

Date: November 13, 2024

To: Chad Brcka, South Florida Water Management District, Water Supply Bureau

From: Jennifer Thera, Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy

RE: Draft 2024 Lower Kissimmee Basin Water Supply Plan Update

The Florida Department of Agriculture and Consumer Services (FDACS) appreciates the opportunity to comment on the South Florida Water Management District's (SFWMD) Draft 2024 Lower Kissimmee Basin (LKB) Water Supply Plan (WSP) Update. Please find our comments below.

Our review focused on aspects of the LKB WSP which have the potential to impact agricultural lands and operations. The comments provided are specific to the topics below and do not constitute a review of the entire LKB WSP.

Specific Comments:

Chapter 4: Water Resource Protection

- **Page 43 – Water Reservations - Kissimmee River and Chain of Lakes, 3rd paragraph**

“The SFWMD’s water use permitting staff use the additional water resource protection criteria in Section 3.11.5 of the Applicant’s Handbook (SFWMD 2022b) to ensure future consumptive uses will not withdraw or impact reserved water supplies in the Kissimmee River and Chain of Lakes.”

FDACS recommends future rulemaking efforts to align the revised Lake Okeechobee regulation schedule, Lake Okeechobee System Operating Manual (LOSOM), with the criteria in Section 3.11.5.B.2.c of the Applicant’s Handbook (SFWMD 2022b) so that water users may take advantage of available water supplies that meet reservation criteria. The rule language, as it stands today, explicitly uses the previous operating schedule, Lake Okeechobee Regulation Schedule (LORS2008), for decisions on accessing water. This makes it difficult for applicants to comply with the criteria by submitting an appropriate operating plan that demonstrates their use will not impact existing legal users.

- **Page 45- Restricted Allocation Areas**

Consider suggested change below:

“RAAs are defined geographic areas where water allocations from water resources (e.g., lakes, rivers, wetlands, canals, aquifers) are limited. Additional allocations beyond the established limitation are restricted or prohibited. RAAs are established for a variety of reasons, including 1) where there is a lack of available water to meet the projected needs of a region, 2) to protect water for natural systems and future restoration projects (e.g., CERP), ~~or~~

3) as part of MFL prevention or recovery strategies, **or 4) to protect legally existing water users.**

Chapter 8: Conclusions and Future Direction

- **Page 129 New Storage Capacity for Surface Water or Groundwater**

New or retrofitted surface water storage systems are not usually considered a new source of water for permit allocations. Consider suggested change below:

Bullet 2: “New or retrofitted surface water storage systems for agricultural operations could provide additional water supply for irrigation but ~~may have limited~~ **are not usually considered a new source of water for permit allocations due to the uncertainty of** availability during a 1-in-10-year drought.”

- **Page 130 Climate Change**

Consider suggested change below:

Bullet 6: “Water users ~~should~~ **are encouraged to** periodically review irrigation schedules and consider installing weather-based controllers.

Thank you for the opportunity to provide comments on the Draft 2024 LKB WSP Update. Please contact me if you would like any follow-up concerning the comments provided.

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VIA EMAIL: cbrcka@sfwmd.gov

Chad Brcka
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West Palm Beach, Florida 33406

RE: South Florida Water Management District Draft 2024 Lower Kissimmee Basin Water Supply Plan Update

Dear Mr. Brcka:

Thank you for the opportunity to comment on the Final Draft 2024 Lower Kissimmee Basin Water Supply Plan Update ("LKB Update"). The Seminole Tribe of Florida ("Seminole Tribe" or "Tribe") has reviewed the LKB Update, including the South Florida Water Management District's ("the District") revisions to the early release Draft Chapters 1-3 and Appendix A, and the District's September 13, 2024 letter responding to the Seminole Tribe's previous comments. The Tribe appreciates the changes that have been made to address its concerns, particularly the updates to the projected land use and associated irrigation demands for the Brighton Seminole Indian Reservation ("Brighton Reservation"), in keeping with the Third Amendment to the Seminole Tribe of Florida's 33rd Annual Work Plan. The Seminole Tribe believes these revisions will ensure that the LKB Update effectively safeguards the Tribe's water resources and supports ecological sustainability.

Notwithstanding the foregoing, the Seminole Tribe has concerns with some of the future numbers used in the table provided in the District's September 13, 2024, letter displaying the Brighton Reservation's crop acreages and water demands in Glades County. The Seminole Tribe understands the LKB Plan Update assesses existing and projected water needs as well as water sources to meet those needs through 2045. The Tribe and the District recently negotiated and settled on supplemental irrigation volumes for the Brighton Reservation through 2030. The Tribal acreages and demands shown in the District's letter for 2035, 2040 and 2045 appear to show no changes through 2045. This is incorrect. The Seminole Tribe has explained to the District that demands for Brighton Reservations are expected to increase through 2045. It is imperative that the District explain in the LKB Update that the Seminole Tribe's demands are not anticipated to remain static. This will ensure that stakeholders do not get the false impression that after 2030, there will be no increases in supplemental irrigation water demand for the Tribe. Furthermore, it

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will reassure the Tribe that any additional information provided to the District regarding supplemental irrigation needs for the Brighton Reservation will be considered and evaluated by the District accordingly. Thank you for your consideration of the Seminole Tribe's comments on the LKB Update. The Seminole Tribe appreciates the District's commitment to strengthen its relationship with Tribal Government. The Seminole Tribe remains committed to continuing to engage in the process of the development of the LKB Update.

Sincerely,

Paul Backhouse, Ph.D., RPA
Senior Director, Environmental Protection Office

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