

Environmental Assessment for the Transfer of Grant Encumbrance on the Berry Groves Property

Hendry County, Florida
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Chapter 1. Purpose and Need

1.1 Background

The Berry Grove Property is an 8,682-acre property located within Hendry County. The South Florida Water Management District (District) acquired the property for the Comprehensive Everglades Restoration Plan (CERP), Caloosahatchee River (C-43) West Basin Storage Project (C-43 Project). A portion of the funds used for acquisition were provided through a U.S. Department of the Interior (DOI) Federal grant.

The District wishes to transfer ownership of a 5-acre parcel (GX100-034) to Florida Power & Light Company for construction of an electrical substation that is needed to power electric pumps for the C-43 Project.

Because Tract GX100-034 was purchased in part with Federal grant funding, The District cannot dispose of it without transferring the Federal funding to another property with equal fair market value. The District seeks to transfer those funds to a 5-acre tract known as Tract QD100-018 which is located within the footprint of the C-43 Project.

Benefits of this exchange include:

- The DOI and District will no longer own 5 acres of agricultural property (Tract GX100-034) that provides no measurable ecological benefit to water quality, wildlife or flood control.
- Federal grant funds from tract GX100-034 will be transferred to Tract QD100-018 located within the C-43 Project footprint. This tract will provide ecological benefits when the C-43 Project is complete.
- Florida Power & Light Company will construct an electrical substation on tract GX100-034 for the purpose of powering electrical pumps for the C-43 Project. This action will keep construction of the C-43 Project on schedule.

Appraisals revealed the value of Tract GX100-034 at \$50,000 and Tract QD100-018 at \$50,000 (Table 1). The Federal share of the value of GX100-034 will be transferred to QD100-018.

Table 1. Locations and values of tracts identified for restriction transfers.

Tract ID:	GX100-034	QD100-018
County:	Hendry	Hendry
Acreage:	5	5
Acquisition date:	10/6/2000	5/22/2003
Appraised value:	\$50,000	\$50,000

1.2 Caloosahatchee River (C-43) West Basin Storage Project

The purpose of the C-43 Project is to improve the timing, quantity, and quality of freshwater flows to the Caloosahatchee River and estuary. South Florida's flood reduction system stores water in Lake Okeechobee during the annual wet season. Excess water is released, and the resulting, unnatural surges of freshwater to the Caloosahatchee River reduce estuarine salinity levels. Alternately, during the dry season when irrigation demands are high, little to no water is released to the river. This causes an increase in salinity levels. Both high and low salinity levels can trigger the death of sea grasses and oysters, species that are indicators of the estuary's overall health.

The C-43 Project will help ensure a more natural, consistent flow of fresh water to the estuary. To restore and maintain the estuary during the dry season, the project will capture and store basin stormwater runoff, along with a portion of the water discharged from Lake Okeechobee and water will be slowly released into the Caloosahatchee, as needed. This project also provides secondary benefits, once the needs of the estuary are met, along with recreational benefits.

1.3 Department of the Interior and Related Agencies Appropriations Act of 1999, Public Law 105-277 (Land and Water Conservation Funds Grant Agreement -1) (LWCF-1)

LWCF-1 recognized that some of the properties acquired by the District might not be used for an Everglades restoration project. In such circumstances, Farm Bill-1 allowed that the District may:

- 1) Retain and use the property for other Everglades restoration purposes.
- 2) Acquire replacement property for Everglades restoration. Such replacement property shall be of at least equal fair market value.

For this exchange, the District is proposing choosing option 2.

1.4 Scope of Analysis

This supplemental environmental assessment evaluates the removal of Federal grant funding from Tract GX100-034 purchased pursuant to Federal grant agreement LWCF-1 (Table 1). The District proposes to compensate DOI by applying the fair market value of Tract GX100-034 to Tract QD100-018. The effects of changed ownership are evaluated in this limited Environmental Assessment.

Chapter 2. Environmental Consequences

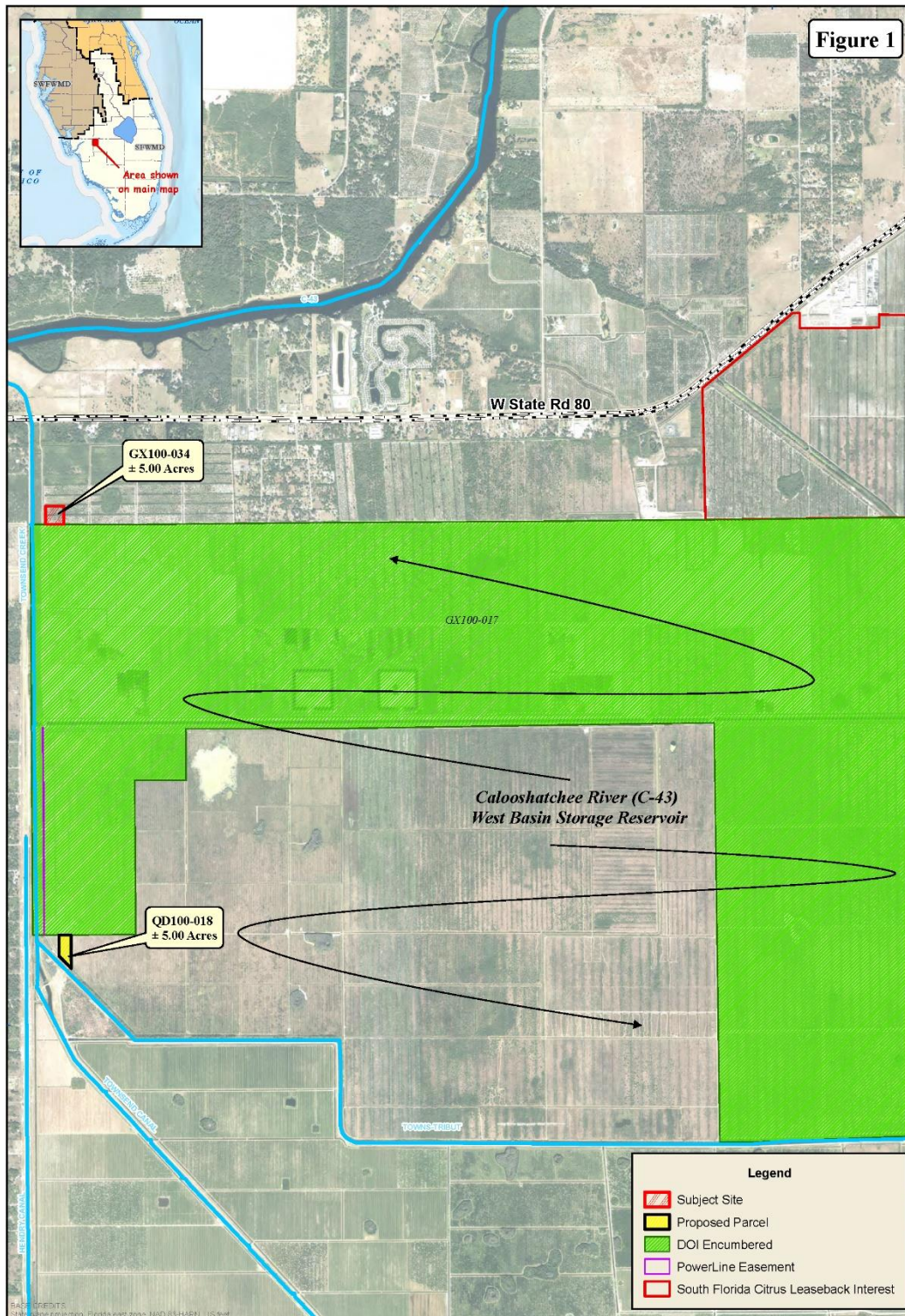
This section reviews the foreseeable environmental consequences of removing funding restrictions on GX100-034 and moving the encumbrance to QD100-018. The review assessed specific study areas and the corresponding consequences posed by the transferring of funding. These consequences are described as "impacts" or "effects." The review considers detailed information that was readily available, professional judgments

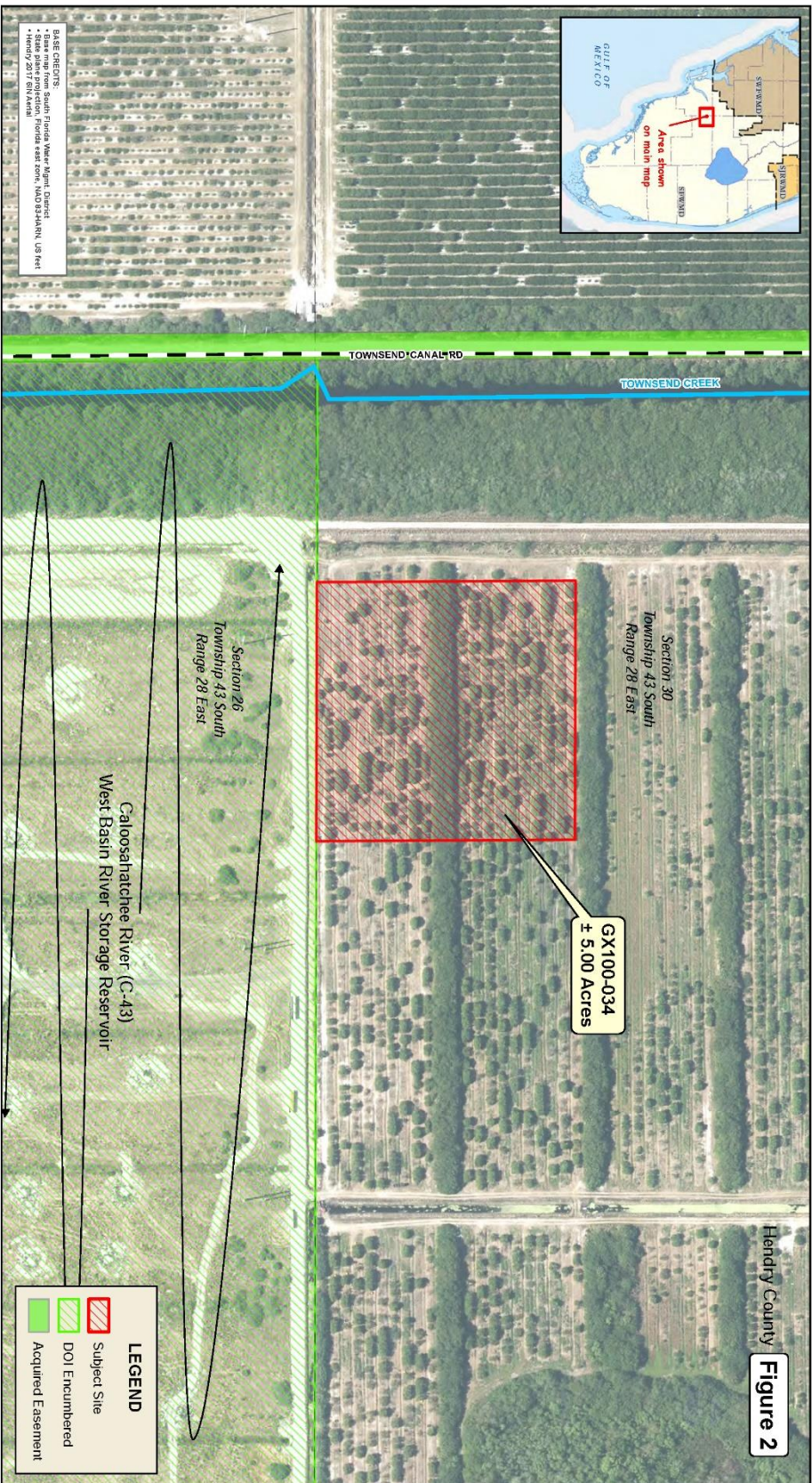
and experience of District Staff and subsequent concurrence by the Service. This EA relies on site observation and the recently updated EA completed for the C-43 reservoir. The study area considers as part of the environmental consequence, the following: Physical Consequences, Impacts to Physical Environment, Biological Consequences, Vegetation and Habitat, Wildlife Threatened and Endangered Species, Socioeconomic Consequences, Environmental Justice, Public Health and Safety Recreation Cultural Resource Consequences. The objective of this property funding transaction is to relocate funding from a property that is outside of the revised boundary of the C-43 project footprint to funding within the project footprint. Based on the updated EA and analysis and findings, **no impacts were documented or anticipated.**

Chapter 3. Consultation and Coordination

The District and DOI have worked together to identify and assess properties that could be included in the proposed Federal land grant transfer that would result in an equitable exchange and would provide benefits to the mission and goals of both entities. The transfer of the land grant funding from GX100-034 to QD100-018 was identified as an option that would provide ecological, construction schedule and cost benefits.

The review of this property also includes review and comment by other Federal and state, agencies and Tribes as well as the affected and interested public. Notification of the opportunity to comment and where to obtain copies of the Environmental Assessment will be announced in Hendry-Glades Sunday News. (Appendix D).





Hendry County
Figure 2

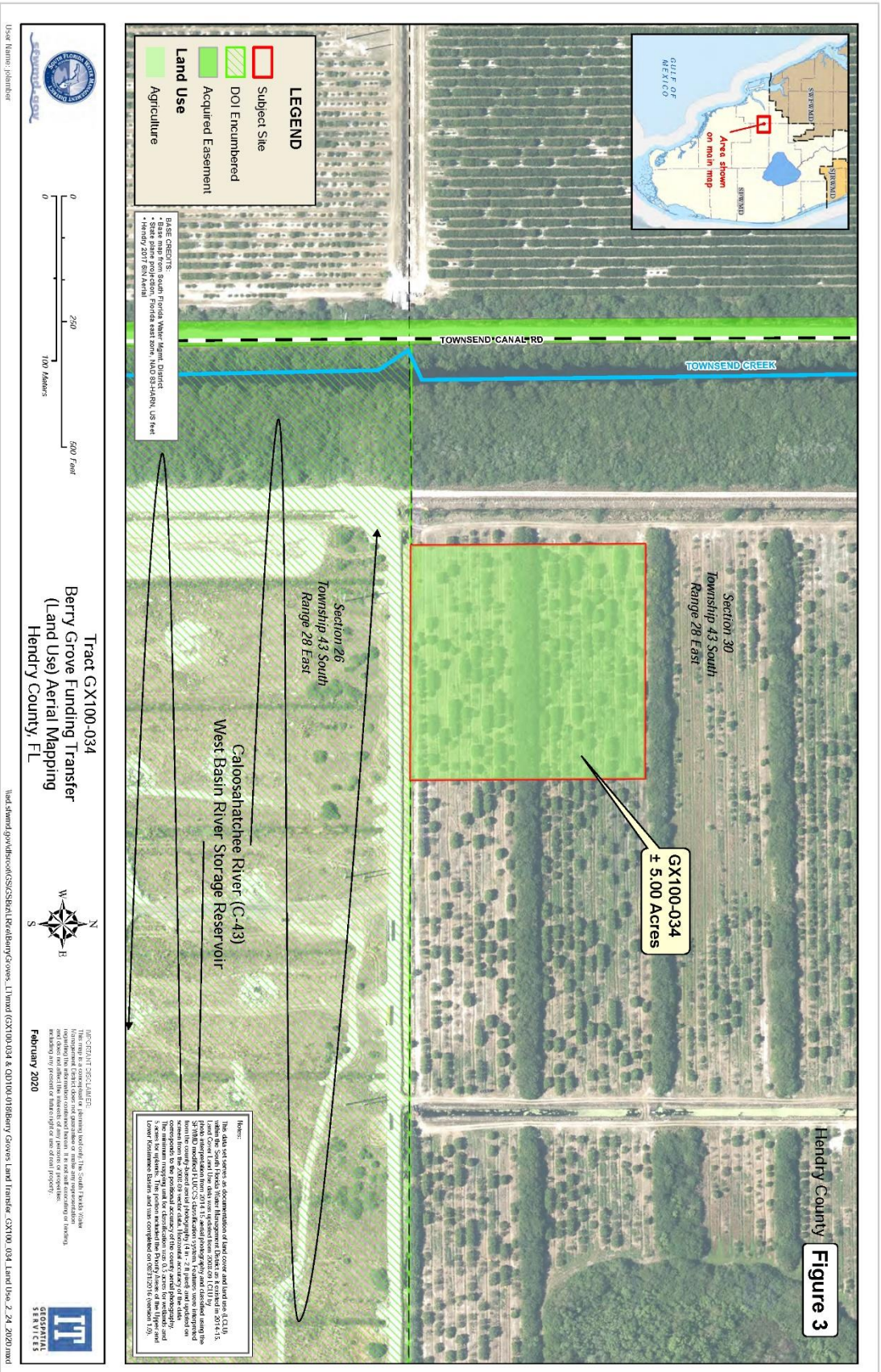


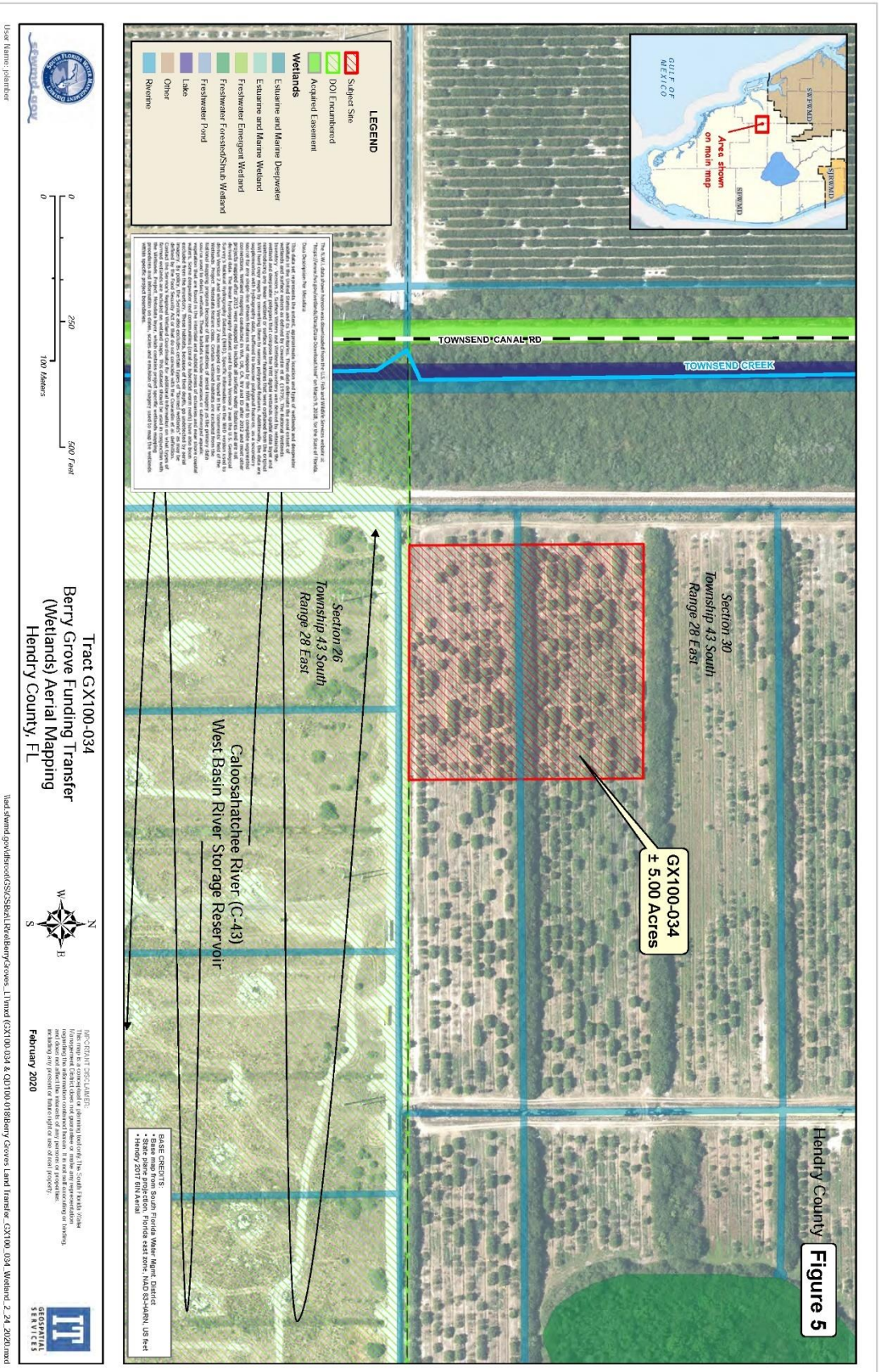
Tract GX100-034
Berry Grove Funding Transfer
Aerial Mapping
Hendry County, FL

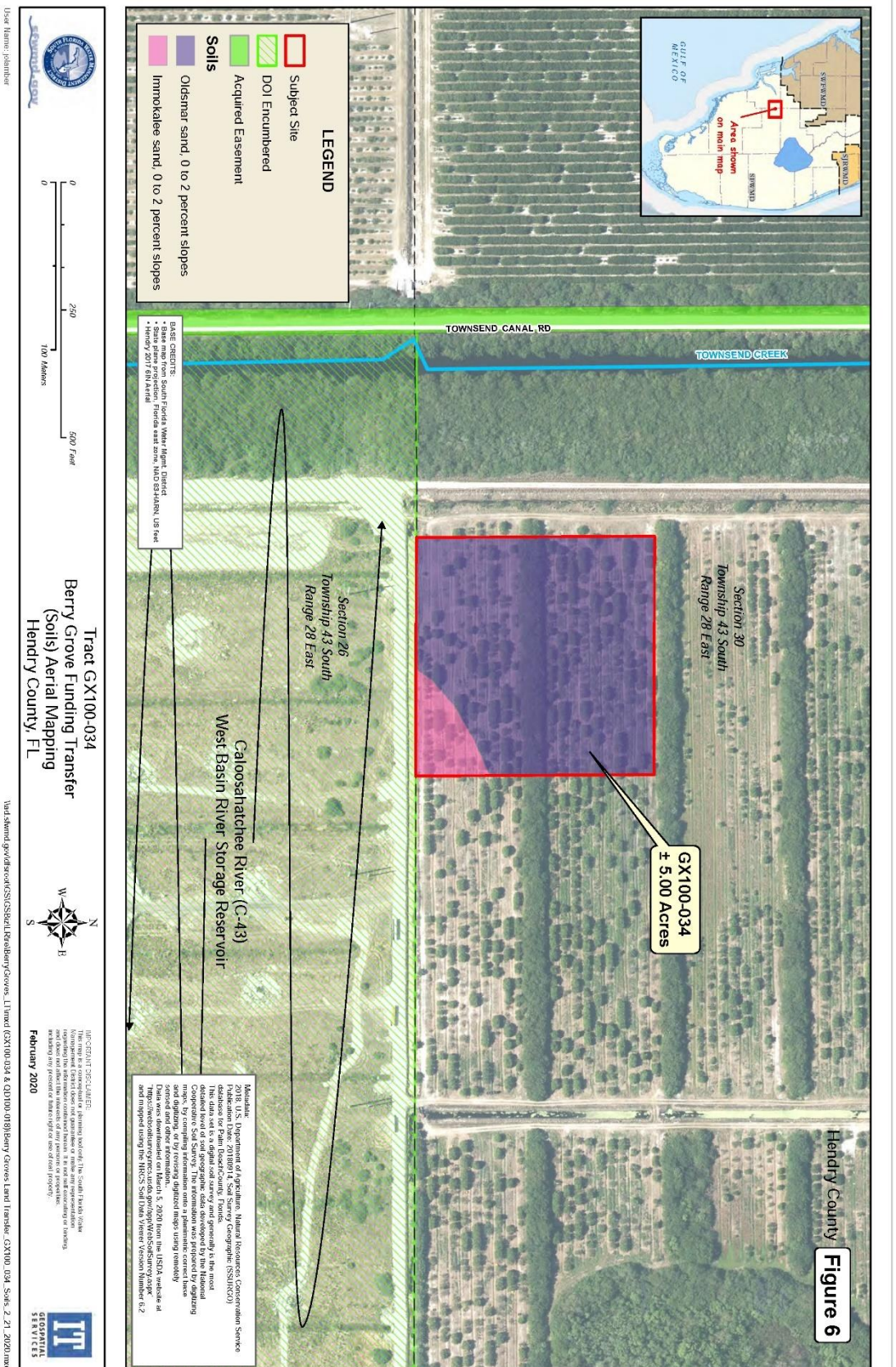


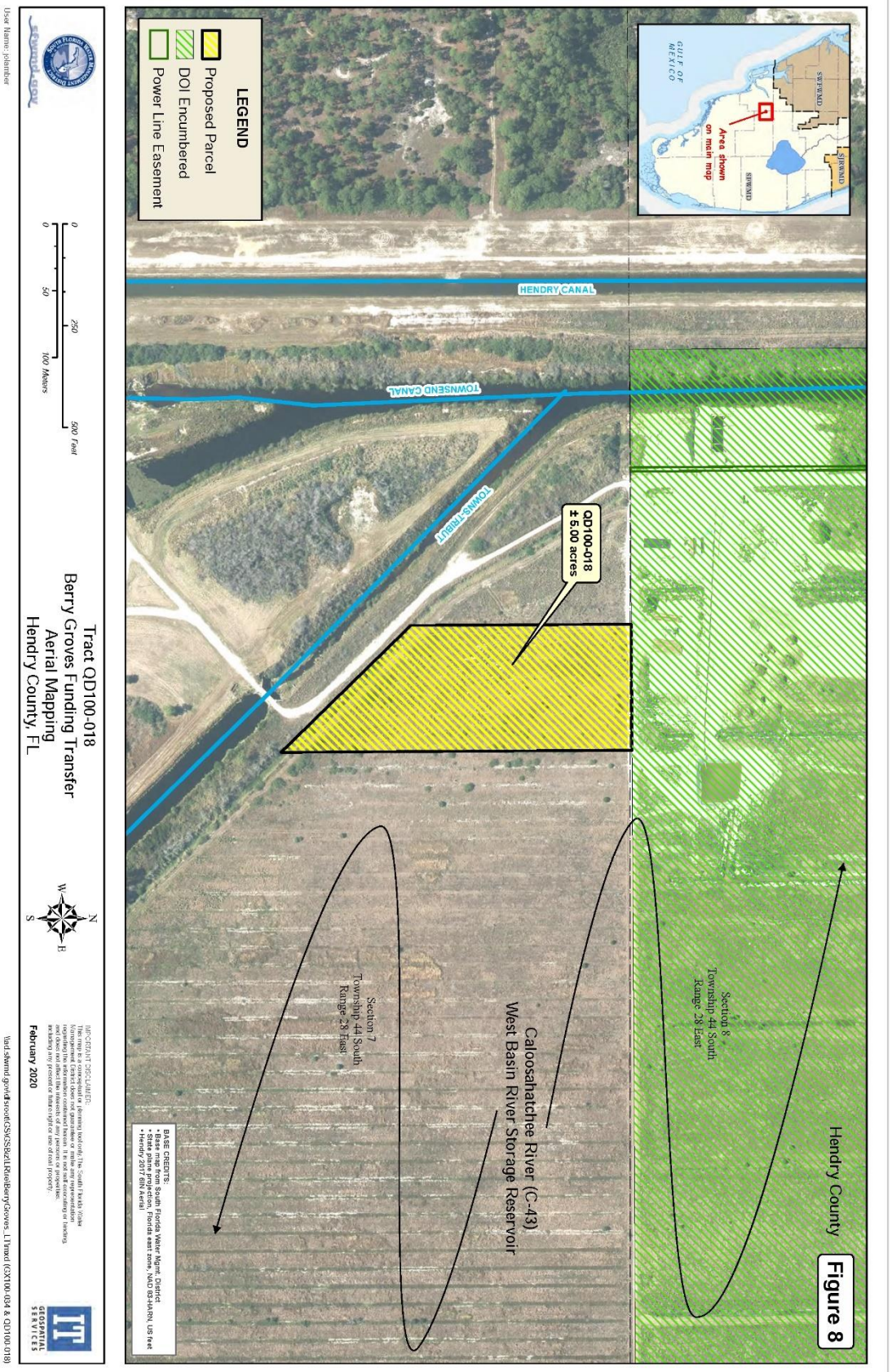
DISCLAIMER: This map was prepared by the Florida Department of Transportation, Division of Aeronautics, and is not intended to be used for any purpose other than the one for which it was prepared. The Florida Department of Transportation, Division of Aeronautics, does not warrant the accuracy or completeness of the information contained herein, and is not responsible for any errors or omissions. The Florida Department of Transportation, Division of Aeronautics, does not assume any liability for any damages, including consequential damages, arising from the use of this map. The Florida Department of Transportation, Division of Aeronautics, does not assume any liability for any damages, including consequential damages, arising from the use of this map.

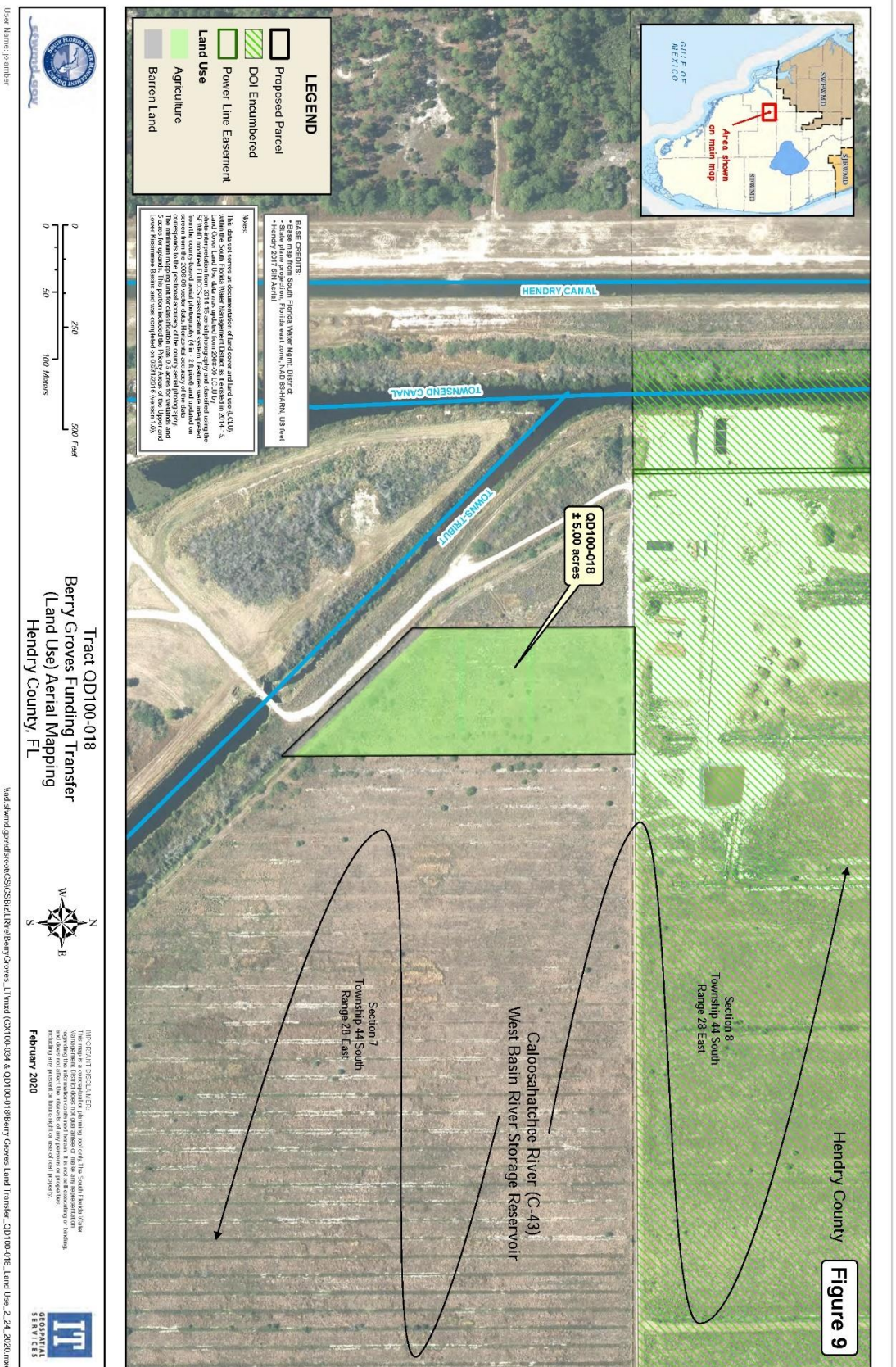


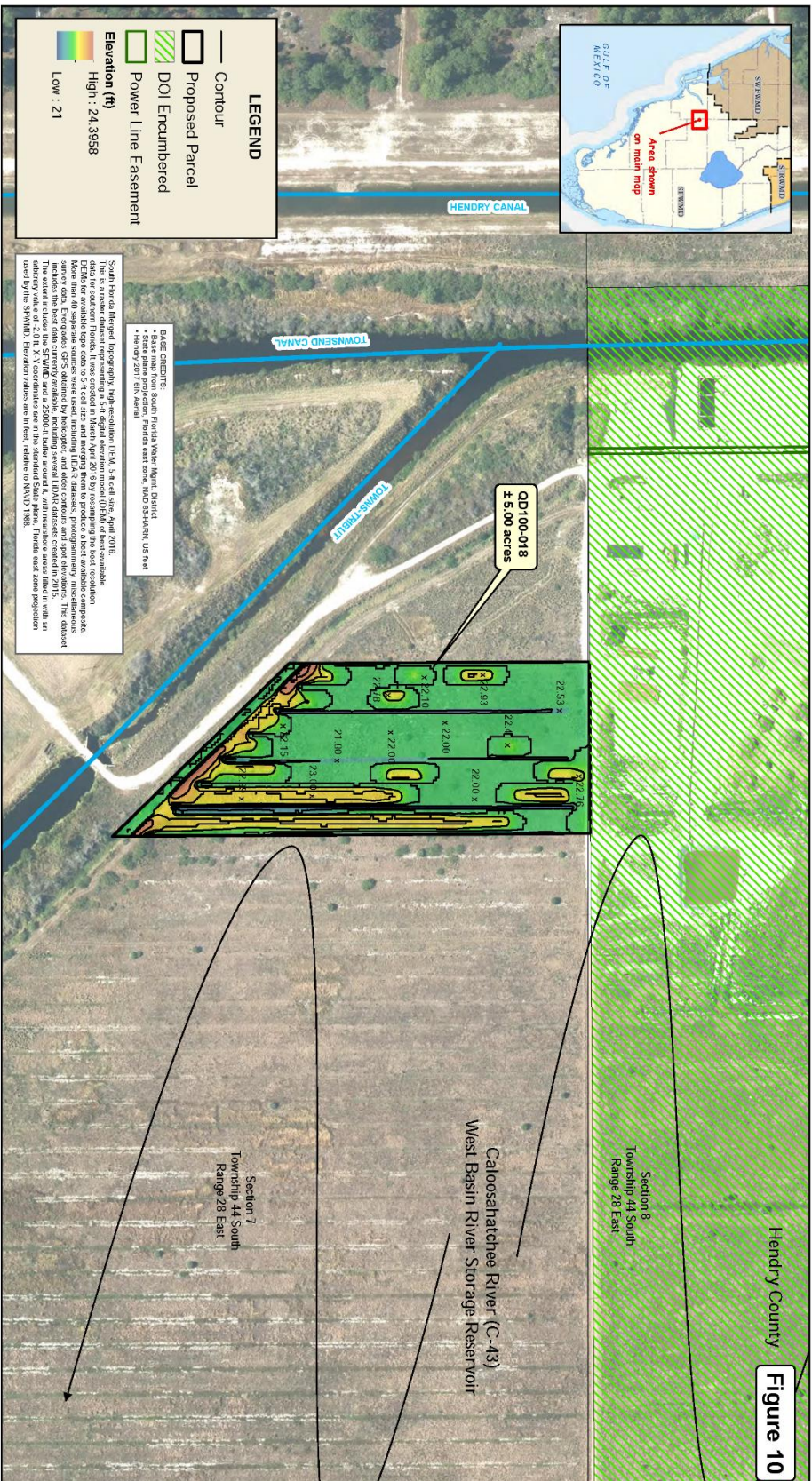


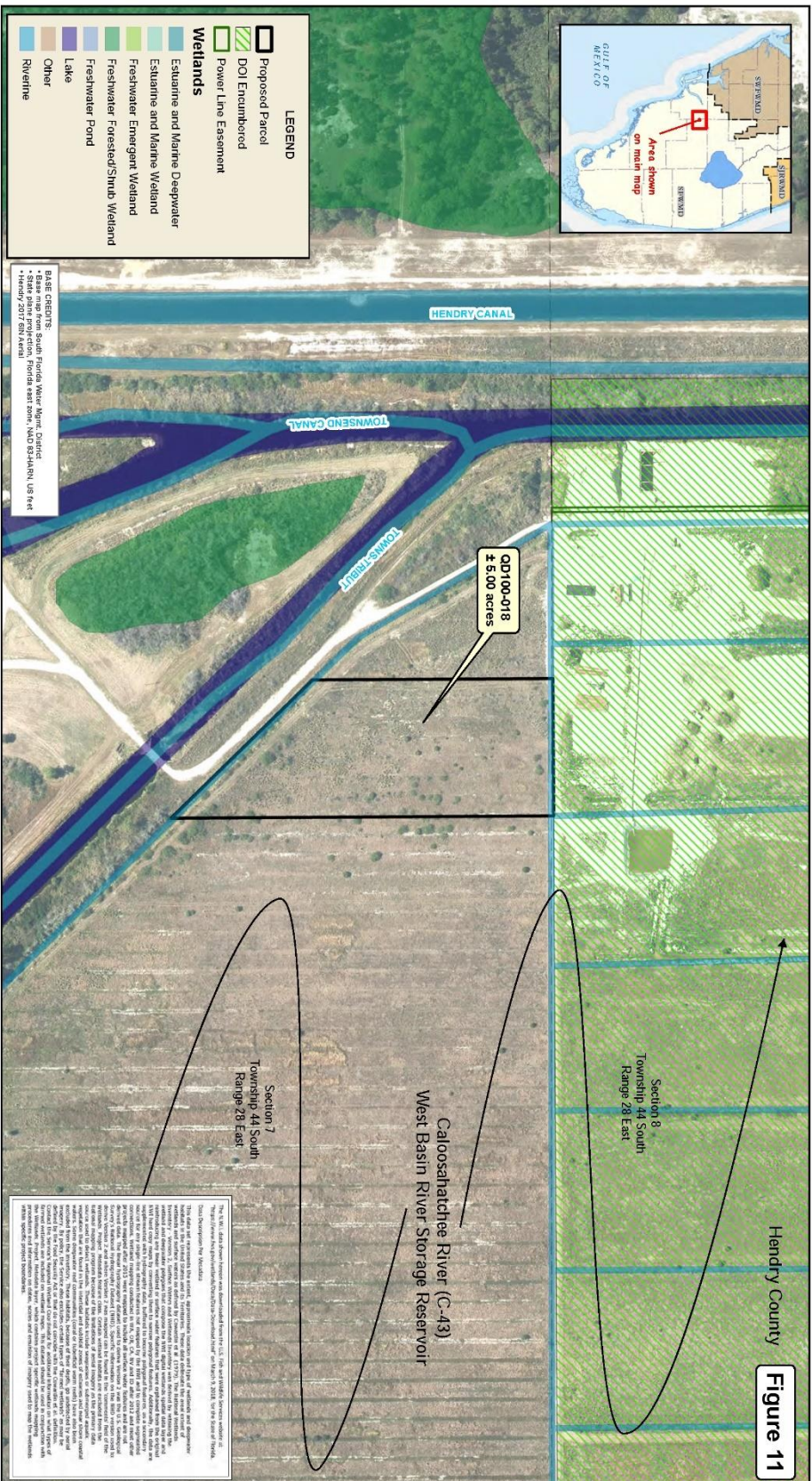


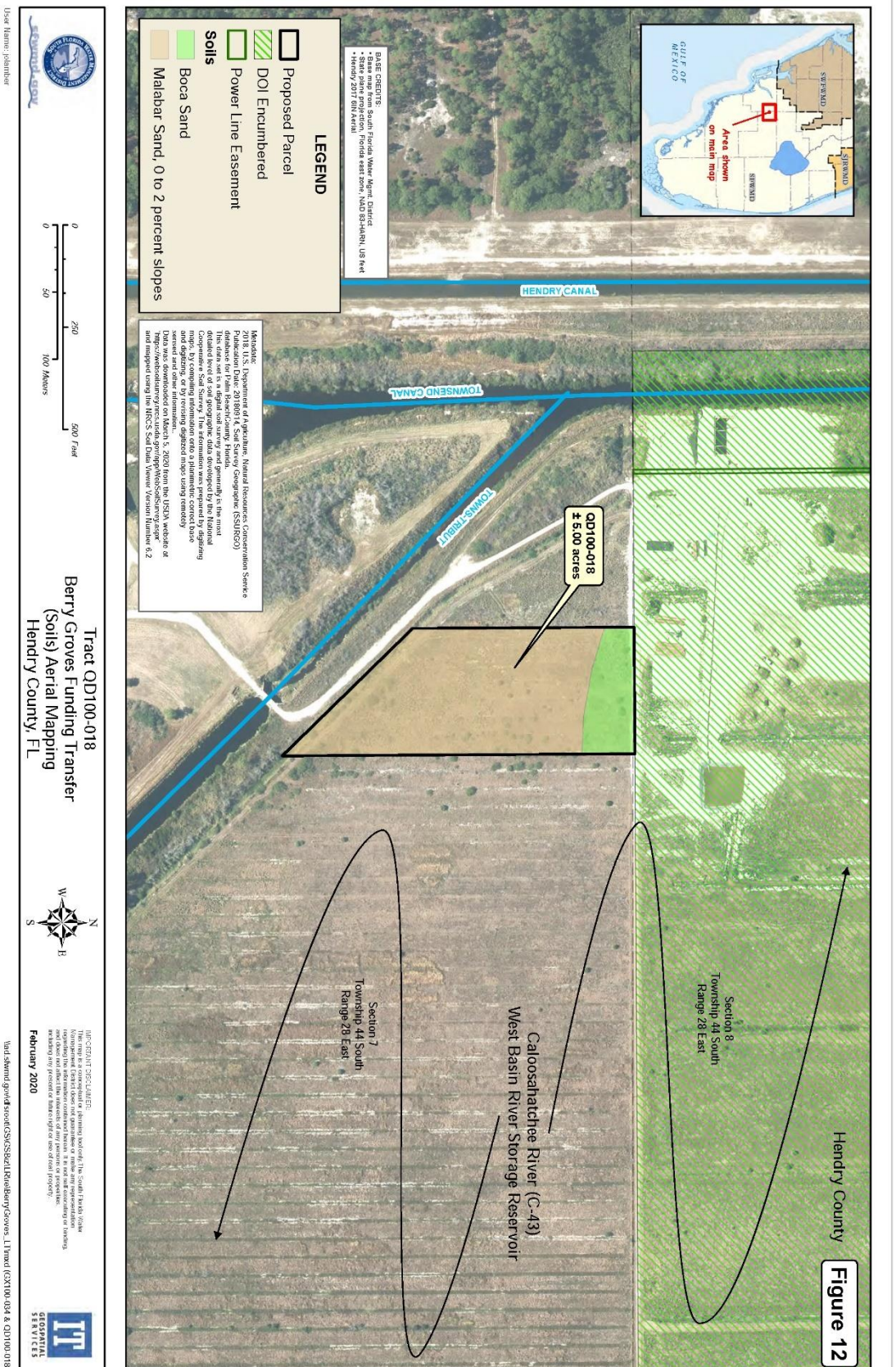


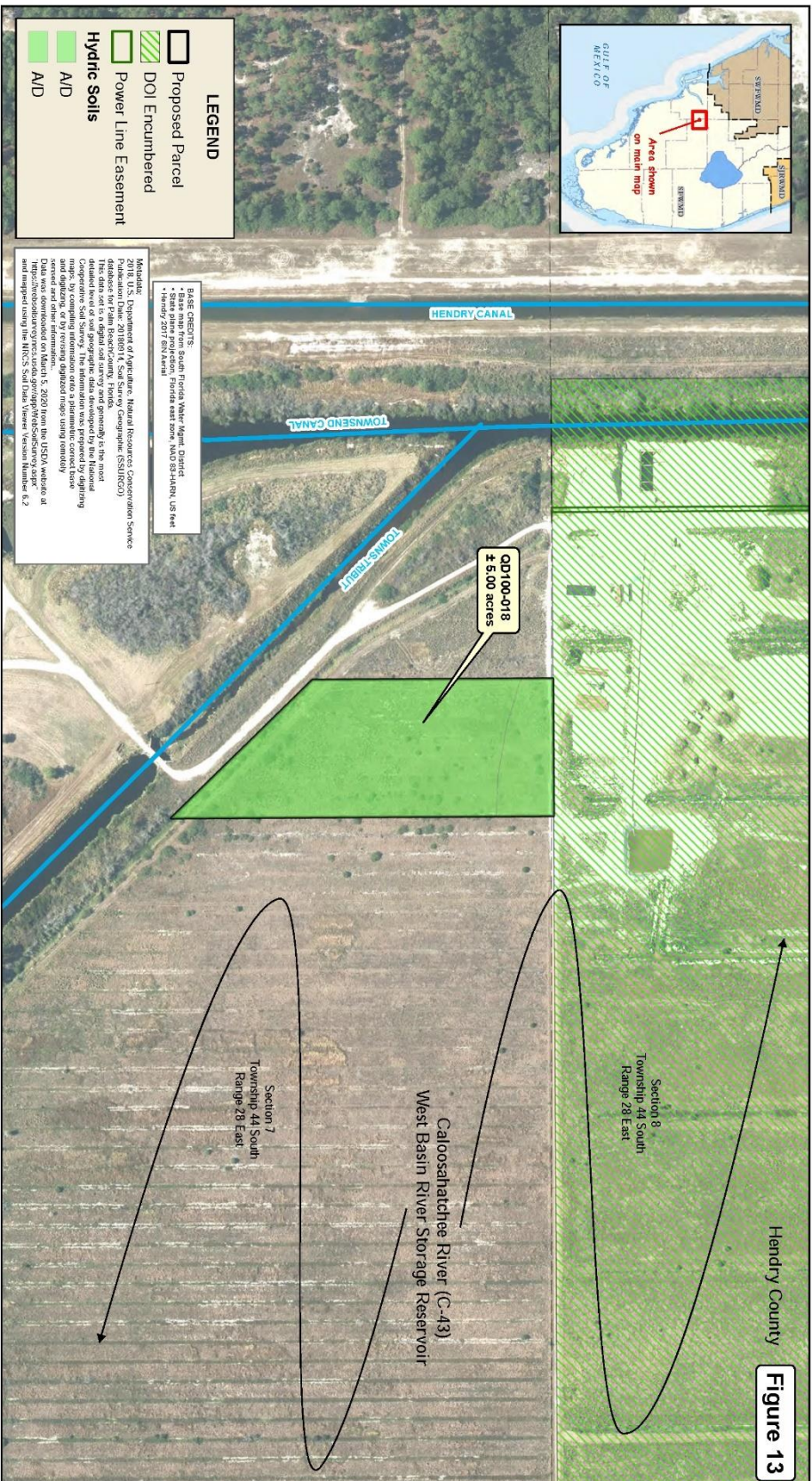












APPENDIX A

Environmental Action Statement

Within the spirit and intent of the Council on Environmental Quality regulations for implementation of the National Environmental Policy Act (NEPA) and other statute orders and polices that protect fish and wildlife resources, I have established the following administrative record and determined the proposed land exchange with the State of Florida and the Department of the Interior. The actions include removal of specific grant funded restrictions on a property owned by the District known as Tract GX100-034 in exchange for the placement of specific grant funded restrictions on a second property owned by the District known as Tract QD100-018

Check One:

- _____ Is a categorical exclusion as provided by 516DM2, Appendix 1 and 516 DM5, Appendix 1, Section 1.4 A (4). No further NEPA documentation will therefore be made.
- X Is found not to have significant environmental effects as determined by the attached Environmental Assessment finding and No Significant impacts.
- _____ Is found to have a significant effect and therefore further consideration of this action will require a notice of intent to be published in the Federal Register announcing the decision to prepare an EIS.
- _____ Is not an emergency action within the context of the 40 CFR 1 506.1 1. Only those actions necessary to control the immediate impacts of the emergency will be taken. Other related actions remain subject to NEPA review.

Other Supporting Documents

Environmental Assessment Report
FWS Endangered Species Act, Section 7 Consultation

Signature Approval:

_____ (1) Originator, Robert Taylor Principal Scientist, SFWMD	_____ Date	_____ (2) Donald R Progulske Everglades Program Supervisor Ecological Services, FL	_____ Date
<u>Only Needed for EIS/ROD</u>			
_____ (3) Mike Piccirilli U.S. Fish and Wildlife Service Chief of Wildlife and Sportfish Restoration Program, Atlanta, Georgia	_____ Date	_____ (4) Regional Director, Southeast Region	_____ Date

APPENDIX B

Finding of No Significant Impact (FONSI)

Finding of No Significant Impact (FONSI)

Introduction

On [REDACTED], the U.S. Fish and Wildlife Service (Service) completed Step 3 of the Everglades Grant Land Disposition Protocol outlined in a letter provided to the South Florida Water Management District (District) on March 11, 2016 by the U.S. Department of Interior. The review focused on the removal of specific grant funded restrictions on a property owned by the District known as the Berry Grove property / C-43 reservoir, specifically a five acre sub-portion known as Tract GX100-034 in exchange for the placement of specific grant funded restrictions on a second property owned by the District known as Tract QD100-018.

While the exchange tract measures five acres, the entire Berry Grove/C-43 property consists of 8,682-acres located within Hendry County. The South Florida Water Management District (District) acquired the property for the Comprehensive Everglades Restoration Plan (CERP), Caloosahatchee River (C-43) West Basin Storage Project (C-43 Project) using Federal grant funding. After finalizing the project plans, a 5-acre tract within the Berry Grove Property known as GX100-034 was identified as needed for a Florida and Power & Light Electrical Substation. The electrical substation is needed to support the operation of the C-43 reservoir electrical power pump station under construction. The new pump station will require a dedicated source of power. Based on design parameters provided by FPL, facilitation of the electrical substation requires that the District provide suitable lands for the substation along the boundary of the reservoir in proximity to the pump station.

An Environmental Assessment (EA) has been prepared to inform the public of the possible environmental consequences of removing the grant funding restrictions. A description of the alternatives, the rationale for selecting the preferred alternative, the environmental effects of the preferred alternative, the potential adverse effects of the action, and a declaration concerning the factors determining the significance of effects, in compliance with the National Environmental Policy Act of 1969, are outlined below. The supporting information can be found in the Environmental Assessment.

Alternatives

Alternative B was selected as the "Preferred Alternative," for the proposed action to allow for long-term resource protection, enhanced wildlife habitat and population management, and further public wildlife-oriented recreation. The overriding concern reflected in this plan is ensuring quality habitat and protection to native species while providing compatible recreational experiences for the public.

Alternative A: No Action – Current Land Ownership

Under Alternative A, no land exchange would occur, and the current land ownership and management would continue. Restrictions on GX100-034 would remain. However, not providing this parcel to FPL would complicate the siting for the FPL electrical substation. This action would realistically cause a delay in the construction schedule for the C-43 Project and would increase construction costs. These additional costs are related to identifying and purchasing the necessary property needed for the substation as well as any potential modification to the electrical substation based on proximity to the site. Estimated cost \$500,000

Alternative B: New Proposed Action – Removal of Federal Interest on Tract GX100-034 for Placement on Tract QD100-018

The District would convey all real property interest in the five-acre GX100-034 parcel to FPL and remove the encumbrance from GX100-034, which was partially acquired with LWCF-1 funds. In exchange, the District would transfer the Federal interest encumbrance to the five-acre QD100-018 located within the reservoir

Alternative C: New Proposed Action – Removal of Federal Interest on Tract GX100-034 for Placement on Newly Identified Property

The new proposed action would require, if available, the acquisition of properties within an acceptable area having an appraised value of at least \$50,000. Once acquired, the District would convey all real property interest in the five-acre Tract GX100-034 parcel to a private entity and remove the encumbrance and Federal nexus from Tract GX100-034, which was partially acquired with LWCF-1 funds. In exchange, the District would transfer the Federal interest encumbrance to the newly acquired property. This alternative is problematic, due to property availability and budgetary and construction schedule constraints.

Selection Rationale

The transfer of grant funding restrictions from GX100-034 to QD100-018 will allow the property to be improved for a necessary electrical substation and remove both the U.S. DOI and the District from ownership of a fallow agricultural property that currently provides no measurable ecological benefit. Additionally, this process would minimize cost associated with identifying and purchasing a second property needed for the substation. Considering that parcel GX100-034 is outside the C-43 Project levee footprint (other than for an electrical substation) there are no current or future restoration needs for this property. Tract QD100-018 is within the footprint of the CERP, C-43 Project.

Environmental Effects and Consequences

The physical, biological, socioeconomic, and cultural and historic characteristics of QD100-018 will be retained/improved after the proposed transfer of funding restrictions occurs. The parcel is currently fallow citrus lands that will be used to construct the C-43 reservoir

Tract GX100-034 is fallow citrus lands that will be used to construct an electrical substation. No measurable impacts would be realized as part of the change in land use, i.e. physical, biological, socioeconomic, and cultural and historic characteristics of the current condition after the proposed removal of DOI funding restrictions. The property is not part of any current or future restoration project. *The direct impacts of this action are expected to be minimal.*

Cumulative Impacts

Cumulative impacts on the environment result from incremental effects of a proposed action when these are added to other past, present, and reasonably foreseeable future actions. While cumulative effects may result from individually minor actions, they may become substantial over time. The proposed land exchange (Alternative B) would transfer funding restrictions from GX100-034 to QD100-018. GX100-034 will be improved from fallow agricultural lands to an electrical substation use, while QD100-018 will be incorporated within the CERP C-43 Project. *Therefore, cumulative effects of this action are expected to be minimal*

Coordination

The U.S. Fish and Wildlife Service (Service) and the District have actively communicated and coordinated regarding the proposed land exchange. The public will be kept well-informed of this land exchange through various media. The District has communicated about grant funding restriction removal and transfers at meetings with various stakeholders over the past year and in a public meeting on the transfer of funding restrictions and land exchange. The Service Regional Office (RO) personnel and staff biologists have conducted reviews of the transfer of funding restrictions.

Findings

Based on the findings of the EA's and the Service's review, the proposed removal of funding restrictions does not constitute a major Federal action significantly affecting the quality of the human environment under the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 (as amended). As such, an environmental impact statement is not required.

1. Both beneficial and adverse effects have been considered, and this action will not have a significant effect on the human environment.
2. The actions will not have a significant effect on public health and safety.
3. The project will not significantly affect any unique characteristics of the geographic areas, such as proximity to historical or cultural resources, wild and scenic rivers, or ecologically critical areas.
4. The effects on the quality of the human environment are not likely to be highly controversial.

Findings (cont'd)

5. The actions do not involve highly uncertain, unique, or unknown environmental risks to the human environment.
6. The actions will not establish a precedent for future actions with significant effects nor do they represent a decision in principle about a future consideration.
7. There will be no cumulatively significant impacts on the environment. Cumulative impacts have been analyzed with consideration of other similar activities on adjacent areas.
8. The actions will not significantly affect any site listed in, or eligible for listing in, the National Register of Historic Places, nor will they cause loss or destruction of significant scientific, cultural, or historic resources.
9. The actions are not likely to adversely affect threatened or endangered species, or their habitats
10. The actions will not lead to a violation of Federal, state, or local laws imposed for the protection of the environment.

Supporting References

C-43 Cultural Resources Assessment Janus Research

Document Availability

The Environmental Assessment was made available to the public electronically on the South Florida Water Management District Website, . Additional copies are available by writing:

Mike Piccirilli
U.S. Fish and Wildlife Service
Chief of Wildlife and Sportfish Restoration Program
Atlanta, Georgia

Date

APPENDIX C
Public Comment

Transfer of Grant Fund Restrictions
Tract GX100-034 to Tract QD100-018

An announcement of the proposed grant funding transfer will appear in the Hendry-Glades Sunday News, a weekly newspaper distributed in Hendry County, Florida.

(Appendix D.)
Placeholder for C-43 Environmental Assessment Summary