



November 22, 2018

Colonel Andrew Kelly, District Commander, Jacksonville District
District Engineer, Jacksonville
Ms. Shannon White, Project Manager, Jacksonville Permits Section
US Army Corps of Engineers
Regulatory Division North Permits Branch Jacksonville Permits Section
P.O. BOX 4970
Jacksonville, FL 32232-0019

VIA EMAIL

**RE: St. Johns River Water Management District (SJRWMD);
Permit Application: .SAJ--2018-01466 (SP-SCW)**

Dear Colonel Kelly, District Engineer, and Ms. White:

St. Johns Riverkeeper (Riverkeeper) is a Florida nonprofit, membership-based corporation. We are dedicated to the protection, preservation and restoration of the ecological integrity of the lands and waters of the St. Johns River watershed for current users and future generations. Riverkeeper has more than 1,300 members who use and enjoy the waters of the St. Johns and its tributaries for boating, fishing, and observing birds and other wildlife.

Fresh water is the lifeblood of the St. Johns River and its tributaries. Our wetlands, forests, riparian areas, and aquatic plants provide the habitat and food sources that sustain healthy plant, fish, and wildlife populations. Unfortunately, the ecological health and integrity of the St. Johns River system is threatened due to years of neglect and the cumulative impacts of a growing population, sea level rise and navigational dredging.

Black Creek is a major tributary to the St. Johns River. Removing an average of 10 million gallons a day (MGD) threatens not only the health of the South Fork, but also Black Creek and the St. Johns. Unfortunately, there are many potential unintended consequences that may result in negative impacts to these important waterways that have not been fully evaluated.

On behalf of our membership, please accept the following comments and requests. St. Johns Riverkeeper requests the USACE:

- Formally register citizen concerns of the proposed water withdrawal of Black Creek; and,
- Convene a public hearing to review the Army Corps' and other consulting federal agencies' analysis of the cumulative impacts of the proposed permit; and,
- Initiate a thorough investigation and analysis in order to prepare an Environmental Impact Statement(EIS) as required by the National Environmental Protection Act (NEPA); and,
- Disapprove Permit Application No. SAJ--2018-01:466 (SP-SCW) in its current state

BLACK CREEK WATER WITHDRAWAL PROJECT OVERVIEW

The basic project purpose is stated as aquifer recharge, specifically the Upper Floridan Aquifer (UFA). The October 23, 2018, U.S. Army Corps of Engineers (USACE) Public Notice describes the proposed project and mitigation plan. The project includes a proposed intake structure to withdraw up to 10 million gallons per day (MGD) (based on a calculated daily average withdrawal during each month) from the South Fork of Black Creek when the flow exceeds 25 cubic feet per second (CFS) or 13.5 MGD. No details on the withdraw and discharge relationship calculations are provided. There are no stated guidelines for pumping at high or flooding water levels either. Raw water will be withdrawn from the South Fork in Clay County Florida near State Road 16 at Penny Farms near Henley Road. According to the SJRWMD Water Supply Impact Study (WSIS), tidal effects are evident in the lower 8 miles of the South Fork and North Fork, as well as the lower 13 miles of Black Creek. The water will be pumped approximately 17 miles and discharged into wetlands connected to Alligator Creek, which flows into Lake Brooklyn. The Notice indicates SJRWMD proposes "to purchase federal mitigation bank credits to offset unavoidable wetland impacts" with no additional details.

USACE must carefully assess the direct, indirect (secondary) and cumulative effects of the proposed activity, take a "hard look" at the practicable alternatives and demonstrate reasoned decision-making. See (40 C.F.R. Sections 230.10(c), 230.11, 230.12; 33 C.F.R. Section 320.4(a); *Sierra Club v. Watkins*, 808 F.Supp. 870,871-72 (D.D.C. 1991; *Sierra Club v. Flowers*, 423 F. Supp.2d 1273 (S.D.Fla. 2006)(requiring a hard look and independent evaluation and analysis of alternatives and possible affects based upon administrative record); *National Wildlife Federation v. Norton*, 332 F.Supp.2d 170 (D.C. Dist. 2004)(reversal for failure to analyze cumulative impact, and failure to articulate rational connection between administrative record and permit decision); *Florida Wildlife Federation v. U.S. Army Corps of Engineers*, 401 F.Supp.2d 1298 (S.D. Fla. 2005)(failure to take hard look at alternatives and cumulative impacts).

ST. JOHNS RIVERKEEPER'S CONCERNS

We have reviewed the USACE public notice dated October 23, 2018, concerning the above-referenced application for a USACE permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403).

Unintended Consequences

In the October 23, 2018, Public Notice, USACE “concludes the flow of South Fork of Black Creek and, hence, downstream waters would be affected. Therefore, our initial determination is that the proposed action might have an adverse impact on EFH or federally managed fisheries in Black Creek, the St. Johns River, and/or the Atlantic Ocean.”

We share this concern that there will be downstream impacts that have not been adequately assessed or offset with mitigation.

Downstream negative impacts include:

Saltwater Intrusion

Saltwater intrusion due to the removal of 10 MGD of water will stress submerged aquatic vegetation (SAV) and the forested floodplain, both critical bio-filters providing water quality benefits and essential fish habitat.

In addition, increased salinity can lead to loss of hardwood floodplain trees including cypress that provide bank stabilization. Additional erosion due to tree mortality will lead to the loss of native soils and more sedimentation.

The 2018 State of the River Report for the Lower St. Johns River identified saltwater intrusion as one of the biggest concerns concluding “The salinity regime in the LSJRB has changed over the years due to various human activities and natural phenomena, including rising sea level. The river’s ecology has been changed as a result of long-term salinity changes. In addition, there is no regulatory target for salinity in various sections of the river. However, this does not mean that we are not responsible for considering the environmental impacts of activities like surface water withdrawals and dredging, or future changes in rainfall and the amount and quality of surface water runoff given increases in population. All considered, including the historical and present values and trends in salinity, the current STATUS of salinity is rated as *unsatisfactory because of its impacts*, and the TREND of salinity is rated as *worsening because it is increasing*.”

Loss of Critical Habitat

Loss of SAV will negatively impact local fisheries that are fished both commercially and recreationally. This loss of aquatic vegetation will also

negatively impact imperiled species, such as manatees, and other wildlife and aquatic organisms.

According to the State of the River Report for the Lower St. Johns River, “SAV is important ecologically and economically to the Lower St. Johns River Basin (LSJRB). SAV persists year round in the LSJRB and forms extensive beds which carry out the ecological role of nursery area for many important invertebrates and fish species, including the endangered Florida manatee (*Trichechus manatus latirostris*) (White et al. 2002). Manatees consume from four to 11% of their body weight in SAV daily (Lomolino 1977; Bengtson 1981; Best 1981; Burns Jr et al. 1997).”

“Commercial and recreational fisheries, including largemouth bass, catfish, blue crabs, and shrimp, are sustained by healthy SAV habitat (Watkins 1995). Fish and insects forage and avoid predation within the cover of the grass beds (Batzer and Wissinger 1996; Jordan et al. 1996). For example, Jordan 2000 mentioned that SAV beds in the Lower Basin have three times greater fish abundance and 15 times greater invertebrate abundance than do adjacent sand flats.”

Loss of Natural Flooding

Loss of natural flooding along Black Creek is also a concern. Black Creek is surrounded by important conservation land that has been protected to protect water quality and provide flood control. Natural flooding is critical to hardwood cypress forest and wetlands, which, if reduced, could dry up and become highly erodible. This could lead to more erosion, siltation, lowering of water quality and flood risk of private properties. Water fluctuation is a vital component of healthy wetlands. Removing this natural feature would endanger the health of Black Creek over time.

In addition to downstream impacts, we are concerned about negative impacts to the Floridan Aquifer caused by the introduction of water with very different chemistry that is tannic and may include additional pollutants. Surface water is different from aquifer water. The pH, sediment, organic and inorganic carbon, nutrients, and anthropogenic inputs in the Black Creek surface water all have the potential to differ compared to the water in the Floridan Aquifer. It has not been demonstrated that the surface water will be sufficiently altered between withdrawal and infiltration to not pollute or alter the aquifer water. In addition the last comprehensive pesticide and human derived pollution study was completed in 1994. The area around Black Creek has changed in use and impacts of the watershed since 1994. The introduction of human borne pathogens, pesticides and herbicides, and human waste pharmaceutical byproducts has not been evaluated for 24 years. USACE must evaluate the potential consequences of adding 10 MGD of tannic dark water to wetland and lake systems that have been historically fed by clear rainfall.

SJRWMD does not sufficiently address the root causes of the lowered potentiometric surface of the UFA. As a result, SJRWMD prioritizes unsustainable, expensive, and potentially harmful water withdrawals instead of responsible water conservation alternatives that could meet the stated purpose of the project. Additionally, a source study of water providing flow to Black Creek has not been conducted. The additions to the surface water flow from groundwater and spring water recharge may be significant. A precipitation discharge, or chemical tracer study has not been conducted to understand the Black Creek system. The pumping of a groundwater fed creek to replace groundwater in another area is not a cost-effective process.

This project does not include a water conservation component to protect our aquifer, lakes and waterways. It is a classic example of robbing Peter to pay Paul, by merely seeking to solve the water supply problem in one region by potentially causing harm to a waterway in another region. It does not address Northeast Florida's unsustainable pumping of water.

USACE Must Take a Hard Look

It is USACE's responsibility to "rigorously explore and objectively evaluate" all "reasonable" alternatives. (42 U.S.C. Section 4332(2)). In order for USACE to take the hard look at the significant factors associated with the SJRWMD's application, and to rigorously explore and objectively evaluate all reasonable alternatives, an Environmental Impact Statement (EIS) is necessary. USACE's initial determination elevates the need for USACE to develop an EIS to thoroughly assess direct, indirect and cumulative impacts of this project, and all practicable alternatives in order to have the information necessary to prepare the required detailed statement with its decision.

Practicable Alternatives Were Not Considered

Conservation and reuse of reclaimed water are available alternatives to this project. A joint literature review conducted by the staffs of SJRWMD and the Suwannee River Water Management District (SRWMD) concluded "groundwater withdrawals, especially withdrawals from confined portions of the UFA in North Florida, appear to be the primary factor responsible for changes in the potentiometric surface over time". Draft *Suwannee River and St. Johns River Water Management District Aquifer Decline Literature Review, A Joint Assessment of Regional Changes in the Level and Configuration of the Potentiometric Surface of the Upper Floridan Aquifer in Southeast Georgia and Northeast-North Central Florida (2014)*. The Draft Literature Review concluded:

Thirty professional publications were reviewed by the SRWMD and SJRWMD in order to evaluate regional and temporal changes in the level and configuration of the potentiometric surface of the UFA. The factors responsible for these changes and the proportional effect of these factors were assessed and included groundwater withdrawals and climatic effects on recharge.

Based upon the body of evidence provided in the consensus summaries prepared by the SRWMD and SJRWMD, **groundwater withdrawals, especially withdrawals from confined portions of the UFA in North Florida, appear to be the primary factor**

responsible for changes in the potentiometric surface over time. However, it must be stated that the role of climatic variations on the regional configuration of the UFA potentiometric surface has not been thoroughly considered. For example, the distributions of precipitation inside and outside of recharge areas such as the Valdosta and Keystone Heights potentiometric highs.

The Draft *Literature Review* was never published. Instead an independent contractor was retained to modify the *Literature Review* and the final report included different conclusions, failing to meet the intent of the project, which was to evaluate causation of North Florida's Floridan Aquifer declines. A copy of the *Literature Review* is submitted with these comments.

SJRWMD contends the proposed project is necessary because long-term deficit rainfall has caused a lowering of lake levels in Lake Geneva, Lake Brooklyn, and Keystone Lake and lowered UFA levels in the Keystone Heights area. This assumes a direct relationship between the lake water levels and local rainfall. However, in another study SJRWMD decided not to publish, senior SJRWMD staff found no such long-term rainfall deficit. *State of Water Resources in the St. Johns River Water Management District* (May 2015). In the *Resources Report*, the authors analyzed rainfall data from a number of stations, including Gainesville which is nearest to the subject project, and concluded: **“There is no substantive or statistically significant trend in rainfall at any of these locations.** This observation, that annual rainfall has not generally decreased, is consistent with the findings of a detailed and statistically rigorous analysis of long-term (1895-2009) trends in rainfall at 19 sites in Florida by Martinez et al. (2012)”. *Id.* at 22. A copy of the aforementioned *Resources Report* is submitted with these comments.

This finding suggests the lake levels are not linked directly to local rainfall and are likely connected to the aquifer level and therefore a more regional rainfall pattern. This also suggests the dropping lake levels are then related to regional pumping and the decline of the regional water table of the aquifer. This project is being proposed to mitigate the declining lake levels and providing aquifer recharge through the lake system. This requires a direct relationship between the aquifer and lake levels. If the Floridan aquifer is seeing declines in potentiometric levels from long-term rainfall deficits as suggested by the SJRWMD. Then Black Creek should be seeing the same trend. If this is the case increasing withdrawals from the creek will be removing water from a declining system.

In 2008, SJRWMD recognized the need for conservation and the potential to reduce reliance on the Floridan Aquifer, and began developing a set of conservation rules. A November 5, 2009 White Paper/Memorandum to SJRWMD's Governing Board outlining a number of ideas to increase conservation is submitted herewith. These ideas, if implemented, would provide an alternative to this project by helping to offset the declines of the Floridan Aquifer level caused by groundwater withdrawals. Unfortunately, the Conservation Rule Enhancements were shelved as a result of Governor Scott's 2011 Moratorium on Agency Rulemaking despite a two-year, stakeholder driven process.

In 2014, Water Resource Associates (WRA), on behalf of SJRWMD, examined the status of current wastewater reuse flows for St. Johns River. WRA concluded:

Examining the status of current wastewater reuse flows for the SJRWMD provides insight into the potential for potable reuse solving water supply problems in the future. All counties except for Lake County fell below the district goal of 75% reuse. The highest reuse percentages were reported by Lake (80%), Indian River (71%), and Volusia County (63%). The lowest reuse percentages were reported by Baker (0%), Duval (18%), Alachua County (19%), and St. Johns County (24%). Duval, Alachua, and St. Johns have the greatest potential for expanded use of reclaimed water based on their projected wastewater flows.

If all facilities in the District operated at 75% for 2013, there would be an additional 108.3 MGD of reclaimed water available. Ninety percent reuse utilization would have provided an additional 128.4 MGD that could have been used toward potable reuse.

Potable Reuse Investigation for the St. Johns River Water Management District, White Paper No. 1, Projected Quantities Potentially Available for Potable Reuse Within the St. Johns River Water Management District (July 7, 2014). A copy of White Paper No. 1 is submitted herewith.

Together, these studies present a picture that is contrary to SJRWMD's policy of blaming rainfall while defending groundwater withdrawals. The collective conclusion of these studies is that a large volume of water could be feasibly conserved and an even greater volume of water is available for reuse in Northeast Florida where there is Floridan Aquifer confinement. Reductions in groundwater withdrawals would stem the lowering of Floridan Aquifer levels and help prevent the lakes portrayed in the application from being drawn down by the lowered potentiometric surface. Conservation and reuse should therefore be investigated as practicable and available alternatives.

In addition to the beneficial effect reduced withdrawals would have on Floridan Aquifer levels, utilities in Duval, Alachua and St. Johns counties have substantial quantities of reclaimed water that could be used to recharge the Floridan Aquifer. Thus, conservation and reuse could provide both the indirect benefit of reducing the impacts of groundwater withdrawals, and a direct benefit from application of the available reclaimed water to projects providing recharge to the Floridan Aquifer.

Minimum Flows and Levels (MFLs) Not in Place

In Florida, water resources and associated ecosystems are intended to be protected against the effects of over-withdrawals by the establishment and protection of MFLs. In 2014, Liquid Solutions Group provided a Technical Memo, "Black Creek Yield Assessment and Conceptual Design Project Technical Memorandum" to SJRWMD stating:

The withdrawal schedules were developed to assess potential environmental considerations such as the potential future adoption of MFLs on the Black Creek system and water quality issues related to the use of the supply source.

Liquid Solutions made the following recommendations to SJRWMD to better define the environmental and hydrologic feasibility of this project.

- Identify a target end use for surface water from the Black Creek system (e.g., potable supply, reuse irrigation supply, aquifer recharge, etc.).
- Perform a more robust environmental and water quality evaluation of the Black Creek system and downstream systems, such as the SJR, to establish potential constraints on surface water withdrawals from the system.
- If a withdrawal from the Black Creek system is pursued, the District may need to consider adopting MFL(s) for this system, which includes the following steps:
 - Add Black Creek to the Priority Water Body List;
 - Initiate a project to develop MFLs for the Black Creek system integrating the results of the environmental and water quality evaluations performed; and
 - Develop an MFL rule for adoption by the District Governing Board.
- Based on the refined environmental and water quality evaluations and associated constraints developed as a result of these analyses and on the identified end use of the water, perform additional hydrologic/yield modeling to refine the estimate of available yield from the Black Creek system.

Unfortunately, there are still not MFLs in place for Black Creek nor have the additional water quality evaluations been performed. Consequently, the protective limits have not been established for Black Creek. The production of MFLs is imperative to understanding the low flow conditions and effects. It is especially imperative as the threshold for pumping is 25 CFS, which is close to the lower flow values of the creek. A withdrawal of 10 MGD from a creek discharging 26 CFS (17 MGD) of discharge is a reduction of over 60% of the flow in the creek.

In a July 2017 SJRWMD Press Release, SJRWMD stated, “The project will capture flow in Black Creek during high water periods and flood events.” However allowing withdrawals “when flow exceeds 25 CFS” or 13.5 MGD creates a much different, potentially harmful scenario. In addition these flood events are often coupled with overflows of sewage and septic systems. Higher water levels in the Black Creek system have not been sufficiently studied to provide an informed decision on what is actually being pumped out in that 10 MGD during high flow and flood events.

Link to 2017 SJRWMD Press Release - <https://www.sjrwmd.com/2017/07/board-authorizes-work-to-begin-on-black-creek-water-recharge-project-in-north-florida/>

Without MFLs in place for Black Creek, reasonable assurances that the proposed withdrawals will not cause significant harm to water resources and the associated ecosystems of Black Creek have not been provided.

Water Quality Assessment Inadequate

The application does not identify the specific date of sample collection or the scope of the SJRWMD'S water quality assessment. The application simply refers to the data analyzed as "available" and generally states that the applicant used Storet Data from 1994-2013. The analysis is insufficient to describe the current water quality variation in flow levels, and flood levels in Black Creek, and in the Upper Floridan Aquifer in the discharge area. In addition, the data regarding pesticides and organic contaminants is identified as having been collected in 1994. The decline in water levels in the Floridan Aquifer is substantially caused by groundwater withdrawals brought about by population growth, and an intensification of land uses, including urbanization. Much of this growth has occurred since 1994. Riverkeeper strongly asserts that the applicant's water quality data is inadequate to support this application. The current land use has changed and the quality of techniques has improved in the last 24 years. Current water quality conditions must be thoroughly evaluated and verified by USACE to ensure compliance with the laws and regulations governing the regulatory program.

The application should also investigate the potential consequences of the addition of 10 MGD of tannic dark surface water to wetland and lake systems that have historically been fed by clear rainfall and Floridan Aquifer Water.

SJRWMD's Water Supply Impact Statement (WSIS) is not a Cumulative Assessment of Impacts

Permit Application No. SAJ--2018-01466 (SP-SCW) states that

"The assessment of environmental impacts on tidal wetlands and submerged aquatic vegetation (SAV) is based mainly on the methods and results from the St. Johns River Water Supply Impact Study (WSIS)"

The WSIS is not a cumulative impact assessment that would meet standards mandated under State and Federal law. The WSIS ignores the impacts of existing and historical activities and limits the scope of impacts examined to those projected to occur only from certain specified proposed Alternative Water Supply withdrawals.

The "WSIS focused only on potential effects of the withdrawals on the hydrology and ecology of the St. Johns River. SJRWMD scientists and administrators felt that a focus on the potential effects of water withdrawals on the main channel of the St. Johns River was a sufficiently complicated (and costly) undertaking of its own, . . ." *Review of the St. Johns River Water Supply Impact Study: Final Report* (National Academy of Sciences 2009). The WSIS was a "much less detailed and more cursory approach" than what has been "used in the St. Johns River-DeLand MFL study". *Id.* at 102-03.

The Review also noted that:

“the District did not include a separate workgroup on water quality impacts in the WSIS, and the potential effects of withdrawals on aquatic biota were assumed to result primarily from hydrologic changes. Similarly, runoff resulting from increases in urban/suburban land area in the basin was assumed to affect watershed hydrology only (within the constraints imposed by current regulations to retain stormwater flows in urban areas). **The modeling conducted by the District did not have a water quality component, and the District considered the potential ecological effects of significant increases in degraded stormwater runoff, as well as changes in the frequency distribution of stream flows in urbanized areas, to be outside the scope of the WSIS.**”

In addition, SJRWMD decided to use 1995 as the “baseline year” for all comparisons in the WSIS. By 1995, significant impacts to the St. Johns River had already occurred. The WSIS entirely ignores these impacts. The “ecosystem synthesis” of data does not include a serious scientific assessment of historical changes and structural alterations in the watersheds, surface waters, and aquifers and the effects such changes or alterations have had, and the constraints such changes or alterations have placed, on the hydrology of affected watersheds.

The WSIS use of “averages” is also a concern of many study participants who stated that averages for many parameters like salinity were not biologically valid.

As a result, Permit Application No. SAJ--2018-01466 (SP-SCW) includes only cursory information regarding the reaches of Black Creek that will be most affected by changes to the salinity regime.

Consideration of Ongoing Dredging in the St. Johns, Climate Change, and Sea Level Rise

The WSIS did not include a thorough analysis of the cumulative effect that dredging has had on in stream and floodplain natural resources. The dredging of the St. Johns that is currently underway will allow more unimpeded tidal flows into the estuarine reaches of the St. Johns. The application and modeling does not address these changes. The modeling of the salinity changes caused by the dredging project did not include the Black Creek tributary. The effects of the dredging on the salinity and tidal and freshwater flows to this system are unknown.

Evidence of sea level rise and the rate of sea level rise is not addressed in the WSIS study and the effects of sea level rise were not addressed in this application. These changes are significant and must be addressed in a thorough cumulative impact assessment. The Corps’ Technical Letter No. 1100-2-1 (June 30, 2014), *Procedures to Evaluate Sea Level Change: Impacts, Responses, and Adaptation*, provides guidance that should be implemented in this application. Higher sea levels will increase salinities in the St. Johns estuary and affect water levels. The effect of rising sea level will need to be included in the impact assessments. Black Creek and the South Fork in particular are important freshwater inputs to the St. Johns River. The impact of the reduction of flow, especially at low flow thresholds needs to be studied, understood, and considered.

Temperature is also a significant controlling factor for biological processes in the St. Johns and Black Creek. The application must assess the potential for increasing heat budgets associated with climate change in order to determine whether the environmental modeling will need to account for augmented temperature regimes.

Entrainment/Impingement

Withdrawals can remove large numbers of planktonic species from water bodies and potentially affect the reproductive success and growth of significant species groups. In addition, entrained organisms may be discharged beyond their natural range when transported in raw water and discharged to a distant wetland. It is likely that site specific data on the plankton will be necessary for this assessment. Literature information may be sufficient to make initial estimates of the densities of planktonic species of interest, but ecological modeling would be required to predict the population and ecosystem effects of the estimated annual losses of planktonic organisms. Hydrodynamic modeling may also be needed to predict circulation patterns in order to determine what areas of the water body are potentially affected.

Threatened and Endangered Species

The potential impacts to threatened and endangered species and the habitat they depend upon should be evaluated. Unfortunately, consultation with the Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act is incomplete and unavailable for review.

More specifically, there are substantial unanswered questions raised as to adverse impacts of the proposed project on the endangered Black Creek Crayfish and its habitat. Because the Black Creek Crayfish is limited in its range to Black Creek, all of Black Creek should be considered as habitat that is critical to this organism. The application does not adequately evaluate the potential impacts to the Black Creek Crayfish and its habitat.

Lack of Mitigation

The proposed mitigation must address significant, adverse impacts to both Essential Fish Habitat and Aquatic Resource of National Importance. Unfortunately, the consultation with the National Marine Fisheries Service regarding Essential Fish Habitat is incomplete and unavailable for review. However, "the Corps concludes the flow of South Fork of Black Creek and, hence, downstream waters would be affected. Therefore, our initial determination is that the proposed action might have an adverse impact on EFH or federally managed fisheries in Black Creek, the St. Johns River, and/or the Atlantic Ocean. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service."

It is premature to approve this permit until a full assessment and coordination with all other Federal agencies is complete. The proposed mitigation should be specified and described in detail, instead of beyond stating mitigation bank credits will be purchased.

SUMMARY AND REQUEST

The proposed permit application constitutes a major Federal action that will significantly affect the quality of the human environment. As a result, the preparation of an Environmental Impact Statement (EIS) is required to detail the environmental impact of the project.

The proposed project will result in significant cumulative effects that have not been adequately assessed, including the loss of submerged aquatic vegetation and impacts to the floodplain.

On behalf of the members of the St. Johns Riverkeeper, we respectfully request:

- USACE convene a public hearing to address citizen concerns and to review the outstanding analyses of the cumulative impacts of the proposed permit by the USACE and other consulting federal agencies: and,
- USACE initiate a thorough investigation and analysis in order to prepare an Environmental Impact Statement(EIS) as required by the National Environmental Protection Act (NEPA); and,
- USACE Disapprove Permit Application No. SAJ--2018-01466 (SP-SCW) in its current state

Please contact me at 904-509-3260 or lisa@stjohnsriverkeeper.org for additional information.

Sincerely,



Lisa Rinaman
St. Johns Riverkeeper

Attachments:

1. *Draft Suwannee River and St. Johns River Water Management District Aquifer Decline Literature Review, A Joint Assessment of Regional Changes in the Level and Configuration of the Potentiometric Surface of the Upper Floridan Aquifer in Southeast Georgia and Northeast-North Central Florida (2014)*
2. *State of Water Resources in the St. Johns River Water Management District (May 2015)*
3. *SJRWMD Conservation Rule Enhancements*
4. *Potable Reuse Investigation for the St. Johns River Water Management District, White Paper No. 1, Projected Quantities Potentially Available for Potable Reuse Within the St. Johns River Water Management District (July 7, 2014)*