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Managing fish and wildlife resources for their long-term well-being and the benefit of people.

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April 25, 2019

Chris Stahl
Florida State Clearinghouse
Florida Department of Environmental Protection
3800 Commonwealth Boulevard, MS 47
Tallahassee, FL 32399-2400
State.Clearinghouse@floridadep.gov

RE: Draft Integrated Project Implementation Report and Environmental Impact Statement for the Loxahatchee River Watershed Restoration Project, Florida Department of Environmental Protection, SAI #FL201903258563C, Palm Beach and Martin Counties

Dear Mr. Stahl:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed Draft Integrated Project Implementation Report and Environmental Impact Statement (PIR/EIS) for the Loxahatchee River Watershed Restoration Project (LRWRP), and provides the following comments and recommendations for your consideration in accordance with Chapter 379, Florida Statutes, and pursuant to the federal National Environmental Policy Act (NEPA), the federal Coastal Zone Management Act, and Florida's Coastal Management Program.

Project Description

This U.S. Army Corps of Engineers (USACE) project encompasses approximately 480,000 acres (753 square miles) and is located in northern Palm Beach County and southern Martin County. The study area is bounded on the north by the C-44 Canal, on the south by the C-51 Canal, on the west by the L-8 Canal and Lake Okeechobee, and on the east by the Loxahatchee River Estuary and Lake Worth Lagoon. The purpose of the project is to restore and sustain the overall quantity, quality, timing, and distribution of freshwaters to the northwest fork of the Loxahatchee River, and to restore, sustain, and reconnect the area's wetlands and watersheds that form the historic headwaters for the river. The project includes the following natural areas: Jonathan Dickinson State Park, Pal-Mar, John C. and Mariana Jones/Hungryland Wildlife and Environmental Area, J.W. Corbett Wildlife Management Area, Dupuis Wildlife and Environmental Area, Grassy Waters Preserve, Loxahatchee River/Cypress Creek Management Area, Cypress Creek Natural Area, Loxhatchee Slough Natural Area, and the Loxahatchee River Estuary.

The tentatively selected plan (TSP), Alternative 5R, consists of conveyance structures in the C-18 Canal; a pump station at the M-1 Canal; earthwork to improve connectivity in the Grassy Waters Triangle; a 9,500 acre-foot above ground storage reservoir with pump stations and inflow and discharge canals; 4 co-located aquifer storage and recovery (ASR) wells; new canals, structures, and a pump station to connect the M-O Canal to the reservoir; wetland restoration in Loxahatchee Slough, Kitching Creek, Gulfstream East, Moonshine Creek, and Pal-Mar East; and a flow attenuation facility with pump station in the north.

The TSP includes four recreation features:

- An Ocean to Lake Trail bridge to Jonathan Dickinson State Park in the Moonshine Creek area to ensure trail connectivity post restoration;
- A fishing platform that would also serve to re-route the trail crossing over Cypress Creek Canal with parking, shelter, a kayak launch, and dry vault toilets;

- A footbridge across the L-8 Tieback Canal that would connect trails to the north, including the Ocean to Lake Trail, with trails along the eastern side of the Loxahatchee National Wildlife Refuge and East Coast Protective Levees; and
- Access to the C-18W Reservoir for non-motorized hiking and biking along the levee crest and for non-trailer and non-motorized boats in the reservoir, including the construction of parking, shelter, and dry vault toilets.

Potentially Affected Resources

The Draft PIR/EIS lists potentially affected federally and state-listed species and provides an assessment of the effects of the project on each species.

Federal Species

The Draft PIR/EIS indicates that the USACE initiated consultation with the U.S. Fish and Wildlife Service (USFWS) on the potential effects of the project on eight federally listed wildlife species, and provides the Fish and Wildlife Coordination Act (FWCA) Report submitted by the USFWS as part of Annex A. The USACE Biological Assessment found that the project would have no effect on red-cockaded woodpeckers (*Picoides borealis*, FE) and Florida panthers (*Puma concolor coryi*, *Federally Endangered [FE]*), and is not likely to adversely affect West Indian manatee (*Trichechus manatus*, *Federally Threatened [FT]*), Everglade snail kite (*Rostrhamus sociabilis plumbeus*, FE), wood stork (*Mycteria americana*, FT), and Florida bonneted bat (*Eumops floridanus*, FE). The Biological Assessment also states that Audubon's crested caracara (*Polyborus plancus audubonii*, FT) and eastern indigo snake (*Drymarchon corais couperi*, FT) may be adversely affected by the project. The FWCA Report indicates that Biological Opinions may be needed for some species and the Draft PIR/EIS indicates that the USACE is waiting for the Biological Opinions from USFWS. The Draft EIS/PIR also indicates that the USACE is in consultation with the National Marine Fisheries Service (NMFS) regarding federally listed species under NMFS purview.

State-listed Species

The Draft PIR/EIS Appendix C section 2.10 indicates that the project area contains habitat suitable for 12 state-listed species including American oystercatcher (*Haematopus palliatus*, State Threatened [ST]), black skimmer (*Rynchops niger*, ST), least tern (*Sternula antillarum*, ST), little blue heron (*Egretta caerulea*, ST), roseate spoonbill (*Platalea ajaja*, ST), tricolored heron (*Egretta tricolor*, ST), reddish egret (*Egretta rufescens*, ST), Florida burrowing owl (*Athene cunicularia floridana*, ST), Florida sandhill crane (*Antigone canadensis pratensis*, ST), southeastern American kestrel (*Falco sparverius paulus*, ST), gopher tortoise (*Gopherus polyphemus*, ST), and Florida pine snake (*Pituophis melanoleucus mugitus*, ST). The Draft PIR/EIS addresses potential impacts to these state-listed species in the following ways:

- The project is expected to benefit the American oystercatcher, black skimmer, least tern, reddish egret, little blue heron, roseate spoonbill, and tricolored heron.
- Florida burrowing owls, southeastern American kestrels, and Florida pine snakes are likely to occur in the project area and to be displaced due to construction and conversion of uplands to wetlands. Florida burrowing owl surveys will be conducted prior to construction and the USACE will coordinate with FWC on appropriate impact avoidance, minimization, or mitigation measures for these three species.
- Florida sandhill cranes are likely to occur in the project area and are likely to benefit from the project, but may be displaced due to construction. Florida sandhill crane surveys will be conducted prior to construction and the USACE will coordinate with the FWC on

appropriate Florida sandhill crane impact avoidance, minimization, and/or mitigation measures.

- Project features will be surveyed in the Preconstruction, Engineering, and Design (PED) stage and again pre- and during construction for gopher tortoises. The report acknowledges that gopher tortoises must be relocated before any land clearing or development takes place, and property owners must obtain permits from FWC before gopher tortoises can be moved.

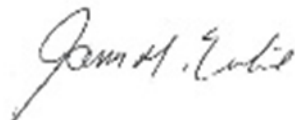
FWC staff also conducted a geographic information system (GIS) analysis of the site, which confirmed the information provided in the Draft PIR/EIS. Section A.7 of Annex A details Conservation Measures that USACE will implement, along with continued consultation with USFWS and FWC, to monitor for and minimize negative impacts.

Comments and Recommendations

FWC staff is supportive of the benefits to wildlife, restoration, and recreation that this project will provide. FWC staff has consulted extensively with the USACE about impacts to fish and wildlife resources during past projects and we would like to review the proposed plans as they are refined so that we may be involved in conservation measures for listed species or technical assistance regarding habitat for fish and wildlife species.

We appreciate the opportunity to review this Draft PIR/EIS and look forward to future opportunities to contribute to the project. If you need any further assistance, please contact our office by email at FWCConservationPlanningServices@MyFWC.com. If you have specific technical questions regarding the content of this letter, please contact Vicki Garcia at (561) 882-5711 or at Vicki.Garcia@MyFWC.com.

Sincerely,



James Erskine
Everglades Coordinator
Office of the Executive Director

je/vg
ENV 1-3-2
Loxahatchee River Watershed Restoration EIS_38572_042519

cc: Ann Hodgson, USACE, LoxRiverComments@usace.army.mil