami
Barbara Culhane, FDOT Miami
Ricardo Salazar, FDOT Miami
Reinaldo Carvajal, FDOT Miami
Roberto Perez, FDOT Miami
Mikhail Dubrovsky, FDOT Miami
David Miro, FDOT Davie

(MB)

Florida Department of Transportation

JEB BUSH
GOVERNOR

THOMAS F. BARRY, JR.
SECRETARY

District Six
1000 N.W. 111 Avenue, Room 6101
Miami, Florida 33172

July 25, 2001

Doris Marlin, Project Manager
U.S. Army Corps of Engineers
Jacksonville District
400 West Bay Street
Jacksonville, Florida 32202-4412

Re: Comments on the Revised Preliminary Draft (95%) General Reevaluation Report / Supplemental Environmental Impact Statement (GRR/SEIS) for the Tamiami Trail / Modified Water Deliveries to Everglades National Park Project.

Dear Ms. Marlin:

The Florida Department of Transportation (FDOT) has reviewed the above referenced GRR/SEIS for Tamiami Trail portion of the Modified Water Deliveries to Everglades National Park Project and provides the following comments related to this document.

ENGINEERING COMMENTS:

1. **The document states that a request for a design variance from the FDOT regarding raising the elevation of the existing roadway has been made and is pending a response, however FDOT has not received such as request to date.**

2. **Regarding leveling the existing asphalt to a minimum elevation of 11.0 feet, please clarify whether this elevation was measured from the base of the roadway or the crown.**

3. **The amount of Design Service Life (DSL) for the existing pipe culverts under Tamiami Trail, listed as 300 years on page 47, should be clarified.** This may be incorrectly interpreted by non-technical readers to mean that the individual culverts that exist on Tamiami Trail are estimated to remain functional for 300 years.

4. **Regarding design of the water quality features depicted in Figure 23,the top of the French drain can be placed at the bottom of the roadway base.** This design would allow for an approximate 2-foot reduction in roadway elevation, thereby reducing overall impacts and construction costs. In addition, the french drain should

not be located under the guardrail. Please refer to the handwritten notes on Figure 23, attached.

5. **A dry detention/retention stormwater treatment system is substantially preferable to a wet detention system, and there is adequate space in the project area to design for a dry detention system.** Please be aware that FDOT has typically been given only 50% credit for wet detention stormwater treatment systems, thereby necessitating a "doubling" of treatment in order to treat the required first inch of stormwater runoff.

6. **An additional water quality treatment option that could be explored is a combination dry detention system with exfiltration trenches at the bottom of the swale.**

7. **It appears that a portion of Appendix E, Florida Department of Transportation Culvert Analysis Summary Report, has been omitted from the document.**

ENVIRONMENTAL COMMENTS:

1. **Coordination with the State Historic Preservation Officer (SHPO) regarding the eligibility of Tamiami Trail as an historic resource should occur immediately.** Although the document states that several of the alternatives have no affect on any of the National Register of Historic Places (NR) eligible resources in the project area, all alternatives (with the exception of the No Project alternative) have at least some affect on the NR-eligible Tamiami Trail. Coordination with the SHPO may be time intensive and could substantially impact the project schedule and selection of alternatives.

2. **The results of coordination with USFWS and FFWCC for each potentially affected species listed in Section 2.5.5 (p. 33) should be discussed in the document in order to allow a proper evaluation of alternatives under NEPA.** The document does provide a general discussion of these species but no specific information on the results of field surveys, occurrence of these species in the project area or the potential affects of the proposed alternatives on these species. The Environmental Commitments section (9.26, pp. 182-3) of the document states that coordination with USFWS will be initiated in the future and that a Biological Assessment under Section 7 of the Endangered Species Act may be performed to evaluate project effects on the five listed species that potentially

occur in the project area. This evaluation is needed, however, in order to properly evaluate the alternatives discussed in the document and the need for wildlife protection measures and wildlife features such as underpasses, bridges and barrier walls.

3. **The document should include a discussion of Everglades National Park as an officially designated Outstanding Florida Waters (OFW) in the project area.**

4. **The document states that the project complies with Executive Order (EO) 11990 (No Net Loss of Wetlands), and states that the project will have an overall beneficial effect on wetlands, however no specific quantification of wetland losses vs. gains (thorough wetlands mitigation, enhancement, etc.) is made.** In addition, while some potential mitigation sites are listed in the document, no specific mitigation plan is discussed which would compensate for the temporary or permanent loss of wetlands for the various alternatives.

5. **When discussing the wetland losses (or gains) for each alternative, the document should list the losses in acreage (in addition to "functional units"), since the actual wetlands acreages lost will be the number evaluated under regulatory permitting.**

6. **The document text should explain the distinction in Table 13, pg. 118 (Summary of WRAP Functional Units Lost and Gained), between "Direct effects" and "Indirect effects", for the benefit of non-technical readers.**

7. **The statement regarding applicability of Section 4(f) on page 60 should be clarified to read that Section 4(f) may be triggered on this project by involvement of the U.S. Department of Transportation.**

8. **Noise analysis should only be performed, and abatement measures considered, for Type I projects under 23 CFR Part 772, i.e., where there is the addition of through lanes or a significant shift in the horizontal or vertical alignment of the roadway.** Some alternatives may require noise abatement considerations, and others may only require it in areas where bridging or substantial roadway realignment will occur adjacent to noise sensitive receivers. The document should further explain the basis for decisions regarding where noise modeling was performed.

9. **Discussion of noise analysis and abatement considerations in different sections of the document is inconsistent.** Where noise analysis shows that noise abatement

measures (such as noise barriers) may be warranted, those measures should be evaluated to determine reasonableness and feasibility (see, for example, pp. 149-150). In addition, the document states that in cases where the future with-project noise levels has no [additional] impact when compared to the future without-project noise levels, noise abatement considerations are not required. Please be aware that under FWHA and FDOT guidelines used to conduct these studies, this reasoning by itself is not sufficient to preclude the consideration of noise abatement. As long as future noise levels approach or exceed the Noise Abatement Criteria, noise abatement must be considered regardless whether the future with-project noise levels and future without-project noise levels are similar or the same.

10. **Noise analysis should normally utilize LOS C, not LOS D, since LOS C represents the worst case scenario from a noise standpoint.** The FDOT is currently evaluating this further and will provide additional input on this issue in the near future.

11. **Regarding potential hazardous, toxic and radiological waste, all potential contamination sites or generators adjacent to the corridor should be listed, and results of the contamination assessment for each site should be provided.** A complete Level I contamination audit of the corridor, including a listing of know / documented highway spills in the area, at a minimum, is necessary in order to properly anticipate and evaluate the potential for contamination impacts during construction. Additional details regarding how contamination willl be handled during construction, and what construction methods (such as dewatering) may be necessary, is needed in order to relieve the FDOT of potential contamination liability in the future following construction.

12. **The FDOT requests that the public hearing for this SEIS be conducted in Miami-Dade County in a school, hotel, university or other suitable facility that is located at or near the project area in order to aid with citizen participation.**

Thank you for the opportunity to comment on this important project. If there are any questions regarding the above comments, please contact Ms. Barbara Culhane or Mr. Javier Rodriguez at (305) 470-5220.

Sincerely,

Mike Ciscar, P.E.
District Environmental Management Engineer

cc: Maureen Finnerty, Everglades National Park
Dave Sikemma, Everglades National Park
Robert Crim, FDOT Tallahassee
Donna Pope, FDOT Tallahassee
John Martinez, FDOT Miami
Gus Pego, FDOT Miami
Marjorie Bixby, FDOT Miami
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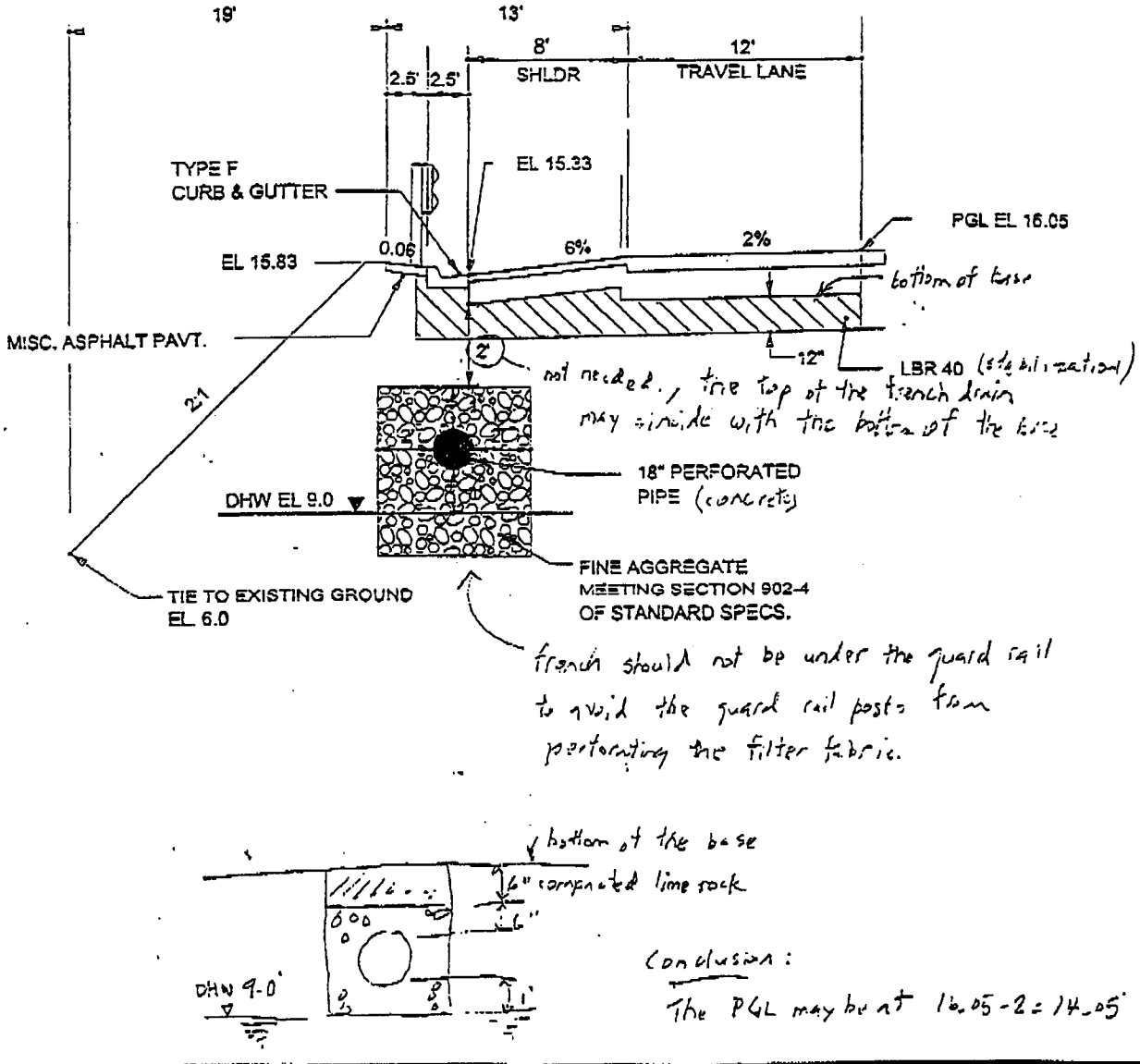
Barbara Culhane, FDOT Miami
Ricardo Salazar, FDOT Miami
Reinaldo Carvajal, FDOT Miami
Roberto Perez, FDOT Miami
Mikhail Dubrovsky, FDOT Miami
David Miro, FDOT Davie



WATER QUALITY OPTION 2

General Reevaluation Report/ Supplemental Environmental Impact Statement, Tamiami Trail
Modified Water Deliveries To Everglades National Park, Florida

GEC Gulf Engineers & Consultants, Inc.

Figure: 23
Date: March 2001
Source: PBS&J

South
Florida
Regional
Planning
Council

January 23, 2002

Mr. Mike Murray
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

RE: SFRPC #02-0119, SAI #FL200112061274C – Request for comments on the Final Environmental Impact Statement for the Tamiami Trail Feature of the Modified Water Deliveries to Everglades National Park, Department of the Army, Miami-Dade County.

Dear Mr. Murray:

We have reviewed the above-referenced request and have the following comments:

- Council staff is concerned about the impacts this project could have on the water quality, wildlife habitat and the overall ecological integrity of the region. The project should be consistent with the goals and policies of the Miami-Dade County comprehensive plan and its corresponding land development regulations, the Everglades National Park management plan, the Lower East Coast Water Supply Plan, and the Comprehensive Everglades Restoration Plan. This will assist in reducing the cumulative impacts to native plants and animals, wetlands and deep water habitat and fisheries that the goals and policies of the *Strategic Regional Policy Plan for South Florida* seek to protect.

- Staff recommends that, if this project goes forward, 1) impacts to the natural systems be minimized to the greatest extent feasible and 2) the permit grantor determine the extent of sensitive wildlife and vegetative communities in the vicinity of the project and require protection and or mitigation of disturbed habitat.

- The location of this project is adjacent to Water Conservation Area 3 and Everglades National Park, natural resources of regional significance, designated in the *Strategic Regional Policy Plan for South Florida* (SRPP). The goals and policies of the *SRPP*, in particular those indicated below, should be observed when making decisions regarding this project.

Strategic Regional Goal

3.1 Eliminate the inappropriate uses of land by improving the land use designations and utilize land acquisition where necessary so that the quality and connectedness of Natural Resources of Regional Significance and suitable high quality natural areas is improved.

Regional Policies

3.1.1 Natural Resources of Regional Significance and other suitable natural resources shall be preserved and protected. Mitigation for unavoidable impacts will be provided either on-site or in identified regional habitat mitigation areas with the goal of providing the highest level of resource value and function for the regional system. Endangered faunal species

3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021
Broward (954) 985-4416, State (800) 985-4416
SunCom 473-4416, FAX (954) 985-4417, Sun Com FAX 473-4417
email: sfadmin@sfrpc.com, website: www.sfrpc.com

habitat and populations documented on-site shall be preserved on-site. Threatened faunal species and populations and species of special concern documented on-site, as well as critically imperiled, imperiled and rare plants shall be preserved on-site unless it is demonstrated that off-site mitigation will not adversely impact the viability or number of individuals of the species.

3.1.2 Direct inappropriate uses of land that are not consistent with the protection and maintenance of natural resource values away from Natural Resources of Regional Significance and suitable natural resource areas.

3.1.9 Degradation or destruction of Natural Resources of Regional Significance, including listed species and their habitats will occur as a result of a proposed project only if:

a) the activity is necessary to prevent or eliminate a public hazard, and
b) the activity is in the public interest and no other alternative exists, and
c) the activity does not destroy significant natural habitat, or identified natural resource values, and
d) the activity does not destroy habitat for threatened or endangered species, and
e) the activity does not negatively impact listed species that have been documented to use or rely upon the site.

3.1.10 Proposed projects shall include buffer zones between development and existing Natural Resources of Regional Significance and other suitable natural resources. The buffer zones shall provide natural habitat values and functions that compliment Natural Resources of Regional Significance values so that the natural system values of the site are not negatively impacted by adjacent uses. The buffer zones shall be a minimum of 25 feet in width. Alternative widths may be proposed if it is demonstrated that the alternative furthers the viability of the Natural Resource of Regional Significance, effectively separating the development impacts from the natural resource or contributing to reduced fragmentation of identified Natural Resources of Regional Significance.

3.1.11 Implement monitoring and maintenance of Natural Resources of Regional Significance and other suitable natural resources so that an Overall Positive Gain in quality and quantity of the Natural Resources of Regional Significance is achieved. The monitoring of the Natural Resources of Regional Significance shall be included on all projects that have not been demonstrated to not adversely impact the resource or associated listed species.

Strategic Regional Goal

3.2 Develop a more efficient and sustainable allocation of the water resources of the region.

Regional Policies

3.2.5 Ensure that the recharge potential of the property is not reduced as a result of a proposed modification in the existing uses by incorporation of open space, pervious areas, and impervious areas in ratios which are based upon analysis of on-site recharge needs.

3.2.6 When reviewing proposed projects and through the implementation of the SRPP, discourage water management and proposed development projects that alter the natural wet and dry cycles of Natural Resources of Regional Significance or suitable adjacent buffer areas or cause functional disruption of wetlands or aquifer recharge areas.

3.2.7 Identify the natural system water needs for the Natural Resources of Regional Significance and suitable adjacent natural buffer areas by requiring ecological studies of these areas associated with proposed projects. Incorporate the results of the studies into the natural system management plan for the region on an annual basis.

3.2.8 When potential impacts to water resources is proposed, require an inventory of water quality data associated with the resource in question. Utilize the database to consolidate and construct a regional data set for the Natural Resources of Regional Significance and suitable adjacent buffer areas.

3.2.9 Require all inappropriate inputs into Natural Resources of Regional Significance to be eliminated through such means as; redirection of offending outfalls, suitable treatment improvements or retrofitting options.

3.2.10 The discharge of freshwater to Natural Resources of Regional Significance and suitable adjacent natural buffer areas shall be designed to imitate the natural discharges in quality and quantity as well as in spatial and temporal distribution.

3.2.11 Existing stormwater outfalls that do not meet or improve upon existing water quality or quantity criteria or standard, or cause negative impacts to Natural Resources of Regional Significance or suitable adjacent natural buffer areas shall be modified to meet or exceed the existing water quality or quantity criteria or standard. The modification shall be the responsibility of the outfall operator, permittee or applicant.

3.2.12 Conduct annual ecological evaluations of the identified water resource Natural Resources of Regional Significance and their direct tributaries. These evaluations must include collection and analysis of data on the water and sediment quality as well as biomonitoring. The ecological evaluations shall be made available to local governments, state agencies and water management entities.

3.2.14 Utilize the ecological data generated in the ecological evaluations to design new and more ecologically sustainable water management practices that facilitate the improvement of the existing water quality and quantity of the Natural Resources of Regional significance and their direct tributaries.

3.2.15 Utilize water quality data to generate anti-degradation criteria for the identified water resource Natural Resources of Regional Significance and their direct tributaries.

3.2.16 Require new inputs into Natural Resources of Regional Significance and their direct tributaries to meet the anti-degradation criteria.

Strategic Regional Goal

3.4 Improve the protection of upland habitat areas and maximize the interrelationships between the wetland and upland components of the natural system.

Regional Policies

3.4.1 Require the utilization of vegetation and wildlife surveys in project review, which include the identification of listed species habitat quantity and quality.

3.4.2 Utilize the results of the vegetation, wildlife and listed species habitat surveys in the reduction of project related impacts to identified wildlife populations or communities. The results of the surveys will be utilized to ensure that the proposed project is compatible with identified or otherwise documented on-site viable populations or communities by retaining those populations or communities on-site.

3.4.3 Require controlled burns in upland habitat Natural Resources of Regional Significance and suitable adjacent buffer areas whenever appropriate.

3.4.4 Require the use of ecological studies and site and species specific surveys in projects that may impact natural habitat areas to ensure that rare and state and federally listed plants and wildlife are identified with respect to temporal and spatial distribution.

3.4.5 Identify and protect the habitats of rare and state and federally listed species. For those rare and threatened species that have been scientifically demonstrated by past or site specific studies to be relocated successfully, without resulting in harm to the relocated or receiving populations, and where *in-situ* preservation is neither possible nor desirable from an ecological perspective, identify suitable receptor sites, guaranteed to be preserved and managed in perpetuity for the protection of the relocated species that will be utilized for the relocation of such rare or listed plants and animals made necessary by unavoidable project impacts. Consistent use of the site by endangered species, or documented endangered species habitat on-site shall be preserved on-site.

3.4.6 Require the protection of listed species identified in ecological studies of proposed project areas by such means as, the isolation of suitable habitat or relocation of the individuals to suitable Natural Resources of Regional Significance or other suitable natural areas with sufficient carrying capacity consistent with the requirements of Policies 3.4.1, 3.4.2, 3.4.3, 3.4.4, and 3.4.5.

3.4.7 Natural system corridors shall include upland as well as wetland habitat areas to facilitate the re-establishment of regional system ecological values and functions.

3.4.8 Remove invasive exotics from all Natural Resources of Regional Significance and associated buffer areas. Require the continued regular and periodic maintenance of areas that have had invasive exotics removed.

3.4.9 Required maintenance shall insure that re-establishment of the invasive exotic does not occur.

3.4.10 Local governments shall be encouraged to require invasive exotic removal as a condition of development approvals.

3.4.11 Local governments shall be encouraged to remove invasive exotics from government property.

Strategic Regional Goal

3.5 Develop a plan for public access that delineates the Natural Resources of Regional Significance and high quality natural areas compatible with human recreation and promotes the ecologically sensitive use of suitable Natural Resources of Regional

Regional Policies

3.5.1 Identify the elements of each Natural Resource of Regional Significance and other suitable natural resources of the region and implement protection, restoration, and management of these elements that encourages public use. This shall include the identification of suitable additional beach access areas that allow for effective public transportation and private vehicle parking. Such needs shall be addressed by the incorporation of shared use parking areas and public transportation pick-up and drop-off points.

3.5.2 Provide resource protection, restoration and management plans to the public to encourage implementation and use of the necessary protection elements in the course of public site use.

3.5.3 Require the ecologically sensitive use of natural areas as a condition to access and utilization. Promote environmental education through parks, nature centers and schools.

3.5.4 Identify the appropriate access and use criteria for the identified Natural Resources of Regional Significance and adjacent natural buffer areas.

Strategic Regional Goal

3.9 Restore and protect the ecological values and functions of the Everglades System

Regional Policies

3.9.1 Direct development and uses of land that would be inconsistent with Everglades restoration away from the Everglades System and adjacent Natural Resources of Regional Significance.

3.9.2 Work with state, regional and local governments and agencies to develop a system for effectively linking land use decisions with water supply planning.

3.9.3 Support the establishment and management of buffer areas between development and the Everglades system.

3.9.4 Restore natural volume, timing, quality and distribution of water to the Everglades, Florida Bay, Biscayne Bay, other eastern estuaries, and the Atlantic Ocean by:

a) supporting structural and operational modifications to the Central and Southern Flood Control Project and recommended by the US Army Corps of Engineers C&SF Feasibility Study;
b) supporting implementation of East Coast Buffer Plan; and
c) supporting a water supply plan that meets the needs of the natural system.

3.9.5 Conserve water entering the Everglades system and increase the self sufficiency of urban and agricultural water supplies by:

a) creating water storage areas near or within urban areas;
b) promoting increased efficiency of water use in agriculture, business uses and residential use; and
c) promoting the development of alternative water supply sources.

3.9.6 Restore water quality throughout the system by:

a) requiring stormwater treatment and storage areas for existing and newly developed areas and agricultural lands; and
b) protecting existing wetlands, native uplands and identified aquifer recharge areas.

3.9.7 Include the Everglades system in the ecological studies so that the successes of restoration may be expanded and included in adaptive management of the system.

Thank you for the opportunity to comment. We would appreciate being kept informed on the progress of this project. Please do not hesitate to call if you have any questions or comments.

Sincerely,

John E. Hulsey
Senior Planner

JEH/bg

COUNTY: MIAMI-DADE

DATE: 12/5/01
COMMENTS DUE DATE: 1/5/02
CLEARANCE DUE DATE: 2/3/02
SAI#: FL200112061274C

Message:

STATE AGENCIES	WATER MNGMNT. DISTRICTS	OPB POLICY UNITS
AGRICULTURE COMMUNITY AFFAIRS FISH & WILDLIFE CONSERV. COMM X STATE TRANSPORTATION ENVIRONMENTAL PROTECTION	surrev- corps 01-8067, Complete & Sufficient Findings addressed in report p. 43	ENVIRONMENTAL POLICY/C & ED Dade SAI-Corps 2001-12252

The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evalutation and is categorized as one of the following:

— Federal Assistance to State or Local Government (15 CFR 930, Subpart F). Agencies are required to evaluate the consistency of the activity.

X Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are required to furnish a consistency determination for the State's concurrence or objection.

— Outer Continental Shelf Exploration, Development or Production Activities (15 CFR 930, Subpart E). Operators are required to provide a consistency certification for state concurrence/objection.

— Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such projects will only be evaluated for consistency when there is not an analogous state license or permit.

Project Description:

U.S. Army Corps of Engineers/South Florida Water Management District - Central and Southern Florida Project - Tamiami Trail Feature - Draft General Reevaluation Report/Supplement to the 1992 Final Environmental Impact Statement (GRR/SEIS) on Modified Water Deliveries to Everglades National Park - Miami-Dade County, Florida.

To: **Florida State Clearinghouse**
AGENCY CONTACT AND COORDINATOR (SCH)
2555 SHUMARD OAK BLVD
TALLAHASSEE, FLORIDA 32399-2100
(850) 414-6580 (SC 994-6580)
(850) 414-0479

EO. 12372/NEPA
☒ No Comment
☐ Comment Attached
☐ Not Applicable

Federal Consistency
☒ No Comment/Consistent
☐ Consistent/Comments Attached
☐ Inconsistent/Comments Attached
☐ Not Applicable

From:
Division/Bureau: Division of Historical Resources / Bureau of Historic Preservation
Reviewer: SARAH JALVING
Date: 1/10/02

Frederick P. Gaske
Deputy SHPO
1/11/02

RECEIVED
01 DEC 13 AM 11:

UNTY: MIAMI-DADE

COMMENTS DUE DATE: 1/5/02
CLEARANCE DUE DATE: 2/3/02

ssage:

SAI#: FL200112061274C

STATE AGENCIES	WATER MNGMNT. DISTRICTS	OPB POLICY UNITS
X AGRICULTURE COMMUNITY AFFAIRS FISH & WILDLIFE CONSERV. COMM STATE TRANSPORTATION ENVIRONMENTAL PROTECTION		ENVIRONMENTAL POLICY/C & ED

RECEIVED
DEC 17 2001
Division of Forestry
FRP&SS BUREAU

he attached document requires a Coastal Zone Management Act/Florida oastal Management Program consistency evalutation and is categorized one of the following:

— Federal Assistance to State or Local Government (15 CFR 930, Subpart F). Agencies are required to evaluate the consistency of the activity.

X Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are required to furnish a consistency determination for the State's concurrence or objection.

— Outer Continental Shelf Exploration, Development or Production Activities (15 CFR 930, Subpart E). Operators are required to provide a consistency certification for state concurrence/objection.

— Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such projects will only be evaluated for consistency when there is not an analogous state license or permit.

Project Description:

U.S. Army Corps of Engineers/South Florida Water Management District - Central and Southern Florida Project - Tamiami Trail Feature - Draft General Reevaluation Report/Supplement to the 1992 Final Environmental Impact Statement (GRR/SEIS) on Modified Water Deliveries to Everglades National Park - Miami-Dade County, Florida.

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TALLAHASSEE, FLORIDA 32399-2100
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EO. 12372/NEPA
[4] No Comment
[ ] Comment Attached
[ ] Not Applicable

Federal Consistency
[4] No Comment/Consistent
[ ] Consistent/Comments Attached
[ ] Inconsistent/Comments Attached
[ ] Not Applicable

From:
Jack P. Dodd, Planner
Division of Forestry
Forest Resource Planning &
Support Services Bureau
3125 Conner Blvd. Mail Stop C23
Tallahassee, FL 32399-1650

Division/Bureau:

Reviewer:

Date: 01-04-02

SAI Routing Sheet

DATE: 12/06/2001

COUNTY: MIAMI-DADE

SAI#: FL200112061274C

Message:

PROJECT TO BE REVIEWED BY: (Div/Program)	ASSIGNED REVIEWERS (Print Last Name)	IS PROJECT LOCATED IN APPROVED DRI? (Circle Yes/No) YES: Is Project Consistent with DO?	IS PROJECT LOCATED IN APPROVED DRI? (Circle Yes/No) NO: Is Project DRI Scale?	Is Project CONSISTENT w/ COMPLAN? YES / NO	Is Project CONSISTENT w/ FCMP? YES / NO	Do you have any COMMENTS on project? YES / NO	DATE REVIEW COMPLETED	RVWR/ SUPV INIT
DCP	RWD	YES / NO	YES / NO	NA			12/31/01	KDM
12/26 Date Rec'd		Monitoring Letter? YES / NO	Monitoring Letter? YES / NO					
Complete and forward to Div/Prog Below no later than: **1/5/02**								
CMP	Clayton	**Wetlands?** YES / NO	**Stormwater?** YES / NO			V	1-3-02	ae
1/3/02 Date Rec'd								
Complete and forward to ACC Coordinator no later than: **1/5/02**								

South
Florida
Regional
Planning
Council

January 23, 2002

Mr. Mike Murray
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

RE: SFRPC #02-0119, SAI #FL200112061274C – Request for comments on the Final Environmental Impact Statement for the Tamiami Trail Feature of the Modified Water Deliveries to Everglades National Park, Department of the Army, Miami-Dade County.

Dear Mr. Murray:

We have reviewed the above-referenced request and have the following comments:

- Council staff is concerned about the impacts this project could have on the water quality, wildlife habitat and the overall ecological integrity of the region. The project should be consistent with the goals and policies of the Miami-Dade County comprehensive plan and its corresponding land development regulations, the Everglades National Park management plan, the Lower East Coast Water Supply Plan, and the Comprehensive Everglades Restoration Plan. This will assist in reducing the cumulative impacts to native plants and animals, wetlands and deep water habitat and fisheries that the goals and policies of the *Strategic Regional Policy Plan for South Florida* seek to protect. RPC-1

- Staff recommends that, if this project goes forward, 1) impacts to the natural systems be minimized to the greatest extent feasible and 2) the permit grantor determine the extent of sensitive wildlife and vegetative communities in the vicinity of the project and require protection and or mitigation of disturbed habitat. RPC-2

- The location of this project is adjacent to Water Conservation Area 3 and Everglades National Park, natural resources of regional significance, designated in the *Strategic Regional Policy Plan for South Florida* (SRPP). The goals and policies of the *SRPP*, in particular those indicated below, should be observed when making decisions regarding this project. RPC-3

Strategic Regional Goal

3.1 Eliminate the inappropriate uses of land by improving the land use designations and utilize land acquisition where necessary so that the quality and connectedness of Natural Resources of Regional Significance and suitable high quality natural areas is improved.

Regional Policies

3.1.1 Natural Resources of Regional Significance and other suitable natural resources shall be preserved and protected. Mitigation for unavoidable impacts will be provided either on-site or in identified regional habitat mitigation areas with the goal of providing the highest level of resource value and function for the regional system. Endangered faunal species

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habitat and populations documented on-site shall be preserved on-site. Threatened faunal species and populations and species of special concern documented on-site, as well as critically imperiled, imperiled and rare plants shall be preserved on-site unless it is demonstrated that off-site mitigation will not adversely impact the viability or number of individuals of the species.

3.1.2 Direct inappropriate uses of land that are not consistent with the protection and maintenance of natural resource values away from Natural Resources of Regional Significance and suitable natural resource areas.

3.1.9 Degradation or destruction of Natural Resources of Regional Significance, including listed species and their habitats will occur as a result of a proposed project only if:

a) the activity is necessary to prevent or eliminate a public hazard, and
b) the activity is in the public interest and no other alternative exists, and
c) the activity does not destroy significant natural habitat, or identified natural resource values, and
d) the activity does not destroy habitat for threatened or endangered species, and
e) the activity does not negatively impact listed species that have been documented to use or rely upon the site.

3.1.10 Proposed projects shall include buffer zones between development and existing Natural Resources of Regional Significance and other suitable natural resources. The buffer zones shall provide natural habitat values and functions that compliment Natural Resources of Regional Significance values so that the natural system values of the site are not negatively impacted by adjacent uses. The buffer zones shall be a minimum of 25 feet in width. Alternative widths may be proposed if it is demonstrated that the alternative furthers the viability of the Natural Resource of Regional Significance, effectively separating the development impacts from the natural resource or contributing to reduced fragmentation of identified Natural Resources of Regional Significance.

3.1.11 Implement monitoring and maintenance of Natural Resources of Regional Significance and other suitable natural resources so that an Overall Positive Gain in quality and quantity of the Natural Resources of Regional Significance is achieved. The monitoring of the Natural Resources of Regional Significance shall be included on all projects that have not been demonstrated to not adversely impact the resource or associated listed species.

Strategic Regional Goal

3.2 Develop a more efficient and sustainable allocation of the water resources of the region.

Regional Policies

3.2.5 Ensure that the recharge potential of the property is not reduced as a result of a proposed modification in the existing uses by incorporation of open space, pervious areas, and impervious areas in ratios which are based upon analysis of on-site recharge needs.

3.2.6 When reviewing proposed projects and through the implementation of the SRPP, discourage water management and proposed development projects that alter the natural wet and dry cycles of Natural Resources of Regional Significance or suitable adjacent buffer areas or cause functional disruption of wetlands or aquifer recharge areas.

3.2.7 Identify the natural system water needs for the Natural Resources of Regional Significance and suitable adjacent natural buffer areas by requiring ecological studies of these areas associated with proposed projects. Incorporate the results of the studies into the natural system management plan for the region on an annual basis.

3.2.8 When potential impacts to water resources is proposed, require an inventory of water quality data associated with the resource in question. Utilize the database to consolidate and construct a regional data set for the Natural Resources of Regional Significance and suitable adjacent buffer areas.

3.2.9 Require all inappropriate inputs into Natural Resources of Regional Significance to be eliminated through such means as; redirection of offending outfalls, suitable treatment improvements or retrofitting options.

3.2.10 The discharge of freshwater to Natural Resources of Regional Significance and suitable adjacent natural buffer areas shall be designed to imitate the natural discharges in quality and quantity as well as in spatial and temporal distribution.

3.2.11 Existing stormwater outfalls that do not meet or improve upon existing water quality or quantity criteria or standard, or cause negative impacts to Natural Resources of Regional Significance or suitable adjacent natural buffer areas shall be modified to meet or exceed the existing water quality or quantity criteria or standard. The modification shall be the responsibility of the outfall operator, permittee or applicant.

3.2.12 Conduct annual ecological evaluations of the identified water resource Natural Resources of Regional Significance and their direct tributaries. These evaluations must include collection and analysis of data on the water and sediment quality as well as biomonitoring. The ecological evaluations shall be made available to local governments, state agencies and water management entities.

3.2.14 Utilize the ecological data generated in the ecological evaluations to design new and more ecologically sustainable water management practices that facilitate the improvement of the existing water quality and quantity of the Natural Resources of Regional significance and their direct tributaries.

3.2.15 Utilize water quality data to generate anti-degradation criteria for the identified water resource Natural Resources of Regional Significance and their direct tributaries.

3.2.16 Require new inputs into Natural Resources of Regional Significance and their direct tributaries to meet the anti-degradation criteria.

Strategic Regional Goal

3.4 Improve the protection of upland habitat areas and maximize the interrelationships between the wetland and upland components of the natural system.

Regional Policies

3.4.1 Require the utilization of vegetation and wildlife surveys in project review, which include the identification of listed species habitat quantity and quality.

3.4.2 Utilize the results of the vegetation, wildlife and listed species habitat surveys in the reduction of project related impacts to identified wildlife populations or communities. The results of the surveys will be utilized to ensure that the proposed project is compatible with identified or otherwise documented on-site viable populations or communities by retaining those populations or communities on-site.

3.4.3 Require controlled burns in upland habitat Natural Resources of Regional Significance and suitable adjacent buffer areas whenever appropriate.

3.4.4 Require the use of ecological studies and site and species specific surveys in projects that may impact natural habitat areas to ensure that rare and state and federally listed plants and wildlife are identified with respect to temporal and spatial distribution.

3.4.5 Identify and protect the habitats of rare and state and federally listed species. For those rare and threatened species that have been scientifically demonstrated by past or site specific studies to be relocated successfully, without resulting in harm to the relocated or receiving populations, and where *in-situ* preservation is neither possible nor desirable from an ecological perspective, identify suitable receptor sites, guaranteed to be preserved and managed in perpetuity for the protection of the relocated species that will be utilized for the relocation of such rare or listed plants and animals made necessary by unavoidable project impacts. Consistent use of the site by endangered species, or documented endangered species habitat on-site shall be preserved on-site.

3.4.6 Require the protection of listed species identified in ecological studies of proposed project areas by such means as, the isolation of suitable habitat or relocation of the individuals to suitable Natural Resources of Regional Significance or other suitable natural areas with sufficient carrying capacity consistent with the requirements of Policies 3.4.1, 3.4.2, 3.4.3, 3.4.4, and 3.4.5.

3.4.7 Natural system corridors shall include upland as well as wetland habitat areas to facilitate the re-establishment of regional system ecological values and functions.

3.4.8 Remove invasive exotics from all Natural Resources of Regional Significance and associated buffer areas. Require the continued regular and periodic maintenance of areas that have had invasive exotics removed.

3.4.9 Required maintenance shall insure that re-establishment of the invasive exotic does not occur.

3.4.10 Local governments shall be encouraged to require invasive exotic removal as a condition of development approvals.

3.4.11 Local governments shall be encouraged to remove invasive exotics from government property.

Strategic Regional Goal

3.5 Develop a plan for public access that delineates the Natural Resources of Regional Significance and high quality natural areas compatible with human recreation and promotes the ecologically sensitive use of suitable Natural Resources of Regional

Regional Policies

3.5.1 Identify the elements of each Natural Resource of Regional Significance and other suitable natural resources of the region and implement protection, restoration, and management of these elements that encourages public use. This shall include the identification of suitable additional beach access areas that allow for effective public transportation and private vehicle parking. Such needs shall be addressed by the incorporation of shared use parking areas and public transportation pick-up and drop-off points.

3.5.2 Provide resource protection, restoration and management plans to the public to encourage implementation and use of the necessary protection elements in the course of public site use.

3.5.3 Require the ecologically sensitive use of natural areas as a condition to access and utilization. Promote environmental education through parks, nature centers and schools.

3.5.4 Identify the appropriate access and use criteria for the identified Natural Resources of Regional Significance and adjacent natural buffer areas.

Strategic Regional Goal

3.9 Restore and protect the ecological values and functions of the Everglades System

Regional Policies

3.9.1 Direct development and uses of land that would be inconsistent with Everglades restoration away from the Everglades System and adjacent Natural Resources of Regional Significance.

3.9.2 Work with state, regional and local governments and agencies to develop a system for effectively linking land use decisions with water supply planning.

3.9.3 Support the establishment and management of buffer areas between development and the Everglades system.

3.9.4 Restore natural volume, timing, quality and distribution of water to the Everglades, Florida Bay, Biscayne Bay, other eastern estuaries, and the Atlantic Ocean by:

a) supporting structural and operational modifications to the Central and Southern Flood Control Project and recommended by the US Army Corps of Engineers C&SF Feasibility Study;
b) supporting implementation of East Coast Buffer Plan; and
c) supporting a water supply plan that meets the needs of the natural system.

3.9.5 Conserve water entering the Everglades system and increase the self sufficiency of urban and agricultural water supplies by:

a) creating water storage areas near or within urban areas;
b) promoting increased efficiency of water use in agriculture, business uses and residential use; and
c) promoting the development of alternative water supply sources.

3.9.6 Restore water quality throughout the system by:

a) requiring stormwater treatment and storage areas for existing and newly developed areas and agricultural lands; and
b) protecting existing wetlands, native uplands and identified aquifer recharge areas.

3.9.7 Include the Everglades system in the ecological studies so that the successes of restoration may be expanded and included in adaptive management of the system.

Thank you for the opportunity to comment. We would appreciate being kept informed on the progress of this project. Please do not hesitate to call if you have any questions or comments.

Sincerely,

John E. Hulsey
Senior Planner

JEH/bg

AUDUBON OF FLORIDA

Florida State Office
Everglades Conservation Office
444 Brickell Avenue, Suite 850
Miami, FL 33131

Tel: 305/371-6399
Fax: 305/371-6398

January 17, 2002

Mr. Jon Moulding
U.S. Army Corps of Engineers, PD-ES
P.O. Box 4970
Jacksonville, FL 32232
Via E-mail: jon.moulding@usace.army.mil

Re: Comments on the *Tamiami Trail Feature: Draft General Reevaluation Report/Supplement to the 1992 Final Environmental Impact Statement (GRR/SEIS) on Modified Water Deliveries to Everglades National Park*

Dear Mr. Moulding:

Audubon of Florida thanks the U.S. Army Corps of Engineers for the opportunity to comment on the Tamiami Trail Feature of the Modified Water Deliveries to Everglades National Park project. The following are Audubon's comments regarding the draft GRR/SEIS dated November 2001.

Audubon supports the bridging of the Tamiami Trail to the greatest extent possible during the MWD project. The 3,000-foot bridge proposed in Alternative 7a should be viewed as a minimum during design, and every effort should be made to increase the length of this project feature. The remaining portion of the Tamiami Trail should not be modified pending the results of the PIR for Phase I of the Decompartmentalization project within the CERP. A maintenance agreement or other sufficient arrangement should be made in order to ensure the structural integrity of the Tamiami Trail and the safety of motorists during the brief interval between MWD and Decompartmentalization (Phase I). AOF-1

Alternative 7a has an initial cost of $23,045,733. This cost is divided between roadway elements including raising and resurfacing ($16,110,900) and the construction of a 3,000-foot bridge ($6,934,834). Raising and resurfacing the roadway should not be included in the final plan, however, since this feature of the plan has a large cost and runs contrary to several planning goals and objectives. As stated in section 5.4, the primary planning goals include: consider cost effectiveness, maximize compatibility for future CERP actions, minimize impacts associated with construction, and minimize permanent/temporary loss of wetlands. The raising and resurfacing feature of this alternative scores poorly for each of these goals. Expanding the roadbed to allow for a raised profile requires the permanent loss of 5 acres of wetlands. This feature also limits compatibility for future CERP actions. Spending over $16 million to raise and resurface the road is a terrible waste of money and increases construction impacts if the Department of Interior's environmentally preferred alternative, the elevated roadway, is selected in the CERP. Instead, this money could be used to increase the amount of bridging completed during the MWD project.

It is necessary, and extremely beneficial, to prevent the construction of temporary substitute features for the Tamiami Trail that may eventually be replaced during the CERP. The appropriate government agencies need to reach an agreement on the maintenance of the Trail for the time period between the construction of the MWD and CERP projects. This agreement will provide cost savings, prevent unnecessary environmental impacts, and truly maximize the ability to implement the appropriate project during the CERP.

It is important to note that Audubon of Florida supports the partial bridging of the Tamiami Trail within MWD because of the special circumstances surrounding this project. The passage of the Water Resources Development Act of 2000 altered the Tamiami Trail Feature's importance in Everglade's restoration. It is now necessary to view the current project as the first in a series of projects that will eventually realize our restoration goals. Additionally, it is necessary to complete the MWD project as quickly as possible to prevent the delay of several critical CERP projects. The environmentally preferred alternative for this project, Alternative 5 - the elevated roadway, does not appear feasible within the MWD project. Therefore, Audubon supports the partial bridging of the Tamiami Trail within MWD as long as no alterations, including the expenditure of $16,110,900 for raising and resurfacing, are made to the non-bridged portions of the roadway that would impede the elevation of the entire roadway within the CERP. However, Audubon does not object to the limited expenditure of funds to perform any necessary maintenance on the Trail during the brief interim between the construction of MWD and CERP projects.

We appreciate the opportunity to comment on the *Tamiami Trail Feature: Draft General Reevaluation Report/Supplement to the 1992 Final Environmental Impact Statement (GRR/SEIS) on Modified Water Deliveries to Everglades National Park*, and look forward to working with you throughout the implementation of this project.

Sincerely,

Mark L. Kraus, Ph.D.
Deputy State Director

RUTH H. CLARK
651 S. W. 6 St., Apt #215
Pompano Beach, FL 33060
954-786-8426

January 29,2002

Mr. Jon Moulding
U.S. Army Corps of Engineers, PD-ES
P.O. Box 4970
Jacksonville, FL 32232

Re: C& SF Study, Draft General Reevaluation Report/Supplement to the 1992 final Environmental Impact Statement (GRR/SEIS) on Modified Water Deliveries to Everglades National Park, Florida

Dear Sir;

After the appalling delays that have held up the completion of the Modified Water Deliveries Projects it is desirable for ecological restoration that this be completed as soon as possible in order that CERP implementation may go forward. The USACE choice of Alternate 7a to fulfill the need to convey increased flows through the Tamiami Trail at the least possible cost is understandable (even predictable) in the present economic and political climate.

I am glad to see that the intent of this GRR/SEIS is to maximize the compatibility and avoid retrofitting costs of MWD project features with future CERP features, to have a clear design for MWD onto which a CERP design can follow without delaying MWD completion.

Since planning efforts underway for CERP WCA3 Decompartmentalization (Phase 1) project for Tamiami Trail are scheduled to be completed prior to construction for MWD Tamiami Trail Modifications, I would hope it would be possible to construct the 3000 foot conveyance channel/easement and bridge to a site compatible with a possible CERP implementation of Aternate 5c which is estimated to be the most costly project and is for the 10.7 mile elevated highway which is what is really needed to reestablish biological connectivity and sheet flow to carry fresh water to the Florida Bay estuaries in ENP. Alternate 5c will produce real restoration and anything less in the end will not be cost effective. RH c - 1

This is where "adaptive management" needs to come into play. Although Alt. 5c is not intended to be the PIR to implement the initial project in the CERP under sec. 601(b)(2)(C) of the WRDA 2000, it is worth considering! Furthermore, with the federal government looking for ways to stimulate economic recovery, the cost of building the total elevated eleven mile highway as soon as possible should be considered, especially since funding for CERP ASR is not being requested in WRDA 2002 pending results of the pilot projects. In the interests of real restoration, please find a way to implement Alt. 5c without further delay!

Yours very truly,

Ruth H. Clark

FLORIDA BIODIVERSITY PROJECT

January 29, 2001

Dr. Jon Moulding
U.S. Army Corps of Engineers
CESAJ – PD – E
PO Box 4970
Jacksonville, FL 32232 -- 0019

RE: Comments on the Tamiami Trail Feature Draft GRR/SEIS

Dear Dr. Moulding,

The Florida Biodiversity Project (FBP) has reviewed the Tamiami Trail Modifications GRR/SEIS and submits the following comments. The FBP is a non–profit conservation organization whose mission is to protect and restore Florida's native ecosystems.

The FBP has monitored the Tamiami Trail Project closely and submitted previous oral and written scoping comments at interagency meetings and public meetings in South Florida.

As the Science Coordination Team (SCT) noted, the Tamiami Trail Project is the first major Everglades restoration project. The Project is highly visible and has generated considerable public interest and from the media. If the Corps pursues science-based restoration public support will be enhanced. In contrast, if the Corps pursues a lowest cost and lowest common denominator strategy public and political support will be eroded.

Tamiami Trail functions as a giant dam blocking historic sheet flow, fragments the Everglades landscape, and causes substantial wildlife mortality. In fact —Tamiami Trail is a triple barrier highway "system" that includes an above grade roadbed and embankment, a high levee, and a deepwater canal that causes serious adverse impacts to both hydrology and ecological connectivity.

Although the Corps did not build Tamiami Trail (U.S. 41) it manages water control structures along the highway and the selected alternative may determine the scale and intensity of hydrological and ecological impacts for decades to come. The FBP, therefore, is very concerned about the potential to minimize the substantial adverse hydrological and ecological effects of this highway in this project and the associated Comprehensive Everglades Restoration Plan (CERP) Decompartmentalization Project.

While the FBP recognizes the funding limitations of the MFD Project and CERP we urge that this lack of funding will not serve as the reason for selecting an inferior preliminary

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alternative that has minimal ecological benefits. These same concerns were expressed by the Science Coordination Team (SCT) in a letter to the Corps last June.

The GRR/SEIS and the appended Fish and Wildlife Coordination Act Report (CAR) contain substantial, credible, and compelling information that the Corps preferred Alternative 7A is inadequate and that Alternative 5 more fully meets the intent of the Everglades Protection and Expansion Act, Project objectives, and performance measures. The FBP strongly urges the Corps to select Alternative 5C as the preferred alternative. Our comments generally follow an issue format. Our major issues include: FBP-1

- Alternative 5 is more consistent the Everglades National Park Protection and Expansion Act.
- Alternative 5 is more consistent with project goals, objectives, and performance measures than the other alternatives.
- Alternative 5 would result in a more natural hydrologic regime of water quantity, quality, distribution and timing.
- Alternative 5 would provide more ecological benefits such as wetland restoration, decompartmentaliztion, and ecological connectivity.
- Alternative 5 is more compatible with CERP.
- The Draft GRR/SEIS does not adequately analyze the environmental impacts of the alternatives.
- The Final GRR/SEIS should fully analyze flow velocity.
- Contingency funds for road damage should not come from DOI.
- The Final GRR/SEIS should fully evaluate creative funding strategies.

•

I. SUBSTANTIVE ISSUES

A. Alternative 5 more fully complies with the Everglades National Park Protection and Expansion Act.

Project requirements must include full compliance with the 1989 Everglades National Park Protection and Expansion Act (Act) since this is legal basis for the purposes and objectives of the Modified Water Deliveries Project (MWD). The purpose of the Act is to:

(1) increase the level of protection of the outstanding natural values of Everglades National Park and to enhance and restore the ecological values, natural hydrologic conditions, and public enjoyment of such area by adding the area commonly known as the Northeast Shark River Slough and the East Everglades to Everglades National Park; and

(2) assure that the park is managed in order to maintain the natural abundance, diversity, and ecological integrity of native plants and animals, as well as the behavior of native animals, as a part of their ecosystem. 16 U.S.C. § 410 (r)(5) (emphasis added).

Additionally, in respect to the MWD Project, the Corps is authorized to 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. 16 U.S.C. § 410 (r)(8) (emphasis added).

In contrast to the above specific language in the ENP Protection and Expansion Act, the Corps, in the GRR/SEIS inappropriately gives disproportionate weight to water conveyance instead of "natural hydrological conditions". *Restoring the natural hydrological conditions is more than water conveyance.*

The Act should be interpreted its in full context including both its letter and intent. The overarching purpose of the Act is the restoration of natural hydrological conditions. The Corps recognizes this overarching purpose in Section 1.1 – referring to the 1992 GDM; . . . "based on the direction provided in the ENP Protection and Expansion Act of 1989, the goal is to restore natural hydrologic conditions in the Park to the extent practicable."

To interpret the intent of the Act it is useful to define the key terms – restoration and natural hydrological conditions. First, restoration is defined by the National Research Council (1992) as returning an ecosystem to a close approximation of its previous condition prior to disturbance. Recreating the structure without the function or the function without the structure is not restoration. One of the three major characteristics of the Everglades ecosystem is sheetflow (Science Sub Group 1993). Major structural characteristics include large spatial scale, habitat heterogeneity, and the ridge and slough landscape (Science Sub Group 1993, McVoy and Crisfield 2001).

Second, the term "natural hydrological conditions" used in the legislation is more than conveyance or mere distribution of water. Numerous environmental documents describe the major natural hydrological characteristics of the Everglades (Science Sub Group 1993, Davis and Ogden 1994, USACE 1999). These characteristics are commonly known as quality, quantity, distribution, and timing. New emerging research is also documenting the importance of flow velocity and direction in creating and maintaining the ridge and slough landscape pattern (McVoy and Crisfield 2001).

In conclusion, both the analysis in the GRR/SEIS and the CAR, recognize that Alternative 5 complies more fully with the overarching goal of the Act – "restoring natural hydrological conditions" than the other alternatives.

B. Alternative 5C More Fully Satisfies Project Planning Goals, Objectives, and Performance Measures.

Alternative 5C more fully satisfies Project goals, objectives, and performance measures than the other alternatives. Project goals, objectives, and performance measures are fundamental measures of analyzing and selecting the preferred alternative. The appended CAR contains a further detailed analysis of the planning goals, objectives, and performance measures.

The Environmental Impact Statement "shall provide full and fair discussion of significant environmental impacts and shall inform decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment." 40 C.F.R. § 1502.1 (emphasis added). Environmental Impact Statements "shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made." 40 C.F.R. § 1502.2(g) (emphasis added).

1. The Project Goal Has Been Omitted.

The discussion of Planning Goals, and Objectives in Section 5.4 omits the goal of the Project. The goal of the Tamiami Trail GRR/SEIS should be goal of the MWD Project noted in Section 1.1 states " . . . The goal is to restore natural hydrologic conditions in the Park to the extent practicable." In contrast, the CAR states: "The overall goal for the Tamiami Trail Project is to maximize hydrologic and ecologic restoration through modifications to the existing roadway to allow for more natural flow conditions in a manner compatible with the restoration requirements of the 1989 ENP Protection and Expansion Act."

Please include the project goal in the Final GRR/SEIS.

2. Objective 1 - Cost Effectiveness, Should Analyze Ecological Costs.

In traditional cost/benefit analysis ecosystem benefits are not considered much less quantified. The GRR/SEIS in Section 5.4 - Planning Goals and Objectives, notes "Cost effectiveness is not necessarily the least cost alternative, but includes the consideration of environmental gains and losses that would result from each alternative." Yet none of the performance measures under Objective 1 reflect this analysis. The Corps must consider retrofitting and ecological costs in addition to overall construction, maintenance, recurring, and life cycle costs. Concurrent scheduling of CERP components now during the reconstruction of Tamiami Trail instead of later sequential scheduling could save taxpayers millions of dollars since retrofitting the highway at a later date will be expensive.

It is clear from the analysis in the GRR/SEIS and CAR, that Alternative 5 has the highest overall construction cost, but it also the environmentally preferable alternative. Alternative 5 provides the most ecological benefits: flexibility to meet additional high historic flows, increased sheetflow, reduced wildlife mortality, reduced infestation of invasive species, and increased ecological connectivity.

The costs of ecosystem services being maintained or restored should also be analyzed. These might include water supply, enhanced water quality, regulation of weather, accretion of marls and organic soils, increased productivity of Florida Bay, maintenance of ecological processes, self regulation resulting in lower maintenance and operational costs, and increased tourism.

For the above reasons, all of these factors should be analyzed in the cost effectiveness objective and incorporated in the Final GRR/SEIS. FBP-4

3. Alternative 5 Provides Superior Performance for Objective 2 – Maximize Compatability For Future CERP Actions.

The final legislation passed by Congress (WRDA 2000) authorizing the funding and implementation of CERP stated:

> The overarching objective of the Plan is the restoration, preservation, and protection of the South Florida Ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, the improvement of the environment of the South Florida Ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized (emphasis added).

The Final CERP components for Water Conservation Area 3 decompartmentalization include backfilling the L-29 canal and elevating the Tamiami Trail. Section 9.1.7.2 Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement (AA, QQ and SS) states:

> "These features include the construction of new water control structures and the modification or removal of levees, canals, and water control structures in Water Conservation Area 3A and B located in western Broward County. The purpose of these features is to reestablish the ecological and hydrological connection between Water Conservation Areas 3A and 3B, the Everglades National Park, and Big Cypress National Preserve. Sheetflow obstructions will be removed with the backfilling of the Miami Canal and southern 7.5 miles of L-67A Borrow Canal, removal of

the L-68A, L-67C, L-29, L-28, and L-28 Tieback Levees and Borrow Canals, and elevating of Tamiami Trail" (USACE 1999) (emphasis added).

Appendix A-4 describes component QQ6, the decomparmentalization of WCA 3. The purpose of component QQ6 is to "Remove most flow obstructions to achieve unconstrained or passive flow between Water Conservation Areas 3A and 3B and Northeast Shark River Slough and reestablish the ecological and hydrological connection between these areas." Structural changes of component QQ6 include:

- Remove the L-29 levee and canal to restore sheetflow into Everglades National Park.
- "Elevate" Tamiami Trail (U.S. 41) through the installation of a series of bridges between L-31N and L-28 consistent with conveyance capacities determined at I-75 and any increases required due to inflows downstream of I-75 and upstream of Tamiami Trail" (USACE 1999).

Based on the performance measures listed for Objective 2, Alternative 5 provides superior performance:

PM1 – Compatibility for Increased Flows, Stages, and Capacity. Alternative 5 would be fully compatible with increased stages and flows since it is an elevated highway and increased height could be added at little expense. The 100 – year event would require increased fill and resulting wetland impacts to raise the roadbed for the other alternatives.

The flexibility for accommodating more conveyance capacity is a concern. Van Lent et al. (1999) indicated that MWD Project components that are designed to pass flows into NESRS would have to five times larger in order to pass peak water volumes necessary to restore natural hydrologic conditions and the current elevation of Tamiami Trail severely limits the amount of water that can be passed to NESRS. The solution is the current project to raise the elevation of the highway.

The conveyance target for the MWD Project is 4,000 cfs across the Tamiami Trail. A 100 – year flood event could increase flows to 10,000 cfs and was modeled. Under the 10,000 cfs scenario with four bridges the elevation of the alternatives with embankments would have to be raised increasing the width of the embankment by 6 feet, thus causing more wetland impacts. In contrast, Alternative 5 would have no embankment increases and would provide flexibility to meet any flow increase determined by future CERP modeling or from a catastrophic 100 - year event.

In summary, Alternative 5 would be more consistent than the other alternatives in providing conveyance capacity and meeting restoration objectives.

PM2 – Addition of Features to Improve Sheet Flow. The elevated highway Alternatives 5 A and B have openings of 98% and 75% respectively. Essentially there would be minimal impediments to sheetflow. The other alternatives with raised roadbeds and large embankments

have openings that range only from 2.5% to 10% (USACE 2000) and the roadbed would act like a dam.

PM3 – Addition of Features to Improve Decompartmentalization. Under a modified Alternative 5 the new roadbed would be elevated, the L-29 canal, L-29 levee, and the old roadbed would be removed. These features are consistent with component QQ6 of CERP and would provide the greatest amount of decompartmentalization of any of the alternatives.

Additionally, in one major scientific report, the minimum hydrological objective is to decompartmentalize the WCA's (Science Sub-Group 1993). As it is, CERP decompartmentalization is almost nonexistent since 72 miles of canals are scheduled to be filled while 74 miles of new canals will be constructed and 100 miles of existing canals will be widened (USACE 1999).

PM4 – Ecological Connectivity. Alternative 5C would provide the greatest amount of ecological connectivity – approximately 99%. This would provide for more contiguous habitat, facilitate the natural movement patterns of wildlife, and significantly reduce wildlife mortality. Alternative 5C would remove the barrier of the roadbed and embankment. These impediments likely inhibit the free movement of mammals, amphibians, and aquatic species, or contribute to roadkill for some populations (USACE 2000).

Roadkill is a significant adverse impact of highways (Noss 1995; Trombulak & Frissell 1999). Slow moving animals such as turtles and snakes are the most frequently seen victims of vehicles collisions on U.S. 41. Even more secretive species such as otters and the Everglades mink are killed (Humphrey 1992). For example, the CAR documents a recent two-day "snapshot" mortality survey of three sites along the Tamiami Trail project area revealed disturbing levels of turtle mortality (Wharton et al. 2000). The cumulative impacts have not been analyzed, but are likely significant. In contrast, Alternative 7A provides only 5% ecological connectivity and roadkill would continue unabated unless wildlife betterments were funded.

Other alternatives would have only limited openings at the bridges and use box culverts. Box culverts may create movement sinks for amphibians and fish because backwater flows may inhibits these species from moving north against the flow of water. The addition of high walls with lips may reduce overall mortality but may (1) inhibit the free movement of wildlife; (2) create mortality sinks; and (3) not be consistent with the goal to maintain or restore viable populations of all native species in natural patterns of abundance and distribution (Noss 1999). Dispersion of wildlife populations one natural defense mechanism to minimize predation.

Finally, in the Corps Interim Summary Report (USACE 2000) Alternatives 5A and 5B were given summary evaluations of "Very good connectivity". In the CAR, Alternative 5 ranks highest in connectivity.

PM – 5 Non-Degradable Linear Footage of Levees and Canals Due to Project Requirements. A modified Alternative 5 would have the least amount linear footage of canals and levees of all the alternatives since it requires the removal of the L-29 canal and levee.

PM6 – Extent of Retrofit Needed. A modified Alternative 5 would minimize retrofit since it would be consistent with CERP components QQ6.

The Final Interim Summary Report (USACE 2000) contains a comprehensive discussion of the compatibility of alternatives with CERP that analyzed increased flows, increased sheet flow, decompartmentalization, and ecological connectivity. The report determined that Alternatives 5A and 5B are more compatible with CERP than the other alternatives.

4. Alternative 5 Provides Superior Performance for Objective 5 – Restore Ecological Function.

Alternative 5 would provide a greater degree of restoration than the other alternatives by providing a more natural quantity, timing, and distribution of water into NESRS. Besides hydrological benefits, Alternative 5 would provide more wetland restoration, decompartmentalization, and ecological connectivity.

A modified Alternative 5 would grade out higher on the PM criteria than the other alternatives.

PM1 – Wetland Functional Units. These would rate higher for a modified Alternative 5 since the footprint would be less. Additional functional wetlands would be provided under the highway decking and by removing the old roadbed.

PM2 – Linear Footage of North- South Connectivity. This standard would be significantly higher with Alternative 5C with almost 100% connectivity compared to 5% in Alternative 7A .

PM3 – Linear footage of Animal Crossings. This standard would be significantly higher with Alternative 5C with almost 100% connectivity compared with 5% in Alternative 7A.

PM4 – Acres of Exotic Vegetation Removed. This would be similar for all alternatives initially. Under Alternative 5C however there would be no at grade roadbed, embankment shoulders or levee in which exotic vegetation could establish themselves.

Prescribed burn programs are important for maintaining natural vegetation. Fire allows sawgrass from being displaced by more woody vegetation. Elevating the highway and removal of the old roadbed, would likely lead to more to more natural burn patterns.

PM5 – Hydrological restoration of NESRS Function. This would rank higher under Alternative 5. The elevated highway could accommodate a wide variety of water depths that may be required by additional CERP hydrological modeling or catastrophic 100 - year flood events. Other raised roadbed alternatives would have depth constraints.

In summary, Alternative 5 would provide greater hydrological benefits resulting in more natural sheetflow, decompartmentalization, and ecological connectivity. FBP-6

5. Alternative 5 Provides Superior Performance for Objective 7 - Minimize Loss of Wetlands.

PM 1 – Permanent Loss of Wetlands. This factor would be minimized because there would be no raised roadbed filling in previously functional wetlands. In fact, Alternative 5C could provide a substantial increase in wetlands since there would be no roadbed at grade, allowing wetland vegetation to grow under the decking.

PM 2 – Temporary Loss of Wetland Acreage. This measure could be minimized if Alternative 5 was built within the L-29 canal corridor. This would permit traffic to flow on the existing roadbed while the elevated highway is built. After construction, suitable old roadbed fill could be backfilled under the elevated highway and the levee and old roadbed areas could be restored as functional wetlands.

PM 3 – Quality of Wetland Acreage Impacted. High quality wetlands would not be impacted if a small part of the L-29 canal corridor was used for construction of the elevated highway under Alternative 5. The preliminary design for Alternative 5 already uses the southern edge of the L-29 canal for construction.

PM 4 – Wetland Acreage Restored. This would be maximized under Alternative 5. Removing and restoring the old roadbed we would get a restoration benefit with increased wetland acreage. This of course would be consistent with the CERP overarching goal of restoration and the objective of increasing the spatial extent of the Everglades. We strongly urge the Corps to further analyze this PM in evaluating the alternatives in the Final GRR/SEIS. EBP-7

PM5 – Removal of Exotics. Long-term removal of exotics is better accomplished with Alternative 5. While all the alternatives would result in the temporary removal of exotics species during the construction period, only Alternative 5 would likely result in long-term removal. As noted in Section III B 1, the altered topography of alternatives with a raised roadbed, embankments, L-29 levee, and the L-29 canal would provide suitable habitat for exotics plant and fish species to eventually reestablish themselves.

6. The Criteria For Objective 6 Should Be Revised To Consider Impacts to Recreation Not Minimize Them.

The project objective standard should be to consider recreation impacts and not minimize them. This would be the same objective standard as Objective 1 – Consider cost effectiveness. Minimizing recreational impacts should not be a fundamental determining factor in evaluating alternatives. Individual fisherman, fishing clubs, and airboat operators, have expressed concerns over potentially losing access to these activities along Tamiami Trail. Even the Florida Fish and Wildlife Conservation Commission, a conservation agency, objected to the degradation of some canals during the CERP comment process because it would eliminate recreational fishing

opportunities. This presents a potential conflict of restoration and recreation because elevating Tamiami Trail and removing the old roadbed would result in substantial ecological benefits (USACE 1999).

First, the overarching objective of the MWD Project and CERP is restoration.

Second, recommended ecosystem management objectives were listed in Section I. One of these objectives is to encourage human uses that are consistent with conservation of native biodiversity and eliminate those that are not (Noss 1999). Agencies should evaluate the compatibility of recreational uses of the Everglades with restoration goals and modify activities as necessary (Lodge 1994). Grumbine (1994) notes that human uses can be accommodated within the constraints of ecosystem management goals and that in the academic and popular literature there is general agreement that ecosystem integrity should take precedence over any other management goal (emphasis added).

In respect to fishing, any recreational benefits of canals must be evaluated in the context of their profound ecological harm. Canals drain surrounding wetlands, alter surrounding vegetation composition, fragment landscapes, alter energy flows, act as barriers to wildlife, act as conduits for nutrients and the spread of exotic species, alter fire patterns, and act as mortality sinks for native species (ENP 1998; USACE 1999).

Florida is second to none in fishing opportunities with extensive canal systems, numerous lakes and rivers, and a vast coastline. CERP recognizes that there may be a decline in the mileage of canals available to fisherman (USACE 1999). The elevation of an 11- mile segment of the Tamiami Trail would not cause any significant reduction in fishing opportunities in the region. Additionally, bass and other fish species in the L-29 canal are a health hazard since they are contaminated with mercury and are generally considered not safe to eat on a regular basis (FDHRS 1989).

In respect to airboat access, operators have requested that any elevated portion of the Tamiami Trail be constructed high enough to allow airboat passage under the highway. The GRR/SEIS notes this is not a project objective and FBP concurs. Airboats can cause serious adverse impacts to soils, vegetation, hydrology, and wildlife (Wright 2001).

First, these potential impacts would be inconsistent with attempting to restore the ridge and slough vegetation community. Second, Everglades National Park will soon be initiating their General Management Plan process which will address airboat access in the expansion area. Elevating the highway to accommodate unrestricted airboat access would present ENP with serious management problems before the NEPA process starts.

In summary, while it is appropriate to consider recreational impacts as a project objective, minimizing recreational impacts would place fishing and airboat access over restoration objectives. This would be inconsistent with accepted ecosystem management goals, the MWD Project, CERP, and other project objectives. While Alternative 5C eliminates some canal banking access, the ecological benefits vastly outweigh this impact. The FBP requests the

project objective standard be revised to "consider" and the performance measures be reevaluated in the Final GRR/SEIS.

FBP-8

C. Ecological Connectivity and Sheetflow is overstated in Alternative in Alternative 7A.

The CAR analysis concluded that Alternative 5 more fully satisfies the environmental project objectives and performance measures. Since the overarching emphasis in the ENP Expansion Act is restoration, the environmental objectives should be given more weight.

The Draft GRR/SEIS overstates the performance measure of ecological integrity of Alternative 7A in Section 5.8.8. The section notes that the 3,000 foot bridge would provide connectivity between the L-29 Canal and ENP and that "Improving ecological connectivity would enhance aquatic biological communities south of the existing Tamiami Trail." In reality, the 3000 foot bridge would only provide a miniscule 5% of ecological connectivity. In contrast, Table 10 notes that Alternative 7A has minimal compliance with the objective of ecological connectivity while Alternative 5C has full compliance. The CAR also determined that Alternative 7A ranked low on connectivity.

FBP-9

Additionally, the section notes retaining the culvert system under alternative 7A would assist in maintaining sheet flow. Please provide support for this statement since the highway is considered a barrier to sheet flow (McVoy and Crisfield 2001). The Final GRR/SEIS should contain a comprehensive discussion of sheetflow in the analysis of the Alternatives.

FBP-10

D. The draft GRR/SEIS fails to identify the most environmentally preferable alternative.

The draft GRR/SEIS fails to identify the "environmentally preferable" alternative from the full range of alternative considered. The environmentally preferred alternative is the alternative that causes the least damage to the environment and best protects natural and cultural resoures. The lead agency official is encouraged to identify the environmentally preferable alternative(s) in the EIS. See CEQ Forty Questions 6a and 6b.

While the draft GRR/SEIS states at Section 5.10.3 that the Corps recognizes that DOI in the CAR designated Alternative 5 as the "Environmentally Preferred Alternative", the Corps makes no such explicit designation.

To more fully comply with intent of NEPA , the Final GRR/SEIS should identify the environmentally preferable alternative.

FBP-11

E. The Final GRR/SEIS must fully evaluate other funding strategies.

The Corps inappropriately dismisses Alternative 5 largely due to its higher cost. As a MWD component, funding is to come principally from DOI. The GRR/SEIS notes that DOI

cannot fully fund the most ecological beneficial alternative — Alternative 5. The Everglades National Park Protection and Expansion Act of 1989 specifically provides " *Construction of project modifications authorized . . . are justified by the environmental benefits to be derived by the Everglades ecosystem in general and by the park in particular and shall not require further economic justification.*" (emphasis added).

In addition, the initial funding provisions for CERP in WRDA 2000 may preclude agencies from spending CERP construction funds on decompartmentalization projects until the MWD Project is completed. This does not preclude other funding sources from being utilized. Additionally, the Tamiami Trail component would not involve full decompartmentalization – only elevating the highway and removal of the old roadbed. The later sequential actions identified by CERP such as removal of the L-29 canal, L-29 levee would be addressed later under the decompartmentalization component of CERP.

Other federal funding sources should be pursued and the results included in a comprehensive discussion in the Final GRR/SEIS. As the SCT noted in it's June letter to the Corps: " . . . but hope that this lack of funding will not serve as the basis for selecting an imperfect and undesirable alternative. We urge the Corps to pursue all mechanisms available to assure implementation of Alternative 5, including any increased funding that might be necessary. We would be happy to provide any assistance or support that you may need in seeking funding, and in implementing the full restoration of flow across this portion of Tamiami Trail." Yet no comprehensive analysis is forthcoming in the GRR/SEIS. FBP-12

Several options are obvious and require analysis. First, is the Transportation Equity Act for the 21st Century (TEA-21) which was enacted as PL 105-178. TEA-21 authorizes federal surface transportation programs for highways until 2003. TEA-21 may be applicable to funding environmental components for Tamiami Trail. For example, federal funds were involved in constructing wildlife underpasses on I-75 that have reduced Florida panther mortality.

Second, State funds could also be utilized. For example, Florida has spent funds on environmental highway projects such as constructing underpasses for the threatened Florida black bear in central Florida and for wildlife underpasses on I-75 benefiting the Florida panther.

Third, a toll system similar to I-75 could be implemented to offset construction of an elevated highway. It is our understanding that there is no FDOT regulation precluding use of a toll system on both I-75 and US 41. For example, Florida motorists pay $6.50 to drive the 100 miles from Fort Lauderdale to Fort Pierce on the Florida Turnpike. A $5.00 toll to drive the 100 miles from Miami to Naples on Tamiami Trail through one of the most threatened wetland ecosystems in North America is not unreasonable.

Additionally, long-term maintenance of the elevated roadbed, ramps, signage, piers, and water quality system should be born by FDOT and the Federal Highway Administration. FBP-13

F. The Final GRR/SEIS Should Model Water Velocity Flow Rates.

The Corps was authorized and directed to "construct modifications . . . to improve water deliveries into the park and shall, to the extent practicable, take steps to restore the natural hydrological conditions within the park." (Emphasis added). Additionally, the 1992 GDM reaffirmed that "based on the direction provided in the ENP Protection and Expansion Act of 1989, the goal is to restore natural hydrologic conditions in the Park to the extent practicable."

Numerous reports have indicated that a number of varied characteristics comprise the natural hydrology of the Everglades, not just quantity or distribution (Science Sub Group 1993, USACE 1999). Sheetflow is recognized as a major characteristic of the natural Everglades system (Science Sub Group 1993). New emerging information indicates that water velocity and direction also play an important role in maintaining the ridge and slough landscape pattern (McVoy and Crisfield 2001). This new data indicates that the ridge and slough landscape has substantially degraded in areas north and south of Tamiami Trail.

The Draft GRR/SEIS at Section 5.11 contains an analysis of water conveyance and distribution and not water velocity. The appended CAR does contain a flow velocity analysis which indicated that Alternative 7A results in an increase in velocity under the 3000 foot bridge compared to the at grade sections. In contrast, Alternative 5 showed no increases in velocity between sections in the project area. The FBP is concerned the 3000 foot bridge may create an unnatural large slough area and higher velocity flows will pile sediment up downstream and result in unnatural vegetation patterns.

The determination at Section 5.11.5 that Alternative 7A, is the alternative that best meets all projects objectives is not accurate. Absent a flow analysis and a comprehensive discussion of sheetflow, the Corps needs to provide credible data in the Final GRR/SEIS to support that statement.

G. The GRR/SEIS Does Not Adequately Analyze The Affected Environment.

Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA. 40 C.F.R. § 1500.1 (emphasis added). "Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analysis in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement." 40 C.F.R. § 1502.24.

The discussion of the Affected Environment in Section 2.0 is inadequate because it almost completely omits a comprehensive discussion of the ecological impacts of roads, and more specifically, the Tamiami Trail. Tamiami Trail is a classic example of highway impacts in a wetland ecosystem, yet the GRR/SEIS barely addresses the subject. In contrast, the CAR provides a much more comprehensive analysis of the ecological impacts of roads. Below are some of the basic conclusions reached in the literature regarding the ecological impacts of roads and highways.

1. General Ecological Effects of Roads

Elevating the roadbed is essential to avoiding or minimizing adverse resource impacts and restoring ecological connectivity. For native ecosystems almost nothing is worse than a road. The scientific literature contains approximately 6000 citations on the ecological effects of roads (WCPR 2001). The general scientific consensus is that the adverse ecological effects of roads should be minimized to the extent practicable. The literature identifies the following major ecological impacts:

- Mortality or injury to wildlife;
- Modification of animal behavior;
- Altering the physical environment;
- Altering the chemical environment;
- Unnatural vegetative succession;
- Changes human land and water use.

Roads alter hydrology, kill and injure wildlife, create habitat destruction and fragmentation, create edge effects, spread exotic species, encourage development, poaching, overhunting, act as a source of pollution, and spread refuse (Noss 1995; Trombulak & Frisell 1999).

Wildlife impacts are especially severe. The Humane Society of the United States arrived at a conservative estimate that approximately one million animals are killed per day on highways in the United States. Highways are the classic death trap. Roadkill attracts other animals which are in turn killed. Warm sun-baked pavement also attracts cold blooded reptiles and amphibians.

Wetlands are especially vulnerable to ecological impacts since hydrology can be severely impacted due to blockage and drainage of flows and increased pollution from runoff. Road morality is high due to slow moving wetland species such as turtles (Cusic 2001).

Many secondary and cumulative effects of roads are more subtle such as the long-term effects on ecological processes. Most government agencies disregard the ecological effects of roads and justify existing road design as benefiting travel and recreation and that changes would be unacceptable to the motorist (Noss 1995).

2. Ecological Impacts of Tamiami Trail

US Highway 41 is especially egregious since it slices through over 80 miles across the Everglades/Big Cypress region, one of the world's most endangered ecosystems. The highway which was completed in 1929 crosses through sensitive marshes, sloughs, prairies, and cypress domes. The highway presents a triple barrier: 1) a wide elevated roadbed and embankment; 2) a deep borrow canal; and 3) a high levee. The highway has caused serious impacts on hydrology, vegetation, and wildlife.

Although the highway has a series of culverts it continues to effectively function like a dam blocking sheet flow. For example, the L-29 along the Tamiami Trail has increased the water depth in WCA 3A, altering the seasonal pattern of drying and flooding (Davis and Ogden 1994). The associated borrow canal increases drainage, creates artificial deep-water habitats, fragments habitat, and acts as a conduit for pollution and exotic species.

Ever since the draft Programmatic EIS of October 1998, the recognition has been "Tamiami Trail and L-29 form an ecological and hydrological barrier between Water Conservation Area 3 and Everglades National Park." The concept is restoration of sheet flow and ecological connectivity between Water Conservation Area 3 and Everglades National Park, Big Cypress, and Ten Thousand Islands. (Final PEIS item 6.4.5.3, "Everglades National Park") This concept is central the Restudy-originated goal of restoring the timing and flow to the Park, and the substantial ecological benefits that would extend from the central Everglades to Shark River Slough, Taylor Slough, and eventually to Florida Bay. This is the great goal and promise of the $8 billion project. Thus, the Tamiami Trail Modifications project is a major cornerstone of the Comprehensive Everglades Restoration Plan.

Leaving the Tamiami Trail roadbed, the L-29 canal and levee in place would continue to cause serious ecological impacts. The Final Restudy in Section 5.5.1 elaborates on roads, canals, and fragmentation:

> Increasing spatial extent and improving habitat quality can provide a basis for improving species abundance and diversity. However, compartmentalization caused by construction of physical barriers such as dikes, canals, levees, and roads, or even hydrologic barriers (such as the Water Conservation Areas) has fragmented the system by creating a series of poorly connected natural areas. These barriers have restricted the movement of many fish and consequently reduced their range. Fragmented communities are more likely to lose species because the number of individuals in each fragment may be too small to persist. The smaller the fragment, the higher is the likelihood of losing species or favoring an imbalance in the species that do inhabit the areas. Moreover, fragmentation itself alters the landscape by breaking connections between the various habitat types that were distributed historically across the landscape. Therefore, improving the connectivity of habitats will improve the range of many animals and their prey-base and provide for a more natural balance of species within the system. The physical barriers that created the fragmented environment themselves affect species abundance. The introduction of deep canals which act to drain surrounding areas, affect the ability of wading birds to forage over large areas (USACE 1999) (emphasis added).

Wildlife has been seriously impacted by US 41. Harris (1991) notes that while some native fauna evolved with water barriers, they did not evolve with the ability to evade the lethal effects of traffic. Collisions with motor vehicles is now the number one source of mortality on all of Florida's large vertebrate threatened and endangered species. Harris concludes that "poorly

designed roads are more effective as an isolating force around habitat islands than is the sea that surrounds oceanic islands."

Habitat fragmentation and isolation are key factors contributing to the erosion of biological diversity in the Everglades region (USACE 1999; USFWS 1999b). The effects are evident with the incidence of endangered species mortality. A "snapshot" highway mortality survey conducted last December at three sites along the project area showed alarming mortality of turtles (Wharton et al. 2000). The large scale spatial-temporal cumulative impacts of highway mortality have not been determined but are likely significant and may impact population dynamics. Other mortality studies have been conducted such a mink mortality on Tamiami Trail and roadkill along the main road from the Main Visitor Center to Flamingo in Everglades National Park. The Final GRR/SEIS should include these and other relevant wildlife mortality studies referenced in the CAR.

In conclusion, the Final GRR/SEIS should include a comprehensive analysis on the ecological impacts of roads and more specifically on the Tamiami Trail in order to fully comply with NEPA. The above discussion and the analysis in the CAR should be incorporated. FBP-15

H. Water Quality Issues Should be Resolved.

The FBP is very concerned that water quality issues still remain unresolved in the draft. Water quality is a major component of "getting the water right" in CERP and of "natural hydrology conditions" cited in the ENP Expansion Act. Additionally, ENP is classified as an Outstanding Florida Water, a non degradation standard.

The Corps and DOI acknowledge that runoff from highways can degrade water quality since it contains a variety of heavy metals and petroleum products. Highway traffic volume is likely to increase in the future causing increased water pollution. Therefore, WQ issues should not be deferred indefinitely.

The FBP understands that some agencies may want to defer WQ treatment until Phase I of Decompartmentalization under CERP when disturbed areas may be available for wet/dry detention treatment. If WQ treatment can be legally deferred until Decompartmentalization Phase I, the Final GRR/SEIS should provide details how and when it may be integrated and should also list the relevant WQ regulations and standards, and how the alternatives comply or not comply with the regulations. FBP-16

I. A Risk Analysis Should be Conducted for Roadbed Damage.

The GRR/SEIS fails to include a risk analysis for the potential of damage to the roadbed or overtopping Tamiami Trail due to the increased flows from the MWD Project. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing

NEPA. 40 C.F.R. § 1500.1. Additionally, agencies shall insure scientific integrity 40 C.F.R. § 1502.24.

Potential impacts range from none to saturation of the existing roadbed, potholes and cracking, overtopping, and complete washout. To be consistent with NEPA and because substantial funds may be involved, a comprehensive risk analysis should be included in the Final GRR/SEIS. FBP-17

J. Additional Fill Material Should Not Be Added to the Highway Roadbed.

It is unclear in the GRR/SEIS Alternative section how much fill will be added to the roadbed in order to raise its profile to prevent potential damage from over topping during increased flows from the MWD Project under Alternative 7A. This issue should be clarified in the Final GRR/SEIS. As the Science Coordination Team letter points out adding large amounts of fill would be an enormous waste of taxpayers money and would erode public confidence since the roadbed may need to removed later under the CERP Decompartmentalization Project Phase 1 (Best and Ogden 2001). As the CAR notes an additional 2 feet of fill would result in an expenditure of $16 million in unneeded features. The above recommended risk analysis should also determine if fill material would be absolutely required to withstand increased flows. FBP-18 FBP-19

Once again, Alternative 5C is the superior alternative since it would eliminate the risk of damage to the roadway from increased flows and the expenditure of additional funds for fill, repaving, or retrofit.

K. Contingency Funding Should Not Be Born By DOI.

It is FBP's understanding that if damage to the Tamiami Trail occurs from overtopping of the roadbed occurs due to increased flows from the MWD Project, DOI would be required to pay for highway repairs. Contingency funds may be required to be set aside for this purpose if a risk analysis determines that it is warranted. Funding for incidental damage should be born by the FHA or FDOT and not DOI which is already required to fund the entire MWD project. FBP-20

In addition, the Final GRR/SEIS should fully disclose any proposals or agreements for contingency funding to address potential overtopping of the road. FBP-21

L. The Final GRR/SEIS Needs to Include Full ESA Coordination.

The Draft GRR/SEIS contains no draft Biological Assessment by the Corps. Under Section 7 of the ESA the Corps is required to consult with the FWS on listed species that may be affected. Without this formal consultation by the Corps the FWS could not prepare a draft Biological Opinion. FBP-22

II. CONCLUSION

Numerous environmental documents have recommended the need to restore sheet flow, decompartmentalize the WCA's, and restore ecological connectivity between the central and southern Everglades. The Corps recognizes that the prevailing technical opinion is that modest hydrological improvements are not expected to produce major, and in some cases, measurable improvements in regional ecological conditions or in habitat critical to several endangered species (USACE 1999, Science Sub Group 1993).

From the preliminary analysis to date, there is substantial, credible, and compelling evidence that Alternative 5 should be selected as the preferred alternative. In summary, Alternative 5:

- More fully complies with the 1989 Everglades National Park Expansion Act.
- Provides the best performance in meeting the Tamiami Trail project objectives.
- Provides the best performance in meeting the MWD objectives
- Is more compatible with CERP restoration objectives than the other alternatives.
- Does not require retrofitting of project features and has the highest degree of compatibility with CERP components.
- Provides far greater hydrological and ecological benefits.
- Provides opportunities for compatible recreational activities and potential for enhanced scenic views of the Everglades.

The Corps inappropriately dismisses Alternative 5 from consideration largely on the basis of its higher cost, contrary to the specific language in the 1989 Park Expansion Act. The major hurdle of implementing Alternative 5 is finding creative funding strategies. Therefore, the Final GRR/SEIS should include an analysis of potential funding strategies. The FBP strongly urges the Corps to select Alternative 5C — elevating Tamiami Trail for the entire 11 mile project length and removing the existing roadbed, as the preferred alternative in the Final GRR/SEIS.

Please provide FBP with a copy of the Final GRR/SEIS and the ROD as the NEPA process proceeds. We would appreciate any other additional documents released for this project.

Sincerely,

Brian Scherf
Board member

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Florida Power & Light Company, Dade Distribution Engineering, 4200 W. Flagler Street, Miami, FL 33134
(305) 442-5140 Fax: (305) 442-5123

FPL

December 26th, 2001

Mr. James C Duck
US Army Corps of Engineers
Jacksonville District
PO Box 4970
Jacksonville, Florida. 32232-0019

Dear Mr. Duck;

I appreciate you sending me the GRR/SEIS Report on MOD of November 2001.

After reviewing the report its clear that Florida Power and Company has an interest on this project, which will affect the Distribution electrical system serving the area West of Krome Ave.

This Distribution electrical system has a main pole line that runs along Tamiami Trail for the entire length of your project (at the base of the levee), with several pole lines splitting out (perpendicular) from this main line.

Since the MOD project will coordinate at a latter date with the Decomp Project, FPL needs to make the appropriate plans at the MOD Project stage. As I understand it, at the Decomp Project the levee will be removed and so our pole line will have to be relocated. The only option will be to relocate along the Tamiami Trail. FPL-1

The "Alternative 7 Existing Alignment with 3,000 foot Bridge" will require for our facilities to go attached to the Bridge inside a duct bank system. The equipment and material available to us will require a structure (manhole) at no more than 1500ft intervals, within the duct bank system. COE and FPL will need to coordinate the design of these manholes as part of the Bridge design. FPL-2

I would like to ask your engineering department when designing this project to take into consideration the impact to FPL and its customers, since it's the only Distribution pole line serving them.

Please fell free to call on me for a Design Meeting on this project, as for any questions you may have at (305) 442-5129.

Sincerely,

Juana Telleria

Juana P Telleria
FPL Distribution Relocation Coordinator

Cc Doris Marlin- COE
Florette Braun- FPL Environmental

Memo

To: Dr. Jon Moulding, U.S. Army Corps of Engineers

CESAJ-PD-E P.O. Box 4970, Jacksonville, Fl. 32232-0019

From: Thomas Carracino, Florida Resident – Recreational Interest

CC: Governor Jeb Bush, Many Other Public Officials / Private Interest

Date: 2/1/01

Re: Public Comments on MWD and CERP, Due February, 4, 2002

Dear Dr. Jon Moulding,

This memo is my "Official" public comment on the issue of the Everglades Restoration Project and the Modified Water Deliveries Project. **Please Reply to this**, Via Email, as I will know that you have recorded it into the public record by the due date of 4, February 2002.

I support the Corps recommendation of "Alternative 7a" ***under one important condition..... DO NOT BACK FILL IN "ANY" of the existing everglades CANALS! PERIOD!!!! NOT ONE INCH!***

I support alternative 7a as the best solution, as it is a cost effective, more "Bang for the Buck" solution. But I want to make sure you also understand that the everglades canals that are in place are a vital part of the freshwater fishery (Large Mouth Bass) which in turn is a vital part of Florida's $14 BILLION Dollar A Year Marine Industry. Yes, I said $14 BILLION Dollars EACH YEAR! (MIASF Findings)

There is also NO Scientific case for back filling these canals, including the Miami Canal. It is just an easy way to get rid of the dirt from the levees rather than removal by trucks. The last Drought taught us that we need these canals as a deep-water refuge to fish and wildlife. They also provide fishermen with access to the everglades. Please **DO NOT** back fill any of them, in any part of CERP, MWD, or any other project, as this would be a huge loss for the residents of Florida.

I read in the "Central And Southern Florida Study-Executive Summary" (GRR/SEIS) a very positive statement regarding partial connectivity between Everglades National Park and the L-29 canal, which feeds the L-67A, as a result of option 7a. Did you know the L-67A produces more Largemouth Bass than Lake O? Did you know the Large Mouth Bass Fishery in Lake O is estimated to be worth more than $150 Million to our state's economy each year? What's the value of the L-67A? Why Impact it by back filling the L-29 and/or Miami Canal? Open it all up and let the water flow!

Dr. Moulding, please do the right thing, and help us (Fishermen/Boaters, Wildlife Enthusiasts, and Everglades Lovers) get CERP and MWD on the right track, with changes in the plan to NOT BACK FILL ANY CANALS! Also, we want to be assured access. Improved access if possible. And please DO NOT waste $150 Million dollars of our tax dollars with option 5a as the "Environmentalist" want. They fail to see the construction impact alone is more trouble than it is worth to build a 10.7 mile elevated roadway. They say they are "Environmentalist" yet they choose the alternative that has the most environmental impact?

I will be working in a pro-active and positive way to rally support for the Corps selection of alternative 7a, at the same time, communicating with Federal, State, and Local officials to ensure ALL citizens are informed, and can continue to access the Florida Everglades. We also will fight for 100% of the canals to remain open to water flow AND fisherman's boats, and are not back filled in the name of convenience and saving money. Please remember.....man made those canals.....and now, through evolution, the fish and wildlife have learned to use them as deep water refuge in Summer heat, Spring Spawning, as well as low water conditions. We need them, especially the L-29, L67A, and the Miami Canal. They are all a vital source of deep water in times of drought, are vital to the fishery, and pose no threat *whatsoever* to sheet flow or CERP in any way.

Fishermen are rallying around this cause. I hope I can help get them to stand up for what we believe in, and keep the canals open, as well as access to all the everglades.

I also hope we all take time to "Thank You and the Corps" for all your hard work and tireless efforts in one of the noblest and most important environmental cause of this century, to restore the Florida Everglades!

I also want to thank the "Corps" for holding one of the best run public meetings (Plantation High School) on this subject. You allowed the people to speak on this subject in an orderly and fair fashion, and the staff was knowledgeable and very helpful. They also cared about our opinion and offered us ways to get involved and I Thank You again for that.

THANK YOU!

Thomas Carracino
Florida Resident, Fisherman, Recreational Interest
pcgroup@mindspring.com
954.605.4243

NATIONAL PARKS CONSERVATION ASSOCIATION®

Protecting Parks for Future Generations℠

February 4, 2002

Colonel James G. May
District Engineer
US Army Corps of Engineers
C/o Jon Moulding, USACE, PD-ES
P.O. Box 4970/ 400 West Bay Street
Jacksonville, FL 32232

Dear Colonel May:

On behalf of the National Parks Conservation Association (NPCA), thank you for the opportunity to comment on the Tamiami Trail Feature of the Draft GRR/SEIS on the Modified Water Deliveries to Everglades National Park (MWD) Project. NPCA is a private non-profit advocacy organization dedicated solely to protecting, preserving, and enhancing the U.S. National Park System. Founded in 1919, NPCA has over 450,000 members, with over 26,000 members in Florida.

NPCA has been following this project with great interest, and we have appreciated the efforts you have taken to hear our perspectives through these comment processes and numerous stakeholder meetings. This project, combined with the Comprehensive Everglades Restoration Plan (CERP)'s WCA-3 Decompartmentalization and Sheet Flow Enhancement Project Phase 1 Tamiami Trail feature, offers a major opportunity to achieve an important Everglades restoration success. If properly done, these combined projects will provide a precedent for future CERP-related projects. It can demonstrate that taxpayer investment in this scale of project can produce a significant and visibly evident restoration of the Everglades. Its success will signal that there is hope for the Everglades.

NPCA's primary and overriding concern with this project is that it facilitates the eventual bridging of the entire 10.7-mile length of Tamiami Trail in the project area. To accomplish this, we believe the project must be planned in conjunction with the CERP WCA-3 Decompartmentalization and Sheet Flow Enhancement Project Phase 1 Tamiami Trail component. Together these two projects must form a cohesive plan to remove the entire barrier to sheetflow posed by the Trail. The 10.7-mile bridge - essentially a "skyway" that allows the restoration of natural water flows beneath it – is unquestionably the best option. The overriding issue for us is therefore whether the draft GRR/SEIS adopts the best strategy to make this happen. We believe that it does, but its justifications are flawed, and should be corrected.

In the best possible scenario, the final GRR/SEIS would adopt a version of alternative 5, this would involve construction of an elevated roadway within the right-of-way of the existing roadway. However, we acknowledge the legal and fiscal constraints, which the report

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enumerated well. Given the necessity for expediting the modified water deliveries project and keeping the project within budget, we support the strategy of selecting alternative 7a, but only with serious reservations. Alternative 7a is only a small step towards the more ecologically acceptable treatment of the Tamiami Trail.

The Corps of Engineers is in what we consider a ludicrous situation by being forced to construct two inter-related projects consecutively rather than concurrently. The MWD project calls for an increase of flow capacity to 4000 cfs beneath the Tamiami Trail, and the CERP project requires a further increase in flow in addition to restored sheetflow and decompartmentalization. Planning two separate strategies in this case will not result in an outcome optimal for both unless they are planned together.

NPCA agrees with the ultimate selection of Objective 7a as the preliminary recommended plan, but does so based upon a rationale much different than the reasons set out in the GRR/SEIS. The GRR/SEIS says on page 207 that Alternative 7a was selected as the recommended plan "because it was judged to provide the best overall Performance Measure rankings" and that its "implementation would result in no significant adverse impacts to the natural of human environments." Our reasons for selecting 7a is due entirely because the much more acceptable alternative, 5c, must be ruled out due to the legal and fiscal constraints raised by the Water Resources Development Act of 2000 and the limited funds available under the MWD project. We disagree with the approach of judging the alternative preferable based on these unweighted performance measures listed in the GRR/SEIS. NPCA-1

The evaluations performed by the GRR/SEIS weighed all of the project objectives regardless of their importance or priority. We consider this a serious weakness, since the project objectives should be weighted to enable the factors contributing to ecological restoration to take precedence. NPCA-2 After all, the MWD project was undertaken to "improve water deliveries to the park," and to the extent practicable, include "steps to restore the natural hydrological conditions within the park" ((Everglades National Park Protection and Expansion Act of 1989 –PL 101-229 Section 104). The project was not established to further or protect the recreational opportunities along Tamiami Trail, nor protect businesses that can conflict with park purposes (such as airboat operations). NPCA believes that impacts upon recreation and business certainly should be *considered* when evaluating alternatives, and even agrees with evaluating these impacts through creating objectives and performance measures. However, we strongly object to considering these interests on an equal footing with the ecological restoration objectives. The objectives that reflect the objectives of the overall project must take precedence. Thus the evaluation should be approached in a different way than was conducted in the GRR/SEIS.

The objectives that should have taken precedence were objectives 2, 5, and 7. The GRR/SEIS dealt with our concern about coordinating this project with CERP planning through Objective 2, identifying the "maximization of compatibility for future CERP actions" as a project objective. The performance measures used to assess compliance with this goal were:

PM1: Flexibility for increased flows, stages, and capacity associated with CERP;
PM2: Addition of features to achieve full sheet flow;
PM3: Ease of adding features to improve decompartmentalization;
PM4: Ecological connectivity;
PM5: Potentially degradable linear footage of roadbed;

PM6: Minimum retrofit needed;
PM7: Potentially wetland acreage restored.

The evaluation of the performance measures is a bit mysterious, given that Table 32 indicates that there is minimal difference between the evaluation of alternatives 5a, 5b, and 7a and 7b based upon Objective 2's performance measures. The evaluation of PM3, ease of adding features to improve decompartmentalization, earned a "partial compliance" for 5a and 5b, while 7a and 7b earned a "partial compliance" and "minimal compliance" ratings. Since decompartmentalization presupposes the removal of flow barriers, it seems like it would be much "easier" to remove the existing unused roadbed to allow decompartmentalization than removal of roadbed, and functioning road, that would exist along most of the 10.7-mile route in 7a and 7b's scenarios. Thus their similar, low ratings are difficult to understand. NCPA - 2

However, the evaluation of Alternative 5c is more intuitively accurate. It indicates that for all performance measures, this alternative earned a "full compliance" rating for all performance measures in this objective. It also displayed the largest potential wetland acreage restored. 5c proposes to raise the entire length of the trail on a bridge while removing the degrading the roadbed beneath.

A similar situation exists in the evaluation of Objective 5, the restoration of ecological functions, and Objective 6, the minimization of permanent/temporary wetland loss. The raising and bridging of the entire length of road outperforms all the other objectives based upon these performance measures by a significant degree.

The other non-fiscal objectives, including socionomic impacts and impacts on recreation facilities, are certainly important. But they disproportionately skew the evaluation away from the alternatives that best represent the interests that the project was authorized. We think that they do not justify the selection of Alternative 7a as the recommended plan.

Finally, Project Objective 1 is a worthy objective, "cost effectiveness." But the performance measures inadequately reflect that objective. Rather than list factors of cost effectiveness, which would include its minimization of retrofit costs due to complying with CERP, and overall coat effectiveness for taxpayers, drafters included only the dollar costs of each project. They are useful for measuring against the project's budgetary constraints, and we think this measurement should be made, but these performance measures should not be used as a measurements to be weighed with ecological restoration objectives. NPCA - 3

The factors that do outweigh the ecological performance measures are certainly the cost constraints of MWD itself, and the conditions outlined in the authorization of the CERP Tamiami Trail project. This authorization appeared in WRDA 2000 Section 601(b)(2)(C). But Section 601(b)(d)(2)(iv) specified that "no appropriation shall be made to construct the WCA3 Decompartmentalization and Sheetflow Enhancement Project....until the completion of the project to improve water deliveries to Everglades National Park authorized by Section 104 of the Everglades National Park Protection and Expansion Act of 1989.." This law set up the conflict that makes it impossible to carry out these related Tamiami Trail projects simultaneously. But until this unfortunate law is changed, we are faced with the need to expedite the MWD project in order to proceed with these important CERP projects. While the GRR/SEIS refers to these constraints and indicates that they are major considerations, the selection of the recommended

plan remains justified by the weighted objectives. We think this is a mistake. The report must make it clear that the reasons for selecting the less optimal alternative based on MWD purposes are these obstacles set up by Congress. By being clear about this, it offers decisionmakers a more realistic opportunity to understand the implications of legislation, and perhaps consider changes that might be necessary. We do not think the selection should be couched in inadequate and poorly weighted performance measures.

The WCA-3 Decompartmentalization and Sheet Flow Enhancement Project Phase 1 project management plan, prepared pursuant to CERP, is a promising document. The Project Delivery Team's decision to propose two separate Project Implementation Reports (PIRs) will allow the Tamiami Trail feature to be planned in an expedited manner, so that upon completion of the MWD project, the CERP Tamiami Trail modifications can be implemented immediately. We are confident that the results of technical scientific investigations will document the fact that a skyway is the optimal solution for the combined goals of the CERP and MWD Tamiami Trail components. It is essential to frame the questions put to the scientists as addressing the combined goals of CERP and MWD. The combination of Alternative 7a, along with the modifications proposed in CERP, should allow scientists to think and plan holistically.

In conclusion, we hope that planners will do their best to work towards a full raising and bridging of Tamiami Trail, through this project and CERP. The final GRR/SEIS must acknowledge this need in a way that is useful to decisionmakers, so should clearly identify the WRDA and fiscal constraints as the deciding factors in selecting Alternative 7a. The socionomic and recreational objectives, while important, should not be used to undervalue the objectives for which the project was authorized. Planning must not occur in a vacuum, and the GRR/SEIS for this project must remain visionary and focused upon restoring the Everglades.

Thank you again for the opportunity to comment.

Sincerely,

Mary Munson

Mary Munson
Director, South Florida and Marine Programs
National Parks Conservation Association
1909 Harrison Street, # 207
Hollywood, FL 33020
Phone 954-96-637
Fax 954-921-7810

313.393.7398
wilczakt@pepperlaw.com

February 4, 2002

VIA FEDERAL EXPRESS (EMAIL TO MR. JON MOULDING)

Col. James G. May
US Army Corps of Engineers
400 West Bay Street
Jacksonville, FL 32202

Re: Central and Southern Florida Project, Tamiami Trail Feature – Draft General Reevaluation Report/Supplement to the 1992 Final Environmental Impact Statement ("Draft GRR/SEIS") on Modified Water Deliveries to Everglades National Park

Dear Mr. May:

This letter contains the public comments of Radio One, Inc. on the above-referenced Draft GRR/SEIS. Pursuant to a telephone conversation on February 1, 2002 with my legal assistant, Ellen Zapalski, Mr. Jon Moulding indicated that comments would be accepted via email to Mr. Moulding by the February 4, 2002 due date as long as it was mailed to you on the same day.

Radio One understands that the U.S. Army Corps of Engineers ("Corps") has evaluated nine alternative plans, including the no action alternative, to protect Tamiami Trail during high discharge conditions that could result in low portions of the highway being overtopped with water from modified water deliveries under various projects to restore the Everglades National Park. Each build alternative appears to involve increasing the cross-section of openings under the highway in order to minimize the rise in water level in the canal necessary to pass the required volume of water, and to spread the water flow to the south.

It is our understanding that the Corps has selected Alternative 7a as its Recommended Alternative to modify the existing Tamiami Trail embankment profile and typical roadway cross-section within the approximate 11 mile project limit. This includes reconstructing approximately 3,000 feet of the roadway as an elevated structure between Blue Shanty Canal and Coopertown.

Radio One is concerned that the Draft GRR/SEIS has failed to adequately consider the impacts associated with the project on its property. Radio One owns a parcel of approximately 80 acres within the area that may be affected upon which it operates 7 radio towers and one transmitter building. The towers broadcast to the Miami area on 1080 kHz (WVCG) pursuant to a FCC license and serve diverse segments of the community with programming that is not otherwise available in the area.[1]

Specifically, the Radio One property is located adjacent to and immediately south of Tamiami Trail (U.S. Hwy 41) in Section 8, T54S, R38E (N. Latitude: 25° 44' 53"; and W. Longitude: 80° 32' 47"), approximately four miles west of the L-31N Canal, and about five miles west of Krome Avenue (SR997). The towers and structures, which were constructed in 1980 are situated on fill pads and access from Tamiami Trail is provided along a filled road bed.

The pads and road bed were intentionally constructed above the 100 year flood level to insure access. As a result, Radio One has not had any problem with flooding or access that has adversely affected its operations. Radio One, however, is concerned that the project will create problems for Radio One's operations that were not adequately considered or addressed in the Draft GRR/SEIS.

Since the elevated structure, as we understand it, appears to be approximately one mile to the west of Radio One's property, it does not appear that access from Tamiami Trail to Radio One's property will be directly impacted by the elevated structure. It is our understanding, however, that the roadway profile along other portions of the highway will be raised. Consequently, Radio One is concerned about the potential impacts, and associated costs, that might result to continued access to its property. While the Draft GRR/SEIS indicates that access to businesses located along the Tamiami Trail will be provided during and after construction, it is not clear what businesses were considered, how such access would be provided, or the associated costs. If either the elevated structure or raised roadway profile does impact Radio One's access, it would look to the government for appropriate compensation necessary to continue to allow for access of Tamiami Trail. RO1-1

Additionally, it appears that under Recommended Alternative 7A, Radio One's road bed would no longer be above the 100 year flood level. In fact, the increased water levels could limit access to the property even during minor storm events, thus adversely affecting Radio One's operations, and likely result in erosion damage to the road beds and tower pads, which could threaten the tower's structural integrity. This would result in increased maintenance and upkeep costs, and cause an environmental sedimentation impact upon the local ecosystem if the pads and road beds are eroded. Moreover, it may become necessary to access the towers via a motor boat, which in turn may result in environmental impacts that were not addressed in the RO1-2

[1] The property previously was owned by AMFM Operating, Inc.

Draft GRR/SEIS. The increased water levels also could result in signal disruption or distortion interfering with Radio One's broadcast capabilities. R01-3

The Draft GRR/SEIS also does not provide adequate information regarding the hydraulic and hydrologic modeling that was conducted to evaluate the considered alternatives. Section 5.3.8 of the GRR/SEIS indicates that the "Corps modeled hydraulic conditions comparing water levels in the L-29 Canal adjacent to the road with and without improvements to the conveyance of water", however, this modeling data was not provided. In fact, the Draft GRR/SEIS does not identify the storm events considered, water flows, or water level elevations. Therefore, Radio One would request that its property be more thoroughly evaluated using the Corps modeled hydraulic conditions to better understand the ultimate effect on its property. R01-4

Furthermore, cumulative impacts of this project and other Everglade restoration projects, such as Cape Sable Seaside Sparrow are a concern. Impacts to access, as well as other impacts associated with raised water levels, need to be considered not only in light of this project, but also other projects already undertaken or to be undertaken that could result in impacts in this area. R01-5

As a result of this project, and other projects being undertaken in the Everglades, Radio One likely may incur significant costs to mitigate impacts to its business. These include, but are not limited to: (1) the potential need to re-build or raise the grade of the access road and the tower pads; (2) amend its FCC license or recognize loss of value of such license; and (3) possibly the need to reconfigure the signal from its tower or, in the worst case, relocate its towers altogether (assuming a suitable alternative location is even available).

Radio One believes that the Draft GRR/SEIS does not adequately consider these socio-economic, economic, environmental, and cumulative impacts or costs. If such adverse impacts are not planned for and mitigated with the project, Radio One's property interest likely may be significantly reduced, or completely taken in the worst case, as a result of the government's actions. In such case, Radio One will look to the government for appropriate compensation. R01-6

Radio One appreciates the opportunity to comment, and trusts that its comments and concerns will be considered and responded to in the draft final GRR/SEIS, with appropriate mitigating actions being included within the scope and costs of the project.

Radio One requests that it be kept on the mailing list for any further materials that are generated for the project or associated with the GRR/SEIS, including the response to these comments and the draft final GRR/SEIS. Radio One also requests to be placed on the mailing lists for any other projects that could have similar impacts on water levels in the vicinity of its property. Further, please keep us advised as to any public meetings scheduled for these projects.

Please send all such mailings to my attention at the above address. You also should feel free to contact me if you have any questions regarding this correspondence.

Very truly yours,

Thomas P. Wilczak

lmf
c:

Jon Moulding (USACE)
Gwen Nelson (USACE)
Linda Eckard Vilardo, Esq. (Radio One)
John Mathews (Radio One)
Sharon Aylward (Aylward Engineering & Surveying, Inc.)
Todd C. Fracassi (Pepper Hamilton LLP)

bc: Karen Renz (Clear Channel)

DT: #166276 v1 (3K@S01!.DOC)

South Florida Anglers For Everglades Restoration
SAFER

January 30, 2002

Ms. Doris Marlin
Project Manager
U.S. Army Corps of Engineers
Decomp, Phase 1

SAFER Comments on the Draft GRR/SEIS on
Modified Water Deliveries to Everglades National Park

Dear Ms. Marlin,

We have reviewed the draft of the General Reevaluation Report on Modified Water Deliveries to Everglades National Park, and would like to pass a few concerns on to you for consideration as Modified Water Delivery begins preparation for construction. First of all, we want to commend you and your staff for recommending the 3000 foot bridge alternative, with the raised Tamiami Trail roadbed, and deciding against the construction of the 11-mile elevated causeway as part of the MWD. Whether or not such a structure is found to be necessary for the future restoration of the Everglades, is an issue for other projects of the CERP to determine. We at SAFER have felt that MWD was a short-range fix to a long term problem, and with the passage of the Water Resources Development Act of 2000, should have been allowed to die peacefully. Unfortunately, the act placed several restrictive conditions to the implementation of the CERP, particularly, that no appropriation shall be made for the construction projects of Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project, until the completion of the project to improve water deliveries to Everglades National Park. We feel that MWD should not be a continued impediment to the real work of Everglades restoration. SAFER strongly urges the U.S. Army Corps of Engineers (USACE) to finish this project as expeditiously and as inexpensively as possible.

We applaud the USACE for responding in such a positive manner to the comments of the bass fishermen assembled at the Broward County public meeting, held on January 16, 2002, through the establishment of a CERP Recreation Master Planning Committee. Since the beginning of the public scoping period, SAFER has been looking for some sign from the USACE that it is serious about addressing the concerns of recreational anglers and hunters. Several of our members have already indicated to you that we wish to be involved in this committee. We look forward to hearing from you on the issues, which will surely be brought up in this committee.

In the meantime, we can't help but bring up the subject of your decision to reject the bridging of the Tamiami Trail **"at a height which would allow for the passage of airboats,"** stating that these features **"are not *required* to meet the project purpose of water delivery to NESRS."**

The thought that the airboat passage can be added later is unrealistic. Your report states, "**Such features may be considered later as betterments, if recommended and funded by a local sponsor, or an airboat feature may be considered with a later project.**" The truth is, once the bridge is designed and built, the addition of an airboat passage will become too expensive and complex an undertaking for anyone , particularly a local government agency or a club such as the Airboat Association, to build. The time for action by the USACE is now, during the planning stages of bridge construction. In the past, we have commented to you that we viewed how MWD handled the issue of recreational access as a litmus test for the USACE, and your avowed efforts to incorporate recreational access into the future plans of Everglades Restoration. It is exactly this inability of MWD to incorporate recreational access to the Everglades, which from our point of view, makes it such a flawed project. SAFER-1

It is important for us to tell you how we view the context in which your decision was made. Much has changed in the years since MWD was on the planning boards. One of the things that changed, was the increasing use of the Everglades as a recreational fishery, as the sport of bass fishing flourished in the 90's. And lets face it, hunting has been around forever! The past few months, since the public meeting at the Homestead Agricultural Center on Dec. 12, 2001, has seen a flurry of activity on the environmental front. Among the highlights were Senator Bob Graham's visit, which coincided with the Everglades Coalition's 4 day conference in Ft. Lauderdale, Secretary of the Interior Gale Norton's visit to the Everglades, and the historic pact between President George Bush and Florida Governor Jeb Bush, and the release by USACE of the Programmatic Regulations, which will govern the Restoration effort.. In short, there has been considerable activity on the Everglades Restoration front. From our perspective, some of what has happened is inimical to our interests.

In a recent newspaper interview, Steve McCormick, the president of the Nature Conservancy, the world's largest environmental group, was quoted as saying, "**Hunters and anglers have done incredibly important things for conservation. In many ways, they are more genuinely naturalists than armchair environmentalists.**" And yet, it seems that all over the United States, in all the National Parks, the move is on to exclude hunters and anglers from the recreational use of public lands. Lands, we might add, bought and paid for with our taxes, and maintained through the use of monies collected from hunting and fishing licenses. What makes the situation down here in South Florida so ironic, is that the number of visitors to Everglades National Park have been steadily declining. In a recent newspaper article, the Miami Herald stated, "**Environmentalists tend to ignore it, but tourist numbers have plunged since 1972...Park surveys show about half those people barely pass through, spending less than four hours: about the time it takes to drive to the closest attraction, stroll the half-mile boardwalk, snap some pictures, buy some postcards and drive out...Attendance figures also fail to account for the tens of thousands who fish Florida Bay *or the canals of the water conservation areas just outside the park borders.*"**

SAFER considers the rejection of the recreational interests of the Airboat Association as a warning flag, for we are convinced that the process of excluding us from the Everglades has already begun here in South Florida. Plans being formulated by the USACE, call for degrading the L-67C Levee and backfilling the L-67C Canal as part of MWD. SAFER was formed to prevent just such an eventuality. Our mission statement says it plainly: We are opposed to the

backfilling of the canals in WCA-3. To us, the issue is no longer whether the Everglades are going to be restored; the issue is *how* they are going to be restored. In our minds, MWD has clearly defined the two sides of the issue. It is "recreationalists" vs. "exclusionists." It is an argument that USACE is surely going to be dragged into. Let's face it, when it comes to dealing with the exclusionists, USACE is going to get caught between a rock and a hard place. Nothing you do, no amount of money you spend, no accelerated timetable for restoration, is ever going to be enough to satisfy those people. Proof of this was made clear to everyone concerned with the release of the USACE's Programmatic Regulations. The hue and cry from the exclusionists was immediate. Shannon Estenoz , of the World Wildlife Fund said, "**This just screams business as usual.**" And Brad DeVries, of Defenders of Wildlife, called the draft protocols **"a plan for inaction."**

We at SAFER are in favor of restoring the Everglades, while maintaining recreational access. In her recent visit, Secretary of the Interior Norton stated, **"There are some people that want to have it all for business interest or all for environmental interests. What I'd like to do is find ways of reconciling those things."** It is an approach that SAFER finds admirable. As restoration starts moving from the planning stages to actual construction, we urge USACE to show us, through actual plans and construction that enhance the quality recreation offered by the Everglades, that USACE is doing more than just paying lip service to the recreational interests of thousands of American taxpayers. Rest assured that SAFER isn't going to watch the process of restoration from the sidelines, which is where the exclusionist environmental groups will place us if we don't defend our rights to access the Everglades.

Sincerely,

Al Ovies
For the Members of SAFER
South Florida Anglers For Everglades Restoration

Moulding, Jon SAJ Tamiami Trail

`m: FVFGAIL@aol.com
t: Thursday, January 03, 2002 9:30 PM
Moulding, Jon
Subject: Everglades Skyway

I advocate a full EvergladesSkyway built in TWO PHASES --a 1/2 mile bridge now in phase I, and the rest of the 11 mile span in the $7.8 billion Comprehesive Everglades Restoration Plan ("CERP") in phase II. GB-1
What is essential is to "GO THE EXTRA 10 MILES" and build the 11 mile span.
The DRAFT of the SEIS document says the 11-mile Skyway "maximizes environmental outputs without regard to fiscal or other constraints."
We should not use any of the money from the Department of the Interior paid to the State of Florida for its right of way (about $12 million) to go towards trucking in fill to build up the existing Tamiami Trail road bed. GB-2
That money must be reserved to build more of the Skyway.
Regards
Gail Bagley
Orlando, FL
fvfgail@aol.com

Trulock, Shelley F SAJ

m: Moulding, Jon SAJ
.t: Wednesday, February 06, 2002 10:21 AM
To: Trulock, Shelley F SAJ
Subject: FW: Tamiami Trail / CERP

-----Original Message-----
From: Waters, Stephen [mailto:SWaters@sun-sentinel.com]
Sent: Friday, January 18, 2002 11:32 AM
To: 'Moulding, Jon SAJ '
Subject: RE: Tamiami Trail / CERP

Dear Jon,
Bob Bagnall was kind enough to forward your response to his comment on the Mod Waters plan for Tamiami Trail. One of your statements caught my eye:
"Unfortunately, there is confusion in the public's mind about this project compared with CERP features, fueled in no small part by the January 13 article in the Sun-Sentinel, in which it's stated "The proposal that is selected could have a huge impact on fishing in the L-29 Canal along Tamiami Trail, as well as in the L-67A Canal." This is totally off base! I plan to send them another copy of our draft report (in case they didn't get the first one), so they can understand the project better."

My question for you: If the Corps were to end up going with alternative E₃ (11-mile bridge) where, in that proposal, are there plans for boat ramps allow access to the L-29 and the L-67A Canals? In addition, that bridge ıld affect anglers who fish the L-29 between Krome Avenue and the L-67 trom shore. I believe no ramps or bank access for an 11-mile stretch will definitely have an impact on fishing.

SW - 1
SW - 2

Sincerely,
Steve Waters
Outdoors Writer

Moulding, Jon SAJ

m: Coairboat@aol.com
: Thursday, January 31, 2002 9:01 PM
Moulding, Jon
Subject: (no subject)

My personnel belief for the optimal way to do the Tamiami Trail is to put an elevated road down the middle of the L29 canal. All you have to do is set a barge with a drill rig every thing and all equipment could be worked from the levy. This way no construction tie-ups. Then after completion the levy and road could be removed, no need to fill the canal as its needed in case of a major storm a water supply for wildlife in drought. Leaving the area in a total natural sheet flow. Could have an island halfway for recreational boat ramp fishing and sightseeing. But 2 or 3 - 3,000 foot bridge would enhance the water flow.

JK-1

JK-2

Sincerely,
Jesse Kennon
Coopertown Airboat Tours

Moulding, Jon SAJ

m: m w [mcw291@yahoo.com]
: Sunday, February 03, 2002 9:39 AM
jon moulding
Subject: Public Comments On Tamiami Trail Feature Draft General Reevaluation Report Modified Water Deliveries To Everglades National Park

2/3/02
Jon Moulding
U.S. Army Corp of Engineers
Dear Mr. Moulding:

My name is Michael Warren and I am a sportsmen, airboater, and a member and director of the Airboat Association of Florida. The purpose of this email is to submit my public comments, prior to the 2/4/02 deadline, regarding the November 2001 report for Central and Southern Florida project Tamiami Trail Feature Draft General Reevaluation Report on Modified Water Deliveries To Everglades National Park. The public comments submitted are my personal comments and not intended to represent the Airboat Association of Florida as an entity.

Based on my review I am submitting the following comments:

1. The report on pages ES-4 and page 193 indicate that the USACE and related entities plan on constructing a bridge with an elevation of 14 feet which is ufficient to allow passage between south and north airboats. The report refers to this as a request om recreational interests and would no doubt improve recreational access for sportsmen. While it is true that recreational interests would receive a great benefit there is much more at stake here. In the event of a private or commercial airplane crash, a bridge that accommodates airboat passage would provide a rapid response to the scene and possibly save more lives. The Valujet 592 and the Eastern airlines crash in the 70's support the need for a bridge allowing airboat passage. If persons on airboats are on the south side and observe a plane crash or other disaster on the north side, they would be able to rush to the scene and notify law enforcement and fire/rescue personnel of an exact location and possibly rescue survivors. The Eastern airline crash in the 70's resulted in survivors and if it were to occur again with such a bridge, a more rapid response could mean even more survivors. A bridge that is a few feet higher should accommodate airboat passage without being cost prohibitive. I believe that a similar increased elevation to allow airboat passage currently exists at Alligator Alley so there is precedence in this "recreational request". Furthermore, given the events of 9/11/01, the importance of rapid response and access is extremely important for law enforcement, fire, and rescue personnel. The increased elevation of the bridge to allow airboat passage between north and th is a necessity and prudent investment not a ury. I urge the U.S. Army Corps of Engineers and related agencies to step up to the plate and invest in our future not just for water but for safety and increased recreational access. Please support a bridge

MW-1

with elevation sufficient to allow airboat passage between north and south.

The report on page 44 indicates that the Airboat ɔciation of Florida site is not eligible for ɹting in the National Registry of Historic Places (NRHP). The reason stated is that the common design and building materials limit its significance. I believe the Association's historical significance is being overlooked. While I am no expert in the criteria of NRHP I have visited their website for research purposes and believe more than the building materials reflect on listing. The building itself may be common design but I believe the presence of a historical figure or the presence of information on prehistory or history more than 50 years old results in a hit on the NHRP criteria for designation. The Association has existed since the 1940's and the building contains a number of historic photos, articles, and information on airboating. Airboating is a significant piece of South Florida and Everglades history and its history is being preserved at the Airboat Association of Florida. Furthermore, historic pictures and information on a historical figure Francis S. Taylor, who has a Everglades water conservation area named after him, are housed in the clubhouse building. I believe that direct descendents of Mr. Taylor are also members of the Airboat Association of Florida. I urge a second look at the comments made on page 44 before disqualifying the Airboat Association from eligibility for listing in the NRHP.

MW-2

Tn closing, I can support alternative 7a but ask the CE and related entities to consider my comments in ɹing its final evaluation and recommendations. ɾurthermore, I remind the USACE and related entities not to be so quick in dismissing ideas which enhance recreational opportunities in the Everglades and protect traditional and historical uses such as airboating, hunting, fishing, and frogging. Everyday in this nation and in South Florida access for airboating, hunting, fishing, off road vehicle use, frogging, and other recreational activities is being threatened. South Florida needs to have places that current and future generations can access for these outdoor activities to provide pleasure and preserve traditional and historical recreational uses. Do not lose sight of the fact that this is as important, if not more important, as protecting the environment. Thank you for reviewing my comments and including them as a public comment on this issue.

Sincerely,

Michael Warren
18133 NW 19 St.
Pembroke Pines, FL 33029

Moulding, Jon SAJ

m: BARJNPWLL@aol.com
: Tuesday, February 05, 2002 12:20 AM
Moulding, Jon
Subject: MOD Waters - Tamiami Trail feature, public comments

February 4, 2002

Mr. Jon Moulding
US Army Corps of Engineers, PD-ES
PO Nox 4970
Jacksonville, Florida 32232

On behalf of the internattional, national, state, and regional sportsmen's conservation organizations that comprise The Everglades Coordinating Council, I submit the following comments related the Tamiami Trail featuare of GRR/SEIS on Modified Water Deliveries to Everglades National Park.

There is probably no other citizen group whose members are more aware of the crucial need to implement the Tamimai Trail component of the Modified Water Deliveries Project, not only to benefit Everglades National Park, but also to relieve the devastation that we have witnessed in the state owned portion of the Everglades, north of Tamiami Trail. After carefully evaluating the alternatives and weighing the related issues and constraints, we feel Alternative 7a is the most prudent choice.

While by no means a perfect solution, maintaining the existing alightment, raising the road bed, and constructing a 3,000 foot bridge will expedite the conveyance relieve needed in a cost effective manner with the least adverse effect on businesses, Tribal members, private property owners, and recreational use and access.

As we have stated at numerous public meetings, our members feel very stongly that the bridge should be off sufficient height to accomodate passage of airboats for recreational, law enforcement, resource management, public safety, and ecotourism. A bridge of this height would have the added benefit to wildlife that would skittish of crossing under a lower bridge. BJP-1

We strongly agree that the conveyance capibility of L-29 canal not be diminished. BJP-2

Under item 5.4 Planning Goals and Objectives, in the section pertaining to minimising impacts to recreation facillities, we would deeply appreciate clarification that recreational activities associated with the Everglades ecosystem include hunting, camping, and frogging, and airboating, in addition to the fishing, boating, wildlife viewing you have listed. BJP-3

Also, the draft plan fails to clarify that access during (an after) construction must accomodate private property (not just private residences) both north and south of the highway. BJP-4

We do not support the eventual construction of an extended elevated bridge as this would be cost prohibitive and have a tremendous adverse impact on public and private access, recreation, and the viewshed for motorists driving low profile vehicles.

Thank you for the opportunity to submit these comments.

Sincerely,

Barbara Jean Powell, Wildlife and Resource Management Liaison
Everglades Coordinating Council
22951 SW 190 Avenue
Miami, Florida 33170

Office/fax: 305-248-9924

Moulding, Jon SAJ

From: Pat&George Peabody [georgepat@mediaone.net]
Sent: Sunday, January 13, 2002 3:27 PM
To: Moulding, Jon
Subject: Everglades Restoration

Dear Dr. Moulding,

We are residents of South Florida writing to urge you to implement the most restorative plan for the Everglades. Please implement the plan that elevates Tamiami Trail by building a skyway and allowing the free flow of water. I am writing on behalf of six other Pompano Beach residents. Thank you for scheduling a public hearing, but we are unable to attend in Plantation and we wish to add strong support for the Skyway plan.

Sincerely yours,
Patricia and George Peabody
Pompano Beach, FL 33064
(954)781-7026

Trulock, Shelley F SAJ

From: Moulding, Jon SAJ
Sent: Thursday, January 17, 2002 7:45 AM
To: 'stuartkrantz@mindspring.com'
Cc: Trulock, Shelley F SAJ; Marlin, Doris A
Subject: RE: Tamiami Trail Reevaluation Report

Thank you for your comment - it will be made part of the public record for this project.

If you would like to receive future mailings on this project, please e-mail me back.

-----Original Message-----
From: Krantz Stuart [mailto:stuartkrantz@mindspring.com]
Sent: Tuesday, January 15, 2002 11:11 PM
To: Moulding, Jon
Subject: Tamiami Trail Reevaluation Report

1/15/02

Dear Dr: Moulding:

Please build the Everglades Skyway. In matters requiring decision, please ALWAYS choose the decision that MOST HELPS the Everglades to restore itself.

Thank you.

Sincerely,

Stuart Krantz
6348 NW 62nd TER
Parkland FL 33067-1537

(954) 346-2794

stuartkrantz@mindspring.com

-----Original Message-----
From: my mail [mailto:g.cavros@worldnet.att.net]
Sent: Saturday, January 12, 2002 8:39 PM
To: g.cavros@worldnet.att.net
Subject: Reminder: Tamiami Trail Meeting Tuesday Night...

This is your chance to tell the Army Corps of Engineers to support real restoration. Elevating Tamiami Trail and building the "Everglades Skyway" will allow water to flow to once again to NE Shark Slough (main artery of the Everglades ecosystem) and allow it to become a broad flowing flood plain once again....
Please voice your support for the Everglades Skyway on Tuesday night or via e-mail!!

~NOTICE OF UPCOMING PUBLIC MEETINGS~
TAMIAMI TRAIL DRAFT GENERAL REEVALUATION REPORT AND SUPPLEMENT TO THE 1992 FINAL ENVIRONMENTAL IMPACT STATEMENT (GRR/SEIS)
ON MODIFIED WATER DELIVERIES TO EVERGLADES NATIONAL PARK

Trulock, Shelley F SAJ

From: Moulding, Jon SAJ

Sent: Wednesday, February 06, 2002 11:39 AM

To: Trulock, Shelley F SAJ

Subject: FW: Miccosukee Tribe of Indians of Florida Comments GRR/SEIS Tamiami Trail

-----Original Message-----
From: David Reiner [mailto:dpr@lehtinenlaw.com]
Sent: Monday, February 04, 2002 4:01 PM
To: Jon. Moulding
Cc: File; Kelly Brooks; JL3353
Subject: Miccosukee Tribe of Indians of Florida Comments GRR/SEIS Tamiami Trail

LEHTINEN, VARGAS & REINER
PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

7700 North Kendall Drive
Suite 303 Miami, Florida 33156-7559
Phone No. (305) 279-1166 Facsimile (305) 279-1365 E-mail dpr@lehtinenlaw.com

PLEASE DELIVER IMMEDIATELY!

Jon,

Please see attached comments.

Thank you.

David P. Reiner, II, Esq.

Moulding, Jon SAJ

n: beverly barlow [bbarlow3@bellsouth.net]
.: Sunday, February 03, 2002 4:46 PM
To: Moulding, Jon
Subject: [Fwd: Fwd: Public Comments On Tamiami Trail Feature Draft General Reevaluation Report Modified Water Deliveries To Everglades National Park]

Fwd: Public Comments On Tamiam...

The only other comment I have is that I live at the Airboat Association of Fla, for the last 21 years, and feel Mr Warren is very right in what he has said, and that you take our feeling in consideration on the movement that you take.
Thank you,
BEVERLY BARLOW
P.O. BOX 940082
MIAMI,FLA. 33194
EMAIL: bbarlow3@bellsouth.net

Tamiami Trail

Moulding, Jon SAJ

From: BECASTLE@aol.com
Sent: Wednesday, February 06, 2002 7:10 PM
To: Moulding, Jon
Subject: US 41 realignment in the Glades: Suggestion to Engineers

Dear Sir:

1.I support alternative 7a, the 3,000 foot bridge alternative.

2. I strongly recommend the proposed bridge be elevated enough to provide access for airboats during high water periods for law enforcement, security and public safety purposes. We must be proactive in designing and developing our public structures for emergency access to address aircraft crashes, wildfires...etc. Airboats are the only viable crafts which can access this marsh environment. An elevated bridge would also provide much needed recreational access.

I request the Corp explain in the Final Plan how law enforcement, public safety, and recreational needs will be met if the Corp rejects the elevated bridge concept.

3. I oppose any back-filling of canals that may be proposed by this plan.

4. I adamantly oppose the 11 mile skyway as a colossal waste of taxpayer dollars.

Thank you for your consideration of my comments.

Bruce E Castle
807 Mockingbird Drive
Port Orange Fl 32127

Moulding, Jon SAJ

From: CLEMENTE RODRIGUEZ [CROD@peoplepc.com]
Sent: Monday, February 04, 2002 12:45 AM
To: Moulding, Jon
Subject: public input on MOD Waters Delivery

Dear Sir:

1.I support alternative 7a, the 3,000 foot bridge alternative.

2. I strongly recommend the proposed bridge be elevated enough to provide access for airboats during high water periods for law enforcement, security and public safety purposes. We must be proactive in designing and developing our public structures for emergency access to address aircraft crashes, wildfires...etc. Airboats are the only viable crafts which can access this marsh environment. An elevated bridge would also provide much needed recreational access.

I request the Corp explain in the Final Plan how law enforcement, public safety, and recreational needs will be met if the Corp rejects the elevated bridge concept.

3. I oppose any back-filling of canals that may be proposed by this plan.

4. I adamantly oppose the 11 mile skyway as a colossal waste of taxpayer dollars.

Thank you for your consideration of my comments.

Clemente Rodriguez
1134 S.W. 135th Place
Miami, Florida 33184

Moulding, Jon SAJ

`m: Gatorstick@aol.com
t: Monday, February 04, 2002 11:41 PM
. Moulding, Jon
Subject: Shark Slough, US 41

Dear Sir:

1.I support alternative 7a, the 3,000 foot bridge alternative.

2. I strongly recommend the proposed bridge be elevated enough to provide access for airboats during high water periods for law enforcement, security and public safety purposes. We must be proactive in designing and developing our public structures for emergency access to address aircraft crashes, wildfires...etc. Airboats are the only viable crafts which can access this marsh environment. An elevated bridge would also provide much needed recreational access.

I request the Corp explain in the Final Plan how law enforcement, public safety, and recreational needs will be met if the Corp rejects the elevated bridge concept.

3. I oppose any back-filling of canals that may be proposed by this plan.

4. I adamantly oppose the 11 mile skyway as a colossal waste of taxpayer dollars.

Thank you for your consideration of my comments.

I enjoy recreating & hunting this area. I think these ideas will be in the t interests of the tribes, area resourses users & citizens of Florida.

Captain Phil Walters
Gator Guides
16147 Ravendale Dr.
Tampa, Florida 33618

Moulding, Jon SAJ

om: Keith Price [sawgrasscowboy@hotmail.com]
t: Monday, February 04, 2002 6:30 PM
Moulding, Jon

2/4/02
J.Moulding
U.S. Army Corp of Engineers
Dear Mr. Moulding:

My name is Keith I. Price. I am a 49 year old native of South Florida. Born in Homestead, I spent the first year of my life in Coot Bay, Everglades National Park and have lived almost all my life on the eastern edge of the everglades.

As a parent and a grandparent, teaching the wonders of the everglades has become a passion. I am a sportsmen, an Everglades airboat tour guide and a member of the Airboat Association Association of Florida.

This email is to submit my comments, prior to the 2/4/02 deadline, regarding the November 2001 report for the Central and Southern Florida project Tamiami Trail Feature Draft General Reevaluation Report on Modified Water Deliveries To Everglades National Park.

These comments submitted are my personal opinion and not intended to represent the Airboat Association of Florida, any other company or organization. Based on my understanding of the MOD WATERS proposal, I would like to submit the following comments:

>> The report on pages ES-4 and page 193 indicate that the USACE plan on constructing a bridge with a low member elevation of 14 feet.

> Response;
This would be an insufficient clearance to allow safe passage between south side and north side of the planed bridge by airboats. As a member of many Emergency Response Teams over the years I can testify to the effectiveness of the quick response an airboat can provide in a disaster in the everglades. There are Firemen, Policemen and others trained in emergency response that are airboaters and could respond in minutes instead of hours. This would of course benefit the sportsmen, but the Fireman, Policemen and others most times are the sportsmen. I would ask for no more consideration than was given Alligator Ally. Please take under consideration a bridge with enough clearance for safe passage for airboaters, sportsmen and all people concerned.

In closing, I would like to say, as an enthusiast of wide open spaces, I would support the Everglades Restoration Plan, as long as WE THE PEOPLE retained our recreational, traditional and historical uses such as airboating, camping, hunting, fishing or just looking for some open space. It is just as important to protect our heritage as it is to protect our environment. Thank You.

Sincerely,
Keith I. Price
12267 SW 195th Ter.
Miami, Florida 33177

Moulding, Jon SAJ

From: NELSON PEEPLES [npeeples@earthlink.net]
Sent: Tuesday, February 05, 2002 1:01 AM
To: Moulding, Jon

jon.moulding@usace.army.mil

--- NELSON PEEPLES
--- npeeples@earthlink.net
--- EarthLink: It's your Internet.

Dear Sir:
1.I support alternative 7a, the 3,000 foot bridge alternative.
2. I strongly recommend the proposed bridge be elevated enough to provide access for airboats during high water periods for law enforcement, security and public safety purposes. We must be proactive in designing and developing our public structures for emergency access to address aircraft crashes, wildfires...etc. Airboats are the only viable crafts which can access this marsh environment. An elevated bridge would also provide much needed recreational access.
I request the Corps explain in the Final Plan how law enforcement, public safety, and recreational needs will be met if the Corps rejects the elevated bridge concept.
3. I oppose any back-filling of canals that may be proposed by this plan.
4. I adamantly oppose the 11 mile skyway as a colossal waste of taxpayer dollars.
Thank you for your consideration of my comments.
nelson g peeples
38134 16th ave
zephyrhills fl. 33540

Trulock, Shelley F SAJ

n: Moulding, Jon SAJ
nt: Wednesday, February 06, 2002 10:21 AM
To: Trulock, Shelley F SAJ
Subject: FW: Tamiami Trail / CERP

-----Original Message-----
From: Bob Bagnall [mailto:sfcbagnall@yahoo.com]
Sent: Thursday, January 17, 2002 9:25 AM
To: Moulding, Jon
Subject: Tamiami Trail / CERP

Sir,

I am in favor of plan 7a as proposed by your team. However, I am NOT for any plan that would fill in any canals in the Everglades. I appreciate you having the public meeting in Broward as there are so many recreational boaters as well as fisherman in this area.

I look forward to the next meeting.

Bob Bagnall
SFC
AR Retired

Trulock, Shelley F SAJ

From: Moulding, Jon SAJ
Sent: Wednesday, February 06, 2002 11:40 AM
To: Trulock, Shelley F SAJ
Subject: FW: Please do not close the glades.

-----Original Message-----
From: Atkinswe@aol.com [mailto:Atkinswe@aol.com]
Sent: Sunday, January 20, 2002 8:54 AM
To: Moulding, Jon
Subject: Please do not close the glades.

I've been fishing the everglades canals ever since I moved to south Florida 33 years ago. It has been one of the top ten experiences of my life. I want to be able to share this wonder with my 7 year old son and for him to share it with his children.

I am a conservationist myself and share this concept with my family. I resent so called environmentalists, who know nothing about the area, coming here with their half-baked ideas telling us how to protect the Everglades.

Maybe the canals were not the best idea in the world, but they are here and provide countless hours of joy for thousands of recreational boaters and fisherman.

We care about the glades and fully support the 3000 foot bridge -- alternative 7a. There is no need to fill in canals or kill off the recreation for thousands of fisherman and their families.

Bill and Janice Atkins
751 SW 49th Terrace
Margate, Fl. 33068

Trulock, Shelley F SAJ

From: Moulding, Jon SAJ
Sent: Wednesday, February 06, 2002 11:40 AM
To: Trulock, Shelley F SAJ
Subject: FW: Ad. "7A"

-----Original Message-----
From: Frank Hufstedler [mailto:fchuf@bellsouth.net]
Sent: Sunday, January 20, 2002 4:04 PM
To: Moulding, Jon
Subject: Ad. "7A"

I support the 3000 foot bridge for water flow....
Please keep the canals open for fresh water recreational boating and fishing fun..
Frank C. Hufstedler
324 N.W. 102 Terrace
Plantation FL 33324

Trulock, Shelley F SAJ

From: Moulding, Jon SAJ
Sent: Wednesday, February 06, 2002 11:29 AM
To: Trulock, Shelley F SAJ
Subject: FW: Glades Restoration

-----Original Message-----
From: Sccoonazz@aol.com [mailto:Sccoonazz@aol.com]
Sent: Monday, January 21, 2002 4:22 PM
To: Moulding, Jon
Subject: Glades Restoration

Dear Sir,

I am FOR glades restoration, but please leave the canals for recreational access, fishing, and bird hunting.

These canals become part of the South Florida outdoorsman's heritage and opened up the glades to people who care...sportsmen.

Thanks,

K. Marshall

added to mail list 2-11-02. as mailed document on 2-11-02

Moulding, Jon SAJ

`m: Bob DeRoner [vxxsooa@prodigy.net]
t: Thursday, February 07, 2002 9:02 AM
. Bob DeRoner
Subject: Fw: FW: Public feedback on Tamiami Trail area.

----- Original Message -----
From: <RDeroner@aol.com>
To: <Jon.Moulding@saj02.usace.army.mil>
Cc: <vxxsooa@prodigy.net>
Sent: Monday, January 28, 2002 14:27
Subject: Re: FW: Public feedback on Tamiami Trail area.

> Jon,
> Thanks for your response to my e-mail, sorry I haven't gotten back to you
> sooner but I have been unavailable.
>
> I would be interested in getting a copy of your draft report and the final
> version as well. My mail address is: Robert DeRoner
> 7215 NW 43rd Street
> Coral Springs, Fl 33065
>
> I am also intrigued by the opportunity to participate on a team to develop
a
> Recreational Master Plan for CERP. I'm not sure how I could contribute but
I
> would like to participate.
>
`s far as feedback on the project is concerned, I would like to offer the
ollowing comments: On creating the canal systems throughout south Florida
many years ago the state and federal government agencies involved made
some
> errors in judgement, environmentally speaking. Unfortunately, it took a
long
> time for the realization of those errors to manifest themselves it the
> ecologocal situation we now have in the Everglades.
>
> However, with all the bad things that were implimented in that original
> project, a lot of good things resulted from a recreational fishing
> perspective. The L-29 and L-67A areas turned out to be some of the finest
> bass fishing areas in all of south Florida and maybe in the country. While
we
> need to address the ecological issues of Everglades restoration, it would
be
> a terrible waste of a fine recreational resource to remove the ability to
> launch boats and fish in these area without considering the needs and
> requirements of the recreational fishermen and women.
>
> I have seen access to a lot fishing areas removed by the development of
land
> for homes and businesses in the 21 years I have lived in Florida. Coral
> Springs alone has grown from 25,000 to 120,000 residents in that time.
Places
> that were wonderful fishing areas are no longer available to fish due to
this
> development.
`
hile we attempt to fix the problems created in the Everglades in the
st,
> lets try to be mindful of the positive results that came about as a result
of
> a poor plan and impliment a plan that doesn't take away the positive

benefits
> of that poor plan.
>
Thanks again for your feedback. I look forward to hearing from you in the
uture.

> regards,
> Bob DeRoner

Moulding, Jon SAJ

From: Tom [tom@tomandbabbs.com]
Sent: Sunday, March 03, 2002 12:34 AM
To: Moulding, Jon
Cc: fl_governor@myflorida.com; frank@goboating.org; campsmoak@aol.com
Subject: Public Comment on MWD Project

Dear Dr. Jon Moulding,

This memo is my "Official" public comment on the issue of the Everglades Restoration Project and the Modified Water Deliveries Project. **Please Reply to this**, Via Email, as I will know that you have recorded it into the public record by the due date of 4, February 2002.

I support the Corps recommendation of "Alternative 7a" ***under one important condition..... DO NOT BACK FILL IN "ANY" of the existing everglades CANALS! PERIOD!!!! NOT ONE INCH!***

I support alternative 7a as the best solution, as it is a cost effective, more "Bang for the Buck" solution. But I want to make sure you also understand that the everglades canals that are in place are a vital part of the freshwater fishery (Large Mouth Bass) which in turn is a vital part of Florida's $14 BILLION Dollar A Year Marine Industry. Yes, I said $14 BILLION Dollars EACH YEAR! (MIASF Findings)

There is also NO Scientific case for back filling these canals, including the Miami Canal. It is just an easy way to get rid of the dirt from the levees rather than removal by trucks. The last Drought taught us that we need these canals as a deep-water refuge to fish and wildlife. They also provide fishermen with enhanced access to the everglades and better fishing. Please **DO NOT** back fill any of them, in any part of CERP, MWD, or any other project, as this would be a huge loss for the residents of Florida and the Everglades.

I read in the "Central And Southern Florida Study-Executive Summary" (GRR/SEIS) a very positive statement regarding partial connectivity between Everglades National Park and the L-29 canal, which feeds the L-67A, as a result of option 7a. Did you know the L-67A produces more Largemouth Bass than Lake O? Did you know the Large Mouth Bass Fishery in Lake O is estimated to be worth more than $150 Million to our state's economy each year? What's the value of the L-67A? Why Impact it by back filling the L-29 and/or Miami Canal? Open it all up and let the water flow!

Dr. Moulding, please do the right thing, and help us (Fishermen/Boaters, Wildlife Enthusiasts, and Everglades Lovers) get CERP and MWD on the right track, with changes in the plan to NOT BACK FILL ANY CANALS! Also, we want to be assured access. Improved access if possible. And please DO NOT waste $150 Million dollars of our tax dollars with option 5a as the "Environmentalist" want. They fail to see the construction impact alone is more trouble than it is worth to build a 10.7 mile elevated roadway. They say they are "Environmentalist" yet they choose the alternative that has the most environmental impact?

I will be working in a pro-active and positive way to rally support for the Corps selection of alternative 7a, at the same time, communicating with Federal, State, and Local officials to ensure ALL citizens are informed, and can continue to access the Florida Everglades. We also will fight for 100% of the canals to remain open to water flow AND fisherman's boats, and are not back filled in the name of convenience and saving money. Please remember.....man made those canals.....and now, through evolution, the fish and wildlife have learned to use them as deep water refuge in Summer Heat, Spring Spawning, as well as low water conditions. We need them, especially the L-29, L67A, and the Miami Canal. They are all a vital source of deep water in times of drought, are vital to the fishery, and pose no threat *whatsoever* to sheet flow or CERP in any way.

Fishermen are rallying around this cause. I hope I can help get them to stand up for what we believe in, and keep the canals open, as well as access to all the everglades.

I also hope we all take time to "Thank You and the Corps" for all your hard work and tireless efforts in one of the noblest and most important environmental cause of this century, to restore the Florida Everglades!

I also want to thank the "Corps" for holding one of the best run public meetings (Plantation High School) on this subject. You allowed the people to speak on this subject in an orderly and fair fashion, and the staff was knowledgeable and very helpful. They also cared about our opinion and offered us ways to get involved, and I Thank You again for that.

THANK YOU!

Thomas Carracino
Florida Resident, Fisherman, Recreational Interest
pcgroup@mindspring.com
954.605.4243

Trulock, Shelley F SAJ

n: Moulding, Jon SAJ
nt: Monday, January 14, 2002 9:27 AM
To: 'georgepat@mediaone.net'
Cc: Trulock, Shelley F SAJ; Marlin, Doris A SAJ
Subject: RE: Tamiami Trail/Everglades Restoration

Thanks for your comment - it will be made part of the public record.

If you would like to receive future mailings for the project, including a response to the "Skyway" question in the Final EIS, please confirm back to me that your address is as follows:

George Peabody
1410 NE 23rd Court
Pompano Beach, FL 33064-5544

-----Original Message-----
From: Pat&George Peabody [mailto:georgepat@mediaone.net]
Sent: Sunday, January 13, 2002 3:27 PM
To: Moulding, Jon
Subject: Everglades Restoration

Dear Dr. Moulding,

We are residents of South Florida writing to urge you to implement the ~st restorative plan for the Everglades. Please implement the plan t elevates Tamiami Trail by building a skyway and allowing the free ow of water. I am writing on behalf of six other Pompano Beach residents. Thank you for scheduling a public hearing, but we are unable to attend in Plantation and we wish to add strong support for the Skyway plan.

Sincerely yours,
Patricia and George Peabody
Pompano Beach, FL 33064
(954)781-7026

Moulding, Jon SAJ

From: Cyndi Martin [conservation@bassmaster.com]
Sent: Monday, October 29, 2001 11:08 AM
To: Moulding, Jon SAJ
Subject: Re: Tamiami Trail and WCA 3 Projects: Mail List for AnglerStake-Hold ers

Jon,

Please add to your mailing list: Mr. Ed Durso, Executive Vice President, Administrative, ESPN, Inc., 935 Middle Street, Bristol, CT 06010; telephone (860)766-2000.

Thank you.

Sincerely,
Cyndi Martin for
Bruce Shupp
National Conservation Director
ESPN Productions, Inc./B.A.S.S.
5845 Carmichael Road
Montgomery, AL 36117
Tel: (334)272-9530, Ext. 422
Direct: (334)551-2422
Fax: (334)270-8549
Web: www.bassmaster.com

02/14

April,
We need to develop a mail list for MWD - Conveyance and Seepage Control Project. These should be on it and on Tamiami Trail, if not already
Thanks
Jon

on 10/27/01 11:42 AM, Moulding, Jon SAJ at Jon.Moulding@saj02.usace.army.mil wrote:

> Bruce and Carroll,
>
> We'd like to be sure that we have on our mail list all the persons in your organization that have an interest in subject projects, described briefly below in the context of fishing interests.
>
> 1. Mod Waters Project, Tamiami Trail feature: This proposes a bridge or bridges on Tamiami Trail to provide improved water flow out of WCA 3B and south under the road to Everglades National Park (ENP) from the Tamiami Canal. No substantive changes to Tamiami Canal. A draft EIS will be mailed to the public in about a month.
>
> 2. Mod Waters Project, Conveyance and Seepage Control feature: This study will begin shortly, with a Draft EIS expected later in 2002. It will re-examine the plan of structures for the L-67A and C levees and canals that was developed in 1992 to convey water from WCA 3A to WCA 3B.
>
> 3. Comprehensive Everglades Restoration Project (CERP), Phase I Decompartmentalization Feature: This study will examine means to optimally restore sheet flow and connectivity between WCA 3A & B and ENP as generically proposed in the predecessor 2000 Restudy Project. This potentially involves removal of levees and back-filling of canals. Study will kick off in early 2002.
>
> We have names of persons attending our various public meetings on these projects, but we would like to be sure that our mail list is comprehensive. You could email or mail/fax us a list(s), or provide a telephone number for us to call and discuss further.
>
> Thank you // Jon Moulding, EIS Coordinator
>
> -----Original Message-----

Moulding, Jon SAJ

rm: Carroll Head [chead@ircc.net]
t: Monday, October 29, 2001 5:39 PM
Moulding, Jon SAJ
Subject: Re: Tamiami Trail and WCA 3 Projects: Mail List for Angler Stake-Holders

Jon, please be sure the mailing list includes the following:
Brad Arnold, Secretary, South Florida Anglers for Everglades
Restoration,(Arnoldb@goalamo.com);Rick Perrson,(RPBR1117@aol.com); Cliff
Naylor Pres,Florida Bass Federation,
(cgnaylor219@aol.com);LJMoller,(LJMoller@aol.com)

> "Moulding, Jon SAJ" wrote:
>
> Bruce and Carroll,
>
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> your organization that have an interest in subject projects, described
> briefly below in the context of fishing interests.
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> these projects, but we would like to be sure that our mail list is
> comprehensive. You could email or mail/fax us a list(s), or provide a
> telephone number for us to call and discuss further.
>
> Thank you // Jon Moulding, EIS Coordinator
>
> -----Original Message-----
> From: JON FURY [mailto:FURYJ@gfc.state.fl.us]
> Sent: Friday, October 26, 2001 12:24 PM
> To: Moulding, Jon
> Subject: Contact Names
>
> Jon
>
> Bruce Shupp's e-mail is: conservation@bassmaster.com
>
> Carroll Head is a Florida B.A.S.S. representative and can be reached
> at : chead@ircc.net
>
> Hope this helps
>
> ion

Trulock, Shelley F SAJ

From: Moulding, Jon SAJ
Sent: Wednesday, February 06, 2002 11:29 AM
To: Trulock, Shelley F SAJ
Subject: FW: Everglades restoration project

-----Original Message-----
From: Walt Reynolds [mailto:walt@bassnedge.com]
Sent: Sunday, January 20, 2002 8:49 AM
To: Moulding, Jon
Cc: Waters Steve
Subject: Everglades restoration project

Hi,
I just want to go on record as supporting the 3,000 foot bridge on the Tamiami Trail in the Everglades. This appears to have the best combination of results and costs/time frame as a way to establish the flow of water.
Thank you.
Walt Reynolds, B.A.S.S. Touring Professional
www.bassnedge.com

Moulding, Jon SAJ

To: Tom
Cc: Trulock, Shelley F SAJ; Taplin, Kimberley A SAJ; Cintron, Barbara B SAJ
Subject: RE:Tamiami Trail: Public Comment on MWD Project

Dear Mr. Carracino,

Thank you for your comments on the GRR/SEIS on the Tamiami Trail feature of the Modified Water Deliveries project, which I received on February 1, despite the peculiar date of March 03 that your server apparently put on your e-mail. Rest assured that none of the alternatives considered in the Draft EIS involves ANY filling of the L-29 Canal. Despite the article in the Sun Sentinel, the L-67 Canals are also not affected - they are not even in the project impact area for Tamiami.

Having said that, I must also say that this response can only apply to the Tamiami Trail project - the other projects you mention will have separate public records developed, and I may not be involved in all of them. As you may know, the CERP project (which will follow Mod Waters) will LOOK at removing some levees and back-filling some canals in the overall C&SF project area during Decompartmentalization, Phase I. This will be addressed in a separate report and EIS, so you should stay involved in that process to continue to make your concerns known. I also remind you of the invitation made at the Public Meeting to join a Corps team that will develop a "Recreational Master Plan" for CERP. You can express your interest in that to Ms Cheryl Ulrich (cheryl.p.ulrich@usace.army.mil).

You should also be aware that the authorized 1992 Mod Water Deliveries plan of water conveyance across the L-67 levees between WCA 3A and WCA 3B will be reconsidered in the upcoming CSOP (Combined Structural and Operational Plan) project. One alternative under consideration for CSOP could have some positives and negatives for recreational fishing compared with the 1992 plan. The positive would be the deletion of the three authorized plug structures (with boat by-passes) in the L-67A Canal - the canal would be left fully open. The negative could be a back-filling of the L-67C Canal - the 1992 authorized plan would provide boat access from the south end up to about 1/3 of the full length where the canal would be blocked by the water conveyance channel extending across from the L-67A Levee structure. The 1992 plan was a compromise for major angler groups at the time (I remember one called FADE - Fishermen Against Destruction of the Everglades - but don't know if they are still in existence) and was also accepted by the then Fla. Game and Freshwater Fish Commission. To track this project, I could suggest keeping in touch with the Commission (now called Fla. Fish and Wildlife Conservation Commission) through Jon Fury (561-625-5122). Mr. Fury was very involved in the 1992 plan development and will also stay involved for CSOP to look out for the recreational fishing interests.

Thanks for your comments - they will be made part of the public record for the Tamiami Trail project. // Jon Moulding

-----Original Message-----
From: Tom [mailto:tom@tomandbabbs.com]
Sent: Sunday, March 03, 2002 12:34 AM
To: Moulding, Jon
Cc: fl_governor@myflorida.com; frank@goboating.org; campsmoak@aol.com
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Florida Resident, Fisherman, Recreational Interest
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