

Miccosukee Tribe of Indians of Florida

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Ron DeSantis, Governor of Florida
Office of Governor of the State of Florida
The Capitol
400 South Monroe Street
Tallahassee, Florida 32399-0001

April 30, 2020

SUBJECT: Water Management in South Florida

Dear Governor DeSantis:

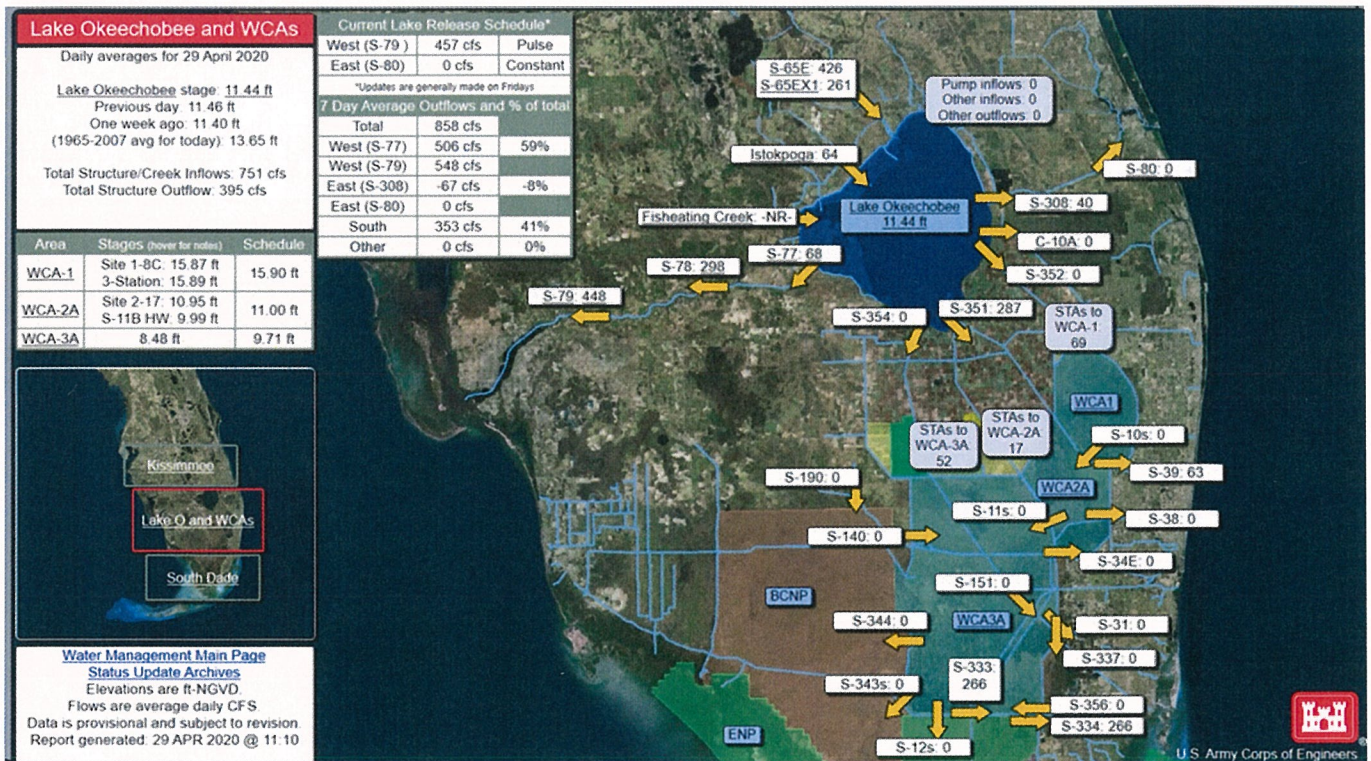
The Miccosukee Tribe is concerned with water levels in Lake Okeechobee. Due to the mismanagement of water levels during this past year, there are currently system-wide water shortages throughout the remainder of the Everglades Ecosystem. The Tribe has always advocated the philosophy of "shared adversity." However, it is obvious that there is very little sharing of adversity going on today.

The Corps of Engineers reports that only 52 cubic feet of water per second (cfs) is being discharged into WCA-3A while 266 cfs is being **taken out** of WCA-3A to supply Everglades National Park and South Dade farmers. Five times as much water is being drawn from Tribal lands than is being supplied to replace it.

The Regulation Schedule is intended to govern the management of water in the Everglades Ecosystem to prevent serious harm to our environment. Conservation of water in Lake Okeechobee during the wet season allows supply of water during the dry season. This year, South Florida entered the dry season with Lake Okeechobee at the bottom of the Regulation Schedule. This was no accident. This was not weather related and this was not an act of God. A conscious decision to manage the lake levels low has forced the Everglades and every citizen of southern Florida into water shortages. Over the next month this condition is expected to get even worse. WCA-3A is being over drained, water levels are currently 1.2 feet below Regulation Schedule and Everglades National Park actually caught fire! In northern WCA-3A, where the Miccosukee Federal Reservation is located, the water levels are actually a foot **BELOW** ground surface! Meanwhile, Florida Bay is receiving zero water. Salinity levels as high as 22 psu have been

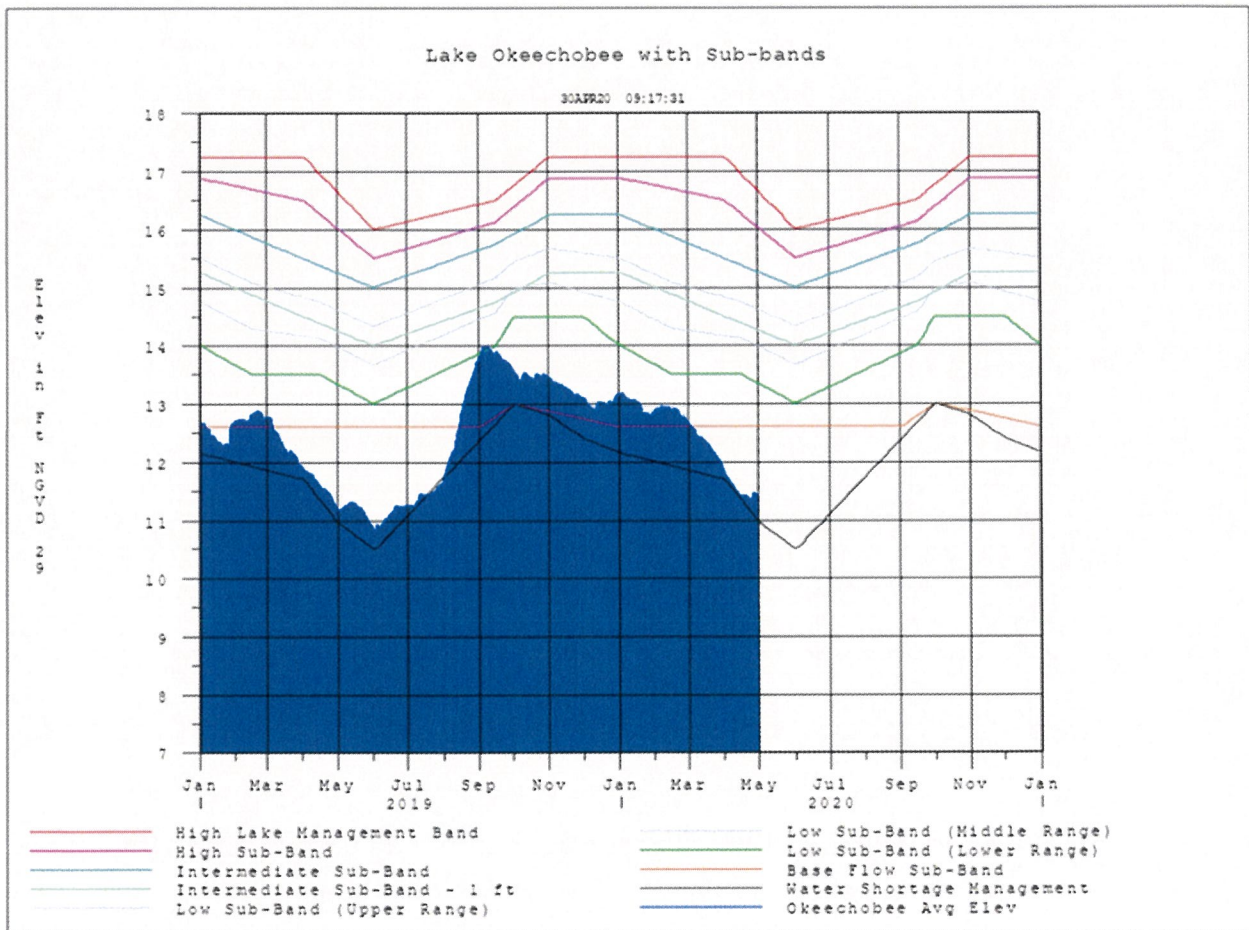
reported in areas that are supposed to be fresh water. Hyper-salinity of the bay will cause ecological collapse and that spells widespread economic problems that should concern all Floridians. And due to mismanagement, there is no water in Lake Okeechobee to alleviate the situation.

Worse yet, the Central Everglades Planning Project, known as CEPP, anticipates further water level decreases in WCA-3A over the next ten years. While the Corps of Engineers and the South Florida Water Management District acknowledge these lower water levels, they dismiss the impacts to the Tribes lands. Tribal airboats will experience increased times when there will not be enough water to float an airboat at the southern end of WCA-3A, where water levels are highest. This policy is cultural genocide to the Miccosukee people. How are we to practice our religion, visit our ancestral homelands, continue our culture if we cannot access our lands?



Section 601(h)(2) of WRDA 2000 requires the President and Governor to enter into a binding agreement ensuring that the water generated by the Plan will be made available to the natural system. The President and Governor signed this agreement on January 9, 2002. The agreement specifies that Florida will ensure that water made available by each project in the Plan will not be permitted for a consumptive use or otherwise made unavailable by the State until such time as sufficient reservations of water for the restoration of the natural system are made under State law in accordance with the Project Implementation Report for that project and consistent with

the Plan. Furthermore, Section 601(h)(5) of WRDA 2000 contains a “savings clause” that provides protection for existing legal sources of water that will be eliminated or transferred due to project implementation and provides for maintenance of the levels of service for flood protection that were in existence on the date of enactment of WRDA 2000 and in accordance with applicable law. It is very clear to the Tribe that this “savings clause” is now being violated and will continue to be violated during the implementation of CEPP. The Corps of Engineers and the SFWMD are currently engaged in revision of the Lake Okeechobee System Operating Manual (LOSOM). The same political influences that drove the disastrous mismanagement of Lake Okeechobee water levels are now calling for Lake Okeechobee to be managed at 10.5 feet. The Everglades is a unique system and must be managed as a system – not just for the exclusive benefit or to the detriment of one area. Most scientists and ecologist agree that Lake Okeechobee should be managed between 12.5 ft on the low end and 15.5 feet on the high end. Yet, today the water levels in Lake Okeechobee are 11.44 and are still dropping. This was a failure to properly manage lake levels earlier in the year (not weather related). Future management of the lake at 10.5 feet will increase the frequency of Minimum Flows and Levels exceedances which will result in multiple violations of state law.



It is imperative that you make every effort to follow the approved Regulation Schedules. Deviations from these water Regulation Schedules are ecologically destructive to the natural system, increase saltwater intrusion into our drinking water aquifer, and harm agricultural irrigation.

Sincerely,


Billy Cypress
Tribal Chairman