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Reply To: West Palm Beach

November 29, 2004

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

Juan H. Diaz-Carreras
South Florida Water Management District
P.O. Box 24680
West Palm Beach, FL 33416-4680

Re: *Seminole Tribe of Florida Comments on the Master Implementation Sequencing Plan*

Dear Mr. Redican and Mr. Diaz-Carreras:

The following comments are provided regarding the Master Implementation Sequencing Plan ("MISP") for the Comprehensive Everglades Restoration Plan ("CERP"). This plan includes the sequencing and scheduling for all projects of the Plan and must be completed by December 2004 as required by the Programmatic Regulations.

Several features of this version of the MISP appear to be different from previous versions. These include the concept of banding the projects into groups, the clear identification of the projects the South Florida Water Management District ("SFWMD") wishes to expedite and the identification of the pilot projects within their respective project bands. All of these changes make the document clearer and easier to identify where projects will fall in the CERP implementation process.

The Tribe does have concerns with regard to the scheduling of projects that directly affect its interests such as the L-28 Interceptor, the Seminole Tribe Water Conservation Plan and the Lake Okeechobee Aquifer Storage and Recovery ("ASR").

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Banding

The concept of banding the projects into groups related to their implementation dates appears to provide more organization to the MISP. However, the available documents on the MISP do not describe or discuss the rationale used to arrive at the projects assigned to the particular banding group in any level of detail. The only document that comes close to providing that rationale is the MISP Project Sequencing Descriptions, dated June 27, 2004 and this is not enough detail.

The Programmatic Regulations require that the MISP be developed based upon "the best scientific, technical, funding, contracting and other information available", but the public does not have any information regarding the trade-offs for project sequencing. Without this information, it is unclear what factors are considered in placing a particular project in which band.

Of note is that the specific completion dates for projects are only identified for Band 1. Bands 2-7 identify a five-year range in which the project is to be completed. This provides less certainty as to when the project will actually be completed. While it is difficult to determine when a project will be completed to the year, the uncertainty with providing a five-year range for completion undermines the confidence that stakeholders have, that projects will be completed by a particular date.

We request that you provide the detailed information necessary to determine the rationale for project sequencing. Further, we request that you revise the completion dates for Bands 2 – 7 to provide more certainty when projects in these bands will be completed.

Projects to be Expedited by the SFWMD

With the roll out of the state's Acceler8 program, many stakeholders have been concerned about the effect this program would have on the sequencing of other CERP projects. The Tribe shares that concern. Without keeping a balanced mix of projects advancing forward, stakeholders may feel their interests are becoming secondary to the state's desire to expedite only a sub-set of CERP projects. The MISP addresses this issue by clearly marking which projects the state intends on accelerating. All of these projects are within Band 1 anyway and were slated for early completion; therefore, it would not appear that there has been any resource or funding trade-off to expedite these projects. The effects of the state's Acceler8 program on the rest of the CERP projects are unclear from merely reviewing the schedule itself. The MISP should document these effects more clearly.

Identification of Pilot Projects

In the previous versions of the MISP, the sequencing of the pilot projects was not as clearly identified as in this version because they were all grouped together towards the end of the schedule. In this version, the pilot projects have been integrated into the rest

of the projects and have been identified within their respective band. This makes it much easier to understand the relationship between when a pilot project will be brought on line and when the larger project, which the pilot is testing, will be brought on line. The key to the success of many of the CERP project is the information that is learned during the pilot project phase.

Specific Projects The following specific projects are of interest to the Seminole Tribe of Florida. The changes from the February 10, 2004 version of the MISP include:

- STA 5/6 Project Enhancement is not listed in the November 5, 2004 draft of the MISP. This project should be listed in the November version of the MISP.
- The Seminole Big Cypress Critical Project is not listed in the November 5, 2004 draft of the MISP. These had been previously listed in the February version of the MISP. This project should be listed in the November version of the MISP.
- Flows to NW and Central WCA 3A has been shifted from a 2013 completion date to Band 3 (2015-2020). The Tribe has land interests in portions of WCA 3A and is concerned that a delay by shifting this project back by an entire Band (2-7 years) will delay anticipated restoration benefits to those interests. Without a substantial justification, this project should not be delayed.
- Modifying the Rotenberger Wildlife Management Area Operation Plan appears unchanged from the 2009 completion date. This schedule date should be maintained because of the fact that this project doesn't require a large amount of financial resources to implement.
- Melaleuca Eradication appears to have been changed from 2005 to 2007 completion. The reasons for the delay should be made public for discussion by stakeholders. This plan is critical for the management of lands system wide and its completion by the 2005 date should be maintained.
- The Lake Okeechobee Watershed project, now including the Lake Istokpoga Regulation Schedule, appears unchanged between the MISP versions. This project must stay on schedule because it is a major source for the Tribe's water supply.
- The Lake Okeechobee ASR Pilot project appears to be moved up by one year. This is a positive step because this ASR pilot project will aid in determining the efficiencies of ASR in the Lake Okeechobee region. The Lake Okeechobee ASR project Part I appears to be moved up by one year; Parts II and III appear unchanged. Because of the heavy reliance on ASR for CERP implementation, all of the Lake Okeechobee ASR projects should be moved up if possible.
- The Everglades Agricultural Area Storage Reservoir, Part I is moved up by three years. Part II appears to be moved back one to six years in Band 3 from previous date of 2014. There should be an explanation as to why Part II is moved back by an entire Band.
- The Broward Secondary Canals project appears unchanged in the drafts of the MISP but it is delayed five years from the 1999 Restudy schedule. This project

could affect the Tribe's urban water needs in Hollywood and every effort should be made to expedite this project.

In addition to these projects, the Seminole Tribe is very concerned that the Big Cypress/L-28 Interceptor project is now projected to be completed in Band 3. In the February 10, 2004 version of the MISP, this project was scheduled to be completed 3/4/14. The range for completion of Band 3 projects is now 2015-2020, a minimum of one year to a maximum of a six-year delay. When looking at the dates on the Seminole Tribe Water Conservation Plan, this project is now located in Band 4 dated 2020-2025 for sequencing. In the February 10, 2004 version of the MISP, this project was anticipated to have a completion date of 8/15/12. Since this is now an eight to thirteen-year delay we anticipate focusing our efforts on implementation of a cooperative project with the USDA under PL 83-566.

In consulting the June 21, 2004 MISP Project Sequencing Descriptions, the document states that the Big Cypress/L-28 Interceptor "requires input from the Seminole Tribe Big Cypress Water Conservation Plan as well as the Seminole Big Cypress project. The final footprint from the Flows to NW and Central WCA 3A project is needed before the PIR can begin". Therefore, according to this document, the Big Cypress Water Conservation Plan/project must be completed *before* the Big Cypress/L-28 Interceptor and in the February version of the MISP that was the case.

Now, in the newest version of the MISP, the Water Conservation Plan is slated for completion five to ten years *after* the Big Cypress/L-28 Interceptor. The MISP should show and make the distinction between the two portions the Seminole Tribe Big Cypress Water Conservation Plan: the Critical Project portion, which is located on the eastern side of the Reservation and the NRCS project portion, which is located on the western side of the Reservation. Based on these distinctions, the portion of the Water Conservation Plan that will provide the "required" input for Big Cypress/L-28 Interceptor operation as stated in the June 21, 2004 MISP Project Sequencing Descriptions should be identified. It should further be explained how the Big Cypress/L-28 Interceptor is dependent on the Seminole Big Cypress Water Conservation Plan.

Other projects such as Lake Okeechobee ASR remain in later bands. These projects, in particular ASR pilot projects, should be implemented in an expedited manner to ensure that environmental water supply and other water supply needs are met in parity with one another. For instance, while the Lake Okeechobee ASR Pilot project is scheduled for completion in 2008 and this is one year earlier than the February 10, 2004 version of the MISP, this is still seven years later than anticipated by the April 1999 Restudy. Further Lake Okeechobee ASR, Part I is slated for completion in 2015 to 2020, Band 3. It is critical to understand how Lake Okeechobee ASR will function in the overall CERP program and until the pilot projects and ASR projects are brought on line, the goal of switching from Lake Okeechobee as a water source remains uncertain. There should be a

concentrated effort to work through the issues in order to expedite these projects to the earliest possible project Bands.

Other Comments

Upon reviewing the Band 2 projects in the most recent version of the MISP, the ASR Regional Feasibility Study is not listed at all. This causes the Seminole Tribe of Florida great concern because of the importance of determining the feasibility of this technology and in particular the recovery rates that can be relied upon for project planning purposes. This project must be listed in the MISP and expedited if possible.

We appreciate the opportunity to comment on the November 5, 2004 version of the MISP, but all supporting documentation that corresponds to the MISP must be supplied in one location so a complete picture of the schedule and rationale behind the decisions in developing the schedule can be understood clearly by all stakeholders. We look forward to reviewing that additional supporting documentation at your earliest convenience.

Sincerely



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