

April 16, 2007

Mr. Stuart J. Appelbaum
Chief, Planning Division
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232-0019

ATTN: Ms. Barbara Cintron

SUBJ: EPA NEPA Comments on the COE's C&SF "Draft Third Supplemental Environmental Impact Statement, Tamiami Trail Modifications, Modified Water Deliveries to Everglades National Park, Florida" (March 2007); CEQ# 20070092; ERP# COE-E36167-FL

Dear Mr. Appelbaum:

Consistent 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 subject U.S. Army Corps of Engineers' (COE) Draft Third Supplemental Environmental Impact Statement (Third Draft SEIS) concerning Tamiami Trail Modifications and Modified Water Deliveries to Everglades National Park (ENP). This project complements the Comprehensive Everglades Restoration Plan (CERP) effort to enhance water flows to the Everglades.

In addition to our comments on the authorizing original EIS (1992) on Modified Water Deliveries, EPA has recently provided comments on the 2005 Second Final SEIS in a letter dated October 10, 2005. This Second Final SEIS concerned the modification of portions of Tamiami Trail to allow greater downstream water deliveries to the ENP. As such, causeway/culverted portions of Tamiami Trail will be replaced by two extensive bridges totaling three miles, while certain unbridged portions of the roadway would be elevated (per FDOT). Although there will be some bridge construction impacts to wetlands, the overall project impacts will be positive for Everglades rehydration and general restoration. Because of these overall environmental benefits, EPA supported this Everglades restoration project in our 2005 letter.

Since the 2005 Second Final SEIS, however, the COE has completed detailed project engineering and a land survey, which have resulted in more accurate real estate needs and flooding predictions affecting parcels along Tamiami Trail (which would be affected due to higher project water elevations and greater hydroperiods). Also, the COE's assumption that the National Park Service (NPS) would acquire land parcels needed for the project has changed. That is, it was originally felt that such NPS

acquisition would occur before construction of the Tamiami Trail bridges was completed and before additional flows to ENP was initiated. However, the NPS apparently cannot purchase the needed real estate until it completes a General Management Plan (GMP), which is not due until 2009. Therefore, in order to expedite this Everglades restoration project, the COE will instead purchase these lands, with acquisition proposed to begin in 2007.

Because of these changes and refinements since the 2005 Second Final SEIS, the present 2007 Third Draft SEIS was developed to disclose the refined engineering designs and address the real estate component of the project. Specifically, the evaluation of seven privately-owned properties within the project area to be acquired by the COE for project implementation (bridging and road-raising) is addressed.

Specific to this Third Draft SEIS, EPA assumes that the downstream engineering design and induced flooding issues can be coordinated and resolved by the COE. Regarding the real estate component of the project, we wish to emphasize that the cultural resource impacts to some of the parcels to be acquired (pg. ES-v) should be adequately coordinated with the SHPO. Continued coordination with the U.S. Fish and Wildlife Service regarding downstream effects on Florida panther habitat is also recommended. EPA defers to the SHPO and FWS for both of these impact areas. In addition, potential Environmental Justice (EJ) impacts to affected real estate owners should be fully considered (i.e., are any owners minorities and/or low-income groups whose businesses might be disproportionately impacted by the project?).

On an overall project basis, we wish to emphasize that wetland impacts due to Tamiami Trail redevelopment and water delivery modifications should be adequately mitigated. Similarly, water quality impacts should be controlled during construction and from bridge runoff during operation. EPA also wishes to reiterate our previous technical comments on the 2005 Second Final SEIS.

As was the case for the Second Final SEIS, EPA also rates this Third Draft SEIS as "LO" (Lack of Objections). Overall, EPA continues to support this component of Everglades restoration and looks to the COE for expedited project implementation.

Should you have questions regarding our comments, please contact Chris Hoberg of my staff (404/562-9619 or hoberg.chris@epa.gov). Wetland issues may be directly discussed with Eric Hughes of our South Florida Office/Water Management Division and located at the COE Jacksonville District (904/232-2464 or hughes.eric@epa.gov).

Sincerely,

Heinz J. Mueller, Chief
NEPA Program Office