

## I. TRIBE GENERAL CONCERNS ABOUT CSOP

### A. APPEARS THAT CSOP PROCESS BEING USED BY SOME TO:

1. Try to get CERP flows and not Mod Waters Flows
2. Try to start decomp before completing Mod Waters, contrary to WRDA 2000

### B. ATTEMPTS TO USE CSOP MODELING TO SUPPORT BRIDGE/SKYWAY

12/03 Tamiami Trail SEIS shows 4 mile bridge not needed to pass 4,000 CFS. ( Ex. 1)

### C. TAMIAMI TRAIL BRIDGE/SKYWAY ADDS UNNECESSARY EXPENSE

12/03 SEIS rejected 4 mile bridge/skyway; pre-Judges CERP and violates WRDA 2000 which requires Mod Waters to be completed and a PIR/EIS to be submitted to T&I prior to Tamiami Trail CERP component authorization by Congress. (Ex. 2)

### D. TAMIAMI TRAIL BRIDGE/SKYWAY WILL DELAY MOD WATERS & CERP

2000 GRR/EIS says each year of delay 8.4 tree islands and 246 acres are lost in WCA 3A (Ex. 3); 1992 MWD GDM says it will benefit 600,000 acres in WCA 3A. (Ex. 4)

### E. WATER CONSERVATION AREAS GIVEN SECOND CLASS STATUS

authorized vs. additional objectives; birds and tree islands in WCA's given secondary status/treatment despite the fact that P.L. 101-229 authorizing Mod Waters says that construction of the project modifications, "are justified by the environmental benefits to the Everglades ecosystem in general and the park in particular..." (Ex. 5)

## II. TRIBE SPECIFIC CONCERNS ABOUT PRELIMINARY MODELING:

A. West Bookend: unauthorized, floods WCA 3B, reduces flooding in WCA 3A but could also overdry it, floods urban/agricultural areas including Tribal property and businesses, and did not deliver desired flows to Taylor Slough/Florida Bay.

B. East Bookend: met authorized objectives but needed to move toward restoration (i.e. improving water deliveries and restoring natural conditions "to the extent practicable.")

\* New modeling iterations appear to be trying to bring more balance to process but WCA 3B still being damaged and urban/agricultural areas experiencing increased flooding.

## III. TRIBE'S GENERAL EXPECTATIONS FOR FINAL CSOP ALTERNATIVE

The Tribe expects CSOP/ Mod Waters (and its modeling) to: move Everglades Restoration forward toward NSM goals "to the extent practicable" with a scope and cost in line with the 1989 legislation and intent; have a special emphasis on improvements to all natural areas and assurances that no natural area will be sacrificed at the expense of another and that tree islands destruction will be stopped and reversed; ensure that urban/agricultural areas of Miami-Dade County are afforded flood protection commensurate with pre-Experimental Water Deliveries and increased where needed; NOT construct the CERP Tamiami Trail component and/or decompartmentalization as part of Mod Waters in accordance with WRDA 2000 and its Congressional directive.

**CENTRAL AND SOUTHERN FLORIDA STUDY**  
**FINAL GENERAL REEVALUATION REPORT/  
 SUPPLEMENT TO THE 1992 FINAL ENVIRONMENTAL IMPACT  
 STATEMENT (GRR/SEIS) ON MODIFIED WATER DELIVERIES TO  
 EVERGLADES NATIONAL PARK, FLORIDA**

**EXECUTIVE SUMMARY**

**Background.** The Everglades National Park Protection and Expansion Act, December 1989, authorized the Secretary of the Army to undertake certain actions to improve water deliveries to the Everglades National Park (ENP) and to take steps to restore natural hydrologic conditions to the extent practicable. The General Design Memorandum (GDM) called for in the Act, and its accompanying Environmental Impact Statement, were completed in June 1992. Under the provisions of this GDM and Environmental Impact Statement (EIS) for Modified Water Deliveries (MWD) to ENP, water would be transferred from Wildlife Conservation Area (WCA) -3B to the L-29 Canal (Tamiami Canal) and through the existing culvert system south under U.S. Highway 41 (the Tamiami Trail) into Northeast Shark River Slough. When the GDM was completed in 1992, it was believed that existing culverts under the roadway would be adequate to convey peak flows, estimated to be 4,000 cfs. Subsequent hydrologic analyses, however, revealed that the water head height in the L-29 Canal required for the culverts to convey the increased water could adversely affect the structure of Tamiami Trail and overtop low areas along the highway under certain conditions. The purpose of this project is to identify conveyance alternatives for the Tamiami Trail that would provide for the authorized flow of water from WCA 3B and the L-29 Canal to the Northeast Shark River Slough and the Everglades National Park south of the Tamiami Trail. The project must also provide compliance with the Reasonable and Prudent Alternatives (RPA) of the February 19, 1999, U.S. Fish and Wildlife Service Final Biological Opinion, as modified, on the Cape Sable seaside sparrow. The RPA called for at least 30% of the regulatory water discharges from WCA 3A to be re-routed eastward, east of structure S-333, into Northeast Shark River Slough beginning on March 1, 2000. These waters traverse WCA 3B and the Tamiami Trail, and enter ENP through the East Tamiami Trail Culverts instead of being discharged through the S-12 structures. The percentage of waters re-routed east of S-333 rose to 45 percent in March, 2001, and to 60 percent in March 1, 2002.

**Purpose.** Under the authority of the modification to the Central and Southern Florida Project known as the Modified Waters Deliveries Project to Everglades National Park (Project) it has become necessary to develop new alternatives to provide conveyance of "Mod Water Deliveries" flows, approximately 4,000 cfs, through Tamiami Trail (US Highway 41), east of existing structure S-333, from Water Conservation Area (WCA) 3-B, located north of Tamiami Trail, into Everglades National Park, located south of the Trail. 4,000 cfs

The purpose of this GRR was to develop and evaluate alternative conveyance features and recommend the most cost effective and environmentally acceptable conveyance alternative to achieve MWD peak flows.

Authorization under this GRR is sought for only the Project features needed to complete this MWD Project. The description, evaluation, and recommendation of the substitute facilities are provided to establish that substitute facilities can be implemented to pass the anticipated MWD flows.

**Alternatives.** Alternatives evaluated were (1) maintain the existing alignment and profile of the highway and add four new bridges, (2) maintain the existing alignment of the highway, but raise the profile and add four new bridges, (3) build a new roadway to the north of the L-29 Levee with eight new bridges, (4) build a new roadway to the south of the existing roadway with four new bridges, (5) construct an elevated roadway within existing right of way, (6) maintain the existing alignment of the highway, but raise the profile and a four-mile-long bridge, (7) maintain the existing alignment of the highway, but raise the profile and add a single 3,000-foot-long bridge, and (8) maintain the existing alignment of the highway, but raise the profile and add box culverts along the roadway. Variations within each of the alternatives included consideration of each with and without roadside runoff detention areas for water quality improvement.

**Major Findings and Conclusions.** All alternatives except for Alternative 1 and the No-Action plan would provide the required conveyance without causing water to damage or overtop the highway. Potential adverse effects of the various alternatives included highway alignments that encroached on the Tigertail or Osceola camps, loss of structures and facilities at existing businesses, incorporation of South Florida Water Management District and ENP wetlands into the highway right-of-way, and encroachment toward rookeries of the wood stork, an endangered species.

**Issues Raised by the Public.** Several concerns were raised by individuals during the scoping process. These included concerns that elevated water levels would cause flooding or relocation of the Tigertail Camp or affect the Homestead Agricultural Community. Traffic issues included concerns that moving the road closer to the Osceola or Tigertail camps would cause disruptions and increased noise levels. Other traffic concerns included the effect of construction on traffic flow, especially during hurricane evacuation. Wildlife concerns included the effects of highway improvements on wildlife mortality and a request that wildlife corridors be considered to incorporate ecological connectivity. Recreation issues included concern that canals would be filled, access to boat ramps would be lost, and that fisheries habitat would be adversely impacted. Concerns were expressed about the separation of the MWD project into three separate EISs, thereby possibly masking the combined impacts of the projects. An opinion was expressed that because there have been delays in implementing the MWD projects, tribal lands have not been protected. There were concerns expressed as to how the MWD-recommended flows would be achieved before the required studies are completed.

**Recommended Plan.** The recommended plan is Alternative 7a, which consists of a 3,000-foot bridge without water quality treatment features, located with its western terminus sited between the Blue Shanty Canal at Everglades Safari and the Air Boat Association facility. The centerline would fall very close to that of the existing highway. The bridge would have two travel lanes 12 feet wide; two shoulders eight feet wide, and outside barriers. The existing highway fill would be removed adjacent to the bridge, in compensation for wetlands converted to uplands in the new bridge approaches and tie-in to the existing road. In addition, in accordance with a real estate agreement to be signed with the Florida Department of Transportation (FDOT), funding would be

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FWC-6

## Section 5.0 – Formulation of Alternative Plans

### 5.9.2.5 Summary

Based on hydrologic modeling results analyzing the flow of water south of Tamiami Trail and how each alternative performs against established project objectives, it was determined that all alternatives convey the required flow of water into ENP. 

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### 5.10 SELECTION OF THE RECOMMENDED PLAN

Based on extensive screening, as described in previous sections of this report, alternatives 2a, 7a, and 8a remain for possible recommendation.

A comparison of alternatives 2a, 7a, and 8a was made using Project Objectives and Performance Measures as shown in Table 33. A summary of that comparison follows:

- Cost Effectiveness - Alternatives 2a and 7a are of comparable cost. The cost of Alternative 8a is approximately double that of 2a and 7a.
- Compatibility with Future CERP Actions – For flexibility for increased water flows, states, and capacity, the three alternatives are equal. For capacity to add features to achieve full sheetflow, Alternatives 2a and 8a offer partial compliance; Alternative 7a offers full compliance. For ease of adding features to improve Decentralization and ecological connectivity, all alternatives are considered equal. For opportunities to degrade the roadbed, Alternative 7 provides slightly fewer linear feet than alternatives 2a and 8a. Alternatives 2a and 7a would provide partial compliance with the project objective, while Alternative 8a would provide minimal compliance. Alternative 7a would provide approximately 3 acres for potential wetland restoration, while alternatives 2a and 8a would provide none.
- Minimization of Construction Impacts - The three alternatives are equal in their abilities to meet the MWD schedule, their temporary impacts on the Miccosuckee Tribe and businesses of the area, construction duration, turbidity controls, and their abilities to maintain distances and implement phasing to avoid impacts to wood storks and snail kites.
- Minimization of Socioeconomic Impacts – Alternative 7a provides full compliance with the objective of avoiding impacts to businesses, while Alternatives 2a and 8a offer partial compliance. The three alternatives are equal in impacts on access, privacy, and noise impacts on the Tigertail and Osceola camps.
- Restoration and Enhancement of Ecological Function – Alternative 2a offers the opportunity to restore 11.1 acres, while Alternative 7a offers 3.42 acres and Alternative 8a offers 3.51 acres. Alternative 7a offers more ecological connectivity (3,000 feet) than Alternatives 2a (1,450 feet) or 8a (240 feet). The three alternatives are equal in the amount of exotic vegetation removed, areas with affected flow magnitude, and differences between average velocity at the road and the marsh.

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servation Area 3B and Everglades National Park. It is recognized as the plan that maximizes environmental outputs without regard to fiscal or other constraints. DOI in the Fish and Wildlife Coordination Act Report (CAR) designated Alternative 5 as the "Environmentally Preferred Alternative, Performs Best for Environmental Objectives without Regard to Fiscal Constraints." The complete CAR can be found in Appendix I.

Alternative 6 which consists of a 4-mile bridge, was developed by the planning team as a scaled-down version of Alternative 6 as another means to meet the objectives of Modified Water Deliveries, increase sheet flow, and promote ecological connectivity: It is recognized as the plan that provides substantial environmental output without regards to fiscal or other constraints. The CAR designated Alternative 6 as "Performs Well for Environmental Objectives without Regard to Fiscal Constraints." The CAR can be found in Appendix I.

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REJECT

Alternatives 5 and 6 are not being considered for the final recommended plan due to fiscal and other constraints.

5.8.1.3.1 Fiscal Constraints. The current level of funding available for Tamiami Trail Modification under Modified Water Deliveries is \$20.215 million as identified in the DOI Capital Asset Plan. Reference on current funding levels can be made to the June 2001 version of the Capital Asset Plan (OMB Circular A-11 Exhibit 300 (b), Modified Water Deliveries).

Implementation of Alternatives 5 and 6 is not viable because they are not the most efficient use of funds to achieve the goals of this MWD project. Other alternatives that have been evaluated during development of this GRR satisfy the goals of the project in a more efficient manner. Therefore, these two alternatives are not being carried forward for further consideration. Alternative 5 is about 7 times greater than currently available in the Capital Asset Plan and Alternative 6 is about 3.5 times greater than the funds available. (Alternative 3 is also more than 3 times greater, however, as discussed above, there are additional reasons for excluding this as a practical alternative.) The Everglades Expansion and Protection Act does state that the MWD Project features are "justified by the environmental benefits to be derived by the Everglades ecosystem in general and by the park in particular and shall not require further economic justification...." However, the Federal Government also recognizes that limited funds are available for the project as reflected in the CAR.

Skyway 4 mi. blid

In addition to funding constraints, Alternatives 5 and 6 are not being recommended for implementation because of their extreme high cost and the uncertainties inherent in future detailed CERP efforts. All information and details provided in this report, however, should be useful to the future CERP study of this roadway.

Alternatives 5 and 6 may be significant elements of the eventual ecological restoration to be achieved via the now authorized CERP project. These alternatives realize the upper range of environmental benefits and may or may not be the ultimate solution to be recommended by future CERP detailed studies. Their inclusion is in response to very strong public interests (i.e. all environmental agencies and interests including Department of Interior), which at this time strongly believe construction of a causeway to be the ultimate solution.

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## Section 5.0 – Formulation of Alternative Plans

★ 5.8.1.3.2 Other Constraints WRDA 2000 § 601(b)(2)(C) authorized raising and bridging of Tamiami Trail as an "Initial Project" of the Comprehensive Everglades Restoration Plan. Subsection 601(b)(2)(D) required the Secretary of Army to review and approve a project implementation report prepared under that § 601(f) and (h), and to submit that report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate. Prior to any appropriations being made, subsection 601(b)(2)(D) also required completion of the project to improve water deliveries to Everglades National Park authorized by Section 104 of the Everglades National Park Protection and Expansion Act of 1989, and approval of the project implementation report by those Committees.

Conditions:

(iv) MODIFIED WATER DELIVERY - No appropriation shall be made to construct the Water Conservation Area 3 Decentralization and Sheetflow Enhancement Project (including component AA, Additional S-345 Structures; component QQ Phase 1, Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within WCA 3; component QQ Phase 2, WCA 3 Decentralization and Sheetflow Enhancement; and component SS, North New River Improvements) or the Central Lakebelt Storage Project (including components S and EEE, Central Lake Belt Storage Area) until the completion of the project to improve water deliveries to Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-8).\*

The report is prepared under the authority of the Everglades National Park Protection and Expansion Act of 1989, and to implement completion of the project to improve water deliveries authorized in that Act. It is not intended to be the project implementation report to implement the Initial Project in the Comprehensive Everglades Restoration Plan discussed in § 601 of the Water Resources Development Act of 2000, nor is it intended to prejudice the results of that project implementation report. That project implementation report (Water Conservation Area 3 Decentralization Phase 1) will be prepared at a later date.

It is recognized that:

1. Only limited funding is provided by the Modified Water Deliveries Project for modifications to the Tamiami Trail;
2. Full restoration of natural flows to Northeast Shark River Slough (NESS) and Everglades National Park may only be accomplished through implementation of MWD Project features coupled with the restoration features of the CERP, once the seepage control features for the projected high water levels in NESS are fully mitigated;
3. Additional funding and restoration capability is authorized by CERP Decentralization (Phase 1) for Tamiami Trail, subject to the constraints of WRDA 2000, and future adjustments may occur to Tamiami Trail using CERP authority and that additional features may augment the MWD project features by

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 Section 5.0 – Formulation of Alternative Plans
 

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- increasing the ecological connectivity between the Water Conservation Areas and the ENP, thereby restoring a more natural sheetflow regime to ENP.
4. Current funding levels identified for Tamiami Trail in CERP are limited.
  5. Per the CERP Restudy, 9.1.7.2 "The purpose of these features [Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement (AA, QQ and SS)] is to reestablish the ecological and hydrological connection between Water Conservation Areas 3A, and 3B, and the Everglades National Park, and Big Cypress National Preserve." 10.6.2.3 "This project is included [Water Conservation Area 3 Decompartmentalization and Sheetflow Phase-1] in the initial authorization for two reasons; (1) to provide immediate opportunities for enhanced sheetflow within Water Conservation Area 3 and between Water Conservation Area 3 and Everglades National Park and (2) to integrate with ongoing modifications that are being made in the detailed design and construction of the Modified Water Deliveries to Everglades National Park project. . . The Project Implementation Report will address the scope and method to be used for Miami Canal backfilling, conveyance improvements to the North New River Canal and, the bridging of Tamiami Trail, and L-29 modifications that are necessary to enable unrestricted flow from Water Conservation Area 3 into Everglades National Park. . . These project modifications will be coordinated with the existing Modified Water Deliveries to Everglades National Park Project . . . The benefits to the project from this feature are that restoring sheet flow will reduce the unnatural discontinuities in the landscape."
  6. Not intended to be the PIR to implement the Initial Project in the CERP WRDA or prejudice the results of the PIR;
  7. Final CERP features for Tamiami Trail have not yet been identified the proposed modifications will be analyzed in a public forum consistent with NEPA;
  8. Without prejudging the results of the project implementation report (PIR) required by WRDA 2000, the intent of this GRR/SEIS is to maximize the compatibility and avoid retrofitting costs of MWD project features with future CERP features;
  9. The intent of this GRR/SIES is to have a clear design for MWD onto which a CERP design can follow;
  10. Completion of the MWD project is a prerequisite to actions under CERP, and a delay in completion of MWD would delay implementation of CERP; ✱ ✱

COST OF DELAY**Table 7 (continued)  
Alternative Analysis Fact Sheets**

This table presents the results of the alternatives analysis as outlined in Section 5.2

**Objective 7: Analyze impacts and costs associated with time delays in implementation of alternatives.**

**Performance Measure:**

PM7a: Environmental and Cultural Resources

**Source of Data:**

- > Various research
- > Restoration project data

**Procedure:**

- > The loss of tree islands has an impact on the critical habitats and cultural resources. SFWMD staff presented rates of degradation of tree islands in WCA-3 to the Federal Working Group Panel Discussion on September 1, 1999. The total number of tree islands as well as the spatial extent of the tree islands within WCA-3 has been determined from photographs dated 1940 and 1995.

**Results:**

- > This data shows a total decrease in the number and acreage for the 55-year period as 45% and 61%, respectively. Assuming a linear relationship for the changes in tree islands, this is estimated as loss of 8.4 islands and 246 acres per year. Delayed implementation of MVD will prolong the restoration and recovery process for the tree islands in WCA-3. Estimated values for full restoration of tree islands may ranged from \$50,000 to \$500,000 per acre.

Cost of delay <sup>\$</sup>12.3 - 123 million  
dollars a year

are closed. This would not have any effect on the MRD Operational Plan because that plan calls for the structures to always be open. It would also not have any significant effects for potential future plans on their ability to redistribute water in WCA 3A, or to convey water into WCA 3B.

4.30 Hydrological Effects of Spreading the S-349/345 Structures. This recent revision to the recommended plan was not subjected to re-modeling because the Hydrologic Model would not be sensitive to these slight changes as a result of the size of the grid cells and way it handles discharge through structures. The greater spacing is expected to provide a somewhat more natural spread and distribution of water within WCA 3B. It would not affect the distribution of water within WCA 3A or the volume or timing of water released from WCA 3A because the flat topography along this reach of the canal would preclude any change in the original headwater-tailwater relationships across the S-345 structures.

#### EFFECTS ON WETLANDS

4.31 Benefits to Wetlands. When fully operational, the project will benefit the ecosystem function of approximately 100,000 acres of wetlands in NESRS, 600,000 acres of wetlands in WCA-3, and 200,000 acres of wetlands within the Shark River Slough Basin of the Park. This would result from the amelioration of the adverse conditions within the Everglades by restoration of a more natural hydrological conditions as previously discussed. In addition, the natural plant community structure in the wetlands would be maintained or restored in the following ways. The invasion of wetlands by melaleuca and other exotic plants would be curtailed by increased hydroperiod preventing germination of their seeds. The return of more natural hydrologic conditions will reduce the probability of the occurrence of destructive peat (ground) fires by reducing the time in the dry season when the moisture content of surface peats is at ignition conditions. Historically occurring wet season fires will again play a role in maintaining natural fire-resistant plant communities.

4.32 Direct Loss of Wetlands. Construction of the Full Structural Plan would result in a gross loss through dredging or filling of 230 acres of vegetated wetlands in WCA 3 and in NESRS around the residential development. The loss results from the excavation of canals and bypass channels and the construction of levees. No alternative exists that would avoid loss of wetlands, and all practicable measures have been taken to minimize the loss. Several construction features would allow for natural restoration of vegetated wetlands in areas that are now filled or are deep-water canals. Removal of L-67 ext. down to grade would allow natural reestablishment of 45 acres of wetland vegetation. Wetland vegetation would also recolonize 45 acres of the adjacent L-67 ext. canal alignment after it is back-filled with the levee material and top-dressed with peat from excavation of the S-355 collector canal. Peat obtained from excavation of the S-345 conveyance canals would be disposed of in portions of the L-67C borrow canal to bring them up to grade, thereby allowing natural colonization by wetland vegetation over a 10-acre area. Alternatively or in addition to this, the peat would be trucked to the L-67 ext. canal for top-dressing for the same purpose. Taking this into consideration, the net loss of wetlands due to construction would be 130

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EIS on mod water by Corps 1992

EX. 4



## Congressional Record

FASCELL INTRODUCES EVERGLADES EXPANSION BILL — HON. DANTE B. FASELL (Extension of Remarks - April 06, 1989)

(Page: E1107)

HON. DANTE B. FASELL

in the House of Representatives

THURSDAY, APRIL 6, 1989

- Mr. FASCELL. Mr. Speaker, I am introducing today legislation to expand the boundaries of Everglades National Park in south Florida.
- Everglades National Park—the only tropical national park in our country—is unique in its resources and it is in serious trouble. We now know that the entire ecosystem from Lake Okechobee to Florida Bay operates as a whole and the health of the ecosystem is essential to the survival of the park, as well as to the freshwater supply for all of south Florida. Over the years, man has tinkered with nature in a well-intentioned effort to provide flood control for agricultural interests and rapidly growing residential areas. As a result, the natural flow of water through the ecosystem was altered, causing dramatic declines and stress on the native flora and fauna.
- Water flow modification experiments authorized by the Congress and conducted over the last 5 years have demonstrated that the natural flow of water must be restored if the Everglades is to survive.
- Last year, Florida's Gov. Bob Martinez established a task force to determine what lands should be added to the park in order to permanently implement this new water delivery regime. The task force issued its report and recommendations last October and today's legislation would implement the Federal portion of those recommendations.
- This is a strong Federal-State cooperative effort. Of the approximately 107,600 acres to be added to the park, some 43,000 are owned by the State of Florida and will be donated to the Federal Government. In addition, the purchase of privately owned lands will be on an 80-percent Federal—20 percent State cost-sharing basis.
- The areas to be included in the expansion are: 70,740 acres—8,350 of which are already publicly owned—in the Northeast Shark River Slough; 34,560 acres in the East Everglades Wildlife and Environmental Conservation Area—all of which is State-owned and will be transferred to the Federal Government at no cost; and approximately 2,300 acres in the area between the East Everglades Wildlife and Conservation Area and the L-31 Canal.

EX. 5-2