



FLORIDA FARM BUREAU FEDERATION

THE VOICE OF AGRICULTURE

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VIA EMAIL ONLY: MELISSA.A.NASUTI@USACE.ARMY.MIL

Colonel Andrew Kelly
c/o Melissa A. Nasuti
Department of the Army
Jacksonville District, Corps of Engineers
701 San Marco Boulevard
Jacksonville, Florida 32207-8175

Re: Public Comment Letter on the Proposed 2019 Planned Deviation to the Water Control Plan for Lake Okeechobee and Everglades Agricultural Area (LORS 2008)

Dear Colonel Kelly:

The Florida Farm Bureau Federation (Federation) represents more than 147,000 members statewide, many of which live in south Florida, and are reliant on a balanced approach to the management of Lake Okeechobee and the associated water resources. We are submitting this letter on behalf of our members many whom also live along the Lake, in the central interior rural counties, to express our concerns regarding the Corps' proposal to deviate away from the current Lake Schedule (LORS 2008) and, like we've seen this past spring, driving the Lake to its lowest levels in over 10 years. Please accept this letter as our response to the public comment period the Corps provided, and include this letter in the 2019 Planned Deviation's administrative record.

The Federation has been an active participant in the Corps' on-going, NEPA process for reassessment of LORS 2008, known as the Lake Okeechobee System Operating Manual or LOSOM, to provide adequate flood protection, minimum levels and permitted water supply needs, as long as it is based on sound science along with stakeholder input. The limited distribution of this Planned Deviation proposal does not follow any of this criterion and appears to be circumventing the public process in place to reevaluate the entire Lake Okeechobee System Operating Manual (LOSOM).

While we understand the concern with algal blooms in the Lake and their potential for harm to the estuaries, Lake management should be a holistic

approach that balances system-wide environmental health, flood control, navigation, and existing permitted water allocations. This will minimize the potential for water supply shortages and assure the predictability of a continued and reliable water supply for south Florida. The Planned Deviation does not appear to balance these multiple purposes taking into account the diverse interests and stakeholders across all of south Florida.

If the Corps pursues the proposed Planned Deviation, the Corps should engage in a complete environmental impact analysis for the proposed operations. The last thorough analysis of the Lake regulation schedule was completed in 2007, leading up to approval of LORS 2008 in 2008. This analysis is outdated and cannot serve as a predicate for this substantially different, proposed Planned Deviation. Additionally, the proposed Planned Deviation shifts the operational theory of LORS 2008 from one of conserving water through Florida's dry season to one of driving the Lake stage lower through the dry season. This is accomplished by altering many of the key operating rules in LORS 2008; such a substantial shift warrants complete analysis. For example, the proposed Planned Deviation would authorize substantial, new water releases in the dry season at the Lake's southern structures and at low Lake stages. These new discharges will send large volumes to the sensitive Stormwater Treatment Areas and Water Conservation Areas when these areas normally experience low levels during Florida's dry season. Similarly, huge volumetric changes are proposed for estuarine releases, again delivering sizeable, new water volumes.

The proposed Lake operating scheme clearly departs from any effects ever analyzed and has repercussions across all of south Florida. These departures make the proposed Planned Deviation an entirely new Lake regulation schedule. Such wholesale changes must undergo a full, robust NEPA and ecologic analysis. Since the LOSOM is already underway it seems far more productive to focus on LOSOM rather than the proposed Planned Deviation.

Additional comments and items of concern include:

- **Description of Hydrologic Alterations Throughout South Florida:**

In the introductory historical commentary (at Section 3 page 3.1) the Corps speaks of hydrologic changes to the estuaries and the harmful impact to these respective ecosystems. We also suggest that hydrological changes to Lake Okeechobee and the northern watersheds have also negatively impacted the timing, distribution, quality, and volume of water entering the Lake. With the proposed Planned Deviation's sole focus on releases **from** the Lake, releases **to** the Lake are not considered. Thus, holistic management of the entire interconnected

Project system is not considered. We would suggest adding similar wording reflecting this in section 3 page 3.1. In fact, isn't this precisely why the Corps has circumvented the required review process in an effort to make significant changes to not only minimize the impacts to the estuaries but to Lake Okeechobee as well?

- **Description of the Everglades Agricultural Area (EAA) Productivity:**

In Section 3 page 3.2 the Corps talks about the EAA being one of the most productive agricultural regions in the state. It should be noted that the EAA is one of the most productive agricultural regions, not only in Florida but in the United States supplying the largest percentage of winter vegetables in the eastern US.

- **Operating Lake Okeechobee in an Attempt to Manage Potential or Existing Algae is Unprecedented and Not Congressionally Authorized:**

Harmful Algal Blooms (HAB) and water quality are NOT Project purposes. Therefore, the Corps does not have authority to finalize the proposed Planned Deviation. The Appendix, at page A-3, notes the fact the Corps does not have either the expertise or authority for water quality topics.

The Planned Deviation's proposal to engage in these unprecedented operations is even more perplexing when considering the fact water would be released in an anticipatory fashion, even though it is not possible to predict whether or not algae will appear. If algae appears, it even more rarely becomes toxic. Finally, even though the Lake has not discharged to the St. Lucie estuary for months, news stories and the Florida Department of Environmental Protection recently reported blue green algae in the estuary, as well as bacteria-related beach and park closures.

- **The Proposed Planned Deviation will Exacerbate Impacts to Eroded Water Rights, Navigation, and Lake Ecology:**

The current LORS 2008 Lake schedule diminished south Florida's water supply, but only while needed repairs to the Herbert Hoover Dike were undertaken. These repairs, and subsequent reduction in water supply, have continued for 11 years. The Planned Deviation will further impact south Florida's already compromised water supply by completely overhauling the LORS 2008 water release decision-trees as noted above. There is no modeled assessment of these releases, but it is easy to see converting operating bands designed to retain water in the Lake into

release bands will up-end the extensive modeling and NEPA analysis performed for LORS 2008. Since LORS 2008 already risks water supply, navigation, and caused the Lake's minimum level (11.0') to be violated this further exacerbation of low Lake levels is extremely significant to the south Florida region.

- **Piece-meal Analysis:**

The proposed Planned Deviation states it may be in place until the new LOSOM is finalized. LOSOM may not be approved until 2022, maybe later. Yet, the proposed Planned Deviation does not assess the effects of low Lake operations through 2022, as NEPA requires. Instead, it piece-meals its analysis into one-year increments, discarding the complete impacts associated with the full duration. Also, the proposal includes vague statements about weekly meetings and otherwise obscures the proposed Planned Deviation implementation. In sum, the proposed Planned Deviation proposes a shift from predictable, understood operating practices to a program rooted in Corps-controlled flexible operations that amount to a vague and unknown program. This construct is improper, particularly in light of the many, diverse livelihoods dependent on Lake management. If the Corps anticipates that their proposed Planned Deviation will be in place for three or more years, it should assess the impacts accordingly and any Lake management protocol should be defined. It is also worth noting that the proposed Planned Deviation would follow on the heels of the Corps' unpredicted, protracted use of the LORS 2008 Additional Operational Flexibility provision.

- **Potential for Adverse Impacts to Lake Ecology**

Drawing the Lake to extreme low levels in multiple years can potentially harm the Lake's ecology and listed species. The Lake's preferred operating band is between 15.5' to 12.5' NGVD; the Corps' proposal will substantially change the length of time the Lake operates in this band by driving the Lake lower when we cannot count on rainfall to recover low levels. The Corps should thoroughly analyze all of the related, diverse impacts.

- **The Proposed Planned Deviation Invites Unanalyzed Risk of Drought Conditions**

The Lake; due to its authorized water supply purpose, risk of permanent ecologic harm, and the region's regular droughts; is managed with an

eye toward an unknown future. Once Lake water is released, it cannot be recovered, except by rainfall. Yet, south Florida's climate is fickle. So, Lake management has never, without analysis, granted unbridled discretion for the Corps to gambled away south Florida's water resiliency against droughts, hoping sufficient rains will make up the wasted water. This is an unprecedented manner to manage the Lake.

- **Water Banking Concept is Untested and Unlikely to Achieve the Concept Stated in the EA**

The "water bank" concept in Alternative B has never been used and does not match the timing of water needs and unpredictability of replenishing the "account." It appears as if the Corps is constructing the bank concept to avoid a true, modeled impact analysis. Stakeholders and the ecology all need real water in the Lake, not an accounting system. This sort of novel approach at the very least should require a more detailed environment impact assessment.

- **HAB is a Nation-wide Issue and Research Should be Completed to Craft Successful Solutions**

Recent State and federal efforts are focused on Blue Green Algae and harmful algal blooms (HAB). The Governor's Blue Green Algae Task Force is now working on finding science-based solutions to HAB in Florida. Also, Congress authorized algae bloom research. In fact, there has been research happening on the Lake for the last several months. The Blue Green Algae Task Force and research are promising and should continue to be funded. Many regions throughout the United States and World are confronted with algae issues; research and quality-based solutions should be developed. In the meantime, if actual toxic algae becomes present anywhere in our Nation's waters, public warnings should be coordinated between local, state, and federal governments. With many pronounced unknowns related to algae, the Corps' proposed Planned Deviation is not warranted, has not been analyzed, and will certainly impact many who are reliant on understood, sound Lake management.

We urge the Corps to not proceed with this Planned Deviation. We all want to find a solution to HAB and to improve water quality in our State, thus, we, support the science-based efforts of the Blue Green Algae Task Force. For these reasons, the Federation urges the Corps to not finalize this Planned Deviation, and return to managing the Lake within the more normal operations and levels of 12.5 to 15.5. The Corps should focus on the LOSOM process, rather than this Planned Deviation. With input from *all* stakeholders, together, we can develop a

fair and balanced Lake schedule, and a balanced Lake Okeechobee schedule is the best future for *all* of south Florida.

Kind Regards,



John L. Hoblick
President

cc: Zippy Duvall, President, American Farm Bureau Federation
Drew Bartlett, Executive Director, South Florida Water Management District
Lieutenant Colonel Jennifer A. Reynolds, U.S. Army Corps of Engineers
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