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Reply To: West Palm Beach

January 10, 2005

Joseph H. Redican  
U.S. Army Corps of Engineers  
Prudential Building  
701 San Marco Blvd.  
Jacksonville, FL 32207

John Morgan  
South Florida Water Management District  
3301 Gun Club Road  
West Palm Beach, FL 33406

Re: Seminole Tribe of Florida comments on the Pre-CERP baseline and Guidance Memoranda

Dear Mr. Redican and Mr. Morgan:

The Seminole Tribe of Florida is a federally-recognized sovereign Indian Nation with reservations and other lands within the south Florida ecosystem including the Brighton, Big Cypress, Immokalee, Hollywood and Ft. Pierce Reservations. The Seminole Tribe of Florida ("STOF") lives in the Florida Everglades and its traditional cultural, religious, and recreational activities, as well as commercial endeavors, are dependent on a healthy Everglades ecosystem. Because of this distinction, the interests of the STOF in relation to the implementation of Comprehensive Everglades Restoration Plan ("CERP") are unique. Federal law recognizes these unique characteristics by requiring government-to-government consultation by the U.S. Army Corps of Engineers and the Department of the Interior with the STOF on these CERP documents. To date, the STOF has consulted with both entities on these preliminary draft documents.

The STOF recognizes the complexity of producing the six Guidance Memoranda and the Pre-CERP baseline. These documents must provide sufficient direction to project delivery teams ("PDTs") on how to formulate the multitude of Comprehensive Everglades Restoration Plan ("CERP") projects. Currently, this draft does not provide the necessary level of detail for PDTs to formulate projects and resolve key policy issues. These documents must also continue to strike the balance so critical to CERP in that all stakeholders receive benefits and are not impacted beyond the

*Bradenton*  
1001 3rd Avenue West  
Suite 670  
Bradenton, FL 34205  
(941) 708-4040  
Fax: (941) 708-4024

*Jacksonville*  
9428 Baymeadows Road  
Suite 625  
Jacksonville, FL 32256  
(904) 737-2020  
Fax: (904) 737-3221

*Tallahassee*  
Post Office Box 10788 (32302)  
125 South Gadsden Street  
Suite 300  
Tallahassee, FL 32301  
(850) 222-5702  
Fax: (850) 224-9242

*West Palm Beach*  
1700 Palm Beach Lakes Blvd.  
Suite 1000  
West Palm Beach, FL 33401  
(561) 640-0820  
Fax: (561) 640-8202

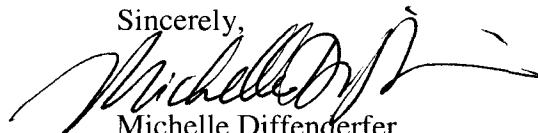
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conditions that existed when the Water Resources Development Act of 2000 ("WRDA 2000") was passed by Congress.

To that end, the STOF has reviewed these documents and provides the following summary of some of its most important issues.

- It would appear that the Pre-CERP baseline assumptions include water quantities for the STOF's Brighton and Big Cypress Reservation that are inaccurate. The STOF is in the process of meeting with the South Florida Water Management District ("SFWMD") and the Army Corps to further dismiss these issues.
- The Pre-CERP baseline model must be re-run to address these issues and it must be redistributed for public review.
- The boundary conditions of the South Florida Water Management Model ("SFWMM") do not include parts of the Brighton and Big Cypress Reservation lands, therefore, the Pre-CERP baseline and Guidance Memoranda must identify how the PDTs should deal with projects that affect these lands.
- The STOF is concerned that its Critical Project, an intervening non-CERP project authorized in WRDA 1996, does not appear to receive protection by the Savings Clause in WRDA 2000. Guidance Memoranda 3 and 4 must include language and direction to PDTs regarding additional analysis that must be given to these types of projects.
- The water required to sustain and restore environmental areas on Tribal lands is not incorporated into the quantities identified in the Tribe's Work Plan or Water Rights Compact. These quantities are in addition to those figures. The Tribe is in the process of identifying this water needed for those natural systems and these quantities should be considered by PDTs at the CERP project level.

Please refer to the detailed comments attached on the Pre-CERP baseline and Guidance Memoranda documents. We appreciate the opportunity to provide you with these comments and look forward to commenting on the next draft of these documents. For any questions you might have regarding these comments, please contact myself at 561.640.0820 or Craig Tepper at 954.966.6300 extension 1120.

Sincerely,  
  
Michelle Diffenderfer  
Erin Deady

Joseph H. Redican  
U.S. Army Corps of Engineers  
John Morgan  
South Florida Water Management District  
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MWD/ELD/kss  
Attachments

c: Jim Shore, Esquire – Seminole Tribe of Florida  
Craig Tepper – Seminole Tribe of Florida  
Stephen Walker – Lewis Longman & Walker, P.A.  
Patty Power - Jefferson Government Relations