

**SECTION 9**

**SUMMARY OF COORDINATION, PUBLIC VIEWS  
AND COMMENTS**

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## **9.0 SUMMARY OF COORDINATION, PUBLIC VIEWS AND COMMENTS**

### **9.1 PUBLIC OUTREACH AND PUBLIC INVOLVEMENT**

Public outreach efforts for the Water Preserve Areas (WPA), including the Broward County Water Preserve Areas (BCWPA) Project, began early in the reconnaissance phase of the Central and Southern Florida (C&SF) Project Comprehensive Review Study (Restudy). 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).

#### **9.1.1 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 process. Public involvement in the BCWPA 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.

#### **9.1.2 Scoping for the Broward County WPA Project**

A Notice of Intent (NOI) to produce an integrated BCWPA Draft PIR/EIS was published in the Federal Register on July 30, 2004. A scoping letter asking for agency and public comment on the proposed BCWPA PIR was sent out on September 18, 2004.

### **9.2 OTHER REQUIRED COORDINATION**

In addition to the scoping required by the National Environmental Policy Act (NEPA), coordination required by other Federal laws and regulations has been conducted with the following agencies.

#### **9.2.1 U.S. Fish and Wildlife Service (USFWS)**

Three Planning Aid Letters, dated September 30, 2003, March 31, 2004, and July 26, 2004, were received from the USFWS as part of the process for developing alternative plans. A draft Fish and Wildlife Coordination Act (FWCA) report was issued on July 1, 2005 and a final FWCA report was issued on June 9, 2006. A supplemental letter of transmittal for the final FWCA report was issued on December 4, 2006, which addresses the refinements in the project design. These letters and reports can be reviewed in **Annex A**. This information

has been incorporated by the project team into the BCWPA PIR plan formulation process. The USFWS is a member of the project team.

Additionally, the BCWPA Project has been determined to be compliant with Section 7 of the Endangered Species Act. The USACE determined the BCWPA Project may affect, but is not likely to adversely affect the eastern indigo snake, wood stork, Everglade snail kite, bald eagle, West Indian manatee or the Florida panther. The Draft PIR/EIS served as the endangered species Biological Assessment. The USFWS concurred with the USACE's effect determination in letters dated April 7, 2006, and May 9, 2006. These letters are included in *Annex A*.

### **9.2.2 National Marine Fisheries Service (NMFS)**

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 NMFS regarding potential effects of their actions on EFH and federally managed fisheries. The USACE has determined the BCWPA Project would not adversely impact EFH or federally managed species and is therefore satisfied that the consultation procedures to implement the EFH provision of the Magnuson-Stevens Act have been met.

### **9.2.3 Florida Fish and Wildlife Conservation Commission (FWC)**

Two Planning Aid Letters, dated July 14, 2004 and January 20, 2005, have been received from the FWC and are included in *Annex A*. This information has been used by the project team in the BCWPA PIR plan formulation process. The FWC is a member of the project team.

### **9.2.4 Florida State Historic Preservation Officer (SHPO)**

Coordination has been ongoing with the SHPO in accordance with Section 106 of the National Historic Preservation Act and the procedures of the Advisory Council on Historic Preservation. Three cultural resources sites have been identified within the C-11 Impoundment area. These sites are known to contain human remains and have been determined to be eligible for inclusion to the National Register of Historic Places. Affects to two of the sites will be avoided by redesign of the project. One site will be adversely affected by the project. The USACE, SFWMD, and the SHPO are developing a Memorandum of Agreement (MOA) to identify measures needed to mitigate the adverse affects to this site. Once the MOA is approved and signed by all parties construction can commence. Further consultation with the SHPO, federally recognized Native American

Tribes and other interested parties will continue as the project proceeds towards more detailed design and construction.

In accordance with the Archeological and Historic Preservation Act of 1974 (Public Law 93-291) and ER 1105-2-100 C-4 funding for data recovery cost less than 1% of the total project cost are 100% Federal, cultural resource mitigation costs other than "data recovery" are cost shared as a project cost. The cultural resource mitigation will have both data recovery cost (less than 1% of the total project cost) and non-data recovery mitigation.

### **9.2.5 CERP Partnerships and Cooperating Agencies**

For the purposes of the BCWPA Project and the preparation of this report, the lead agency is the USACE Jacksonville District, and the SFWMD is the non-Federal cost-sharing partner. As part of the CERP partnership, the SFWMD has several roles as defined in the following Florida Statutes:

- Florida Statute 373.470 (3)(c) requires the completion of a PIR prior to the SFWMD entering into a Project Cooperation Agreement (PCA) with the USACE;
- Florida Statute 373.026 (8)(b) requires the SFWMD to submit a PIR to the Florida Department of Environmental Protection (FDEP) for approval prior to the allocation of funds for the construction of CERP projects; and
- Florida Statute 373.1501(5) requires the SFWMD to analyze and evaluate water supply, water quality, flood protection, threatened and endangered species, and other natural system and habitat needs and to determine that components of the Plan are feasible, efficient, cost-effective, and consistent with the purposes of the CERP.

Other participating agencies include the USFWS, the U.S. Environmental Protection Agency, the National Park Service, the FWC, the U.S. Geological Survey, the Natural Resources Conservation Service, and the FDEP.

### **9.2.6 Coordination with Existing Utilities and Public Infrastructure [F.S. 373.1501(5)(e)]**

Section 373.1501(5)(e), F.S. requires the SFWMD to “ensure that implementation of project components is coordinated with existing utilities and public infrastructure and that impacts to and relocation of existing utility and public infrastructure are minimized.”

### **9.2.6.1 Summary of Coordination Efforts With Existing Utilities and Public Infrastructure**

Coordination on the BCWPA Project has been carried out since the mid-1990s as part of the SFWMD's outreach efforts on the initial Restudy project, the East Coast Buffer/Water Preserve Areas project, and the development of the Lower East Coast Water Supply Plan. This has included interacting with the appropriate entities within Broward County government; the cities of Weston, Southwest Ranches, Pembroke Pines, and Miramar; the applicable local Drainage Districts and local utilities; the Florida Department of Transportation (FDOT) District 4 office; Florida Power and Light (FPL), Bell South and other phone, fiber optic, and communications companies; the South Florida Regional Planning Council; and other interested parties. Through these activities, the SFWMD has sought to keep these entities apprised of the status of the project and to identify areas where additional coordination will be required during the detailed design process and/or the construction and operation of the project in order to minimize impacts on existing public utilities and infrastructure.

In addition to the above efforts, the SFWMD has been involved in a number of meetings and other coordination efforts with Broward County, the City of Weston, and the FDOT District 4 office regarding proposed road projects in the vicinity of the BCWPA Project. Specifically, SFWMD staff worked with staff from the City of Weston and the Broward County Planning Council to amend the Broward County Roadways Plan to remove S.W. 26<sup>th</sup> and S.W. 36<sup>th</sup> Streets (within the C-11 Impoundment) from the Roadways Plan in the spring of 2005. This action was required before the City of Weston could grant a request from the SFWMD to vacate the road rights-of-way. The SFWMD plans to file its request with the City of Weston such that the request can be granted by the time construction of the C-11 Impoundment is scheduled to begin. The SFWMD will continue to coordinate with the City of Weston regarding this item along with the entire proposed project.

The SFWMD has also been involved in a series of on-going formal meetings and informal information exchanges with FDOT District 4 involving the following: the shared use of the US 27 borrow canal on the west side of US 27; crossings of and other construction activities within the US 27 right-of-way between the C-11 and C-9 impoundment and the WCA 3A/3B SMA projects; and avoidance of impacts to the integrity of US 27 road base and other potential operational impacts. The SFWMD will continue to coordinate with the FDOT regarding this item along with the entire proposed project.

A similar series of on-going meetings have been held with FPL regarding the status of the project, determination of potential impacts on and methods of avoiding/minimizing impacts on the FPL transmission line corridor and other FPL-owned lands within the WCA 3A/3B SMA, and identification, timing, and

need for removal, relocation, and/or upgrading of existing distribution lines within the C-11 and C-9 impoundments and WCA 3A/3B SMA project lands. The SFWMD will continue to coordinate with the FPL regarding this item along with the entire proposed project.

In the last year, the SFWMD also reached an agreement with WilTel Communications regarding the relocation of its fiber optic lines along S.W. 26<sup>th</sup> Street in the City of Weston to a location outside of the C-11 Impoundment.

Meetings with the other utilities and local governments have been held, as needed, over the years to discuss specific project features and potential impacts on the utility or local government facilities/infrastructure. Follow up meetings will continue to provide an update on project schedules, design analysis to date, and related topics and to discuss actions needed to resolve any remaining issues.

### **9.3 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. Refer to **Section 6.9** for further details on Environmental Justice.

### **9.4 REVIEW OF THE DRAFT BCWPA PIR/EIS**

A Notice of Availability of the Draft PIR/EIS was published in the Federal Register on March 17, 2006. The Draft PIR/EIS was 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. Public libraries in the project area were provided copies to maintain in the reference section of the libraries for public review. The Draft PIR/EIS was also posted on [www.evergladesplan.org](http://www.evergladesplan.org) for web viewing. The comment period ended on May 1, 2006. Comments received during the review were considered in preparing the final study documents.

### 9.4.1 List of Agencies, Organizations and Persons to Whom Copies of the PIR/EIS are Sent

The following agencies, groups, and individuals were sent copies of the Draft PIR/EIS:

#### **Native American Tribes**

Micosukee Tribe of Indians of Florida  
Seminole Tribe of Florida

#### **Federal Agencies**

Advisory Council on Historic Preservation  
Federal Emergency Management Agency  
Council on Environmental Quality  
U.S. Environmental Protection Agency  
U.S. Department of Agriculture  
    Forestry Service  
    Natural Resources Conservation Service  
U.S. Department of Commerce  
    National Oceanic and Atmospheric Administration  
        Florida Keys National Marine Sanctuary  
        National Marine Fisheries Service  
U.S. Department of Energy  
U.S. Department of Housing and Urban Development  
U.S. Department of the Interior  
    Bureau of Indian Affairs  
    U.S. Fish and Wildlife Service  
    U.S. Geological Survey  
    National Park Service  
    Office of Environmental Policy and Compliance  
U.S. Department of Justice  
U.S. Coast Guard  
U.S. Department of Transportation  
    Federal Highway Administration  
U.S. Public Health Service

#### **State Agencies**

Office of the Governor  
Florida Department of Agriculture and Consumer Services  
Florida Department of Community Affairs  
Florida Department of Environmental Protection  
Florida State Clearinghouse  
Florida Fish and Wildlife Conservation Commission  
Florida Department of Transportation

Florida Division of Historical Resources - SHPO  
South Florida Water Management District

**Regional Governments**

Central Florida Regional Planning Council  
South Florida Regional Planning Council  
Treasure Coast Regional Planning Council

**County Governments**

Broward County  
Miami-Dade County  
Palm Beach County

**Municipalities**

Palm Beach, Florida  
Medley, Florida  
Lighthouse Point, Florida  
Weston, Florida  
Lauderhill, Florida  
Ft. Lauderdale, Florida  
Pembroke Pines, Florida  
Davie, Florida  
Hollywood, Florida  
Southwest Ranches, Florida  
Delray Beach, Florida

**Groups**

Audubon Society of the Everglades  
Biodiversity Legal Foundation  
Miami-Dade County Farm Bureau  
Dairy Farmers, Inc.  
Defenders of Wildlife  
Environmental Coalition of Broward County  
Environmental Defense Fund  
Everglades Coordinating Council  
Everglades Foundation  
Florida Audubon Society  
Florida Biodiversity Project  
Florida Defenders of the Environment  
Florida League of Anglers, Inc.  
Florida Power and Light Company  
Florida Sportsman Conservation Association  
Florida Wetlands  
Florida Wildlife Federation

Friends of Florida  
Friends of the Everglades  
Izaak Walton League of America, Inc.  
Lake Worth Drainage District  
League of Women Voters  
National Audubon Society  
National Parks and Conservation Association  
National Park Trust  
National Resources Defense Council  
National Sierra Club  
National Wildlife Federation  
Save the Manatee Club  
Sierra Club, Florida Chapter  
South Florida Agricultural Council  
The Environmental Coalition  
The Nature Conservancy  
The Wilderness Society  
Tropical Audubon Society  
Trust for Public Lands  
World Wildlife Fund

### **Individuals**

A list of individuals who received the Draft PIR/EIS is on file in the Jacksonville District of the USACE at the address shown on the cover page of this document.

### **9.4.2 Comments Received and Responses**

Several comments were received in response to the Draft PIR/EIS. A matrix of the comments and responses, as well as copies of the correspondence, is provided in *Annex B*.