

August 10, 2022

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West Palm BeachColonel James Booth
Commander, Jacksonville District
U.S. Army Corps of Engineers
701 San Marco Blvd.
Jacksonville, Florida 32207Re: Western Everglades Restoration Project – Tentatively Selected Plan

Dear Colonel Booth:

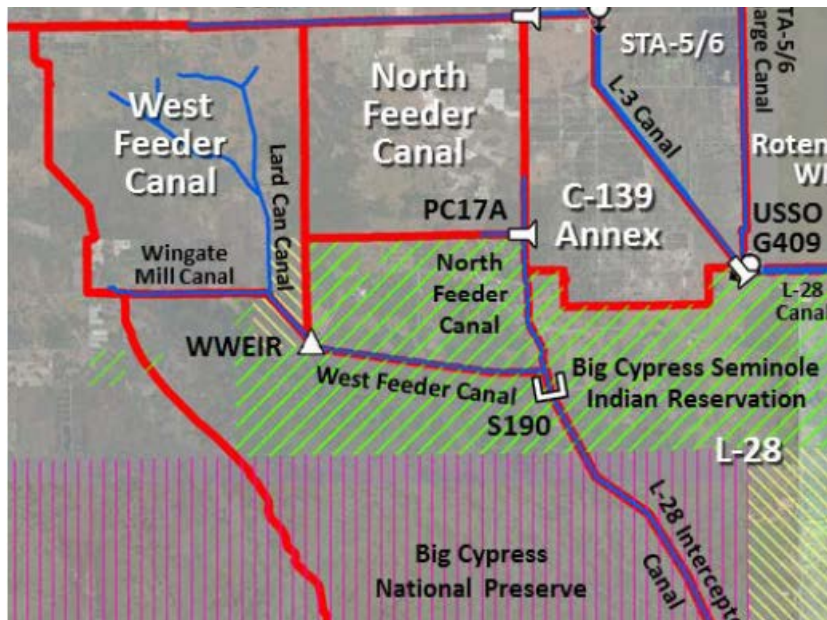
I am writing to provide comments of the Bergeron Everglades Foundation on the proposed “tentatively selected plan” for the Western Everglades Restoration Project (“WERP”). We have significant questions about how the proposed WERP plan, which has been designated “Alternative Hr,” will affect natural resources in southern Hendry County, and we ask that the Corps address these questions before making any decisions to tentatively select any WERP plan.

The Bergeron Everglades Foundation is a nonprofit organization dedicated to the preservation and restoration of the Florida Everglades. It was founded by Floridian and Gladesman “Alligator” Ron Bergeron, who has spent his life exploring, living and working in the natural wonders of South Florida. The mission of the foundation is to educate the public through visual imagery with the hope that people will fall in love with the Everglades and its wildlife, and learn to respect and preserve it for future generations. The foundation also seeks to encourage wise policy decisions related to the South Florida environment.

One of the areas of particular concern to the foundation is southern Hendry County. This area has a mixture of farms, wetlands and other natural areas that recalls an earlier time in South Florida. It includes a pristine section of the Kissimmee Billy Strand that was never logged, where it is possible to see centuries-old cypress trees covered with rare orchids. It also is a biodiversity “hot spot” that is part of the Florida panther’s primary habitat. Many people in South Florida are unaware of the beauty and natural attributes of this area, perhaps because it is in private ownership and is not within the boundaries of the nearby Big Cypress National Preserve (“Preserve”) or Seminole Tribe Big Cypress Reservation (“Reservation”). On WERP project maps, it is shown as a blank area near the Preserve and Reservation, which incorrectly implies that there is nothing there worth protecting.

Water in this area is managed by several canals that collect and send water to the east and south. In the 1960s, the Corps built the L-28 Interceptor Canal to drain the area around the Big Cypress Reservation. The L-28 Interceptor is fed by two canals, the North Feeder Canal

and the West Feeder Canal. The West Feeder Canal, which is the focus of our concern, receives water from two smaller canals, the Lard Can Canal and the Wingate Mill Canal. These latter two canals drain the area west of the Reservation in southern Hendry County. A figure showing the location of the canals is shown below:



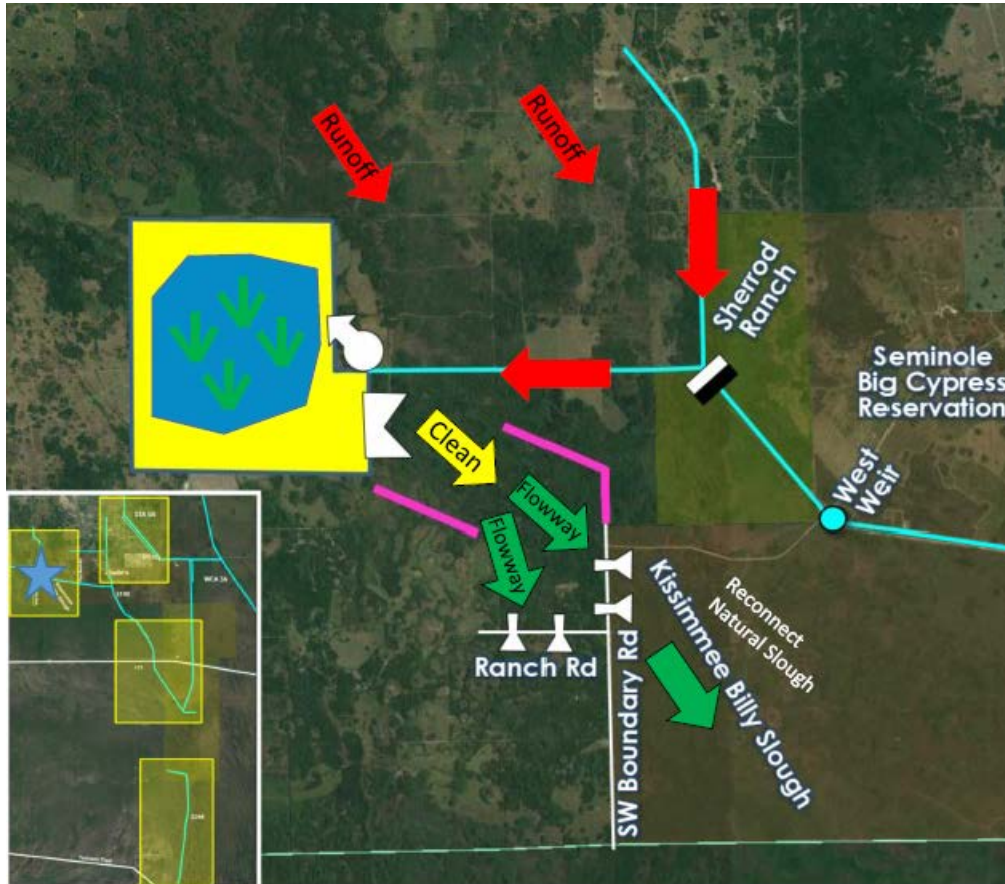
Source: SFWMD Presentation to WERM PDT Meeting (May 30, 2017)

This canal network limits surface inflows to the areas south of the West Feeder Canal and Wingate Mill Canal. Maps prepared by the agencies in WERP process show the areas south of the West Feeder and Wingate Mill Canals as having “no existing direct discharge.” The primary water source for the Kissimmee Billy Strand and other nearby areas is local rainfall. This means that for at least sixty years (if not longer), the flora and fauna in Kissimmee Billy Strand and nearby areas have lived with water levels determined by rainfall and very low phosphorus levels.

It has been difficult for us to gather detailed information about the proposed “tentatively selected plan” for WERP. We have been unable to find documents on the Corps’ website that explain the proposal, other than PowerPoint presentations from past PDT meetings that provide the outlines of the plan. However, from the limited documents available online, we have learned that the Corps proposes several features in southern Hendry County in its proposed plan, identified as “Alternative Hr.” Our comments about Alternative Hr are focused on the features located in what has been variously referred to as the “Western Area,” “Region 2,” or the “West Feeder Canal Basin.”

The proposed WERP plan would make major changes to water management in southern Hendry County. First, it would block the flow of water into the West Feeder Canal, eliminating the longtime outlet for the Lard Can Canal and Wingate Mill Canals. Second, the proposed plan would reverse the direction of water flow in the Wingate Mill Canal, sending water toward the west instead of toward the east. Third, the proposed plan would redirect all of the water in Lard Can Canal from the West Feeder Canal (where it currently goes) to the Wingate Mill Canal. Fourth, the plan calls for construction of a 4,050 acre stormwater treatment area on the western end of the Wingate Mill Canal (the “Wingate Mill STA”), which would take all of the flow from the

Lard Can and Wingate Mill Canals (approximately 41,000 acre feet/year), treat it, and then discharge it south into the Kissimmee Billy Strand. The following figure diagrams the proposed plan in this area:



Source: USACE, Presentation to WERP PDT (June 2020).

This proposal raises several serious concerns that must be resolved before the Corps selects it – even tentatively – as the WERP plan. The foundation supports Everglades restoration in general, but restoration plans need to avoid causing unnecessary environmental impacts and honor the goals and objectives of CERP.

Direct Construction Impacts to Kissimmee Billy Strand

The Wingate Mill STA in Alternative Hr would be located directly on top of a portion of Kissimmee Billy Strand. Kissimmee Billy Strand runs for several miles across southern Hendry County and eastern Collier County. In the area where the Wingate Mill STA is proposed to be built, the Kissimmee Billy Strand is in excellent ecological conditions, with old growth cypress trees and rare native plants. This area has been identified as primary habitat for the Florida panther, and there are regular sightings of the cats there. Most people are unaware that the STA is proposed to be located on such a beautiful natural habitat, because it is shown as a blank area on WERP project maps.

Construction of the STA likely would severely impact, if not destroy, that portion of Kissimmee Billy Strand. The STAs built elsewhere in South Florida all are managed, emergent wetland systems. As part of building those STAs, the agencies grade the land so that water

flows evenly across the landscape in designed flow patterns. If the agencies build the Wingate Mill STA like they have built the other STAs, then we assume that the agencies would remove the trees, fill in the lower ground elevation of the strand to match the ground elevation nearby, and build interior levees and other features. Even if the agencies do not cut down the trees, presumably the agencies will change the natural flow of water within the STA footprint and convert the strand from a natural to a managed system. Although we have found no detailed descriptions of how the Wingate Mill STA would be built and operated, these assumptions are reasonable based on past experience with other STAs built in South Florida since the 1990s.

It is somewhat shocking to think that the Corps would consider destroying a beautiful natural feature in the name of environmental restoration. We are unaware of any other place in South Florida where the Corps and SFWMD have built an STA directly on top of a high quality cypress swamp such as Kissimmee Billy Strand. Even if the construction of the Wingate Mill STA would provide environmental benefits downstream, it is not obvious that those benefits would offset the environmental harm caused within the STA footprint.

We believe that the Corps needs to answer questions about these impacts before selecting Alternative Hr as the tentatively selected plan. We ask that the Corps disclose exactly how it intends to impact this portion of Kissimmee Billy Strand when it builds the proposed Wingate Mill STA. The Corps also needs to identify alternatives that could achieve the goal of improving water quality in this area without harming the natural resources in the project footprint.

Impacts Related to Downstream Water Depths

The proposed WERP plan would discharge a large amount of water into areas south of the Wingate Mill STA. Currently, the Wingate Mill Canal and West Feeder Canal block overland sheet flow to the area south of those canals, which means that those areas only receive water in the form of rainfall. The drainage system collects water in the Lard Can Canal and the Wingate Mill Canal and sends all of that water to the West Feeder Canal, which in turn sends the water down the L-28 Interceptor. The new proposal would take all of the water from the Lard Can Canal and Wingate Mill Canal, send the water west to the Wingate Mill STA, and then release it to the south.

This plan has the potential to cause harmful water levels in the area downstream of the STA. Corps documents available online suggest that Alternative Hr would deliver an average of 41,000 acre feet of water a year from the Wingate Mill STA. If this is true, Alternative Hr would increase surface water flows into this area from nothing to enough water to cover 41,000 acres of land with water a foot deep. Since the Kissimmee Billy Strand continues south of the STA, presumably most of this water flow would concentrate in the strand, making water depths in the strand much deeper.

These quantities of water could cause major harm to the Kissimmee Billy Strand. For at least sixty years, the area south of the proposed STA has had much lower water levels than are proposed in Alternative Hr, and the floral communities as well as the wildlife have adapted to those conditions. Suddenly sending enormous quantities of water into that area has the potential to make the water so deep that it would drown the plants and animals that are accustomed to existing levels of water. The volumes of water will be so high that the rate of flow will necessarily increase, which could have undesirable scouring effects downstream. We also are concerned that water levels could be so deep that they affect the movement of Florida panthers in this section of their primary habitat and negatively impact other wildlife.

We are not aware of any reliable data regarding water levels in this area of the Kissimmee Billy Strand prior to the construction of the Wingate Mill and West Feeder Canals in the middle of the last century. This area was not even the subject of regional hydrological models until recently, and the primary model referenced by the Corps in WERP planning documents (RSMGL) has cell sizes too large to accurately estimate water depths in a cypress strand. Online presentations about the RSMGL model also explicitly state that the model outputs are not intended to create reliable estimates of pre-project conditions.

Before making any decisions on Alternative Hr, the Corps needs to fully understand and disclose exactly how the project will raise water levels and flow rates south of the Wingate Mill STA, and how it will be different than current conditions. Even if the higher water levels are beneficial for areas downstream, the Corps must explain whether it is sacrificing the beautiful areas of the Kissimmee Billy Strand north of the Preserve.

Impacts Associated with Downstream Water Quality

The proposed WERP plan also has the potential to cause significant water quality effects downstream. Since there have been no surface water inflows since the 1960s to the areas south of the Wingate Mill Canal and West Feeder Canal, there have been no significant nutrient inputs into that area for decades. Alternative Hr would change this, by routing all of the water and phosphorus in the Wingate Mill Canal and Lard Canal to the Wingate Mill STA. The Corps' proposed plan essentially would transfer some of the water quality impacts from the areas of Water Conservation Area 3 at the south end of the L-28 Interceptor Canal, to southern Hendry County downstream of the proposed WERP project features. While the STA would be designed to reduce phosphorus levels to 13 ppb, there would still be a major increase in the total mass (load) of phosphorus delivered to this area given the large volumes of water to be delivered.

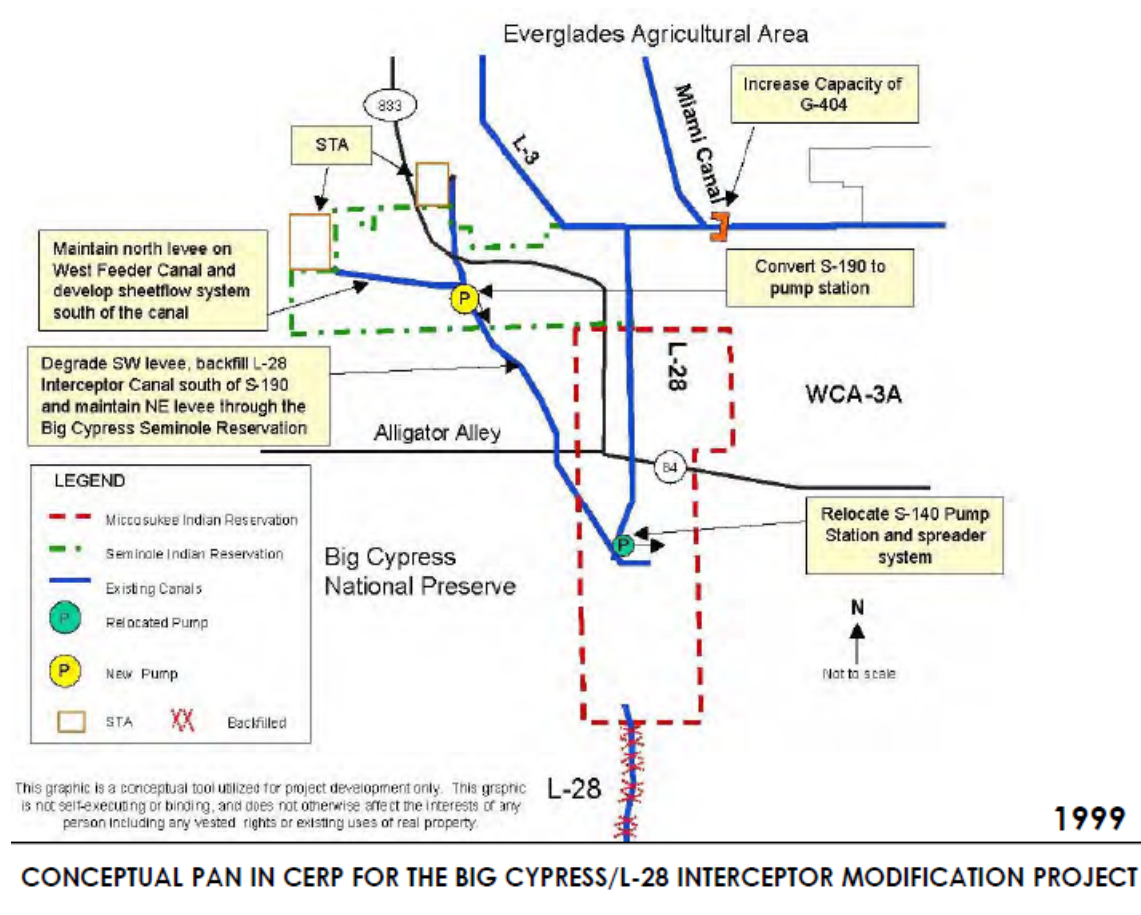
The increase in phosphorus loading to this area could result in significant ecological changes. The South Florida ecosystem is very sensitive to phosphorus levels, and even small increases can result in noticeable changes in floral and faunal communities. The area south of the Wingate Mill STA could see an accumulation of phosphorus levels over time that causes deleterious effects. It is possible that the area immediately south of the STA could turn into some sort of water quality polishing zone that removes the excess phosphorus load for the Preserve downstream, but is sacrificed in the process.

We ask that the Corps fully disclose the expected water quality effects of Alternative Hr before identifying it as the tentatively selected plan. There needs to be a clear explanation of current nutrient levels in the area downstream of the Wingate Mill STA, the expected nutrient levels once the proposed STA is operating, and the zone that could be affected by the excess nutrient load. The Corps also should explain how those nutrient inputs relate to the water quality standards downstream, including areas both inside and outside the Preserve. We note that the Preserve is designated an Outstanding Florida Water and Outstanding National Resource Water under Florida law, which prohibits any water quality degradation from new projects.

Explanation of How This Plan Came to be Developed

Finally, we ask that the Corps better explain how it decided to concentrate all of these impacts on the privately-owned areas of southern Hendry County. Alternative Hr appears to be a significant departure from earlier restoration plans, and we are concerned that it was developed mostly to address concerns in other areas.

The current proposed WERP plan is very different than the project identified in the original Comprehensive Everglades Restoration Plan (“CERP”). CERP included Component CCC, “Big Cypress/L-28 Interceptor Modifications.” Component CCC would have maintained the existing drainage patterns in the West Feeder Basin, so that water in the Lard Can Canal and Wingate Mill Canal would continue to flow into the West Feeder Canal and thence onward to the L-28 Interceptor. This plan would have built a small stormwater treatment area at the western end of the West Feeder Canal to improve water quality in the L-28 Interceptor. Component CCC also would have degraded the southern levee of the West Feeder Canal so that water would sheetflow across several miles of the Reservation and enter the Preserve. A schematic description of the original CERP plan is shown below:



Source: USACE, Presentation to WERP PDT (Aug. 2016).

The current WERP proposal in substance is quite different than Component CCC. Alternative Hr would block all flow into the West Feeder Canal, and reroute water from the Lard Can Canal west to the Wingate Mill STA. The Wingate Mill STA is located several miles west from where it was located in Component CCC, and is much larger. Also, instead of allowing for sheetflow from the West Feeder Canal across several miles of the Reservation, Alternative Hr pushes water discharges west and would concentrate the discharges in the area downstream of the Wingate Mill STA. Alternative Hr essentially pushes water and project features away from the Reservation and relocates them to the privately-owned areas of southern Hendry County.

The foundation supports the Seminole and Miccosukee Tribes' efforts to protect their lands against flooding, water shortages, and water quality impacts. The foundation also supports the National Park Service's desire to increase water flows into the Preserve. However, the foundation is concerned that in developing Alternative Hr, the Corps may have lost sight of the fact that southern Hendry County also has natural features worthy of protection, too. Southern Hendry County is more than just a blank spot on WERP project maps.

We would appreciate it if the Corps could clearly explain how Alternative Hr was developed, and why the agency decided to push the impacts westward from the locations contemplated in the original CERP plan. The individuals who own properties west of the Reservation and north of the Preserve lack the resources to attend the Corps' various PDT meetings, and likely were unaware until recently that the Corps proposes to make major changes to this area. It would increase public confidence in the proposal if the Corps could help everyone understand the process of how this plan was developed, and hopefully demonstrate that the plan is not simply a compromise between powerful interests located elsewhere.

We recognize that the Corps normally prepares an environmental impact statement, and project implementation report, before making final decisions on a proposed project. However, in our experience, once the Corps identifies a tentatively selected plan, it becomes resistant to considering major changes to the plan. For that reason, it is critical that the public get answers to these questions before the Corps selects a plan, even on a tentative basis.

Thank you very much for considering these comments of the Bergeron Everglades Foundation. We look forward to engaging with you and your team in future proceedings related to WERP.

Sincerely,

Neal McAliley