January 6, 2022

Via Email

Colonel James L. Booth
Department of the Army
Jacksonville District, USACOE
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and

Drew Bartlett
Executive Director
South Florida Water Management District
dbartlett@sfwmd.gov

Re: **Southeast Florida Utility Council's Comments on LOSOM and State Water Management**

Dear Sirs,

With the U.S. Army Corps of Engineers' (Corps) finalizing its preferred alternative Lake Okeechobee System Operating Manual (LOSOM) schedule and the preparation of its associated environmental impact statement, the purpose of our letter is to request the Corps and the South Florida Water Management District (SFWMD) assure that the State of Florida's sovereign right to allocate water for beneficial uses and manage its water resources is maintained and ensure the amount of water made available to the State for existing legal uses of water and the environment is not reduced or eliminated under LOSOM.

The Southeast Florida Utility Council (SEFLUC) represents water and wastewater utilities throughout Southeast Florida who provide potable water to over 6 million Floridians and visitors to our great state. SEFLUC's mission is to provide a communications, networking, and support structure for member utilities to continue to provide superior-quality water supply and wastewater management services to its customers in a cost-effective manner. SEFLUC members rely on the proper operation of the regional water system to provide the necessary water supply to our surface and ground water sources as well as to protect these sources by controlling saltwater intrusion. The proper operation of the regional system is paramount to our member's ability to meet potable water demand requirements of our growing population and sustain our vibrant economy. Lake Okeechobee is the liquid heart and an essential component of the regional water system, and the proper operation of the lakes is key to providing for and maintaining surface and ground water sources.

SEFLUC members have been monitoring and participating in the (Corps) LOSOM development process from the very beginning. One of the original authorized purposes of the Central and South Florida Project is the protection of surface and groundwater sources for public water supply. This authorized purpose is critical to our members and every citizen of southeast Florida. More specifically, it is important that existing legal uses of water are maintained in a manner consistent with the previous legal assurances including water supply availability.

Of particular concern, the current draft LOSOM schedule effectively eliminates SFWMD control over water supply decisions above the water shortage band. This is a drastic and significant change from all prior Lake operating schedules and represents a significant encroachment on the State's role in the management of water use. LOSOM should clearly state Florida has control over its water management decisions, well before a water shortage level is reached.

State control over water management is absolutely necessary to maintain existing water supplies authorized and regulated by the State. Though the Corps may control operation of the regional system for which Lake Okeechobee lies at the center, it is the State, through the SFWMD, which authorizes and regulates the use of water by the issuance of consumptive use permits (CUPs). All prior and existing Corps regulation schedules for Lake Okeechobee have acknowledged the State's sovereign authority to control its own water resources, including the current LORS 2008 schedule. LORS 2008 was adopted as a temporary measure to allow for a lower operating schedule, enabling the Corps to make necessary repairs to the Herbert Hoover Dike. In fact, the predecessor to the LORS 2008 schedule, the Water Supply and Environment (WSE) Regulation Schedule, was explicitly adopted with the purpose of providing a 1 in 10-year level of drought protection to existing legal users. This level of service was achieved in part through the maintenance of a 'no regulatory discharge zone' in which the State, through SFWMD, had the ability to make decisions regarding allocation of water for public supply and other water uses.

Currently, CUPs issued by SFWMD to our members provide for 1 in 10-year drought protection and are dependent on the operations of and the water made available through Lake Okeechobee and the regional system. While local basins may supply much of the permitted water during the wetter months of the year, operation of the regional system is vital during dry periods to maintain water levels within the regional system. This critical operation ensures water supplies are available and provides drought protections guaranteed through individual CUPs and other legal assurances of water supply availability, the hydraulic head necessary to prevent saltwater intrusion and ensures the operation of our vital water supply systems prevent harm to the regional system. The proper operation of the regional system also protects the millions of rate payer dollars our members have invested in our water treatment processes, assets, and alternative water supplies necessary to provide essential drinking water.

Any changes to the lake schedule failing to recognize existing water supply regulation frameworks, particularly the significant elimination of a no regulatory discharge or beneficial use band above the water shortage management band which encroaches on the State's authority

to make water supply decisions, should be addressed before LOSOM is finalized. This can be accomplished by assuring existing State control of water allocation is maintained under normal conditions, not just in times of water shortage.

We look forward to continuing to participate in the LOSOM development process and working with you on these important issues.

Sincerely,

Ana T. Caveda
Vice - Chair, Southeast Florida Utilities Council (SEFLUC)

cc: SEFLUC Members