



RECORD OF DECISION

North of Lake Okeechobee Storage Reservoir Section 203 Study Highlands County, Florida

The Final Environmental Impact Statement (EIS) dated 1 June 2024, for the Lake Okeechobee Storage Reservoir Section 203 Study addresses the ASA(CW)'s review and recommendations regarding the South Florida Water Management District's (SFWMD) Section 203 Study to identify aboveground storage north of Lake Okeechobee, opportunities, and feasibility in the Highlands County, FL. Based on these reports, the reviews by other Federal, State, and local agencies, Tribes, input of the public, and the review by my staff, I find the plan recommended by the SFWMD to be technically feasible, environmentally justified, and cost effective, in accordance with environmental statutes and the public interest.

The Final EIS, incorporated herein by reference, evaluated various alternatives that would provide aboveground storage in the study area. The recommended plan is the National Ecosystem Restoration (NER) Plan, as well as the environmentally preferred plan, and includes:

- A 200,000-acre-feet aboveground storage reservoir along the north side of C-41A and various recreational features. The reservoir and its external features, including its perimeter canal and perimeter maintenance road, would encompass an area of approximately 12,316 acres.

In addition to a "no action" plan, four alternatives were evaluated. The alternatives included various reservoir configurations of the same size and general location as discussed in Section 3 of the Final EIS. The refined Alternative 1 (Alternative 4 in the EIS) was identified as the environmentally preferable alternative.

SUMMARY OF POTENTIAL EFFECTS:

For all alternatives, the potential effects were evaluated, as appropriate. A summary assessment of the potential effects of the recommended plan are listed in Table 1:

Table 1: Summary of Potential Effects of the Recommended Plan

	Significant adverse effect*	Less than significant effects due to mitigation**	Less than significant effects	Resource unaffected by action
Aesthetics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Aquatic resources/wetlands	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Invasive species	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fish and wildlife habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Threatened/Endangered species	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic properties	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Significant adverse effect*	Less than significant effects due to mitigation**	Less than significant effects	Resource unaffected by action
Other cultural resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Floodplains	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hazardous, toxic & radioactive waste	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Land use	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Navigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise levels	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Public infrastructure	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Socio-economics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Environmental justice	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Soils	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tribal trust resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Water quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Climate change	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

As shown in Section 4 of the Final EIS, the recommended plan will result in unavoidable adverse impacts to native upland species including the threatened eastern indigo snake, threatened crested caracara, proposed endangered tricolored bat, endangered Florida bonneted bat, and endangered Florida panther, that may be displaced by the conversion of uplands to a reservoir; effects to larval fish, such as impingement and entrapment, may occur due to the pumps. Impacts to aesthetics and soils would result from the construction of an impoundment in an area that is primarily agricultural. There are also temporary short-term impacts to air quality, and the noise environment from operation of construction equipment through lands designated for staging, access, and construction.

Because vegetation within the project area will change with conversion to a reservoir, compensatory mitigation for terrestrial vegetation impacts (part of fish and wildlife habitat) includes conserving approximately 4,200 acres of land in the panther dispersal areas/pathways, using a portion of the credits available from Picayune Strand restoration and donating \$1,000,000 to “Payment for Ecological Services” program for panther dispersal. This mitigation addresses the change in use by fish and wildlife resources due to the conversion, including ESA listed species as described in Section 4 of the Final EIS.

All practicable means to avoid or minimize adverse environmental effects were analyzed and incorporated into the recommended plan. Best management practices as detailed in the EIS will be implemented to minimize impacts. Environmental commitments are described in Section 5.6.5 of the Final EIS to avoid, minimize, or mitigate adverse effects during construction activities.

Public review of the draft EIS was completed on 7 December 2023. All comments submitted during the public comment period were responded to in the Final EIS. A 30-day waiting period and review of the Final EIS was completed on 26 February 2024. While comments from state and federal agency review did not result in any changes to the Final EIS, some comments requested either an action or continued coordination and/or consultation during design, construction, and operations. The Florida Fish and Wildlife Conservation Commission (FWC) recommended that surveys for several specific species be conducted prior to any clearing or

construction and indicated that appropriate protocols for the surveys could be found on their website. FWC also suggested best management practices for reducing interactions with the Florida Black Bear. The Seminole Tribe of Florida (STOF) requests that future planning and design ensure that the flow capacity of C-41A will be maintained such that drainage operations into the C-41 canal will not negatively affect the Brighton Reservation. STOF also requested that the U.S. Army Corps of Engineers (USACE), the Environmental Protection Agency, and STOF work together to ensure that operation and maintenance of the project components are conducted to meaningfully contribute to accomplishing the goals of the Clean Water Act; do not reduce STOF's ability to achieve the quality, quantity, timing, and distribution goals it sets for water supply; and honor STOF's water rights. The Department of Interior requests coordination with the National Park Service during their study to determine the eligibility or suitability of the Kissimmee River for Wild and Scenic River Status, which could be affected by this project.

Pursuant to Section 7 of the Endangered Species Act of 1973, as amended, the U.S. Fish and Wildlife Service (FWS) issued a biological opinion, dated 30 November 2023, that determined that the recommended plan will not jeopardize the continued existence of the following federally listed species or adversely modify designated critical habitat: eastern indigo snake (*Drymarchon corais couperi*), Audubon's crested caracara (*Polyborus plancus audubonii*), Florida panther (*Puma concolor coryi*), Florida bonneted bat (*Eumops floridanus*), (*Perimyotis subflavus*), Everglade snail kite (*Rostrhamus sociabilis plumbeus*) and its critical habitat, Florida grasshopper sparrow (*Ammodramus savannarum floridanus*), West Indian manatee (*Trichechus manatus*), wood stork (*Mycteria americana*), and Okeechobee gourd (*Cucurbita okeechobeensis*). The proposed project may affect the eastern black rail (*Laterallus jamaicensis ssp. jamaicensis*). All terms and conditions, conservation measures, and reasonable and prudent measures resulting from these consultations will be implemented to minimize take of endangered species and avoid jeopardizing the species.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, USACE determined that historic properties would not be adversely affected by the recommended plan. The Florida State Historic Preservation Office did not respond to USACE's determination of effects, implying concurrence on 10 February 2024.

Pursuant to the Clean Water Act of 1972, as amended, all discharges of dredged or fill material associated with the recommended plan have been found to be compliant with the Section 404(b)(1) Guidelines (40 CFR 230). The Clean Water Act Section 404(b)(1) Guidelines evaluation is found in Appendix C, Part 3 of the Final EIS.

Pursuant to the Clean Water Act of 1972, a water quality certification will be obtained from the Florida Department of Environmental Protection (FDEP) prior to construction. In a letter dated 4 December 2023, the FDEP stated that the recommended plan appears to meet the requirements of the water quality certification, pending confirmation based on information to be developed during the pre-construction engineering and design phase. All conditions of the water quality certification will be implemented to minimize adverse impacts to water quality.

A determination of consistency with the State of Florida Coastal Management program pursuant to the Coastal Zone Management Act of 1976 was obtained from the FDEP via letter dated 4 December 2023. The letter stated that the FDEP supports the project in achieving progress toward meeting the state's objectives for the restoration of the greater south Florida ecosystems. All conditions of the consistency determination shall be implemented to minimize adverse impacts to the coastal zone.

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed.

The formulation of alternatives, project planning, and the decision-making process included all applicable technical, environmental, and economic criteria. All applicable laws, executive orders, regulations, and local government plans were considered in the evaluation of alternatives. Based on the review of these evaluations, I find that benefits of the recommended plan outweigh the costs and any adverse effects. This Record of Decision completes the National Environmental Policy Act process.

Date

Michael L. Connor
Assistant Secretary of the Army
(Civil Works)