



March 7, 2022



Dear Ms. Natalie Kraft, via email: nkraft@sfwmd.gov
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

RE: SFWMD Draft Loxahatchee River Rule

Indian Trail Improvement District is an independent special taxing district of the State of Florida originally created by Chapter 57-646, Laws of Florida. Indian Trail is empowered to construct and maintain public facilities providing water and sanitary sewer, natural gas, drainage, roadways, and parks and recreation services.

MINIMAL BACKGROUND, note: no backup is attached:

Indian Trail has a long and complex history of drainage issues. The largest Unit of Development, the M-1 Basin is the subject of discussion herein as it relates to the proposed Loxahatchee River Rule by the SFWMD.

1. Memorandum of Agreement (MOA) between Indian Trail Improvement District and South Florida Water Management District (SFWMD). This 7/14/97 Agreement was to settle a dispute on allowable discharges. Note the SFWMD has not to date completed STA 1-E resulting in Indian Trail not receiving the full benefits of the MOA.
2. North Palm Beach County Plan (and all of its FKA). This CERP project included 1"/day discharge for Indian Trail as well as other environmental and water supply benefits. The NPBC Plan was usurped by the decision to utilize the L-8 Reservoir as a Flow Equalization Basin to settle the Everglades lawsuit.
3. Moss Property Pilot Program, ERP EI 50-0164073-001. The physical facilities are built, and test pumping will soon commence. The Moss Property (triangle south of the west portion of the JW Corbett Wildlife Management Area) is badly underhydrated as demonstrated in the NPBC Plan. This project is to rehydrate the Moss Property with use of excess discharges from Indian Trail.

Board of Supervisors

Michael Johnson,
President

Betty Argue,
Vice President

Joni Martin,
Treasurer

Keith Jordano,
Assistant Secretary

Jennifer Hager

District Staff

Burgess Hanson,
Executive Director

Mary Viator,
District Attorney &
District Secretary

Jay Foy,
District Engineer

Indian Trail Improvement District
www.indiantrail.com

13476 61st Street | West Palm Beach | Florida | 33412
Office: 561.793.0874 | Fax: 561.793.3716



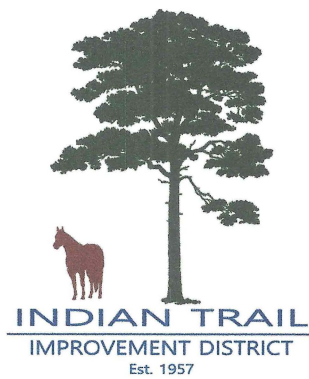
4. 2018 Agreement for Donation of Real Property from Palm Beach West Associates I, LLLP to Indian Trail Improvement District. As part of the development of a site plan for Indian Trail Groves by GL Homes, GL Homes agreed to donate 640 acres of land to Indian Trail Improvement District for surface storm water management, drainage, and other ancillary purposes. Indian Trail is budgeting a revision to its Water Control Plan in FY22-23 to make this area into a stormwater impoundment.
5. Most of the approximately 20,000 acre M-1 Basin is served by septic tanks and wells for its typical 1.25 acre Agricultural Residential lots. Fire protection is mostly by withdraws from Indian Trail canals.

Loxahatchee River Rule Comments:

1. There were two SFWMD meetings to receive comments on the draft rule: 1/25/22 and 2/22/22. No representative from Indian Trail was available to attend the 1/25/22 meeting. The District Engineer did participate in the 2/22/22 webinar. The Indian Trail Board has not met since nor been advised of this proposed rule. These comments are therefore from the Indian Trail District Engineer without the opportunity to present the importance of this rule to the Board and receive feedback in a public meeting. The timeline is inconsistent with the importance of the rule and should therefore be extended for at least 6 months.
2. Section 3.7 addresses "Existing Legal Users". I was assured in the 2/22/22 meeting that exempt users such as single family residential uses and fire protection are protected. Although not in the document I was told the assurance is as of 2006 for existing users. These exempt users have little say in the CUP process. They will have to depend on the regulator (SFWMD) and the applicants analyses to make determinations about their exempt uses. I realize there is a public input process, but these users are disconnected to the process with little to no representation. Exempt users need perpetual protection. Is a single family residence built after 2006 no longer exempt with the adoption of this rule?
3. The Loxahatchee River Plan includes use of Indian Trail's M-0 Canal and delivery of excess stormwater via a pump to the C-18 Reservoir. The Indian Trail Board has not agreed to this nor been approached by SFWMD or the Corps regarding this to date. The District Engineer has actively participated in the Plans that affect Indian Trail, but no legal or institutional communications exist. The Indian Trail Board should at least be approached by SFWMD or the Corps prior to adoption of this rule.
4. The Loxahatchee River Plan includes the addition of a pump station from Indian Trail's Lower M-1 Basin into the City of West Palm Beach's "M" Canal for the delivery of excess stormwater.

Indian Trail Improvement District
www.indiantrail.com

13476 61st Street | West Palm Beach | Florida | 33412
Office: 561.793.0874 | Fax: 561.793.3716



The Indian Trail Board previously rejected this pump station when proposed by the City. The Indian Trail Board should at least be approached by SFWMD or the Corps prior to adoption of this rule.

5. In response to a question at the 2/22/22 meeting I was informed the Loxahatchee River Plan would apply the “savings clause” conditions (Existing Legal Users) and pumping below permitted stages would not be allowed. There is nothing in the proposed rule that give certainty to this stage declaration. In fact, Indian Trail purposefully tries to hold stages slightly higher than control elevations in the dry season for protection of the water resources and fire flow. As verbally stated with no written confirmation, the rule could negatively affect the existing and future water resources protection the District provides to its residents.
6. Indian Trail is actively pursuing providing more hydration to the Moss property. The proposed rule does not address this permitted and potential future increase in water use. The rule could therefore negatively affect the rehydration of the Moss Property and needs to be revised to include protection of current and future deliveries of excess surface waters to this area.
7. Indian Trail is actively pursuing addition of a 640 acre Impoundment adjacent to its existing 720 acre M-1 Impoundment, has met with SFWMD, and intends to use the additional impoundment for storage of excess waters in the dry season to assist its efforts in keeping surface water stages at or above control elevations for fire protection. This rule is in conflict with Indian Trail’s continuing efforts to be self-sufficient. The rule needs to include provisions for Indian Trail to operate its proposed 640 acre Impoundment addition for the benefit of those that are required to pay for it. Special Districts are “benefit assessed” and cannot pay for benefits to others.
8. The supporting maps have some type of divide along Seminole Pratt Whitney Road from 100th Lane North south to the “M” Canal that has no technical meaning. How was this delineation made?

Very Truly Yours

Jay G. Foy, P.E.
District Engineer

Indian Trail Improvement District