



Memo to File

To: Files

From: Superintendent, Dan Kimball

Through: Park Interdisciplinary Team

Subject: **Tamiami Trail Modifications: Next Steps Project** — Adequacy of National Environmental Policy Act Documentation

Project Information

Park Name: Everglades National Park

Project Title: Supplemental Assessment for Radio Towers (Salem Communications and Lincoln Financial Media) in East Everglades Expansion Area of Everglades National Park

Project Location: Miami-Dade County, Florida

Project Leader: Bruce Boler, Ecologist/Project Manager

Project Title: Supplemental Assessment to the *Tamiami Trail Modifications: Next Steps* EIS for Lincoln Financial Media and Salem Communications Radio Tower Facilities Located in the East Everglades Expansion Area of Everglades National Park

Project Description

The supplemental assessment (attached) to the *Tamiami Trail Modifications: Next Steps* (TTM: NS) Project (2010) specifically addresses whether the locations and operations of two radio towers located in the East Everglades Expansion Area of Everglades National Park are compatible with the long-term restoration objectives of the project's authorized plan, Alternative 6E. The National Park Service (NPS) completed a Final Environmental Impact Statement (FEIS) and signed the Record of Decision (ROD) for the TTM: NS authorized plan on April 26, 2011. The decision document specified the need for a supplemental evaluation to assess the compatibility of the two radio tower properties in accordance with the requirements of the 1991 Land Protection Plan: East Everglades Addition, Everglades National Park (LPP) and associated Environmental Assessment (EA) and Finding of No Significant Impact (FONSI).

Background

Specific accommodations were made in the *East Everglades Protection and Expansion Act* of 1989 (Public Law 101-229) to allow for some commercial airboat facilities to remain in Everglades National Park following acquisition of the expansion lands. The National Park Service (NPS) is in the process of completing a General Management Plan (GMP) and associated Environmental Impact Statement (EIS) for the area outlining the conditions under which these commercial entities will continue to provide important visitor services following

acquisition of the airboat facilities. While no provisions analogous to those made for the commercial airboat facilities were made in the 1989 Act for the two commercial radio towers located on the acquired park lands, the NPS did acknowledge the need to address specific issues associated with their “intrusion on park resources” prior to acquisition when the NPS released the 1991 LPP and the associated EA and FONSI. This need was also reiterated in the 2010 FEIS for the TTM: NS project in which the NPS agreed to complete a supplemental assessment prior to acquisition of the radio towers to determine whether or not the radio towers are compatible with the stated purposes of the East Everglades addition. This supplemental assessment (attached) responds to specific language contained in the 1991 LPP EA and the 2010 TTM: NS EIS. Specifically, the LPP states:

“At present, two AM radio antenna fields exist along the U.S. 41 (Tamiami Trail), consisting of multiple antenna arrays several hundred feet in height. Before acquisition is initiated, an assessment will be completed to address issues such as intrusion on park resources, impact upon wetlands and the GDM [General Design Memorandum] implementation which will increase hydroperiod in the Shark Slough, frequency and location authorizations granted by the Federal Communications Commission (FCC), and aesthetic intrusion.” (NPS, 1991)

Similarly, the TTM: NS EIS states:

“The supplemental assessment will include evaluations of the potential for flood protection for the radio tower facilities, the potential impacts due to the operation of flood protection facilities on the water quality and water quantity, and any impacts of these facilities on existing wetlands and other impacts such as the effects on the viewshed. The physical improvements needed to provide flood protection for the commercial radio towers will also be evaluated as to compatible versus incompatible use as described above and further evaluated to ensure that these improvements are consistent with the dredge and fill requirements also specified in the 1991 Land Protection Plan and Environmental Assessment.”

Consistent with the 1991 LPP EA and the 2010 TTM: NS EIS, the NPS has completed the supplemental assessment of the above issues prior to acquisition of these lands and also prior to the implementation of any roadway modifications associated with the TTM: NS project.

Description of Previous Compliance Documentation

The LPP EA and subsequent FONSI (April 1991) concluded that the East Everglades expansion area represents an area to be protected and managed for enhancement and restoration of ecological values (including the restoration and management of endangered species habitat), the restoration of natural hydrologic conditions (which will extend the hydroperiod on lands) and the provision for appropriate public enjoyment; therefore, private uses of the addition that would perpetuate these values and are consistent with laws applicable to the National Park System, would be compatible with addition purposes. Activities that would disturb the ecology, interfere with the restored hydrologic system, or prevent public enjoyment of the addition would be incompatible. Residential, commercial or industrial construction or agricultural activities would not be compatible with the park and this addition thereto. Major additions to existing developments or agricultural activities, as well as the construction of utility lines and roads, also would not be compatible.

The LPP also determined that commercial activities are generally not compatible, except for those facilities and operations that are concessions under contract or permit pursuant to the Concessions Policy Act. Accordingly, all existing commercial properties will be acquired by the Federal government and be subject to the rules and regulations of the secretary. However, the LPP identified the need for certain properties located within the addition to undergo an assessment prior to acquisition, including two radio towers. The LPP states “The effects of these structures and associated facilities are unclear and their identification as compatible/incompatible will depend upon an assessment of these sites to determine their intrusion upon park resources, impact upon wetlands, and the GDM implementation which will increase hydroperiod in the Shark Slough, and consistency with the enhancement and restoration goals articulated by P.L. 101-229.” Public Law 101-229 articulates that Everglades National Park is both nationally and internationally significant and that the park has been adversely affected and continues to be adversely affected by external factors which have altered the ecosystem including the natural

hydrologic conditions within the park. Additionally, the legislation identified that portion of the Northeast Shark River Slough (NESRS), 107,600 acres, which lies within the area Congress added to the park as vital to long-term protection of the park and restoration of natural hydrologic conditions within the park. This restoration action will halt the deterioration of park wildlife resources and their associated habitats which have been adversely impacted by the alteration of natural hydrologic conditions within the park.

The purposes of Public Law 101-229 are two-fold and all land protection actions must be responsive to this Congressional direction:

"To increase the level of protection of the outstanding natural values of Everglades National Park and to enhance and restore the ecological values, natural hydrologic conditions, and public enjoyment of such area by adding the area commonly known as the Northeast Shark River Slough and the East Everglades to Everglades National Park; and,

"Assure that the park is managed 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 a part of their ecosystem."

In addition, Public Law 101-229 authorizes and directs the U. S. Army Corps of Engineers (USACOE) "to construct modifications to the Central and Southern Florida Project to improve water deliveries into the park and shall, to the extent practicable, take steps to restore the natural hydrological conditions within the park." This effort has been identified as *The Modified Water Deliveries to Everglades National Park* project (MWD).

In May 1982, the Department of the Interior published in the Federal Register a policy statement for use of the federal portion of the Land and Water Conservation Fund. In response to this policy, the NPS prepared a LPP and EA in 1991 for the East Everglades Addition of Everglades National Park. The purpose of the LPP was to identify land protection alternatives to assure the restoration and enhancement of the Everglades ecosystem in the addition and existing park, to restore natural hydrologic conditions, and to provide for appropriate administrative facilities and visitor use. The plan was prepared in compliance with relevant legislation, other Congressional guidelines, executive orders, and Department of the Interior and NPS policies. The major issues addressed in this plan and its EA included: setting priorities for protection and acquisition, defining compatible and incompatible uses within the addition, public and administrative access to important resources, and the protection of wetlands and wetland ecosystems.

While each of these previously planned efforts required modifications to the Tamiami Trail, the 2009 Omnibus Appropriations Act established well-defined ecological restoration targets associated with these modifications, including restoration of ecological connectivity between marshes severed by the road and restoration of natural marsh flow patterns. Passage of the 2009 Omnibus Act was an acknowledgement that construction of the 1-mile bridge with only a 1-foot road elevation would be insufficient to meet the restoration objectives of the 1989 Act and it directed the NPS to complete a report to Congress in 2010 that identified additional modifications to the Tamiami Trail (e.g., bridging and road-raising) required to fully restore the ecological conditions in NESRS and establish the foundation for future restoration efforts in the Everglades. Based on provisions in the 2009 Act, the NPS completed the TTM: NS project and EIS. The TTM: NS project would modify the road to allow for water levels in the adjacent marshes associated with the restoration objectives of the Comprehensive Everglades Restoration Plan. The frequency of water level conditions as predicted by the Natural System Model was used as the basis for the design of the roadway and in a manner consistent with Florida Department of Transportation (FDOT) requirements. Also included in the EIS for this project are the estimated costs for acquiring the remaining commercial facilities authorized for acquisition in the 1989 Act.

In undertaking the preparation of the TTM: NS report, Department of Interior and NPS staff determined that it was necessary to: (1) include an Environmental Impact Statement for National Environmental Policy Act (NEPA) compliance and (2) include all real estate costs for acquisition of the remaining commercial properties in NESRS

authorized for acquisition by the 1989 Everglades National Park Protection and Expansion Act, including the two radio towers.

Conclusion

The conclusion drawn from the supplemental assessment is that the continued location and operation of the two radio tower facilities owned and operated by Salem Communications and Lincoln Financial Media in the East Everglades Expansion Area of Everglades National Park is incompatible with the LPP and the TTM: NS authorized plan, Alternative 6E. This determination of incompatibility is consistent with the nature and extent of impacts evaluated in the TTM: NS EIS. Constructing 12-foot high berms around these two properties for flood mitigation would result in 94.2 acres of direct wetland impacts in the East Everglades Expansion Area and would indirectly impact numerous aquatic and avian species, including the endangered Wood Stork. In addition, the berms would attract exotic and invasive species, including Brazilian pepper, a very invasive plant species and Burmese pythons that are severely depleting mammal populations in the park. Non-acquisition of the two radio towers would preclude attainment of the long-term ecological restoration objectives embodied in Alternative 6E, as the structural modifications required to protect the radio tower facilities from the higher water levels associated with restoration would impede restoration of natural water depths and hydrological flow patterns needed to restore the ridge and slough habitat in this area of the park. While water quality impacts associated with flood mitigation of these towers may be less evident, operation of flood protection pumps needed once water levels in this region are restored adds a risk of pollutant discharge into adjacent pristine wetlands that is incompatible with the restoration objectives of the TTM: NS authorized plan. Finally, the park also evaluated aesthetic intrusion of the radio towers on visitor experience. While the radio tower facilities are situated a few hundred meters south of the Tamiami Trail roadway within the East Everglades Expansion Area of the park and are not easily viewed from this roadway by visitors to the park, the Everglades National Park Draft GMP, that should be finalized in late 2012 or early 2013, will identify areas where motorized and non-motorized visitor access will be allowed in the Everglades Expansion Area. Based on review of visitor use options in the GMP, it is likely the multiple arrays of tower structures at both tower sites (some several hundred feet high) will be visible by future park visitors on either motorized or non-motorized water craft and thus intrude on their enjoyment of this region of Everglades National Park.

Therefore, after careful review, the team concurs that the TTM: NS EIS adequately describes and analyzes the impacts associated with implementation of the TTM: NS authorized plan, Alternative 6E. This supplemental assessment concurs with the TTM: NS EIS that acquisition of the two radio tower facilities will result in no change to project scope, the description of impacts (context, intensity and duration) remain as described in previous NEPA documents, and site conditions have not changed since preparation of the TTM: NS EIS. No additional public involvement is required. Neither the original compliance documents (*and/or* TTM: NS EIS) nor this evaluation have identified adverse resource impacts that would lead to an impairment of National Park System resources and values from implementation of this project. This assessment is consistent with the original decision documents (i.e., TTM: NS EIS and ROD and the LPP, EA and FONSI).

Superintendent: _____



Dan Kimball

Date: _____

7-11-2012