

Species Management

Everglades National Park: Cape Sable Seaside Sparrow

After being paid by the federal government for scientific modeling deemed necessary to craft a federal plan to protect the sparrow, SFWMD was shut out of the decision-making that produced the final agreement between USFWS and the Corps. The Biological Opinion released in July 2016 would virtually decommission key, taxpayer funded structures – known as the S-12s – that move water into Everglades National Park all in an effort to protect the bird. The plan's ecological impacts to Water Conservation Area 3, managed by SFWMD as part of the remnant Everglades, are also unknown.

- SFWMD Executive Director [March 29, 2016, letter](#) asking to part of the process. The federal government did not send a meaningful reply.
- Shortly after Corps/USFWS issued the Biological Opinion, USFWS went back on the agreement and required S-12s be closed longer.

July 27, 2016, Email

From: Antonacci, Peter
Sent: Wednesday, July 27, 2016 4:37 PM
To: Governing Board Members <GoverningBoardMembers@sfwmd.gov>
Cc: Barnett, Tia <tbarnett@sfwmd.gov>
Subject:

By now you may have seen press accounts of the secret-turned-public agreement between the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers regarding the Cape Sable seaside sparrow and particularly the operation of the S-12 water control structures along the Tamiami Trail. This accord requires the virtual decommissioning of these significant public investments in South Florida's water control system.

This is to report that SFWMD staff was not afforded the opportunity to participate in the decision-making that produced the final agreement. As a matter of fact, our scientists, water managers and wildlife experts didn't receive a copy of the 400-plus page document until after its publication by USFWS last Friday. Regardless of any underlying federal process, good judgment dictates that the local sponsor of Everglades

restoration should have been an integral part of the decision-making leading to this agreement.

Our experts are reviewing this Biological Opinion to determine its broader impacts to water management in South Florida and the future public investments in Everglades restoration. Staff will report back to you on this topic from time to time at future Board meetings.

With certainty, I can say now that your staff would not have agreed to a plan that will raise water levels for longer durations in Water Conservation Area 3 with unknown ecological consequence and potentially force more Lake Okeechobee water to our coastal estuaries. Your staff was not permitted to make a case of any kind while the matter was mediated by the Corps and USFWS over the last seven months.

Here are some additional facts:

The government paid for SFWMD hydrologic modeling in the designated study areas. Your staff participated in a series of meetings regarding this modeling and provided relevant technical information. However, in a March 29, 2016 letter (attached), I asked that this agency be permitted to meaningfully participate in the decision-making because the final decision would have a profound impact on our operations in Water Conservation Area 3A, the South Dade Conveyance System and the proposed L-28 Planning Study. This request was not answered by the government in a meaningful way and the process continued without SFWMD decision-making participation.

Your Water Resources Advisory Commission could have been a proper forum to openly scrutinize the plan. WRAC would have been the place to have a broader conversation in the Sunshine about protection of a single species and its congruency with continued public investment in Everglades restoration. As it stands now, federal agencies ask Congress for restoration project money but do not reveal the costs of operating these public investments when Endangered Species Act rules are applied as the last word. This leaves taxpayers to bear the increased, undocumented burden of obsessive, single-species application of the law.

Government agencies decided this issue in secret, so the endorsement and cooperation potentially flowing from a public discussion will not occur. The Corps hands may have been tied by the federal process as dictated by the USFWS in developing and releasing the final Biological Opinion, but common sense and inclusiveness should have held the day.

Flying in the face of these facts, and just days before release of Biological Opinion, the USFWS staff asserted to you that SFWMD is "operating in isolation." The handling of

this sparrow issue proves quite the contrary. Our staff is subject to Florida's Public Records Act and you are subject to the Sunshine law. Together we are accustomed to addressing issues transparently, with accountability to our taxpayers. By contrast, USFWS actions with regard to a handful of birds are stark, troubling and call out for review of the Endangered Species Act and USFWS enforcement policies.



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

March 29, 2016

Colonel Jason A. Kirk
District Commander, Jacksonville District
U.S. Army Corps of Engineers
701 San Marco Boulevard
Jacksonville, FL 32207-8175

Dear Colonel Kirk:

With respect to your correspondence of March 15, 2016, the South Florida Water Management District looks forward to the Everglades Restoration Transition Plan (ERTP) multi-agency coordination meeting scheduled for April 7th. In order to meaningfully participate and be a productive part of the ERTTP process, I ask for the distribution of supporting documents and information regarding the proposed ERTTP modifications so that District staff may participate more fully informed. The relevance of the supporting documentation doesn't merely effect the District's ability to participate, it has broader implications. Any final ERTTP decision will certainly have a profound effect on the District's operations within Water Conservation Area 3A, the South Dade Conveyance System and the proposed L-28 Planning Study. While we are ready to participate enthusiastically, we remain at a disadvantage with the absence of critical information and documents.

I look forward to the speedy distribution of documents on issues that are critical to the continued momentum generated by our mutual efforts over the last several months. Please do not hesitate to contact me if you have any questions.

Sincerely,

Peter Antonacci
Executive Director

PA/rb