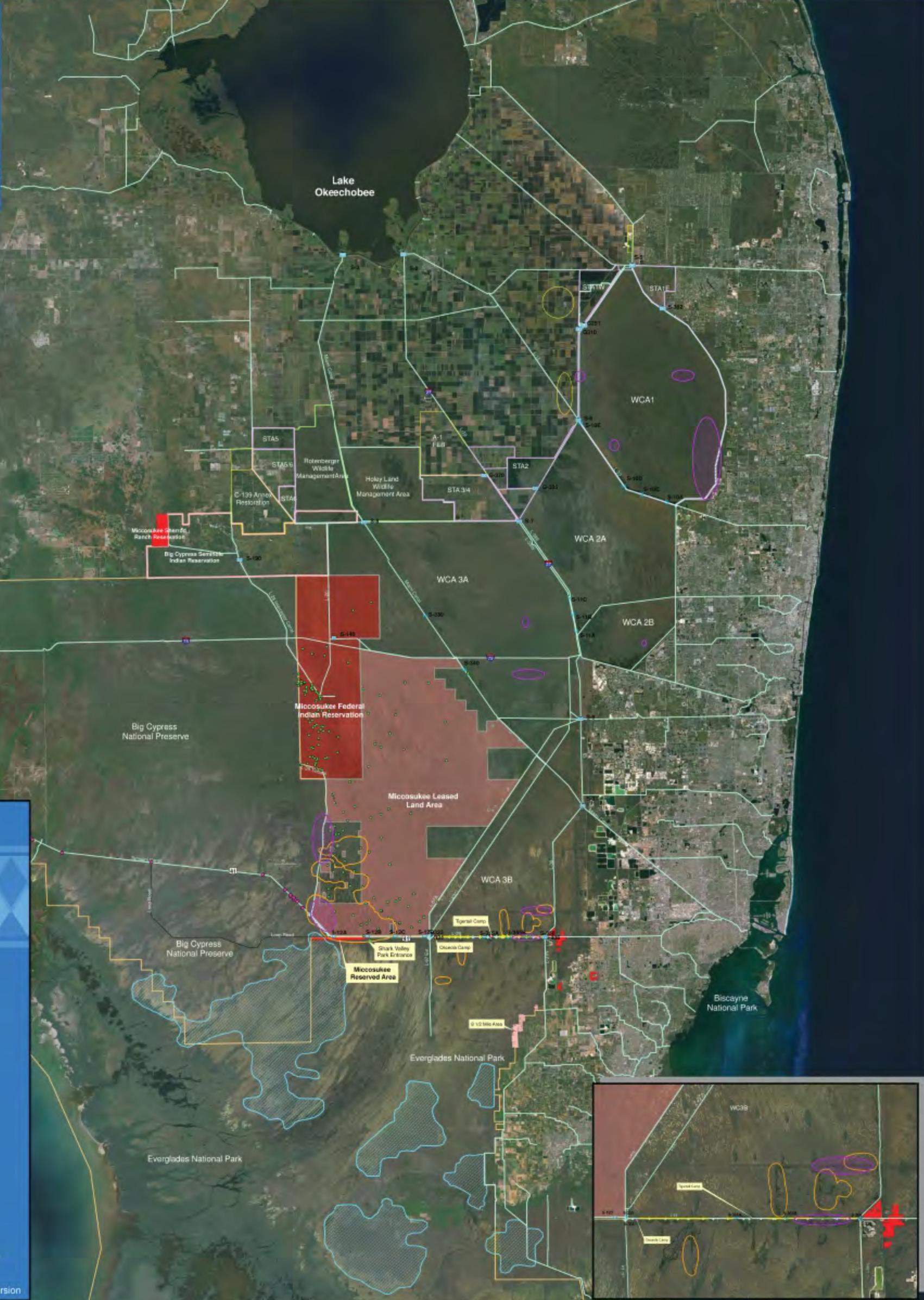


# Miccosukee Tribe of Indians of Florida Tribal Lands and Everglades Restoration Projects



- Proposed Projects (Including Bridge Construction)
- Existing Projects (Including Bridge Construction)
- Canals
- Park Boudaries
- Water Control Structures
- Pump Stations
- Tree Islands
- Snail Kite Nesting Habitats
- Wood Stork Colony Habitats
- Miccosukee Indian Camps
- Trail 41 Culverts
- Cape Sable Seaside Sparrow Habitats

10 5 0 10 Miles

\*\*Produced by RES      \*\* 2013 Version





## **Priorities on Everglades Restoration of the Miccosukee Tribe of Indians of Florida April 2014**

### ***Background***

“We must honor the earth, from where we are made” is not a slogan but a central tenet of the Miccosukee people. The Florida Everglades are the homeland of the Miccosukee Tribe of Indians of Florida (Tribe). We have always sought to honor and protect our environment through responsible land stewardship. The Miccosukee people have called the Everglades home for hundreds of years and our commitment to Everglades restoration is unwavering because we have the most at stake. When construction first started on the Tamiami Trail (Trail) (US 41) in 1915, it caused irreparable harm to our land in the Everglades, impacting the traditional Miccosukee way of life. Over the years, water channelization, poor water quality, and federal and state mismanagement of water levels have damaged our lands and degraded our quality of life. Now, the current bridging of the Trail is another chapter in the manipulation of the Everglades that strains the Miccosukee culture. Everglades restoration requires a holistic approach that should focus on improving water quality and managing water levels better.

### ***Skyway Bridging of the Tamiami Trail Must Stop***

The Tribe strongly opposes the skyway bridging of the Tamiami Trail because this costly project negatively impacts our ways of life; is wasteful and unnecessary to achieve water flow to the Park; will not increase connectivity; and directs limited resources away from projects to improve water quality. The Tribe urges that no more funding be directed to build skyway bridges on the Tamiami Trail. Instead, the Tribe requests, at a minimum, that the existing culverts and gates be cleared from downstream vegetation to improve flow into the Park. For better flow, swales should be installed where necessary.

- *Skyway Bridging is Wasteful and Unnecessary for Water Flow:* Having completed a one-mile bridge, NPS is now attempting to build a new 2.6-mile bridge that will cost at least \$193M. In addition, another set of bridges spanning 2.9 miles is authorized, bringing the total cost for the 5.5 miles in excess of \$310M. However, according to the Limited Reevaluation Report (LRR) adding another 2-mile bridge would result in just a 3% increase in the volume of water delivered to the Park. Further, water delivery structures, such as culverts under the Trail and flood control gates, already exist that would allow water to flow into the Park if they were properly maintained. Experts have determined that substantial water flow under the Trail to the Park would occur (potential increases of 840%) by clearing the vegetation, sediment, and garbage that has built up on the downstream side of the culverts and adding swales where necessary. Clearing the culverts and adding swales is a cost-effective solution that can be fully implemented in less than a year.
- *Connectivity Will Not Improve:* NPS argues that bridging is necessary rather than using culverts because it would improve “ecological connectivity” between the Park and the Water Conservation Areas (WCA). Immediately north of the Tamiami Trail is the L-29 canal and levee that separates WCA 3A and WCA 3B from the Trail with no foreseeable plans for its full removal. The only thing that the ENP is connecting to is a canal.
- *No Operational Plan to Provide More Water:* Currently, there is no operational plan in place for the L-29 canal that would raise the level of the water in the canal higher than 7.5 feet on a permanent basis due to flooding and water quality concerns to achieve the flows the bridge is projected to provide.
- *Water Quality:* The State has already expressed their concern that increased flows will result in violations of water quality standards. Funding should be used to address water quality, not building new water delivery structures for dirty water.

### ***Water Quality Must Be Improved to Restore the Everglades***

Everglades restoration will never be accomplished unless there is a comprehensive solution for cleaning up the contaminated water. For too long, the L-28 canal system, which terminates on the Miccosukee Federal Reservation, has been ignored. With discharges of water with phosphorous that can exceed 100ppb – 10 times greater than the protective standard, the L-28 canal system has had devastating impacts on the ecosystem of tribal lands, WCA 3A, and the broader Everglades. The Tribe asks that the Department of Interior, the Army Corps of Engineers (Corps), EPA, and other relevant federal agencies work with the Tribe to develop solutions to this problem. The Tribe believes that all options for resolving this must be considered and that any final resolution must be consistent with the Tribe's policy and culture.

### ***Tribal Lands Being Used as a Stormwater Treatment Area***

The primary sources of water with high levels of phosphorus pollution originate from Lake Okeechobee and the Everglades agricultural area. Waters entering tribal lands which comprise the majority of WCA 3A can have phosphorus levels up to 10-times greater (over 100 ppb) than that found to be protective of the ecosystem with a 5 year average of 60 ppb. By the time the water exits WCA 3 into the Park phosphorous is at 9 ppb. To restore the Everglades, efforts should be targeted toward cleaning the polluted water before it enters the Everglades. Inexplicably, large amounts of funding are spent on projects that do not help create the necessary treatment and storage systems required to improve the water quality. Instead, tribal lands and WCA 3A are essentially being used as a Stormwater Treatment Area (STA).

*Everglades Water Quality Framework Agreement between EPA and the State of Florida:* As a result of litigation initiated by the Tribe, the EPA and the State of Florida recently entered into a “Framework Agreement” to address water quality issues in the Everglades. While the Tribe is encouraged by this agreement, it has several concerns. First, this agreement does nothing to address the poor quality of the water in the L-28 Interceptor Canal which dead ends on the Federal Reservation and delivers a large portion of the polluted water coming into the Everglades. Second, the Tribe is concerned that there are no enforcement mechanisms to meet the timelines. Third, the agreement allows for diversions of water that allow the state to get around water quality standards. The Tribe asks that the EPA strictly enforce the timelines for the construction of water quality projects under this agreement and that the EPA works with the Tribe to address the water quality problems of the L-28 canal system.

### ***Water Levels Must Be Better Managed***

Our way of life and the ecosystem are dependent on the natural patterns of the wet and dry seasons. However, the Corps and the South Florida Water Management District manipulate the water that flows into the Everglades and regulate the water levels through a complex system of canals, levees, and water control structures. WCA 3A experiences sustained high water levels and sustained drought, which are unnatural conditions. The Everglades tree islands, used for traditional agriculture and community meeting places, frequently flood. The wildlife and vegetation cannot survive in persistently wet conditions and are disappearing. The endangered Everglades Snail Kite, which resides on tribal lands, has plummeted from 3,400 birds in 2000 to 662 birds in 2009 and faces a significant threat of extinction. We are encouraged that the Corps recently issued the Everglades Restoration Transition Plan to incorporate more flexible operating criteria to better manage water levels in WCA 3A that focuses on the restoration needs and multi-species management, not just flood protection. The Tribe asks that there be ongoing dialogue about the operating criteria for water levels in WCA 3A.

**Congress of the United States**  
**Washington, DC 20515**

April 16, 2014

Sally Jewell  
Secretary  
Department of the Interior  
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Washington, DC 20240

Jo-Ellen Darcy  
Assistant Secretary of the Army  
(Civil Works)  
U.S. Department of the Army  
108 Army Pentagon, Room 3E446  
Washington, DC 20310-0108

Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
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1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Secretary Jewell, Administrator McCarthy, Assistant Secretary Darcy:

On behalf of the Everglades Caucus, we request that the Department of Interior, the U.S. Army Corps of Engineers, and the Environmental Protection Agency work with the Miccosukee Tribe of Indians of Florida and the relevant state and federal agencies to develop a specific process to address the water quality problems of the L-28 canal system.

Late last year, the Everglades Caucus held a briefing on water quality issues affecting the Miccosukee Tribe of Indians of Florida. Based on this briefing, it is clear that greater efforts must be made to address the water quality of the L-28 canal system. Recognizing this need, Congress recently included a provision in the Explanatory Statement of the FY 2014 Omnibus Appropriations Act urging the Department of Interior to work with the Miccosukee Tribe to examine the water quality of the L-28 canal system. In particular, the L-28 Interceptor canal ends on the Miccosukee Federal Reservation as a free flowing discharge carrying waters with high levels of phosphorous. The high levels of phosphorous have a devastating impact on the land and waters of the Miccosukee Federal Reservation, the Miccosukee people's way of life and culture, and ultimately the water quality of the entire Everglades ecosystem downstream.

In moving forward to address this issue, we believe it is important the full range of options for improving the water quality of the L-28 canal system be considered as part of this process. The L-28 canal system affects many different entities, and as such, any solution to water quality and distribution challenges facing the system requires a coordinated response from the tribal, state, and federal governments. In addition, because the L-28 canal system directly impacts the Miccosukee Tribe of Indians of Florida, we believe it's important that the Tribe's policies and culture should be respected in any effective plan to solve these water quality issues.

As you move forward with Everglades restoration efforts, we encourage you to make addressing the L-28 canal system issues an important priority.

Sincerely,



Mario Diaz-Balart  
Member of Congress



Alcee L. Hastings  
Member of Congress



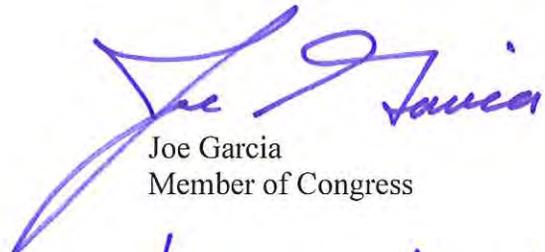
Debbie Wasserman Schultz  
Member of Congress



Patrick Murphy  
Member of Congress



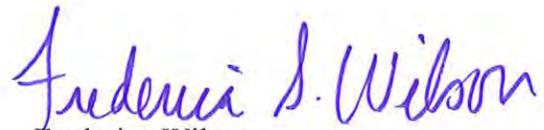
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Regional Administrator  
U.S. EPA Region IV  
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**Table 4.** WY2013 annual flows, TP loads, and FWM TP concentrations for WCA-3.

Into WCA-3 <sup>1</sup>				From WCA-3			
Structure	Flow (1,000 ac-ft)	TP		Structure	Flow (1,000 ac-ft)	TP	
		Load (kg)	FWMC (µg/L)			Load (kg)	FWMC (µg/L)
Non-ECP-L-28, Feeder Canal	98.465	7,494	62	S-150	1.288	20	13
S-140 (from L-28 Canal)	73.311	4,478	50	S-8	0.000	0	NA
S-190 (from Feeder Canal)	25.154	3,016	97	S-31	0.000	0	NA
G-407	0.047	4	61	S-337	0.002	0	9
STA-5/6 South	1.531	109	58	S-343A	16.150	131	7
S-8	156.125	2,848	15	S-343B	21.150	177	7
from STA-3/4	125.505	2,226	14	S-344	0.000	0	NA
from Lake O	35.810	3,678	83	S-12A	69.306	656	8
from EAA	152.005	20,544	110	S-12B	116.138	789	6
from C-139	10.591	697	53	S-12C	222.307	1,685	6
from SFCD	17.022	2,028	97	S-12D	334.110	3,632	9
from SSDD	7.117	1,359	155	S-333 <sup>2</sup>	152.438	2,455	13
STA % Retained		-13,352		S-355A/S-355B	0.000	0	NA
from G-373	0.151	10	53	G357	0.001	0	21
from Lake O	0.070	4	50	G-409	10.025	1,166	94
from EAA	0.030	1	27	<b>Total</b>	<b>942.934</b>	<b>10,711</b>	<b>9</b>
from C-139	0.026	2	60				
from SFCD	0.021	2	88				
from SSDD	0.004	0	76				
STA-5/6 outflow North	32.198	619	16				
From C139	46.056	7,441	131				
S-150	40.365	939	19				
from STA-3/4	32.449	576	14				
from Lake O	0.994	87	71				
from EAA	17.561	2,387	110				
STA % Retained		-3,452					
from G-371	0.020	1	30				
from Lake O	0.012	1	43				
from EAA	0.008	<1	10				
G-404 & G-357	44.220	802	15				
from STA-3/4	35.547	631	14				
from Lake O to G-409	10.143	1,042	83				
from EAA	43.053	5,819	110				
from C-139	3.000	197	53				
from SFCD	4.821	574	97				
from SSDD	2.016	385	155				
STA % Retained		-3,782					
from G-373	0.043	3	53				
from Lake O	0.020	1	50				
from EAA	0.008	<1	27				
from C-139	0.007	1	60				
from SFCD	0.006	1	88				
from SSDD	0.001	<1	76				
STA-5/6 outflow North	9.119	175	16				
From C139	13.044	2,107	131				
S-11A (from WCA-2)	390.530	4,277	9				
S-11B (from WCA-2)	244.643	2,546	8				
S-11C (from WCA-2)	144.405	1,836	10				
G-123 (from N. New River)	0.000	0	NA				
Non-ECP-C-11 West	247.483	4,311	14				
S-9 (from C-11 West)	166.720	3,252	16				
S-9A (from C-11 West)	80.763	1,059	11				
<b>Total</b>	<b>1367.811</b>	<b>25,166</b>	<b>15</b>				

<sup>1</sup> Orange shaded cells indicate the values are proportionally calculated based on summation of EAA model outputs of the S-7 and S-8 basins.

<sup>2</sup> Value includes S-334 from WCA-3.

\* *Added for emphasis*

**Table 11.** Annual and five-year average (WY2009–WY2013) FWM TP concentrations for the EPA and inflow tributaries (mt/year).

	WY2009	WY2010	WY2011	WY2012	WY2013	5-year Average
<b>Discharges within the EPA</b>						
<b>Water Conservation Area 1 (WCA-1 or Refuge)</b>						
<b>Into WCA-1</b>	<b>29</b>	<b>56</b>	<b>25</b>	<b>22</b>	<b>59</b>	<b>42</b>
From STA+Diversions	29	56	25	22	58	42
From Eastern Non-ECP	n/a	n/a	n/a	n/a	139	139
<b>from WCA-1 total</b>	<b>48</b>	<b>30</b>	<b>27</b>	<b>18</b>	<b>27</b>	<b>32</b>
From WCA-1 to WCA-2	48	29	26	n/a	25	32
Discharge from WCA-1 <sup>2</sup>	45	43	28	18	32	34
<b>Net to WCA-1</b>						
<b>Water Conservation Area 2 (WCA-2)</b>						
<b>Into WCA-2</b>	<b>25</b>	<b>27</b>	<b>18</b>	<b>16</b>	<b>20</b>	<b>23</b>
From STA+Diversions	18	26	16	18	18	20
From Eastern Non-ECP	n/a	n/a	n/a	n/a	n/a	n/a
<b>from WCA-2 total</b>	<b>9</b>	<b>11</b>	<b>12</b>	<b>14</b>	<b>9</b>	<b>11</b>
From WCA-2 to WCA-3						10
Discharge from WCA-2 <sup>2</sup>						12
From WCA-1 to WCA-2						32
<b>Net to WCA-2</b>						
<b>Water Conservation Area 3 (WCA-3)</b>						
<b>Into WCA-3</b>	<b>26</b>	<b>23</b>	<b>20</b>	<b>23</b>	<b>15</b>	<b>22</b>
From STA+Diversions	37	28	22	32	17	28
From Eastern Non-ECP	15	18	13	15	14	15
From Western Non-ECP	78	62	42	44	62	60
From WCA-2 to WCA-3	9	11	14	12	5	10
<b>from WCA-3 total</b>	<b>10</b>	<b>12</b>	<b>11</b>	<b>12</b>	<b>9</b>	<b>11</b>
From WCA-3 to ENP	8	11	9	9	8	9
Discharge from WCA-3 <sup>2</sup>	16	16	14	26	17	16
<b>Net to WCA-3</b>						
<b>Everglades National Park (ENP)</b>						
<b>Into ENP</b>	<b>8</b>	<b>10</b>	<b>10</b>	<b>9</b>	<b>8</b>	<b>9</b>
From Eastern Non-ECP	7	7	11	8	8	8
From WCA-3 to ENP	8	11	9	9	8	9
<b>Discharge out of ENP</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>
<b>Discharges into EPA from Non-ECP Basins</b>						
<b>Eastern Non-ECP Basin</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>11</b>	<b>11</b>
<b>Western Non-ECP Basin</b>	<b>78</b>	<b>62</b>	<b>42</b>	<b>44</b>	<b>62</b>	<b>60</b>
<b>Discharges Out of EPA<sup>5</sup></b>						
<b>Discharges for Water Supply &amp; Flood Control</b>	<b>20</b>	<b>16</b>	<b>15</b>	<b>22</b>	<b>18</b>	<b>17</b>

5- year average TP concentrations:  
into WCA-3 = 22 ppb  
from the Western Basins = 60 ppb!  
(L-28, S-140 & Feeder Canal Basin)

**Notes:**

1. ACME discharges to WCA-1 were stopped and conveyed to C-51 for treatment in STA-1E.
2. These outflows are included in the "outflow from each WCA".
3. Water Year is May 1 - April 30.
4. TP load budget represents surface water inflow and outflow from the area of interest
5. Water supply/flood releases discharged outside of EPA.

\* Added for emphasis