



Florida Power and Light Potential Land Exchange Environmental Assessment Summary of Public Comments

October 2009

The National Park Service (NPS) has begun an environmental assessment process, in compliance with the National Environmental Policy Act (NEPA), to evaluate a proposal to exchange lands in the Eastern Everglades Expansion Area owned by Florida Power and Light (FPL) for lands owned by the NPS in Everglades National Park. The environmental assessment will be used to determine the possible impacts, if any, on the environment from the potential land exchange and other reasonable alternatives. On July 1, 2009 the NPS began public scoping. As a part of this process, information has been collected from the general public and interested parties regarding the proposed project. A newsletter was distributed by electronic and conventional mail in early July to the project mailing list of government agencies, organizations, businesses, and individuals. News releases were distributed and notices announcing the scoping open house were published in the Miami Herald on July 2nd and 5th, 2009. On July 9, 2009, a public scoping open house was held at the John D. Campbell Agricultural Center, in Homestead, Florida.

The Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-5) expanded the boundaries of Everglades National Park (the park) to include about 109,600 acres, and through that act and additional legislation authorized the National Park Service (NPS) and Army Corps of Engineers to acquire lands within the park's East Everglades Addition. The Florida Power and Light Company (FPL) owns, and has owned since the 1960s and early 1970s, property 330 feet to 370 feet wide and about 7.4 miles in length (north-south) that encompasses about 320 acres in the East Everglades Addition. The FPL property is authorized for acquisition by the United States.

The FPL property, which is currently undeveloped, is needed to facilitate the restoration and enhancement of the ecosystem through improvements of the natural hydrologic conditions. The NPS seeks to incorporate the FPL property into Everglades National Park and to maintain that property in its undeveloped

condition. FPL asserts that the FPL property is a vital portion of a contiguous 40-mile corridor essential for the placement of critical infrastructure necessary for the transmission of high voltage electrical power for the benefit of the citizens of South Florida.

Section 7107 of the Omnibus Public Lands Management Act of 2009 (Omnibus Act) identified property at the eastern edge of the Everglades National Park Expansion Area as potential lands to be exchanged. The act authorized the Secretary of the Interior to exchange NPS lands for the FPL property and to convey a perpetual conservation easement on a strip of land contiguous to the NPS exchange lands for the purpose of vegetation management. The land exchange shall be subject to such terms and conditions as the Secretary may require. The NPS seeks to determine the potential impact, if any, on the environment from the potential land exchange and other reasonable alternatives. The environmental assessment will also serve to develop, as appropriate, terms and conditions for the potential exchange. The NPS understands that FPL plans to use either its existing property, or the exchanged property and easements, as an electrical transmission corridor. While FPL has filed a Site Certification Application with the State of Florida for the placement of transmission lines on these corridors, no approvals have been granted.

During scoping, we heard from approximately 230 individuals, organizations, and agencies in person, by conventional and electronic mail, and through the NPS Planning, Environment and Public Comment (PEPC) online database. These comments facilitate the development of the environmental assessment in defining the major topics and issues the compliance effort will address. This document presents a summary of the comments received during the scoping phase in development of the FPL Potential Land Exchange Environmental Assessment. The contents of this report are as follows:

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Scoping Process and Public Involvement

The National Park Service divides the scoping process into two parts: internal scoping and external (public) scoping. Internal scoping for this FPL Potential Land Exchange EA involved discussions among the NPS staff regarding the purpose and need for the project, issues, objectives, management alternatives, mitigation measures, appropriate level of documentation, lead and cooperating agency roles, and other related dialogue.

Public scoping is the early involvement of the interested and affected public in the environmental analysis process. The public scoping process helps ensure that people have been given an opportunity to comment and contribute early in the decision-making process.

A newsletter was also distributed by electronic and conventional mail in July 2009 to approximately 2000 individuals, organizations, businesses, government agencies, and American Indian Tribes. The newsletter summarized the purpose of and need for potential land exchange, potential issues and environmental topics, preliminary alternatives, and opportunities for public involvement in the NEPA process. The newsletter also gave the date/time/location for the public scoping open house and requested the public to convey concerns and issues related to the FPL Potential Land Exchange Acquisition Environmental Assessment. Respondents were encouraged to comment electronically on the NPS Planning, Environment and Public Comment (PEPC) website, by letter or in person at the open house.

News releases were issued and notice announcing the scoping open house was published in the Miami Herald on July 2nd and 5th. Notices were also placed on the park's website and the PEPC website. On July 9, 2009, a public scoping open house was held at the John D. Campbell Agricultural Center, in Homestead, Florida. The first half-hour of the meeting was an open house in which NPS staff was available to discuss the project, answer questions and record comments. This was followed by a public comment session. A certified court reporter transcribed the public hearing in which all comments were written into a typed document. On July 27th, the park extended the public scoping comment period until August 4th in response to public requests for additional time to review and comment on the scoping newsletter.

Summary of Comments Received

A comment analysis process was used to compile and correlate similar comments into a format useable by decision makers and the internal planning team. Each correspondence received was read and comments identified. All comments were considered and categorized into major topics and issues which are described below. Representative comments have been extracted from the correspondences to illustrate the concerns or issues being raised.

Comments were received from 229 individuals representing 27 organizations and five state and federal agencies; (these comments are summarized below in a separate section). These comments will be used to assist the interdisciplinary planning team in defining the issues and impact topics and range of alternatives to be addressed in this EA.

The NPS received a total of 231 documents regarding the issues and preliminary alternatives for the FPL Potential Land Exchange Environmental Assessment. Many of the documents submitted by the public contained more than one comment or suggestion regarding the project. The 231 documents contained a total of 403 written and oral comments. The major topics raised by the public and agencies included management options or alternatives, environmental resource impacts and protection, consistency with laws and regulations, relationship of the project to energy production and transmission, and other concerns about the project.

The comments received were reflective of a public that is passionate about the future of the park's resources, its uses, and management. The majority of those that commented (nearly 77 percent) were adverse to the proposal to exchange lands within the Park for those owned by FPL. The opposition to the land exchange, and the subsequent construction of transmission lines along the Park's eastern boundary, was founded mainly on the ecological, visual, and legal ramifications of the proposed transaction. Many commenters were concerned over the loss of NPS land, particularly land recognized as wilderness eligible and a UNESCO World Heritage Site. Many responses reflected that the proposed land exchange goes against the mission of the NPS and ENP to protect and preserve public lands. Overall, only 3 percent of the comments supported the land transfer.

A detailed tabular summary of the comments received is included as the final pages of this document.

Public Comments

Comments Regarding the Alternatives

Approximately 33 percent of all responses received were comments supporting Alternative A, the "no-action" alternative, or plainly opposing the erection of

transmission towers in or around ENP. The comments ranged from simple responses that expressed little more than support for Alternative A to comments questioning the logic behind ceding national park land for power lines. These comments do not include the opposition comments with more specific concerns (e.g., ecological or legal concerns). Following are representative comments.

“We strongly support the no-action alternative, that is, no exchange. Everglades National Park is an inappropriate location for electric transmission lines. FPL has failed to adequately justify the need, and has failed to investigate alternatives in private lands, outside the National Park system, for the placement of electric transmission lines.”

“NO ACTION! NO EXCHANGE!”

“FPL should NOT be allowed to put power lines across this invaluable park. The park & entire everglades must be protected at all costs and the damage already done must be reversed. The park should acquire the land as required by law & should keep it pristine.”

There were eight comments in support of Alternative B and one in support of Alternative C, the conditional land exchange.

“The proposed land exchange would benefit the Everglades in multiple ways. It would result in land ownership and control much more compatible with critical congressionally mandated plans to restore natural water flows into and through the park, as I mentioned. The exchange would also represent an environmentally preferable alternative that co-locates the FPL corridor with an existing non-park managed linear facility outside of the park, the Water Management District right of way that we had talked about earlier. The exchange would increase the size of the park at very little cost to the taxpayer, and it would remove the last significant private land holding from within the ENP expansion area.”

“Presently it is clear that the land exchange provides net environmental benefits to Everglades National Park. If the existing FPL corridor within the Park expansion is relocated to an area outside ENP, it ensures that there will be no future utility corridor within the Park. Addition of the 320 acres of land in the 7.5 mile corridor to the Park ensures that these lands will be protected in perpetuity. Fish, wildlife and other resources associated with these lands and the associated waters will also be conserved and public ownership of these lands will enable the Mod Waters and CERP restoration efforts to proceed meeting the broader public policy goal of Everglades restoration. Lands located on the edge of heavily developed Miami-Dade County that are adjacent to existing linear features (South Florida Water Management District canals and levee) and already disturbed will be traded to FPL. The EA should explain these net public benefits from the land exchange.

Comments Relating to Ecological Concerns

Ninety-two responses (23 percent) expressed ecological concerns regarding the land exchange and the subsequent FPL proposal to build transmission lines on the eastern boundary of the Park. Nearly all of these comments were in opposition to the land exchange. Fifty-seven responses were comments with broad ecological concerns, namely wetlands damage, hydrological impacts, invasive plant species, and migratory and wading birds. Many of these comments appeared to be a manifestation of a form letter distributed by the Sierra Club.

“Scientists are concerned about damage to vegetation and fragile wetland soils; hydrological changes due to the massive concrete pads that would have to be put in place in the floodplain to support the towers; the likely spread of invasive plant species due to both construction and maintenance activities; and effects (including collisions and electrocutions) on wading birds (already reduced by over 90 percent in south Florida since the 1930s) and migratory birds.”

“Please keep our parks free of development. They are such a precious resource and one of Florida's greatest treasures. I enjoy the serene view from Shark Valley and am concerned about the effects of a two new nuclear reactors in the natural environment of the everglades. These may increase the mortality rate of migratory birds.”

A majority of the comments encompassing ecological concerns were broadly based; however, 34 comments were received with more specific concerns relating to wetlands, threatened/endangered species and wildlife, birds and migratory routes, invasive plant species propagation, hydrology and the ENP Seepage Management Plan, and vegetation.

“The lands slated for exchange are composed of wetlands, mostly deep slough, and some marl prairie; indeed, the reason for adding these lands into the Park was to ensure Northeast Shark River Slough was protected and restored. These wetlands are considered high quality and high functioning wetlands, which have long been recognized as critical to a healthy ecosystem.”

“The Everglades is a unique ecosystem that is home to a very large number of wading and migratory birds. These bird populations have been decimated in the past and we need to protect them and their habitat. The urban sprawl into the Everglades has to stop and I put it in your hands, as my government to do as much as possible to make this happen.”

Comments Relating to Visual Impacts

Ten percent of the comments expressed opposition to the land transfer based on the visual impact to ENP that would result from transmission lines, in both the existing corridor and the land proposed for exchange.

“The towers would dominate the eastern horizon of the entire East Everglades Expansion Area - the heart of the Shark River Slough and the main source of water for Everglades National Park. They would be visible as far away as the popular Shark Valley Visitor Center and tram/bicycle path.

“I am especially concerned about the following impacts to Park resources if a powerline were built as proposed on the eastern edge of the Park: 1. Impacts to visual quality—power poles and overhead power lines would be a visual blight not appropriate to a National Park and would be visible for many miles inside the Park...”

Comments Relating to Legislation around ENP

There were a number of comments about existing legislation and most of these provided legislative evidence against the land transfer. Comments fell into four categories: general legislative and legal issues surround the FPL EA; citation of specific congressional legislation authorizing Alternative B; legislation about the role and duty of the National Park Service; and comments claiming that the proposed land exchange violates the Everglades National Park Protection and Expansion of 1989 and the 1991 East Everglades Addition Land Protection Plan. Of the 33 comments about legislation, 25 of them fall into the last two categories, in general opposition to Alternative B.

“As it relates to alternatives, our one remaining intact section of the once vast Everglades, Everglades National Park, is simply not available for FPL. When the East Everglades Expansion Area was created, the National Park Service acquired many privately owned properties within the new park boundary. In fact both the 1989 Everglades National Park Expansion and Protection Act and the 1991 East Everglades Addition Land Protection Plan required that. There was no exception made for FPL to hold back and say they are not a "willing seller". The fact that the utility has already included the new corridor in their application to the US Nuclear Regulatory Commission for expanding Turkey Point makes no difference whatsoever. The National Park Service should pull the plug on this ridiculous idea now. FPL has no rights to this land under the terms of the 1989 Act and 1991 Plan. In addition, the Congressional language which supported the 1989 expansion explicitly called power lines an incompatible use. Thus, a buy out of the land, with FPL as a willing seller, is what is required by law.”

“A land exchange of this kind affects not only Everglades National Park, but sets a dangerous precedent for how to address landholdings inside a national park. National park boundaries are established by the U.S. Congress in recognition of the importance of such lands.”

Comments Related to Energy

Approximately 13 percent of the comments voiced opinions about energy, namely opposition to nuclear power and support of renewable energy. Some comments also question the availability of underground power lines and the impact of new transmission towers.

“It is my suggestion that FPL and the permitting agencies must recognize that expansion and increasing FPL capacity is an archaic, illogical and outmoded idea. Continuing to propose facility expansions is not in line with the carrying capacity of south Florida in general. We are in an almost constant drought condition, people are moving away from south Florida due to the economic downturn, houses and business properties already constructed remain vacant, longtime established houses and businesses are up for sale, massive water withdrawals required for FPL expansion would increase the risk for or exacerbate saline water intrusion, and the infrastructure that would need to be created for this illogical proposal would put a further drain in economic hard times. It just doesn't make good sense.”

“The EA should include information on the potential for use of underground infrastructure to reduce or eliminate avoidable impacts.”

“We need to begin to use solar, wind, conservation measures, and other more environmentally friendly and safe resources for power.”

Comments Related to Wilderness

There were nine comments regarding wilderness lands (both existing and eligible) in ENP and the status of the Park as a UNESCO World Heritage Site and International Biosphere Reserve, and Wetland of International Importance as recognized by the Ramsar Convention. These comments were all opposed to the proposed land exchange and cited reasons regarding the pristine nature of the Everglades, as characterized by wilderness areas, and the international significance of the Park as recognized by UNESCO.

“The Park has resources of international significance, being a UNESCO International Biosphere Reserve, a World Heritage Site, and a Wetland of International Importance. The impacts from development such as this within the park therefore have particularly profound significance and implication.”

“Consideration needs to be given to a land exchange's impacts on wilderness, especially because the Everglades expansion area is eligible to become wilderness.”

Comments Related to Scope of Analysis and NEPA Pathway

The FPL Company provided extensive comments on the impetus for the exchange legislation, purpose of the Environmental Assessment, potential benefits of an exchange, range of alternatives to be considered, scope of analysis and NEPA pathway (EA or EIS). In summary, FPL stated the EA should include only two alternatives (exchange and no action) and should focus solely on the direct and proximate impacts of the exchange. FPL also stated that the EA should not consider the indirect or cumulative effects of FPL's planned construction, operation and maintenance of three high voltage transmission lines on the former NPS lands as those effects would be analyzed in subsequent NEPA reviews for the USACE 404 permit and the Nuclear Regulatory Commission EIS on the entire Turkey Point 6 & 7 project. FPL also suggested that an analysis of indirect or cumulative effects would be contrary to law and that an EIS would not be warranted. Key excerpts follow:

Impetus for Exchange Legislation:

“In addition to expanding the Park, the 1989 Everglades Protection and Expansion Act authorized implementation of Mod Waters [Modified Waters Delivery Project] for the purpose of restoring the natural, historic hydrological conditions within the Park. In 2000, Congress approved the CERP Project [Comprehensive Everglades Restoration Plan] for the purpose of restoring historic flows through the Shark River Slough, an area identified as critical to the Everglades survival. FPL's existing corridor lies directly within the area of historic water flows which Mod Waters and CERP hope to restore. From DOI's perspective, acquisition of FPL's existing corridor was necessary before Mod Waters and CERP could be completely implemented. Much of the impetus for enactment of Section 7107 of Public Law 111-11 was the need to complete the long delayed Mod Waters and CERP restoration efforts.”

Purpose of the EA:

“Consistent with Section 7107 of the Act, the purpose of the instant Environmental Assessment (EA) is to examine the direct and proximate environmental effects associated with this proposed real estate exchange (“...an environmental assessment needs to focus only on those factors arising from the land exchange itself [and] it is expected that the Park Service will move quickly to complete this assessment.” Congressional Record at S332, January 13, 2009). Congress' directive comports with Council on Environmental Quality (CEQ) regulations which govern preparation of EA's (see, 40 CFR Part 1500) as well as Department of the Interior regulations (see, for example, 43 CFR 46.100).”

Potential Benefits of an Exchange:

“DOI and Congress recognized that the proposed land exchange: (1) is mutually beneficial, (2) is no direct land cost to taxpayers (3) adds 60 acres to ENP, (4) will protect Everglades resources, (5) will greatly facilitate Everglades Restoration by implementing a critical step in the Congressionally authorized Modified Waters Delivery Project (“Mod Waters” and Comprehensive Everglades Restoration Plan (“CERP”) efforts, and (6) ensures that FPL will retain a north-south utility corridor to meet the demand for delivery of safe, reliable electrical service to the citizens of South Florida.”

Range of Alternatives:

“Focus on the exchange and its immediate, proximate effects, as directed by Congress ...will result in an EA with only two alternatives: (1) execution of the Congressionally authorized land exchange and (2) no action (see 43 CFR 46.310(b)). Because no other viable alternatives achieve the purpose of Section 7107 or are practicable, a two alternative EA is entirely appropriate.

Scope of Analysis:

“As a result, it is of critical importance that the EA, as directed by Section 7107, focus on the specific effects and consequences that would arise directly from the land exchange. Consummation of this real estate land exchange (unimproved land for unimproved land) would not constitute advance approval for any future possible use of the proposed new, utility corridor. As a result, the EA need not assess the effects of any possible prospective development within the relocated corridor. An assessment of all possible uses of the corridor would be speculative and contrary to law (see for example, 43 CFR 46.100 and 40 CFR 1508.8).

“The EA must examine the relative environmental effects of the two alternatives posed: (1) proceed with the Congressionally authorized exchange relocating the FPL corridor out of ENP; or (2) take no action, with FPL’s corridor bisecting the Park expansion. This two-alternative analysis should include an evaluation of the relative impacts of these alternatives on Park resources including fish and wildlife (and endangered and threatened species), hydrology vegetation, as well as effects on Park visitors. Presently it is clear that the land exchange provides net environmental benefits to Everglades National Park...The EA should explain these net public benefits from the land exchange.”

“At such time as FPL develops the new corridor after the land exchange, FPL’s future facilities would be subject to all applicable permitting and environmental reviews necessary for the development. A fact-based

assessment of the effects that would arise directly from specific proposed future action would be appropriate at that time.”

NEPA Pathway:

“The presence of these environmental benefits to the Park from the land exchange also establishes that an EA will be sufficient and a full scale environmental impact statement (EIS) will not be required. A relatively small real estate transaction (in the context of the Everglades) that benefits ENP and the environment, will not generate the kind of intense effects that render an action “significant” or “major” and necessitate an EIS. See 40 CFR 1508.27. Accordingly, an EA and FONSI will provide a legally adequate basis for the exchange.”

In a joint letter, the National Parks Conservation Association, the Sierra Club and other environmental organizations expressed deep concern about the potential adverse effects upon the Park if an exchange should occur and urged the Park to acquire FPL’s 320-acre inholding using its eminent domain authority granted in 1989 by the U.S. Congress. These organizations also commented on the range of alternatives, the scope of analysis and suggested the exchange would set a dangerous precedent for how to address landholdings inside a national park. Another environmental group provided oral comments on the NEPA pathway recommending that the NPS prepare an EIS rather than an EA due to likely controversy over an exchange and its connection to FPL’s proposal to construct two new nuclear power plants at Turkey Point. Key excerpts follow:

Potential Consequences:

The Everglades National Park Protection and Expansion Act of 1989 (“Expansion Act”) expanded the Park’s boundaries to include those lands currently owned by Florida Power & Light (“FPL”). The U.S. Congress expanded these boundaries by 109,600 acres in recognition of the importance of the Everglades to the nation, and the need to restore its unique and sensitive ecosystem. This Act directed the NPS to manage this resource “in order 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 their ecosystem.” If the 260 acres of land proposed for the exchange is removed from Everglades National Park, it will violate the intent and directive of the Expansion Act to manage and restore this resource.

“The lands slated for exchange ...are considered high quality and high functioning wetlands, which have long been recognized as critical to a healthy ecosystem...”

Importantly, the Federal Government has maintained a policy of no net loss of wetlands for 20 years. However, if this land is used by FPL for the

purpose of transmission lines, these high quality wetlands belonging to the American people will be permanently lost and replaced with an infrastructure project.”

“We strongly agree that these lands should be owned in perpetuity by the American people. These lands currently lie inside a National Park and a World Heritage Site, which represents a part of our national heritage. If the NPS decides to exchange land with FPL, it will be permanently removing 320 acres from within the Park boundary in order to satisfy the supposed need of a for-profit corporation for infrastructure development. Power development and delivery should not come at the expense of our national treasures.”

Range of Alternatives:

“As currently identified, the two proposed EA alternatives appear vague. Regarding the land exchange, it is not clear how any transmission corridors would be implemented, how any proposed seepage management would be implemented, or how this land would be maintained. The NPS must fully evaluate the feasibility of various configurations of and alternatives for the land exchange through this process.”

Scope of Analysis:

“Any analysis pursuant to the National Environmental Policy Act must consider the cumulative and secondary impacts of all the alternatives. In particular, this analysis must consider the impacts of building transmission lines on this land, including both construction and maintenance, given it is beyond reasonably foreseeable that this would be the ultimate use of the land. That may include, but is not limited to, effects on wildlife, hydrology, migratory bird patterns, and important viewsheds for visitors to Everglades National Park. We urge the NPS to take the requisite hard look at the potential cumulative and secondary impacts of all the proposed alternatives.”

Potential Precedent:

“A land exchange of this kind affects not only Everglades National Park, but sets a dangerous precedent for how to address landholdings inside a national park. National park boundaries are established by the U.S. Congress in recognition of the importance of such lands. The Federal Government has an imperative duty to forever protect our most precious natural, cultural, and historic national heritage unimpaired for the enjoyment of future generations. Actions taken today will determine what legacy we leave for our children and grandchildren. If the NPS chooses a path to give away invaluable land in order to avoid the time and expense of

its acquisition in this case, it has failed in its duty to the American people and will set a damaging precedent.”

The Miami Dade County Department of Environmental Resources Management (DERM) requested that the EA include an assessment of direct and indirect impacts including cumulative impacts of above-ground infrastructure such as towers, guy wires, and transmission lines on wading birds and migratory bird species in flight. Whether mitigation would be appropriate to offset impacts from bird collisions should also be evaluated. DERM also recommended that the EA include information on the potential for use of underground infrastructure to reduce or eliminate avoidable impacts. Additional comments from DERM are included in the following section.

Consultation

The National Park Service began initial scoping with numerous federal and state agencies. During the scoping process, comments were received from five federal and state agencies that included:

- U.S. Fish and Wildlife Service
- Florida Department of State
- Florida Department of Environmental Protection
- South Florida Water Management District
- Miami-Dade Department of Environmental Resources

U.S. Fish and Wildlife Service

In accordance with Section 7 of the Endangered Species Act (16 USC 1531 et seq.), the NPS contacted the U.S. Fish and Wildlife Service to initiate informal consultation and request verification of the list of threatened and endangered species. The Service recommends considering the potential impacts to: wetland habitats, hydrology, fire ecology, plants and wildlife, particularly threatened and endangered species such as the eastern indigo snake, Everglade snail kite, Florida panther, and wood stork. The Service also recommends the evaluation of potential impacts to migratory birds in accordance with the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 701 et seq.). Additional assessments should provide detailed information on the existing condition of the habitats in the Right-of-Ways, and how transferring of ownership may affect these habitat conditions, and associated wildlife, as well as Everglades restoration.

Cultural Resources

In accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, 36 CFR Part 800: Protection of Historic Properties, Chapter 267, Florida Statutes, and Florida's Coastal Zone Management Program, the NPS

contacted the Florida State Historic Preservation Officer (SHPO), part of the Florida Department of State. The SHPO acknowledged that they have reviewed the project and noted that the NPS intends to use the EA to meet its obligations under Section 106. The SHPO is awaiting the receipt of the document for further review.

Native American Tribal

There were no comments received from any Native American tribes, including the Miccosukee Tribe of Indians of Florida.

Florida State and Local Agencies

The Florida Department of Environmental Protection (DEP) notes that staff has collaborated with both the NPS and FPL regarding the proposed land exchange and fully supports the NPS in moving forward with the aforementioned exchange. Continued coordination with the appropriate agencies is encouraged to ensure that adjacent areas or restoration projects will not be impacted.

The South Florida Water Management District (SFWMD) has reviewed the scoping notice and notes that the SFWMD's Governing Board approved the proposed land swap in August, 2008 (Resolution # 2008-640).

The Miami-Dade Department of Environmental Resources Management (DERM) commented that construction and maintenance of electrical transmission infrastructure would be expected to have a variety of potential impacts. The EA should include comparative assessment of an alternative that includes acquisition of the current FPL corridor without exchange of the lands and resulting electrical transmission infrastructure along the eastern edge of ENP. The EA should include an analysis documenting the basis or need for a transmission corridor in this general area, with or without expansion of existing power generating facilities. There appear to be some portions of the relocated corridor that are outside the boundaries of ENP. It is not clear what process will be used to assess the impacts or feasibility of completing those segments, but they would be critical to the function of a relocated electrical transmission corridor. Thus, it is recommended that this be addressed in the EA. A review of the proposed expansion of FPL facilities, including transmission corridors, is underway pursuant to State of Florida Electrical Power Plant Siting Act. Although it is recognized that the timelines for this process are different than the EA process, the reviews should be coordinated to assure that consistent information is provided and evaluated in both. Miami-Dade DERM conducts ground and surface water monitoring throughout Miami-Dade, including sites in west Miami-Dade. DERM can make this data available for your review and consideration. DERM requests that any EA should include comprehensive analysis of the following:

- The spatial extent of physical impacts such as land clearing, excavation, and filling in wetlands should be defined, including both permanent and temporary impacts.
- A comprehensive mitigation plan for unavoidable impacts to wetlands should be included.
- Because a portion of the exchange corridor abuts the West Wellfield Protection Area, assessment of any direct or indirect impacts to groundwater quality, transmission, and recharge should be included.
- The EA should include assessment of direct and indirect impacts including cumulative impacts of above-ground infrastructure such as towers, guy wires, and transmission lines on wading birds and migratory bird species in flight. Whether mitigation would be appropriate to offset impacts from bird collisions should also be evaluated.
- The EA should include information on the potential for use of underground infrastructure to reduce or eliminate avoidable impacts.
- It is noted that in addition to the exchange corridor itself, there is to be an easement granted for control of vegetation to the west. However, it is not clear whether this refers to all vegetation or invasive exotic vegetation. Any vegetation management in the area should be consistent with the ecological restoration of native wetland plant communities. The EA should address the appropriate size of such easement, the types of vegetation to be addressed, and methods anticipated for control of vegetation. A vegetation management plan, subject to the approval of ENP, should be included. Mechanisms for the perpetual control of exotic vegetation should be evaluated.
- The proposed exchange corridor is located adjacent to the L-31 canal, in an area where the Comprehensive Everglades Restoration Plan (CERP) contemplates construction and operation of seepage management features that are critical to both ecological restoration within the ENP and maintenance of flood protection in urban and agriculture areas to the east. However, the plan for implementation of this important project has not been completed. Optimizing seepage management and aquifer recharge is of great interest to Miami-Dade County. The EA must assess the compatibility of the proposed electrical transmission corridor with CERP alternatives, and assure that no ecological restoration or water management objectives, particularly seepage management options, are eliminated or constrained as a result of a land

exchange and transmission corridor in this specific area. The EA should explore potential for a transmission corridor in this area to help achieve seepage management goals, perhaps as part of a comprehensive mitigation plan.

Detailed Account of Comments Received

Tables 1 below provides an account of the number of comments received and summarizes the content of those comments by major topic areas and issues within those topics. The comments were categorized according to the following topics:

AL – Alternatives

EC – Ecological Concerns

VS – Visual Impacts

WD – Wilderness

RC – Recreation

LN – Legislation/Legal

EN – Energy

OT – Other

Table 1: Number of Comments Received Categorized by Topic

Code	Comment	Number
AL-0	A discussion of the alternatives to be included in the EA; no specific mention of the individual alternatives	5
AL-1	Support or comment on Alternative A, the “no-action” alternative	61
AL-2	Support or comment on Alternative B, the “land exchange” alternative	8
AL-3	Support or comment on Alternative C, the “conditional land exchange” alternative	1
EC-0	Comment encompasses a variety of ecological concerns related to the project	57
EC-1	Specific concern related to the health or threat posed to wetlands and wetland vegetation in ENP	5
EC-2	Specific concern related to the wildlife and threatened and endangered species in ENP	1
EC-3	Specific concern related to birds and migratory routes in ENP	10
EC-4	Specific concern related to the spread of invasive plant species in ENP due to construction and maintenance activities associated with power lines	4
EC-5	Specific concern related to the spread of ENP and South Florida hydrology and the ENP Seepage Management Plan	14
EC-6	Specific concern related to the vegetation of ENP	1
VS	Comment on the potential impact to the viewshed of ENP if transmission towers were to be erected as proposed by Florida Light & Power Company	41
WD	Comment regarding ENP wilderness and/or its status as a World Heritage Site	9
RC	Comment regarding the impact to recreation activities in ENP from the construction of transmission towers	3
LN-0	Comment on encompasses general legislative or legal issues relating to ENP and the EA	7
LN-1	Comment cites specific legislation by Congress for authorization of Alternative B	1
LN-2	Comment regards legislation about and the role of the NPS	11
LN-3	Comment states that the proposed land exchange (Alternative B) is a violation of the Everglades National Park Protection and Expansion Act of 1989 and the 1991 East Everglades Addition Land Protection Plan	14

Code	Comment	Number
EN-0	Comment encompasses general concerns related to energy use	1
EN-1	Comment regards the impact of new power lines and the associated structures and construction should FP & L raise new transmission lines	9
EN-2	Comment questions the possibility of installing underground power lines	5
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