



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-0019

JUL 7 2017

Operation Division

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

Dear Mr. Williams:

This letter serves to communicate the U.S. Army Corps of Engineers, Jacksonville District (Corps) decision regarding operation of S-12A, S-12B, S-343A, S-343B, S-344, and S-332D. We acknowledge your letter dated June 27, 2017 in response to our June 22, 2017 letter and June 26, 2017 request for emergency consultation under the Endangered Species Act of 1973, as amended. Your letter recommended that the Corps proceed with all emergency deviations and actions described within our letter and emergency consultation, but also requested that we minimize as much as practical flows going through the S-12A and S-12B structures.

The Corps is proceeding with the Planned Temporary Deviation in order to alleviate immediate risks to valuable natural resources, public health, safety or welfare as the wet season and hurricane season continue due to reduced flood storage. Our plan includes opening the S-12A and S-12B structures prior to July 15, 2017. Our rationale for this decision includes the following:

WCA 3A stages have increased dramatically to 11.24 feet National Geodetic Vertical Datum (NGVD) of 1929 as of June 28, 2017 due to extraordinary rainfall events and continue to rise at a rate of 0.5 feet per week. Stages within WCA 3A are projected to reach the 12.7 feet NVGD (3-gauge average stage) flood risk threshold in three weeks if rainfall continues and no additional actions are taken. This threshold elevation triggers initiation of twice weekly high water levee inspections along southern WCA 3A.

This elevation encroaches on the engineering levee design criteria to provide 2.5 feet of levee freeboard and poses an increased risk of levee overtopping and erosion. In addition, 12.7 feet NGVD is the highest stage in the 55-year period of record (1962-2017). If these high stages persist, ridge and slough, sawgrass habitat, tree islands, as well as terrestrial wildlife and wading bird foraging are likely to be damaged. The goal of this planned temporary deviation is to prevent risks to public health, safety, welfare, and property, as well as prevent greater environmental risks in the South Florida region. The need for a planned temporary deviation to relieve high stages in WCA 3A is further explained in the June 28, 2017 Environmental Assessment and Finding of No Significant Impact that has been released for agency and public comment. A copy of this document may be found using the following link:

<http://www.saj.usace.army.mil/About/Divisions-Offices/Planning/Environmental-Branch/Environmental-Documents/>

Your June 26, 2017 letter concurred with our species effects determination of may affect, not likely to adversely affect, for the endangered Everglade snail kite and threatened wood stork, but did not concur with our determination on the endangered Cape Sable seaside sparrow (CSSS). Your agency indicated formal consultation was necessary, and therefore, please find enclosed a Biological Assessment for the 2017 Planned Temporary Deviation. The Corps respectfully requests that your office provide a Draft Biological Opinion as soon as possible, but at a minimum, within 90 days of receipt of this letter, and a Final Biological Opinion no later than 135 days of receipt of this letter. The Corps believes that the effects on the CSSS-A nesting habitat downstream of S-12A and S-12B will be minimal. This determination is further documented in the attached Biological Assessment. Please note that completion of the Old Tamiami Trail borrow canal plug between S-12B and S-12C by Everglades National Park, as mentioned in the February 8, 2017 Increment 1 Plus Environmental Assessment, 2011 Everglades Restoration Transition Plan (ERTP) Environmental Impact Statement and 2010 ERTTP Biological Opinion, would prevent flows from S-12C into CSSS-A nesting habitat. This action would further minimize cumulative water management structure flows to CSSS-A nesting habitat.

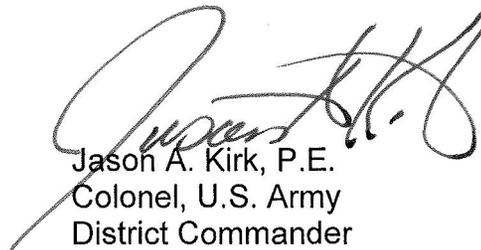
As mentioned in your letter, the target of water levels being below ground surface for 90 days was met this year within CSSS-A where 14 verified young have fledged. The June 27, 2017 CSSS monitoring update indicates that 30% of the study site (small portion of CSSS-A) was inundated and there were three active nests.

In addition, the EDEN Sparrow Viewer indicates that as of June 28, 2017, only 5.8% of CSSS-A was dry. As communicated from the FWS, the monitoring team expects a solid breeding effort into July in CSSS-A since we have seen that for the last several years. The 2016 FWS ERTTP Biological Opinion indicates that sparrow nests are typically 8.3 inches above ground surface during the June to August portion of the nesting season.

The NP 205 gauge peaked around June 11, 2017 at 6.75 feet NGVD at almost 9 inches above ground surface due to high rainfall, above the average wet season nest threshold. NP 205 has since steadily decreased to 6.13 feet NGVD or 1.5 inches above ground surface, well below wet season nest thresholds. In the next 18 days, the total volume of water delivered from WCA-3A through S-344, S-343A, S-343B, S-12A, and S-12B is estimated around 30,000 acre-feet, which is expected to increase stages at NP 205 by approximately 0.18 feet, thereby having minimal effect on nesting habitat in CSSS-A.

In summary, the Corps is taking immediate actions necessary to alleviate high water conditions within WCA 3A including opening of the S-12A and S-12B structures prior to July 15, 2017. The Corps commits to continue to monitor the existing hydrologic gages downstream of the S-344, S-343A, S-343B, S-12A, and S-12B structures and develop an after action analysis report to demonstrate any effects on CSSS habitat and the ecosystem in general. If you have any questions regarding the information in this letter, please feel free to contact me or you may contact Mr. Luis Alejandro, Chief, Water Management Section at (904) 232-3034 or Mr. Andy LoSchiavo, Chief, Restoration and Resources Section at (904) 232-2077.

Sincerely,



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