



May 18, 2020

VIA EMAIL ONLY:

Mike_Needham@Rubio.senate.gov

Lauren_Reamy@Rubio.senate.gov

The Honorable Marco Rubio
United States Senate, Florida District 284 Russell
Senate Office Building Washington, D.C. 20510

Re: Request to Protect Florida's Critical Water Supply from Lake Okeechobee

Dear Senator Rubio:

We write to you during this unprecedented global emergency requesting your help in protecting Florida's critical water supply in Lake Okeechobee, because the U. S. Army Corps of Engineers (Corps) is failing to do so. The undersigned represents a diverse group of businesses operating in Palm Beach County, Florida that all rely on water from Lake Okeechobee for our businesses, for the well-being of our communities, and the enjoyment and restoration of our natural environment. The Economic Council of Palm Beach County is a non-profit, non-partisan member led organization with a primary goal to ensure that business prospers throughout our county. We advocate to protect and promote policies that further sound business practices through the political process at the state and local level.

In 2000, Congress passed the Water Resources Development Act ("WRDA 2000") authorizing an ecological restoration plan for America's Everglades ecosystem. Today, we know it as the Comprehensive Everglades Restoration Plan ("CERP"). CERP directed the Corps and State of Florida, as the local sponsor, to restore our natural environment, *while* providing for our water-related needs, including water supply for people and businesses. CERP was historic. It passed after the State of Florida, the Corps, and diverse businesses, municipalities, farmers, and environmental groups spent nearly a decade developing it. Many of the undersigned were involved in the passage of CERP and all of us are committed to its success.

We recently learned though that the Corps is ignoring a critical feature of WRDA 2000, the Savings Clause¹. The Savings Clause directs the Corps to protect the water supply that was in place in 2000, as it restores the environment. When Congress passed WRDA 2000, it included Lake Okeechobee as part of WRDA 2000. This was an essential element then, and it is just as important now.

Today, 20 years after Congress spoke, the Corps' position is that it will not protect the legal uses of

¹ Section 601(h)(5) of Public Law 106-541.

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water in place in 2000. Instead, it intends to permanently consign us to the diminished supply available when the Lake was lowered temporarily to repair the dike. The Corps claims that the Lake is not part of WRDA 2000 and, therefore, the water supply protections in the Savings Clause will not apply. This position is not supported by WRDA 2000 and betrays the promises the Corps made to us in 2000. The Corps seeks to unilaterally free itself of complying with WRDA 2000. If allowed to do so, Florida's existing and future water supply will be jeopardized at a time when we need assurances that sufficient water will be available for everyone.

With 1.8 billion dollars invested in the Lake's dike repairs, and Congress' direction in WRDA 2018 to expedite the new Lake schedule, the Corps is well positioned to fulfill the commitments in WRDA 2000 - not abandon them.

During our current global emergency, when so much uncertainty permeates our daily lives, it is imperative that our water supply be preserved for our communities' health and safety and our Nation's food security. We ask that Congress re-assert its prior direction to the Corps to protect our water supply with the clarifying language attached for your consideration. We thank you for your work every day in protecting Florida's water, especially during these trying times facing our Nation.

Sincerely,



Michele Jacobs
President & CEO
Economic Council of Palm Beach County, Inc.

cc: Senator Rick Scott
Florida Member of the U.S House of Representatives
Mr. Mike Needham, Chief of Staff, United States Senator Marco Rubio Office
Ms. Lauren Reamy, Legislative Director, United States Senator Marco Rubio Office
South Florida Water Management District, Executive Director and Governing Board

Proposed Language: Section 601(h)(5) of Public Law 106-541 applies to the Lake Okeechobee regulation schedule and the Secretary shall use the Lake Okeechobee regulation schedule in place in December 2000 as the base condition for the analysis required under Section 601(h)(5) of Public Law 106-541.