

August 9, 2021

VIA E-MAIL ONLY: ANDREW.D.KELLY@USACE.ARMY.MIL

Colonel Andrew D. Kelly
Commander of the Jacksonville District
United States Army Corps of Engineers
701 San Marco Boulevard
Jacksonville, Florida 32207

**Re: U.S. Sugar's Comments on the Lake Okeechobee System Operating Manual
("LOSOM") Iteration 2**

Dear Colonel Kelly:

Thank you for the work and effort the Corps has exhibited during these last several months in the development of LOSOM. With the Corps announcing its Tentatively Selected Plan ("TSP") on August 9th, and beginning its Iteration 3 analysis thereafter, we appreciate the opportunity to share these comments on behalf of our client, U.S. Sugar, for the Corps' consideration. Please add this comment letter to the LOSOM administrative record.

U.S. Sugar maintains that any LOSOM alternative selected or optimized must restore water supply to the pre-LORS08 performance as the Corps publicly stated it would when LORS08 was developed, if the selected plan is to meet Lake Okeechobee's congressionally authorized project purpose of water supply. Merely improving water supply over the temporary LORS08 schedule fails to meet this purpose. Because only one of the Iteration 2 alternatives restores the pre-LORS08 water supply performance (Alternative BB), U.S. Sugar supports this alternative, and also supports the optimization of any TSP to restore this water supply performance.

Numerous parties have asked the Corps to grant a 90-day period in order to review the Iteration 2 alternatives and the modeling output provided by the Corps and District. The Corps has denied these requests to date, but new information and concerns provide a reasonable basis for the Corps to reconsider the request for more time before starting Iteration 3. Critical to the need for more time are the recently identified modeling and weighting discrepancies that occurred in the Iteration 2 analysis. In recent weeks PDT members have raised concerns that the Iteration 2 modeling is flawed and failed to take the necessary "hard look" comparison of all the alternatives to determine how each performs against all metrics.

The Multi-Criteria Decision Analysis ("MCDA") used by the Corps to evaluate the alternatives over-simplified the LOSOM alternatives analysis, rendering the Iteration 2 results misleading. The metrics used were inappropriate, incomplete, and were improperly weighted to benefit certain metrics, such as St. Lucie discharges, over other metrics that are Lake project purposes. These flaws have resulted in skewed preliminary results that should not form the basis

Colonel Andrew D. Kelly
August 9, 2021
Page 2

for the TSP selection and merit more time to resolve. Proceeding to choose a TSP based on the flawed Iteration 2 analysis, will only lead to an equally flawed TSP and final LOSOM schedule.

Compounding these concerns is the Corps' statements to stakeholders that it does not intend to release the documentation of the RSMBN and RSMGL models, despite requests to do so, that formed the basis of its analysis. Providing additional time now to address the modeling concerns, along with releasing the requested modeling data will help ensure the TSP is selected after all the performance metrics are compared in a fair and unbiased manner, while increasing stakeholders' confidence in the final schedule. Moreover, there is no prejudice to the Corps if additional time is granted. A 3-month addition to the LOSOM timeline does not run afoul of WRDA 2018 or any other requirement for the completion of LOSOM. In fact, more time and disclosure of the requested modeling information is needed to comply with the intent of the National Environmental Policy Act and would result in a better schedule for all stakeholders, which is what we are all seeking.

U.S. Sugar adopts and incorporates the comments made at Project Delivery Team ("PDT") and Sub-Team meetings and in writing and also made during the South Florida Water Management District ("District")'s Governing Board meeting on July 15, 2021 and the District's LOSOM Workshop on June 29, 2021 (both of which included Corps representatives) by representatives of the Lakeside Communities, the comments of Representative Steube, the comments of Ernie Barnett on behalf of the Land Council, the comments of the Florida Fruit and Vegetable Association, the comments of the Florida Department of Agriculture and Consumer Services at the July 12, 2021 PDT meeting and email sent to the Corps on June 3, 2021 transmitting economic data, and numerous other stakeholders interested in assuring water quality treatment and restoring the water supply project purpose, including the City of West Palm Beach, Palm Beach County, Lake Worth Drainage District, and the Seminole Tribe of Florida.

Thank you for considering these comments, and we look forward to continuing to participate in the LOSOM process.

Sincerely,



Luna E. Phillips

cc: Lieutenant Colonel Polk (todd.f.polk@usace.army.mil)
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