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May 9, 2008

Bradley A. Foster  
U.S. Army Corps of Engineers  
Jacksonville District  
701 San Marco Boulevard  
Jacksonville, FL 32207-8175  
[TTCComments@usace.army.mil](mailto:TTCComments@usace.army.mil)

Dear Mr. Foster:

On behalf of the undersigned organizations, we write to provide comments on the Draft Tamiami Trail Modification Limited Reevaluation Report and Environmental Assessment (“LRR”). Many of us have been working for years to ensure the Modified Water Deliveries to Everglades National Park (“Mod Waters”) project provides meaningful environmental benefits to the Park and its precious wildlife.

The tentatively selected plan begins the process of bridging, and is a necessary first step on the road to providing essential environmental benefits to Everglades National Park and the restoration of historic, natural unimpeded water flow through the Everglades, particularly the reestablishment of sheetflow into the Northeast Shark River Slough and into Florida Bay. However, this initial modest step must be followed by bridging capable of reestablishing the previously authorized critical natural flow. Clearly the tentatively selected plan alone will not remove Tamiami Trail as a barrier to flow.

While the Modified Water Deliveries project is a necessary first step on the road to full restoration, the only way we can ever hope to restore the Park is to allow maximum connectivity between Water Conservation Area 3 (“WCA 3”) and Everglades National Park through many miles of elevated roadway. Indeed, the Corps of Engineers has acknowledged that a 10.7 mile bridge spanning Shark River Slough is the environmentally preferred alternative.

While we acknowledge that the plan before us is a modest first step, we are disappointed that the project does not achieve those benefits as originally envisioned by Congress when it passed the Everglades National Park Protection and Expansion Act of 1989.

While we know that the Mod Waters project was not going to achieve full restoration of Northeast Shark River Slough and Everglades National Park, the current proposed project falls short of our expectations.

We acknowledge that raising the canal stage in L-29 to 8.5 feet from 8.0 feet will allow longer durations of 1350 cubic feet per second (“cfs”), thereby requiring additional asphalt along ten miles of Tamiami Trail, without widening the roadway. The analyses presented show significant environmental benefits for a reasonable cost, because there is no increase in roadway footprint and does not result in wetland destruction in Everglades National Park. However, the LRR is neither specific about the details of implementation, nor is it clear as to whether its implementation is contingent upon other actions by other agencies. We would like the final Record of Decision to make clear the Corps has no intention of delaying this component or transferring responsibility to other agencies. In our view, placing asphalt on the roadway is neither a long-term solution nor a viable alternative to additional bridging. Therefore, it is essential that the Corps immediately plan for the construction of more bridging along the Tamiami Trail, as specified in the Statement of Managers in the Conference Report of the Water Resources Development Act of 2007.

Unfortunately, the LRR provides scant information on what will ultimately provide the full restoration that the Park desperately needs, and Congress expects. Section 6.8 of the LRR, “Restoration Beyond the Modified Water Deliveries Project”, barely touches on the essential subject of what to do next.

All involved agencies, including the U.S. Army Corps of Engineers (Corps), the Department of the Interior, the Florida Department of Environmental Protection, and the South Florida Water Management District, have publicly recognized that further steps toward restoration must be taken. This should be fully captured and explained in the LRR. We urge you to incorporate the following language into Section 6.8:

The U.S. Army Corps of Engineers and the Department of the Interior recognize that this project must not be the only project for modifying Tamiami Trail, and much additional work is needed to adequately restore flows into Northeast Shark River Slough, and ultimately reestablish connectivity through the great Everglades ecosystem and into Florida Bay. Congress understood that the Modified Water Deliveries project alone would not restore the Everglades, and approved further restoration for Everglades National Park in the Comprehensive Everglades Restoration Plan of 2000.

The tentatively selected plan constitutes a step in achieving the goals and direction given in the Statement of Managers for the Conference Report of the Water Resources Delivery Act of 2007. It achieves the immediate goal to increase flows to Everglades National Park by 1,400 cubic feet per second. The Federal government is committed to reaching those goals set out in the Conference Report to achieve flows to the Park that “have a minimum target of 4,000 cubic feet per second so as to address the restoration envisioned in the 1989 Act... [and] initiate an evaluation of

the Tamiami Trail project component of the Comprehensive Everglades Restoration Plan authorized by section 601 (b)(2)(C)(viii) of the Water Resources Development Act of 2000, or other appropriate authorities, as soon as practicable.” The Federal government commits to working with the state of Florida to begin these next steps to achieve the higher flows immediately upon the release of a Record of Decision for the Preferred Alternative.

We urge you to *not* delay planning for future Tamiami Trail modifications until data from studying the effects of either the preferred alternative or a pilot project for swales (if one is approved) are collected and analyzed. It is inappropriate to delay future progress in order to research these matters further. The federal agencies have already justified and explained the fact that the environmentally preferred alternative is a 10.7 mile bridge. Therefore, while the 1 mile bridge can lead to limited restoration, there is general consensus that the preferred alternative will not provide significant benefits alone.

In previous comments submitted by several environmental groups to the Corps, concerns about the construction of culvert spreader swales in Everglades National Park were addressed. This LRR presented no analyses on that issue, yet by their mention, it seems to imply that the swales remain part of Mod Waters. We would like specific clarification as to whether the swales are a feature of Mod Waters, under the authority of the Secretary of the Army and part of the C & SF Project when completed. Regardless of whether the authority lies with the Corps or the National Park Service, we believe that, under Federal law and policy, the construction of swales, or a pilot project to test the swales concept, may require an EIS.

There is another reason to move forward immediately with significant Tamiami Trail bridging: to ensure the continued survival of several of the Everglades’ most imperiled species. As you know, the current water management regime, the Interim Operational Plan (IOP), was intended to be temporary, to provide a few years of relief for the highly-imperiled Cape Sable Seaside Sparrow. The IOP does not provide a long-term solution for the Sparrow, and provides little to no benefit for the Snail Kite and Wood Stork. Rather, for almost a decade, the responsible agencies have stressed to the public and to the federal courts that these species will only be saved, as well as the Park restored, if water flows from WCA 3A into WCA 3B and into Northeast Shark River Slough are significantly restored. Part of the government’s plan for saving these species, and complying with the Endangered Species Act, was the removal of, in significant measure, constraints to flows under Tamiami Trail. As we continue to find our way forward with restoring the Everglades, we must ensure the survival of its most vulnerable inhabitants in the meantime.

Because subsequent steps to the tentatively selected plan are essential, we urge the Corps to give high priority to those projects under the Comprehensive Everglades Restoration Plan (“CERP”) that would build upon restoring sheetflow through the central and southern Everglades, including *Water Conservation Area 3 Decompartamentalization and Sheetflow Enhancement* and *Everglades National Park Seepage Management* to take the

next steps to increase flows through the Everglades and reconnect the lower portions of WCA3A and 3B to Everglades National Park and Florida Bay.

Both these projects were authorized as initial projects in WRDA 2000 and must be expedited and wholly integrated in order to achieve more benefits for the Everglades. In particular, without removing constraints on water levels in WCA 3B, it is physically impossible to achieve 4000 cfs into Everglades National Park even if Tamiami Trail is further modified beyond this TSP. These two CERP projects, along with additional storage and treatment, are critical to restoration of Everglades National Park, and the greater Everglades ecosystem.

We repeat our previous suggestions that another entity beyond the Corps, such as the Department of Transportation or Federal Highway Administration, may be better suited to design and build a more elevated roadway along Tamiami Trail. We urge the Corps to consider other possibilities *now* for immediate future restoration planning. At this time of limited resources, innovation is essential. The Corps should work with these and other agencies to develop the most efficient means of achieving the goals of Everglades restoration.

Thank you for your consideration.

Sincerely,

(Signatures waived in order to expedite delivery.)

David Anderson  
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May 9, 2008  
Page 5 of 5

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