



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

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March 30, 2007

Colonel Paul L. Grosskruger
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 for a 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) for a 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)

As you are aware, south Florida is experiencing a regional drought. Water supplies in both Lake Istokpoga and Lake Okeechobee have declined to elevations 38.28 and 10.48 feet NGVD, respectively. Hence, sufficient water is not available to meet the present and anticipated requirements of the water users within the Indian Prairie Water Use Basin and the Lake Okeechobee Service Area (LOSA). Beginning in the fall of 2006, a series of water shortage restrictions have been 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 restrictions are enclosed as Exhibit 1. As the severity of this drought has increased, so have the restrictions imposed to reduce demands. This is particularly difficult for the agricultural users within the identified Basins as water supply demands sharply rise during the hotter spring months.

The drought conditions and dependency of users in the Indian Prairie Water Use Basin on dwindling surface water supplies are combining to create an urgent situation. At the rate water levels are falling, Lake Okeechobee may be at 10.0 feet NGVD within approximately two weeks. As explained below, this elevation is critical for water users in the southern portion of the Indian Prairie Basin. Lake Istokpoga's elevation has fluctuated above and below its 'floor' elevation since October, 2006; water supply deliveries cease when Lake Istokpoga is at 'floor' elevation. This condition has occurred intermittently over the last several months. Presently, Lake Istokpoga's elevation is 38.28 feet NGVD.

A multi-season regional rainfall deficit has significantly contributed to the current low water stages. District meteorologists have recorded a total of only 5.71 inches of District-wide rainfall from 1 November 2006 through 19 March 2007. This total is 53 percent of the historical average rainfall for this time of year. Many areas to the north and northeast of the District,

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which typically recharge the Lake, continue to experience at least a 1-in-50 year dryness since March 2006. Since our wet season typically begins in late May, prospects are poor for sustained, significant rainfall for at least the next two months. To meet water supply demands in the Indian Prairie Basin, it is anticipated that deliveries will be necessary from Lake Istokpoga, when Lake stage is below the existing Zone C line.

Background Information

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. 1556, 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. This restriction was, in fact, experienced during the 2001 drought. 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. Severe public health, safety, and welfare are clearly at issue.

In anticipation of a continued regional drought, we urgently request a temporary deviation 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 intends to impose restrictions on any Lake Istokpoga water supply deliveries pursuant to a deviation.

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, Exhibit 2:

1. Zone A – No Modification
2. Zone B – No Modification
3. Zone C – Beginning on 1 April 2007 a deviation from the water supply release restriction in this Zone would be implemented, as appropriate and depending upon stages in both Lake

Istokpoga and Lake Okeechobee and operation of G-207 and G-208. This deviation would allow water supply releases in Zone C such that the elevation of Lake Istokpoga could gradually decline over the next 45 days to a deviated floor elevation of 36.5 ft NGVD by 15 May 2007. The deviated floor elevation of 36.5 ft NGVD would remain until 31 August 2007. Beginning on 1 September 2007, the deviation line would then gradually increase and intercept the regulation schedule of 39.0 ft NGVD by approximately 15 October 2007.

Benefits of this proposed deviation include:

1. Increase the regional water supply through releases to downstream users.
2. Improve submerged aquatic vegetation (SAV) growth, if a lower Lake stage can be maintained for a sufficient period. Based on the Lake health improvements realized during the 2001 Environmental Enhancement project, the benefits can include the recolonization of littoral areas, recreational and commercial fishing, and improved public access and aesthetics.
3. Allow replanting of wetland vegetation along the shoreline since recent hurricanes likely have damaged many of these communities, which are critical habitat for fish and wildlife. Since the Everglades Snail Kite has moved into the Lake as a resident in recent years, emphasis on restoring some habitat for apple snails may be of interest at the federal level.
4. Compact and degrade accumulated sediments in exposed areas since accumulation of organic sediments on this Lake have been a recurring management issue.
5. Explore opportunities for localized hydrilla treatment.

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 being evaluated extensively and implemented where possible. For example, 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. Other water source and conveyance options were explored, including a temporary pump at structure G-85 to bring water from the Kissimmee River to the Indian Prairie Basin. Upon careful evaluation, this option will not be considered further 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. Also, real-time operational decisions made during a declared drought event are made with full cognizance of the Tribe's water rights.

Summary

This approach is intended to strike a balance between water supply and environmental needs, protecting water users, and conserving critical water supplies while achieving environmental benefits noted above. As you consider this request, please recognize its urgent nature. As discussed above, severe public health, safety, and general welfare issues exist. If water supplies are not made available to users within the Indian Prairie Basin, substantial impacts could result. Please process this request on an expedited, emergency basis, as delays may preclude water management options, potentially resulting in severe impacts. During this

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drought period the District will continue close coordination with the Corps and will undertake all requested actions only with the appropriate environmental safeguards. Additional supporting documentation will be forwarded within one week of Corps' receipt of this letter.

This effort will be managed through the continued activation of the District's Emergency Operations Center. 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

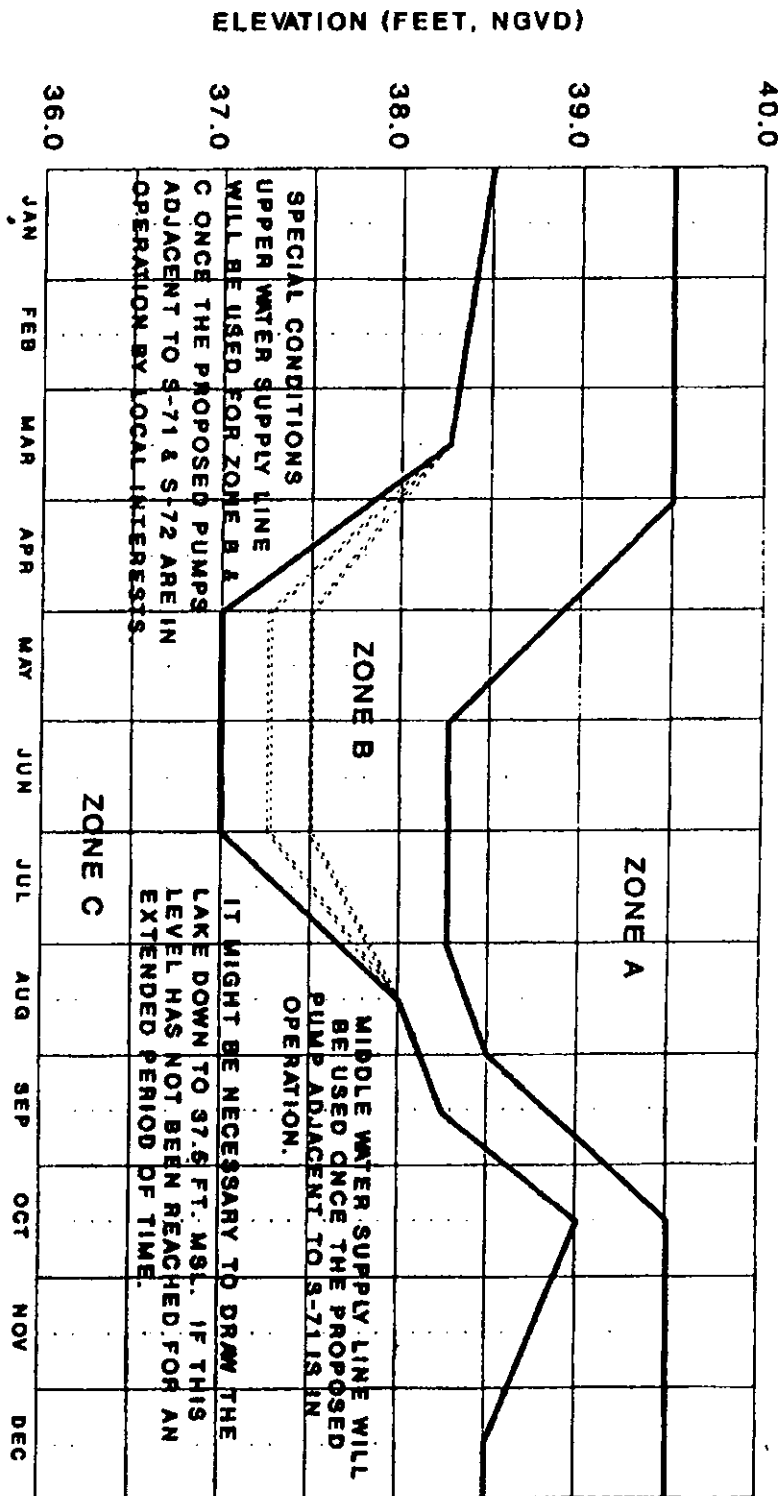
CAW/ko
Enclosures

c: Luis Alejandro, USACE
Sally Kennedy, SFWMD
Tom Kosier, SFWMD
Chip Merriam, SFWMD
Kim O'Dell, SFWMD
Susan Sylvester, SFWMD
John Zediak, USACE

EXHIBIT 1 - Emergency Orders

- 2006-159-DAO-WS - South Florida Water Management District *Order Declaring a Water Shortage Emergency Within Portions of the Indian Prairie Water Use Basin* [Issued 10/19/06]
- 2006-163-DAO-WS - South Florida Water Management District *Declaration of Phase I Moderate Water Shortage Restrictions* [Issued 11/9/06]
- 2006-164-DAO-WS - South Florida Water Management District *Declaration of Water Shortage Warning* [Issued 11/9/06]
- 2006-165-DAO-WS - South Florida Water Management District *Final Order of Governing Board Concurrence with Water Use Regulation Division's Action on Water Shortage Variance Applications* [Issued 11/9/06]
- 2006-166-DAO-WS - South Florida Water Management District *Final Order of Governing Board Concurrence with Declaration of a Water Shortage Emergency within Portions of the Indian Prairie Water Use Basin* [Issued 11/9/06]
- 2006-183-DAO-WS - South Florida Water Management District *Emergency Order Concerning District Operation of By-Pass Structures Located on the C-40, C-41, L-59, and L-60 Canals in the Indian Prairie Water Use Basin* [Issued 12/14/06]
- 2007-033-DAO-WS - South Florida Water Management District *Declaration of Modified Phase II Severe Water Shortage Restrictions* [March 15, 2007]
- 2007-034-DAO-WS - South Florida Water Management District *Declaration of Modified Phase I Moderate Water Shortage Restrictions* [March 15, 2007]
- 2007-035-DAO-WS - South Florida Water Management District *Order Declaring a Water Shortage within the St. Lucie County Agricultural Area Water Use basin, all or part of the Coastal St. Lucie Water Use Basin, all or part of the Port St. Lucie Water Use Basin, and the Northwest Martin County Water Use Basin* [March 15, 2007]

EXHIBIT - 2
 Current Lake Istokpoga Regulation Schedule

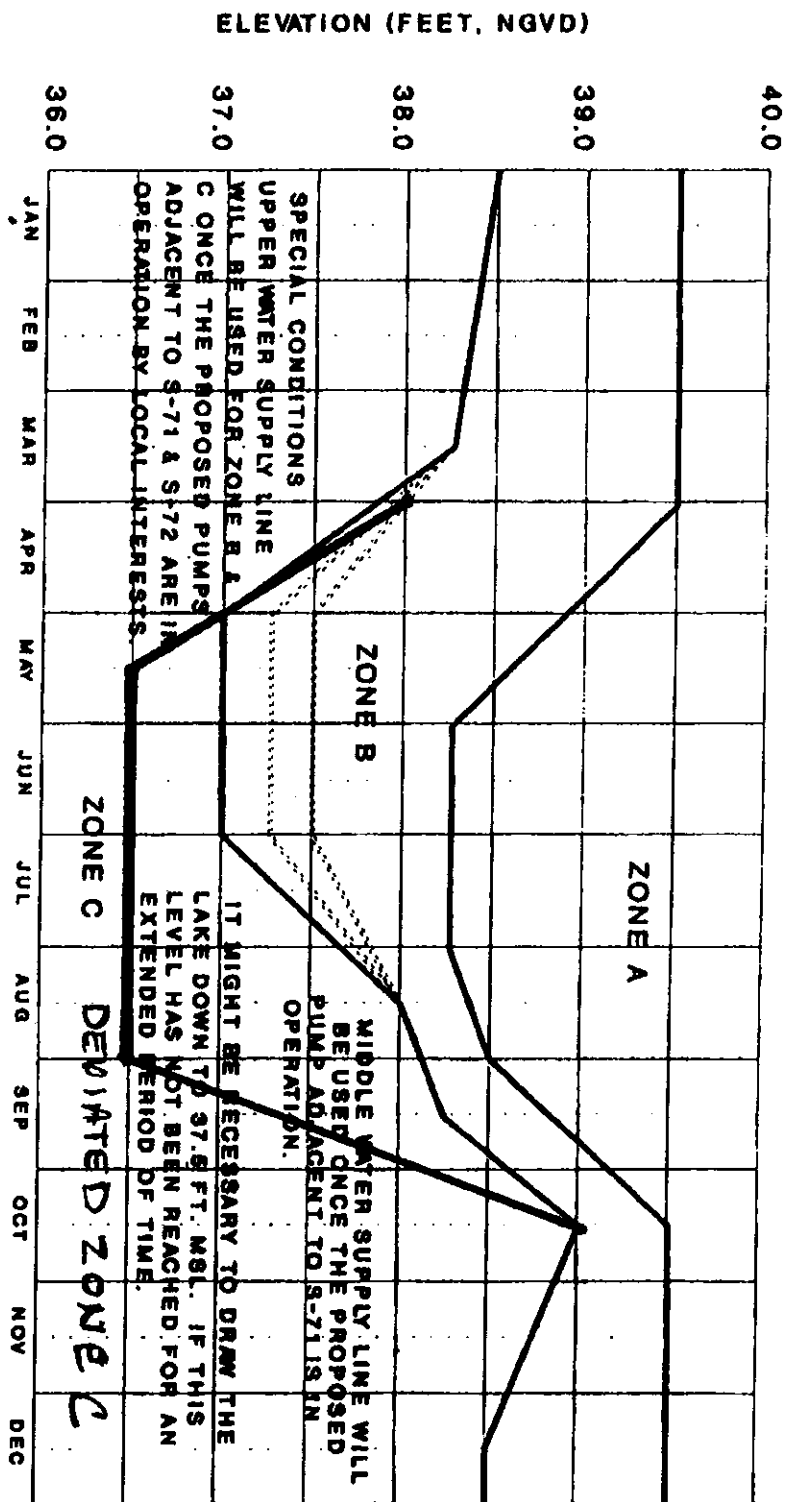


ZONE	RELEASES
A	REGULATORY RELEASES MADE THROUGH ALL OUTLETS: S-68 FIRM CAPACITY 3,000 CFS S-88 SECONDARY CAPACITY UP TO 5,900 CFS ISTOKPOGA CANAL CAPACITY UP TO 800 CFS
B	WATER SUPPLY RELEASE MADE IF NEEDED
C	NO RELEASES MADE

CENTRAL AND SOUTHERN FLORIDA
 KISSIMMEE RIVER BASIN
 REGULATION SCHEDULE
 LAKE ISTOKPOGA.

U S ARMY ENGINEER DISTRICT JACKSONVILLE
 CORPS OF ENGINEERS, JACKSONVILLE, FLA
 DATED: MARCH 1990

EXHIBIT - 3
Proposed Temporary Deviation for Lake Istokpoga



ZONE	RELEASES
A	REGULATORY RELEASES MADE THROUGH ALL OUTLETS: S-66 FIRM CAPACITY 3,000 CFS S-68 SECONDARY CAPACITY UP TO 5,900 CFS ISTOKPOGA CANAL CAPACITY UP TO 800 CFS
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U S ARMY ENGINEER DISTRICT JACKSONVILLE
 CORPS OF ENGINEERS, JACKSONVILLE, FLA
 DATED: MARCH 1980