



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

Oct 15, 2007

Honorable John Paul Woodley
Assistant Secretary of the Army
U.S. Department of the Army
Office of the Assistant Secretary Civil Works
108 Army Pentagon
Washington, DC 20310-0108

Dear Mr. Secretary:

Thank you for the opportunity to review and provide comments on the *Chief of Engineers Proposed Report on the Comprehensive Everglades Restoration Plan, Central and Southern Florida Project, Caloosahatchee River (C-43) West Basin Storage Reservoir, Final Project Implementation Report, Hendry County, FL* (Chief's Report). The Department of the Interior (Department) provided funds for the purchase of lands utilized in this project.

The Department supports the Chief's Report on the recommended plan for the Caloosahatchee River (C-43) West Basin Storage Reservoir Project, as described in the *Central and Southern Florida Project Comprehensive Everglades Restoration Plan Caloosahatchee River (C-43) West Basin Storage Reservoir Project Final Integrated Project Implementation Report and Final Environmental Impact Statement, September 2007*.

The Caloosahatchee River and Estuary is at the head of a vast estuarine and marine ecosystem that includes aquatic preserves managed by the state of Florida, the federally designated Charlotte Harbor National Estuary and the J.N. "Ding" Darling National Wildlife Refuge. Currently, there is not enough storage capacity in the regional water management system to minimize or prevent the harmful periodic excessive discharges of freshwater to the Caloosahatchee Estuary. Conversely, during dry periods, there are many times when there is not enough freshwater available in the regional system to maintain desirable salinity levels in the estuary. The combined result of too much or too little freshwater flowing to the Caloosahatchee Estuary is a degraded estuarine ecological community. Restoration of a healthy and productive aquatic ecosystem in the Caloosahatchee River is essential to maintaining the ecological integrity in these publicly owned and managed areas. The recommended plan provides benefits by reducing harmful discharges to the Caloosahatchee Estuary by capturing a portion of damaging high flows in the Caloosahatchee River, storing the water until needed in a reservoir and discharging the stored water to supplement inadequate flows to the Caloosahatchee Estuary during the dry season.

The portion of the Everglades ecosystem directly affected by the Caloosahatchee River (C-43) West Basin Reservoir, including the project site, the Caloosahatchee River and Estuary and the lower West Caloosahatchee River Basin, provides habitat for 21 federally listed endangered or threatened species, including the endangered Florida panther, Everglades snail kite, wood stork, manatee, eastern indigo snake, and Audubon's crested caracara. The Department is pleased that there will be monitoring of project effects on the endangered eastern indigo snake and Audubon's crested caracara. The Department looks forward to working with you to monitor the effects of reservoir operations on endangered species, such as the Florida panther, and to manage adaptively to maximize benefits on all fish and wildlife resources.

Sincerely,

A handwritten signature in black ink, appearing to read "Terrence C. Salt", with a long horizontal flourish extending to the right.

Terrence C. Salt
Director of Everglades Restoration Initiatives



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

RR
10/23
A. [unclear] 10/23

October 18, 2007

Mr. Thomas W. Waters P.E.
Chief, Policy and Policy Compliance Division
Directorate of Civil Works
Headquarters
U.S. Army Corps of Engineers
CECW-P (SA)
7701 Telegraph Road
Alexandria, Virginia 22315-3860

Subject: EPA NEPA Review of the COE "Final Caloosahatchee River (C-43) West Basin Storage Reservoir Project" (September 2007); Hendry County, FL; CEQ# 20070394; ERP# COE-E39068-FL

Dear Mr. Waters:

In accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the referenced U.S. Army Corps of Engineers (COE) Final Environmental Impact Statement (FEIS) for the proposed C-43 Basin Storage Reservoir (BSR). This proposed project is a major component of the Comprehensive Everglades Restoration Plan (CERP) and therefore was reviewed as a project implementing the overall goals and objectives of Everglades restoration.

EPA provided comments on the draft EIS (DEIS) to the COE Jacksonville District in a letter dated June 7, 2007. EPA continues to support the COE's expedited approval and implementation of the Caloosahatchee C-43 Reservoir to provide additional water storage along the Okeechobee Waterway. We offer our continued technical water quality assistance as appropriate.

EPA focused its NEPA review of the FEIS on the COE's responses to our comment letter on the DEIS found in Annex B (pp. B-73 to B-81). As noted below, we find this section to be generally responsive to our comments on the DEIS but not always organized in a user-friendly manner. We offer the following response-specific and general comments:

* General Responses – Several responses were generic, indicating that the FEIS will be modified or that the COE agrees/concurs with the comment, as opposed to what volume, section or page of the FEIS was modified and/or a synopsis of that modification. To the extent feasible, we request that the responses in future COE NEPA documents be more specific to facilitate the public review, although we realize that this is a six-volume

document and draft documents often change until publication, such that section numbers and page numbers may be difficult to identify.

* Response 9 (Project Sizing) – We are pleased to find that additional water storage along the Caloosahatchee River is planned via another storage reservoir project (Caloosahatchee Watershed Project).

* Response 11 (Wetlands) – The EPA comment for this response was incorrectly transferred in the Annex. Page 8 of our DEIS letter indicated that page 20 of the DEIS stated that “[t]here will be no mitigation for wetlands as a result of the federal project” while page B-76 of Annex B stated that “[t]here will be mitigation for wetlands as a result of the federal project”.

* Locating Responses – For future COE NEPA documents, we suggest that locating the COE’s responses to agency/public comments be facilitated. Although Section 9.35.1 of the main document is titled as *Comments Received and Responses*, it refers the reader to Annex B. Annex B then refers to *Agency Correspondence* (B.3.3) and *Public Correspondence* (B.3.4) and could have been improved to read agency and public correspondence “with COE responses”. In addition, it is unclear why EPA’s comments are included under public rather than agency correspondence. In general, a six-volume document should be made as user-friendly as possible for public review.

In addition to the responses section, we are pleased to note that modifications in FEIS were also made. We particularly note that Appendix C (*Environmental Information*: pp. C-72 to C-119) addressed most of our water quality concerns. We appreciate this summary. Beyond this write-up, however, we encourage the Jacksonville COE to annually provide our EPA Region 4 South Florida Office with the C-43 BSR water quality monitoring program analysis. Coordination with downstream users such as Lee County and City of Sanibel is also recommended. We have also reviewed the *Draft Project Operating Plan* in Annex D and generally find it acceptable for water quality. EPA wishes to participate in the reservoir operations team and will await a schedule of events from the COE.

Although the above responses and sections were generally well done, we wish to offer a few comments on the *Water Quality Management Plan* (WQMP) in Annex D (pg. D-76). We have two main concerns with the WQMP: 1) identification of the project category and 2) water quality monitoring of the reservoir. Regarding our first concern, Section 1 of the WQMP defines the C-43 BSR Project as a Category “C” project instead of a Category “B” project (which are projects designed to achieve water quality improvement even though they do not contain water quality improvement features). Accordingly, we recommend that the C-43 BSR Project be re-characterized as a Category “B” project in the COE’s Record of Decision (ROD). Regarding our second concern, we continue to request that the project include warm-weather monitoring of the reservoir (in addition to the proposed monitoring of chlorophyll-*a* at the discharge structures). Specifically, reservoir monitoring should entail sampling for blue-green algae from April to October at 1-ft below the surface. Along with algal sampling, monitoring should also

include taking *in situ* water quality profiles for reservoir temperature and dissolved oxygen during these months to document reservoir water quality and determine any thermal stratification. We recommend that the COE's ROD provide a commitment for such warm-weather monitoring of the reservoir (if such a commitment is not forthcoming, the ROD should fully substantiate how the monitoring of chlorophyll-*a* would serve as a surrogate for the recommended reservoir monitoring). Given the project's intent to improve the downstream water quantity and quality concerns associated with the current water releases from Lake Okeechobee, we find it essential to maintain the water quality of the reservoir and to determine the water quality prior to releases downstream to the lower Caloosahatchee River and Estuary at S-79. The water quality of the C-43 BSR release waters should be no worse than – and preferably better than – the ambient waters of the Caloosahatchee. Such monitoring data should also be of interest to the reservoir operations team.

Should you have questions regarding our comments, feel free to contact Chris Hoberg of my staff for NEPA-related issues (404/562-9619 or hoberg.chris@epa.gov) or Eric Hughes in our EPA Water Management Division (located in the Jacksonville District office) for technical issues (904/232-2464 or hughes.eric@epa.gov).

Sincerely,



Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

cc:

Stuart Appelbaum – COE Jacksonville District; Jacksonville, FL
Ray Judah – Lee County Commissioner; Ft. Myers, FL
Roland Ottolini – Lee County Natural Resources; Ft. Myers, FL (Attn: Wayne Daltry)
Mike Sole – Secretary: FDEP, Tallahassee, FL (Attn: Greg Knecht)
Paul Souza – Field Supervisor: FWS; Vero Beach, FL (Attn: Joyce Mazourek)
Carol Wehle – Executive Director: SFWMD; West Palm Beach, FL (Attn: Larry Gerry)

From: Mark Sramek [<mailto:Mark.Sramek@noaa.gov>]
Sent: Monday, October 22, 2007 12:54 PM
To: CRWBSRComments
Cc: Robbins, Erica A SAJ; HCD Panama City
Subject: Caloosahatchee (C-43) West Basin Storage Reservoir Final
PIR/EIS

NOAA's National Marine Fisheries Service, Southeast Region, Habitat Conservation Division, has reviewed the U. S. Army Corps of Engineers, Jacksonville District's Central and Southern Florida Project Caloosahatchee River (C-43) West Basin Storage Reservoir Project, Final Integrated Project Implementation Report and Final Environmental Impact Statement, dated September 2007. We anticipate that any adverse effects that might occur on marine and anadromous fishery resources would be minimal. Thank you for your effort to comply with the EFH provisions of the Magnuson-Stevens Act.

From: Moore, Rosalind - Gainesville, FL
[<mailto:Rosalind.Moore@fl.usda.gov>]
Sent: Monday, October 29, 2007 11:43 AM
To: Bee, Patricia L HQ02
Subject: Caloosahatchie CERP EIS

Trish,

Received your phone message regarding this EIS, mailed Sept. 18th. We have no comments. Thank you for following up on this with us.

Rosalind Moore
Wetland Conservation Program Manager
Environmental Compliance Specialist
USDA NRCS Florida
352-338-9582



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

November 1, 2007

Mr. Thomas W. Waters, P.E.
Headquarters, CECW-P (IP)
U.S. Army Corps of Engineers
7701 Telegraph Road
Alexandria, VA 22315-3860

RE: Department of the Army, Jacksonville District Corps of Engineers -
Final Integrated Project Implementation Report and Environmental Impact
Statement for the Caloosahatchee River (C-43) West Basin Storage Reservoir
Project - Hendry County, Florida.
SAI # FL200709193767C (Reference SAI # FL200704263301C)

Dear Mr. Waters:

The Florida State Clearinghouse, pursuant to Presidential Executive Order 12372, Gubernatorial Executive Order 95-359, the Coastal Zone Management Act, 16, U.S.C. §§ 1451-1464, as amended, and the National Environmental Policy Act, 42 U.S.C. §§ 4231, 4331-4335, 4341-4347, as amended, has coordinated a review of the Final Integrated Project Implementation Report and Environmental Impact Statement (FPIR/EIS).

The Florida Department of Environmental Protection (DEP) fully supports the construction of the Comprehensive Everglades Restoration C-43 West Basin Reservoir Project. The DEP also commends the U.S. Army Corps of Engineers for working with staff to develop additional water quality analyses to address reasonable assurance that the project will not "cause or contribute" to water quality violations. Staff will continue to work closely with the Corps of Engineers and the South Florida Water Management District to facilitate permit issuance and implement the Comprehensive Everglades Restoration Plan.

The Florida Department of Agriculture and Consumer Services (FDACS) appreciates the opportunity to review the FPIR/EIS and requests that the document include information regarding the original plan to switch basin irrigation demand from Lake

Mr. Thomas W. Waters, P.E.
November 1, 2007
Page 2 of 3

Okeechobee to the basin run-off captured in the proposed C-43 reservoir as opposed to the current PIR plan to capture excess basin run-off and Lake Okeechobee regulatory releases for estuary use exclusively. FDACS has also expressed concerns that it may be difficult to maintain an accurate accounting of the water made available for the natural system by the C-43 reservoir relative to reductions in that amount that result when other projects are implemented. In addition, staff is less concerned with Savings Clause assurances in the immediate project area than with a potential reduction in water supply availability outside the project area if the reservoir creates additional demands on Lake Okeechobee. FDACS advises that the information and analyses provided do not address this issue sufficiently and are not adequate to provide the assurances required by state or federal law. Please refer to the enclosed FDACS memorandum for further details.

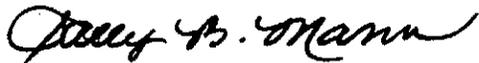
The Southwest Florida Regional Planning Council (SWFRPC) supports the components of the project that will benefit Caloosahatchee River area hydrology, water quality, wetlands, and wildlife and notes concerns regarding the acquisition of lands in Picayune Strand State Forest to off-set the loss of Florida panther habitat; the exclusion of the Oyster Restoration Plan for the Tidal Caloosahatchee in the FPIR/EIS; and utilization of water quality stations significantly downstream from the C-43 reservoir to monitor its water quality benefits. Staff continues to strongly recommend that the PIR incorporate: a water quality treatment component in the design of the reservoir project; plans for construction of littoral areas at the corners of the seepage canal; the planting of native shade tree species where new trees are proposed; an Oyster Restoration Plan for the Tidal Caloosahatchee; and a recalculation of the available mitigation credits created by habitat restoration within Picayune Strand State Forest to determine the real net benefit to the Florida panther. Though the SWFRPC supports the concept and implementation of the C-43 reservoir project, water quality protections should not be deferred in development of the project. Please refer to the enclosed SWFRPC letter for additional comments and recommendations.

Based on the information contained in the FPIR/EIS and the enclosed state agency comments, the state has determined that, at this stage, the proposed activities are consistent with the Florida Coastal Management Program (FCMP). The concerns identified by our reviewing agencies must be addressed prior to project implementation. The state's continued concurrence with the project will be based, in part, on the adequate resolution of issues identified during this and subsequent reviews. The state's final review of the project's consistency with the FCMP will be conducted during the environmental permitting stage.

Mr. Thomas W. Waters, P.E.
November 1, 2007
Page 3 of 3

Thank you for the opportunity to review the proposed project. Should you have any questions regarding this letter, please contact Ms. Lauren P. Milligan at (850) 245-2170.

Yours sincerely,



Sally B. Mann, Director
Office of Intergovernmental Programs

SBM/lm
Enclosures

cc: Susan Conner, USACE, Jacksonville
John Outland, DEP, MS 45
Shelley Yaun, DEP, MS 3560
W. Ray Scott, FDACS
Forrest Watson, FDACS
Nichole Gwinnett, SWFRPC



Florida

Department of Environmental Protection

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Project Information	
Project:	FL200709193767C
Comments Due:	10/23/2007
Letter Due:	11/02/2007
Description:	DEPARTMENT OF THE ARMY, JACKSONVILLE DISTRICT CORPS OF ENGINEERS - FINAL INTEGRATED PROJECT IMPLEMENTATION REPORT (PIR) AND ENVIRONMENTAL IMPACT STATEMENT FOR THE CALOOSAHATCHEE RIVER (C-43) WEST BASIN STORAGE RESERVOIR PROJECT - HENDRY COUNTY, FLORIDA
Keywords:	ACOE - FIPIR/EIS CALOOSAHATCHEE RIVER C-43 WEST BASIN STORAGE RESERVOIR - HENDRY
CFDA #:	99.997
Agency Comments:	
TRANSPORTATION - FLORIDA DEPARTMENT OF TRANSPORTATION	
<p>The Florida Department of Transportation (FDOT) has concluded its review of the Final Integrated Project Implementation Report (PIR) and Environmental Impact Statement (EIS) for the Caloosahatchee River (C-43) West Basin Storage Reservoir Project in Hendry County and offers the following comments: If the applicant performs excavation in FDOT right-of-way, any asbestos-containing material (ACM) encountered must be properly handled in accordance with all local, state and federal regulations. In no case shall ACM be crushed and buried within FDOT right-of-way. If this proposal results in impacts to FDOT roadways, all necessary permits must be obtained from the District One Operations Center prior to construction activities occurring within the state road right-of-way. Any contaminated soil that must be excavated in order to install utility features should be properly handled and disposed of and contaminated effluent from dewatering operations should be properly treated and discharged. All necessary worker safety precautions should be followed.</p>	
AGRICULTURE - FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES	
<p>The FDACS appreciates the opportunity to review the FPIR/EIS and requests that the document include information regarding the original plan to switch basin irrigation demand from Lake Okeechobee to the basin run-off captured in the proposed C-43 reservoir as opposed to the current PIR's plan to capture excess basin run-off and Lake Okeechobee regulatory releases for estuary use exclusively. This change has implications beyond the current project because other CERP projects use planning conditions based on the original concept of restricting Lake Okeechobee irrigation releases for agricultural water demand in the C-43 Basin. FDACS has also expressed concerns that it may be difficult to maintain an accurate accounting of the water made available for the natural system by the C-43 reservoir relative to reductions in that amount that result when other projects are implemented. There is a need to carefully account for "water made available" by this project and to consider how the potential future reductions in that water will be handled. In addition, staff are less concerned with Savings Clause assurances in the immediate project area than with a potential reduction in water supply availability outside the project area if the reservoir creates additional demands on Lake Okeechobee. FDACS advises that the information and analyses provided do not address this issue sufficiently and are not adequate to provide the assurances required by state or federal law.</p>	
COMMUNITY AFFAIRS - FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS	
DCA has no comments.	

ENVIRONMENTAL PROTECTION - FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
The Florida Department of Environmental Protection (DEP) commends the U.S. Army Corps of Engineers for working with staff to develop additional water quality analyses to address reasonable assurance that the project will not "cause or contribute" to water quality violations. The DEP will continue to work closely with the Corps of Engineers and the South Florida Water Management District (SFWMD) to facilitate permit issuance. DEP staff looks forward to continuing our relationship with the Corps of Engineers and the SFWMD as we move forward with implementing the Comprehensive Everglades Restoration Plan. If you have any questions regarding these comments, please feel free to contact Mr. Greg Knecht at (850) 245-2088.
FISH and WILDLIFE COMMISSION - FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
No Comments Received
STATE - FLORIDA DEPARTMENT OF STATE
No Comments
SOUTH FLORIDA WMD - SOUTH FLORIDA WATER MANAGEMENT DISTRICT
A consistency determination is not necessary. The District is the local sponsor for this project.
SW FLORIDA RPC - SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
The Southwest Florida Regional Planning Council (SWFRPC) supports the components of the project that will benefit Caloosahatchee River area hydrology, water quality, wetlands, and wildlife and notes concerns regarding the acquisition of lands in Picayune Strand State Forest to off-set the loss of Florida panther habitat, the exclusion of the Oyster Restoration Plan for the Tidal Caloosahatchee in the FPIR/EIS, and utilization of water quality stations significantly downstream from the C-43 reservoir to monitor its water quality benefits. Staff continues to strongly recommend that the project incorporate: a water quality treatment component in the design of the reservoir project; plans for construction of littoral areas at the corners of the seepage canal; the planting of native shade tree species where new trees are proposed; an Oyster Restoration Plan for the Tidal Caloosahatchee; and a recalculation of the available mitigation credits created by habitat restoration within the Picayune Strand State Forest to determine the real net benefit to the Florida panther. Though the SWFRPC supports the concept and implementation of the C-43 reservoir project, water quality protections should not be deferred in development of the project.
HENDRY -

For more information or to submit comments, please contact the Clearinghouse Office at:

3900 COMMONWEALTH BOULEVARD, M.S. 47
TALLAHASSEE, FLORIDA 32399-3000
TELEPHONE: (850) 245-2161
FAX: (850) 245-2190

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Memorandum

TO: Florida State Clearinghouse

THROUGH: Greg Knecht, Director
Ecosystems Projects Coordination

FROM: Stacey Feken, Jennifer Nelson and LaDawna McDonald

DATE: October 23, 2007

SUBJECT: United States Army Corps of Engineers, Jacksonville District - Final Integrated Project Implementation Report and Environmental Impact Statement for the Caloosahatchee River West Basin Storage Reservoir Project - Hendry County, Florida

SAI #: FL07-3767C

Background:

The purpose of the Caloosahatchee River (C-43) West Basin Storage Reservoir project is to contribute to the restoration of the Caloosahatchee Estuary as part of the Comprehensive Everglades Restoration Plan (CERP) established by the 2000 Water Resources Development Act. The tentatively selected plan, Alternative 3B, consists of a 170,000 acre-ft. above-ground storage reservoir, a 1500 cfs pump station, external and internal embankments, internal control and outflow water control structures, and environmentally responsible design features to provide fish and wildlife habitat such as littoral areas in the perimeter canal and deep water refugia within the reservoir.

Comments:

The Florida Department of Environmental Protection commends the U.S. Army Corps of Engineers for working with us to develop the additional water quality analysis to address reasonable assurance that the project will not "cause or contribute" to water quality violations. The Department will continue to work closely with the Corps of Engineers and the South Florida Water Management District (SFWMD) to facilitate permit issuance.

We look forward to continuing our relationship with the Corps of Engineers and the SFWMD as we move forward with implementing the Comprehensive Everglades Restoration Plan. If you have any questions regarding these comments, please feel free to contact Greg Knecht at (850) 245-2088.



Florida Department of Agriculture and Consumer Services
CHARLES H. BRONSON, Commissioner
The Capitol • Tallahassee, FL 32399-0800
www.doacs.state.fl.us

TO: Lauren P. Milligan, Environmental Manager
Florida State Clearinghouse

FROM: W. Ray Scott, Conservation and Water Quality Federal Programs Coordinator
Office of Agricultural Water Policy

DATE: October 25, 2007

SUBJECT: Comments on the Caloosahatchee River (C-43) West Basin Storage Reservoir Project
Final Integrated Project Implementation Report and Environmental Impact Statement

The Florida Department of Agriculture and Consumer Services (FDACS) appreciates the opportunity to comment and requests the following concerns be addressed in the review of the Corps' Caloosahatchee River (C-43) West Basin Storage Reservoir (BSR) Project Final Integrated Project Implementation Report (PIR) and Environmental Impact Statement (EIS). FDACS has submitted comments formally at the agency level and to the Project Delivery Team (PDT) throughout the project development process and during public review periods. The review issues that we consider as remaining to be addressed are summarized below.

The Final PIR and EIS do not acknowledge the Yellow Book's original "source switch" function for the C-43 reservoir project. Rather, it rewrites the project's conceptual history to match the current outcome. An accurate account should be included of the original plan to switch basin irrigation demand from Lake Okeechobee to the basin run-off captured in the proposed C-43 reservoir as opposed to the current PIR's plan to capture excess basin run-off and Lake Okeechobee regulatory releases for estuary use exclusively. This change has implications beyond this particular project because other CERP projects use planning conditions based on the original concept of restricting Lake Okeechobee irrigation releases for agricultural water demand in the C-43 Basin. The Final PIR/EIS Annex B – Draft PIR Comment Matrix (page B-82) responds to an earlier FDACS comment on this issue, but merely confirms the change: "The reservoir proposed in this project allows estuary demands to be supplemented by reservoir storage during the dry season, thus relieving some dry-season demands on Lake Okeechobee allowing more water within the lake to be used system wide." While not stating that these system wide uses include C-43 basin irrigation demand, it is not apparent how the irrigation demand would otherwise be met.

Annex C contains an analysis that identifies the volume of water made available by the project for the natural system. The amount identified under the Initial Operating Regime (IOR) is anticipated to be substantially more than the amount that will ultimately be available for the natural system as identified in the Next Added Increment (NAI) analysis. Under the driest conditions, the IOR amount is approximately 50% greater than the NAI amount (Table C-3: Identification of the Volume of Water (Ac-Ft/Year) Made Available for the Natural System to Achieve the Benefits of the Project, Page C-24, Annex C, Caloosahatchee River (C-43) West Basin Storage Reservoir (BSR) Project Final Integrated PIR and EIS).



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The larger amount identified in the IOR is recommended to be reserved for the natural system under Florida law. The recently released "Revised Final Draft CERP Guidance Memoranda - GM #4: Identifying Water Made Available for the Natural System and for Other Water Related Needs" refers to changing water reservations in response to changing conditions as more CERP projects are completed. The language of GM #4 appears to address the incorporation of additional water made available and not subsequent reductions in water made available. FDACS is concerned that it may be difficult to maintain an accurate accounting of the water made available for the natural system by the Caloosahatchee (C-43) West BSR relative to reductions in that amount that result when other projects are implemented. Moreover, the prospect of "rolling back" an already established reservation raises some significant legal questions, and underscores the need to carefully account for "water made available" by this project and to consider how the potential future reductions in "water made available" will be dealt with. The USACE did not provide a response in the Final PIR/EIS Annex B – Draft PIR Comment Matrix to an earlier FDACS comment that raised this issue.

Our remaining concern is the lack of an evaluation tool to determine if the Caloosahatchee (C-43) West BSR will create a greater demand on the Caloosahatchee River with an associated greater demand on Lake Okeechobee during drought years. Consequently, meeting the Savings Clause requirements for an existing legal source as of December 11, 2000, consistent with Federal law, is still an open question for the Caloosahatchee River (C-43) West BSR Project Final Integrated PIR and EIS. While we agree with the USACE that the possibility of significant negative impacts to existing users in the area of the project is minimal, we are not convinced that an adequate analysis of impacts to water supply during drought years has been performed or that the methodology described in "Revised Final Draft CERP Guidance Memoranda GM #3: Savings Clause Requirements" has been followed. It is not clear whether the system wide effect of an additional demand on Lake Okeechobee was considered at all. We believe that the information and analyses provided do not address this issue and are not adequate to provide the assurances required by state or federal law.

The underlying issue for all our concerns is that the modeling conducted for the Caloosahatchee (C-43) West BSR relied upon delivery of a specific volume of water from Lake Okeechobee, and it is not clear what system wide impacts this demand on the lake will have, particularly under drought conditions. First, there is a potential conflict with the original Yellow Book assumption that the project would restrict deliveries to the C-43 basin and consequently with the planning assumptions for other CERP projects. Second, the apparent anomaly between the water made available under the IOR scenario and the NAI scenario likely hinges on the discrepancy between potentially competing water demands from Lake Okeechobee. Finally, we are less concerned with Savings Clause assurances in the immediate project area than with a potential reduction in water supply availability outside the project area if the reservoir creates an additional demand on Lake Okeechobee.

Again, we appreciate the opportunity to comment on the Caloosahatchee River (C-43) West BSR Project Final Integrated PIR and EIS. Our level of concern with the issues we raise here is heightened by current system conditions, and we believe that a better understanding of the effect of this project under such conditions is needed. Moreover, we do not believe that the Savings Clause analysis adequately addresses potential impacts outside the area of the project, nor do the PIR and EIS provide sufficient information to provide the assurances required under Florida law.

If you should have questions regarding FDACS' comments, please contact me at (850) 410-6714.



Southwest Florida Regional Planning Council

1926 Victoria Avenue, Fort Myers,
(239)338-2550 FAX (239)338-2560 SUNCOM (239)748-2550

RECEIVED

OCT 29 2007

OIP / OLGA

October 25, 2007

Ms. Sally B. Mann
Coordinator
FDEP - Florida State Clearinghouse
3900 Commonwealth Boulevard, Mail Station 47
Tallahassee, FL 32399-3000

Re: IC&R 2007-059
SAI#FL 200709193767C
Hendry County, Caloosahatchee River (C-43) West Basin Storage Reservoir,
Final Integrates Project Implementation Report (PIR) and Final Environmental
Impact Statement (EIS), Permit 3005-5958(IP-TKW)

Dear Ms. Mann:

The Southwest Florida Regional Planning Council (SWFRPC) has reviewed the Final Integrated Project Implementation Report (PIR) and Final Environmental Impact Statement (EIS) for the Caloosahatchee River (C-43) West Basin Storage Reservoir Project, and has the following comments:

The request dated, September 19, 2007 was received for our review on September 21, 2007.

The proposed project has the potential to effect hydrology, water quality, wetlands, and wildlife within one of the largest manmade canal systems and watersheds within the southwest Florida region.

There are several components of the Final Integrated Project Implementation Report (PIR) that will have environmental benefits including:

- Construction of a 170,000 acre-feet reservoir with the expressed purpose of reducing the number and duration of extreme hydrologic events at S-79 locks on the Caloosahatchee River.
- Reduction in the number and duration of high flow (>4500 cfs) and low flow (<450 cfs) events in the Caloosahatchee River.
- Adopting and implementing targets of 0 flows below 450 cfs and above 4,500 cfs for the Caloosahatchee River.

TO: Ms. Sally B. Mann
DATE: October 25, 2007
PAGE: Two
RE: IC&R 2007-059 - SAI#FL 200709193767C

- Commitment to use the water quality prediction tools currently in development, such as reservoir and estuary water quality models, to optimize the reservoir operations with the goal of improving downstream water quality. (reference: Page C-83)
- Commitment to 5 years of water quality monitoring associated with design and initial operations of the reservoir.

A component of the Draft Final Integrated Project Implementation Report (PIR) that would have had environmental benefits that has been removed and/or are not included in the PIR including:

- An Oyster Restoration Plan for the Tidal Caloosahatchee that anticipated an increase from 3.02 acres of oyster reef habitat in 2004 to 30 acres of oyster reef habitat within 10 to 15 years. With the ultimate addition of hard, suitable substrate the target of oyster reef habitat increases to 100 acres. (References: Page 5-36 of the PIR. Page C-67)

There are several components of the Final Integrated Project Implementation Report (PIR) that are questionable in conception and execution including:

- The use of the acquisition of lands in the Picayune Strand State Forest as mitigative off-site to the loss of Florida panther habitat accrued by the C-43 project flooding of Florida panther habitat area. The issue is compounded by the mixed sources of funding that were used to acquire the land that today constitutes the Picayune Strand State Forest. The forest was variously acquired by direct federal fund allocations that did not specify that the land acquisition constituted a mitigation bank or mitigation area, State funds from the CARL and Florida Forever funding sources that are not bonded as mitigation banks or areas, private conservation entity acquired lands donated to the State, already existing mitigation sites utilized as off-sets to other listed species impacts including Florida panther and red-cockaded woodpecker project impacts for private developments, and other donated lands. It is therefore questionable to ex post facto utilize and existing public conservation land set aside by funding sources that did not envision or specify that this land was to constitute mitigation for impacts to federal listed species habitat elsewhere. Following this train of thought all existing State and federal lands not previously debited could be considered mitigation banks against future projects. In addition, many areas of the Picayune State Forest will be negatively impacted and rendered useless for Florida panther habitat by construction features and upland flooding caused by the construction activities of the restoration project including spreader

TO: Ms. Sally B. Mann
DATE: October 25, 2007
PAGE: Three
RE: IC&R 2007-059 - SAI#FL 200709193767C

berm/swale and pump station construction and higher water discharges across upland and short hydroperiod wetland systems.

- The use of water quality monitoring stations significantly downstream of the C-43 reservoir as a monitoring surrogate of the water quality benefits to the Caloosahatchee estuary of the discharge from the reservoir is questionable in large part since a significant number of other factors in the main line of the River and contributions to the river from downstream and in-stream water sources will swamp out the water quality content and volume effects of the reservoir. Since there are many other water quality improvement projects that will be occurring concurrent with the C-43 reservoir project including reductions in domestic fertilizer use, restorations of tributary creeks downstream of the C-43 structure, and improvements to wastewater treatment plants, it will not be possible to identify the source of water quality improvement to the Caloosahatchee River and thereby attribute it to the reservoir's project.

The SWFRPC strongly recommends incorporation of the following into the PIR:

- 1) A water quality treatment component needs to be included in the design of the reservoir project. The need for a water quality treatment component was identified early in the process of alternative development review by federal, state, regional, and local agency participants of the PDT in the development of the PIR. It was deferred from consideration by the SFWMD and the USACOE. We understand that this reservoir project is the only reservoir design currently under consideration for CERP funding that does not have a water quality treatment feature. Based upon materials posted on the CERP web-site, east coast reservoirs have water quality treatment features included in their design. It is important that the current project design not preclude the necessary water quality treatment features. It is important that land not be surplus from the project footprint before necessary water quality treatment features are planned and constructed. Addressing hydrology without including water quality improvement is insufficient in protecting the estuary and aquatic resources of the Caloosahatchee River and the nationally recognized Outstanding Florida Waters estuaries at its confluence. H.R. 1816, the "Restoring the Caloosahatchee River: A Legacy for Florida" Act, was introduced by Congressman Connie Mack and the State of Florida Appropriations Bill delivered to Governor Crist includes funding a water quality component for the C-43 Reservoir project. The TSP should include water quality treatment features with sufficient space for their construction.

TO: Ms. Sally B. Mann
DATE: October 25, 2007
PAGE: Four
RE: IC&R 2007-059 - SAI#FL 200709193767C

- 2) The littoral areas proposed at the corners of the seepage canal as part of the project should be constructed. We concur with the Florida Fish & Wildlife Conservation Commission that these littoral areas will provide habitat benefits and potential water quality benefits.
- 3) All shade trees proposed on the outside area of the north rim canal adjacent to parking areas should be native to the Caloosahatchee basin. Past selection and planting of exotic tree species in USACOE projects has led to damage to reservoir banks and project canal banks resulting in expensive removal programs and the need to construction repairs.
- 4) An Oyster Restoration Plan for the Tidal Caloosahatchee which anticipates an increase from 3.02 acres of oyster reef habitat in 2004 to 30 acres of oyster reef habitat within 10 to 15 years. With the ultimate addition of hard, suitable substrate the target of oyster reef habitat increases to 100 acres.
- 5) The use of the past acquisition of existing conservation lands as Florida panther habitat impact mitigation for new projects such as the C-43 reservoir needs to be seriously reconsidered. The balance of mitigation created by such a practice will ultimately lead to net significant habitat loss for the Florida panther as each new project is "offset" by the existence of already protected conservation lands that add no new net increase in habitat extents for the species. In any case, lands that are impacted by project activities on the Picayune State Forest that will render land useless as Florida panther habitat should not be utilized as mitigation credits. Similarly, lands that were acquired by funding sources other than those specifically intended to serve as mitigation banks should not be utilized to generate mitigation credits from the acquisition itself. Only the net lift in panther habitat improvement created by a new restoration plan for panther habitat should be considered as available mitigation credits to be utilized for the C-43 project and similar future CERP projects. Therefore, we recommend a recalculation of the available mitigation credits that are created by habitat restoration within the Picayune State Forest based upon the current version of the restoration plan and then an audited accounting of the post-restoration project habitat restoration outcomes to determine the real net positive effects for the Florida panther of that restoration effort. The subsequent balance should then be addressed if the mitigative lift is less than the level of impact accrued by the C-43 project.

TO: Ms. Sally B. Mann
DATE: October 25, 2007
PAGE: Five
RE: IC&R 2007-059 - SAI#FL 200709193767C

The SWFRPC supports the concept and development of the C-43 reservoir project to reduce the negative hydrologic discharges to the Caloosahatchee River, restoration of base flows for the Caloosahatchee River, and improvement in water quality of the Caloosahatchee River. Our staff has participated cooperatively in the development of the PIR and EIS. We did not and do not agree; however, that water quality protections should be deferred in development of this project.

We look forward to cooperating with the applicant and other relevant agencies to resolve the issues that we have identified in this letter in order to ensure consistency with the Coastal Zone Management Act/Florida Coastal Management Program and to ensure that the PIR proceeds in a fashion that minimizes impacts to water quality, hydrology, and fish and wildlife resources in the Southwest Florida Region. Please feel free to call me if you would like to coordinate further discussion of these issues; I will be glad to facilitate any such efforts. If you have specific questions about the content of this letter, please contact Mr. Jim Beever directly at (239) 338-2550 ext 224 or by e-mail jbeever@swfrpc.org.

Sincerely,

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL



Mr. Kenneth Heatherington
Executive Director

Cc: Mr. David S. Hobbie
Chief, Regulatory Division
Department of the Army
Jacksonville Distinct Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32332-0019

U.S. Fish and Wildlife Service
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TO: Ms. Sally B. Mann
DATE: October 25, 2007
PAGE: Six
RE: IC&R 2007-059 - SAI#FL 200709193767C

Ms. Susan Conner
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CRWBSRComments@evergladesplan.org

From: Joseph.B.Embres@uscg.mil [<mailto:Joseph.B.Embres@uscg.mil>]
Sent: Wednesday, November 14, 2007 2:58 PM
To: Bee, Patricia L HQ02
Cc: Ketchum, Jennifer
Subject: COMPREHENSIVE EVERGLADES RESTORATION PLAN,CENTRAL AND SOUTHERN
FLORIDA, CALOOSAHATCHEE RIVER (C-43) WEST BASIN STORAGE RESERVOIR
PROJECT, HENDRY COUNTY, FLORIDA

Upon review of the subject plan it has been determined that the project does not impact navigational operations or pose any marine safety issues in that area.

Joseph B. Embres
Section Chief
Waterways Management Branch
Seventh Coast Guard District

From: Beck, Charles [<mailto:charles.beck@dhs.gov>]
Sent: Wednesday, November 14, 2007 4:28 PM
To: Bee, Patricia L HQ02
Cc: Straw, William; Madson, Stephanie
Subject: RE: CERP, Lake Caloosahatchee, West Basin Reservoir

Ms. Bee:

Please forgive me for the delay in getting back to you on this. I have been snowed under.

Thank you for sending us copies of the final EIS on the West Basin Storage Reservoir portion of the Comprehensive Everglades Restoration Plan. Several of us looked through it. We were most interested in the hydraulics and hydrology and in potential effects on flooding. You seem to have anticipated and resolved our concerns. We were impressed by the level of effort but we found nothing we need to comment on and nothing we object to.

Nor do we have any comment on the Chief of Engineers' report.

Once again, thank you for keeping us in the loop.

Charles Beck
Environmental Specialist
FEMA, Region IV
770-220-5334