



# Southeast Florida Utility Council

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February 24<sup>th</sup>, 2020

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

Dear Congresswoman Frankel:

**SUBJECT: CERP 'Savings Clause' and WRDA 2020**

On behalf of the Southeast Florida Utility Council (SEFLUC), I wanted to extend my appreciation to you for attending the February 3, 2020 meeting with the City of West Palm Beach, our Utility Council representative, other water users, and the U.S. Army Corps of Engineers (USACE) and South Florida Water Management District.

As described in the attached letter to Colonel Kelly, we have significant concerns with the USACE's 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) and that LORS08 is being used as the baseline condition. Additionally, the Corps recently opened a public comment period regarding the proposed EAA Reservoir Project. The EAA Reservoir Project's technical analysis is similarly flawed in that it relies on the LORS08 baseline condition which threatens water availability; as such this letter and attachment will be submitted to the Corps in that forum.

SEFLUC certainly continues its strong support for ecosystem restoration and the overall CERP program. However, the USACE's position is contrary to CERP's objectives of restoring the environment while also providing for the water-related needs of south Florida. The CERP Savings Clause was a critical component of WRDA2000, codified in both federal and state law, providing assurances that water needed for CERP ecosystem restoration purposes would not be taken away from existing legal water users unless and until a new source of water supply was made available. In essence, CERP projects are to be built and relied upon to provide the new water needed for environmental restoration.

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. We would encourage and support clarifying language be included in WRDA2020 to ensure these essential protections remain intact. Thank you for your consideration.

Sincerely,

Todd Hiteshew  
Chair, Southeast Florida Utility Council

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

C: Major General Scott Spellmon, USACE  
Lt. General Todd Semonite, USACE  
Col. Andrew Kelly, USACE  
Drew Bartlett, SFWMD  
SFWMD Governing Board