

CHAPTER 1 -- ADMINISTRATIVE

1.1 INTRODUCTION

1.1.1 This Chapter contains information about how the Manual is to be used in conjunction with the Compact. It outlines criteria flexibility; criteria considerations for determining environmental impacts and monitoring; and a description of the numbering system of the Manual.

1.1.2 The definitions delineated in the Compact apply to all Chapters in the Manual.

1.1.3 All figures and tables referenced herein are found in Appendix 1 of the Manual and maps delineating Reservation and Tribal Trust lands are found in Appendix 2 of the Manual.

1.2 GUIDELINES FOR USE OF THE MANUAL

1.2.1 Relationship Between Compact and Manual -- The relationship is described in Part (II)(J) of the Compact

1.2.2 Criteria Flexibility -- The specific criteria contained in this Manual are flexible and have the primary goal of meeting the provisions and objectives of the Compact. Performance criteria are used where possible. Other methods of meeting overall Compact requirements and objectives will be considered by the District and the Board as appropriate under the circumstances.

It is understood that the Tribe is entitled to demonstrate that it has met the requirements and objectives of the Compact without regard to the specific criteria of this Manual.

1.2.3 Criteria Considerations for Determining Environmental Impacts -- The Tribe's Work Plan will be reviewed by the District or the purposes of advising the Board as to conformance with

conditions of the Compact and with respect to impacts on the water resources on and contiguous to Tribal lands and natural upland systems within Tribal lands.

The District will evaluate the impact of the Work Plan in relation to identified significant environmental features directly related to the water resources, and make specific recommendations as to the Work Plan based upon the evaluation.

The District will separately identify environmental features of the Work Plan which are indirectly or not at all related to water resources and evaluate the impacts of the plan on the non-water resource related environmental features. No recommendations as to the acceptability of the plan will be given based upon non-water resource related environmental impacts.

The following subsections give general information concerning the evaluation of environmental impacts.

1.2.3.1 Information utilized in the review will include aerial photographs, topographic maps and development plans, and relevant data from such other sources as site inspections, studies, and meetings with Tribal representatives.

1.2.3.2 At the request of the Tribe, the District will conduct a site inspection at a mutually convenient time. If necessary, the District will independently inspect the site to determine environmental features. Adverse impacts will not be reported or concluded without a site inspection.

1.2.3.3 The Tribe's and District's mutual,

overall goal is to avoid adverse impacts to wetlands and offset unavoidable adverse impacts to wetlands to achieve no overall net loss of wetland values and functions in accordance with 4.3.2.3.

History Note New 10-22-02

1.2.3.4 The District first makes a determination that potential impacts have been avoided to the maximum extent practicable; remaining unavoidable impacts will then be mitigated, to the extent appropriate and practicable, by requiring steps to minimize impacts and, finally, compensate for impacted wetland functions and values. This sequence is satisfied when the Criteria contained in Chapter 4 are met for Work Plan approval. Appropriate and practicable compensatory mitigation is required for unavoidable adverse impacts which remain only after all appropriate and practicable minimization has been required.

History Note New 10-22-02

1.2.3.5 Pre-submission meetings and submittal of optional explanatory information which may be useful to the District in the review process are encouraged.

1.2.3.6 The District will evaluate impacts on water resources in the following environmental categories:

A. Environmental features directly related to the water resources, such as:

1. Wetlands habitats.
History Note Revised 10-22-02
2. Natural waterbodies.

B. Environmental features which may be indirectly related to the water resources, such as:

1. Intermittent ponds. And:
2. Significant habitat diversity support systems, usually consisting of highly productive mixed upland and wetland systems with appropriate buffer areas.

C. Environmental features which are not related to the water resources, such as: unique upland habitats, usually consisting of tropical hardwood tree hammocks.

D. Preferred habitats for rare, endangered, or threatened species of plants and/or animals.

1.2.3.7 The actual impact resulting from changes to the natural habitat will be predicted by considering the existing natural system as altered by the proposed plan. It is recognized that the variety of actions associated with a plan may result in both positive and negative environmental impacts. The District, therefore, will balance both positive and negative impacts of the Work Plan to achieve a reasonable degree of protection for significant environmental habitats consistent with the overall intent of the Compact. Wetlands and proposed impacts to wetlands shall be evaluated using sound engineering and ecological principles.

1.2.4 Criteria Considerations for Monitoring

1.2.4.1 General -- The reason for monitoring requirements, including the monitoring and reporting schedules, and the parameters of interest, will normally be stated in the District evaluation for each Work Plan. Each monitoring program will be designed specifically for proposed land use or individual project in the plan in question and may include surface and/or ground water sampling. Parameters of interest will normally include, but not be limited to, water levels and chloride concentrations for water use considerations and those required by Federal Law for drainage considerations.

Monitoring required of the Tribe will be confined to locations within their boundaries. Additional sampling necessary, if any, to assess off-site impacts of the plan will be conducted by the District.

Monitoring will normally be required for sites with high pollutant generating potential, such as industrial sites and solid waste disposal sites.

1.2.4.2 Water Use: Water Monitoring -- All new withdrawal requests will be evaluated based on the withdrawal amount and the aquifer's ability to prevent excessive drawdowns or impacts on existing legal users protected under the Compact or environmental features. If the potential exists for such impacts to occur, monitoring may be required to quantify actual drawdowns as a result of the withdrawals.

In general, there are two reasons for required water monitoring:

A. Where the impacts of the proposed withdrawal may extend to environmental features protected under the Compact, or adjacent legal uses/users protected under the Compact, or

B. Where the potential exists for saline water intrusion.

1.2.4.3 Surface Water Management: Water Quality Monitoring -- All new drainage systems will be evaluated based on the ability of the system to prevent degradation of receiving waters and compatibility with state water quality standards.

A. Areas within the Tribal Reservations and Trust lands where water quality considerations are extremely important because of the sensitivity of the region include:

1. Lake Okeechobee and Lower Kissimmee River.

2. Canals currently being backpumped to Lake Okeechobee or the Conservation areas, or proposed for backpumping.

3. Outstanding Florida Waters defined as:

- i. Waters within National Parks
- ii. Waters within National Wildlife Refuges
- iii. Waters within State Parks or Recreation Areas
- iv. Waters within State Preserves
- v. Waters within areas purchased under the environmentally endangered lands bond program.

4. Waters within National Preserves.

B. New developments which plan to utilize sensitive areas for disposal of stormwater will be given more detailed evaluation by the District. In addition, new projects entailing a more intensified land use and planning to discharge to sensitive receiving water, directly or indirectly, may be required to institute a water quality monitoring program. The following list of land use intensity is in ascending order:

1. Wetlands
2. Forested lands
3. Rangelands
4. Agricultural
5. Urban and built-up land.

C. In general, there are two reasons for required water quality monitoring:

1. Such data can be used to determine if the pollution abatement practices incorporated into the design for the drainage system are functioning properly.

2. In some cases there may be a real and immediate concern regarding degradation of quality in the receiving waters, regardless of the pollutant removal efficiency of the drainage system.

D. Written evaluations issued for submitted Work Plans not immediately requiring monitoring will normally include a statement to the effect that water quality monitoring may be required in the future. This is not an indication that the District is contemplating the implementation of an intensive water quality monitoring program by the Tribe. If water quality problems develop in specific areas, however, the Tribe, by virtue of that statement, is aware that the quality of the water discharged may

have to be determined.

1.3 DESCRIPTION OF NUMBERING SYSTEM OF THE MANUAL

Numbers and letters designating provisions of the Manual shall be in the following order, and shall be identified in the following manner: n is a Chapter; n.n is a Part; n.n.n is a section; n.n.n.n is a subsection; n.n.n.n.(A) is a paragraph; n.n.n.n.(A)n is a subparagraph.