

April 28, 2020

Representative Lois Frankel
The United States House of Representatives
2305 Rayburn House Office Building
Washington, DC 20515

Subject: U.S. Army Corps of Engineers Comprehensive Everglades Restoration Plan Mandate to Protect Water Supply from Lake Okeechobee for Florida's Citizens and the Natural System

Dear Representative Frankel;

On behalf of the Nature Conservancy, Florida Chapter, thank you for your tireless work to protect Florida and our nation during this time of crisis. We recognize the personal sacrifice you are all making to continue serving this country and doing all that you can to protect the health and well-being of all Americans. The citizens of our state and our country are experiencing an unprecedented level of stressors that will linger long after the immediate crisis we are now facing abates. It is why we are writing to you now about potential long -term consequences of the U.S. Army Corps of Engineers (USACE) choice to inadequately protect water supply for South Florida's growing economy and for nature, the source of that supply.

Florida is undertaking one of the most comprehensive ecological restoration projects in our nation – the restoration of America's Everglades as set forth in the Comprehensive Everglades Restoration Plan (CERP). Lake Okeechobee, known as the "liquid heart" of the Everglades, is a key source of water supply for the State -owned Everglades known as the Water Conservation Areas (WCAs). The WCAs in turn supply water for the communities of Florida's lower east coast. The health of the natural system is therefore integrally linked to sufficient water supply for the millions of citizens of South Florida.

Led by the USACE, the support for CERP was unprecedented – a coalition of stakeholders representing state agencies, environmental groups, businesses, agriculture, and municipalities worked together to develop the projects and principles that were ultimately adopted in the Water Resources Development Act of 2000. One of the key principles adopted into CERP was the concept that as restoration occurred, careful consideration would be given to protecting water supply both for nature and people. This concept was memorialized in CERP as the Savings Clause.

The USACE has consistently applied the Savings Clause requirements to CERP projects. The Corps is now in the process of updating Lake Okeechobee operations. The USACE has determined the Savings Clause is not applicable to Lake Okeechobee operations, despite the fact that lake operations are a critical component of CERP implementation. Key CERP projects cannot function effectively without being linked to Lake operations, including projects that are currently under construction and are being included in the Lake Okeechobee operations update. We believe that the USACE's failure to apply the Savings Clause will have unintended consequences for both natural systems downstream of the Lake and for Lower East Coast water supply– both of which rely on water from the Lake, particularly under dry season and drought

conditions. Moreover, we are concerned that the USACE's failure to apply the Savings Clause will undermine the coalition that is critical for successful CERP implementation.

We strongly believe that the USACE must follow the CERP requirements and apply the Savings Clause as it updates Lake Okeechobee operations. We are asking Congress to make its intent clear by amending existing statutory language about Lake Okeechobee operations. Our suggested changes are included below.

Thank you for your consideration of this important change to protect the Everglades and the water supply for the people of South Florida.

Warm Regards,



Temperince Morgan
Executive Director

Amendment Language:

Section 1106 of the Water Resources Development Act of 2018 (132 Stat. 3773) is amended to read as follows:

Sec. 1106. Lake Okeechobee Regulation Schedule Review.

The Secretary shall expedite completion of the Lake Okeechobee regulation schedule to coincide with the completion of the Herbert Hoover Dike project, and ~~may consider~~ **shall incorporate** all relevant aspects of the Comprehensive Everglades Restoration Plan described in section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680), **including the provisions of section 601 (h)(5) Savings Clause.**"