

Colonel Paul L. Grosskruger
October 17.2007



South Florida Water Management District

October 17, 2007

Colonel Paul L. Grosskrugar
District Commander
Jacksonville District Corps of Engineers
United States Army Corps of Engineers
Post Office Box 4970
Jacksonville, FL 32232-0019

Dear Colonel Grosskruger

**Subject: Request to Extend Temporary Deviation to the Lake
Istokpoga Regulation Schedule**

This correspondence serves as a formal request from the South Florida Water Management District (District) to the U.S. Army Corps of Engineers (Corps) to extend the current temporary deviation from the existing Lake Istokpoga Regulation Schedule.

Current Conditions in the Indian Prairie Water Use Basin and the Lake Okeechobee Service Area (LOSA)

Some areas of South Florida are still experiencing a severe drought. Stages in both Lake Istokpoga and Lake Okeechobee have declined to elevations 36.55 and 10.09 feet NGVD, respectively. Lake Okeechobee fell below elevation 10.0 feet NGVD in April 2007, reached an all time historical low of 8.82 ft-NGVD on July 2, 2007 and has remained at daily historically low levels since June 2007.

Your June 2007 correspondence, granting our deviation request to the floor elevation of 36.5 ft NGVD, stipulated that should drought conditions persist or worsen, the Corps would reconsider our request based upon this agency's future needs to provide water supply from Lake Istokpoga. Since Lake Istokpoga is below the water supply line and Lake Okeechobee remains near 10.0 feet NGVD going into the dry season, the minimum intake elevation for pump stations G-207 and G-208, water is not available to meet the present and anticipated requirements of the water users within the Indian Prairie Water Use Basin.

Background Information

Starting in the fall of 2006, a series of water shortage restrictions were declared affecting users in both the northern and southern portions of the Indian Prairie Water Use Basin and LOSA. These restrictions were geared toward preserving the dwindling water supply and avoiding serious harm to the water resource. Copies of these

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restrictions were enclosed in our original request. As the severity of this drought increased, additional restrictions were imposed to reduce demands.

As the Corps is aware, the Seminole Tribe of Florida has surface water entitlement rights pursuant to the 1987 Water Rights Compact between the Seminole Tribe of Florida (Tribe), the State of Florida, and the South Florida Water Management District. The Water Rights Compact is enacted as both state and federal law (See Pub. L. No. 100-228, 101 Stat. 15S6, and chapter 87-292, Laws of Florida, and codified in section 285.165, Florida Statutes). Additional documents which further implement the Water Rights Compact entitlement provisions have since been executed. Of particular interest in this regard is Agreement C-4121. Agreement C-4121 details an operational protocol associated with canal levels and drought conditions. This Agreement recognizes Lake Istokpoga as the primary source of the Tribe's Brighton Reservation surface water entitlement. Due to repeated Lake Istokpoga water shortages and the corresponding need to access Lake Okeechobee water as a secondary supply source, two primary pump stations, G-207 and G-208, were installed in the early 1990's in the C-40 and C-41 Canals, respectively. Agreement C-4121 envisions operation of these pump stations during drought conditions. The Agreement also recognizes physical constraints (Lake bottom) which prevent operation of the G-207 and G-208 pump stations below a Lake Okeechobee elevation of 10.0 feet NGVD. Without operation of these two pump stations, the southern portion of the Indian Prairie Water Use Basin effectively will have no reliable, supplemental water supply source. The northern portion of this Basin is currently in a similar situation.

In anticipation of a continued regional drought, we urgently request reconsideration of a temporary deviation, as modified, to the minimum water supply regulation stage for Lake Istokpoga. The purpose of this request is to provide water supply from Lake Istokpoga to users in the Indian Prairie Water Use Basin, including providing water for the Tribe's surface water entitlement. The District will enforce severe restrictions on any Lake Istokpoga water supply deliveries pursuant to the deviation extension. Currently, only seepage and rainfall are providing water supply in the short term. A temporary deviation would provide a longer term supply in the absence of significant rainfall.

Proposed Deviation

The District requests the U.S. Army Corps of Engineers implement a temporary deviation to the Lake Istokpoga Regulation Schedule containing the following basic elements found in existing schedule, along with the proposed temporary deviation, Enclosure 1:

1. Zone A-No Modification

2. Zone B - No Modification; with elevation down to 37.0 feet-NGVD when Lake Okeechobee is below 10.0 feet-NGVD and pump stations G-207 and G-208 are not operable.

3. Zone C - Enclosure 1 shows: a) the existing Zone C regulation line, b) the temporary deviation granted by the Corp In June 2007 but not used, c) the proposed amended temporary deviation, and d) the simulated Lake stage that would occur assuming tributary inflows, seepage, rainfall, ET rates reflective of 1 in 10 drought conditions and consumptive use releases equal to 45% cutbacks from November 15* 2007 to approximately June 15* 2008 (no water supply releases outside of those dates) . The water supply demands simulated include the authorized direct withdrawals from the Lake, downstream users in the upper Indian Prairie basin and users within the lower Indian Prairie basin including the Seminole Tribe of Florida. Current Lake Istokpoga water levels are below the existing water supply line (Zone C) and no water supply releases are being made. Under the proposed amended temporary deviation, water supply releases would commence beginning on the day of Corps approval (assumed to be November 15, 2007) and would be allocated on a weekly basis based on 45% cutbacks initially, with increasingly restrictive cutbacks being imposed should the Lake drop below 36.5 feet NGVD. The environmental evaluation associated with the proposed amended deviation will be sent to the Corps in a follow-up submittal.

A temporary deviation would provide the following benefits:

- 1. Provide extremely limited water supply releases to downstream users in Highlands and Glades counties and the Seminole Tribe of Florida.**
- 2. Improve recolonization of submerged aquatic vegetation (SAV) growth, resulting in recreational and commercial fishing, and improved public access and aesthetics.**
- 3. Allow replanting of critical fish and wildlife habitat along the shoreline, especially for the Everglades Snail kite.**
- 4. Compact and degrade accumulated sediments in exposed areas since accumulation of organic sediments on this Lake have been a recurring management issue.**
- 5. Continue exploring opportunities for localized hydrilla treatment.**

The District also recognizes that allowing water levels to drop to the proposed deviation level may have social and economic impacts on the local community by temporarily limiting access to the Lake at public and private boat ramps.

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Alternative Actions Being Assessed

For the Brighton Reservation, various options of securing both short and long-term water supply deliveries to agricultural operations in the Southern Indian Prairie Basin are still being evaluated extensively and implemented where possible. The District is currently funding development of an ASR well and reservoir on the Brighton Reservation as a possible alternative (long-term) water supply source and determining the feasibility of installing temporary pumps in the basin to supply the Tribe for a short-term option. The installation of temporary pumps at structure G-85 to bring water from the Kissimmee River to the Indian Prairie Basin is not a viable option due to issues associated with the structural integrity of G-85, reduced conveyance capacity of the Istokpoga Canal, and potential impacts on the Kissimmee River Restoration Project. However, the District is appreciative of the Corps' willingness to facilitate the permitting process if improvements are made to the conveyance capacity of the G-207 and G-208 intake pumps, as well as the canal dredging option at C-40 and C-41. Real-time operational decisions are still made during a declared drought event with full consideration of the Tribe's water rights.

Summary

This approach is intended to protect water users and conserve critical water supplies while achieving the ancillary environmental benefits noted above. As you consider this request, please recognize its urgent nature. If water supplies are not made available to users within the Indian Prairie Basin, substantial economic impacts could result. During this drought period the District will continue close coordination with the Corps and will undertake all requested actions with the appropriate environmental safeguards.

This effort will be managed through the District's Water Shortage Emergency Team. If you have questions or need any additional information, please contact Chip Merriam, Deputy Executive Director, Water Resource Management at 561 682-6597. Our staff stands ready to meet with the Corps and expeditiously provide additional information and data.

Sincerely,

**Carol Ann Wehle
Executive Director
South Florida Water Management District**

**CAW/ko
Enclosures**

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