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August 27, 2020

Toni Edwards  
South Florida Water Management District  
3301 Gun Club Road  
West Palm Beach, FL 33406

Via Email: [tedwards@sfwmd.gov](mailto:tedwards@sfwmd.gov)

Re: EAA Reservoir Water Reservation

Dear Ms. Edwards,

Audubon Florida writes in support of developing and adopting a water reservation for the Everglades Agricultural Area Reservoir for the protection of fish and wildlife in the Central Everglades, substantially in the form described in the Technical Document to Support the Central Everglades Planning Project Everglades Agricultural Area Reservoir Water Reservation Draft Report dated July 28, 2020 (Draft Technical Document). The EAA Reservoir is a critical component of the CEPP and will increase freshwater flows to Everglades National Park and Florida Bay while reducing harmful discharges to the Caloosahatchee and St. Lucie estuaries (collectively referred to as the Northern Estuaries). The Comprehensive Everglades Restoration Plan (CERP) requires protection of water for natural systems and the reservation is a prerequisite to the South Florida Water Management District (District) entering into a Project Partnership Agreement with the U.S. Army Corps of Engineers (Corps) to ensure federal cost sharing for EAA Reservoir construction and operations. Construction of the EAA Reservoir has been identified as a high priority for Governor DeSantis and the District. Adopting the reservation in a timely manner will allow the District and the Corps to continue efforts to expedite construction of this important project so that the hydrologic benefits can be realized.

The Draft Technical Document points out that the proposed water reservation is prospective. Although the rule is anticipated to become effective in December 2020, water from the EAA Reservoir will not be available until the reservoir is fully constructed and certified for operations by the District's Board of Governors. Moreover, the rule is subject to reviews at least every 5 years. Therefore, while we acknowledge there are uncertainties regarding the water reservation and rules that will need further development, Audubon encourages the District to adopt this reservation now with the intention to revisit and modify the reservation rules as new data become available through the reservoir pre-construction design phase and as the new Lake Okeechobee System Operating Manual is implemented.

The EAA Reservoir is being constructed to capture EAA runoff and some of the regulatory releases from Lake Okeechobee that are discharged to the Northern Estuaries. The Draft Technical Document and water reservation rules identify the reservoir as the "Reservation Waterbody" and propose to reserve from

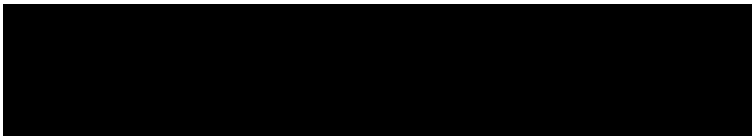
consumptive uses all surface water released via operation from the EAA Reservoir structures S-624, S-625, and S-626. District modeling simulations estimate that the EAA Reservoir *could* convey up to 825,000 acre feet on an average annual basis to existing STA's, EAA S-2 STA and the A-1 FEB as a result of the reservoir filling and emptying multiple times throughout the year. The 825,000 average annual acre feet is described as 370,000 acre feet on an average annual basis made available by the reservoir in addition to existing flows to the Everglades.<sup>1</sup> It is not clear from the Draft Technical Document or proposed rules whether 825,000 acre feet is the actual amount of the water reservation. Differentiating between existing and increased and reserved volumes is important given that the anticipated ecological benefits are based on that amount of outflow from the designated S structures. What is also unclear is how water from Lake Okeechobee, which appears to be a significant upstream contributing waterbody to the reservoir, will be preserved to ensure sufficient inflows to the reservoir to meet the water reservation. The proposed Kissimmee River water reservation protects water in contributing waterbodies and in this case the Lake is a contributing waterbody, but no similar protection or provision for Lake water is apparent. The document should include more information on this relationship.

The Draft Technical Document further notes that an estimated 82,000 acre feet of water on an average annual basis could be discharged from the reservoir through the S-628 structure to the EAA through the Miami and/or North New River canals for supplemental irrigation which is not reserved for fish and wildlife. The District should elaborate on the decision to carve out a supply of water from the EAA Reservoir for supplemental irrigation when the Corps Savings Clause analysis of the reservoir confirmed that existing legal sources of water supply will not be transferred. The District should also provide assurances that water is not released to the EAA, even though it is not included in the reservation, if doing so would jeopardize meeting the 825,000 acre feet needed for fish and wildlife. The District would condition the discharges to the EAA on the reservoir stage exceeding 8.2 feet and the Miami and/or North New River canals being below their maintenance stages. However, the proposed rules do not contain these stipulations and we urge the District to include these important limiting conditions in the proposed rules.

While more detail is needed, we conclude the Draft Technical Document and proposed rules fulfill the legal prerequisite for the District and the Corps to enter into a Project Partnership Agreement and will allow design and construction of the EAA Reservoir to move forward as expeditiously as possible. They also provide a sound basis for protecting fish and wildlife in the Central Everglades. Audubon encourages the District to continue to identify measures to further benefit the key indicator species identified in Table 4-2 in the Draft Technical Document, especially the endangered Wood Stork and Roseate Spoonbill.

Thank you for the opportunity to comment.

Sincerely,



Doug Gaston  
Northern Everglades Policy Analyst

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<sup>1</sup> See, for example, District staff responses to public comments 3 and 5 in Appendix C to the Draft Technical Document.