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April 28, 2020

VIA EMAIL ONLY:

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The Honorable Alcee Hastings
United States House of Representatives, District FL-20
2447 Rayburn House Office Building
Washington, D.C. 20515

Re: Request to Protect Florida's Critical Water Supply from Lake Okeechobee

Dear Representative Hastings:

We write to you during this unprecedented global emergency requesting your help in protecting Florida's critical water supply in Lake Okeechobee, because the U. S. Army Corps of Engineers (Corps) is failing to do so. The undersigned represent a diverse group of stakeholders, businesses, and communities that all rely on water from Lake Okeechobee for our businesses, for the well-being of our communities, and the enjoyment and restoration of our natural environment.

In 2000, Congress passed the Water Resources Development Act ("WRDA 2000") authorizing an ecological restoration plan for America's Everglades ecosystem. Today, we know it as the Comprehensive Everglades Restoration Plan ("CERP"). CERP directed the Corps and State of Florida, as the local sponsor, to restore our natural environment, *while* providing for our water-related needs, including water supply for people and businesses. CERP was historic. It passed after the State of Florida, the Corps, and diverse businesses, municipalities, farmers, and environmental groups spent nearly a decade developing it. Many of the undersigned were involved in the passage of CERP and all of us are committed to its success.

We recently learned though that the Corps is ignoring a critical feature of WRDA 2000, the Savings Clause¹. The Savings Clause directs the Corps to protect the water supply that was in place in 2000, as it restores the environment. When Congress passed WRDA 2000, it included Lake Okeechobee as part of WRDA 2000. This was an essential element then, and it is just as important now.

Today, 20 years after Congress spoke, the Corps' position is that it will not protect the legal uses of water in place in 2000. Instead, it intends to permanently consign us to the diminished supply available when the Lake was lowered temporarily to repair the dike. The Corps claims that the Lake is not part of WRDA 2000 and, therefore, the water supply protections in the Savings Clause will not apply. This position is not supported by WRDA 2000 and betrays the promises the Corps made to us in 2000. The Corps seeks to unilaterally free itself of complying with WRDA 2000. If allowed to do so, Florida's existing and future water supply will be jeopardized at a time when we need assurances that sufficient water will be available for everyone.

¹ Section 601(h)(5) of Public Law 106-541.