

APPENDIX B – PERTINENT CORRESPONDENCE

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TABLE B-1. COMMENTS RECEIVED DURING PUBLIC REVIEW OF THE KISSIMMEE RIVER RESTORATION PROJECT: FLOOD MITIGATION IN LIEU OF ACQUISITION ENVIRONMENTAL ASSESSMENT AND PROPOSED FINDING OF NO SIGNIFICANT IMPACT.

Number	Commenter	Comment	Response
1	Frank & Deborah Calonge	<p>We received the letter sent by your agency on April 10, 2017 regarding the EA & FONSI for the Kissimmee River Restoration Project: River Acres Flood Mitigation in Lieu of Acquisition. After reading the letter and also the information on the website, we feel we have to comment on a statement made. Toward the end of the first paragraph of the letter a sentence contains the following statement: "construction of a new seepage levee and modification of an existing canal." The document on the website also refers to this seepage levee and calls it "non-stagnating".</p> <p>Considering the fact that we live on the canal and have to look at what was done to it, we can assure you there is nothing "non-stagnating" about it. The water doesn't move and the nastiness on top of it is totally disgusting.</p> <p>We understand nothing can or will be done about it - we just wanted to correct this piece of misinformation.</p>	<p>Thank you for your comment. On 4 May 2017, U.S. Army Corps of Engineers representatives visited the canal site where the tieback levee extends from the residential area over to the railroad embankment. There is a culvert structure installed within the levee that is designed to flow water from the C-38 canal into the existing canal. When looking down into the structure, it is apparent that the culvert is clogged and that not enough water is flowing into the existing canal. Representatives from the U.S. Corps of Engineers' Clewiston Field office will be deployed to work to unclog the culvert.</p> <p>We understand your concern regarding the water quality of the Kissimmee River and its tributaries. We are diligently working to provide restorative features to the Kissimmee River and the surrounding watershed in order to improve overall water quality. When completed, the central Kissimmee River Restoration (KRR) Project is intended to restore over 39 square miles of river and floodplain ecosystem, including 40 miles of meandering river channel and over 12,000 acres of wetlands. We recognize that it will take some time to reverse the years of degradation and effects of increased nutrient inputs from urban, industrial, and commercial sources within the channelized river to realize improved water quality. Implementation of best management practices, as well as state and federal projects, are expected to slowly improve the existing water quality conditions, improve timing and distribution of freshwater flow and rehydration of</p>

			historic oxbows and the Kissimmee River floodplain.
2	U.S. Environmental Protection Agency (USEPA)	<p>On page E-9, the US Army Corps of Engineers (USACE) lists related environmental documents and the last document listed is the “<i>Kissimmee River Restoration Project General Reevaluation Report</i>, U.S. Army Corps of Engineers, Jacksonville District, May 2015. Note: This document has not yet been approved.”</p> <p>There is no associated National Environmental Policy Act (NEPA) document listed in conjunction with this General Reevaluation Report (GRR). Recommendation: The EPA seeks clarification as to whether this current Environmental Assessment (EA) will be associated with the GRR or if there will be a separate NEPA document prepared to support the GRR. Also, the EPA seeks clarification as to the purpose of the May 2015 GRR. If there is a linkage between the GRR and this EA, then the EPA recommends the USACE explain this linkage in the Final EA.</p>	<p>The purpose of the 2015 GRR is to seek request that work performed by the KRR Project’s non-federal sponsor, South Florida Water Management District (SFWMD), be eligible for in-kind work credit under an amended Project Cooperation Agreement (PCA). Although this in-kind work is consistent with achieving the benefits of the project, the ability of USACE to credit SFWMD for this work currently falls outside the existing crediting authority outlined under the 1994 KRR PCA.</p> <p>One of the components outlined within the GRR for which SFWMD seeks in-kind work credit is the engineering analysis SFWMD performed in support of the KRR River Acres component. Currently, there are no provisions under the 1994 KRR PCA to allow the Corps to credit SFWMD for this sponsor conducted engineering analysis. The decision to credit the non-federal sponsor for work performed within the scope of the authorized KRR Project (as documented in the 1991 KRR Environmental Impact Statement), but not creditable under the 1994 PCA, has no effect on the quality of the human environment. Effects on the human environment for construction of the River Acres engineering solution in lieu of acquisition are discussed within this EA.</p> <p>A Memorandum for the Record that documents environmental compliance, including NEPA documentation, for each of the non-federal sponsor in-kind work requests is included as an appendix to the 2015 GRR. This EA will be cited in the MFR for the River Acres component.</p>
3	USEPA	On page 2-1, the USACE describes the various alternatives; however, there is no specific details within the EA about	Additional text has been added to the EA to address USEPA comment 3,

		<p>these alternatives. Below is a list of specific details that we recommend to be included within the Final EA.</p> <p>Specific Details:</p> <p>Alternative B1: The USACE discusses managing higher stages in the Kissimmee chain of lakes and at S-65A, but does not discuss at what elevations. Recommendation: The EPA recommends USACE better describe the elevations and timing of holding water at higher stages.</p> <p>Alternative B2: The USACE states that in this alternative "...operational and structural modifications would be made to ensure existing flood conditions were not increased...", but does not provide any details as to the types of structural modifications or the operational changes that would be made. Recommendation: The EPA recommends that the USACE provide greater details regarding the proposed structural and operational changes proposed within this alternative.</p> <p>Alternative D: The USACE discusses making modifications to existing structures, but does not provide the details as to where and what structures would be modified. Recommendation: The EPA recommends that the USACE provide details regarding the location and types of modifications proposed in this Alternative.</p>	<p>where appropriate. A short response for each is outlined below:</p> <p>Alternative B1: The USACE did not model revised regulation schedules as part of this EA to define required stages to allow success of Alternative B1. Based upon best professional judgment, USACE staff knew that elevations in the Kissimmee Chain of Lakes that would be required were outside the KRR Project authority and would likely require additional real estate purchases. The entire point of the engineering solution at River Acres was to ensure that property owners would not be displaced.</p> <p>Alternative B2 includes an increase in discharge capacity at the S-65D spillway structures that are located on C-38 just downstream of the River Acres Residential Area. The ability to discharge flows from these spillways is the most important factor affecting peak flood stages in C-38 adjacent to the residential area. Due to the removal of similar upstream spillways as part of the Kissimmee River Restoration and the increase in outflow capacity from Lake Kissimmee, higher peak flows are expected at S-65D under large flood events (100-yr and greater) than in the previous condition. In order to maintain the existing levels of flood protection at S-65D and River Acres, the total discharge capacity at S-65D would need to be increased from the current 21,300 cubic feet per second (cfs) up to 31,000 cfs. Likewise, the downstream spillway, S-65E, that receives flows from S-65D and from local inflows to Pool E, would require an increase in discharge capacity from 24,000 cfs up to 34,000 cfs.</p> <p>Under Alternative D, flood mitigation would be accomplished through construction of a perimeter levee,</p>
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			<p>pumping station and detention area to ensure interior drainage of the River Acres Subdivision to maintain existing levels of flood protection. The plan would need to include the same tieback levee feature as Alternative C in order to prevent C-38 stages from entering the existing canal and back flooding the subdivision. However, since the existing canal currently used for navigation access to the C-38 would terminate at the tieback levee, navigation access would need to be provided through either a boat lift across the tieback levee or the purchase of one of the residential lots abutting C-38 and the construction of a neighborhood access boat ramp into C-38.</p> <p>The interior pumping station would be constructed to pump from the existing canal into a detention area, with the detention area outlet gravity draining to C-38. The pumping station and particularly the detention area would require purchase of a significant amount of real estate within the residential area. The pump and detention area would be sized for runoff from the 25-year / 3-day storm event and peak discharge from the detention area would be limited to the Kissimmee basin allowable rate of 31.1 cfs / square mile of contributing drainage area.</p>
4	USEPA	<p>On page 2-3, the USACE states, “Alternative C, Passive Structural Modifications, best meets the intent of the 1991 KRR [Kissimmee Restoration] Project restoration objectives while maintaining preexisting levels of flood protection in lieu of acquisition of the River Acres subdivision.” However, the USACE does not describe how Alternative C best meets the intent of the KRR Project. Recommendation: The EPA recommends that the USACE provide more detail regarding how Alternative</p>	<p>Additional text has been added to the EA to address USEPA comment 4. In short, Alternative C best meets the objectives of the KRR Project and the intent of the language within the USACE Chief’s Report by allowing restoration of the Kissimmee River Floodplain without displacing property owners through condemnation. In addition, it is a less costly alternative than an active structural modification that would accrue future operations and maintenance costs.</p>

		C meets the intent of the KRR Project and supports the purpose and need.	
5	USEPA	<p>On page 3-4 (Section 3.8), the USACE states, "Implementation of Best Management Practices and other measures which address the source of local water quality concerns are expected to improve basin water quality." The EPA notes that the USACE does not explain the types, location or organization that will implement these Best Management Practices (BMPs). Nor does USACE discuss how these BMPs once implemented will reduce nutrient loading. Also, the USACE states in the next sentence, "Existing low dissolved oxygen levels within C-38 and adjacent river oxbows continue to be of concern." The EPA notes that the USACE does not elaborate on their concerns about the low levels of dissolved oxygen (DO) nor do they explain the proposed project's impacts to these existing low levels of DO.</p> <p>Recommendation: The EPA recommends that the USACE provide more detail regarding the implementation of BMPs (types, locations and implementing organization) and how these BMPs will reduce nutrient loading. Also, the EPA recommends that the USACE provide more details regarding low DO levels in the oxbows and the proposed projects impacts on these oxbows. Additionally, the EPA recommends that the USACE provide information regarding any 303(d) listed water bodies (impaired water bodies) within the project study area and the project impacts on these listed water bodies.</p>	<p>Additional text has been added to the water quality section of the EA to address USEPA comment 5. Information has been included to explain the State of Florida's requirements for establishing lists of impaired waters and restoration efforts implemented through the use of Basin Management Action Plans. A discussion of low dissolved oxygen and more recent monitoring within the C-38 which details promising increases in dissolved oxygen levels within the restored river channel is also included. Full ecological response to the physical aspects of restoration construction is expected after completion of future phases of restoration. Ecological monitoring will continue to establish project success.</p>
6	USEPA	<p>On page 4-1 (Section 4.2.2), the USACE states that 37 acres of wetlands impact will result because of the new flood mitigation construction activities and then later states, "The KRR Project is anticipated to significantly improve approximately</p>	<p>Additional language has been added to Section 4.18.2 to discuss wetland impacts associated with River Acres construction as well as anticipated benefits to wetlands as a result of the KRR Project.</p>

		<p>63,000 acres of wetlands within the Kissimmee River watershed.” Also, later in the document (page 4-10, Section 4.18.2), the USACE discusses impacts of the project to the Clean Water Act; however, the USACE does not discuss wetlands impacts. There is also no mention of the USACE conducting a Section 404(b)1 analysis to document wetland impacts within the Draft EA. The EPA has a concern that this analysis was not conducted. If the USACE has not conducted a Section 404 (b)1 analysis, the EPA recommends that the USACE conduct the analysis and provide a copy of it as an appendix to the EA and discuss it in Section 4.18.2. The EPA also recommends that the USACE discuss wetland impacts in the Clean Water Act section (4.18.2) in the Final EA.</p>	<p>The USACE conducted a Section 404(b)(1) analysis as part of the Florida Department of Environmental Protection (FDEP) Environmental Resource Permit (ERP) application. The FDEP ERP was obtained March 22, 2006.</p>
7	USEPA	<p>On page 4-10 (Section 4.18.5), the USACE discusses compliance with the Clean Water Act and discusses the Florida Department of Environmental Protection’s (FDEP) Environmental Resource Permit (ERP), which serves as a water quality certification and issued on March 22, 2006. However, the USACE does not discuss whether they have coordinated the proposed action with FDEP to determine whether the conditions of the ERP are still applicable. The EPA recommends that the USACE coordinate with the FDEP regarding the ERP to ensure the permit conditions cover the proposed project. Additionally, the USACE should discuss any coordination with FDEP regarding the ERP or changes in the permit conditions in the Final EA.</p>	<p>Coordination with FDEP for the KRR Project is on-going. Due to the scope of the KRR Project, construction has been sequenced resulting in several FDEP ERP to cover past and on-going KRR Project construction components. River Acres construction components were permitted within the 2006 FDEP ERP and at this time do not require additional permit modifications.</p>

Ralph, Gina P CIV USARMY CESAJ (US)

From: Deborah Calonge <dcalonge50@gmail.com>
Sent: Tuesday, April 11, 2017 5:09 PM
To: Ralph, Gina P CIV USARMY CESAJ (US)
Subject: [Non-DoD Source] letter

Ms. Ralph,

We received the letter sent by your agency on April 10, 2017 regarding the EA & FONSI for the Kissimmee River Restoration Project: River Acres Flood Mitigation in Lieu of Acquisition. After reading the letter and also the information on the website, we feel we have to comment on a statement made. Toward the end of the first paragraph of the letter a sentence contains the following statement: "construction of a new seepage levee and modification of an existing canal." The document on the website also refers to this seepage levee and calls it "non-stagnating".

Considering the fact that we live on the canal and have to look at what was done to it, we can assure you there is nothing "non-stagnating" about it. The water doesn't move and the nastiness on top of it is totally disgusting.

We understand nothing can or will be done about it - we just wanted to correct this piece of misinformation.

Sincerely,
Frank and Deborah Calonge

Jacksonville District, US Army Corps of Engineers
Kissimmee River Restoration: River Acres Flood Mitigation In Lieu of Acquisition
US Environmental Protection Agency Comments
May 9, 2017

1. On page E-9, the US Army Corps of Engineers (USACE) lists related environmental documents and the last document listed is the “*Kissimmee River Restoration Project General Reevaluation Report*, U.S. Army Corps of Engineers, Jacksonville District, May 2015. Note: This document has not yet been approved.” There is no associated National Environmental Policy Act (NEPA) document listed in conjunction with this General Reevaluation Report (GRR). Recommendation: The EPA seeks clarification as to whether this current Environmental Assessment (EA) will be associated with the GRR or if there will be a separate NEPA document prepared to support the GRR. Also, the EPA seeks clarification as to the purpose of the May 2015 GRR. If there is a linkage between the GRR and this EA, then the EPA recommends the USACE explain this linkage in the Final EA.

2. On page 2-1, the USACE describes the various alternatives; however, there is no specific details within the EA about these alternatives. Below is a list of specific details that we recommend to be included within the Final EA.

a. Alternative B1: The USACE discusses managing higher stages in the Kissimmee chain of lakes and at S-65A, but does not discuss at what elevations. Recommendation: The EPA recommends USACE better describe the elevations and timing of holding water at higher stages.

b. Alternative B2: The USACE states that in this alternative “...operational and structural modifications would be made to ensure existing flood conditions were not increased...”, but does not provide any details as to the types of structural modifications or the operational changes that would be made. Recommendation: The EPA recommends that the USACE provide greater details regarding the proposed structural and operational changes proposed within this alternative.

c. Alternative D: The USACE discusses making modifications to existing structures, but does not provide the details as to where and what structures would be modified. Recommendation: The EPA recommends that the USACE provide details regarding the location and types of modifications proposed in this Alternative.

3. On page 2-3, the USACE states, “Alternative C, Passive Structural Modifications, best meets the intent of the 1991 KRR [Kissimmee Restoration] Project restoration objectives while maintaining preexisting levels of flood protection in lieu of acquisition of the River Acres subdivision.” However, the USACE does not describe how Alternative C best meets the intent of the KRR Project. Recommendation: The EPA recommends that the USACE provide more detail regarding how Alternative C meets the intent of the KRR Project and supports the purpose and need.

4. On page 3-4 (Section 3.8), the USACE states, “Implementation of Best Management Practices and other measures which address the source of local water quality concerns are expected to improve basin water quality.” The EPA notes that the USACE does not explain the types, location or organization that will implement these Best Management Practices (BMPs). Nor does USACE discuss how these BMPs once implemented will reduce nutrient loading. Also, the USACE states in the next sentence, “Existing low dissolved oxygen levels within C-38 and adjacent river oxbows continue to be of concern.” The EPA notes that the USACE does not elaborate on their concerns about the low levels of dissolved oxygen (DO) nor do they explain the proposed project’s impacts to these existing low levels of DO. Recommendation: The EPA recommends that the USACE provide more detail regarding the implementation of BMPs (types, locations and implementing organization) and how these BMPs will reduce nutrient loading. Also, the EPA recommends that the USACE provide more details regarding low DO levels in the oxbows and the proposed projects impacts on these oxbows. Additionally, the EPA recommends that the USACE provide information regarding any 303(d) listed water bodies (impaired water bodies) within the project study area and the project impacts on these listed water bodies.

5. On page 4-1 (Section 4.2.2), the USACE states that 37 acres of wetlands impact will result because of the new flood mitigation construction activities and then later states, “The KRR Project is anticipated to significantly improve approximately 63,000 acres of wetlands within the Kissimmee River watershed.” Also, later in the document (page 4-10, Section 4.18.2), the USACE discusses impacts of the project to the Clean Water Act; however, the USACE does not discuss wetlands impacts. There is also no mention of the USACE conducting a Section 404(b)1 analysis to document wetland impacts within the Draft EA. The EPA has a concern that this analysis was not conducted. If the USACE has not conducted a Section 404 (b)1 analysis, the EPA recommends that the USACE conduct the analysis and provide a copy of it as an appendix to the EA and discuss it in Section 4.18.2. The EPA also recommends that the USACE discuss wetland impacts in the Clean Water Act section (4.18.2) in the Final EA.

6. On page 4-10 (Section 4.18.5), the USACE discusses compliance with the Clean Water Act and discusses the Florida Department of Environmental Protection’s (FDEP) Environmental Resource Permit (ERP), which serves as a water quality certification and issued on March 22, 2006. However, the USACE does not discuss whether they have coordinated the proposed action with FDEP to determine whether the conditions of the ERP are still applicable. The EPA recommends that the USACE coordinate with the FDEP regarding the ERP to ensure the permit conditions cover the proposed project. Additionally, the USACE should discuss any coordination with FDEP regarding the ERP or changes in the permit conditions in the Final EA.



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 San Marco Boulevard
JACKSONVILLE, FLORIDA 32207-8175

APR 10 2017

Planning and Policy Division
Environmental Branch

Honorable Marcellus Osceola, Jr.
Chairman, Seminole Tribe of Florida
6300 Stirling Road
Hollywood, FL 33024

Dear Chairman Osceola:

Pursuant to the National Environmental Policy Act (NEPA) and the U.S. Army Corps of Engineers (Corps) Regulation (33 CFR 230.11), this letter constitutes the Notice of Availability of the Environmental Assessment (EA) and Proposed Finding of No Significant Impact (FONSI) for the Kissimmee River Restoration Project: River Acres Flood Mitigation in Lieu of Acquisition. The purpose of this EA is to document and disclose to the public, potential environmental consequences on the human environment related to the decision to provide flood mitigation to the River Acres Subdivision (Okeechobee County, Florida) in lieu of acquisition in standard flowage easement to maintain preexisting levels of flood protection. This EA discusses potential environmental consequences of alternatives including the Preferred Alternative as described in the Corps' 2009 Design Documentation Report. Flood mitigation measures under the Preferred Alternative include: construction of a new seepage levee and modification of an existing canal; a new tieback levee at the northwest end of the subdivision to replace the entrance of the existing man-made canal with a gated culvert; modifications to an existing canal on the south side of the CSX Railroad levee; and a bridge over the extended canal to reconnect the roads.

The EA and Proposed FONSI are available for your review on the Corps Environmental planning website and the project website:

<http://www.saj.usace.army.mil/About/DivisionsOffices/Planning/EnvironmentalBranch/EnvironmentalDocuments.aspx>

A copy of the report is also available at the Okeechobee Library at 206 SW 16th Street, Okeechobee, Florida, 34974. We intend to pursue an open and public process and recognize the obligations that the Corps has to its tribal partners.

The Corps is currently coordinating this action with the appropriate staff members and will continue to consult with your staff through implementation of this project. Please submit any comments you may have in writing to the letterhead address within 30 days of the date of this letter. If you have any questions regarding the information in this EA and Proposed FONSI letter, please feel free to contact me or you may contact Dr. Gina Ralph at the letterhead address or to Gina.P.Ralph@usace.army.mil.

Sincerely,



Jason A. Kirk, P.E.
Colonel, U.S. Army
District Commander

cc:

Dr. Paul N. Backhouse, Ph.D., Seminole Tribe of Florida, Tribal Historic Preservation Officer, Ah Tha Thi Ki Museum, 30290 Josie Billie Hwy, PMB 1004, Clewiston, Florida 33440

Cherise Maples, Director, Environmental Resource Management, Seminole Tribe of Florida, 6300 Stirling Road, Hollywood, FL 33024

Patricia Powers, Bose Public Affairs Group, 2000 M Street, N.W., Suite 520, Washington, D.C. 20036

Cicero Osceola, Big Cypress General Council Office, Council Representative, 31000 Josie Billie Highway, Clewiston, FL 33440

Andrew J. Bowers, ESQ., Brighton Council Representative, Seminole Tribe of Florida Brighton Council, 500 Harney Pond Road, Okeechobee, FL 34974

Joe Frank, Big Cypress Board Representative, Seminole Tribe of Florida, Inc., Big Cypress Board Office, 31000 Josie Billie Hwy., Clewiston, FL 33440

Jim Shore, General Counsel, Seminole Tribe of Florida, 6300 Stirling Road, Hollywood, FL 33024

Stephen A. Walker, Outside Counsel, Lewis, Longman and Walker, 515 North Flagler Drive, Suite 1500, West Palm Beach, FL 33401



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 San Marco Boulevard
JACKSONVILLE, FLORIDA 32207-8175

APR 10 2007

Planning and Policy Division
Environmental Branch

The Honorable Billy Cypress
Chairman, Miccosukee Tribe of Indians of Florida
Post Office Box 440021, Tamiami Station
Miami, Florida 33144

Dear Chairman Cypress:

Pursuant to the National Environmental Policy Act (NEPA) and the U.S. Army Corps of Engineers (Corps) Regulation (33 CFR 230.11), this letter constitutes the Notice of Availability of the Environmental Assessment (EA) and Proposed Finding of No Significant Impact (FONSI) for the Kissimmee River Restoration Project: River Acres Flood Mitigation in Lieu of Acquisition. The purpose of this EA is to document and disclose to the public, potential environmental consequences on the human environment related to the decision to provide flood mitigation to the River Acres Subdivision (Okeechobee County, Florida) in lieu of acquisition in standard flowage easement to maintain preexisting levels of flood protection. This EA discusses potential environmental consequences of alternatives including the Preferred Alternative as described in the Corps' 2009 Design Documentation Report. Flood mitigation measures under the Preferred Alternative include: construction of a new seepage levee and modification of an existing canal; a new tieback levee at the northwest end of the subdivision to replace the entrance of the existing man-made canal with a gated culvert; modifications to an existing canal on the south side of the CSX Railroad levee; and a bridge over the extended canal to reconnect the roads.

The EA and Proposed FONSI are available for your review on the Corps Environmental planning website and the project website:

<http://www.saj.usace.army.mil/About/DivisionsOffices/Planning/EnvironmentalBranch/EnvironmentalDocuments.aspx>

A copy of the report is also available at the Okeechobee Library at 206 SW 16th Street, Okeechobee, Florida, 34974. We intend to pursue an open and public process and recognize the obligations that the Corps has to its tribal partners. The Corps is currently coordinating this action with the appropriate staff members and will continue to consult with your staff through implementation of this project.

Please submit any comments you may have in writing to the letterhead address within 30 days of the date of this letter. If you have any questions regarding the information in this EA and Proposed FONSI letter, please feel free to contact me or you may contact Dr. Gina Ralph at the letterhead address or to Gina.P.Ralph@usace.army.mil.

Sincerely,


Jason A. Kirk, P.E.
Colonel, U.S. Army
District Commander

cc:

Fred Dayhoff, NAGPRA Representative, Consultant to Miccosukee Tribe,
HC 61 SR 68 Old Loop Road, Ochopee, FL 34141

Kevin Donaldson, Real Estate Services, Miccosukee Tribe of Indians of Florida,
P.O. Box 440021, Tamiami Station, Miami, FL 33144

Gene Duncan, Director Water Resources Department, Miccosukee Tribe of Indians of
Florida, P.O. Box 440021, Tamiami Station, Miami, FL 33144



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
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JACKSONVILLE, FLORIDA 32207-8175

REPLY TO
ATTENTION OF

Planning and Policy Division
Environmental Branch

APR 10 2017

To Whom It May Concern:

Pursuant to the National Environmental Policy Act (NEPA) and the U.S. Army Corps of Engineers (Corps) Regulation (33 CFR 230.11), this letter constitutes the Notice of Availability of the Environmental Assessment (EA) and Proposed Finding of No Significant Impact (FONSI) for the Kissimmee River Restoration Project: River Acres Flood Mitigation in Lieu of Acquisition. The purpose of this EA is to document and disclose to the public, potential environmental consequences on the human environment related to the decision to provide flood mitigation to the River Acres Subdivision (Okeechobee County, Florida) in lieu of acquisition in standard flowage easement to maintain preexisting levels of flood protection. This EA discusses potential environmental consequences of alternatives including the Preferred Alternative as described in the Corps' 2009 Design Documentation Report. Flood mitigation measures under the Preferred Alternative include: construction of a new seepage levee and modification of an existing canal; a new tieback levee at the northwest end of the subdivision to replace the entrance of the existing man-made canal with a gated culvert; modifications to an existing canal on the south side of the CSX Railroad levee; and a bridge over the extended canal to reconnect the roads.

The EA and Proposed FONSI are available for your review on the Corps Environmental planning website and the project website:

<http://www.saj.usace.army.mil/About/DivisionsOffices/Planning/EnvironmentalBranch/EnvironmentalDocuments.aspx>

A copy of the report is also available at the Okeechobee Library at 206 SW 16th Street, Okeechobee, Florida, 34974. Please submit any comments you may have in writing to the letterhead address within 30 days of the date of this letter. If you have any questions regarding the information in this EA and Proposed FONSI letter, please feel free to contact me or you may contact Dr. Gina Ralph at the letterhead address or to Gina.P.Ralph@usace.army.mil.

Sincerely,



Gina Paduano Ralph, Ph.D.
Chief, Environmental Branch



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 San Marco Boulevard
JACKSONVILLE, FLORIDA 32207-8175

REPLY TO
ATTENTION OF

APR 10 2017

Planning and Policy Division
Environmental Branch

Okeechobee County Library
206 SW 16th Street
Okeechobee, FL 34974

Dear Librarian:

Enclosed is a copy of the Environmental Assessment (EA) and Proposed Finding of No Significant Impact for the Kissimmee River Restoration Project: River Acres Flood Mitigation in Lieu of Acquisition. The Preferred Alternative within the EA occurs within Okeechobee County, Florida. This EA is being provided for public review pursuant to the National Environmental Policy Act and the U.S. Army Corps of Engineers Regulation (33 CFR 230.11). We request that you make the copy available for public viewing in the reference section of your library for a period of 30 days, after which the copy of the report may be disposed.

Thank you for your assistance in this matter. If you have any questions or need further information, please contact Dr. Gina Ralph at 904-232-2336.

Sincerely,



Gina Paduano Ralph, Ph.D.
Chief, Environmental Branch

Enclosure



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 San Marco Boulevard
JACKSONVILLE, FLORIDA 32207-8175

REPLY TO
ATTENTION OF

Planning and Policy Division
Environmental Branch

MAR 30 2017

Mr. Fred Dayhoff, Tribal Representative
NAGPRA, Section 106
Miccosukee Tribe of Indians of Florida
HC 61 SR 68
Ochopee, Florida 34141

Re: Kissimmee River Restoration (KRR) Project – River Acres Subdivision

Dear Mr. Dayhoff:

Pursuant to the National Environmental Policy Act (NEPA) the U.S. Army Corps of Engineers, Jacksonville District (Corps) is documenting potential environmental consequences on the human environment related to the decision to provide flood mitigation to the River Acres Subdivision in lieu of acquisition in standard flowage easement to maintain preexisting levels of flood protection. The River Acres Subdivision is located in Okeechobee County, Florida, adjacent to the C-38 canal immediately south of the CSX railroad line (see Enclosures). The River Acres Subdivision was identified in the 1991 Kissimmee River Final Integrated Feasibility Report and Environmental Impact Statement (1991 KRR Report) for acquisition of a standard flowage easement. Early on, however, it was well known that property in the River Acres Subdivision would be impacted by the project and that the owners would be unwilling sellers. Acquisition of 65 of 135 parcels within the River Acres Subdivision likely would have required a condemnation process that would have resulted in additional time and costs for acquisition. Both the 1991 KRR Report and the 1992 KRR Project Chief's Report directed the Corps to minimize displacement of homeowners during project development and construction. Specifically, the 1992 KRR Chief's Report directed that flood proofing such as the use of ring levees or modifications to structure elevations should be utilized whenever feasible to limit the possibility of displacement.

In order to achieve KRR Project benefits and minimize displacement of homeowners, the South Florida Water Management District developed an engineering solution that could avoid acquisition of properties within the River Acres Subdivision. This engineering analysis was provided to the Corps and was incorporated into a Design Documentation Report, dated January 21, 2009. Maintaining preexisting levels of flood protection was to be accomplished by construction of a tie-back levee on the northwest corner of the subdivision, a seepage levee and canal north of the CSX railroad right-of-way, canal extension and improvements, and a bridge across the new canal extension.

As a result of this design refinement, the River Acres Subdivision contract scope was modified to provide flood risk management measures that eliminated the need to acquire properties from unwilling sellers and avoid a lengthy condemnation process (Refer to 1991 KRR Report, page 226). In June 2009, the Corps determined that construction of the flood protection measures within the River Acres Subdivision would have no effect on historic properties during Section 106 review of the project. The Florida State Historic Preservation Officer concurred with this determination in a letter dated July 13, 2009 (DHR Project 2009-03432).

The River Acres Subdivision is comprised of lands that were formerly natural, river floodplain prior to channelization of the Kissimmee River and that constitutes low probability locations for cultural resources. Historic aerials and LiDAR data confirm the floodplain nature of the project location, and confirm the ground alteration that has occurred in the project area since creation of the C-38 canal. The existing residential development footprint, and any higher lands within the project area, are comprised of dredge spoil from the creation of the C-38 canal and from excavation of flood control canals that have framed the project area since the 1970s.

Due to the original floodplain nature of this property, and to the previously disturbed footprint in which the flood protection measures were constructed, the Corps maintains that the preferred alternative within the Environmental Assessment (Alternative C, passive structural modifications constructed within the River Acres Subdivision) will have no effect on cultural resources. Pursuant to NEPA and the Corps' Trust Responsibilities the Corps kindly requests your comments on the determination of no effect. If there are any questions, please contact Mr. Robin Moore at 904-232-1363 or e-mail at Robin.E.Moore@usace.army.mil.

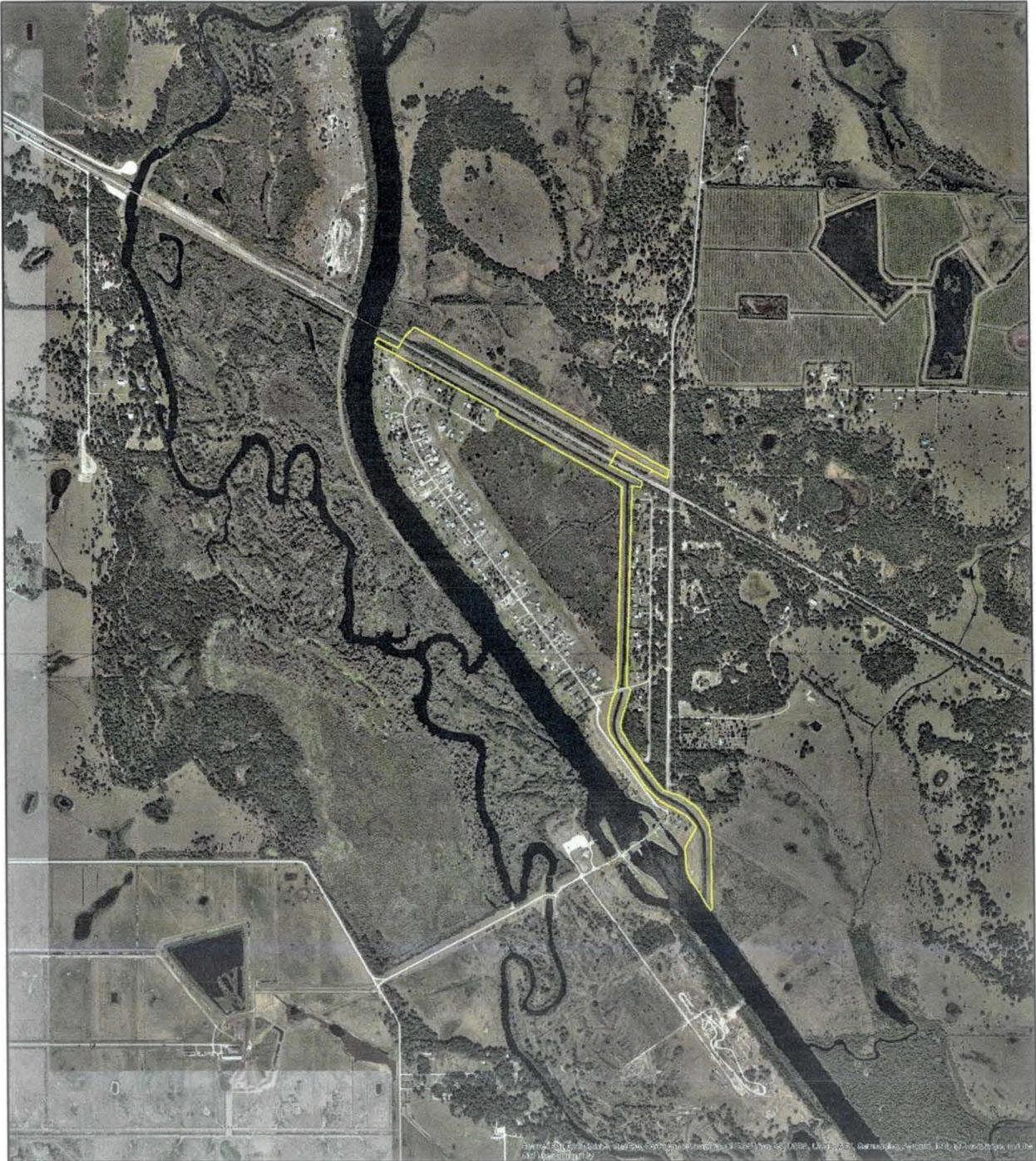
Sincerely,



Gina Paduano Ralph, Ph.D.
Chief, Environmental Branch

Enclosure

River Acres Flood Control Project Area



Legend

 Project Area

0 125 250 500 Meters

N





DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 San Marco Boulevard
JACKSONVILLE, FLORIDA 32207-8175

REPLY TO
ATTENTION OF

Planning and Policy Division
Environmental Branch

MAR 30 2017

Dr. Paul Backhouse, THPO
Seminole Tribe of Florida
Tribe Historic Preservation Office
30290 Josie Billie Highway
PMP 1004
Clewiston, FL 33440

Re: Kissimmee River Restoration (KRR) Project – River Acres Subdivision

Dear Dr. Backhouse:

Pursuant to the National Environmental Policy Act (NEPA) the U.S. Army Corps of Engineers, Jacksonville District (Corps) is documenting potential environmental consequences on the human environment related to the decision to provide flood mitigation to the River Acres Subdivision in lieu of acquisition in standard flowage easement to maintain preexisting levels of flood protection. The River Acres Subdivision is located in Okeechobee County, Florida, adjacent to the C-38 canal immediately south of the CSX railroad line (see Enclosures). The River Acres Subdivision was identified in the 1991 Kissimmee River Final Integrated Feasibility Report and Environmental Impact Statement (1991 KRR Report) for acquisition of a standard flowage easement. Early on, however, it was well known that property in the River Acres Subdivision would be impacted by the project and that the owners would be unwilling sellers. Acquisition of 65 of 135 parcels within the River Acres Subdivision likely would have required a condemnation process that would have resulted in additional time and costs for acquisition. Both the 1991 KRR Report and the 1992 KRR Project Chief's Report directed the Corps to minimize displacement of homeowners during project development and construction. Specifically, the 1992 KRR Chief's Report directed that flood proofing such as the use of ring levees or modifications to structure elevations should be utilized whenever feasible to limit the possibility of displacement.

In order to achieve KRR Project benefits and minimize displacement of homeowners, the South Florida Water Management District developed an engineering solution that could avoid acquisition of properties within the River Acres Subdivision. This engineering analysis was provided to the Corps and was incorporated into a Design Documentation Report, dated January 21, 2009. Maintaining preexisting levels of flood protection was to be accomplished by construction of a tie-back levee on the northwest corner of the subdivision, a seepage levee and canal north of the CSX railroad right-of-way, canal extension and improvements, and a bridge across the new canal extension.

As a result of this design refinement, the River Acres Subdivision contract scope was modified to provide flood risk management measures that eliminated the need to acquire properties from unwilling sellers and avoid a lengthy condemnation process (Refer to 1991 KRR Report, page 226). In June 2009, the Corps determined that construction of the flood protection measures within the River Acres Subdivision would have no effect on historic properties during Section 106 review of the project. The Florida State Historic Preservation Officer concurred with this determination in a letter dated July 13, 2009 (DHR Project 2009-03432).

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Due to the original floodplain nature of this property, and to the previously disturbed footprint in which the flood protection measures were constructed, the Corps maintains that the preferred alternative within the Environmental Assessment (Alternative C, passive structural modifications constructed within the River Acres Subdivision) will have no effect on cultural resources. Pursuant to NEPA and the Corps' Trust Responsibilities the Corps kindly requests your comments on the determination of no effect. If there are any questions, please contact Mr. Robin Moore at 904-232-1363 or e-mail at Robin.E.Moore@usace.army.mil.

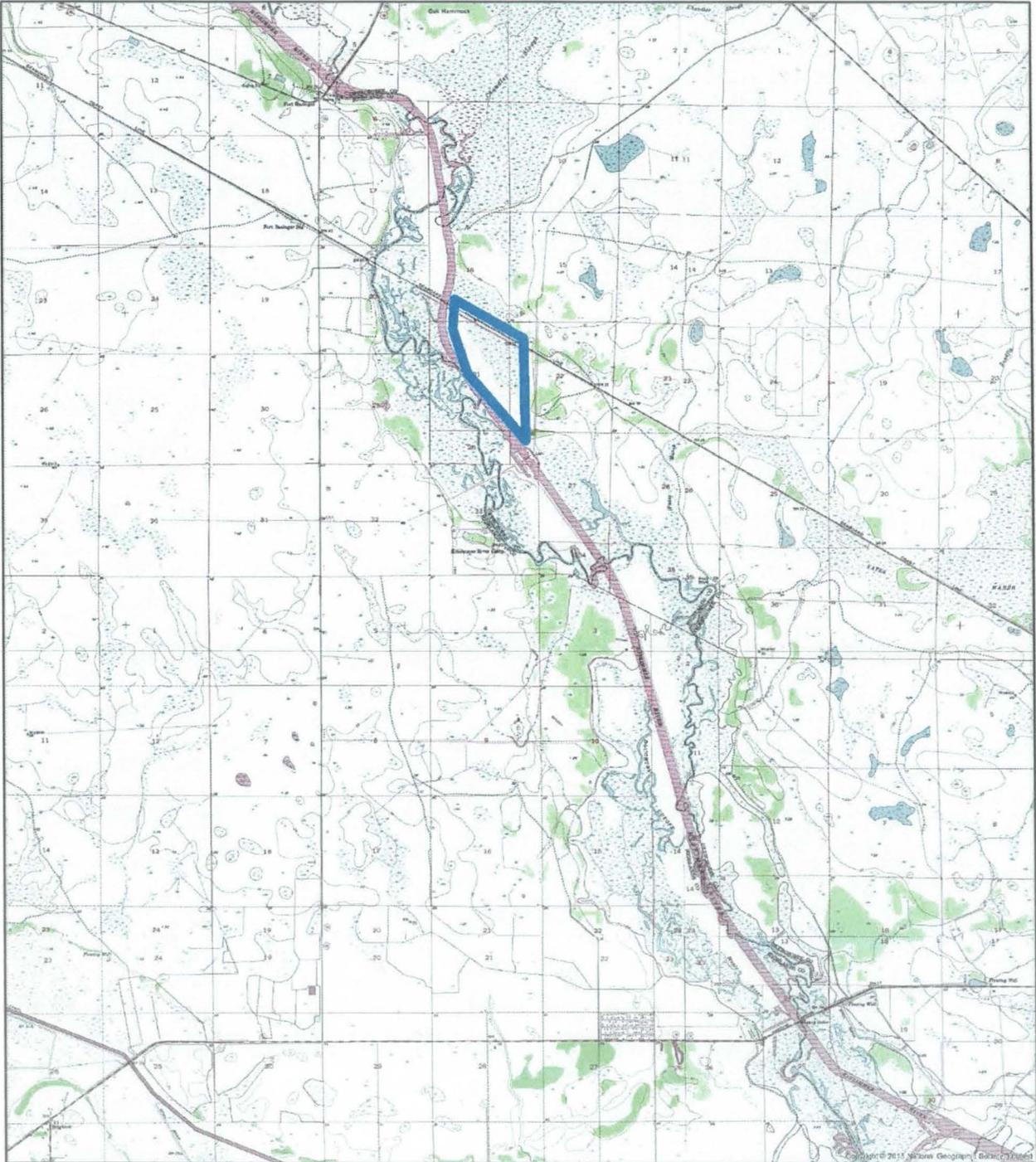
Sincerely,



Gina Paduano Ralph, Ph.D.
Chief, Environmental Branch

Enclosure

River Acres Flood Control General Location



Legend

 Project Area

USA Topo Maps

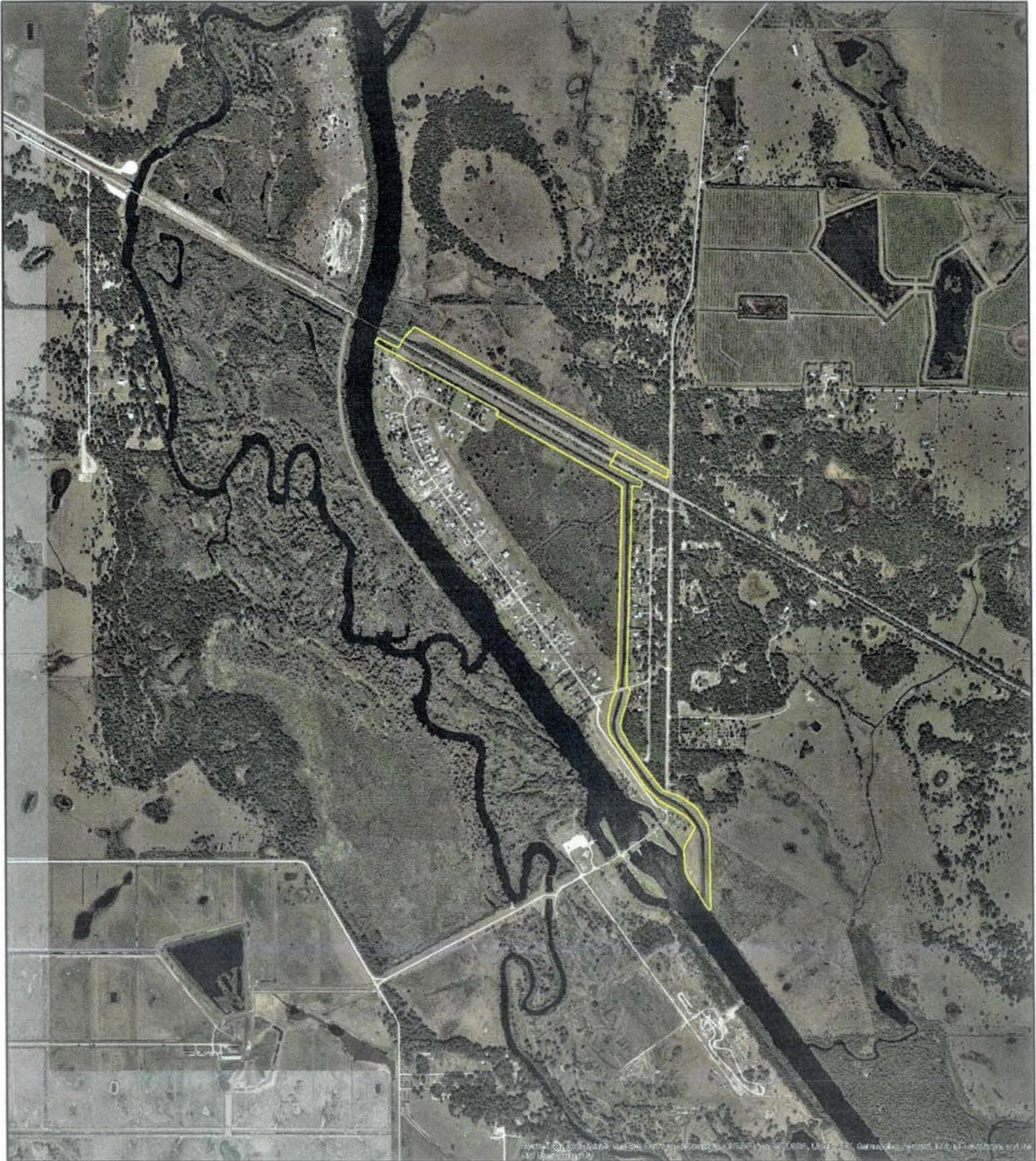
0 390 780 1,560 Meters



N



River Acres Flood Control Project Area



Legend

 Project Area

0 125 250 500 Meters

N





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

REPLY TO
ATTENTION OF

Planning Division
Environmental Branch

JUN 11 2009

Ms. Laura Kammerer
Deputy State Historic Preservation Officer
Division of Historical Resources
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Ms. Kammerer:

I am writing in reference to our proposed project to provide flood protection to the River Acres Subdivision, Okeechobee County, Florida. The project is part of the Kissimmee River Restoration project. The project will consist of constructing a new seepage levee and modification of an existing ditch parallel to the north side of the CSX Railroad track levee (enclosure 1). Also included on the south side of the CSX Railroad levee, is the construction of a tieback levee at the north-west end of the subdivision. The construction of the tieback will replace the entrance of the existing man-made canal with a gated culvert. The existing canal on the south side of the CSX Railroad levee will be widened, deepened, extended and connected to the Kissimmee River downstream of the Structure S-65D. Lands are owned by the project local sponsor, the South Florida Water Management District.

Because of the previous development of the project lands, The U.S. Army Corps of Engineers, Jacksonville District, has determined that our proposed flood protection project at River Acres Subdivision will not affect historic properties. I seek your concurrence with this determination.

Please review the proposed plan and provide any additional information. If you have questions or need additional information, please contact Mr. David L. McCullough at 904-232-3685 or by e-mail at david.l.mccullough@usace.army.mil.

Sincerely,

Eric P. Summa
Chief, Environmental Branch

Enclosure



RECEIVED

20 July 2009

FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

Mr. Eric Summa
Planning Division
Jacksonville USACE
P.O. Box 4970
Jacksonville, Florida 32232-0019

July 13, 2009

Re: DHR Project File No. 2009-03432/ Received by DHR: June 12, 2009
Applicant: South Florida Water Management District
Project Description: Kissimmee River Restoration Project
County: Okeechobee

Dear Mr. Summa:

Our office received and reviewed the above referenced project application in accordance with Section 106 of the National Historic Preservation and the National Environmental Policy Acts as amended, to assess possible adverse impacts to cultural resources (any prehistoric or historic district, site, building, structure, or object) listed, or eligible for listing, in the National Register of Historic Places.

Our review of the Florida Master Site File indicates that no significant archaeological or historical resources are recorded within the project area. However, the project area contains environmental conditions consistent with those found at other archaeological sites in Duval County and has not been subjected to systematic professional archaeological or historical investigation. Therefore, it is the opinion of this agency that, in addition to the standard permitting condition, this permit, if issued, should include the following special condition regarding unexpected discoveries during ground disturbing activities on the property:

If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, should contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources.

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

Director's Office
(850) 245-6300 • FAX: 245-6436

Archaeological Research
(850) 245-6444 • FAX: 245-6452

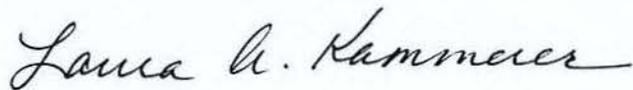
Historic Preservation
(850) 245-6333 • FAX: 245-6437

Mr. Summa
July 13, 2009
Page 2

In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, *Florida Statutes*.

If you have any questions concerning our comments, please contact Michael Hart, Historic Sites Specialist, at (850) 245-6333, or at mrhart@dos.state.fl.us. Your continued interest in protecting Florida's historic properties is appreciated.

Sincerely,



Laura A. Kammerer
Deputy State Historic Preservation Officer
For Review and Compliance

MFR: I called Mr. Michael HART FOR
CLAIRIFICATION. HE SAID THAT THIS
IS IN FACT A CONCURRENCE WITH
OUR DETERMINATION THAT NO HISTORIC
PROPERTIES WILL BE AFFECTED
ON THE RIVER ACRES (CMT 15) KRR
PROJECT.