



CITY OF OKEECHOBEE
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Okeechobee City Council
Mayor Dowling R. Watford, Jr.
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November 5, 2020

SENT VIA EMAIL:

dmedelli@sfwmd.gov
tedwards@sfwmd.gov

Mr. Don Medellin
Ms. Toni Edwards
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

Re: EAA Reservoir Reservation Rulemaking – Request for Public Hearing and Consideration of Lower Cost Regulatory Alternatives

Dear Ms. Edwards and Mr. Medellin:

The City of Okeechobee thanks you for the opportunity to submit public comment on the proposed EAA Reservoir Water Reservation Rules as set forth in the Notice of Proposed Rules published in the Florida Administrative Register on October 16, 2020.

The City of Okeechobee, the namesake of Lake Okeechobee, is mindful of the varied usages of the waters including but not limited to agricultural, municipal and potable usages. We are a small city, as defined by Section 120.52(18), Florida Statutes, and have actively participated in many state and federal efforts to restore America's Everglades since conception in the 1990's and continue to do so. We support the State and the Army Corps of Engineers' efforts to restore the Everglades while providing for and maintaining regional water demands as well as making sound operational decisions on Lake Okeechobee.

As stated in our previous comments on the EAA Reservoir Project, we remain concerned that the diminished water rights resulting from LORS08 are now being incorporated into the EAA Reservoir Water Reservation Rule. The City, through the Okeechobee Utility Authority, relies on Lake Okeechobee for its drinking water. Our agricultural community understands the need for a reliable water supply and especially a supply that feeds our nation. 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.

As proposed, the rule raises much uncertainty regarding the quantities and timing of discharges from the EAA Reservoir. It also raises questions about whether the water reservation complies

with state and federal mandates regarding the protection of existing legal sources of water in relation to CERP. We recognize that SFWMD is expediting this rulemaking in order to enter into a cost-share agreement with the Corps. Given that the SFWMD has adopted a rule restricting the allocation of additional water supply from Lake Okeechobee, it appears the necessary water protection measures are already in place and this alternative to the proposed rule should be considered.

Another alternative worthy of consideration has been proposed by the City of West Palm Beach in its letter to SFWMD dated October 5, 2020. Like the City of Okeechobee, West Palm Beach also relies on surface water from the Central and Southern Florida Project for its municipal water supply. We support our fellow city's proposed rule language specifying that the current reservation will automatically be reviewed and replaced through a new rulemaking process once the EAA Reservoir is nearing completion.

Given there are several potential alternatives to the proposed EAA Reservoir water reservation rule, we respectfully request the SFWMD hold a public hearing on its intended agency action. Thank you for your consideration of these comments and suggested alternatives. We look forward to the continued collaboration in addressing these issues and moving this important CERP project forward.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. R. Watford, Jr.", written in a cursive style.

Mayor Dowling R. Watford, Jr
City of Okeechobee

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