



April 22, 2019

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Dr. Hodgson,

The Southeast Florida Utility Council (SEFLUC) appreciates the opportunity to provide public scoping comments regarding the re-examination of the regulation schedule for Lake Okeechobee and the development of the Lake Okeechobee System Operating Manual (LOSOM). SEFLUC represents potable water providers throughout South Florida, which provide potable water to over six million people. SEFLUC's mission is to provide a communications, networking, and support structure for member utilities to continue to provide superior-quality water supply and wastewater management services to its customers in a cost-effective manner. SEFLUC members rely on the operation of the regional water management system to maintain groundwater levels and control salt water intrusion so that they can meet the demand requirements of a growing population and business development climate. Our membership looks forward to the development of a system operating manual that will recognize the role of lake operations in the integrated framework and multi-purpose objectives of the Central and South Florida Project (C&SF or Project), Comprehensive Everglades Restoration Plan (CERP), and water supply planning for the Lower East Coast.

Lake Okeechobee is the liquid heart of an integrated regional water management system that provides for and maintains surface and ground water sources upon which utilities rely to serve their customers. The original authorized purposes of the C&SF were for flood control, water level control, water conservation, prevention of salt water intrusion, and preservation of fish and wildlife. Subsequent authorizations expanded the purposes of the Project to provide for increased environmental benefits and additional projects. As a result of the C&SF Restudy, additional modifications were adopted as part of the development of CERP to address and expand objectives while providing water supply and flood control guarantees to existing legal users within the system.

The Restudy intertwined the original objectives of the C&SF Project with the objectives of CERP and water supply planning for the Lower East Coast Region of the South Florida Water Management District (SFWMD). Specifically, Section 601(h)(5) of the Water Resources Development Act of 2000 (WRDA) included a Savings Clause linking the operation of the C&SF and implementation of CERP so as to



guarantee preservation of existing legally authorized water supplies in force at the time of adoption of the Act, as well as the provision of water supplies to meet future demands through the implementation of those projects identified within the Act and implementing documents. Water supply planning was merged into the Restudy, which was refined and incorporated into CERP.

Water supply entities as existing legal users were guaranteed a 1-in-10-year level of drought protection based on modeling undertaken that considered Lake Okeechobee levels and system operations in place at the time of adoption of WRDA 2000, including the Water Supply and Environment (WSE) Regulation Schedule. CERP additionally provided for the development of additional water resource projects that would serve future water demand needs for a projected population growth to 7 million through 2020 - a commitment that remains largely unfulfilled. Therefore, the operation of the lake is impossible to decouple from the implementation of CERP and operation of the C&SF Project for its originally authorized purposes. The scope of any re-examination of the Lake Okeechobee Regulation schedules should stay within the currently authorized purposes of the C&SF Project and recognize that lake operations are inextricably tied to CERP and the associated water supply planning described in the Lower East Coast Water Supply Plan of 2000.

Although the SFWMD is responsible for water supply regulation under the provisions of state law, the consumptive use permits (CUP) upon which public water suppliers rely provide for 1-in-10-year drought protections and are dependent on the operations of the regional system and the water made available by the implementation of the CERP. While local basins supply much of the needed water during the wetter months of the year, operation of the regional system is vital during dry periods to maintain those water levels within the system that provide for drought protections guaranteed through individual CUPs and the CERP Savings Clause, provide the hydraulic head necessary to prevent salt water intrusion, and to ensure that operation of vital water supply systems do not result in harm to the regional system.

Utilities have invested millions of rate payer dollars in the development of the system capacity necessitated by the allocations that are approved in existing CUPs. Additionally, utilities have entered into agreements with special districts to provide for recharge and other projects to ensure the provision of water supply and maintenance of surficial aquifer levels throughout the year. Utilities have also undertaken extensive development of Alternative Water Supplies to provide for anticipated future growth and help provide for recharge to protect regional water supplies.

Existing CUPs, regulatory frameworks such as the SFWMD Restricted Allocation Area rule and minimum flows and levels, and the foundations for the development of CERP were all based on the WSE regulation schedule adopted in parallel with CERP. During the mid-2000s, dike safety concerns resulted in the



development of the LORS08 schedule, which was recognized as an intervening event within Environmental Impact Statement required by the National Environmental Policy Act during the planning effort. The interim LORS08 schedule reduced the certainty of water supply during dry periods and projected and increased frequency of water shortages and violations of the Lake Okeechobee Minimum Level. It was anticipated that, upon completion of the necessary repairs to the Herbert Hoover Dike, more storage would be returned to the lake, a fact contemplated by the SFWMD in subsequent water supply planning efforts for the Lower East Coast in meeting water demands through the 2040 planning horizon.

It is critical that the priorities and scope of the LOSOM study include application of Congress' clear direction regarding the protection of available water supplies. Any changes to the lake schedule that fail to recognize that existing water supply regulation efforts are based on the WSE as a starting point and that then mandate lower lake levels without providing for the identification of new sources of water supply of comparable quantity and quality, as required by the Savings Clause, may result in disruption of the achievement of those regulatory requirements currently in place for water supply. Specifically, the LEC Regional Water Availability criteria established by SFWMD limit utilization of the surficial aquifer system based on the potential for inland movement of salt water and increases in induced seepage from C&SF canals. Therefore, the Corps should establish a base condition for the re-examination that recognizes the reliance of existing state and federal programs on the WSE. Additionally, any base condition should recognize the 1-in-10-year level of drought protection for public water supply providers and incorporate performance measures to maintain those protections in order to fulfill the commitments of previous planning efforts. The Savings Clause articulated as part of CERP must be guaranteed, along with the intent of the Restudy that CERP was intended to supply water for future development through sequencing of proposed restudy components.

Specifically, SEFLUC requests the following as part of the re-examination scoping process:

- Modeling efforts should utilize the WSE schedule as a base condition and include an update of water availability in the system due to project implementation and operational changes since 2000. Specifically, modeling for the 2000 LECWSP was based on the WSE schedule and modified Run 25 and WSE schedules, necessitating that those schedules have to be the starting point for analysis of impacts to water supply entities under existing permitted approvals. Any improvements or increased water available in the system as a result of changes in operations and project implementation should be clearly demonstrated in the modeling analysis for incorporation by the SFWMD into their water supply planning frameworks.
- Any proposed changes to the regulation schedule should contain as a performance measure the maintenance of those levels of public water supply availability for existing legal users guaranteed



by WRDA 2000 as well as the development of water resource projects to provide for future growth demand at the levels contemplated.

- The planning effort should include a performance measure that ensures reduction of the frequency of water shortages and the resulting cutbacks on existing legal users as compared to those contemplated by the intervening event of LORS08.
- Any regulation changes that provide for lower lake levels in the dry season could exacerbate salt water intrusion throughout the regional system and endanger wellfields of public water suppliers in areas sensitive to those impacts. Any proposed changes to the regulation schedule should include performance measures that ensure improved levels of protection against salt water intrusion and maintain the hydraulic head necessary to keep the salt water wedge from migrating further inland.
- All evaluations should incorporate data and methods to ensure that any proposed operational changes adequately incorporate climactic impacts that are expected due to increased variability throughout the regional water management system. Model runs should include extreme drought/flood scenarios that incorporate climactic possibilities such as more frequent drought periods that would upset the current regulatory regime.
- Given the dependency of water suppliers on the regional system as a secondary source during dry periods, modeling runs should include the examination of opportunities to build in operational resilience in the system through flexibility in operations and the identification of additional water made available in the system by projects and operations changes that have been undertaken through the implementation of the WSE and LORS08.
- Final EIS documents should explicitly identify water made available to public water supply above that currently identified through the CUP process and specifically reaffirm the drought protection provided to public water suppliers.
- Modeling should specifically seek to model individual years to further refine modeling outcomes and to analyze the opportunity for operational deviations under certain scenarios that will allow for greater flexibility that modeling over a twenty year average does not allow for. This will allow for the Corps and SFWMD to build in alternate operating conditions under specific planning scenarios at both extremes (essentially an expansion of adaptive protocols). Any analysis should consider the impacts of operations on the regional system and increased seepage potential as well as impacts on the saltwater interface.
- For surface water users in the LOSA, a decline in levels of certainty from 1-in-10-year to 1-in-6-year was identified in the LORS 08 planning documents. The anticipation was that the lake would then return to an MFL prevention strategy and enhance the level of certainty for existing permitted users throughout the system. The modeling effort should include performance



measures to ensure that any updated schedule guarantees the 1-in-10-year level of drought certainty.

SEFLUC appreciates the efforts of the Corps and SFWMD to further examine the operations of the C&SF in conjunction with the implementation of CERP. It is our hope that the updated schedule, when coupled with an increased commitment to fund and implement the projects contemplated as part of CERP, will result in the maintenance of water supply guarantees to existing legal users and the development of water resource projects to meet future demand as contemplated by WRDA 2000, reduced discharges to the coastal areas as a result of the development of more water storage throughout the regional system, and improved regional water management that benefits the stakeholders of the region as well as the environment. Moving forward, as the next Lake regulation schedule is developed, our members encourage convening meaningful public forums to discuss water supply topics that address the technical requirements previously listed and provide:

- Economic feasibility
- A 1-in-10-year level of drought protection;
- Protection against salt water intrusion;
- Address climate impacts; and
- Are based on sound science and comprehensive modeling, thus ensuring our ability to provide superior quality, safe, and reliable drinking water to both Floridians and visitors of our great state.

SEFLUC members are committed to partnering with the Corps and the District as workshops are undertaken and modeling efforts are developed. Please do not hesitate to reach out to our membership for additional information or participation within the process.

Sincerely,

A handwritten signature in blue ink that reads "Virginia Walsh". The signature is fluid and cursive, with the first name being more prominent.

Virginia Walsh
Chair, Southeast Florida Utilities Council
Miami Dade Water and Sewer Department