

Chapter 1: Introduction to the 2011 South Florida Environmental Report – Volume III

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INTRODUCTION

In the *2011 South Florida Environmental Report* (SFER) – *Volume I*, Chapter 7 provides an annual update on various Everglades restoration projects and initiatives. Expanding on this information, detailed permit-related information and annual reports pertaining to Greater Everglades restoration projects are presented in this new volume, *Volume III, Annual Permit Reports*. These reports are prepared annually to comply with various permit-related reporting conditions required by permits issued by the U.S. Army Corps of Engineers (USACE) under the federal Clean Water Act (Section 404), or by the Florida Department of Environmental Protection (FDEP) under the Comprehensive Everglades Restoration Plan Regulation Act (CERPRA), Everglades Forever Act (EFA), Northern Everglades and Estuaries Protection Program (NEEPP), or Environmental Resource Permitting (ERP) state statutes.

Volume III is comprised of five chapters along with supporting appendices. In this volume, Chapter 1 provides an introduction to federal and state statutes that govern the permits issued to the South Florida Water Management District (SFWMD or District) by the USACE and the FDEP, respectively, to construct and operate Greater Everglades restoration projects. This chapter also presents an overview of the annual permit reports included in this year's volume. Chapters 2 through 5 of this volume provide specific permit details, and this reporting is organized according to governing state statutes. These four chapters are entitled as follows:

- Chapter 2: Permitted Conditions Annual Reports for the Comprehensive Everglades Restoration Plan Regulation Act Projects
- Chapter 3: Permitted Conditions Annual Reports for the Everglades Forever Act Projects
- Chapter 4: Permitted Conditions Annual Reports for the Northern Everglades and Estuaries Protection Program Projects
- Chapter 5: Permitted Conditions Annual Reports for the Environmental Resource Permitting Projects and Emergency Orders

If a specific project is operational, then a more detailed annual report with monitoring information is provided as a separate appendix. Otherwise, a project status update is presented in the relevant chapter. The reporting period covered by the annual permit reports and status updates are consistent with permit requirements, and includes Water Year 2010 (WY2010) (May 1, 2009–April 30, 2010), Calendar Year 2010 (CY2010) (January 1, 2010–December 31, 2010), or Fiscal Year 2010 (FY2010) (October 1, 2009–September 30, 2010).

The projects and programs described are designed to work together to benefit the Greater Everglades ecosystem, striving toward increased spatial extent of natural areas, enhanced habitat and functional quality, and improved native plant and animal species abundance and diversity. Most of the projects are multipurpose with objectives such as increased water storage, reduced seepage from natural areas, and improved water quality. While no single project will significantly improve the Everglades ecosystem by itself, the cumulative regional environmental benefits as projects are implemented will improve the quantity, quality, timing, and distribution of water.

BACKGROUND – PERMITS

SECTION 404, CLEAN WATER ACT PERMITS

The Federal Water Pollution Control Act Amendments of 1972 established the Section 404 Regulatory Program. Under this Act it is unlawful to discharge dredged or fill material into waters of the United States without first receiving authorization, usually a permit, from the U. S. Army Corps of Engineers, unless the discharge is covered under an exemption. The term “waters of the United States” defines the extent of geographic jurisdiction of the Section 404 program. The term includes such waters as rivers, lakes, streams, tidal waters, and most wetlands. A discharge of dredged or fill material involves the physical placement of soil, sand, gravel, dredged material, or other such materials into the waters of the United States.

CHAPTER 373.1502, FLORIDA STATUTES, PERMITS

The Comprehensive Everglades Restoration Plan Regulation Act was enacted by the Florida legislature [Chapter 373.1502, Florida Statutes (F.S.)] for the purpose of providing efficient and effective permitting of CERP project components. CERPRA permits are in lieu of all other permits required in Chapters 373 and 403, F.S., except for permits that are under any delegated authority.

CHAPTER 373.4595, FLORIDA STATUTES, PERMITS

The Northern Everglades and Estuaries Protection Program was enacted by the Florida legislature (Chapter 373.4595, F.S.) to protect and restore surface water resources and achieve and maintain compliance with water quality standards in the Lake Okeechobee, St. Lucie River, and Caloosahatchee River Watersheds. Permits obtained pursuant to this section are in lieu of all other permits under this chapter or Chapter 403, except those issued under Section 403.0885, F.S.

CHAPTER 373.4592, FLORIDA STATUTES, PERMITS

The Everglades Forever Act was enacted by the Florida legislature (Chapter 373.4592, F.S.) to promote Everglades restoration and protection and to provide guidance for comprehensive and innovative solutions to issues of water quality, water quantity, hydroperiod, and invasion of exotic species which face the Everglades ecosystem.

CHAPTER 373, PART IV, FLORIDA STATUTES, AND TITLE 62, FLORIDA ADMINISTRATIVE CODE, PERMITS

The Environmental Resource Permit Program regulates activities involving the alteration of surface water flows. This includes new activities in uplands that generate stormwater runoff from upland construction, as well as dredging and filling in wetlands and other surface waters. ERP applications are processed by either the FDEP or one of the state's water management districts, in

accordance with the division of responsibilities specified in operating agreements between the FDEP and the water management districts. The ERP Program is in effect throughout the state.

ANNUAL REPORTS OVERVIEW

REPORTING

Annually, the South Florida Water Management District is required to submit reports to the Florida Department of Environmental Protection regarding:

- Discussion of project status
- Conclusions regarding project success
- Problems encountered during the reporting period
- Actions taken to address the problems encountered

Chapters 2 through 5 of this volume present the annual permit reports and status updates required by the USACE permits (Section 404) and the FDEP permits (CERPRA, NEEPP, EFA, and ERP). **Table 1-1** provides an overview of permit information for projects covered during this reporting period and cross-references on where related information is reported in the 2011 SFER.

Table 1-1. Summary of permit information and annual reporting status for projects included in the *2011 South Florida Environmental Report*.

Region, Project and Phase	Issuing Agency	Permit Type	Permit Number	Permit Status	Project Status	Annual Reporting Requirement	Location in 2011 SFER
Kissimmee River and Lake Okeechobee Region							
Lake Okeechobee Water Control Structures Operation	FDEP	LOPA	0174552-005-GL	Active	Operational	Yes	Vol. III, App. 4-1
Lakeside Ranch Stormwater Treatment Area – Phase 1	FDEP	NEEPA	0287326-006-EM	Active	Construction	Yes	Vol. III, Ch. 4
Lemkin Creek Hybrid Wetland Treatment Technologies	USACE	Section 404 CWA	SAJ-2008-203(IP AAZ)	Active	Construction	No	
	FDEP	LOPP	47-0254574-002 GL	Active	Operational	Yes	Vol. III, Ch. 4
Caloosahatchee River Region	USACE	Nationwide	SAJ-2005-7718(NW-AAZ)	Expired	Operational	No	
	FDEP	CERPRA	0255243-003-GL	Active	Construction: On Hold	Yes	Vol. III, Ch. 2
C-43 Reservoir Project	USACE	Section 404 CWA	SAJ-2005-5958(IP TKW)	Active	Construction: On Hold	No	
Upper East Coast Region							
Allapattah Restoration Project - Phase 1, Parcel A	FDEP	CERPRA	0232946-002-EM	Expired	Complete	Yes	Vol. III, App. 2-4
C-44 Reservoir - C-132/C-133 Canal Maintenance Project	FDEP	ERP	EI-43-0276535-001	Active	Construction	Yes	Vol. III, Ch. 5
C-44 Reservoir Project - Troup Indian Town Water Control District	FDEP	CERPRA	0254895-004-GL	Active	Construction	Yes	
	USACE	Nationwide	SAJ-2006-4288(NW TKW)	Active	Construction	No	Vol. III, Ch. 2
Everglades Agricultural Area and Vicinity							
Everglades Agricultural Area Reservoir	FDEP	CERPRA	0242172-003-EM	Active	On Hold	Yes	Vol. III, Ch. 2
Everglades Agricultural Area Reservoir	USACE	Section 404 CWA	SAJ-2005-53(IP TKW)	Active	On Hold	Yes	
Water Conservation Areas and Everglades Region							
Holey Land Wildlife Management Area	FDEP	ERP	06,500809209 and 06,501191549	Expired	Complete	Yes	Vol. III, App. 5-3
Everglades Construction Project Stormwater Treatment Area 1 East and 1 West							
STA-1E/1W	FDEP	EFA	0279499-001-EM	Active	Operational	Yes	Vol. I, Ch. 5; Vol. III, App. 3-1
STA-1E	FDEP	NPDES	FL0304549-001	Active	Operational	Yes	
STA-1W	FDEP	NPDES	FL0177962-001	Admin. Cont.	Operational	Yes	
STA-1W	USACE	Section 404 CWA	SAJ-1994-4352(IP TKW)	Active	Operational	Yes	
Everglades Construction Project Stormwater Treatment Area 2							
STA-2	FDEP	EFA	0126704-008-EM	Active	Operational	Yes	Vol. I, Ch. 5; Vol. III, App. 3-1
Compartment B	FDEP	EFA	0126704-008-EM	Active	Construction	Yes	
Compartment B	FDEP	EFA	0126704-008-EM	Active	Operational	Yes	
STA-2	FDEP	NPDES	FL0177946-003-IW7A	Active	Operational	Yes	
Compartment B	FDEP	NPDES	No Op Authorization	Not issued	Construction	N/A	
STA-2	USACE	Section 404 CWA	SAJ-1994-4352(IP TKW)	Active	Operational	Yes	
Compartment B	USACE	Section 404 CWA	SAJ-2008-3462(IP AAZ)	Active	Construction	Yes	
Compartment B	USACE	Section 404 CWA	No Op Authorization	Not issued	Construction	N/A	

Table 1-1. Continued.

Region, Project and Phase	Issuing Agency	Permit Type	Permit Number	Permit Status	Project Status	Annual Reporting Requirement	Location in 2011 SFER
Water Conservation Areas and Everglades Region (continued)							
Everglades Construction Project Stormwater Treatment Area 3/4							
STA-3/4	FDEP	EFA	192895	Admin. Cont.	Operational	Yes	Vol. I, Ch. 5; Vol. III, App. 3-1
STA-3/4	FDEP	NPDES	FL0300195-001	Admin. Cont.	Operational	Yes	
STA-3/4	USACE	Section 404 CWA	SAJ-1994-4352(IP TKW)	Active	Operational	Yes	
Everglades Construction Project Stormwater Treatment Area 5 and 6							
STA-5/6	FDEP	EFA	0131842-009-EM	Active	Operational	Yes	Vol. I, Ch. 5; Vol. III, App. 3-1
Compartment C	FDEP	EFA	0131842-009-EM	Active	Construction	Yes	
STA-5/6	FDEP	NPDES	FL0177954	Active	Operational	Yes	
STA-6	FDEP	NPDES	FL0473804-001	Active	Operational	Yes	
Compartment C	FDEP	NPDES	No Op Authorization	Not issued	Construction	N/A	
Compartment C	USACE	Section 404 CWA	SAJ-2008-3461(IP AAZ)	Active	Construction	Yes	
Non-Everglades Construction Project Basins							
Non-Everglades Construction Project	FDEP	EFA	06, 502590709	Active	Operational	Yes	Vol. III, App. 3-2
Lower East Coast Region							
C-4 Emergency Detention Basin	FDEP	ERP	EI13-0192729-011	Active	Operational	Yes (ERP only); biennial; next report: 2012 SFER	N/A
	USACE	Section 404 CWA	2001-07154(IP RK)	Active	Operational	Yes (ERP only); biennial; next report: 2012 SFER	
Biscayne Bay Coastal Wetland Project - Phase I, L-31E Culverts	FDEP	CERPRA	0271729-001	Active	Construction	Construction Update	Vol. III, Ch. 2
	USACE	Section 404 CWA	SAJ-1994-1327(IP-TKW)	Active	Construction	Construction Update	
Biscayne Bay Coastal Wetland Project - Deering Estates Flow-way	FDEP	CERPRA	0271729-002	Active	Construction	Construction Update	
	USACE	Section 404 CWA	SAJ-2007-139(IP-AAZ)	Active	Construction	Construction Update	
C-111 Spreader Canal, Phase 1 Project	FDEP	CERPRA	0293559-001	Active	Construction	Construction Update	
	USACE	Section 404 CWA	SAJ-2005-9856(IP-AAZ)	Active	Construction	Construction Update	
North Palm Beach County - Part 1							
L-8 Reservoir	FDEP	ERP/CERPRA	EI 50-0188365-002	Active	Operational	Yes	Vol. III, App. 2-2
G-160 Component	FDEP	ERP	EI 50-0128848-004	Active	Operational	Yes	Vol. III, App. 5-1
G-160 Component	USACE	Section 404 CWA	SAJ-2001-00551(IP TKW)	Active	Operational	Yes	
G-161 Component	FDEP	ERP	EI-026854-001	Active	Operational	Yes	
G-161 Component	USACE	Section 404 CWA	SAJ-2205-4004(IP TKW)	Active	Operational	Yes	
Southwestern Florida Region							
Picayune Strand Restoration Project, Phase 1 – Prairie Canal Backfill and Road Removal Component	FDEP	CERPRA	0221670-008-EM	Active	Post Construction	Yes	Vol. III, App. 2-1
Picayune Strand Restoration Project, Phase 1 – Prairie Canal Backfill	USACE	Section 404 CWA	SAJ-2003-08480(IP HWB)	Active	Post Construction	No	
Picayune Strand Restoration Project, Phase 1 – Road Removal	USACE	Section 404 CWA	SAJ-2005-6598(IP TKW)	Active	Post Construction	Yes	
Picayune Strand Restoration Project, Phase 1 – Road Removal	FDEP	ERP	11-0289609-001	Active	Construction	No	

Table 1-1. Continued.

Region, Project and Phase	Issuing Agency	Permit Type	Permit Number	Permit Status	Project Status	Annual Reporting Requirement	Location in 2011 SFER
Critical Restoration Projects							
Tamiami Trail Culverts Critical Project - Western Phase	FDEP	CERPRA	0211812-002	Expired	Complete	Yes	Vol. III, App. 2-3
Southern Crew , Phase 1 Project - Billy Don Grant Parcel	FDEP	CERPRA	0279719-001	Active	Operational	Yes (wetland mitigation only)	Vol. III, Ch. 2
	USACE	Nationwide	SAJ-2007-4361(NW AAZ)	N/A	N/A	No	
Lake Trafford Dredging Project	FDEP	ERP	11-029089-004	Active	Complete	No	Vol. III, Ch. 5
	USACE	Nationwide	SAJ-1997-3123(IP HWB)	N/A	N/A	No	

CERPRA – Comprehensive Everglades Restoration Plan Regulation Act

CWA – Clean Water Act

ERP – Environmental Resource Permitting

FDEP – Florida Department of Environmental Protection

LOPA – Lake Okeechobee Protection Act

NEEPP – Northern Everglades and Estuaries Protection Program

NPDES – National Pollutant Discharge Elimination System

USACE – U.S. Army Corps of Engineers

N/A – Not Applicable