



**County Administration**

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West Palm Beach, FL 33402-1989  
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**Palm Beach County  
Board of County  
Commissioners**

Mack Bernard, Mayor  
Dave Kerner, Vice Mayor  
Hal R. Valeche  
Gregg K. Weiss  
Robert S. Weinroth  
Mary Lou Berger  
Melissa McKinlay

**County Administrator**

Verdenia C. Baker

September 18, 2019

Melissa Nasuti  
U.S. Army Corps of Engineers  
Jacksonville District  
701 San Marco Boulevard  
Jacksonville, FL 32207-8175

Dear Ms. Nasuti,

**Subject: Draft Environmental Assessment and Proposed Finding of No Significant Impact for the 2019 Planned Deviation to the Water Control Plan for Lake Okeechobee and Everglades Agricultural Area (LORS2008)**

Palm Beach County is committed to protecting the interests of its residents and the natural environment in which they live and work. Lake Okeechobee is a critical component to achieving environmental restoration, water supply, navigation, agriculture, and tourism and recreation objectives in South Florida. As such, Palm Beach County residents, taxpayers and visitors depend on healthy and predictable lake levels to sustain a robust and diverse economy. Today, Palm Beach County is submitting the attached comments to the U.S. Army Corps of Engineers (Corps) on the subject document, which was made available on August 6, 2019.

Historically, when undertaking actions that significantly affect the environment in this region, the Corps has provided a transparent process that follows National Environmental Policy Act (NEPA) requirements in an open and publicly inclusive manner. Deviations from LORS2008, which have occurred and are planned to occur in the future, will alter the timing and volume of Lake Okeechobee releases and could have significant and long-lasting effects to the South Florida region. Yet the call for comments was rushed and it seems that appropriate steps are being ignored.

To that end, the subject action, as part of the Corps' overall Lake Okeechobee management, does not appear to comport with responsibilities in accordance

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with existing federal law and leaves stakeholders in a state of unpredictability. While we understand the need to mitigate and address impacts from harmful algal blooms, it is imperative that the Corps follows the NEPA process, adheres to adopted regulations, includes the most up to date available data and science and considers both environmental and socio-economic consequences before making final decisions.

Therefore, we request you reconsider your decision to short circuit the approved process to modify LORS2008.

Sincerely,

A handwritten signature in blue ink that reads "Verdenia C. Baker".

Verdenia C. Baker  
County Administrator

Attachment

cc: Colonel Andrew Kelly, U.S. Army Corps of Engineers  
Lt. Colonel Jennifer Reynolds, U.S. Army Corps of Engineers  
Lt. Colonel Todd Polk, U.S. Army Corps of Engineers  
Angela Dunn, U.S. Army Corps of Engineers  
Eric Summa, U.S. Army Corps of Engineers  
Major General Diana Holland, U.S. Army Corps of Engineers  
Major General Scott Spellmon, U.S. Army Corps of Engineers  
Ryan Fisher, Office of the Assistant Secretary of the Army for Civil Works  
Gib Owen, Office of the Assistant Secretary of the Army for Civil Works  
Drew Bartlett, South Florida Water Management District  
Noah Valenstein, Florida Department of Environmental Protection  
Mayor and Members, Palm Beach County Board of County Commissioners  
Members and Alternates, Palm Beach County Water Resources Task Force

Comments on the  
Draft Environmental Assessment and Proposed  
Finding of No Significant Impact for the 2019  
Planned Deviation to the Water Control Plan  
for Lake Okeechobee and Everglades  
Agricultural Area (LORS2008)

**Submitted to:**

Melissa Nasuti

U.S. Army Corps of Engineers

Jacksonville District

701 San Marco Boulevard, Jacksonville, FL 32207-8175

melissa.a.nasuti@usace.army.mil

**Submitted by:**

Palm Beach County



**Prepared by:**

Jeremy McBryan, PE, CFM

County Water Resources Manager

Palm Beach County

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West Palm Beach, Florida 33401

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561-355-4600

**September 18, 2019**

## Introduction

This document provides Palm Beach County's comments on the U.S. Army Corps of Engineers' (Corps) Draft Environmental Assessment (EA) and Proposed Finding of No Significant Impact (FONSI) for the 2019 Planned Deviation to the Water Control Plan for Lake Okeechobee and Everglades Agricultural Area (LORS2008), made available for public comment on August 6, 2019.

## Lake Operations Significantly Affect Palm Beach County

Palm Beach County, with more than 1.4 million residents, is the third most populous county in Florida with an economy sustained by tourism, agriculture, and real estate development. Palm Beach County residents, taxpayers, and visitors depend on healthy and predictable levels in Lake Okeechobee to sustain a robust and diverse economy. Lake Okeechobee is integral to our community and the Corps' management of the Lake affects environmental restoration, water supply, navigation, agriculture, tourism, and recreation priorities in the County and throughout South Florida.

Palm Beach County is committed to protecting the interests of its residents and the natural environment in which they live and work. The County, in collaboration with state and local partners, has invested approximately \$500 million in the acquisition, restoration and management of 32,000 acres of natural areas and approximately \$90 million to restore the Lake Worth Lagoon. In addition, since October 2014, the County has implemented over \$220 million in capital improvements to its water utilities infrastructure, \$45 million of this in the Glades region communities near Lake Okeechobee. The County's forward-thinking approach to water resources is further demonstrated by aggressive implementation of reclaimed water infrastructure which reduces demands on the surficial aquifer.

On March 12, 2019, the Palm Beach County Board of County Commissioners adopted Resolution 2019-0379 (see Appendix 1) opposing drastically lowering Lake Okeechobee to levels not supported by sound science, outlining concerns, communicating priorities, and providing recommendations on Lake Okeechobee operations, in anticipation of the Corps' re-evaluation of Lake operations, referred to as the Lake Okeechobee System Operating Manual (LOSOM). Many of the same issues addressed by the resolution also apply to the proposed deviation.

## Lack of Transparency Suppresses Stakeholder Participation

The County understands the desire to mitigate the impact of harmful algal blooms (HABs) through Lake Okeechobee operations, but the Corps must do so in accordance with the law. Federal law and good governance require the Corps to take a "hard look" at the potential environmental consequences of Lake Okeechobee operations, and that it do so in a transparent manner that involves all stakeholders.

The possible effects of the proposed deviation on the human environment are highly uncertain and involve unique or unknown risks. However, the Corps did not provide sufficient information or analyses to understand, assess, manage or communicate the risks or uncertainties related to

the proposed deviation on environmental resources, water supply reliability, the agricultural sector or the overall economy.

The Corps did not formally or informally engage or coordinate with Palm Beach County prior to developing its proposed operational strategy for 2019 and beyond. Rather, the Corps conceived its strategy behind closed doors without public meetings or notifications and without soliciting public input from stakeholders or affected parties. This approach is unacceptable for a resource as important to the region as Lake Okeechobee.

Moreover, characterization of the Corps proposal as a “deviation” obscures that the Corps in fact proposes a new water control plan for Lake Okeechobee. Because management of the Lake significantly affects the quality of the environment, the Corps must analyze the potential effects of **any** operational protocol prior to its implementation through the National Environmental Policy Act’s (NEPA) environmental impact statement (EIS) process. NEPA mandates a formal process for identification and disclosure of environmental consequences and the involvement of stakeholders to facilitate the federal decision-making process. Anything less leads to uninformed federal decisions.

Palm Beach County supports an open, transparent, and inclusive public process to re-evaluate Lake Okeechobee operations. While the proposed LOSOM process initiated by the Corps in January 2019 appears to be structured to enable adequate technical evaluation and stakeholder input from all affected parties for implementation in 2022, the current planned deviation proposal for Corps operations in 2019 and until LOSOM is finalized circumvents this deliberate planning process and suppresses critical input of stakeholders and affected parties. As evidenced by the record number of comments received during the scoping of LOSOM, the Corps should have anticipated that any change to Lake Okeechobee operations developed without stakeholder participation would be highly controversial.

## Comment Period is Inadequate for Meaningful Review

The Corps developed LORS2008—itsself purporting to be an interim operational protocol—after several years of careful scientific analysis and numerous opportunities for stakeholder participation. In contrast stands the rushed comment period for the Corps’ current proposal. While the federal “Environmental Assessment” process can never substitute for the EIS process required by law for operation of a resource as important as Lake Okeechobee, the time provided for public review of the Corps’ Draft EA and Proposed FONSI is wholly inadequate.

Additional time is needed to understand the complexities of the proposed deviation and any potential water supply problems, ecological consequences, and other impacts to the region. As such, on behalf of the Board of County Commissioners and the more than 1.4 million residents of Palm Beach County, the County respectfully requested that the 15-day comment period be extended to a minimum of 60 days via a letter dated August 7, 2019 (see Appendix 2). The Corps ultimately extended the comment period to September 20, 2019 for a total comment period of 45 days.

## Lake Operations Will be Unpredictable for the Foreseeable Future

Increased operational flexibility to avoid and minimize risk related to HABs is reasonable in concept. However, the Corps proposes such broad flexibility that will result in the Lake being operated with little to no predictability for the foreseeable future. The below excerpts from the Draft EA provide examples of why it is difficult for Palm Beach County to decipher exactly what is being proposed, how and when operations will be implemented, and what environmental impacts will result:

- “The planned deviation would be implemented as soon as possible, but action may not be taken immediately and would depend on conditions set forth in the operational strategy.” (page 1-11)
- “This deviation will be in effect for a minimum duration of one year.” (page 1-11)
- “...hydrometeorological conditions and stakeholder or agency input may suspend or discontinue the planned deviation due to impacts greater than expected/discussed within this EA.” (page 1-11)
- “This deviation may be terminated at any time.” (page 1-11)
- “Reevaluation of and possible extension of the planned deviation will occur after year one of implementation...” (page 1-11)
- “The planned deviation may be extended until LORS 2008 is replaced by a new water control plan (LOSOM) anticipated in 2022.” (page 1-11)

Palm Beach County residents, taxpayers, and visitors depend on predictable and reliable water supplies to sustain a robust and diverse economy. If western Palm Beach’s County’s water supply were negatively affected due to Lake Okeechobee operations, the agricultural-based economy in the Glades region would be crippled. Previous drought conditions have resulted in significant economic losses suffered by Lake Okeechobee-area tourism and recreation industries. Motels, fishing guides, ecotour operators, marinas, and other small businesses are not able to withstand sustained periods of low revenues, which typically results in employee layoffs and periodically results in the closing of small businesses.

## Federal Discretion Will Displace State Decision-Making

The Corps proposes broad flexibility to make federally-initiated operating decisions for Lake Okeechobee based on, essentially, water quality conditions. This represents a substantial departure from LORS2008. Under LORS2008, the South Florida Water Management District (SFWMD), acting on behalf of the State of Florida, petitions the Corps to change operations where water quality benefits may be achieved without significant loss of benefits to the Congressionally-authorized purposes for which the Corps operates the Lake. It is unclear what new authority affords the Corps discretion to supplant state-initiated and accountable operating flexibility in response to water quality conditions.

## Environmental Assessment Process is Inappropriate

The Corps last prepared an EIS for Lake Okeechobee operations in 2007, prior to adopting LORS2008. Because the Corps' Lake operations are ongoing, federal law imposes a continuing duty on the Corps to supplement its existing EIS in two circumstances. Both apply to the current proposal and stand in contrast to the Corps' preparation of a Draft EA.

First, the Corps must prepare a supplemental EIS in response to significant new circumstances or information relevant to environmental concerns associated with Lake operations. For years, some stakeholders suggested that the 2007 EIS did not accurately forecast the environmental harm caused by Lake operations that those stakeholders subsequently experienced in their communities. Other stakeholders are currently litigating that the passage of time and new data gathered since preparation of the 2007 EIS have rendered the Corps' previous analysis outdated. The Corps' proposal to deviate from its decade-old operational protocol (i.e. LORS2008) suggests the existence of new circumstances and information relevant to environmental concerns associated with Lake operations. Consequently, the Corps must supplement its 2007 EIS.

Second, the Corps must prepare a supplemental EIS where the agency proposes a substantial change in its ongoing federal action. A proposed change in Lake operations is substantial if environmental consequences associated with the operational change were not considered in the original process and are not documented in the original EIS. The Corps implicitly concedes that the environmental consequences of its proposal are not considered in the original EIS because it prepared a Draft EA instead of relying on the 2007 EIS. This demonstrates that the proposed change in operations is substantial as a legal matter. Consequently, the Corps must supplement its 2007 EIS.

## Environmental Impacts Analysis is Deficient

### No Hydrologic or Ecosystem Modeling Performed

The Draft EA does not provide sufficient technical information on potential environmental consequences associated with the proposed deviation. The Corps did not conduct or present any long-term regional hydrologic or ecosystem modeling in the Draft EA. In addition, the Corps did not provide any hydrologic or ecosystem performance measure evaluation results. Therefore, conclusory statements included in the Draft EA regarding potential environmental impacts do not appear to be scientifically-based or justified by any technical analysis.

### Impacts to the Lake Worth Lagoon Not Evaluated

Palm Beach County, in collaboration with state and local partners, has invested approximately \$90 million to restore the Lake Worth Lagoon, including the construction of mangrove islands, living shorelines, and artificial reefs. Palm Beach County is concerned that the Corps conducted no technical analysis to assist in understanding the potential consequences of the proposal on the Lake Worth Lagoon.

Page 2-2 of the Draft EA states: “Once the Corps determines that releases should be made south from the lake, the quantity and exact timing of those releases are determined by the SFWMD.” If the SFWMD determines the quantity and exact timing of Lake flows to the south, it is unclear how the Corps determined the potential environmental impacts from sending flows south for its proposal. Further, the conclusion on page 2-3 that “there is minimal risks associated with sending water south when blooms are occurring” is incorrect. In the past, the SFWMD has avoided sending water with algal bloom conditions into the Everglades Stormwater Treatment Areas (STAs). In many instances, this decision resulted in additional flows to the Lake Worth Lagoon with algal bloom conditions.

It is unfortunate that canals connected to Lake Okeechobee within Palm Beach County (e.g. Miami, North New River, Hillsboro, West Palm Beach, L-8, and C-51 Canals) and the Lake Worth Lagoon Estuary are not included in the areas that would initiate a Lake Okeechobee deviation if HABs are present, forecasted, or have occurred. This approach conveys that the Corps did not consider Palm Beach County Canals and the Lake Worth Lagoon in the overall approach to Lake operations or the environmental impacts analysis.

### Impacts to Water Supply Not Evaluated

The Draft EA does not include any technical information or performance measures to evaluate water supply performance, restrictions, or cutbacks. Evaluations related to Lake Okeechobee operations should include information to enable understanding of the frequency and severity of water use restrictions/cutbacks on public water supply utilities and existing legal users. For example, the Corps should have evaluated water supply performance measures to determine whether proposed Lake operations provide a 1 in 10 level of drought protection for existing legal users and ensure those protections exist in order to fulfill the commitments of previous regional planning efforts.

Section 1.2 (Project Location) and Figure 1-1 downplay the impact of Lake Okeechobee on the Everglades Agricultural Area (EAA), the Water Conservation Areas (WCAs), the City of West Palm Beach and the Lake Worth Lagoon. However, Lake Okeechobee operations are fundamental to achieving the State of Florida’s water supply allocations, which includes delivering water to the EAA and the WCAs. This fact must be recognized. For example, the City of West Palm Beach’s primary source of drinking water is surface water that flows directly from Lake Okeechobee to its surface water reservoir (aka Grassy Waters Preserve) via the L-8 and M Canals. The Draft EA does not include any technical information or performance measures to evaluate the potential environmental effects within Grassy Waters Preserve.

### Impacts of Saltwater Intrusion Not Evaluated

Lake Okeechobee is essential to protecting the region’s water supply infrastructure from saltwater intrusion by providing a source of freshwater to prevent the migration of saltwater into coastal wellfields. Palm Beach County is concerned about Lake Okeechobee operations that could result in increased risk of saltwater intrusion into coastal wellfields which would cause irreversible damage to freshwater supplies, affect the health and safety of residents, and result



in the need for massive alternative water supply infrastructure investments. The Draft EA does not include any performance measures to evaluate saltwater intrusion. The Corps should evaluate any proposed changes to Lake Okeechobee operations with performance measures that ensure improved levels of protection against saltwater intrusion and maintain the hydraulic gradient necessary to prevent saltwater intrusion into coastal wellfields.

### Impacts to Lake Okeechobee Levels Not Sufficiently Evaluated

Page 1-3 of the Draft EA states that LORS2008 intends to maintain “a lake level in the preferred range of 12.5 and 15.5 feet, NGVD.” Page 2-6 states “The benefits of seasonally variable water levels within the range of 12.5 feet, NGVD (June-July low) and 15.5 feet, NGVD (November-January high) on the plant and animal communities of Lake Okeechobee has been documented (RECOVER 2007b).”

Then page 2-7 of the Draft EA states “HAB operations would not result in more frequent or prolonged departures of lake stage outside of the prescribed envelope nor increase the occurrence of extreme high and low lake stage events as compared to LORS.” However, the Corps provides no long-term hydrological modeling, performance measures or other technical information in the Draft EA to support any of these statements. Lake level projections should be prepared and summarized for all alternatives in the Draft EA.

### Impacts to Stormwater Treatment Areas Not Sufficiently Evaluated

As the Draft EA correctly states on page 4-11, the Everglades STAs are currently designed to receive an annual average volume of approximately 60,000 acre-feet per year of Lake Okeechobee regulatory releases. However, since Water Year (WY) 2014 (May 1, 2013 – April 30, 2014), total annual Lake releases south to the STAs have ranged from a low of 159,500 acre-feet in WY2018 to a high of 586,400 acre-feet in WY2015 for an average of 322,000 acre-feet, far beyond the 60,000 acre-feet that LORS2008 envisioned.

Due to this recent operational history, which is significantly different than what was assumed in LORS2008, the statement on page 4-11 of the Draft EA that Lake Okeechobee deliveries to the STAs “above design treatment capacity is not expected to change” from the No Action Alternative (i.e. LORS2008) does not appear appropriate. If large volumes of Lake flows continue to be conveyed south to the STAs, achieving permit-mandated Everglades water quality requirements will be very challenging. Flows and loads simulated to be conveyed south to the STAs should be prepared and provided for all alternatives in the Draft EA.

### Impacts to Water Conservation Areas Not Sufficiently Evaluated

Page 2-1 of the Draft EA states: “Maximum practicable relates to the capacity in the Miami River, North New River, and Hillsborough canals to deliver water south while still providing the authorized flood control and the capacity in the state of Florida STAs to meet downstream water quality standards.” The Corps then concludes: “No impacts to the WCAs are anticipated for HAB operations.” However, the Corps presents no technical analyses to justify the above statements.

Flows and loads simulated to be conveyed south to the WCAs should be prepared and provided for all Alternatives in the Draft EA.

## Water Banking Introduces Additional Uncertainty

The concept of water banking introduces additional uncertainty and discretionary interpretation by water managers that can result in significant shifts in the timing of water deliveries and could result in negative ecological, water supply and socio-economic consequences. In addition, the arbitrary 12-month duration (February – January) proposed to track and/or bank Lake releases is inadequate and does not appropriately account for longer term multi-seasonal hydrologic variability and resultant impacts that can occur beyond a 12-month timeframe.

Page 2-2 of the Draft EA states “Tracking and banking these release[s] is intended to maintain all project purposes of Lake Okeechobee to the same levels as the 2008 LORS.” However, no technical information or long-term hydrologic modeling results are presented to support this conclusion, therefore, the potential impacts were not adequately evaluated in the Draft EA.

In addition, the concept of a water bank and make-up releases was utilized unsuccessfully in the past by the Corps, primarily due to confusion over definitions and implementation which left Corps operations staff ultimate discretion over interpretation of what was meant and how water was managed. More defined and strict protocols must be prepared to guide operations and enable the required impact evaluations.

Regarding the release of banked water from Lake Okeechobee, page 2-3 of the Draft EA states “[r]eleases may be done east, west, or south depending on where releases could be beneficial or have minimal impacts.” As stated previously, no technical information on potential impacts to the Lake Worth Lagoon is provided in the Draft EA related to banked Lake releases. Due to the lack of specific guidance regarding releases of banked Lake water, Palm Beach County is concerned that banked Lake releases will be conveyed to the Lake Worth Lagoon at flow rates that are undesirable and without appropriate stakeholder engagement or coordination.

## Economic Impacts Not Evaluated

The socioeconomic consequences summarized in the Draft EA are contradictory and are focused entirely on economic losses associated with HABs that have occurred in the St. Lucie and Caloosahatchee estuaries and within the Lake. For example, page 4-13 of the Draft EA states “...the number and duration of HABs in Lake Okeechobee is not expected to change as a direct result of...” the proposed deviation. Yet, page 4-13 of the Draft EA states that the proposed deviation will have “[p]otential negligible to minor beneficial effects” to socioeconomics and “...is expected to reduce economic losses that could result from HABs.” Unfortunately, no technical information is provided to justify these statements.

Palm Beach County is a leading tourist destination for visitors from around the world and leads the state in agricultural productivity. In fact, Palm Beach County is one of the top 10 agricultural

producing counties in the nation with over \$2.5 billion in economic activity. Palm Beach County is concerned that the Corps conducted no technical analyses to assist in understanding the potential economic consequences of the proposal on agricultural- and recreation-based businesses. The Corps should evaluate and present this information to enable stakeholders to understand the potential for additional restrictions on agricultural activities, navigation and recreational and commercial fishing. Proposed operations should minimize economic impacts to the agricultural sector as well as small businesses such as marinas, fishing guide services, and the hospitality industry.

## Comprehensive Strategy Needed

Excess freshwater during the wet season and inadequate freshwater during the dry season along with excess nutrients in surface water bodies is a widespread, complex, multi-dimensional problem that requires focused investment and regional-scale and local-scale water storage infrastructure and water quality treatment strategies. The Comprehensive Everglades Restoration Plan (CERP) is the roadmap to addressing these issues. However, the pace of CERP implementation has been disappointingly slow, with many projects delayed indefinitely or reformulated with reduced scopes. In addition, project elements with desirable benefits that were approved as part of the original plan are routinely screened out due to projected costs or self-imposed planning schedule constraints.

No estuary or community should have to endure short-term HAB conditions or long-term water quality degradation that have resulted due to the cumulative impacts of decades of excess stormwater flows via the regional water management system. Unfortunately, instead of looking toward a comprehensive regional strategy, much recent discussion has focused on drastically lowering Lake Okeechobee in an attempt to implement zero Lake discharges to the St. Lucie estuary. This approach creates unrealistic expectations as Lake Okeechobee operations cannot resolve the region's water resources challenges by itself.

Instead of proactively focusing on and expediting comprehensive regional water storage and water quality improvement strategies, pursuing reactionary Lake Okeechobee operational deviations with unknown consequences is problematic. While some reductions to the coastal estuaries may be possible by reducing Lake Okeechobee water levels, the risk to public water supplies, and related economic impacts to South Florida communities that would result, changes the balance of the Central & South Florida Flood Control Project's and Lake Okeechobee's multiple authorized purposes.

Palm Beach County supports the implementation of water storage and water quality treatment projects in Lake Okeechobee tributary basins north of Lake Okeechobee. Unfortunately, the state of Florida's activities to implement water quality projects north of Lake Okeechobee appear to be stalled. In addition, legacy nutrients within Lake Okeechobee need to be addressed. While not necessarily a responsibility of the Corps, the ramifications of the lack of water quality progress north of and within Lake Okeechobee ultimately impacts all communities that rely on or receive Lake Okeechobee discharges.

Given the hundreds of millions of dollars appropriated and expended for CERP and Herbert Hoover Dike repairs, it is impossible to decouple Lake Okeechobee operations from Everglades Restoration. However, Palm Beach County is concerned that future Lake Okeechobee operations will erode CERP's intent and the state of Florida's legal obligation to ensure the provision of water supply and flood control.

## Conclusion

Lake Okeechobee is a critical component in achieving environmental restoration, water supply, agriculture, tourism, and recreation objectives in South Florida. The Lake is essential and interconnected to communities, businesses, public water supplies, and ecosystems in Palm Beach, Broward, and Miami-Dade Counties as well as many others. Palm Beach County residents, taxpayers and visitors depend on healthy and predictable lake levels to sustain a robust and diverse economy. Palm Beach County looks forward to receiving additional information from the Corps to address the proposal's deficiencies and participating in a transparent public process to better understand the proposed deviation and potential environmental impacts.

## Appendix 1:

### Palm Beach County Board of County Commissioners Resolution 2019-0379

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ON THE RE-EVALUATION OF LAKE OKEECHOBEE OPERATIONS BY THE U.S. ARMY CORPS OF ENGINEERS PURSUANT TO THE NATIONAL ENVIRONMENTAL POLICY ACT ASSESSMENT FOR THE LAKE OKEECHOBEE SYSTEM OPERATING MANUAL**

**WHEREAS**, Lake Okeechobee is the liquid heart of an integrated regional water management system and is essential and interconnected to communities, businesses, public water supply utilities and ecosystems throughout Palm Beach County; and

**WHEREAS**, Lake Okeechobee is an integral component of the Comprehensive Everglades Restoration Plan (CERP) and is critical to meeting the environmental restoration and water supply needs of South Florida; and

**WHEREAS**, Lake Okeechobee is essential to protecting the region's water supply infrastructure from saltwater intrusion by providing a source of freshwater to prevent the migration of saltwater into coastal wellfields; and

**WHEREAS**, Lake Okeechobee's authorized project purposes include flood control, water supply, recreation, navigation, environmental effects to fish and wildlife, and cultural and recreational resources; and

**WHEREAS**, Section 1106 of the 2018 Water Resources Development Act (WRDA) directs the Secretary of the Army to expedite completion of the Lake Okeechobee regulation schedule to coincide with completion of the Herbert Hoover Dike project, and may include all relevant aspects of the CERP; and

**WHEREAS**, in January 2019, the County received notice from the U.S. Army Corps of Engineers (Corps) that, in accordance with Section 1106 of the 2018 WRDA, the Corps is beginning preparation of a National Environmental Policy Act (NEPA) assessment for the Lake Okeechobee System Operations Manual (LOSOM), which is to re-evaluate and define operations for the Lake Okeechobee regulation schedule that takes into account nearly complete additional infrastructure which will soon be operational components of the water management system; and

**WHEREAS**, rehabilitation activities on Lake Okeechobee's Herbert Hoover Dike by the Corps began in 2001 and are expected to be complete by 2022; and

**WHEREAS**, the Lake Okeechobee Regulation Schedule of 2008 (LORS08) was implemented as an interim measure to protect the public from the risk of catastrophic failure of the Herbert Hoover Dike; and

**WHEREAS**, Palm Beach County, in partnership with state and local partners, has invested over \$500 million in the acquisition, restoration and management of approximately 32,000 acres of natural areas and invested approximately \$88 million to restore the Lake Worth Lagoon; and

**WHEREAS**, Palm Beach County wishes to provide direction as to which measures that Palm Beach County supports and opposes in the Lake Okeechobee operations re-evaluation process and the resultant LOSOM.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA**, that the Board hereby *supports* the following as it relates to the re-evaluation of Lake Okeechobee operations by the Corps:

1. A science-based evaluation that is transparent and acknowledges and balances all congressionally-authorized purposes of Lake Okeechobee operations; and
2. Performance measures that appropriately and accurately characterize impacts to all communities as it relates to water supply, the environment, and the economy; and
3. The incorporation of data and methods to ensure proposed operations improve lake ecology, protect water supplies and are robust and resilient to expected climatic variability; and

4. The implementation of water storage and water quality treatment projects in Lake Okeechobee tributary basins north of the Lake; and
5. Lake Okeechobee operations that reduce flood risk and flood insurance premiums for residents and businesses in the Glades communities located southeast of Lake Okeechobee; and
6. Lake Okeechobee operations that assist in achieving restoration flows and other key ecosystem goals, including performance measures developed by CERP's Restoration Coordination & Verification (RECOVER) program; and
7. The avoidance and/or minimization of Lake Okeechobee discharges to the Lake Worth Lagoon and the Loxahatchee River; and
8. Reductions in water use restrictions and cutbacks on public water utilities and existing permitted users, as compared to those which occur under LORS08.

**AND BE IT FURTHER RESOLVED** that the Board *opposes* the following as it relates to the re-evaluation of Lake Okeechobee operations by the Corps:

1. Drastically lowering Lake Okeechobee to levels not supported by sound science (e.g. 10.5 feet) which would induce drought conditions, impact the ability to deliver water to critical ecosystems, and result in significant environmental damage; and
2. Lake Okeechobee operations that result in increased risk of saltwater intrusion into coastal wellfields which would cause irreversible damage to freshwater supplies, affect the health and safety of residents, and result in the need for massive alternative water supply infrastructure investments; and
3. Lake Okeechobee operations that result in restrictions on recreational and commercial fishing, which would impact small businesses such as marinas, fishing guide services and the hospitality industry.

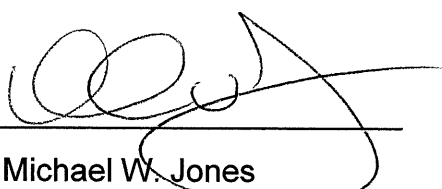
This Resolution shall become effective immediately upon its adoption.

The foregoing resolution was offered by Commissioner McKinlay, who moved its adoption. The motion was seconded by Commissioner Weiss, and upon being put to a vote, the vote was as follows:

MACK BERNARD, Mayor	-	Aye
DAVID KERNER, Vice Mayor	-	Aye
COMMISSIONER HAL R. VALECHE	-	Aye
COMMISSIONER GREGG K. WEISS	-	Aye
COMMISSIONER ROBERT S. WEINROTH	-	Aye
COMMISSIONER MARY LOU BERGER	-	Aye
COMMISSIONER MELISSA MCKINLAY	-	Aye

The Mayor thereupon declared the resolution duly passed and adopted on this 12th day of March, 2019.

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

BY:   
Michael W. Jones  
Senior Assistant County Attorney

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS  
SHARON R. BOCK, CLERK

BY:   
Deputy Clerk



## Appendix 2:

# 2019 Planned Deviation Comment Period Extension Request dated August 7, 2019





**County Administration**

P.O. Box 1989  
West Palm Beach, FL 33402-1989  
(561) 355-2030  
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Melissa McKinlay

**County Administrator**

Verdenia C. Baker

August 7, 2019

Angela E. Dunn  
Chief, Environmental Branch  
U.S. Army Corps of Engineers  
Jacksonville District  
701 San Marco Boulevard  
Jacksonville, FL 32207

Dear Ms. Dunn:

**Subject: 2019 Planned Deviation to the Water Control Plan for Lake Okeechobee and Everglades Agricultural Area (LORS2008)**

Lake Okeechobee is a critical component in achieving environmental restoration, water supply, agriculture, tourism, and recreation objectives in South Florida. It is essential and interconnected to communities, businesses, public water supplies, and ecosystems. Palm Beach County residents, taxpayers, and visitors depend on healthy and predictable lake levels to sustain a robust and diverse economy.

The U.S. Army Corps of Engineers has not formally or informally engaged or coordinated with Palm Beach County on the proposed Lake Okeechobee deviation. As evidenced by the record number of comments received during scoping of the Lake Okeechobee System Operating Manual, any proposed deviation to Lake Okeechobee operations will be highly controversial. In addition, a deviation to Lake Okeechobee operations has the potential to significantly affect the environment, water resources and economy of South Florida.

A 15-day review and comment period for a Draft Environmental Assessment and Proposed Finding of No Significant Impact for a resource as important as Lake Okeechobee is wholly inadequate. On behalf of the Board of County Commissioners and the more than 1.4 million residents of Palm Beach County, I respectfully request that the 15-day comment period be extended to a minimum of 60 days.

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Additional time is needed to understand the complexities of the proposed deviation and any potential water supply problems, ecological consequences to the Lake Worth Lagoon, and impacts to the region's economy.

Sincerely,

A handwritten signature in blue ink, appearing to read "Verdenia C. Baker", is written over the word "Sincerely,".

Verdenia C. Baker  
County Administrator

cc: Andrew Kelly, U.S. Army Corps of Engineers  
Jennifer Reynolds, U.S. Army Corps of Engineers  
Melissa Nasuti, U.S. Army Corps of Engineers  
Eric Summa, U.S. Army Corps of Engineers  
Drew Bartlett, South Florida Water Management District  
Mayor and Members, Palm Beach County Board of County Commissioners  
Members, Palm Beach County Water Resources Task Force