

South Florida  Water Coalition

February 20, 2020

The Honorable Congresswoman Lois Frankel  
2305 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congresswoman Frankel:

The South Florida Water Coalition seeks to find solutions that protect the health, safety, and supply of our water resources. Since its founding, the Coalition has been active in encouraging critical community-wide conversations about the many water issues that affect us, including the U.S. Army Corp of Engineers' (USACE) operation of Lake Okeechobee.

The Coalition has actively engaged with leaders within our community, and I appreciate your office having positively received my information several times during the last year, both locally in Boca Raton, as well as Washington, DC.

The Coalition is now proudly a member of the Southeast Florida Utility Council (SEFLUC), an organization of more than 50 public water supply utilities responsible for providing drinking water for more than 6.5 million people in Palm Beach, Broward, Miami-Dade, and Monroe counties. As described in greater detail in the attached letter from SEFLUC to USACE Colonel Kelly, we jointly have significant concerns with the USACE's rather recent interpretation that the Comprehensive Everglades Restoration Plan (CERP) "Savings Clause" does not apply to its development of the new Lake Okeechobee System Operating Manual (LOSOM).

This is simply a decision that is too significant – and potentially too dangerous – to ignore.

Years ago, Congress and Florida's Legislature approved CERP as the consensus plan to restore the Everglades and provide water for South Florida communities' both existing and future needs – an important and needed project. The Coalition firmly supports Everglades restoration in accord with CERP's overarching objectives – to restore the ecosystem while also providing for Florida's water supply and flood protection needs.

Lake Okeechobee is the liquid heart of South Florida – providing water for diverse purposes and uses such as water supply, aquifer recharge, navigation, as well as restoration. As you know, the Army Corps of Engineers manages water in the Lake using a regulation schedule that dictates when, where and how much water is released. When concerns over the integrity of Herbert Hoover Dike arose in 2008, the USACE developed a 'temporary' lake schedule – LORS08 - to operate the lake at lower levels while the Dike was repaired. LORS08 resulted in losing more than a foot of water storage in the lake, impacting water users by increasing the likelihood of water shortage conditions, causing the Lake's minimum level for lake ecology to be violated, and increasing the volume of water that had to be released to the estuaries.

For years, the USACE has promised that when the dike repairs were completed, they would re-evaluate the lake regulation schedule and restore water supply rights and the Lake's ecology. The USACE and South Florida Water Management District (SFWMD) are currently developing a new regulation schedule for Lake Okeechobee called "Lake Okeechobee System Operating Manual" (LOSOM) – which is expected to be completed in 2022. In this process, the USACE has unilaterally made erroneous determinations that will cause significant, adverse impacts to water users:

- *The USACE says LOSOM is not a CERP project and the water supply protections that are a part of the CERP law will not apply to the new Lake schedule.*
- *The USACE is using the low LORS08 regulation schedule as the 'base condition' in LOSOM modeling of different options for the next regulation schedule. So, when the USACE says they will "improve" water supply performance in LOSOM – it's only in comparison to the diminished water supply performance of LORS08; they are not pledging to restore water rights to permitted levels.*

The Coalition opposes this position because it is contrary to state and federal laws: (1) it allows taking water from the Lake and from longstanding legal users but without building new storage and providing replacement water to users as required by CERP; (2) it will increase water shortage conditions throughout South Florida, and (3) Lake supplies will not be available to serve future demands.

Stakeholders had expected, as promised in CERP, that the next Lake Okeechobee Regulation Schedule would restore the water rights in existence in 2000 and provide for future supplies. It is not acceptable for the USACE to use the LORS08 Dike emergency into a means of avoiding the commitments made in WRDA 2000.

***The CERP Savings Clause in WRDA2000 is essential to protecting the water supplies for the 6.5 million people in the lower east coast of Florida and sustaining our future. With this letter, we join with other utilities and stakeholders in communicating to our Congressional delegation our support for adding clarification language to be included in WRDA 2020 to make clear the Savings Clause applies to LOSOM and that water rights must be protected.***

Sincerely,



Ryan Rossi, Executive Director  
South Florida Water Coalition

Attachment: Southeast Florida Utility Council Letter to Col. Kelly dated 1/30/20