

September 18, 2019

VIA EMAIL AND MAIL

United States Army Corps of Engineers, Jacksonville District  
Attn: Angela E. Dunn – Chief, Environmental Branch  
701 San Marco Boulevard  
Jacksonville, Florida 32232-0019

Email: melissa.a.nasuti@usace.army.mil

Re: The Nature Conservancy, Florida Chapter Comments on the Draft Environmental Assessment and Proposed Finding of No Significant Impact for the 2019 Planned Deviation to the Water Control Plan for the Lake Okeechobee and the Everglades Agricultural Area (LORS 2008) (“Draft EA/FONSI”)

Dear Ms. Dunn:

The Nature Conservancy, Florida Chapter (TNC) appreciates the opportunity to provide input on the Draft EA/FONSI for the planned deviation to LORS 2008 proposed to address issues with harmful algal blooms in Lake Okeechobee and the Caloosahatchee and St. Lucie Estuaries (“Estuaries”). Our organization has worked in the Northern Everglades since 1972 on land protection and management initiatives, including providing the donation of property that established the U.S. Fish and Wildlife Service Everglades Headwaters National Wildlife Refuge. TNC owns and manages over 30,536 acres in the Northern Everglades, including our 11,500 -acre Disney Wilderness Preserve. Our historic Everglades work also involved facilitating the Talisman acquisition of 53,500 acres south of Lake Okeechobee, including the land upon which the Everglades Agricultural Area reservoir will be constructed.

TNC recognizes the imperative of protecting the Estuaries and Lake Okeechobee’s water resources and the people who have suffered devastating impacts to their health and livelihoods from the harmful algal blooms. There is tremendous pressure to find quick solutions to this problem which is decades in the making. TNC is concerned that in this attempt to solve a complex problem quickly through a schedule deviation, the U.S. Army Corps of Engineers (USACE) is not properly considering three key factors: 1) application of sound science; 2) system wide impacts to the Everglades ecosystem; and 3) stakeholder inclusion and transparency. Our concerns with each factor are identified below.

## **Application of Sound Science**

One of TNC's goals, as an international environmental organization, is to advocate for decisions based in sound science. The science supporting LORS 2008 took years to develop and was subject to intensive scrutiny through the National Environmental Policy Act (NEPA) Environmental Impact Statement (EIS) process. This multi-year effort utilized hydrologic modeling that evaluated operational flexibility and system wide analysis to test the impacts of alternative operating protocols. The USACE is now proposing significant, potentially long-term shifts in its operating protocols for Lake Okeechobee without utilizing the sound scientific approaches and intensive modeling needed to make these decisions. TNC recognizes that the science behind harmful algal blooms is still being developed; however, opportunities exist today for more robust scientific approaches than what USACE has in the Draft EA/FONSI.

A key example is the lack of hydrologic modeling associated with this effort. Through hydrologic modeling, alternative system operations scenarios are analyzed so that stakeholders have the opportunity to see impacts to water resources. Performance measures are developed and agreed upon as part of the modeling process.

The Draft EA/FONSI contains no information about hydrologic modeling or performance measures being utilized by the USACE to develop the deviation operations. It contains limited and conclusory analysis of impact to environmental resources and other LORS 2008 project purposes such as water supply and flood protection over the potential timeframe for the deviation, which could extend to 2022. Critically, this lack of hydrologic information means the USACE cannot evaluate the system-wide impacts that these operations could induce on the myriad natural systems that make up the Everglades.

Another example where additional scientific scrutiny should occur is the proposed water banking concept. This concept appears to allow shifts in real time water management operations that could have unintended consequences for the system. The results of holding back flood discharges in the wet season in anticipation of low volume releases during the dry season could directly impact Lake Okeechobee and Estuary ecology as well as parts of the ecosystem in ways that have not been considered in the Draft EA/FONSI.

## **System Wide Impacts to the Everglades Ecosystem**

Lake Okeechobee operations impact the Everglades ecosystem, affecting water quality and water supply for natural systems and the people who depend on the ecosystem services they provide. The LORS 2008 EIS and supporting appendices contain hundreds of pages analyzing the effects of Lake operations on all sectors of the Everglades ecosystem and selected the operating criteria based on these evaluations. There is no true system -wide analysis contained in the EA. Instead, the USACE endeavors to provide itself with maximum operational flexibility to address **only one** of the potential system wide impacts – harmful algal blooms. This operational flexibility is so open- ended that the USACE is introducing a level of unpredictability in how the Lake will be operated. This unpredictability has the potential to negatively impact water supply to and water quality for natural systems which depend on the timing of water releases under normal, flood and drought conditions. The potential length of the planned deviation (until the Lake Okeechobee Systems Operating Manual (LOSOM) process is completed in 2022) heightens the necessity of a close look at system wide impacts.

## **Transparency and Inclusion**

The USACE's use of an EA/FONSI process for potential long -term deviation from LORS 2008 operations violates the NEPA's intention of transparency and inclusion for actions with significant effects. The draft EA/FONSI states that this deviation could be in place for the next three years meaning that it could become a de-facto new interim regulation schedule. As a comparison, the Record of Decision for the 2008 LORS identifies it as an interim solution- and the USACE determined that the most robust NEPA process for transparency and inclusivity – an EIS – was appropriate. The need to include peer-reviewed scientific information around harmful algal blooms cannot be understated. Historical experience has shown that controversial and complex proposals involving Everglades restoration are only achievable where there is opportunity for all stakeholders to provide input and for collaboration to occur so that unintended consequences are minimized and a balanced solution is achieved.

## **Recommendations**

TNC urges the USACE to select a more robust and inclusive process to effectively evaluate proposed operations for harmful algal blooms. TNC suggests two options for consideration:

Ms. Angela E. Dunn

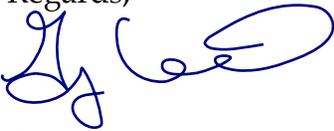
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- 1) Utilize the LOSOM process. The LOSOM is in its initial stages and the USACE is preparing an EIS where comprehensive hydrologic modeling with performance measures for all project purposes will be developed and considered.
- 2) Prepare a Supplemental EIS for LORS2008 based on the development of significant new information concerning harmful algal blooms.

TNC believes that utilizing the EIS process will help reduce the likelihood of unintended system wide consequences from operations focused on preventing harmful algal blooms and will allow for a diversity of stakeholder comments to be considered. Should you have any questions, please contact Beth Lewis, Freshwater Program Manager ([Beth.Lewis@tnc.org](mailto:Beth.Lewis@tnc.org)/561-348-4844).

Regards,



Greg Knecht

Deputy Executive Director

CC: Col. Andrew Kelly, Jacksonville District  
Lt. Col. Todd Polk , Jacksonville District