

January 21, 2022

Via electronic mail: james.l.booth@usace.army.mil

Col. James L. Booth, Commander
U.S. Army Corps of Engineers
Jacksonville District
701 San Marco Blvd.
Jacksonville, FL 32207

Dear Col. Booth:

After three long years, the Lake Okeechobee System Operating Manual (LOSOM) process is nearing the finish line.

However, we're concerned the rules of the game are being changed.

During this process, we and other stakeholders have labored under the assumption that while the State of Florida determines where the Water Shortage Management Line is, and the U.S. Army Corps of Engineers would defer to the state below that line, the Corps would dictate Lake Okeechobee operations at higher levels.

Now, suddenly, water-supply interests are clamoring for greater state authority, demanding the Corps defer to state water managers when Lake Okeechobee levels are within 1.5 feet above the Water Shortage Management Line. This 1.5-foot "buffer" would, for all intents and purposes, create a new operational zone. That, in turn, would almost certainly result in more water being held in the lake than is necessary, which in turn could contribute to higher, ecologically damaging lake levels — and a greater chance of destructive, algae-laden discharges to the northern estuaries.

We are unaware of any scientific bases for this eleventh-hour request from the South Florida Water Management District (SFWMD) made at the Jan. 12, 2022, LOSOM PDT meeting. Moreover, this proposed change to managing water in the lower end of the schedule was not included in the current modeling effort. It is likely to result in reduced dry-season beneficial flows south to the Everglades and west to the Caloosahatchee Estuary, due to political pressure on state officials from industrial agriculture to over-deliver for their water supply.

We write today to urge the Corps to retain its authority over water management decisions in Zone D, all the way down to the Water Shortage Management Line. Below that line, we understand and expect the State of Florida to have authority over lake outflows so it can meet the needs of permitted and legal users — but not above it.

During the Jan. 12, 2022, LOSOM PDT meeting, John Mitnik — speaking on behalf of Drew Bartlett of the South Florida Water Management District — stated the state “is asking for explicit reliance on the District to guide operational decisions when Lake stages are at or below 1.5 feet above the Water Shortage Management Band.” While we support state input into operational decisions at all lake levels, “explicit reliance” goes too far.

Our concerns often focus on the effect of lake discharges and harmful algal blooms on the northern estuaries, but lake ecology will certainly suffer if “conservation mode” — which conserves irrigation water for industrial agriculture — keeps more water in the lake than necessary. Although the SFWMD is not requesting conservation mode per se, it’s reasonable to anticipate a de facto “conservation mode” would result if SFWMD retains control over lake flows within the requested 1.5-foot buffer zone above the Water Shortage Management Band.

Army Corps modeling data shows that under the proposed LOSOM plan, Lake Okeechobee would be above 16 feet roughly 18% of the time under the preferred alternative condition. But if discharges south are maintained throughout Zone D, that figure drops to 17.7%; if discharges to the south and west to the Caloosahatchee continue down to the Water Shortage Management Line, that figure falls to 15.4%.

Removing water-conservation mode is undeniably advantageous to the health of the lake — and, therefore, to the communities that rely on a healthy lake as well. The Corps has the authority to make this improvement, by retaining control above the Water Shortage Management Band.

Removing “conservation mode” also would reduce flows to the St. Lucie River and Lake Worth Lagoon, boost optimal events for the Caloosahatchee and increase flows south to the Everglades by some 30,000 acre-feet per year. This benefits a majority of stakeholders.

By contrast, should the Corps cede control to SFWMD whenever the lake is 1.5 feet above the Water Shortage Management Band, LOSOM is far more likely to over-deliver for water supply — at the expense of virtually everyone else. For example, we are concerned about a scenario in which dry-season flows to the Caloosahatchee estuary would be reduced, causing significant harm to the resource, without restricting consumptive uses. This should be avoided. Additionally, SFWMD Adaptive Protocols, adopted in 2012, have not been updated to address current conditions and state regulatory rule changes.

Perhaps today’s leadership at the SFWMD would strive to maintain dry-season environmental flows, but SFWMD leadership changes almost every election cycle. We should not allow politics to threaten the potential success of LOSOM.

This is not the “balance” all involved have spent years seeking. And this last-second attempt to create a new zone is hardly fair to the majority of stakeholders — not to mention the Corps and its dedicated, hard-working staff.

As such, we urge you to reject these calls to relinquish so much control over LOSOM, which the Corps has worked to ensure would be as fair as possible to as many as possible — rather than those select few who try to change the rules of the game as the clock winds down.

We look forward to continuing to work with you on a LOSOM plan that brings greater protections to the environment and public health. Thank you for your consideration.

Respectfully,

John Cassani
Calusa Waterkeeper

James Evans, Chief Executive Officer
Sanibel Captiva Conservation Foundation

Eve Samples, Executive Director
Friends of the Everglades

Nicole Johnson
Director of Environmental Policy
Conservancy of Southwest Florida

Mark Perry, Executive Director
Florida Oceanographic Society

CC:

Brigadier General Jason E. Kelly, U.S. Army Corps of Engineers
Governor Ron DeSantis
Chauncey Goss, Governing Board Chairman, South Florida Water Management District
Ron Bergeron Sr., Governing Board, South Florida Water Management District
Benjamin Butler, Governing Board, South Florida Water Management District
Carlos “Charlie” E. Martinez, Governing Board, South Florida Water Management District
Cheryl Meads, Governing Board, South Florida Water Management District
Charlette Roman, Governing Board, South Florida Water Management District
Jay Steinle, Governing Board, South Florida Water Management District
Jacqui Thurlow-Lippisch, Governing Board, South Florida Water Management District
Scott Wagner, Governing Board, South Florida Water Management District
Drew Bartlett, Executive Director, South Florida Water Management District