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Re: CEPP Operational Plan Public Scoping Comments

Dear Ms. Nasuti:

On behalf of the undersigned organizations, we submit these scoping comments for the Central Everglades Planning Project (CEPP) Operational Plan currently under consideration by the U.S. Army Corps of Engineers (Corps). We understand that the CEPP Operational Plan will integrate operations of available CEPP features, such as the Everglades Agricultural Area (EAA) Reservoir, together with other related Comprehensive Everglades Restoration Plan (CERP) and non-CERP Projects, the completed Tamiami Trail Next Steps Phase 2 project and forthcoming updates to the Lake Okeechobee System Operating Manual (LOSOM).

Broad Scope of Analysis

We emphasize the importance of an appropriately broad scope of analysis as the Corps considers how to adjust operations embodied in the Combined Operational Plan (COP). The new CEPP operations must maximize the use of the bridging and road raising completed as part of Tamiami Trail Next Steps Project (allowing the L-29 Canal stage to be raised up to 9.7 feet NGVD) as opposed to reliance on the S12 structures. CEPP operations must also account for increases in southerly flow quantities from the EAA Reservoir, LOSOM and other CERP projects, as well as corresponding downstream seepage control measures (i.e., underground barriers and expanded S-356) to optimize and contain flows into Northeast Shark River Slough (NESRS) down to Florida Bay. To these ends, consideration of changes to the regulation schedule for WCA 2A is critical in addition to WCA 3A. The scoping process must include consideration of the most effective ways to incorporate additional CERP projects that may continue to come online during CEPP operations, including a scheduled approach to the CEPP Operational Plan. This should include a discussion of long-term operational alternatives and ways of implementing portions of longer term projects as they come online.

Need to Include Evaluation of Expanded Monitoring and Assessment

We urge the Corps to use the principles of adaptive management to make affirmative changes to increase flows to Everglades National Park (ENP), and Florida Bay, and especially NESRS as soon as possible. This includes a carefully developed and well-supported monitoring and assessment plan (MAP), with the robust funding for monitoring that is key to ensuring adaptive management is effective and informed by the best available science. RECOVER (REstoration COordination & VERification) and the original MAP for CERP were both designed to provide this essential data but their funding has not only failed to keep pace with increased costs, but their funding of field monitoring has actually declined from the levels of

the early 2000's. With more projects now online, we must have the data to ensure they are working as designed in concert.

The National Academies of Science's Eighth Biennial Review (NAS 2020) emphasized the important transition represented by the move from the Combined Operations Plan (COP) to the CEPP Operational Plan:

...the COP not only marks the completion of the essential first step toward restoring the central Everglades but also the beginning of the next important step—the CEPP. As such, the COP embodies a shift from a long phase of restoration planning to a new phase of implementing restoration actions and evaluating their success. In this respect, the COP is a microcosm of Everglades restoration and an early view of what system-level implementation of the CERP will entail, with many challenges, expectations, and opportunities to learn. (NAS 2020 at page 111).

CEPP and related CERP Projects like the Biscayne Bay Southeastern Everglades Restoration (BBSEER) Project provide increased storage in addition to new infrastructure that enables better distribution of existing flows, allowing for more overland flow as existed in the natural system. Discerning how to best meet Everglades restoration goals with operational plans to implement these restoration projects will require broad analysis, effective monitoring, and adaptive management. All of these should be part of the scope of the CEPP Operational Plan.

Concerns Raised in the COP Process

Our past advocacy related to COP operations focused on maximizing flows through NESRS and recreating, to the maximum extent possible, a more natural flow regime in the wetlands and waters affected by the operations of S18-C and S-197, increasing diffuse flow. We emphasized the particular importance of ensuring flows to ENP in drier periods and droughts and specifically pointed out that the flow formula upon which COP was developed is fundamentally flawed, as it under-performs for the Everglades when water is scarce in the system and leaves ENP and the waters of the Florida Keys vulnerable to continued harmful drought impacts including high salinity, seagrass die-offs, and fish kills. We want to avoid these pitfalls with improvements to this first phase of the CEPP Operational Plan.

These remain concerns as the Corps embarks on a process to again revise operations in the southern portion of the greater Everglades ecosystem and all of these infrastructure components and issues should be included in the scope of the CEPP Operational Plan. We note specifically that operations of S18-C and S-197 remain critical and should be evaluated as part of CEPP operations. Changes to those structures and their operation as well as portions of the C-111 canal are also under consideration as part of the BBSEER Project; consideration of how to integrate future implementation of the BBSEER Project and the related Southern Everglades Project should be included in the scope of the CEPP Operational Plan.

Evaluation of Water Quality Impacts

We emphasize the need for comprehensive consideration of water quality impacts. During the planning effort for the current COP operations it was identified that this operational regime could cause a more frequent exceedance of the long-term total phosphorus limit for Shark River Slough (Settlement Agreement Case No 88-1886-CIV-Hoeveler). Since the implementation of COP in August of 2020,

flow-weighted mean total phosphorus concentrations have exceeded the long-term limit twice (Federal Water Year 2021 and 2022; approximately 2 out of 2.5 years). While we acknowledge that COP was implemented fairly recently, variability in climatic conditions and timing of operations can have a major effect on water quality and ecosystem response, so this exceedance rate is higher than expected given the current evaluation. Therefore, we recommend a comprehensive evaluation of potential changes in water quality within the CEPP Operational Plan study area including but not limited to Water Conservation Areas 2, 3 and ENP during plan development.

Consideration of Impacts of Endangered and Threatened Species

We note that any reconsideration of operations of the S-12A and S-12B structures (as well as other structures) must account for impacts to the highly endangered Cape Sable seaside sparrow. The CEPP Operational Plan must ensure appreciable progress towards Everglades restoration, moving significantly increased quantities of clean water through NESRS to ENP and Florida Bay when it is most needed, and it must do this while ensuring the ability of the Cape Sable seaside sparrow to thrive. This will require systemwide consideration of the needs of the Cape Sable seaside sparrow and other endangered, threatened and critical species. The CEPP Operational Plan provides a key opportunity to implement mitigation strategies and, based on their results, to develop a comprehensive Cape Sable seaside sparrow conservation plan for CERP and provide for adaptive management of sparrow recovery with programmatic applications. This planning process should be included in the scope of the CEPP Operational Plan.

As the NAS's Eighth Biennial Review reports:

- “[R]estoring the historic distribution of flow between Western and Northeast Shark Slough, although beneficial to sparrows at a large scale, will not necessarily resolve the issues that have led to multiple jeopardy opinions over the past 20 years. Although the COP will improve conditions for subpopulation A, conditions will remain too wet in most years relative to target conditions for nesting Increased flows to Northeast Shark Slough and Taylor Slough will produce a complex mix of improvements in some areas and adverse effects in others. This is not a surprise, as it mirrors results of modeling associated with the CEPP (FWS, 2014; USACE and SFWMD, 2014) previously reviewed by the committee (NASSEM, 2016). Restoration of the central Everglades will create new [Cape Sable seaside sparrow] habitat in some locations, and convert currently suitable marl prairie to wetter habitat types in others. Specifically for the COP, adverse effects are expected close to sloughs, and benefits farther away from sloughs (Figure 4-14). New habitat for subpopulation A will be created in the northern part of the area (Ax) known as the expansion area, which is already occupied by some sparrows. Modeling also indicates there will be a considerable area of suitable, currently unoccupied habitat between subpopulations B, C, and F, and a smaller amount northeast of F. Of concern are projected reductions in habitat for subpopulations D and E (the second largest) (Figure 4-14).” (NAS 2020 at pages 136-37)
- “One can imagine demands to constrain flows to Northeast Shark River Slough and Taylor Slough to protect the sparrow, impacting broader ecological restoration goals for the region. Active mitigation for sparrows is the key to integrating Everglades restoration goals with [Cape

Sable seaside sparrow] recovery. To offset adverse effects expected on some sparrow habitat, sparrows will need to be redistributed on the landscape, such that new subpopulations in new habitat more than compensate for any losses of sparrows in current habitat. This may require active measures such as translocation of sparrows to new habitat, rather than relying on the birds to colonize new areas... [I]t would behoove managers to design and begin executing plans to establish sparrows in newly created habitat now rather than waiting for a crisis to force them to do so. (NAS 2020 at page 139)

Conclusion

In short, in developing the CEPP Operational Plan, the Corps must do everything it can to ensure that taxpayers' to-date investment of \$3.5 billion in CERP enables commensurate benefits to the federal parkland and natural resources. For more than a decade during the development of COP and predecessor projects, we have been consistent with our request: operation of Central and Southern Project infrastructure should deliver the project benefits we were promised decades ago by delivering more water to ENP and Florida Bay during the dry season when it is most needed. The CEPP Operational Plan must effectively use the restoration infrastructure that has long been planned to move water to maximize the ability to meet CERP's restoration goals.

We appreciate the consideration of our comments and look forward to improved operations that deliver ecological benefits to the Everglades ecosystem.

Sincerely,

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