

Weiss, Rebecca J SAJ

From: Executive Committee [wetlandsalert@yahoo.com]
Sent: Tuesday, July 06, 2004 2:15 AM
To: pat_grise@graham.senate.gov
Cc: Weiss, Rebecca J; Cintron, Barbara B
Subject: NAS Review of the Everglades Restoration Plan & CERP ASR Pilot Projects

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July 4, 2004

Senator Bob Graham
Atten: Pat Grise, Constituent Advocate
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FAX: 850-894-3222

**RE: National Academy of Sciences Review of Everglades
"Restoration" Plan,
Public Comments on Draft ASR Pilot Project Design Report and Draft
EIS for 3 ASR Pilot Projects**

Dear Senator Graham:

I regret having to write to you again for assistance in resolving problems with the U. S. Army Corps of Engineers (ACOE). In your effort to assist your numerous constituents who share my concerns, please request that LTG Flowers ensures that a copy of this letter and attached correspondence is placed in the official File of Record with public comments for the "Draft Aquifer Storage and Recovery Pilot Project Design Report" and Draft "Environmental Impact Statement" (EIS) for the Lake Okeechobee ASR Pilot Project, Hillsboro ASR Pilot Project, and Caloosahatchee River ASR Pilot Project. WA-10

Inadequate Public Comment Period

Public comments are being requested by the ACOE for a draft EIS addressing three of the proposed 330 "ASR" wells that the ACOE has proposed to construct with millions of federal tax dollars in the vicinity of the Everglades. This proposed action is an attempt to reverse the extensive damage the ACOE has caused to the Everglades by their Public Works and Regulatory actions. WA-11

7/6/2004

Despite the fact that the draft EIS addresses three different proposed "ASR" wells in three different locations, the public and agency staff were expected to produce comments for these three projects in the same time frame as for a single project. This requirement represents an undue hardship on the American taxpayers who are expected to fund these projects. The timing of my letter - on the Fourth of July holiday - is not coincidental! The American taxpayers are tired of taxation without representation for federal pork-barrel projects by the ACOE and similar agencies.

WA-11
(cont.)

Originally I requested a 60-day extension of the comment deadline. That request was to provide a comment period more consistent with the minimum amount of time required to provide comments on three separate projects the ACOE has lumped into one comment period. On June 21, 2004, Barbara Cintron (the ACOE contact person for the draft EIS) responded that the ACOE would grant a 15-day extension of the comment period, until July 6, 2004. That extension is inadequate and inappropriate.

WA-12

Inappropriate Timing for Public Comment Period

On June 16, 2004, the Jacksonville, Florida office of the ACOE issued a Press Release regarding the ACOE's proposed Everglades "restoration" plan. The lead sentences of that Press Release stated: "The federal government and the state of Florida have agreed to allow an independent scientific panel to review the massive \$8 billion, 30 year Everglades restoration plan. The review of the Comprehensive Everglades Restoration Plan (CERP) will be accomplished by the National Academy of Sciences..." A copy of that Press Release originally was posted at: <http://www.ens-newswire.com/ens/jun2004/2004-06-16-09.asp#anchor1>

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It is premature for the ACOE to require that the public and other agencies review and provide comments on the voluminous and grossly-inadequate draft EIS for three of the 330 "ASR" wells proposed as part of their Everglades "restoration" plan before the National Academy of Sciences completes their review of the entire "CERP". The timing of the ACOE's public comment period represents a waste of taxpayers' time. The timing of the comment period also represents a waste of the taxpayers' money, since other agencies must review and provide comments on the grossly inadequate draft EIS, and the ACOE (theoretically) reviews all of the submitted comments to prepare a final EIS.

Grossly Inadequate EIS

Please note that in the email correspondence received from Rebecca Weiss, the ACOE contact person for another major ACOE project that will result in significant adverse cumulative impacts to the Everglades (attached), she made it clear that the Civil Works and Regulatory divisions of the ACOE do not interact. The failure of the ACOE's Civil Works Projects Division to consider the adverse cumulative impacts of their agency's regulatory actions, and vice versa, is evident in the draft EIS referenced above. Thus, the draft EIS is grossly inadequate in meeting the requirements of the National

WA-14

Environmental Policy Act (NEPA).

Requested Action

In consideration of the above, I am asking that you request the ACOE to:

WA-15

- 1) suspend all further action on the draft EIS for the referenced three "ASR" wells until after the National Academy of Sciences has conducted a complete review of the entire CERP and released their findings, and
- 2) extend the public comment period to a minimum of 60 days following the release of the findings of the National Academy of Sciences and a comprehensive evaluation of all of the adverse cumulative impacts, as required by NEPA; and
- 3) provide a copy of the document describing the details and time frame for the National Academy of Sciences' review of the CERP.

Sincerely,

Barbara J. Herrin, President

Attachments:

e-mail correspondence with Barbara Cintron, ACOE
e-mail correspondence with Rebecca Weiss, ACOE
ACOE Press Release (6/24/04)

cc: LTG Robert B. Flowers
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