



August 9, 2017

The Honorable Anna Brosche  
Jacksonville City Hall  
117 W. Duval St., Suite 425  
Jacksonville, FL 32202

Dear President Brosche,

We are grateful for the opportunity to provide more information regarding our concerns about the proposed dredging and possible solutions to address the impacts that will occur to the St. Johns River, the unanswered questions that remain, and the lack of public scrutiny this massive project has so far received. We truly appreciate your leadership and efforts to resolve this important issue.

**We must make sure that:**

1. The proposed dredging project has been thoroughly evaluated and all pertinent questions have been addressed,
2. Our river is adequately protected with a mitigation plan that will offset impacts, and
3. Decision-makers and the public are fully informed of all the risks, costs, and potential benefits associated with the dredging and JAXPORT's expansion plans.

**As a result, we believe the following must be fulfilled before the dredging project proceeds:**

- **The U.S. Army Corps of Engineers (USACE) must revise the Environmental Impact Statement (EIS)** by assessing the currently proposed 11-mile project, instead of a 13-mile project.
- **All studies required by the EIS must be completed.** For instance, USACE has not completed a study of the impacts to the tributaries from the dredging.
- **Flaws in the USACE analysis must be addressed.** USACE should model historic changes in salinity due to past dredging, use consistent salinity models in its analysis, validate and rerun the Sedimentation Model and Ship Wake Model, evaluate alternatives to the dredging, and conduct a Multi-Port Analysis.
- **Mitigation must be provided that will actually offset impacts from the proposed dredging.** As it currently stands, a meager \$2.9 million has been budgeted for a mitigation plan that only includes the purchase of land for conservation. While it is important to set aside ecologically-sensitive lands, this does nothing to offset the impacts that are anticipated from dredging, providing no net-benefit to the river. In addition, one of the properties JAXPORT purchased for mitigation, Pelotes Island, is already in conservation and within the footprint of the Timucuan Preserve. According to the National Marine Fisheries Service (NMFS), "Preserving existing healthy SAV and tidal freshwater wetlands does not

sufficiently compensate the public for the ecosystem services that will be lost due to deepening the federal navigation.” As a result, any mitigation plan must include projects that compensate for the loss of ecological services due to the dredging, such as the restoration of tributaries and wetlands. Compensatory benefits should also be sufficient to address potential impacts that occur that exceed USACE projections.

- However, it must be noted that the ability to accurately determine a sufficient amount of mitigation is limited due to:
  - "uncertainty regarding future changes to the environment",
  - model uncertainties that have been acknowledged by USACE,
  - studies that have not yet been completed
- Original USACE recommended mitigation included:
  - Restoration of the Ocklawaha River
  - Nutrient Pollution Reduction Strategies
- Additional St. Johns Riverkeeper recommendations include:
  - Tributary Restoration and Fortification
    - Wetland Restoration/Creation
    - Bank Stabilization and Erosion Control
    - Sedimentation Removal
    - Habitat and Water Quality Improvements
- **A formal vetting process must be initiated to provide the public with a comprehensive overview of the pros, cons, and risks of the proposed project.** This may consist of a series of forums or public meetings hosted by the City Council, DuPont Foundation, or other reputable independent organizations. As part of this process, elected officials and the general public must be provided with a complete picture of the project, including, but not limited to, the following information:
  - **An updated cost estimate of the proposed dredging.** The USACE recently revised its estimate for the Savannah River dredging project, and the cost increased by 38%.
  - **A budget for the entire expansion project** that includes dredging, mitigation and monitoring, landside improvements, tenant relocations, debt service, and ongoing maintenance dredging throughout the lifecycle of the project.
  - **A detailed funding plan** for the entire expansion project that includes anticipated funding sources and timelines.
  - **A comparison of JAXPORT’s historical growth projections with actual annual growth results.**
  - **A business case and plan** that explains how JAXPORT intends to capture market share from its more well-positioned competitors and grow at a pace that greatly exceeds its historical rate of growth.
  - **Plans by JAXPORT to mitigate the impacts from dredging,** including the specific projects that have either been finalized or are being considered to protect our river.
  - **Plans by JAXPORT and the USACE to address any damage that occurs to the river or its tributaries that exceeds anticipated impacts.**

## **OVERVIEW OF OUR CONCERNS**

St. Johns RIVERKEEPER has worked with the USACE, JAXPORT, the City of Jacksonville, and other stakeholders for more than five years in an effort to protect the river and to ensure the community has the necessary facts and information to make a fully informed decision.

**Unfortunately, USACE has consistently failed to require adequate mitigation or provide a thorough analysis of the project, and a comprehensive public vetting of the current harbor expansion plan has yet to occur.**

The problems with the USACE analysis began in July of 2012 when President Obama issued the “We Can’t Wait Initiative” that fast-tracked the study. This decision dramatically reduced the study schedule by more than a year, providing USACE with much less time to sufficiently evaluate this complex issue.

When USACE released the draft of the Environmental Impact Statement (EIS) in June of 2013, our concerns regarding the expedited study were validated. **The report lacked critical analysis and data that was essential to the decision-making process. In addition, the proposed mitigation plan to offset the anticipated damage to the river was woefully inadequate.** The National Park Service and the Environmental Protection Agency (EPA) both expressed similar concerns as St. Johns RIVERKEEPER that the study was incomplete, leaving many serious issues and important questions unanswered.

In July of 2013, **the Independent Expert Peer Review (IEPR) commissioned by USACE raised serious questions about some of the modeling results and conclusions of the EIS**, validating our concerns about the thoroughness and accuracy of the USACE’s evaluation.

### **Here are some of the findings of the IEPR Panel:**

- “Use of different salinity models for the main stem versus the tributary evaluations makes evaluating salinity effects very difficult.”
- "The analysis and presentation of salinity results in the General Reevaluation Report II (GRR2) provide an incomplete understanding of the impacts of channel enlargement."
- "The adaptive hydraulics (ADH) sediment modeling results do not provide a reliable estimate of the annual sedimentation rates necessary to establish environmental effects and sediment management requirements."
- "Because the period was not shown to be representative of typical conditions and the model [ADH] is not considered validated, the results are assumed to be unreliable indicators of future conditions."
- "The Adaptive Management Plan does not include key elements such as trigger thresholds and specific actions to correct deficiencies."

**The independent peer review experts also took issue with the economic analysis that was conducted.**

- "The Regional Economic Development (RED) benefits are incorrectly attributed to the harbor deepening and therefore overemphasize regional benefits of the Jacksonville Harbor Project."
- "According to Section 3.3.4, any RED benefits resulting from increased traffic will occur under the without- and with-project conditions and are not associated with deepening of the harbor."
- "An accurate assessment of the regional economic benefits generated by the proposed project is needed to support the overall understanding of project benefits and of the project's impact on the regional economy."
- "Federal interest has not been demonstrated in the General Reevaluation Report II (GRR2) because a multi-port analysis assessing competition among regional ports is not provided."

When the Final Environmental Impact Statement (FEIS) was released in April of 2014, **numerous studies were still not completed and many of the shortcomings of previous drafts had not been addressed. In addition, the USACE dramatically reduced the amount of mitigation** that was previously being proposed from more than \$50 million to \$2.9 million.

**The USACE also acknowledged numerous factors and limitations in the FEIS that call into question the validity and accuracy of its results and conclusions.**

- "Notably, the absence of more frequent and detailed lateral inflow, water level, and salinity measurements limits validation of the model to calibration and verification to observed salinity range."
- "Future condition hydrodynamic model simulations further rely on assumptions about the rate of sea level rise, quantity of water withdrawal from the middle St. Johns River, patterns of land use, and other factors. Actual conditions will deviate from those used to drive the models. These deviations introduce additional uncertainty in the models' ability to predict future conditions and impacts."
- "The evaluation of the project alternatives' effects on natural communities as a result of the movement of higher salinity water upstream in the LSJR and tributaries relies on the use of hydrodynamic and ecological models. The hydrodynamic model reports (Taylor 2011, 2013b, 2013c) present error statistics for the EFDC and CE-QUAL-ICM models. Similar error statistics cannot, however, be calculated for the ecological models. This represents an uncertain risk associated with evaluation of the ecological model results."
- "There is a medium degree of uncertainty regarding the modeling process that poses risk that the recommended action could actually produce greater effects than were identified in the effects assessment."
- "Issues specific to this project which contributed to model uncertainty include the following:
  - very limited freshwater flow data for hydrodynamic modeling of Lower St. Johns River (LSJR) tributaries, and to a lesser extent the mainstem;
  - limited salinity data available to perform a rigorous statistical error analysis of the salinity results from the tributary hydrodynamic model;

- limited availability of salinity and flow data to perform the calibration and validation of the hydrodynamic model (MIKE21) used to assess potential salinity changes within tributaries.

In addition, there is uncertainty regarding future changes to the environment caused by natural drivers, i.e. sea level rise and drought, and the bio-physical responses that will occur as a result of changes in the environment and this project.”

Since that time, St. Johns RIVERKEEPER has worked with numerous stakeholders and entities to identify ways to fortify and protect our river from the impacts of dredging. Restoration of the Ocklawaha was determined to be the most effective option to help offset some of the impacts from saltwater intrusion that will result from the deepening of the St. Johns. The restoration of the Ocklawaha has been endorsed by numerous state and federal agencies and independent scientists as a viable mitigation option. The Port Task Force came to this same conclusion, recommending \$25 million for Ocklawaha restoration, in addition to \$25 million for local restoration projects. The Army Corps also acknowledged the benefits of restoration as mitigation.

As a result, we joined the City of Jacksonville, Jax Chamber, and JAXPORT in a Memorandum of Understanding (MOU), agreeing to work together to accomplish this important task. If the MOU succeeded and Ocklawaha restoration was authorized and funded, we agreed that we would not legally challenge the flawed EIS. If not, we would proceed to the courts to seek additional mitigation and protections for the St. Johns. Regrettably, JAXPORT and the Chamber decided to walk away from the partnership and no longer pursue additional mitigation for our river.

Due to our concerns regarding the validity of the USACE economic analysis, we also hired Dr. Asaf Ashar, a leading international port and shipping expert, to critically review the economics of the St. Johns River harbor expansion project by recalculating the project’s Benefit Cost Ratio (BCR). Dr. Ashar identified numerous flaws in USACE’s methodology and the data it utilized, resulting in an inaccurate assessment of the project’s benefits. While the USACE calculated a BCR of 2.66, Dr. Ashar concluded that the “the BCR of JAXPORT’s channel-improvement project is likely less than 1,” and the project is therefore “economically infeasible.” This important information, along with the extensive analysis by local independent expert Dale Lewis, has unfortunately been largely ignored by JAXPORT and local leaders.

As you can see, we have gone to great lengths over the last 5 years to hold the USACE accountable, achieve meaningful mitigation for our river, and seek a full vetting of the dredging project. **Our goal has always been to ensure a thorough evaluation, a robust public dialogue, and a proactive mitigation plan to fortify and protect the St. Johns.** The current plan for dredging simply doesn’t accomplish this objective. Instead, numerous questions and uncertainties remain regarding the economic viability of the project, and our river continues to be exposed to untenable and unacceptable risk.

We continue to believe that the public should be able to rightfully expect full disclosure of information, transparency and accountability, regarding such a massive public infrastructure

project. We should also be able to expect that our river will be adequately protected. Our request for a local public vetting process is supported by good governance policies and practices and open government requirements and expectations. The need for a more robust mitigation plan is consistent with the recommendations of numerous federal agencies and the sentiments expressed by numerous elected officials, community leaders, and organizations over the last several years. As you know, the City of Jacksonville, JAXPORT, the Chamber, and the Port Task Force were all previously in support of more mitigation. The limitations of the EIS analysis have been well documented by an independent peer review panel, local experts, and state and federal agencies (including the USACE), calling into question the accuracy of the projected environmental impacts and the extent of damage that can be anticipated. These uncertainties highlight the critical need for a proactive mitigation plan that will protect and fortify our river, even if the impacts prove to be greater than models predicted. The bottom line is there is no turning back once the damage is done. We can't afford to risk the future of our river, nor can we risk moving forward with such an expensive and highly-speculative project before it has been thoroughly vetted.

For the River,

A handwritten signature in cursive script that reads "Lisa Rinaman".

Lisa Rinaman  
St. Johns Riverkeeper