

APPENDIX E
AGENCY AND PUBLIC COORDINATION

This page intentionally left blank

TABLE OF CONTENTS

E.0	AGENCY/PUBLIC COORDINATION	E-1
E.1	PUBLIC INVOLVEMENT PROGRAM	E-1
E.2	SCOPING FOR THE CALOOSAHATCHEE RIVER (C-43) WEST BASIN STORAGE RESERVOIR PROJECT	E-1
E.3	OTHER REQUIRED COORDINATION	E-2
E.3.1	U.S. Fish and Wildlife Service	E-2
E.3.2	National Marine Fisheries Service	E-2
E.3.3	Florida Fish and Wildlife Conservation Commission	E-3
E.3.4	Florida State Historic Officer	E-3
E.4	ENVIRONMENTAL JUSTICE	E-3
E.5	REVIEW OF THE DRAFT AND FINAL PIR/EIS	E-4
E.5.1	Comments Received and Responses	E-4

This page intentionally left blank

E.0 AGENCY/PUBLIC COORDINATION

Public outreach efforts for the Caloosahatchee River (C-43) West Basin Storage Reservoir project began early in the project formulation process. Due to the intense public, political, and media interest in restoration of the south Florida ecosystem, public participation has been a critical component of the development of this Project Implementation Report (PIR).

E.1 PUBLIC INVOLVEMENT PROGRAM

Public involvement is a process by which interested and affected individuals, organizations, agencies, and governmental entities are consulted and participate in the decision-making. Public involvement in the Caloosahatchee River (C-43) West Basin Storage Reservoir project has two main functions: to inform the public about what the project team is planning and to generate input on key issues and concerns critical to resolving the challenges involved in the planning effort.

This project has been developed with strong cooperation from the US Fish and Wildlife Service (USFWS), US Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), US Environmental Protection Agency (USEPA), National Oceanic and Atmospheric Administration (NOAA), US Geologic Survey (USGS), Florida Fish and Wildlife Conservation Commission (FFWCC), and Florida Department of Environmental Protection (FDEP), as well as Hendry and Lee counties. The South Florida Water Management District (SFWMD) is a cost-sharing partner in the study and had been a fully active participant in the formulation of this project and creation of the project report. USEPA, USFWS, and USGS have staffers located in the Planning sections of U.S. Army Corps of Engineers (USACE), Jacksonville District; these staffers aid in interagency coordination for Comprehensive Everglades Restoration Plan (CERP) projects. There has also been local participation in the project from Lee and Hendry counties.

E.2 SCOPING FOR THE CALOOSAHATCHEE RIVER (C-43) WEST BASIN STORAGE RESERVOIR PROJECT

A Notice of Intent (NOI) to produce an integrated Caloosahatchee River (C-43) West Basin Storage Reservoir Draft PIR and Environmental Impact Statement (EIS) was published in the Federal Register in March 2003. A Scoping Letter asking for agency and public comment on the proposed Caloosahatchee River (C-43) West Basin Storage Reservoir PIR was sent out March 18, 2003

An official letter inviting USFWS, USEPA, Everglades National Park (ENP), FFWCC and FDEP to be cooperating agencies (as defined by the National Environmental Policy Act or NEPA) was sent in September 2006. These

agencies were chosen because of their special expertise on the area. The selection of these agencies to be invited as cooperating agencies does not exclude any other agencies from full participation in the project. Although none of these agencies accepted the invitation, their input will continue to be valued and solicited for the project.

E.3 OTHER REQUIRED COORDINATION

In addition to the scoping required by the NEPA, coordination required by other Federal laws and regulations has been conducted with the following agencies:

E.3.1 U.S. Fish and Wildlife Service

Two Planning Aid Letters, dated August 13, 2003 and March 29, 2005 were received from the USFWS as part of the process for developing alternative plans. A Draft Fish and Wildlife Coordination Act Report (DCAR) report was issued in March 2007. A Final CAR was issued on July 13, 2007. The letters and report can be reviewed in *Annex A*. This information has been incorporated by the project team into the Caloosahatchee River (C-43) West Basin Storage Reservoir PIR plan formulation process. The USFWS is a member of the project team.

The USFWS also identified critical fish and wildlife habitat and threatened and endangered species in a letter dated April 11, 2002, and provided scoping comments in a letter dated June 10, 2003 (see *Annex A*). The USACE asked for formal consultation with the USFWS due to potential adverse impacts to the endangered Florida panther (*Felis concolor coryi*), threatened Audubon's crested caracara (*Polyborus plancus audubonii*), and threatened eastern indigo snake (*Drymarchon corais couperi*). This letter was sent by the USACE on January 10, 2007. The USFWS concurred with the Corps determinations and completed the formal consultation by a BO dated 20 July 2007.

E.3.2 National Marine Fisheries Service

Public law 104-208 reflects the Secretary of Commerce and Fishery Management Council authority and responsibilities for the protection of Essential Fish Habitat (EFH). Federal agencies that fund, permit, or carry out activities that may adversely impact EFH are required to consult with the National Marine Fisheries Service (NMFS) regarding potential effects of their actions on EFH and Federally managed fisheries. This PIR/EIS served as an EFH assessment and was coordinated with NMFS. NMFS has also completed their consultation for Section 7 of the Endangered Species Act (ESA) by concurring with the "may affect but not likely to adversely affect" determination for sea turtles and smalltooth sawfish by letter dated March 28, 2007. NMFS reviewed the draft EIS and stated in an email dated 30 May 2007 that "NOAA's National Marine Fisheries Service, Southeast Region, Habitat Conservation Division, has

reviewed the Department of the Army permit application listed below. We anticipate that any adverse effects that might occur on marine and anadromous fishery resources would be minimal and, therefore, do not object to issuance of the permit.” The permit application referred to used this draft EIS as the NEPA document, and therefore NMFS agreed with the Corps determination of beneficial effects to EFH and fishery resources.

E.3.3 Florida Fish and Wildlife Conservation Commission

No Planning Aid Letters have been received from the Florida Fish and Wildlife Conservation Commission (FWC), though FWC has participated in the project team. FWC submitted comments dated 8 June 2007 on the draft PIR/EIS through the Florida Clearinghouse. Those comments along with the Corps’ response are summarized in the draft PIR comment matrix in Annex A.

E.3.4 Florida State Historic Officer

Coordination with the State Historic Preservation Officer (SHPO) in accordance with the procedure of the Advisory Council on Historic Preservation is complete. An archaeological and historical survey of the project area revealed one site potentially eligible for listing in the National Register of Historic Places. It was the opinion of Janus Research, contractor to the SFWMD, that the site would not be adversely impact by project activities. Janus recommended no further archaeological or historical investigations in the project area. The SHPO concurred with Janus’ opinion and recommendation by a letter sent October 5, 2006.

E.4 ENVIRONMENTAL JUSTICE

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires the Federal government to achieve environmental justice by identifying and addressing disproportionately high adverse effects of its activities on minority and low-income populations. It requires the analysis of information such as the race, national origin, and income level for areas expected to be impacted by environmental actions. It also requires Federal agencies to identify the need to ensure the protection of populations relying on subsistence consumption of fish and wildlife, through analysis of information on such consumption patterns and communication to the public of associated risk. Environmental justice analysis is included in this report in the environmental impacts section as well as the agency coordination section.

E.5 REVIEW OF THE DRAFT AND FINAL PIR/EIS

A Notice of Availability was published in the Federal Register on 27 April 2007 when this document was released for public and agency review. Comments received were addressed and are included in Annex B.

A Notice of Availability of the Final PIR/EIS will be published in the Federal Register, and the final report will be sent to numerous local, state and Federal agencies, private interest groups and interested public for review and comment in accordance with the Council on Environmental Quality's NEPA regulations and related USACE guidance. Comments received during the review will be considered in preparing the final study documents and by subsequent reviewers and decision-makers in the Washington-level Federal review process. The agencies, groups and individuals listed in Annex B will be sent copies of the Final PIR.

E.5.1 Comments Received and Responses

The Final PIR will be made available to the public and other agencies. After the 30-day review period, comments received from state, Federal and local agencies, Native American Tribes, non-governmental organizations and concerned individuals will be reviewed. The comment letters received will be on file in the USACE, Jacksonville District at the address shown on the cover page of this document.