

APPENDIX B – PERTINENT CORRESPONDENCE

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Proposed Actions to Moderate the Rate of Rise of Water Levels in the Water Conservation Area 3A (WCA-3A)								Interagency Input							
Item Number	Description	Constraints	On July 15	Required Action Items	Effective Option (ac-ft/day)*	Effect on WCA-3A (27 June to 15 July) (ft)	Effect on WCA-3A (6 months) (ft)	FWCC	Miccosukee Tribe	Seminole Tribe	USFWS	ENP	SFWM	FDEP	FDACS
1	Back Pumping from EAA to Lake Okeechobee via S-2	WCP operating criteria		SFWM can utilize operational flexibility covered under the existing water control plan	up to 7,100	0.26'	2.59'	Use necessary actions to support FDEP Emergency Final Order and minimize detrimental impacts.	NO		USFWS letter on 6/27/2017 recommends proceeding with all Emergency Deviation actions			FDEP issued EFO on 6/23/2017	
2	Back Pumping from EAA to Lake Okeechobee via S-3	WCP operating criteria		SFWM can utilize operational flexibility covered under the existing water control plan	up to 5,100	0.19'	1.86'	Use necessary actions to support FDEP Emergency Final Order and minimize detrimental impacts.	NO		USFWS letter on 6/27/2017 recommends proceeding with all Emergency Deviation actions			FDEP issued EFO on 6/23/2017	
3	Moderately reduce discharges from WCA-1 to prevent a steep and unnatural recession rate while moderating the rate of rise	Current levels are above Regulation Schedule and also are above the Maximum Water Levels of the Period of Record (POR) stage data		Currently implementing this action	up to 7,000	0.26'	2.55'	Use necessary actions to support FDEP Emergency Final Order and minimize detrimental impacts.			USFWS letter on 6/27/2017 recommends proceeding with all Emergency Deviation actions			FDEP issued EFO on 6/23/2017	
4	Moderately reduce discharges from WCA-2A to prevent a steep and unnatural recession rate while moderating the rate of rise	Current levels are above Regulation Schedule and also are above the Maximum Water Levels of the Period of Record (POR) stage data.		Currently implementing this action	up to 11,000	0.40'	4.01'	WCA2A remains at a record high stage. Reductions in outflow should be matched by reductions in in-flow as much as practicable.			USFWS letter on 6/27/2017 recommends proceeding with all Emergency Deviation actions			FDEP issued EFO on 6/23/2017	
5	Open S-344	SAD approval and 2016 USFWS Biological Opinion requires closure through July 15.	No Constraint	Need USFWS approval and then SAD approval for a deviation from Inc 1.1/1.2 Operational Strategy;	up to 400	0.01'	0.15'	Use necessary actions to support FDEP Emergency Final Order and minimize detrimental impacts.	YES		USFWS letter on 6/27/2017 recommends proceeding with all Emergency Deviation actions		Asked for a deviation until July 15 in a letter dated 6/22/17	FDEP issued EFO on 6/23/2017	
6	Open S-343A and S-343B	SAD approval and 2016 USFWS Biological Opinion requires closure through July 15.	No Constraint	Need USFWS approval and then SAD approval for a deviation from Inc 1.1/1.2 Operational Strategy;	up to 800	0.03'	0.29'	Use necessary actions to support FDEP Emergency Final Order and minimize detrimental impacts.	YES		USFWS letter on 6/27/2017 recommends proceeding with all Emergency Deviation actions		Asked for a deviation until July 15 in a letter dated 6/22/17	FDEP issued EFO on 6/23/2017	
7	Open S-12A and S12B	SAD approval and 2016 USFWS Biological Opinion requires closure through July 15.	No Constraint	Need USFWS approval and then SAD approval for a deviation from Inc 1.1/1.2 Operational Strategy	up to 800	0.03'	0.29'	Use necessary actions to support FDEP Emergency Final Order and minimize detrimental impacts.	YES		USFWS letter on 6/27/2017 recommends proceeding with all Emergency Deviation actions***Minimize discharge at S-12A and S-12B as much as practicable***			FDEP issued EFO on 6/23/2017	
8	Open S-152	SAD approval and FDEP permit		Need SAD approval for a deviation from Inc 1.1/1.2 Operational Strategy and FWCC and FDEP approvals	up to 1,000	0.04'	0.36'	Inflows to WCA3B should be matched by outflows when Site 71 >8.5 NGVD, as much as practicable.	YES		USFWS letter on 6/27/2017 recommends proceeding with all Emergency Deviation actions			FDEP issued EFO on 6/23/2017	
9	Increase discharge at S-332D	SAD approval and 2016 USFWS Biological Opinion limits S-332D discharge to 250 cfs from 2/01 to 7/14.	No Constraint	Need USFWS to approve the relaxation of the Sparrow Constraints (Subpopulation C and D) to increase the discharge to 500 cfs and then SAD approval for a deviation from Inc 1.1/1.2 Operational Strategy	up to 500	0.02'	0.18'	Use necessary actions to support FDEP Emergency Final Order and minimize detrimental impacts.			USFWS letter on 6/27/2017 recommends proceeding with all Emergency Deviation actions			FDEP issued EFO on 6/23/2017	
10	Open S-328	NEPA constraint that the L-31W plugs D, E, F need to be in-place prior to operation (scheduled late July); water quality and approved monitoring plan are needed to be in place prior to operating the structure.		It has a dependency on Item 9 (increase discharge at S-332D)	Need further analysis	Need further analysis	Need further analysis	Use necessary actions to support FDEP Emergency Final Order and minimize detrimental impacts.			USFWS letter on 6/27/2017 recommends proceeding with all Emergency Deviation actions			FDEP issued EFO on 6/23/2017	
11	Increase discharge at S-199	2009 C-111 Spreader Canal Biological Opinion	No Constraint	Need USFWS to approve the relaxation of the Sparrow Constraints (Subpopulation D) and require SFWM implementation since not covered under the WCP.	up to 450	0.02'	0.16'	Use necessary actions to support FDEP Emergency Final Order and minimize detrimental impacts.			USFWS letter on 6/27/2017 recommends proceeding with all Emergency Deviation actions		Asked for a deviation until 6/30/2017	FDEP issued EFO on 6/23/2017	
12	Increase discharge at S-200	2009 C-111 Spreader Canal Biological Opinion	No Constraint	Need USFWS to approve the relaxation of the Sparrow Constraints (Subpopulation C) and require SFWM implementation since not covered under the WCP.	up to 450	0.02'	0.16'	Use necessary actions to support FDEP Emergency Final Order and minimize detrimental impacts.			USFWS letter on 6/27/2017 recommends proceeding with all Emergency Deviation actions		Asked for a deviation until 6/30/2017	FDEP issued EFO on 6/23/2017	
13	Open G-737	2009 C-111 Spreader Canal Biological Opinion	No Constraint	Need USFWS to approve the relaxation of the Sparrow Constraints (Subpopulation C) and require SFWM implementation since not covered under the WCP. It has a dependency on Item 12 (increase discharge at S-200)				Use necessary actions to support FDEP Emergency Final Order and minimize detrimental impacts.			USFWS letter on 6/27/2017 recommends proceeding with all Emergency Deviation actions		Asked for a deviation until 6/30/2017	FDEP issued EFO on 6/23/2017	
14	Increase discharge at S-197 up to maximum capacity (2,400 cfs) and allow maximum discharge at S-334 (1,250 cfs) beyond 15 July	SAD approval and Increment 1.1 Operational Strategy limits S-197 discharge at this time to 400 cfs		Need SAD approval and FDEP permit for a deviation from Inc 1.1/1.2 Operational Strategy	up to 2,500 (S-334 limit)	0.09'	0.91'	Use necessary actions to support FDEP Emergency Final Order and minimize detrimental impacts.			USFWS letter on 6/27/2017 recommends proceeding with all Emergency Deviation actions			FDEP issued EFO on 6/23/2017	
15	Temporary pumps adjacent to S-355A & B (work in conjunction with S-152)	These are temporary pumps and subject to L-29 Constraint		State Action	up to 800	0.03'	0.29'	Use necessary actions to support FDEP Emergency Final Order and minimize detrimental impacts. Support action			USFWS letter on 6/27/2017 recommends proceeding with all Emergency Deviation actions			FDEP issued EFO on 6/23/2017	
16	West Feeder/Upper L-28 Canal System	Undefined		Need the Seminole Tribe input	Need further analysis	Need further analysis	Need further analysis	Use necessary actions to support FDEP Emergency Final Order and minimize detrimental impacts.			USFWS letter on 6/27/2017 recommends proceeding with all Emergency Deviation actions			FDEP issued EFO on 6/23/2017	
17	Tamiami Borrow Canal Culvert - Install Plug	None		DOI Action	No effect	No effect	No effect	Use necessary actions to support FDEP Emergency Final Order and minimize detrimental impacts.			USFWS letter on 6/27/2017 recommends proceeding with all Emergency Deviation actions			FDEP issued EFO on 6/23/2017	
18	Raise L-29 canal constraint from 7.5' to 7.8' to maximize flows to NE Shark River Slough	C-111 Contract 8 Construction		Contract 8 completion date affected	up to 800	0.03'	0.29'	Use necessary actions to support FDEP Emergency Final Order and minimize detrimental impacts.			USFWS letter on 6/27/2017 recommends proceeding with all Emergency Deviation actions			FDEP issued EFO on 6/23/2017	
						Total of 6 SAD Action Items									
							0.22'	2.19'							

Note: We are already maximizing discharges to tide from all WCAs provided downstream conveyance is available

* Area of WCA-3A = 494,080 acres

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In re:

**EMERGENCY MEASURES DUE TO
HIGH WATER CONDITIONS
IN SOUTH FLORIDA REGION**

OGC No.: 17-0867

EMERGENCY FINAL ORDER

Under Sections 120.569(2)(n), 252.46, 373.119(2), and 373.439, Florida Statutes, and upon consideration of the following findings of fact, the State of Florida Department of Environmental Protection (Department) enters this Emergency Final Order (Order), including the Findings of Fact and Conclusions of Law, in response to high rainfall and flooding in the South Florida Region, specifically the Everglades Protection Area, that threatens certain stormwater management systems, works and impoundments and also poses an imminent or immediate danger to valuable natural resources, the public health, safety or welfare.

FINDINGS OF FACT

1. High rainfall events have occurred across the South Florida Region during the month of June 2017 causing high water conditions and flooding in the Everglades Protection Area, especially in Water Conservation Area 3A.
2. These massive rainfall events and flooding have resulted in water levels in Water Conservation Area 3A rising by more than 2 feet, to 11.02 feet. High water levels inundate tree islands and other wildlife habitats, and if sustained, will cause stress and loss of life particularly for birds and mammals. On June 13, 2017, the Florida Fish and Wildlife Conservation Commission (FWC) issued Order No. EO 17-24 establishing special regulations regarding wildlife in the

Everglades Protection Area. This also poses an immediate threat and impact to valuable natural resources that underpin local economies that surround the Everglades Protection Area. Loss of natural resources will lead to losses in outdoor recreation opportunities, as well as ecotourism and related economic benefits.

3. The Department finds that the rainfall and high-water event described above has created a state of emergency threatening valuable natural resources, as well as, the public health, safety, welfare, and property in the South Florida Region. As a result of the emergency, immediate action is necessary to cope with the emergency situation.

4. The Department has issued permits to the South Florida Water Management District (District) for the following projects: Lake Okeechobee Protection Permit (Permit No. 0174552-011) for the operation and control of 35 water control structures discharging into or from Lake Okeechobee; C-111 Spreader Canal Project (Permit No. 0293559), including the S-199 and S-200 Pump Stations, and the S-737 and S-18C water control structures; Non-Everglades Construction Project Discharge Structures Project (Permit No. 0237803), including the S-344 and S-343 water control structures; S-197 Control Structure Project (Permit No. 0306639), including the S-197 water control structure.

5. The Department has issued permits to the U.S. Army Corps of Engineers (Corps) for the following projects: WCA 3 Decompartmentalization and Sheetflow Enhancement Physical Model Project (Permit No. 0304879), including the S-152 water control structure; Modified Water Deliveries to the Everglades National Park Project (Permit No. 0246512), including the S-355A and S-355B water control structures; Ninth Amended Emergency Final Order to Operate the S-332B, S-332C, S-332D Pump Stations and Appurtenant Structures (OGC Case Nos. 00-0889 and 99-2242).

6. Immediate action is necessary to deviate from permitted water management practices in order to move significant volumes of flood water out of the Water Conservation Areas.

7. Under the current emergency conditions, it is appropriate to temporarily modify operations of the projects and immediately employ any remedial means deemed necessary to redress the emergency.

8. The Corps shall continue water quality and hydrologic monitoring of the existing permitted Corps project features, to identify and evaluate water quality and hydrologic Conditions. The monitoring work provides water quality data associated with state water quality standards and the long-term phosphorus concentration limits contained within the Settlement Agreement to the Federal Everglades lawsuit (Case No. 88-1886), and hydrologic data necessary for the adaptive operation of the pump stations to evaluate the effects on wildlife, water supply and flood protection in the C&SF project.

9. The District shall continue water quality and hydrologic monitoring of the existing permitted District project features, to identify and evaluate water quality and hydrologic conditions. The monitoring work provides water quality data associated with state water quality standards and the long-term phosphorus concentration limits contained within the Settlement Agreement to the Federal Everglades lawsuit (Case No. 88-1886), and hydrologic data necessary for the adaptive operation of the pump stations to evaluate the effects on wildlife, water supply and flood protection in the C&SF project.

CONCLUSIONS OF LAW

10. Based on the findings of fact above, it is hereby concluded that the emergency caused by the high rainfall events and flooding pose an immediate danger to the public health, safety, or welfare and requires an immediate order of the Department.

11. Under Sections 120.569(2)(n), 252.46, 373.119(2), and 373.439, Florida Statutes, the Secretary of the Department, or designee, is authorized to issue this Emergency Final Order.

12. Suspension of statutes and rules as noted within this order is required so as to not prevent, hinder, or delay necessary action that the Department, South Florida Water Management District or the Corps may need to take in coping with the emergency.

THEREFORE, IT IS ORDERED:

13. Based upon the above Findings of Fact and Conclusions of Law, and pursuant to the above cited laws, I hereby order that:

- A. The Corps and the District are hereby authorized to make temporary operational changes in order to minimize detrimental impacts (including harmful flooding and degradation of water quality) to the environment, to the public, to adjacent properties, and to downstream receiving water to the greatest extent practicable.
- B. Permits described in the Findings of Facts are temporarily modified to authorize relief from the operations permit conditions. All other permit conditions shall remain in full force and effect.
- C. The District and Corps are authorized to conduct construction activities necessary to alleviate the emergency conditions. Prior to, or concurrent with, commencing construction activities the District or the Corps shall contact the Office of Ecosystem Projects. Within 30 days of completion of construction, the District or the Corps

shall apply to the Office of Ecosystem Projects for the necessary authorizations. for the necessary authorizations.

D. General Conditions

- a. The Corps and District shall implement the emergency operation activities in a manner that will minimize detrimental impacts (including harmful flooding and degradation of water quality) to the environment, to the public, to adjacent properties, and to downstream receiving waters to the greatest extent practicable, pursuant to federal law and Sections 373.413 and 373.414, Florida Statutes. The Corps and District shall implement the emergency operation activities in a manner that will maximize beneficial impacts to the environment to the greatest extent practicable consistent with the hydrological and biological restoration goals of the Everglades Forever Act (Section 373.4592, Florida Statutes) and the Florida Bay Restoration Act (Section 373.4593, Florida Statutes). Should any adverse impacts occur from conducting the emergency activities, the Corps and District shall be liable for damages to the extent applicable under federal and state law, respectively.
- b. All activities authorized by this Emergency Final Order shall be performed using appropriate best management practices. For activities conducted in or discharging to wetlands or other surface waters, best management practices shall include properly installed and maintained erosion and turbidity control devices, to prevent erosion and shoaling and to control turbidity. These turbidity/erosion controls shall be installed prior to any clearing, excavation or placement of fill material and shall be maintained in an effective condition at all locations until

construction is completed, and disturbed areas are stabilized. The Corps and the District shall be responsible for ensuring that erosion control devices/procedures are inspected/maintained during all phases of construction authorized by this Order. Additional activities, as described in the document entitled, "The Florida Development Manual - A Guide to Sound Land and Water Management" (revised February 1993), shall be conducted as needed to prevent degradation of adjacent wetlands and surface waters, to prevent violations of state water quality standards.

- c. If, for any reason, the Corps and/or the District does not comply with any condition or limitation specified in this Emergency Final Order, the Corps and/or the District shall immediately provide the Department's Office of Ecosystem Projects and Southeast District Office with a written report containing the following information: a description and cause of noncompliance; the period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue; and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. Reports shall be provided to the above-referenced Department offices at the following addresses:

Florida Department of Environmental Protection
Office of Ecosystem Projects
3900 Commonwealth Boulevard, MS 45
Tallahassee, Florida 32399-3000
Telephone (850) 245-2228

- d. This Emergency Final Order does not authorize any entrance upon or activities on property that is not owned or controlled by the Corps and/or the District.
- e. The Corps and the District specifically agree to allow authorized Department personnel access to the premises where the authorized activity is located or conducted for the purpose of ascertaining compliance with the terms of the Emergency Final Order; to have access to and copy any records that must be kept under conditions of the Emergency Final Order; to inspect the facility, equipment, practices, or operations regulated or required under this Emergency Final Order; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this Emergency Final Order.
- f. The Corps and the District are responsible for coordinating the emergency operations with stakeholders including the Department of Interior, the Florida Department of Agriculture and Consumer Services, FWC, and the Miccosukee Tribe of Indians of Florida. Prior to commencement of the emergency operations, the District shall provide information to the Department that documents that this coordination has taken place and that there are no major objections.
- g. The Corps and the District shall coordinate with the U.S. Fish and Wildlife Service and FWC to ensure that there will be no adverse impacts to endangered or threatened species as a result of the proposed operations.

E. **Specific Conditions**

- a. Monitoring shall be in accordance with all applicable permits and monitoring plans on file with the Department. Monitoring results shall include salinity and ecological monitoring at the S-197 water control structure in accordance with the Appendix C - G-3273 Constraint Relaxation/S-356 Field Test and S-357N Operational Strategy Monitoring Plan. Seepage monitoring results shall include seepage monitoring along the C-111 Canal between the S-176 water control structure and the S-199 Pump Station. All reports and data generated as a result of this monitoring shall be submitted to the Office of Ecosystem Projects (at the address listed above) upon receipt by the Corps and/or the District and within a timely manner.
- b. Activities shall be closely monitored to maximize intended benefit and avoid unintended consequences. Close coordination with the Department and stakeholders shall be maintained to address any potential water quality, flood protection, and environmental resource issues in a timely fashion. To this end, the Corps and the District will submit an Emergency Operations After Action Report as soon as practicable after cessation of all emergency operations to the addresses listed above. The report shall include details of operation activities, pumping dates and times, volume of water pumped, gauge readings, flow measurements, flow direction and other visual observations, seepage monitoring results, water quality monitoring results (including provisional data), and a comparison with previous years' data and results.

F. Suspension of Statutes and Rules

The following provisions of permits, statutes and rules are hereby suspended for the activities authorized by this Order for the duration of this Order:

- a. For those activities noted above, subject to the limitations, duration and other provisions of this Order, all requirements for permits, leases, consents of use or other authorizations under Chapters 253, 373, 376 and 403, Florida Statutes, and rules adopted thereunder.
- b. Notice requirements of Sections 253.115, and 373.413, Florida Statutes, and rules 18-21, 62-4, and 62-312 of the Florida Administrative Code; and,
- c. Application fee, lease fee, and easement fee requirements of Sections 373.109, Florida Statutes, and Rules 18-21, and 62-4 of the Florida Administrative Code.

14. Nothing in this Emergency Final Order shall eliminate the necessity for obtaining any other federal, state, water management district, or local permits or other authorizations that may be required.

15. **Adverse Off-Site Impacts**

- a. The Corps and the District shall ensure that adverse off-site water resource related impacts do not occur as a result of this Emergency Final Order and shall fully monitor conditions related to the activities authorized by this order.
- b. The correction of any erosion, shoaling, water quality, or flooding problems that result from the operation of the structures authorized by this order shall be the sole responsibility of the Corps and the District. In addition, the Corps and the District shall immediately resolve such problems to the Department' s satisfaction.

c. If any adverse water quality, water quantity, or other negative environmental impacts occur as a result of this Emergency Final Order, the Department reserves the right to immediately revoke or modify this authorization upon written notice.

16. The Department's immunity from liability under Section 373.443, Florida Statutes, for any damages that might result from the activities authorized by this Emergency Final Order shall not be diminished by the terms of this order or any activities taken pursuant to this order.

17. The Department waives water quality certification for those activities authorized by this Emergency Final Order.

18. Failure to comply with the conditions set forth in this Emergency Final Order shall constitute a violation of a Department Final Order under Chapters 373, 376, and 403, Florida Statutes, and enforcement proceedings may be brought in any appropriate administrative or judicial forum.

19. This Emergency Final Order shall take effect immediately upon execution by the Secretary of the Department, or designee, and shall expire on November 30, 2017, unless rescinded, modified or extended by further order of the Department.

NOTICE OF RIGHTS

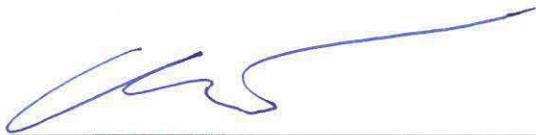
Any person to whom this emergency order is directed may petition the Department for a hearing in accordance with Section 373.119, Florida Statutes.

Pursuant to Section 120.569(2)(n), F.S., any party adversely affected by this Order has the right to seek an injunction of this Order in circuit court or judicial review of it under Section 120.68, F.S. Judicial review must be sought by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a

copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this Order is filed with the Clerk of the Department.

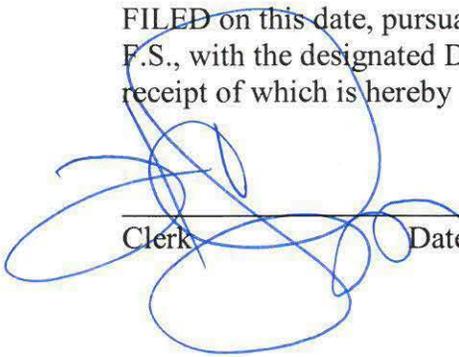
DONE AND ORDERED on this 23 day of June 2017, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


for Noah Valenstein, Secretary

3900 Commonwealth Blvd.
Tallahassee, Florida 32399-3000

FILED on this date, pursuant to § 120.52,
F.S., with the designated Department Clerk,
receipt of which is hereby acknowledged.


Clerk: _____ Date: 06/23/2017



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

June 23, 2017

Colonel Jason A. Kirk
District Commander, Jacksonville District
U.S. Army Corps of Engineers
CESAJ-DE
701 San Marco Boulevard
Jacksonville, FL 32207-8175

**Subject: Deviation to use S-200 and S-199 Pump Stations and G-737
Structure until June 30, 2017**

Dear Colonel Kirk:

The South Florida Water Management District (SFWMD) is requesting the use of S-200 and S-199 Pump Stations and the G-737 Structure to manage water levels in the C-111 Canal to support high water relief efforts for WCA-3A. This deviation request will expire on June 30, 2017, at which time the features will operate in accordance with the permit conditions. The SFWMD plans to meet regularly (e.g., weekly) with US Fish and Wildlife Service to communicate operations and discuss the system response until the deviation has ceased.

Please contact me at 561-682-2679 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "John P. Mitnik".

John P. Mitnik, P.E.
Chief District Engineer

JPM/bm



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

June 22, 2017

Colonel Jason A. Kirk
District Commander, Jacksonville District
U.S. Army Corps of Engineers
CESAJ-DE
701 San Marco Boulevard
Jacksonville, FL 32207-8175

**Subject: Deviation to use S-344 and S-343 A&B until July 15, 2017 with
Rehabilitated L-28 Plugs**

Dear Colonel Kirk:

The South Florida Water Management District (SFWMD) is requesting the use of S-344 and S-343 A&B to provide additional high water relief to WCA-3A. This deviation request to operate the S-344 and S-343 A&B will expire on July 15, 2017. The SFWMD plans to meet regularly (e.g., weekly) with US Fish and Wildlife Service to communicate operations and discuss the system response.

Background information and the operation details for the use of S-344 and S-343 A&B are provided in the attached operational strategy.

Please contact me at 561-682-2679 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "John P. Mitnik".

John P. Mitnik, P.E.
Chief District Engineer
Operations, Engineering, and Construction

JPM/bm
Attachment

Cc: Drew Bartlett, FDEP

S-344 and S-343 A&B OPERATION STRATEGY

NORMAL USE AND PROPOSED USE OF S-344 and S-343 A&B

S-344 and S-343 A&B are normally closed. The normal operational criteria for S-344 and S-343 A&B are to open them when the available capacity of S-333, S-12D, S-12C, S-12B, and S-12A is insufficient to provide the discharges prescribed by WCA 3A's Rainfall Plan. The combined discharges through S-343A, S-343B, and S344 are reduced as required to maintain the Loop Road 1 gauge (LOOP1) below 8.5 feet NGVD29 (closed when LOOP1 above 8.5 feet NGVD 29 under normal conditions). The proposed criteria ensure full operational flexibility to partially or completely open S-344 and S-343 A&B until July 15, 2017.

OPERATIONAL CRITERIA:

The SFWMD, as the operator of S-344 and S-343 A&B, has full flexibility in opening S-344 and S-343 A&B to provide high water relief to WCA-3A. Rehabilitation of the plugs downstream of S-344 and S-343 A&B was completed in 2016.

STRUCTURE CLOSINGS:

Closing of the gates on S-344 and S-343 A&B will begin when one or more following conditions are met:

1. The Loop Road gauge 1 (LOOP1) exceeds 8.5 feet NGVD 29.
2. If there is a meaningful reversal in the water level recession at identified sparrow target location(s) not induced by rainfall in the area.
3. Regular coordination for ongoing operations results in a request to adjust operations.

There are ten bridges or culverts through Tamiami Trail (State Road 41) from where Loop Road connects to Tamiami Trail to about 4 miles west along Tamiami Trail. There are approximately six bridges or culverts through Loop Road from where Loop Road connects to Tamiami Trail extending 4 miles west. These bridges and culverts allow some of the flow discharged from S-344 to flow south into the region that contains CSSS Sub-Population A. Flow and stage at the following locations along Tamiami Trail (SR41) will be monitored to provide representative information on the flow south and provide early indication of undesirable flow south towards the Cape Sable Seaside Sparrow Sub-Population A.

- The bridge allowing flow through Tamiami Trail which is located about 0.6 miles along Tamiami Trail northwest of S343A.
- The culvert/bridge allowing flow through Tamiami Trail which is near/across from S-343A.
- The bridge allowing flow through Tamiami Trail which is located about 0.6 miles along Tamiami Trail southeast of S343A.

The sites will be monitored at least weekly. S-343A tailwater will be used to indicate stage changes. The SFWMD will meet regularly (e.g., weekly) with FWS to communicate operations and discuss the system response. It is expected that conditions will change over the duration of this deviation and that FWS will adaptively evolve the criteria. The SFWMD will respond to operation direction from the FWS or USACE within 72 hours.

From: [Stahl, Chris](#)
To: [Ralph, Gina P CIV USARMY CESAJ \(US\)](#)
Cc: [Powell, Frank](#); [Moore, Brooks W CIV USARMY CESAJ \(US\)](#); [LoSchiavo, Andrew J CIV USARMY CESAJ \(US\)](#)
Subject: [Non-DoD Source] RE: CZMA for Temporary Deviation to Alleviate high water levels within WCA 3A (UNCLASSIFIED)
Date: Monday, June 26, 2017 1:20:29 PM

Gina,

I agree with your determination that the Environmental Assessment and proposed FONSI for your deviation request is consistent to the maximum extent practicable with Florida's Coastal Management Program. You are clear to proceed as needed.

Sincerely,

Chris Stahl

Chris Stahl, Coordinator
Florida State Clearinghouse
Florida Department of Environmental Protection
2600 Blair Stone Road, M.S. 47
Tallahassee, FL 32399-2400
ph. (850) 717-9076
State.Clearinghouse@dep.state.fl.us

-----Original Message-----

From: Ralph, Gina P CIV USARMY CESAJ (US) [<mailto:Gina.P.Ralph@usace.army.mil>]
Sent: Monday, June 26, 2017 12:03 PM
To: Stahl, Chris <Chris.Stahl@dep.state.fl.us>
Cc: Powell, Frank <Frank.Powell@dep.state.fl.us>; Moore, Brooks W CIV USARMY CESAJ (US) <Brooks.W.Moore@usace.army.mil>; LoSchiavo, Andrew J CIV USARMY CESAJ (US) <Andrew.J.Loschiavo@usace.army.mil>
Subject: CZMA for Temporary Deviation to Alleviate high water levels within WCA 3A (UNCLASSIFIED)
Importance: High

CLASSIFICATION: UNCLASSIFIED

Chris,

Thank you for your time today to discuss the Corps' intent to implement a temporary deviation from our approved 2012 Water Control Plan. As indicated, the U.S. Army Corps of Engineers, Jacksonville District (Corps) is seeking a temporary deviation from the 2012 Water Control Plan and the Modified Water Deliveries to Everglades National Park Project Increment Plus Operational Strategy in order to provide relief from high water stages within Water Conservation Area (WCA)1, WCA-2A, and WCA-3A until the WCA-3A 3-station gauge average falls below Zone A of the WCA 3A Regulation Schedule or October 31, 2017, whichever comes first.

A series of early wet season storms that have occurred since June 5, 2017 have caused hydrologic conditions within the Central & South Florida Project to change very rapidly from very dry conditions to very wet conditions within south Florida, with the WCAs along with the Everglades Agricultural Area accumulating most of the rainfall. WCA-3A alone received 18.35 inches of precipitation since June 1, equating to 293% of the average for this time of year.

The Corps has completed an Environmental Assessment and Proposed FONSI that will accompany our deviation request to the Corps South Atlantic Division (SAD) for approval. Once SAD approves, Jacksonville District plans to

sign the FONSI and post for public notification and comment for a period of 30 days. Due to the nature and immediate need for this deviation, we are not able to solicit public comment prior to signature. The Corps will determine the need for a supplemental EA once we have received public comment and the temporary deviation has expired.

The Florida Department of Environmental Protection issued the attached Emergency Final Order waiving water quality certification. The Corps has determined that the proposed deviation is consistent to the maximum extent practicable with Florida's Coastal Management Program (FCMP). Please let me know if FDEP has a different position regarding compliance with the Coastal Zone Management Act as administered by the State's FCMP. I will provide the EA/FONSI once completed. Please let me know if you have any questions.

Thank you,
Gina

Gina Paduano Ralph, Ph.D.
Chief, Environmental Branch
Planning Division
US Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019
(904) 232-2336
Gina.P.Ralph@usace.army.mil

CLASSIFICATION: UNCLASSIFIED

[Dep Customer Survey]<Blocked<http://survey.dep.state.fl.us/?refemail=Chris.Stahl@dep.state.fl.us>>

From: Ralph, Gina P CIV USARMY CESAJ (US)
To: ["chris.stahl@dep.state.fl.us"](mailto:chris.stahl@dep.state.fl.us)
Cc: [Powell, Frank](#); [Moore, Brooks W CIV USARMY CESAJ \(US\)](#); [LoSchiavo, Andrew J CIV USARMY CESAJ \(US\)](#)
Subject: CZMA for Temporary Deviation to Alleviate high water levels within WCA 3A (UNCLASSIFIED)
Date: Monday, June 26, 2017 12:02:00 PM
Attachments: [Non-DoD Source EFO High Water Event - FINAL 06-23-2017.msg](#)
Importance: High

CLASSIFICATION: UNCLASSIFIED

Chris,

Thank you for your time today to discuss the Corps' intent to implement a temporary deviation from our approved 2012 Water Control Plan. As indicated, the U.S. Army Corps of Engineers, Jacksonville District (Corps) is seeking a temporary deviation from the 2012 Water Control Plan and the Modified Water Deliveries to Everglades National Park Project Increment Plus Operational Strategy in order to provide relief from high water stages within Water Conservation Area (WCA)1, WCA-2A, and WCA-3A until the WCA-3A 3-station gauge average falls below Zone A of the WCA 3A Regulation Schedule or October 31, 2017, whichever comes first.

A series of early wet season storms that have occurred since June 5, 2017 have caused hydrologic conditions within the Central & South Florida Project to change very rapidly from very dry conditions to very wet conditions within south Florida, with the WCAs along with the Everglades Agricultural Area accumulating most of the rainfall. WCA-3A alone received 18.35 inches of precipitation since June 1, equating to 293% of the average for this time of year.

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Thank you,
Gina

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Chief, Environmental Branch
Planning Division
US Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019
(904) 232-2336
Gina.P.Ralph@usace.army.mil

CLASSIFICATION: UNCLASSIFIED

From: Ralph, Gina P CIV USARMY CESAJ (US)
To: ["Jamie Higgins"](#)
Cc: ["Harper, Cecelia"](#); [LoSchiavo, Andrew J CIV USARMY CESAJ \(US\)](#); [Moore, Brooks W CIV USARMY CESAJ \(US\)](#)
Subject: NEPA to support a Temporary Deviation (UNCLASSIFIED)
Date: Monday, June 26, 2017 11:16:00 AM
Attachments: [Non-DoD Source EFO High Water Event - FINAL 06-23-2017.msg](#)
Importance: High

CLASSIFICATION: UNCLASSIFIED

Jamie,

Thank you for your time today to discuss the Corps' intent to implement a temporary deviation from our approved 2012 Water Control Plan. As indicated, the U.S. Army Corps of Engineers, Jacksonville District (Corps) is seeking a temporary deviation from the 2012 Water Control Plan and the Modified Water Deliveries to Everglades National Park Project Increment Plus Operational Strategy in order to provide relief from high water stages within Water Conservation Area (WCA)1, WCA-2A, and WCA-3A until the WCA-3A 3-station gauge average falls below Zone A of the WCA 3A Regulation Schedule or October 31, 2017, whichever comes first.

A series of early wet season storms that have occurred since June 5, 2017 have caused hydrologic conditions within the Central & South Florida Project to change very rapidly from very dry conditions to very wet conditions within south Florida, with the WCAs along with the Everglades Agricultural Area accumulating most of the rainfall. WCA-3A alone received 18.35 inches of precipitation since June 1, equating to 293% of the average for this time of year.

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Thank you,
Gina

Gina Paduano Ralph, Ph.D.
Chief, Environmental Branch
Planning Division
US Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019
(904) 232-2336
Gina.P.Ralph@usace.army.mil

CLASSIFICATION: UNCLASSIFIED

Ralph, Gina P CIV USARMY CESAJ (US)

From: Higgins, Jamie <Higgins.Jamie@epa.gov>
Sent: Tuesday, June 27, 2017 7:41 AM
To: Ralph, Gina P CIV USARMY CESAJ (US)
Cc: Harper, Cecelia; LoSchiavo, Andrew J CIV USARMY CESAJ (US); Moore, Brooks W CIV USARMY CESAJ (US); Higgins, Jamie; Militscher, Chris; Mancusi-Ungaro, Philip
Subject: [Non-DoD Source] RE: NEPA to support a Temporary Deviation (UNCLASSIFIED)

Gina,
EPA appreciates the early coordination and looks forward to reviewing the EA. Please let us know if we can provide further assistance.

Thanks,
Jamie

Jamie Higgins
EPA Region 4
NEPA Program Office
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303
404-562-9681
Higgins.jamie@epa.gov

-----Original Message-----

From: Ralph, Gina P CIV USARMY CESAJ (US) [mailto:Gina.P.Ralph@usace.army.mil]
Sent: Monday, June 26, 2017 11:17 AM
To: Higgins, Jamie <Higgins.Jamie@epa.gov>
Cc: Harper, Cecelia <Harper.Cecelia@epa.gov>; LoSchiavo, Andrew J CIV USARMY CESAJ (US) <Andrew.J.Loschiavo@usace.army.mil>; Moore, Brooks W CIV USARMY CESAJ (US) <Brooks.W.Moore@usace.army.mil>
Subject: NEPA to support a Temporary Deviation (UNCLASSIFIED)
Importance: High

CLASSIFICATION: UNCLASSIFIED

Jamie,

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A series of early wet season storms that have occurred since June 5, 2017 have caused hydrologic conditions within the Central & South Florida Project to change very rapidly from very dry conditions to very wet conditions within south Florida, with the WCAs along with the Everglades Agricultural Area accumulating most of the rainfall. WCA-3A alone received 18.35 inches of precipitation since June 1, equating to 293% of the average for this time of year.

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Thank you,
Gina

Gina Paduano Ralph, Ph.D.
Chief, Environmental Branch
Planning Division
US Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019
(904) 232-2336
Gina.P.Ralph@usace.army.mil

CLASSIFICATION: UNCLASSIFIED

From: Moreno, Meredith A CIV USARMY CESAJ (US)
To: ["Bradley Mueller"](#)
Subject: 2017 Temporary Deviation WCA 3 and ENP
Date: Monday, June 26, 2017 12:57:00 PM
Attachments: [Attachment 1.jpg](#)
[Attachment 2.jpg](#)
[EFO High Water Conditions South Florida 17-0867.pdf](#)

Brad,

In summary of our conversation this morning, the U.S. Army Corps of Engineers, Jacksonville District (Corps), is preparing an Environmental Assessment associated with a temporary deviation of the 2012 Water Control Plan and the MWD Increment Plus Operational Strategy in order to provide relief from high water stages within the Water Conservation Areas (WCAs). A series of early wet season storms have occurred since June 5, 2017 causing water levels in the three WCAs to rise above their maximum regulation schedule and the maximum exceedance elevations per the Water Control Plan. WCA-3A alone received 18.35 inches of precipitation since June 1, equating to 293% of the average for this time of year (Attachment 1). These high water levels in the WCAs at the beginning of the wet season threaten wildlife and tree islands, particularly in WCA-3A. If the rate of the rise of water is not mitigated to limit the prolonged duration of high water conditions, there is the potential for these high water levels to pose significant environmental risks due to reduced flood storage as the wet season and hurricane season continue.

Therefore, immediate action is necessary to deviate from permitted water management practices to move flood water out of the WCAs and subsequently provide more water storage and water movement opportunities. The following are the proposed water management actions to achieve high water relief in the WCAs (Attachment 2):

- 1) Open S-12A, S-12B, S-343A, S-343B and S-344 prior to official opening date of July 15, 2017;
- 2) Open S-152 to discharge water from WCA-3A to WCA-3B;
- 3) Increase discharge at S-332D from 250 cfs to 500 cfs to increase discharge from WCA 3A to the South Dade Conveyance S using S-333 and S-334, if needed; and
- 4) Increase the discharge at S-197 to 600 cfs from the current maximum release of 400 cfs to accommodate additional flows from WCA 3A to the SDCS using S-333 and S-334 while retaining capacity to manage local basin runoff.

The proposed water management actions described above would be implemented until the WCA-3A three-station gage average falls below Zone A (per the Water Control Plan) or until 30 November, whichever comes first. Gage restrictions in WCA 3B and at the L-29 canal would remain in place to ensure that the action would not pose an adverse effect to cultural resources. The proposed action is expected to increase water deliveries from WCA 3A to ENP and Florida Bay temporarily and effects are expected to be spatially limited and small in magnitude given the short duration of the Proposed Action. Potential losses in tree islands may occur as a result of high water levels in the WCAs if the proposed action is not taken.

Based on the temporary nature and short duration of the project, the Corps believes that this will have no adverse effects on historic properties listed or eligible for listing in the National Register of Historic Places. In addition, the Site 71/SRS-1 gage restriction, the L-29 stage limit of 7.5-7.8 ft NGVD, and monitoring of tree islands pursuant to the ERTTP Programmatic Agreement will continue throughout the deviation to ensure no adverse effect to cultural resources. Pursuant to the National Environmental Policy Act and Section 106 of the National Historic Preservation Act (16 USC 470) and its implementing regulations (36 CFR 800), the Corps kindly requests your comments on the determination of no adverse effect. Due to the nature of this emergency, the Corps is requesting an expedited consultation process. Please feel free to call or email with any questions or concerns.

Kind regards,

Meredith A. Moreno, M.A., RPA
Archaeologist
Planning Division, Environmental Branch
Jacksonville District, US Army Corps of Engineers

Office: 904-232-1577
Mobile: 904-861-9967

From: [Parsons, Timothy A.](#)
To: [Moreno, Meredith A CIV USARMY CESAJ \(US\)](#)
Cc: [Aldridge, Jason H.](#)
Subject: [Non-DoD Source] RE: 2017 Temporary Deviation WCA3 and ENP
Date: Monday, June 26, 2017 1:05:30 PM

Meredith,

Thank you for the detailed information. The Florida SHPO concurs with the Corps' determination of 'no adverse effect' for this emergency deviation. The consultation has been recorded as DHR number 2017-3146.

Best,
Tim

Timothy A. Parsons, Ph.D., RPA
Division Director | State Historic Preservation Officer
Division of Historical Resources | Florida Department of State
500 South Bronough Street | Tallahassee, Florida 32399
Office: 850.245.6306 | Mobile: 850.519.4373 | dos.myflorida.com/historical

-----Original Message-----

From: Moreno, Meredith A CIV USARMY CESAJ (US) [<mailto:Meredith.A.Moreno@usace.army.mil>]
Sent: Monday, June 26, 2017 12:59 PM
To: Parsons, Timothy A. <Timothy.Parsons@dos.myflorida.com>
Cc: Aldridge, Jason H. <Jason.Aldridge@dos.myflorida.com>
Subject: 2017 Temporary Deviation WCA3 and ENP

Tim,

In summary of our conversation this morning, the U.S. Army Corps of Engineers, Jacksonville District (Corps), is preparing an Environmental Assessment associated with a temporary deviation of the 2012 Water Control Plan and the MWD Increment Plus Operational Strategy in order to provide relief from high water stages within the Water Conservation Areas (WCAs). A series of early wet season storms have occurred since June 5, 2017 causing water levels in the three WCAs to rise above their maximum regulation schedule and the maximum exceedance elevations per the Water Control Plan. WCA-3A alone received 18.35 inches of precipitation since June 1, equating to 293% of the average for this time of year (Attachment 1). These high water levels in the WCAs at the beginning of the wet season threaten wildlife and tree islands, particularly in WCA-3A. If the rate of the rise of water is not mitigated to limit the prolonged duration of high water conditions, there is the potential for these high water levels to pose significant environmental risks due to reduced flood storage as the wet season and hurricane season continue.

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The proposed water management actions described above would be implemented until the WCA-3A three-station

gage average falls below Zone A (per the Water Control Plan) or until 30 November, whichever comes first. Gage restrictions in WCA 3B and at the L-29 canal would remain in place to ensure that the action would not pose an adverse effect to cultural resources. The proposed action is expected to increase water deliveries from WCA 3A to ENP and Florida Bay temporarily and effects are expected to be spatially limited and small in magnitude given the short duration of the Proposed Action. Potential losses in tree islands may occur as a result of high water levels in the WCAs if the proposed action is not taken.

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Kind regards,

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Archaeologist
Planning Division, Environmental Branch
Jacksonville District, US Army Corps of Engineers
Office: 904-232-1577
Mobile: 904-861-9967

The Department of State is committed to excellence.

Please take our Customer Satisfaction Survey<Blocked<http://survey.dos.state.fl.us/index.aspx?email=Timothy.Parsons@dos.myflorida.com>>.

From: Moreno, Meredith A CIV USARMY CESAJ (US)
To: ["Del Bene, Penelope"](#)
Subject: 2017 Temporary Deviation WCA 3 and ENP
Date: Monday, June 26, 2017 1:00:00 PM
Attachments: [Attachment 1.jpg](#)
[Attachment 2.jpg](#)
[EFO High Water Conditions South Florida 17-0867.pdf](#)

Penny,

In summary of the voicemail I left on Friday, June 23 and Monday, June 26, the U.S. Army Corps of Engineers, Jacksonville District (Corps), is preparing an Environmental Assessment associated with a temporary deviation of the 2012 Water Control Plan and the MWD Increment Plus Operational Strategy in order to provide relief from high water stages within the Water Conservation Areas (WCAs). A series of early wet season storms have occurred since June 5, 2017 causing water levels in the three WCAs to rise above their maximum regulation schedule and the maximum exceedance elevations per the Water Control Plan. WCA-3A alone received 18.35 inches of precipitation since June 1, equating to 293% of the average for this time of year (Attachment 1). These high water levels in the WCAs at the beginning of the wet season threaten wildlife and tree islands, particularly in WCA-3A. If the rate of the rise of water is not mitigated to limit the prolonged duration of high water conditions, there is the potential for these high water levels to pose significant environmental risks due to reduced flood storage as the wet season and hurricane season continue.

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The proposed water management actions described above would be implemented until the WCA-3A three-station gage average falls below Zone A (per the Water Control Plan) or until 30 November, whichever comes first. Gage restrictions in WCA 3B and at the L-29 canal would remain in place to ensure that the action would not pose an adverse effect to cultural resources. The proposed action is expected to increase water deliveries from WCA 3A to ENP and Florida Bay temporarily and effects are expected to be spatially limited and small in magnitude given the short duration of the Proposed Action. Potential losses in tree islands may occur as a result of high water levels in the WCAs if the proposed action is not taken.

Based on the temporary nature and short duration of the project, the Corps believes that this will have no adverse effects on historic properties listed or eligible for listing in the National Register of Historic Places. In addition, the Site 71/SRS-1 gage restriction, the L-29 stage limit of 7.5-7.8 ft NGVD, and monitoring of tree islands pursuant to the ERTTP Programmatic Agreement will continue throughout the deviation to ensure no adverse effect to cultural resources. Pursuant to the National Environmental Policy Act and Section 106 of the National Historic Preservation Act (16 USC 470) and its implementing regulations (36 CFR 800), the Corps kindly requests your comments on the determination of no adverse effect. Due to the nature of this emergency, the Corps is requesting an expedited consultation process. Please feel free to call or email with any questions or concerns.

Kind regards,

Meredith A. Moreno, M.A., RPA
Archaeologist
Planning Division, Environmental Branch

Jacksonville District, US Army Corps of Engineers
Office: 904-232-1577
Mobile: 904-861-9967



United States Department of the Interior

FISH AND WILDLIFE SERVICE
South Florida Ecological Services Office
1339 20th Street
Vero Beach, Florida 32960



June 27, 2017

Jason A. Kirk, P.E.
Colonel, US Army
U.S. Army Corps of Engineers
701 San Marco Boulevard
Jacksonville, Florida 32207-8175

Dear Colonel Kirk:

The U.S. Fish and Wildlife Service (Service) has reviewed the U.S. Army Corps of Engineers' (Corps), Jacksonville District, request for emergency consultation and the associated deviations in letters dated June 22, 2017; June 26, 2017; and e-mail dated June 26, 2017. Additionally, we reviewed the South Florida Water Management District's (District) request dated June 22, 2017, and the State of Florida's Emergency Order dated June 23, 2017. We also acknowledge the two telephone conversations you and I have had in the past 24 hours wherein you explained the Corps now considers this high water emergency as a risk to human health and safety.

Our recommendation to the Corps is to proceed with all the emergency deviations and actions described in these letters; however, we request you minimize, as much as practical, flows going through the S-12A and S-12B structures. Critically endangered Cape Sable seaside sparrows (CSSS) are actively nesting immediately downstream of these structures and allowing those nests to succeed will help this species recover.

The Corps determined that the proposed emergency actions may affect, but are not likely to adversely affect the Everglade snail kite, wood stork, and CSSS. The Service concurs with the Corps' determination for the Everglade snail kite and wood stork. However, since there is documented nesting occurring within CSSS subpopulation A, and increased water levels within the habitat are likely to adversely affect nesting birds, nestlings, and eggs, the Service is not able to concur with the "not likely to adversely affect" determination for CSSS. However, we have determined these actions will not result in jeopardy to the CSSS because their population appears to have increased slightly this year and the minimum target of 90 dry nesting days has been met in all subpopulations this year.

We recognize the need for the Corps and other agencies to take immediate action, and in keeping with our emergency consultation policy, we will complete formal consultation after the fact. In the meantime, if you have any questions regarding this project, please contact Donald Progulske at 772-469-4299 or by e-mail at Donald_Progulske@fws.gov.

Sincerely,



Larry Williams,
State Supervisor, Ecological Services



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

JUN 22 2017

REPLY TO
ATTENTION OF

Operations Division

Mr. Larry Williams
State Supervisor
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, FL 32960

Dear Mr. Williams:

The U.S. Army Corps of Engineers (Corps), Jacksonville District, requests U.S. Fish and Wildlife Service (FWS) concurrence to open the S-12A, S-12B, S-343A, S-343B, and S-344 structures at the earliest opportunity prior to July 15, 2017 to reduce stages in Water Conservation Area (WCA) 3A. In addition, the Corps further requests to remove the 250 cubic feet per second (cfs) constraint on the S-332D pump station and allow pumping up to 500 cfs prior to July 15, 2017 to further facilitate reduction in stages in WCA 3A.

It is also important to note that the Corps met the 2016 Everglades Restoration Transition Plan (ERTP) Biological Opinion (BO) nesting window target during the 2017 Cape Sable Seaside Sparrow breeding season. Furthermore, the EDEN Sparrow Viewer indicates that less than 5% of CSSS-Ax habitat is available for breeding, and the South Florida Water Management District positional analysis projections for stage levels at NP-205 indicate a zero percent probability of water stages receding below ground for the remainder of the 2017 wet season based on the historical simulated rainfall period of record (1965-2005).

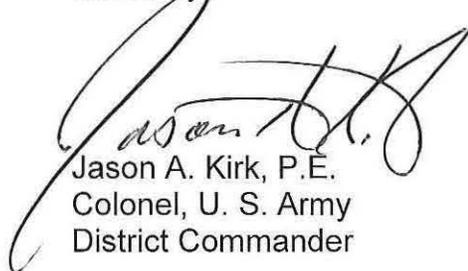
The Corps evaluated the current and forecasted conditions in the attached analysis (Enclosures 1 and 2), supporting the determination that the S-12A and S-12B structures would probably overtop on or before July 9, 2017. In order to avoid overtopping, which will trigger a limited gate opening sufficient to prevent the gate overtopping condition for the applicable structure(s), the Corps would need to open these structures prior to the projected July 9th date. The Corps has currently maximized outflows from WCA 3A as well as limited inflows to the extent practicable given conditions within the upstream basins. Other steps the Corps is implementing to reduce stages in WCA 3A include maximizing discharge through S-12C, S-12D, S-333, S-334, and S-151, and maximizing discharges to tide from each of the WCAs. Despite implementation of these steps,

WCA 3A is projected to continue to rise and reach the top of the S-12A and S-12B slide gates at elevation 11.0 ft, NGVD around July 9, 2017.

The Corps recognizes the commitments made within the 2016 ERTF BO and remains committed to implementation of the Reasonable and Prudent Alternative (RPA). One such commitment is to complete construction of the Canal 111 (C-111) South Dade and 8.5 Square Mile Area projects. Completion of these critical construction components will allow implementation of the 2016 BO RPA to include the Modified Water Deliveries (MWD) Increment 2 and MWD Increment 3 Combined Operations Plan in accordance with the schedule identified in the RPA. In order to facilitate ongoing construction efforts through July 2017 to the maximum extent practical, the Corps will maintain water elevations within the C-111 South Dade and 8.5 Square Mile Area construction footprints at or below stage levels corresponding to the Increment 1.1 maximum operating limit of 7.5 feet NGVD in the L-29 Canal. In light of this constraint, the remaining options to further reduce stages within WCA 3A are to remove the seasonal closure constraints on the S-12A, S-12B, S-343A, S-343B, S-344 and S-332D structures.

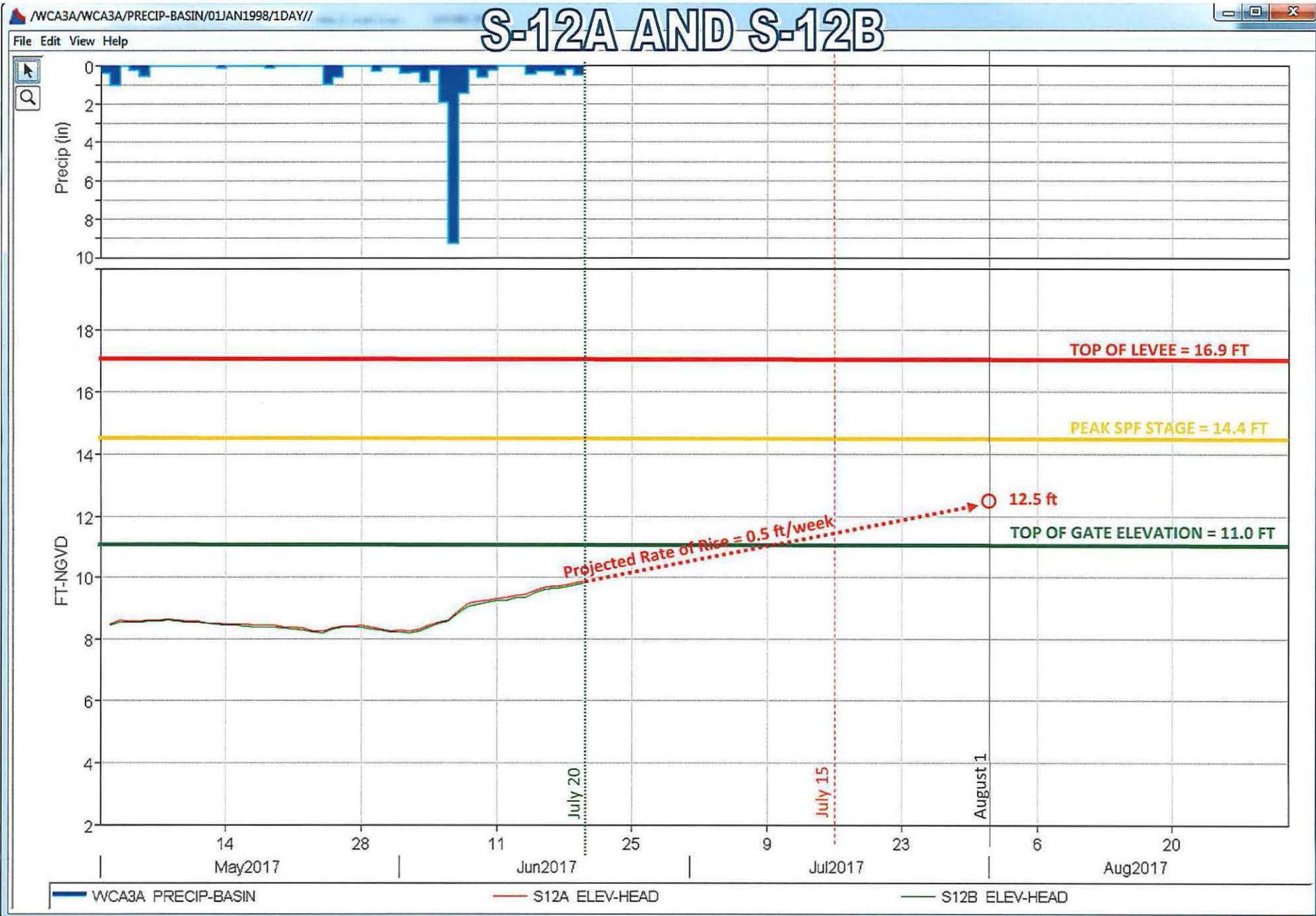
To ensure successful implementation of this request, my Water Management Section team members will continue weekly coordination with your staff. Should you have any questions, please contact me or have your staff contact Mr. Luis Alejandro, Chief, Water Management Section at (904) 232-3034.

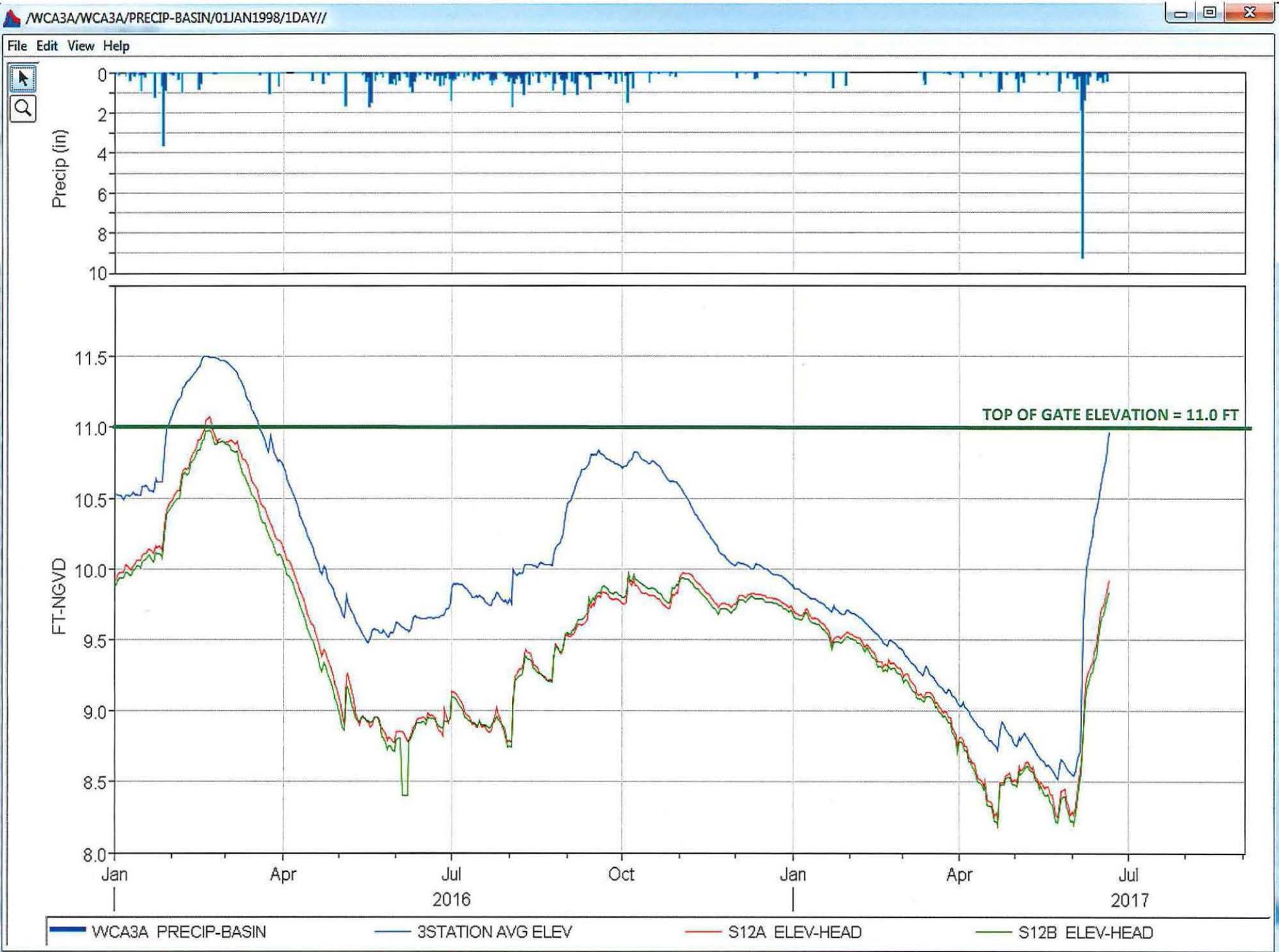
Sincerely,



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

2 Encls





From: [Moreno, Meredith A CIV USARMY CESAJ \(US\)](#)
To: ["Ramirez, Armando"](#); [Ralph, Gina P CIV USARMY CESAJ \(US\)](#); ["swalker@llw-law.com"](#); ["mdiffenderfer@llw-law.com"](#); ["Bradley Mueller"](#); ["Anne Mullins"](#); ["Paul Backhouse"](#); ["Leonard Rawlings"](#); ["harold.peterson@bia.gov"](#); ["David.Saunders@bia.gov"](#); ["blusher@achp.gov"](#); ["Del Bene, Penelope"](#); ["timothy.parsons@dos.myflorida.com"](#); ["Tom McCulloch"](#); ["Aldridge, Jason H."](#); ["Chris Daniel"](#); ["Victoria Menchaca"](#); ["Stanley, Joyce"](#)
Subject: Temporary Deviation for WCA 3 and ENP
Date: Monday, June 26, 2017 5:47:47 PM
Attachments: [Attachment 1.jpg](#)
[Attachment 2.jpg](#)
[EFO High Water Conditions South Florida 17-0867.pdf](#)

All,

The U.S. Army Corps of Engineers, Jacksonville District (Corps), is preparing an Environmental Assessment associated with a temporary deviation of the 2012 Water Control Plan and the MWD Increment Plus Operational Strategy in order to provide relief from high water stages within the Water Conservation Areas (WCAs). A series of early wet season storms have occurred since June 5, 2017 causing water levels in the three WCAs to rise above their maximum regulation schedule and the maximum exceedance elevations per the Water Control Plan. WCA-3A alone received 18.35 inches of precipitation since June 1, equating to 293% of the average for this time of year (Attachment 1). These high water levels in the WCAs at the beginning of the wet season threaten wildlife and tree islands, particularly in WCA-3A. If the rate of the rise of water is not mitigated to limit the prolonged duration of high water conditions, there is the potential for these high water levels to pose significant environmental risks due to reduced flood storage as the wet season and hurricane season continue.

Therefore, immediate action is necessary to deviate from permitted water management practices to move flood water out of the WCAs and subsequently provide more water storage and water movement opportunities. The following are the proposed water management actions to achieve high water relief in the WCAs (Attachment 2):

- 1)Open S-12A, S-12B, S-343A, S-343B and S-344 prior to official opening date of July 15, 2017;
- 2)Open S-152 to discharge water from WCA-3A to WCA-3B;
- 3)Increase discharge at S-332D from 250 cfs to 500 cfs to increase discharge from WCA 3A to the South Dade Conveyance S using S-333 and S-334, if needed; and
- 4)Increase the discharge at S-197 to 600 cfs from the current maximum release of 400 cfs to accommodate additional flows from WCA 3A to the SDCS using S-333 and S-334 while retaining capacity to manage local basin runoff.

The proposed water management actions described above would be implemented until the WCA-3A three-station gage average falls below Zone A (per the Water Control Plan) or until 30 November, whichever comes first. Gage restrictions in WCA 3B and at the L-29 canal would remain in place to ensure that the action would not pose an adverse effect to cultural resources. The proposed action is expected to increase water deliveries from WCA 3A to ENP and Florida Bay temporarily and effects are expected to be spatially limited and small in magnitude given the short duration of the Proposed Action. Potential losses in tree islands may occur as a result of high water levels in the WCAs if the proposed action is not taken.

Based on the temporary nature and short duration of the project, the Corps believes that this will have no adverse effects on historic properties listed or eligible for listing in the National Register of Historic Places. In addition, the Site 71/SRS-1 gage restriction, the L-29 stage limit of 7.5-7.8 ft NGVD, and monitoring of tree islands pursuant to the ERTTP Programmatic Agreement will continue throughout the deviation to ensure no adverse effect to cultural resources. Pursuant to the Programmatic Agreement, the National Environmental Policy Act, and Section 106 of the National Historic Preservation Act (16 USC 470), the Corps kindly requests your comments on this action. This action has been coordinated separately with the State Historic Preservation Office, the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida, and Everglades National Park. Please feel free to call or email with any questions or concerns.

Thank you,

Meredith A. Moreno, M.A., RPA

Archaeologist
Planning Division, Environmental Branch
Jacksonville District, US Army Corps of Engineers
Office: 904-232-1577
Mobile: 904-861-9967

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The proposed water management actions described above would be implemented until the WCA-3A three-station gage average falls below Zone A (per the Water Control Plan) or until 30 November, whichever comes first. Gage restrictions in WCA 3B and at the L-29 canal would remain in place to ensure that the action would not pose an adverse effect to cultural resources. The proposed action is expected to increase water deliveries from WCA 3A to ENP and Florida Bay temporarily and effects are expected to be spatially limited and small in magnitude given the short duration of the Proposed Action. Potential losses in tree islands may occur as a result of high water levels in the WCAs if the proposed action is not taken.

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