



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

AMENDED

March 27, 2017

Colonel Jason A. Kirk
District Commander, Jacksonville District
U.S. Army Corps of Engineers
701 San Marco Boulevard
Jacksonville, FL 32207-8175

Subject: Water Supply – Brighton Seminole Reservation

Dear Colonel Kirk:

South Florida is experiencing drier than normal conditions this year in stark contrast to the wetter than normal conditions that challenged both of our agencies in 2016. In the last week for example, Lake Istokpoga has steadily declined and is now at 38.64 feet NGVD29. If dry weather continues, lake levels will decline and the South Florida Water Management District (District) may cease water deliveries from Lake Istokpoga to the Indian Prairie Basin, where the Brighton Reservation is located.

Under such circumstances the operation schedule advises the District initiate pumping from Lake Okeechobee to the Indian Prairie using the G-207 and G-208 pump stations to fulfill obligations under the Seminole Water Rights Compact incorporated into Federal and State law. 25 U.S.C. §1772 and §285.165, Fla. Stat. These pump stations were constructed in the 1990s to take water directly from Lake Okeechobee in a manner no different than the temporary forward pumps designed for structures S-351, S-352, and S-354 at the southern end of Lake Okeechobee that have been the topic of much regulatory discussion for the last several years. The minor differences are that G-207 and G-208 are permanent, embedded in the water control structures, and are used before Lake Istokpoga stage limits constrain water deliveries. G-207 and G-208 are noteworthy in that they have been long known to the Corps but the Corps never sought to require a permit of any kind nor has U.S. Fish and Wildlife Service ever complained about their use.

Contrast that to the treatment the Corps has visited on this agency insisting on a Rivers and Harbors Act permit for the temporary pumps on S-351, S-352 and S-354 that take the same dry condition Lake Okeechobee water as the unpermitted Indian Prairie pumps. By these lights, the Corps has been right in accepting the operation of the Indian Prairie pumps without objection or permits and is simply wrong and inconsistent in demanding permits for the pumps at structures S-351, S-352, and S-354. In our view, this costly

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regulatory decision, made long before your arrival in South Florida, is not consistent with the law or practice and, in our view, caters to noisy, obsessive demands of special interests.

To properly respond to very dry conditions, our obligations to the Seminole Tribe and a potential late start of the wet season the District will initiate pumping water from Lake Okeechobee utilizing the G-207 and G-208 pump stations later this week.

Should you have any questions regarding the operations of these pump stations, you are welcome to contact me.

Sincerely,

Peter Antonacci
Executive Director

PA/rb