



FLORIDA FARM BUREAU FEDERATION

THE VOICE OF AGRICULTURE

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Sent Via Email to: EAAReservoir@usace.army.mil

U.S. Army Corps of Engineers, Jacksonville District
ATTN: Andrew LoSchiavo
701 San Marco Boulevard
Jacksonville, Florida 32207-8175

and

Department of the Army
c/o Ms. Krista Sabin
U.S. Army Corps of Engineers
Palm Beach Gardens Permit Section
4400 PGA Boulevard, Suite 500
Palm Beach Gardens, Florida 33410

Subject: Final Environmental Impact Statement (FEIS) for the Everglades Agricultural Area Southern Reservoir and Stormwater Treatment Area (EAA Project) and Comments on the Everglades Agricultural Area Southern Stormwater Treatment Area ("A-2 STA"), Corps File Name: SAJ-2018-03427(SP-KDS) (A-2 STA)

Dear Mr. Loschiavo and Ms. Sabin:

The Florida Farm Bureau Federation (FFBF) thanks the U.S. Army Corps of Engineers (Corps) for the opportunity to submit public comment on the Final Environmental Impact Statement (FEIS) and permit application.

The FFBF prides itself on our long standing commitment to establish policies based on sound science and engineering principles in our representation of Florida's vital agricultural economy. The FFBF is an organization of more than 143,000 members throughout Florida, which includes ranchers and farmers growing fruit, vegetables, sod, and sugarcane in areas that will be affected by operations of the EAA Project. We have actively participated in many state and federal efforts to restore America's Everglades since conception in the 1990's. We have strong organizational policy which supports the State and the Corps' efforts to restore the Everglades while providing for and maintaining regional water demands as well as making sound operational decisions on Lake Okeechobee.

When Florida's Legislature took a leadership role in 2017 passing Senate Bill 10, mandating the South Florida Water Management District (SFWMD) to expeditiously develop a Section 203 Post Authorization Change Report (PACR) to add more water storage and treatment facilities in the Everglades Agricultural Area, FFBF offered support and continued its participatory role.

Our farmer members understand the critical need for certainty in water supply to sustain their businesses and feed our nation. In fact, the sanctity of an existing legal users' right to water through its permit is a cornerstone of Florida's water law, the SFWMD's water use permitting program, and the state/federal partnership in the Comprehensive Everglades Restoration Plan (CERP). It is undisputed that the EAA Project is a CERP project and therefore subject to the mandates of WRDA 2000, which includes protection of water rights as stated in the Saving Clause of WRDA 2000. Unfortunately, it appears that neither the SFWMD nor the Corps are adhering to this mandate in the EAA Project. We offer these comments on behalf of our members to relay our concerns and offer suggestion to resolve these concerns.

Given infrastructure this size, as a combined Reservoir / STA facility, substantial volumes of water will be diverted away from Lake Okeechobee to provide for the EAA Project's objectives. While the reduction in estuary releases made possible by diverting Lake Okeechobee water to the Everglades is a longstanding goal of CERP, providing water in a manner that adversely affects existing water users is contrary to WRDA 2000. Lake Okeechobee is currently operated at an unusually low level due to emergency Herbert Hoover Dike repairs pursuant to the Interim LORS 2008 Lake Regulation Schedule. Lake operations are expected to shift in the year 2022 to the new Lake regulation schedule referred to as the Lake Okeechobee System Operating Manual (LOSOM). However, the EAA Project states that the Interim LORS 2008 Lake Regulation Schedule is an "intervening non-CERP event" and relies on this interim schedule as its base condition. We expected, as promised in WRDA 2000, that the EAA Project would insure that the water rights that existed in 2000 would be protected and restored. It is not acceptable and disappointing for the Corps to use the LORS 2008 emergency and interim schedule as justification to avoid complying with WRDA 2000, which was also to provide water for future needs. If sufficient water is not kept in the lake, Florida's farmers along with other permitted users will suffer and water rights will be harmed. If the EAA Project continues to rely on the Interim LORS 2008 Lake schedule as the base condition, the lost water rights from the interim schedule will not be restored as part of Everglades restoration, and the promises made by the Corps (and the SFWMD) to protect water rights that were in existence in the year 2000, as required in WRDA 2000 will have been violated.

To address these serious concerns, we highly recommend that clear operational protocols be added to the EAA Project, defining their relationship to Lake Okeechobee operations to assure the proposed EAA Project operation will not infringe on the water rights permitted by the SFWMD as of December 2000, and the level of service provided to users at that time. We are also hopeful that the SFWMD will recognize the seriousness of allowing any infringement in the legal water rights it has permitted and support insertion of such operational protocols.

The Florida Farm Bureau Federation supports the concept of the EAA Project as an integral part of CERP. As such, suitable operational protocols can be developed in a sufficiently defined fashion to recover existing water rights and accomplish state and federal objectives for the Everglades restoration program, as was Congress' mandate to the Corps when it passed WRDA 2000.

Thank you for your consideration of these comments. We welcome the opportunity for continued collaboration and dialogue as we work toward resolution.

Sincerely,



Gary Ritter
Assistant Director of Government & Community Affairs
Florida Farm Bureau Federation

CC: Drew Bartlett, Executive Director, South Florida Water Management District
Chauncey Goss, Chair, South Florida Water Management District Governing Board