

APPENDIX G

GOVERNMENT-TO-GOVERNMENT COORDINATION

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DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO
ATTENTION OF

SEP 6 2006

Programs and Project Management Division
South Florida Management Branch

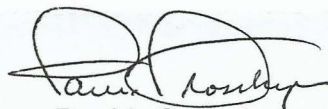
Mr. Dexter Lehtinen
7700 North Kendall Drive
Miami, Florida 33156

Dear Mr. Lehtinen:

I am writing to you concerning the Supplemental Environmental Impact Statement for the Interim Operational Plan for Protection of the Cape Sable Seaside Sparrow that the U.S. Army Corps of Engineers is preparing in response to the Judge Moore's March 14, 2006 order in Miccosukee Tribe of Indians v. United States, Case No. 02-22778-Civ-Moore. We are currently considering the Tribe's comments on the Draft Report that was distributed for review and appreciate your input.

We are committed to ongoing coordination with the Miccosukee Tribe on operations, as evidenced by our recent coordination on operations of the S-12A structure, and the Jacksonville District pledges to continue partnering with the Miccosukee Tribe through quarterly meetings or project-specific meetings as needed. If you would like to set up a meeting in furtherance of our government-to-government consultation on the Draft Report or any other matter in accordance with the U. S. Army Corps of Engineers Tribal policy principals, please do not hesitate to contact me, or Ms. Kim Taplin at (561) 801-0285, to discuss a time and place for the meeting.

Sincerely,


Paul L. Grosskruger
Colonel, U.S. Army
District Commander

Copy Furnished:

Ms. Dionne Carroll, In House General Counsel, Post Office Box 440021, Miami, Florida
33144



Miccosukee Tribe of Indians of Florida

Business Council Members

Billy Cypress, Chairman

Jasper Nelson, Ass't. Chairman
Max Billie, Treasurer

Andrew Bert Sr., Secretary
William M. Osceola, Lawmaker

September 12, 2006

Col. Paul Grosskruger
Department of the Army, Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232-0019

Dear Col. Grosskruger:

The Miccosukee Tribe of Indians of Florida thanks the Corps of Engineers for opening the S-12A, S-343A and S-343B gates. While we did not request that the S-344 be opened, it also should be opened if it is not. We also remind the Corps of Engineers that after sparrow nesting season, the S-12A, S-343A, S-343B, and S-344 should be opened when any of the other gates, S-12B, S-12C, S-12D, and S-333, are open. Therefore, on behalf of the Miccosukee Tribe, I request that this be done every year after sparrow nesting season whenever any of the other gate structures that let water flow from Water Conservation Area 3-A south so that Tribal Members will be able to visit cultural sites located in the National Park System safely in their airboats.

Thank you for your cooperation and assistance. Please contact Mr. Steve Terry of my staff at the below number, Ext. 2243, if you require additional information.

Sincerely,

Billy Cypress
Tribal Chairman

PC: Carol Wehle, South Florida Water Management District
Dan Kimball, Superintendent Everglades National Park
Steve Terry, Land Resources Manager

#816 5-8/23/06



Miccosukee Tribe of Indians of Florida

Business Council Members
Billy Cypress, Chairman

Jasper Nelson, Ass't. Chairman
Max Billie, Treasurer

Andrew Bert Sr., Secretary
Jerry Cypress, Lawmaker

REAL ESTATE SERVICES

FAX: (305) ~~553-3644~~ 894-2397

DATE: 8-16-06

TOTAL NUMBER OF PAGES: 2 (INCLUDING COVER SHEET)

FAX NUMBER: 904-232-2200

TO: Col. Paul Grosskruger FIRM NAME: COE

TELEPHONE NUMBER TO CONFIRM MATERIAL: _____

FROM: Steve Terry

RE: _____

COMMENTS: _____

IF FOR ANY REASON YOU NEED TO CONTACT US, PLEASE CALL:

Zayda AT: (305) 223-8380 EXT. 2244



Miccosukee Tribe of Indians of Florida

Business Council Members

Billy Cypress, Chairman

Jasper Nelson, Ass't. Chairman
Max Billie, Treasurer

Andrew Bert Sr., Secretary
William M. Osceola, Lawmaker

August 16, 2006

Col. Paul Grosskruger
Department of the Army, Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232-0019

Dear Col. Grosskruger:

The Miccosukee Tribe of Indians of Florida is curious as to why the S-12A, S-343A, and S-343B gate structures remain closed. It is August, the Cape Sable Seaside Sparrow quit nesting a long time ago, and water is starting to accumulate in Water Conservation Area 3-A. Hurricane season is upon us. We could experience a hurricane with torrential downpours at any time, yet these structures remain closed. The reason for our concern on this matter is there are cultural sites that are located south of these gate structures in the National Park System. Tribal members are unable to access these areas until there is sufficient water to operate an airboat safely. We also see that S-333 is open sending water east. After sparrow nesting season, the S-12A should be opened when any of the other gates, S-12B, S-12C, S-12D, and S-333, are open so that we will be able to visit these cultural sites. Therefore, on behalf of the Miccosukee Tribe, I request that the S-12A gate structure be opened now in order for Tribal Members to visit cultural sites located in the National Park System safely in their airboats. I further request that this be done every year after sparrow nesting season whenever any of the other gate structures that let water flow from Water Conservation Area 3-A

Thank you for your cooperation and assistance. Please contact Mr. Steve Terry of my staff at the below number, Ext. 2243, if you require additional information.

Sincerely,

Billy Cypress
Tribal Chairman

PC: Carol Wehle, South Florida Water Management District
Steve Terry, Land Resources Manager



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

AUG 30 2006

Engineering Division
Water Resources Engineering Branch

Mr. Billy Cypress
Chairman, Miccosukee Tribe of Indians of Florida
Post Office Box 440021
Tamiami Station
Miami, Florida 33144

Dear Chairman Cypress:

Thank you for your letter dated August 16, 2006 requesting information on the S-12 structures (S-12s) and requesting S-12A to be opened. Water Conservation Area 3A (WCA-3A) operations, which include the S-12s, are made in accordance with WCA-3A regulation schedule incorporated in the Final Environmental Impact Statement - Interim Operational Plan (IOP) for Protection of the Cape Sable Seaside Sparrow dated May 2002.

Currently, WCA-3A is in Zone D of the regulation schedule. In Zone D, S-343A, S-343B and S-344 are normally closed unless water is needed for environmental reasons. For implementation of the regulation schedule, the WCA-3A Rainfall-Based Management Plan (Rainfall Plan) is utilized to compute the S-12 discharges. The Rainfall Plan target flow is normally split with 55 percent of the computed discharge being directed through S-333 and 45 percent being directed through the S-12s. Historically, the operational criteria is that 45 percent of the computed discharge is split 10, 20, 30, and 40 percent through S-12A, S-12B, S-12C and S-12D, respectively. Although not a requirement in IOP, this split is traditionally achieved by sequentially opening S-12D, S-12C, S-12B then S-12A as the Rainfall Plan target flow increases.

S-12B, S-12C and S-12D have been able to handle the relatively low target flow. For example, the computed target flow for this past week was 580 cfs. The 45 percent or 261 cfs would have been split 26 cfs, 52 cfs, 78 cfs and 104 cfs through S-12A, S-12B, S-12C and S-12D, respectively. In addition, very small flows, which require a gate opening of less than 0.1 feet, are not operationally feasible due to structural limitations.

Acknowledging that the opening of S-12A is not possible from November 1 through July 15 due to IOP and that the 10, 20, 30, and 40 percent distribution is not a requirement, we will exercise operational flexibility to adjust the distribution of target flows through the S-12s in an attempt to accommodate your request. Moreover, this will be coordinated with appropriate stakeholders to allow long-term implementation. The new operational criteria for the S-12s target flow portion will be the following:

a. For low target flows (less than 600cfs), the new distribution will be 40 and 60 percent via S-12A and S-12D, respectively.

b. For high target flows (more than 600cfs), the distribution will continue to be 10, 20, 30, and 40 percent via S-12A, S-12B, S-12C and S-12D, respectively.

Per conversation between John Zediak and Steve Terry this morning, the above criteria will be implemented this week. We appreciate your concern on the implementation of WCA-3A regulation schedule. We share that concern and will continue to coordinate operations with the Tribe. If you have any questions or need additional information, please call me or have your staff contact Mr. John Zediak, Chief, Water Management Section, at 904-232-2914.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul L. Grosskruger", written over a circular stamp or seal.

Paul L. Grosskruger
Colonel, U.S. Army
District Commander

Copies Furnished:

Ms. Carol Wehle, Executive Director, South Florida Water Management District, Post Office Box
24680, West Palm Beach, Florida 33416-4680
Commander, U.S. Army Corps of Engineers (CESAD-MT-E)
Commander, U.S. Army Corps of Engineers (CECW-EW)