

***Written Comments on
the draft Strategic Plan
from Task Force
Members***

Comments from the Seminole Tribe of Indians
Received 6/27/02

Re: Coordinating Success: Strategy for Restoration of the South Florida Ecosystem and Tracking Success Biennial Report for FY 2001-2002

I appreciate that you all worked to keep the Tribe informed of your progress on the edits and your interest in getting the Tribe's input. Secondly, and generally, we thought that the draft plan is very good. Our comments all fall into the range of "technical," that is, not comments requiring a policy discussion at the Task Force meeting. Although we do have one question that may merit some discussion around the Task Force table.

Question first - How will the 200 performance measures discussed in the report (see pp. 7 & 22) and to be prepared by the RECOVER teams relate to the interim goals discussed in the context of the programmatic regulations?

Comments, presented by page number:

p.10 - see the third paragraph under the title "Brief History of South Florida Ecosystem Management." I believe that the Seminole Tribe shares the Miccosukee' cultural heritage grounded in a healthy Everglades ecosystem. Perhaps, you can just add "the Seminole Tribe of Florida" to the first sentence.

P. 13 - under the entry for 1974, add "the Seminole Tribe of Florida" after "concerns of." Also, add an entry for 1987 "The Seminole Tribe of Florida transferred claims to lands critical to the State of Florida's Everglades Construction Project in WCA 3 and the Rotenberger Tract pursuant to the Indian Lands Claim Settlement Act." And finally, wasn't the Miccosukee Reserved Area Act enacted in 1998, not 1988?

P. 18 - second paragraph under "The Natural and Built Environments...", second sentence - delete "the built environment was once again allowed to dominate the natural environment." and insert "the natural system once again provided the main source of water supply and flood protection for the built system."

P. 33 - change the target date for the Critical Project Seminole Big Cypress... From "2008" to "2006."

P. 52 - Regarding Objective 3-A.3 - shouldn't the target date be changed of the BMPs are still being permitted? April 2002 was almost 3 months ago. That is all we have for now.

Patricia A. Power, Vice President, Jefferson Government Relations
1615 L Street, NW , Suite 650, Washington, DC 20036

**Comments from the Miccosukee Tribe of Indians
Received 6/21/02**

**Re: Coordinating Success: Strategy for Restoration of the South Florida Ecosystem and
Tracking Success Biennial Report for FY 2001-2002**

PROPOSED AMENDMENT

SFESRTF REPORT

The following amendment is proposed by Dexter Lehtinen, under the section "Getting the Water Right", for the report of the South Florida Ecosystem restoration Task Force:

"Conflicting Goals in Hydroperiod Restoration"

"Despite the apparent priority of hydroperiod (water levels) restoration to natural levels, there are conflicting agency goals or legal interpretations of other laws which conflict with or inhibit natural hydroperiod restoration. As a logical matter, it is clear that species which favor the current degraded and disturbed conditions of the Everglades will be adversely affected, in an immediate short-term sense, by natural hydroperiod restoration. It must be remembered that the current disturbed and degraded condition of the Everglades is "unnatural" because it differs from the historic natural conditions, which means that the Everglades is a "degraded habitat" when measured against historic natural conditions. The historic conditions were not favorable to species other than those species which thrived in such historic natural conditions."

"It both logically possible and factually demonstrable that certain species find the "degraded" habitat to be better for them than the natural habitat. Therefore, when restoration occurs, the movement from poor or "degraded" conditions toward "better" or natural conditions, is considered positive and progressive when measured against natural restoration standards. But this same positive movement instead constitutes a movement from good conditions toward poor conditions for any single species which currently favors the degraded conditions. Therefore, "habitat improvement" for the natural Everglades is instead "habitat degradation" for a single invasive species."

"Natural restoration can occur only if natural restoration is given the priority over protection of the degraded habitat which a single species may favor. The long-term benefits of restoration must be accepted as superior to the short-term benefits of maintaining degraded conditions for the benefit of single species."

"An outstanding example of such a problem is the current urging of the U.S. Fish and Wildlife Service (through Biological Opinions under the Endangered Species Act) to maintain unnaturally low water levels below Tamiami Trail (in Everglades National Park, south of the S-12 structures) in favor of the Cape Sable Seaside Sparrow, which favors such an unnatural habitat. This action has the secondary effect of maintaining unnaturally high water levels north of Tamiami Trail (in Water Conservation Areas and Miccosukee Tribal lands)."

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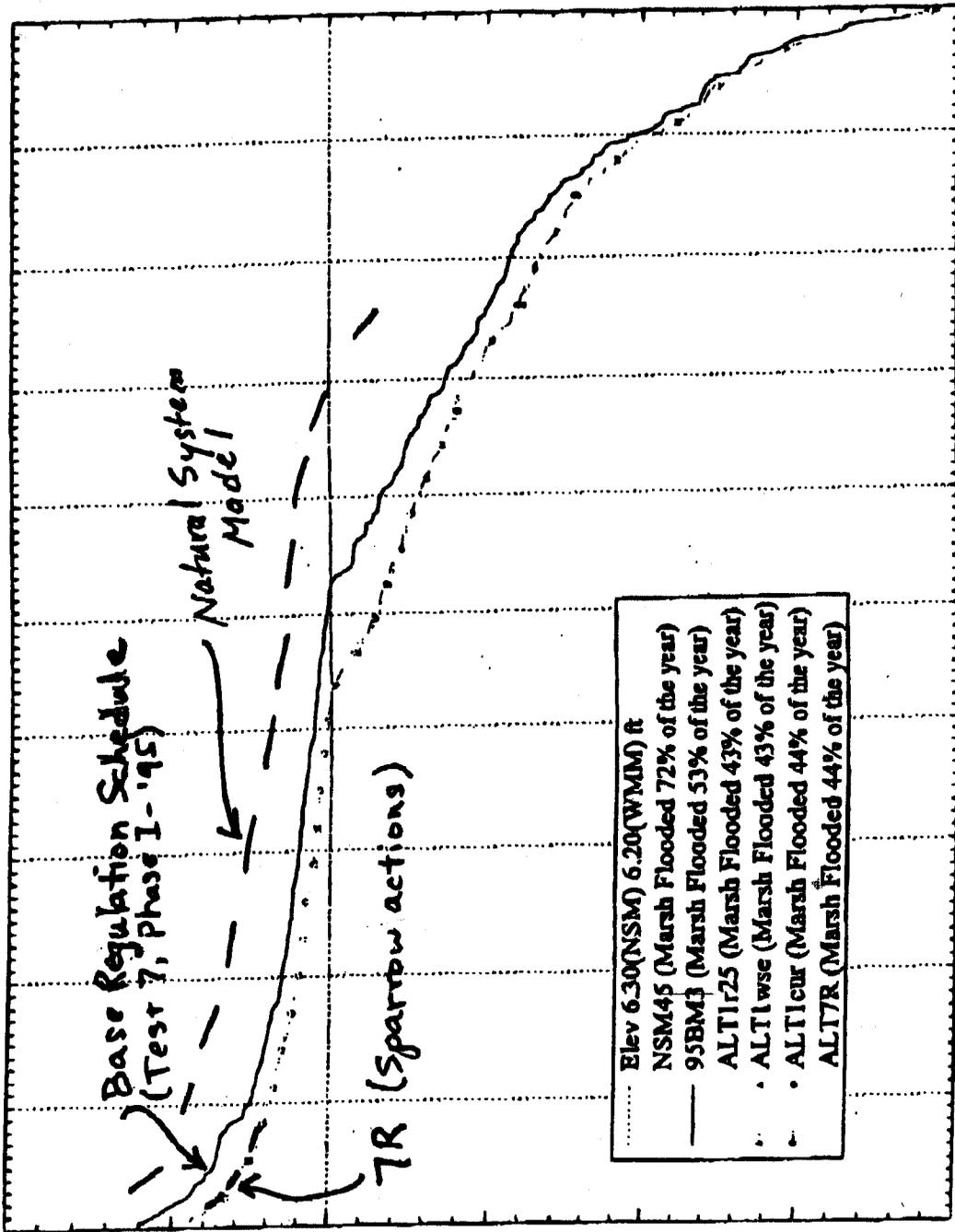
**Re: Coordinating Success: Strategy for Restoration of the South Florida Ecosystem and
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"Charts #1 and #2 show that, under the actions sought by USFWS and proposed by the Corps of Engineers for 2002, water levels below Tamiami Trail will be lower than the Natural System Model shows would be natural conditions (the goal for restoration), while water levels north of Tamiami trail would be higher than the NSM shows would be natural conditions. The charts also show that the C&SF Project regulation schedule, the water management regime normally in effect prior to interim actions proposed for the sparrow, were likewise the cause of unnaturally low water south of Tamiami Trail and unnaturally high water north of the Trail -- but that the current sparrow actions are worse than the regulation schedule, that the sparrow actions aggravate the unnatural conditions. That is, these actions, proposed and adopted subsequent to the establishment of restoration goals, move away from restoration rather than toward restoration."

[charts attached for inclusion]

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Normalized Stage Duration Curves at Cell (R19 C16)
 ENP Gage NP205



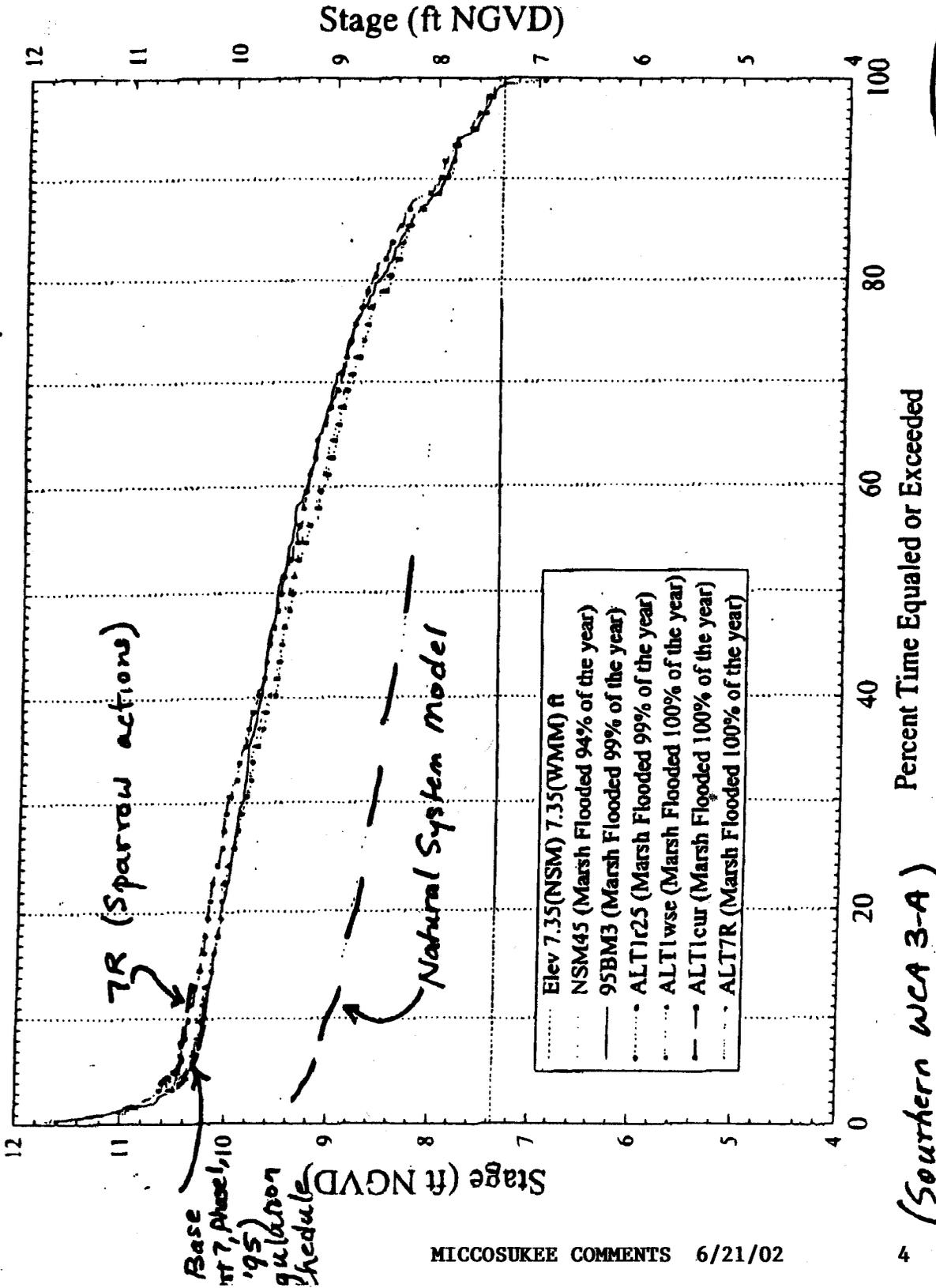
(South of S-12 Structures)

Note: Normalized stage is stage referenced to Land Elevation. Thus, values above zero indicates ponding while below zero indicates depth to the water table.

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Re: Coordinating Success: Strategy for Restoration of the South Florida Ecosystem and
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Stage Duration Curves at South End of WCA-3A
 (Gage 3A-28, Cell R24 C19)



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 Continuous Analysis
 SPWMM V4.4

Comments from:

**Department of the Army, Office of the Assistant Secretary for Civil Works
Received 6/21/02**

**Re: Coordinating Success: Strategy for Restoration of the South Florida Ecosystem and
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CECW

19 JUN 02

MEMORANDUM FOR DASA (Civil Works- Mr. Dunlap)

**SUBJECT: Comments regarding Draft Strategic Plan for South Florida Ecosystem
Restoration Task Force**

1. The following comments were collected from within USACE regarding the subject document.
2. General- The Army representative on the Task Force is currently listed as vacant (in the front of the document on an un-numbered page). Mr. Brownlee said at the last Task Force meeting that he would be the representative for the foreseeable future. We need to verify what name to list as the Army rep.
3. General - It is unclear how the goals, targets, and performance measures discussed within the document are or will be related to similar items being described in the Programmatic Regs. Also, other items of the Programmatic Regs, such as annual Report Card, are missing. Somewhere the relationship of this document to the Programmatic Regs will need to be addressed to include a discussion of which document will be the primary driver in establishing goals, targets, performance indicators, etc.
4. Throughout the document, it is often difficult to discern what indicators, dates, performance measures, etc., pertain to CERP. As CERP constitutes only a portion of the overall effort, such targets or goals for progress measurement should be specifically identified as CERP or other restoration.
5. Page 6 & 24 - The indicators of restoration success shown here (particularly the 90% target for recovery of tree islands) are ambitious goals. It is not clear how failure to achieve a specific target would be interpreted as performance of the overall restoration effort and even more specifically CERP. In other words, would failure to achieve a target constitute failure of the restoration efforts, say if only 80% recovery of tree islands was achieved would that be considered failure. Colonel May suggests that since it is unclear how significant short term recovery of tree islands may be achieved, it would be better to delete this item unless it can be verified as a realistic goal.
6. Page 7 & 64 - The document refers to 68 projects within CERP. The CERP plan as presented to Congress in the "Yellow Book" included 68 components. The number of projects that will result will vary depending on the final grouping of components, presently there are 52 projects.

Comments from:

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7. Page 11- The first paragraph reads in part:

"Another goal was to ensure a water supply for Everglades National Park....The second goal has not yet been accomplished. The correct quantity, quality, timing, and distribution of water to the Greater Everglades ecosystem have been the subject of much study. Many projects have been undertaken to restore natural water flows to this region."

While correct, we may want to emphasize that a water supply component for ENP was provided based on the understanding at the time. Subsequent research has indicated the importance of hydroperiods to the health of natural systems as opposed to a conventional water supply delivery.

8. Page 33, Table 2 - Status of MWD is "Underway".

6. Page 37, Table 3 - For the Lake Okeechobee Water Retention, C-9, C-11, and EAA status is "Underway".

7. Page 67 - Here and elsewhere cost numbers are missing (please note that much of this was dependent upon receipt of info from SAJ which was not available at time of draft printing). The issue of CERP cost updating appears here and elsewhere. We have not updated the \$7.8 Billion total program cost from the "Yellow Book". We have only update those projects which were authorized in WRDA 2000 or that have a report nearly complete (IRL). To add these price adjusted costs to the other components gives a distorted picture of the total CERP program costs in that some will be at 2002 price levels while the majority of the program will remain at 1999 price levels.

8. Page 77 - The Western C-11 status is "Under Construction".

9. Point of Contact for these comments is Mr. Gary Hardesty, who may reached at 202-761-5854.

**George S. Dunlop
Deputy Assistant Secretary of the Army
Office of the Assistant Secretary for Civil Works
Pentagon 2E641, Washington, DC 20310-0108**

**Comments from the US Department of Transportation
Received 6/21/02**

**Re: Coordinating Success: Strategy for Restoration of the South Florida Ecosystem and
Tracking Success Biennial Report for FY 2001-2002**

**From: Sivage, Mary [mailto:Mary.Sivage@ost.dot.gov]
Sent: Friday, June 21, 2002 2:32 PM
To: 'ssoto@sfrestore.org'
Subject: S. Florida Strategy Draft**

In response to your email requesting member comments on the Draft Report, Strategy for Restoration of the South Florida Ecosystem and Biennial Report for 1999-2001, I would like to express my pleasure with the document as it very appropriately addresses the many issues relevant to the restoration and preservations efforts of the task force. U.S. Department of Transportation has no comments to offer on the Strategy Document. As goal development ensues however, I note the interest of the Department of Transportation and the Federal Highway Administration in controlling invasive plants. The Florida DOT and FHWA may be able to share information on experience with control activities.

**Mary A Sivage
National Rural Development Partnership &
Policy Analyst, Office of the Secretary
U.S. Department of Transportation**

**Comments from the Miccosukee Tribe of Indians
Received 6/07/02**

Re: Coordinating Success: Strategy for Restoration of the South Florida Ecosystem and
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**MOTIONS TO AMEND
TASK FORCE JUNE 2002 DRAFT REPORT**

***RELATING TO
PERFORMANCE MEASURES/INDICATORS***

The following motions seek to delete "performance measures", "indicators", and similar interim measures, on the grounds that these measures and criteria are now properly the subject of development pursuant to the Everglades Programmatic Regulations.

MOTION A

Delete page 83 through and including page 88 of the June 2002 Draft Report, entitled "Progress Made Toward Restoration, 1999-2001";

delete the second full paragraph on page 7, beginning with the words, "The following measures...", and ending with the words, "per vessel";

delete page 23 beginning with the phrase, "Indicators of Total System Health", through and including page 27.

and in the second full paragraph on page 23, in the fourth line after the word "developing" add the words "recommendations for" and in the eighth line insert a period after the word "agencies" and delete all remaining words in the paragraph.

MOTION B

Delete page 62 through and including page 66 of the June 2002 Draft Report, entitled "Progress Made Toward Restoration, 1999-2001".

**MOTIONS TO AMEND
TASK FORCE JUNE 2002 DRAFT REPORT**

***RELATING TO
MODIFIES WATER DELIVERIES***

On page 77, under the title "Modified Water Deliveries to Everglades National Park Project", amend as follows:

MOTION K

On the sixth line, strike the words ""This will" and insert the following: "Passed by Congress in 1989, the original GDM/EIS was completed and submitted to Congress in 1992. The Project was originally expected to be completed in the 1990s, but subsequent delays have pushed the current target date back to December 2003, which is unlikely to be met."

MOTION L

On the sixth line, following the word "Slough", insert the words "as is practicable", and thereafter insert the following sentence, "The law directed the Chief of Engineers to construct a flood protection system for the developed portions of the 8.5 square mile area."

MOTION M

On the eighth line, strike "a flood prone residential area", and on the ninth line strike "East Coast Protective Levee" and insert "South Dade Conveyance System".

MOTION N

On the twelfth line, after the words "federal project", insert ", which condemns the property of more than 75 homeowners in the 8.5 square mile area rather than construct a flood protection project for these homeowners".

MOTION O

At the end of the paragraph, add the following sentence:

A federal Magistrate has made a preliminary finding that the Corps plan, Alternative 6(d) is outside their statutory authority and should be set aside as a matter of law. If adopted by the Court, this would leave the 1992 Corps plan as the lawful authorized plan.

MOTION P

Insert a new paragraph: Congress has clearly expressed their desire that the long delayed Modified Water Deliveries Project be completed. In WRDA 2000 601(b)(2) (iv) it forbids appropriations being made on important CERP components *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 Miami-Dade County Flooding Task Force also found that the completion of the long delayed MWD project would have lessened the flooding impacts of Hurricane Irene and the No-Name 2000 Storm and has recommended that both the MWD and C-111 projects be implemented expeditiously. It is vital to the future of Everglades restoration that this long delayed project Modified Water Deliveries Project that was authorized in 1989 be completed expeditiously.

**MOTIONS TO AMEND
TASK FORCE JUNE 2002 DRAFT REPORT
*RELATING TO
MAJOR ACCOMPLISHMENTS and
EVERGLADES CONSTRUCTION PROJECT***

MOTION R

On page 74, in the last line after the word "plan" insert "with recommendations";

After the period on page 75, first line, insert the following new sentence, "The recommendations of RECOVER, along with Task Force and other recommendations, will be used by the Corps of Engineers in its process for adopting interim performance measures pursuant to the Everglades Programmatic regulations."

On page 75, fourth line, after "developed" strike "the" and insert "a set of recommended", and strike "will" and insert "may".

On page 75, strike the last sentence of the first partial paragraph, which sentence begins with "The availability of".

MOTION S

At the end of page 34 and at the end of page 76, add the following new paragraph:

"Reducing phosphorus levels to around 50 ppb will not be sufficient to achieve the long term phosphorus standard for the Everglades. Implementation of phase II technology (as conceived of in both the EFA and the federal Consent Decree) will be necessary to achieve the long term standard, likely to be 10 ppb. The Water Management District's 2002 Consolidated report Executive Summary states that no phase II plan or funding has been identified. The Executive Summary also states (page 12), "Significant uncertainties remain that may prevent the District from complying with the mandate in the Everglades Forever Act to achieve compliance with state water quality standards by December 31, 2006".

MOTION T

On the second line of the paragraph entitled "Everglades Forever Act" on page 34, after "water quality", insert ", which outlined a program for compliance with the federal Consent Decree entered in the federal water quality lawsuit (filed in 1988 and settled in 1992 by the Consent decree)".

**MOTIONS TO AMEND
TASK FORCE JUNE 2002 DRAFT REPORT
*RELATING TO
FLOODING***

MOTION 1

On page 53, in the second line of the fourth paragraph, strike the words "not caused" and insert the words "aggravated by".

MOTION 2

On page 53, in the second line of the fourth paragraph, insert after the period the following new sentence: "This aggravation of flooding is often brought about by increasing canal water levels and groundwater levels without or before providing the corollary flood protection structures anticipated as part of the projects and expected by Congress."

MOTION 3

On page 53, at the beginning of the fifth (last) paragraph, insert the following as the beginning of the first sentence, "Just as environmental protections have the potential to negatively impact flood protections," and change the capitalization of the first word "Flood" to lower case letter.

MOTION 4

On page 53, at the beginning of line 7 of the fifth (last) paragraph, insert the following new sentence: "Likewise, an excellent example of the aggravation of flooding by raised water levels without collateral flood protections occurred in 1999 when the G-211 headwaters were held above six feet (higher than authorized levels under Experimental Water Deliveries levels and much higher than canal design criteria), which contributed to serious flooding in west Miami-Dade County that year."

MOTION 5

On page 53, after the period in line 9 of the fifth (last) paragraph, insert the following new sentences: "Similarly, environmental protection projects, including increased canal and groundwater levels, need to be accomplished in a way that does not harm flood protection. Not only is flooding homes and property of residents simply wrong, when caused or aggravated by changes to water management regimes for environmental purposes, but such flooding will lead to reduced public support for restoration as a

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whole (and is thus counter-productive to the goals of environmental protection). A successful water management regime cannot achieve one goal at the expense of the other goal (environment v. flood protection), but must achieve both in balance."

MOTION 6

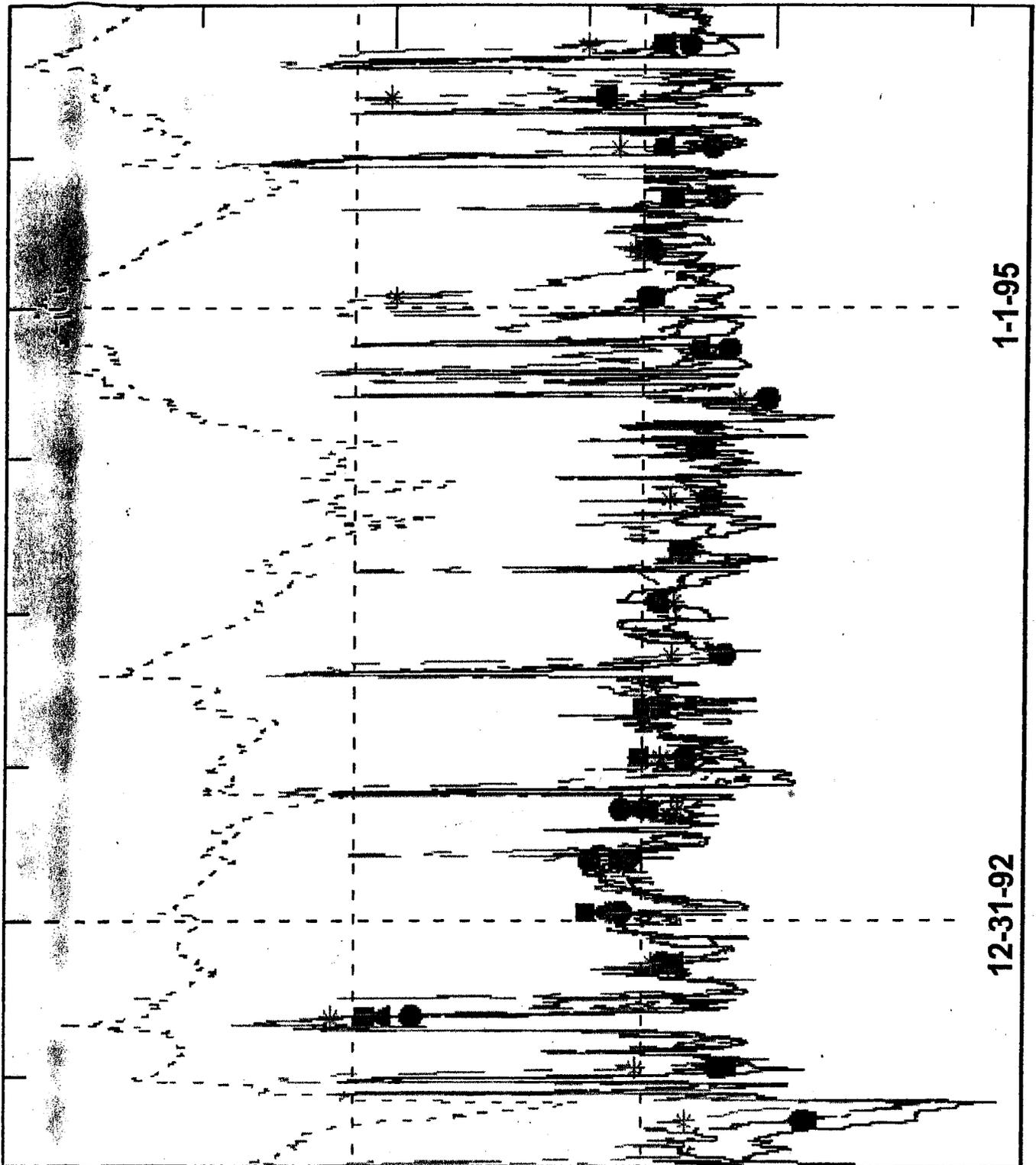
On page 54, delete the paragraph entitled "Nonstructural flood protection".

MOTION 7

On page 54, following the paragraph entitled "Nonstructural flood protection", insert the following paragraph: "Congressional Directive for Flood Damage Reduction Review. By several instruments, Congress has directed the Corps of Engineers to examine whether "modifications" are "advisable at the present time in the interests of flood damage reduction and other related resource problems in the vicinity of Miami-Dade County, Florida" (see, e.g., Senate Committee on Environment and Public Works, Resolution dated May 23, 2001, 107th Congress, 1st Session). Corps review pursuant to these directives is likely to take many years if not expedited, and many CERP projects will have been designed prior to the results of this review. Accordingly, the Task Force urges that this flood damage review be expedited so that CERP projects and other actions in design stages can benefit from its findings, and so that flood damage in Miami-Dade County can be reduced as soon as possible."

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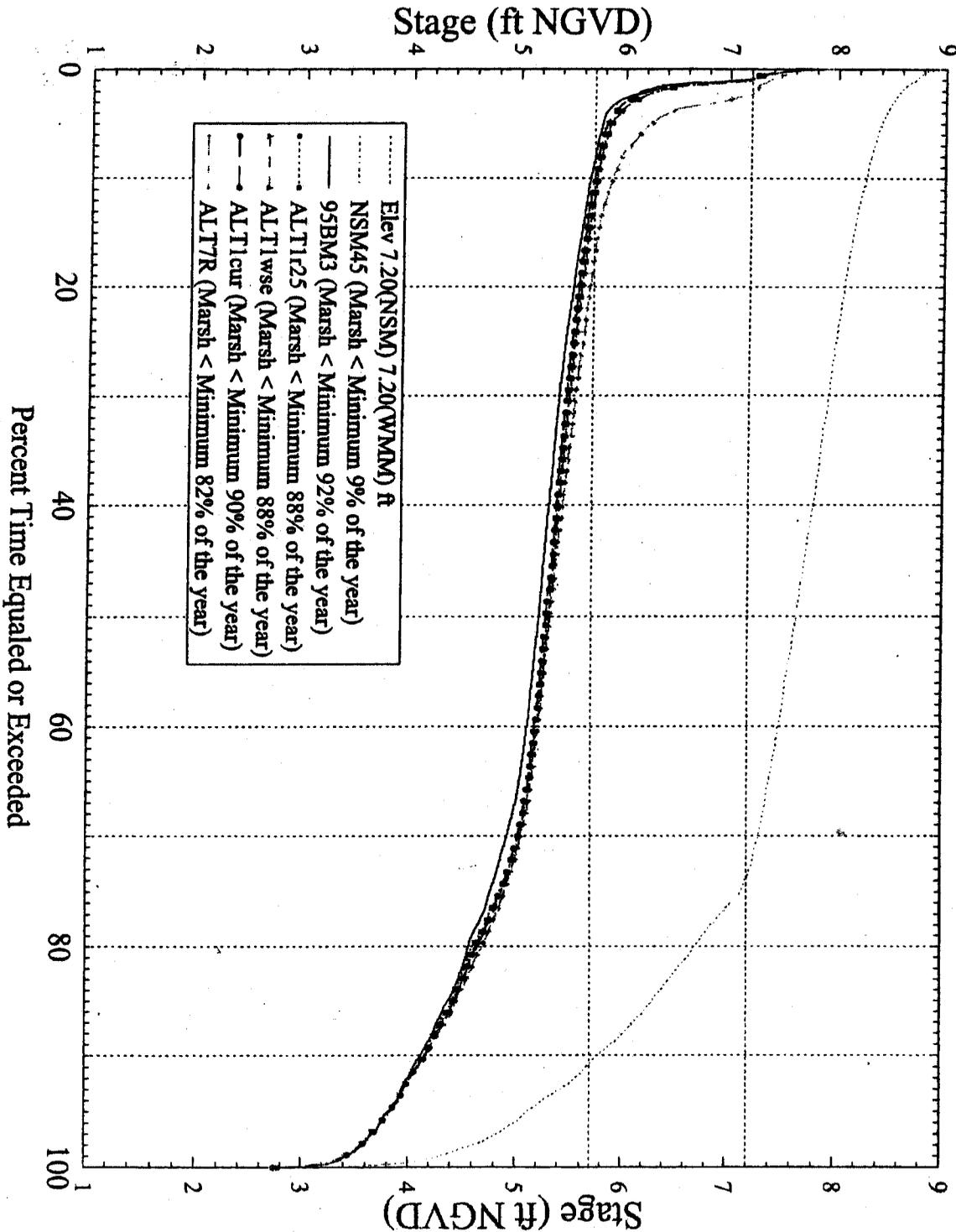
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**Marsh Stage Duration for Rocky Glades Mar
 Gage G-596, Cell R18 C26, Proposed Min Lvl 1.5 ft below ground**

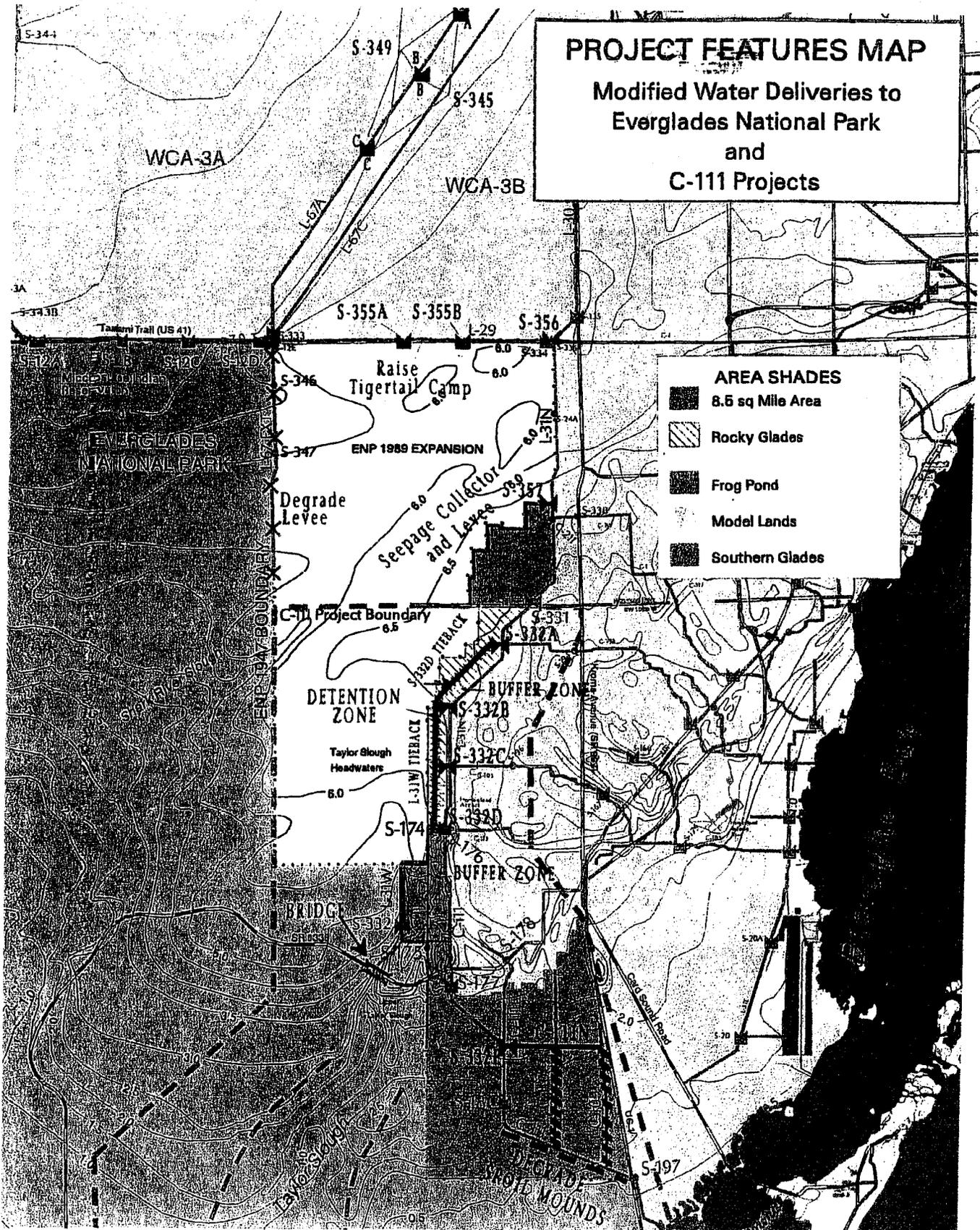


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**Comments from the Miccosukee Tribe of Indians
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PROJECT FEATURES MAP

**Modified Water Deliveries to
Everglades National Park
and
C-111 Projects**



- AREA SHADES**
- 8.5 sq Mile Area
 - Rocky Glades
 - Frog Pond
 - Model Lands
 - Southern Glades

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