Everglades National Park
Florida

National Park Service
U.S. Department of the Interior

June 2011

Scoping Newsletter

Acquisition of Florida Power and Light Company Lands in the East Everglades Expansion Area Environmental Impact Statement

Letter from the Superintendent

Dear Friends,

The National Park Service (NPS), in compliance with the National Environmental Policy Act of 1969 (NEPA), is initiating an Environmental Impact Statement (EIS) to evaluate options and potential impacts of acquiring lands owned by the Florida Power and Light Company (FPL) within the East Everglades Expansion Area (Expansion Area) of Everglades National Park. This will include the potential exchange of lands authorized in the Omnibus Public Land Management Act of 2009 and other reasonable alternatives. The NPS decision at the conclusion of this process is whether to exchange NPS lands for FPL's lands within the Park boundary or to acquire FPL's lands by purchase, eminent domain, or by other means identified in this EIS.

The Everglades National Park Protection and Expansion Act of 1989 expanded the boundaries of the Park in order to "increase the level of protection and outstanding natural values of the Park" and "to enhance and restore the ecological values, natural values and public enjoyment of the area." To date, the park has expanded by 109,600 acres in the Expansion Area. That act, and additional legislation, authorized the NPS and U.S. Army Corps of Engineers to acquire lands within the Expansion Area and to modify the Central and Southern Florida Project to restore natural hydrological conditions in the park.

FPL has owned about 320 acres within the Expansion Area since the early 1970s. Because the FPL property is currently undeveloped and is needed for ecosystem restoration, the NPS is seeking to acquire the FPL property, manage it as part of the Park, and maintain it in its undeveloped condition. FPL is currently seeking state and federal permits to construct three major transmission lines on its existing property in the Park or on the proposed exchange corridor within the Park, along its eastern boundary (see map on page 2).

The purpose of this newsletter is to provide you with information about the project and to ask for your help. You may recall that the NPS began an Environmental Assessment (EA) for the FPL land acquisition in June 2009. During evaluation of impacts likely to result from transmission line construction and long-term operation following a land exchange and issuance of required permits and approvals, the potential for significant impacts on Park resources was identified. In addition, the NPS has concerns regarding the inter-relationship between potential transmission line construction and ongoing Everglades restoration activities in this area. In light of these concerns, the NPS has initiated this EIS process to more fully examine the potential impacts of land acquisition alternatives.

We encourage you to attend the public meeting to be held on June 22, 2011 and to stay involved in the project as it progresses. Details about the meeting are provided below, and instructions on providing input on the project are on page 7. By sharing your opinions about the project and what you value about Everglades National Park, you can make a difference in the eventual outcome. Your knowledge and comments are essential to a successful EIS process and decision.

Sincerely,

Dan B. Kimball, Superintendent
Everglades National Park

You are invited to attend a public scoping meeting on Wednesday, June 22, 2011

Florida International University, Stadium Club (directions on page 7)
Modesto A. Maidique Campus
11200 SW 8th Street, Miami, Florida 33199
5:30 – 8:30 p.m.

The first hour of the meeting will be an open house, and NPS staff will be available to discuss the project, answer questions, and record public comments. At 6:30 p.m. there will be a brief presentation on the project, followed by a public comment session.

Project Background

Everglades National Park was established on December 6, 1947. The Everglades National Park Protection and Expansion Act of 1989 (the Expansion Act) expanded the boundaries of the Park to include approximately 109,600 acres (the Expansion Area). The Expansion Area includes property acquired by FPL in the 1960's and early 1970's (FPL property). The FPL property is approximately 7.4 miles in length (North-South), 330 feet to 370 feet wide and encompasses approximately 320 acres (Figure 1).

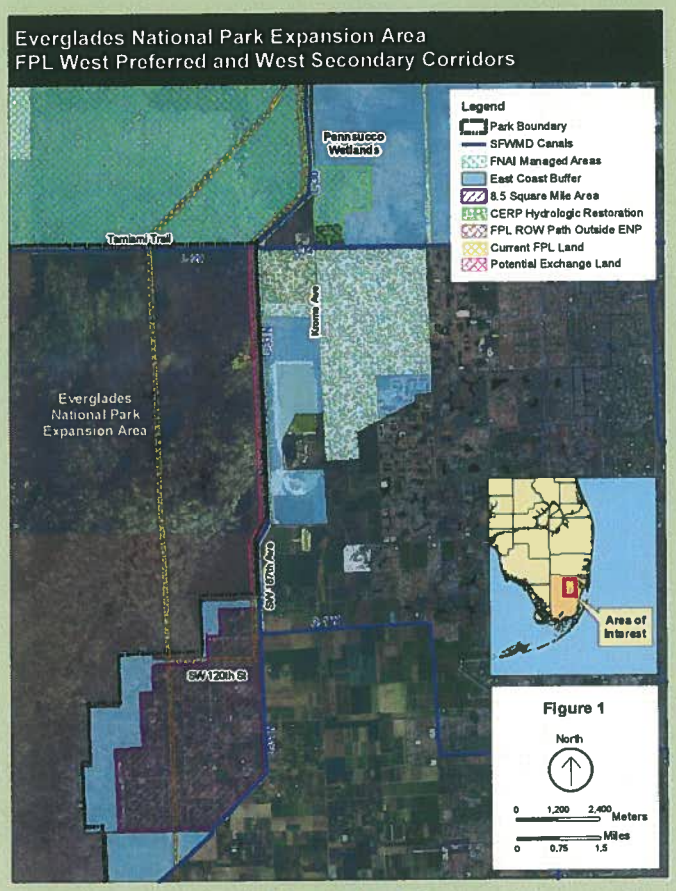


Figure 1. Project Area

The Expansion Act and additional legislation authorized the NPS and the U.S. Army Corps of Engineers (ACOE) to acquire lands within the Expansion Area by purchase, donation, or exchange. To implement the land acquisition provisions of the Expansion Act, the Park completed a Land Protection Plan (LPP) in 1991. The LPP determined that acquisition of lands within the Expansion Area was necessary to meet the Expansion Act's purposes: assure the enhancement and restoration of natural hydrologic conditions in the area, and to manage the area to maintain natural abundance, diversity and ecological integrity of native plants and animals. The LPP also determined that the construction of utility lines and access roads would not be compatible with the purposes of the Expansion Area.

To implement the restoration of water flow provisions of the Expansion Act, the ACOE issued a 1992 General Design Memorandum and related updates concerning the project modifications necessary to achieve more natural flows. The latest of these modifications is the construction of a one-mile bridge to improve water flows under the Tamiami Trail (U.S. Highway 41), scheduled for completion in 2013. The ACOE is about to begin preparing an operational plan that would guide decisions to allow more natural flows to the Expansion Area. However, additional water flows resulting from implementation of these projects could not occur until FPL lands and five other commercial properties within the Expansion Area are acquired by the federal government.

In the late 1990's, the ACOE began negotiations with FPL to acquire their property on behalf of the NPS. To date, the parties have been unable to reach a willing buyer-willing seller agreement for FPL's lands.

In 2006-2008, the NPS, ACOE, FPL, and the South Florida Water Management District (SFWMD) identified approximately 260 acres of NPS property at the eastern edge of the park that, if exchanged for FPL's land and approved for transmission line construction, were thought to generally have less adverse impacts than the same facilities constructed and operated on lands currently owned by FPL. For example, it would reduce the need for utility access roads in wetlands by utilizing the SFWMD L 31-North levee road and reducing the potential impacts of utility pads disrupting water flow in a critical area of the park.

In July 2008, the NPS and FPL executed an agreement to exchange lands in the Expansion Area contingent upon federal legislation ratifying the agreement and authorizing the exchange (Contingent Agreement). FPL also conditioned negotiations with the ACOE for easements on its land needed for the one-mile bridge project on obtaining agreements with all other parties necessary to complete the exchange. FPL then completed real estate agreements with these parties to secure an alternative transmission line corridor.

In August 2008, legislation was introduced in Congress to ratify the Contingent Agreement and mandate the land exchange. The final text, (Section 7107(b) of the Omnibus Public Land Management Act of 2009) authorized but did not mandate the Secretary to exchange lands with FPL. This decision was left to the Secretary's discretion subject to conditions necessary for protection of resources, the appraisal and equalization of land values, and analysis of potential environmental impacts under NEPA. As a result, the NPS considers the Contingent Agreement to have been superseded by the Omnibus Act.

As a related but distinct matter, FPL is seeking approval, through the Nuclear Regulatory Commission (NRC), ACOE, and the State of Florida, to construct two additional nuclear reactors at its Turkey Point facility (Turkey Point 6 & 7 Project), immediately adjacent to Biscayne National Park. The NRC is currently preparing an EIS, in cooperation with ACOE and NPS, for a new FPL license and Clean Water Act Section 404 permit. FPL is also seeking certification from the Florida Department of Environmental Protection (FDEP) for new transmission lines, including what it calls the West Preferred Corridor (exchange lands), for transmitting electricity from the Turkey Point facility to destinations in south Florida. FPL plans to construct three electrical transmission lines on either the West Preferred Corridor or their current property (West Secondary Corridor) shown in Figure 1.

"River of Grass" East Everglades

Purpose and Need for Taking Action

The proposed federal action that will be evaluated in this EIS is the NPS acquisition of the existing FPL lands within the park. The following draft purpose statement has been developed for the EIS:

- The purpose of the proposed action is to facilitate hydrologic and ecologic restoration of the Park and Everglades ecosystem.

This action is needed to support the mission of the NPS and Everglades National Park. The Expansion Area has been identified as vital to long-term restoration and protection of the Park. The following draft need statements have been developed for the EIS:

- The acquisition of the existing FPL lands within the Expansion Area is needed to support the goals of restoring the Northeast Shark River Slough and fulfilling the purposes of the Modified Water Deliveries Project and the Comprehensive Everglades Restoration Plan.
- This action is needed to eliminate uncertainty regarding future use of lands within the authorized boundary of Everglades National Park, as defined in the Expansion Act.

What Will the EIS Evaluate?

The NPS is preparing an EIS to evaluate the potential effects on the environment from acquiring FPL's existing lands in the Park by direct purchase, exchange, and other reasonable alternatives. The EIS will also serve to develop the appropriate terms and conditions for the potential exchange.

The NPS EIS will focus on FPL's proposed West Transmission Corridor including those areas where FPL's West Preferred and West Secondary corridors would cross or adjoin lands owned by the NPS, the ACOE, and adjacent State-owned Everglades including Water Conservation Area 3-B and the Pennsuco Wetlands (see Figure 1).

FPL's Site Certification Application, submitted to FDEP, states FPL's intent to use either its existing property, or the potential exchange property and easements, for constructing three high voltage electrical transmission facilities. Therefore, the NPS EIS will evaluate the potential impacts of the construction, operation and maintenance of transmission lines, fill pads, and access roads in both corridors under the cumulative effects analysis of the land acquisition alternatives. Figure 2 presents one potential configuration of the proposed power transmission line.

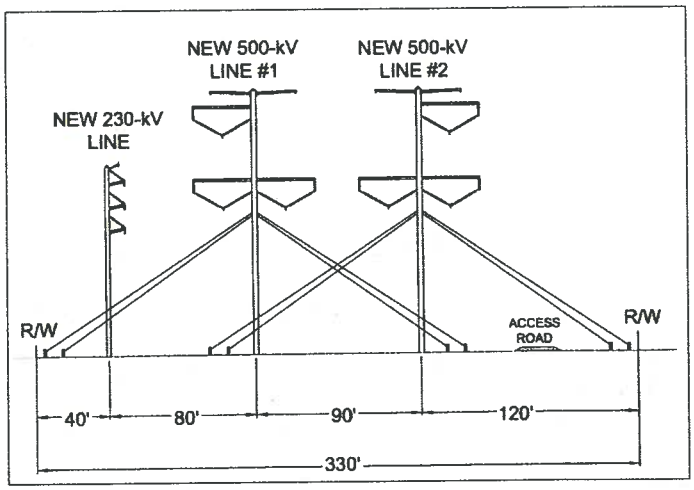


Figure 2. Transmission Support Structures Concept (from FPL's Site Certification Application)

The NPS EIS will not evaluate the potential impacts of the entire FPL Turkey Point 6 & 7 Project. That evaluation and review is the responsibility of the NRC which is preparing a separate EIS for that purpose. The NPS and the ACOE are participating as cooperating agencies in the NRC EIS to assist the NRC in determining resource impacts and permitting and compliance requirements.

Woodstork

The NPS intends to rely on the NRC EIS for the detailed analysis of the potential impacts of the new Turkey Point nuclear reactors, Eastern and Western Transmission lines, and related facilities on Biscayne National Park and Everglades National Park.

Importance of Everglades National Park

The environmental setting for the project is the Expansion Area of Everglades National Park. The Park is one of the most unique and biologically diverse ecosystems in the United States. It is also designated as an International Biosphere Reserve and a Wetland of International Importance as well as a World Heritage Site. It contains the largest continuous stand of sawgrass prairie, is one of the most significant breeding grounds for wading birds in North America, and has the largest mangrove ecosystem in the western hemisphere. Protection of wetlands and wading bird populations were among the driving reasons for Congressional authorization of the Park in 1934. The Park also encompasses the Marjory Stoneman Douglas Wilderness, the largest designated wilderness in the eastern United States. The Expansion Area is currently being studied for possible wilderness designation.

Issues

Discussions among the NPS, the U.S. Fish and Wildlife Service, and other agencies, identified a number of physical, natural, socioeconomic, operational, and other resources that potentially could be affected by the acquisition of FPL's lands and the possible construction, operation, and maintenance of three major transmission lines on FPL's West Preferred or West Secondary corridors. Among these are:

- Both the existing FPL corridor and the proposed exchange lands are important for accommodating ecosystem restoration flows into Northeast Shark River Slough resulting from construction of the 1-mile bridge on Tamiami Trail. This component of the Modified Waters Delivery Project, in combination with changes to canal management and operation, will increase flows into Everglades National Park. In addition, measures to control the eastward movement of increased flows (i.e., seepage of water out of the park) must be implemented on or near the park's eastern boundary to help ensure that restoration efforts are successful.

- Both the existing FPL corridor and the proposed exchange lands are in close proximity to nesting colonies of the federally endangered wood stork. This large, long-legged bird is highly susceptible to injury from transmission lines and support structures. The project area also provides important forage habitat for the endangered Everglades snail kite and a variety of wading birds.

- Implementation of the land exchange would remove nearly 260 acres of high-quality wetlands from NPS management and protection. Construction of over 70 transmission tower pads and access roads would result in long-term wetland disturbance exceeding 100 acres. In addition, the effects of long-term vegetation management in the transmission corridor and exotic vegetation management in adjacent areas must be determined.

Everglades Snail Kite

- Visitor experiences and aesthetic resources could also be adversely affected by transmission line construction and long-term operation in either corridor. The Expansion Area is the most accessible area of the park, and about 300,000 people visit here annually. The area provides a unique venue to learn about the natural and human history of the Everglades. Large transmission lines would be readily visible from a distance of 5 miles or more. For visitors using the L-31N canal corridor for recreation, powerlines would dominate the viewshed and would generate noise audible above natural sounds.

- Portions of the Expansion Area are eligible and being considered for protection as designated wilderness under the Wilderness Act of 1964. Wilderness provides visitor opportunities where human manipulation of the land is minimal, views are generally unobstructed, and where

natural processes dominate. The effects of constructing and operating transmission lines adjacent to potential wilderness must be considered.

Objectives for Land Acquisition

The NPS has developed the following initial set of objectives related to the project issues. The project team will use the issues and objectives to help develop a range of reasonable alternatives.

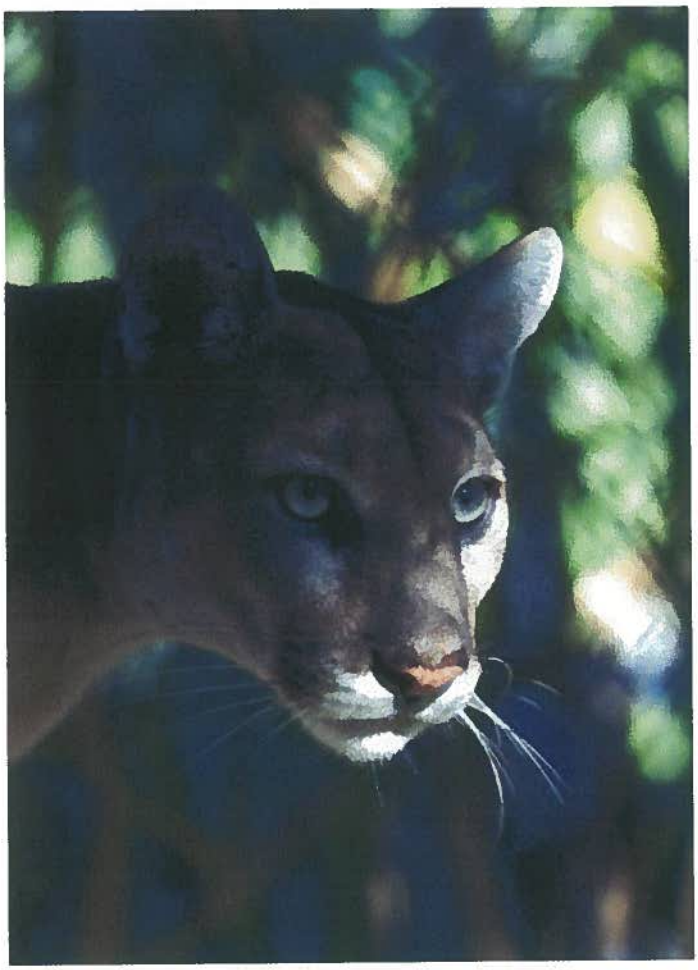
- Ensure consistency with the Expansion Act and the 1991 Land Protection Plan for the East Everglades Addition;
  - increase the level of protection of the outstanding natural values of Everglades National Park and enhance and restore the ecological values, natural hydrologic conditions, and public enjoyment of such areas by adding the area commonly known as the Northeast Shark River Slough and the East Everglades to Everglades National Park (16 USC 410r-5);
  - assure that the Park is managed to maintain the natural abundance, diversity, and ecological integrity of native plants and animals, as well as the behavior of native animals, as part of its ecosystem (16 USC 410r 5).
- Ensure consistency with Congressional intent of the Omnibus Public Land Management Act of 2009 such that the Secretary consider the land exchange, with conditions and after appropriate environmental review of the impacts of the exchange.
- Support and facilitate implementation of the Modified Water Deliveries Project, the proposed Tamiami Trail Next Steps Project, and the Comprehensive Everglades Restoration Plan, all of which restore water quantity and flow to Everglades National Park which is an important objective as it relates to long-term preservation of park habitat.
- Support the timely acquisition of existing FPL property within the Expansion Area.

You can help by commenting on the objectives and related issues described above for acquiring FPL's lands.

The EIS Will Consider Alternatives

The EIS will identify and analyze different ways the NPS could acquire FPL's lands within Everglades National Park. Reasonable alternatives are those that would meet the NPS mission and goals, while also meeting the purpose and need for federal action, and the objectives previously described.

Alternatives will be fully developed after analyzing all of the public input received during the scoping comment period, which ends on July 10, 2011 and will be presented for public comment as part of the draft EIS, that is scheduled for release in early 2012.



Florida Panther

Preliminary Alternatives

The EIS will evaluate the possible effects on the human and natural environment of the potential exchange of lands authorized in the Omnibus Public Lands Management Act of 2009 and other reasonable alternatives. A range of alternatives will be considered, including a no-action alternative (required under NEPA). At this time, the alternatives being considered for analysis include:

Alternative 1: No Action

Under the no action alternative, the NPS would assume there would be no land acquisition or exchange, and would evaluate the effects as if there were no change in the status of the FPL property. This alternative could result in two possible scenarios:

- FPL is able to complete the permitting process and secure all necessary approvals to construct three transmission lines, associated fill pads, and access roads on their lands. The cumulative effects analysis would evaluate the foreseeable effects of constructing and operating transmission lines and related features permitted and approved on FPL's existing lands.

- FPL is unable or unwilling to complete the permitting process and/or cannot secure all necessary approvals for constructing transmission lines and related features. Therefore, FPL would not construct transmission lines or related features, and the cumulative effects analysis would evaluate these lands in their current, undeveloped condition.

Alternative 2: Land Exchange with Conditional Requirements

The NPS would acquire FPL lands within the park and convey to FPL park property on the eastern boundary (along the L-31N canal). The NPS would also convey a 90-foot wide and 6.5 mile long perpetual easement to FPL on a corridor of land contiguous to the exchanged land for exotic vegetation management. The NPS would develop conditions for development and maintenance within the corridor to help protect park resources and values. Upon completion of the exchange, the park boundary would be adjusted to the west to remove the lands conveyed to FPL from the park. This alternative would remove 260 acres from the park, and could result in two possible scenarios:

- FPL is able to complete the permitting process and secure all necessary approvals to construct three transmission lines, associated fill pads and access roads on the lands FPL acquires in the exchange. The cumulative effects analysis would evaluate the foreseeable effects of constructing and operating transmission lines and related features permitted and approved on the exchange lands.

- FPL is unable or unwilling to complete the permitting process and cannot secure all necessary approvals. Therefore, FPL would not construct transmission lines, associated fill pads, and access roads on the lands FPL acquires in the exchange. The cumulative effects analysis would evaluate these lands in their current, undeveloped condition.

Alternative 3: Acquisition

FPL property would be acquired by direct purchase or, as a last resort, by condemnation by the NPS. There would not be any construction of transmission lines and associated fill pads or access roads in the Expansion Area.

You can help by providing comments and suggestions about these and other reasonable alternatives that: (1) would meet the purpose and need of the proposed federal action; (2) could minimize impacts to resources within Everglades National Park, Water Conservation Area 3-B, the Pennsuco Wetlands, and adjacent areas; and (3) could enhance opportunities for future restoration projects (e.g., seepage management) on the exchange lands by setting more restrictive conditions upon FPL's use of these lands or taking other alternative approaches that are consistent with the Omnibus Public Land Management Act of 2009.

Great Blue Heron

Coordination

The NPS is the lead agency for this proposed federal action. The EIS process will likely involve a number of agencies and stakeholders at the local, state, and federal levels. To ensure development of a comprehensive EIS, the NPS will seek input from organizations and agencies with responsibilities, technical expertise, and identified interest in this project, including but not limited to:

- Florida Department of Environmental Protection
- Florida Department of Transportation
- Florida Division of Historical Resources (state historic preservation officer)
- Florida Fish and Wildlife Conservation Commission
- Miami-Dade County
- Miccosukee Tribe of Indians of Florida
- Nuclear Regulatory Commission
- Seminole Tribe of Florida
- Seminole Nation of Oklahoma
- South Florida Water Management District
- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- U.S. Geological Survey

Your Participation Will Help Shape This EIS

Your knowledge and participation are vital to the planning process. By sharing your opinions about the proposed acquisition and what you value about Everglades National Park, you can make a difference in the outcome.

The public scoping meeting and scoping comment period are just the first of several steps in the process where your input is especially needed. The project schedule on page 8 shows the formal opportunities to comment.

At this step in the EIS process, it would be most useful if you would provide your thoughts on resources and issues that should be evaluated in the EIS and the potential alternatives that should be considered in order to minimize impacts to the park and adjacent lands while meeting the purpose and need for federal action.

There are a number of ways to participate in this process. We encourage you to attend the June 22 public scoping meeting discussed on page 1. You may also submit your comments electronically by going to the NPS Planning, Environment, and Public Comment website (http://parkplanning.nps.gov/ever). Once at the site, scroll through the Current Projects table and select "Acquisition of Florida Power and Light Company Lands in the East Everglades Expansion Area". Once on the project page, use the links on the left to locate your area of interest. Documents cited in this newsletter (e.g., Everglades Expansion Act and the 1991 Land Protection Plan) can be found there.

If you are unable to submit comments electronically, please submit written comments, to the following address:

National Park Service Denver Service Center – Planning Division
Attn: FPL Project Planning Team
P.O. Box 25287
12795 West Alameda Parkway
Denver, CO 80225-0287

For your comments to be most useful in developing the alternatives and the draft EIS, please submit your comments by July 10, 2011.

All comments will be considered in the administrative record file that the NPS will use to reach a decision. Please include your full name and address with your comments. Anonymous comments will not be considered. If you would like to be added to our mailing list, please include your mailing or email-address.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment — including your personal identifying information — may be made publicly available at any time. Although you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Public Scoping Meeting

On June 22, 2011 beginning at 5:30 p.m., the NPS will hold a public scoping meeting in the Stadium Club at Florida International University (FIU) to provide an opportunity for members of the public to learn more about the project, have discussions with park staff, and provide comments.

Maps and displays will provide information about the project, including the preliminary alternatives and the EIS process. There will also be opportunities to provide input in writing or during the public comment portion of the meeting.

Public comments submitted during scoping for the Environmental Assessment in 2009 will be carried forward to this project and considered as part of scoping for this EIS. Anyone that commented on the EA is welcome to provide new, additional comments during the current public comment period.

The Stadium Club is located in the football stadium at FIU. Follow the Florida Turnpike to the Tamiami Trail (SW 8th Street) exit. Take the SW 8th Street EAST exit. Turn RIGHT on SW 117th Avenue. Turn LEFT on SW 17th Street. Turn RIGHT on SW 114th Court. Free parking is located to the LEFT on the south side of the stadium. The Stadium Club is located between Gates 2 and 3.

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Step	Planning Activity	Dates	Public/Agency Involvement Opportunities
1	**Scoping: Identify planning issues and input on the alternatives**	Public Comment Period	• Attend Public Scoping meeting; submit comments via PEPC or by mail
2	**Prepare Draft Environmental Impact Statement (DEIS)**	Summer 2011 through Early 2012	• Agency and Tribal Consultations
3	**Publish and distribute Draft EIS**	Early 2012	• Review/Comment on DEIS • Attend Public Meeting; submit comments via PEPC or by mail
4	**Federal Decision Document**	Autumn 2012	• Review NPS Decision