



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JUL 10 2018

Colonel Jason Kirk, Commander  
Jacksonville District, US Army Corps of Engineers  
P.O. Box 4970  
Jacksonville, Florida 32232-0019

Re: Draft Environmental Impact Statement (DEIS) for South Florida Water Management District Section 203 Everglades Agricultural Area Southern Reservoir and Stormwater Treatment Area, Miami-Dade County, Florida; CEQ No: 20180126

Dear Colonel Kirk:

The U.S. Environmental Protection Agency has reviewed the above referenced document in accordance with Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act (NEPA). The purpose of the DEIS is for the US Army Corps of Engineers (USACE) to evaluate the impacts associated with the proposed restoration project that is described in the South Florida Water Management District (SFWMD) Section 203 Everglades Agricultural Area Southern Reservoir and Stormwater Treatment Area ('EAA Reservoir DEIS'). The EPA notes that SFWMD's tentatively selected plan (TSP) would make modifications to the previously Congressionally-authorized Central Everglades Planning Project (CEPP). The SFWMD prepared a feasibility study and environmental study pursuant to Section 203(a)(1) of the Water Resources Development Act (WRDA) of 1986. The Federal action required by the USACE was to evaluate and report whether the project is feasible and provide any recommendations concerning the project design or conditions for construction to several Congressional committees. In a letter dated May 30, 2018, Mr. R.D. James, the Assistant Secretary of the Army for Civil Works, made the determination that the project was feasible and that the USACE's Review Assessment was submitted to the Office of Management and Budget for clearance to submit to Congress.

The EPA provided technical comments for the CEPP DEIS on December 2, 2013, and the FEIS on October 6, 2014. The EPA provided scoping comments for the EAA Reservoir DEIS to the SFWMD on November 21, 2017, and to the USACE on April 30, 2018. Additionally, the EPA staff attended numerous public meetings and agency coordination meetings for the proposed restoration project.

As stated in the DEIS's cover sheet, the purpose of the project was *"to improve the quantity, quality, timing and distribution of water flows to the Northern Estuaries, Water Conservation Area 3, Everglades National Park, and Florida Bay while increasing water supply for municipal, industrial and agricultural users to a greater extent than would be accomplished in the authorized Central Everglades Planning Project."* The SFWMD identified 6 alternatives in their environmental documentation and compared these alternatives to the 'No Action' alternative, which was the original Congressionally-authorized CEPP. The SFWMD identified Alternative C240A as the recommended plan and the environmentally-preferred plan. The USACE states that the Alternative C240A includes a 240,000 ac-ft. above-ground reservoir and a 6,500-acre Storage Treatment Area (STA) that would work in conjunction with the existing 60,000 ac-ft A-1 Flow Equalization Basin (FEB), STA-2, and STA-3/4 to reduce

nutrient levels in the freshwater so that it could be transferred into the Everglades. The USACE also states in the DEIS that the TSP would increase flows to the greater Everglades.

The EPA notes that the Everglades' STAs have a National Pollutant Discharge Elimination System Permit and an Everglades Forever Act Permit issued by the Florida Department of Environmental Protection (FDEP). These permits require that the STA discharges meet a Water Quality Based Effluent Limit (WQBEL) for phosphorus of 13 parts per billion (ppb) long-term average. SFWMD performed water quality modeling, and they concluded that based on the modeling, the Recommended Plan would discharge at the WQBEL. In March of 2018, the Secretary of the FDEP issued Executive Order DEP #18-0054 regarding the EAA reservoir which states: "*that regardless of the modeling predictions, existing permit conditions ultimately require attainment with the WQBEL*" and "*In the event the WQBEL is not attained, additional actions to meet water quality requirements must be undertaken.*"

The EPA encourages the USACE, as the government agency charged with tribal consultation under Executive Order No. 13175, "Consultation and Coordination with Indian Tribal Governments" (Nov. 6, 2000), to conduct tribal consultations with the Miccosukee Tribe of Indians of Florida and the Seminole Tribe of Florida, as it deems appropriate. Also, we encourage the SFWMD to continue its outreach efforts to the Tribes in conjunction with the proposed project. The EPA notes that in its January 8, 2018, letter to the SFWMD, the Miccosukee Tribe of Indians of Florida outlined concerns regarding the proposed EAA Reservoir project. The EPA works closely with both Tribes on Everglade matters and is committed to working with the SFWMD, state and Federal partners regarding the Tribes' water quality and water management concerns.

Overall, the EPA is supportive of the TSP and we concur with the USACE that the modifications to the CEPP would be beneficial to the northern estuaries and would increase much needed flows to the Everglades. The DEIS has been rated as a Lack of Objections ('LO'). The EPA appreciates the opportunity to review the DEIS and looks forward to continued participation in the Comprehensive Everglades Restoration Plan project development process. If you wish to discuss this matter further, please contact Ms. Jamie Higgins, of my staff, at (404) 562-9681 or by e-mail at [higgins.jamie@epa.gov](mailto:higgins.jamie@epa.gov).

Sincerely,



Carol J. Monell  
Acting Director  
Resource Conservation and Restoration Division