



October 7, 2020

Chairwoman Grace F. Napolitano and Ranking Member Bruce Westerman  
Subcommittee on Water Resources and Environment  
Committee on Transportation and Infrastructure  
2165 Rayburn House Office Building  
Washington, DC 20515-6256

**RE: Hearing on Comprehensive Everglades Restoration Plan and Water Management in Florida**

Dear Chairwoman Napolitano and Ranking Member Westerman,

I am submitting this letter on behalf of the Southeast Florida Utility Council (SEFLUC) regarding your recent September 24, 2020 hearing on the Comprehensive Everglades Restoration Plan (CERP) and Water Management in Florida. SEFLUC represents potable water providers throughout South Florida serving over six million people. SEFLUC's mission is to provide a communications, networking, and support structure to allow member utilities to continue to provide superior-quality water supply and wastewater management services to their customers in a cost-effective manner.

CERP and the management of the Central and Southern Florida Project (C&SF) are of critical concern to SEFLUC members, as we rely on the operation of the regional water management system to maintain groundwater levels and control saltwater intrusion to meet the water needs of our communities. SEFLUC's members have been active participants in numerous water supply related issues in South Florida, including the ongoing development of the Lake Okeechobee System Operating Manual (LOSOM) 2022 process.

SEFLUC shares the same goal of all stakeholders; for the development of operational protocols that will integrate Lake Okeechobee operations within the overall framework and multi-purpose objectives of the C&SF, CERP, and water supply planning pertaining to the Lower East Coast (LEC).

The preservation of existing legal sources of water for water supply use is a bedrock foundation for implementation of CERP and has been acknowledged by Congress, the U.S. Army Corps of Engineers (Corps), the State of Florida, and the South Florida Water Management District (SFWMD) and has long been used as a premise for the enactment of the Water Resources Development Act of 2000 (WRDA 2000) and other Federal and State law and regulation. Maintaining existing legal uses of water is critical to the economic and environmental well-being of South Florida, and more importantly for the protection of the health, safety, and welfare of the people in our communities who rely on SEFLUC members to provide a clean and reliable supply of water. The system of surface water storage and conveyance comprising the C&SF is an essential part of assuring water supplies can be sustained. This system is a direct source of water for many in South Florida and it also creates an essential buffer to saltwater intrusion; a constant concern for SEFLUC members who rely on groundwater to meet the needs of their communities.

Maintaining existing legal sources of water for all uses requires consideration of highly complex and ever-changing factors such as changes in rainfall, sea level rise, and structural and operational alterations to the system. WRDA 2000 and CERP were adopted based on the clear understanding that as CERP projects are implemented, existing legal sources of water would be maintained at the current levels and the SFWMD would continue to implement water supply planning and regulation as reflected in the WRDA 2000 Savings Clause. WRDA 2000 Section 601(h)(5) provides in relevant part that “Until a new source of water supply of comparable quantity and quality as that available on the date of enactment of this Act is available to replace the water to be lost as a result of implementation of the Plan, the Secretary and the non-Federal sponsor shall not eliminate or transfer existing legal sources of water, including those for...an agricultural or urban water supply...” This legal guarantee has provided the foundation for water supply planning in South Florida over the last twenty years, and is paramount when considering modifications and alterations to the operation of the C&SF, particularly Lake Okeechobee, in assuring existing water supplies for communities can be maintained. Florida law likewise requires the SFWMD, as the local sponsor of CERP, to assure water available to existing legal users will not be diminished.

Protecting existing legal sources of water for uses including public supply, is consistent with the goals of increasing water available to the Everglades or improving the quality of water in the C&SF system. In fact, when guided by the existing legal framework, sound science, and thoughtful deliberation, each of these objectives can be achieved in a complimentary fashion. However, focusing on one objective, to the detriment of another, can result in unintended consequences. In the case of existing legal sources of water available for public supply, system alterations eliminating or diminishing the ability or SEFLUC members to provide essential and critical water supplies to communities will be detrimental to those communities as well as potentially lead to other unintended environmental impacts, such as saline water intrusion. This is particularly the case when future rainfall patterns are uncertain and sea level rise is an increasing threat to coastal areas in South Florida.

Thus, given the above, I request your future deliberations take these critical factors into account, in order to assure that a reliable water supply remains for the people of the Lower East Coast, while also meeting our shared goals of environmental protection and enhancement. Thank you for your consideration of these comments and SEFLUC members look forward to continuing to work with you on this important issue.

Sincerely,



Todd Hiteshew  
Chair, Southeast Florida Utilities Council