



Mayor's Office

**Keith A. James
Mayor**

April 22, 2019

VIA EMAIL AND US MAIL

LakeOComments@usace.army.mil

Dr. Ann Hodgson
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232-0019

**RE: Lake Okeechobee System Operating Manual (LOSOM)
City of West Palm Beach Comments on Study Priorities and Scope**

Dear Dr. Hodgson,

The City of West Palm Beach (City) respectfully submits the following comments regarding the priorities and public scoping of the re-examination of the regulation schedule for Lake Okeechobee and the development of the Lake Okeechobee System Operating Manual (LOSOM). The City has the responsibility to provide clean, safe and cost-effective water supplies to over 130,000 customers, and is dedicated to assuring those waters continue to be protected from environmental harm and remain a reliable source of drinking water for its citizens in the future.

The City has long been engaged with the Army Corps of Engineers (Corps), the South Florida Water Management District (SFWMD), and other regional stakeholders in addressing the challenges of protecting water resources and assuring that regional water supplies remain available for the environment and to meet the needs of a region in a sensible, cost-effective manner. Like most water users in this region, the City relies upon the operation of the regional water management system to meet the demand requirements of a growing population and economic base. Though the City shares the concerns of many other water users regarding the need to maintain groundwater levels and control salt water intrusion, its interests in the regional water system are particularly acute in that the City's primary source of water for its citizens is surface water, a portion of which comes from Lake Okeechobee through the regional water system and to the City's surface water reservoir system. Therefore, the operations of the Lake Okeechobee System have a direct and critical impact on the City's interests, in particular its ability to provide a long-term, reliable drinking water supply.

Reflecting the City's interests in Lake Okeechobee and the LOSOM study process, on March 25, 2019, the City Commission approved **Resolution No. 118-19**, which I have enclosed for your reference. As Resolution No. 118-19 reflects, the City supports the reevaluation of current Lake Okeechobee operations by the Corps. However, the priorities and scoping of the LOSOM evaluation will be critical to ensuring that it fulfills Congress's objectives and purposes for the Central and Southern Florida Project (C+SF Project), and provides consistency with the Comprehensive Everglades Restoration Plan (CERP) and the water supply planning and permitting efforts that have been undertaken by SFWMD and water users throughout the region. As the resolution further explains, the City believes it is critical that the LOSOM evaluation be conducted in a transparent, science-based manner, which takes into account appropriate performance measures, data and methods, implementation of water storage and water quality treatment projects, ongoing ecosystem restoration measures including the RECOVER program, avoidance and/or minimization of discharges to the Lake Worth Lagoon, and reduction in water use restrictions imposed as a result of the current interim Lake Okeechobee Regulation Schedule of 2008 (LORS08).

The City is concerned that if the priorities and scope of the LOSOM evaluation do not take these critical considerations into account, it may result in lowering of Lake Okeechobee levels in a manner that unnecessarily induces drought conditions, impact the ability to deliver water to critical ecosystems, and result in significant environmental damage. This concern is particularly significant to the City, since its surface water supply system is vulnerable to drought conditions, and indeed as recently as 2011, the City experienced a water emergency induced by such extreme drought conditions. Likewise, the inappropriate lowering of lake levels would result in increased risk of saline water intrusion that would jeopardize existing potable groundwater sources, potentially necessitating the need to develop massive and costly alternative water supplies throughout the region, and impacting recreational and commercial fishing as well as other local businesses.

As explained above, it is important that the authorized purposes of the C+SF Project be fully taken into account in the scope of the LOSOM evaluation. Congress's original authorized purposes were flood control, water level control, water conservation, prevention of salt water intrusion, and preservation of fish and wildlife. Subsequent authorizations expanded the purposes of the C+SF Project to provide for increased environmental benefits and additional projects. As a result of the C+SF Restudy, additional modifications were adopted as part of the development of CERP to address an expanded set of objectives while providing water supply and flood control guarantees to existing legal users within the system.

The C+SF Restudy intertwined the original objectives of the C+SF Project with the objectives of CERP and water supply planning for the Lower East Coast Region by SFWMD. For example, Section 601(h)(5) of the Water Resources Development Act of 2000 (WRDA 2000) directly connects the operation of the C+SF and implementation of CERP so as to guarantee preservation of all existing legally authorized water supplies, as well as the implementation of specific water supply projects to meet future water. In turn, these projects were refined and incorporated into CERP as well as SFWMD and local government water supply planning.

Evaluations and modeling performed at the time WRDA 2000 was adopted guaranteed a 1-in-10 year level of drought protection to existing legal users and were also the basis of the the Water Supply and Environment (WSE) Regulation Schedule, which was intended to provide a long-term operations schedule consistent with the C+SF authorized purposes, as well as the implementation of CERP. Therefore, the operation of the Lake is impossible to decouple from the implementation of CERP and operation of the C+SF Project for its originally authorized purposes. The scope of any re-examination of the Lake Okeechobee Regulation schedules should stay within the currently authorized purposes of the C+SF Project and recognize that lake operations are inextricably tied to CERP and the associated water supply planning undertaken and described in SFWMD's Lower East Coast Water Supply Plan of 2000.

Subsequent concerns regarding the need for repairs to the Herbert Hoover Dike resulted in the development of the LORS08 schedule, which was recognized as an intervening event within Environmental Impact Statement required by the National Environmental Policy Act during the planning effort. It is important that the priorities and scoping of LOSOM recognize that the LORS08 was always intended to be an *interim* change to the established WSE lake operation schedule, which was put in place only until repairs of the dike were completed. This is significant because LORS08 reduced the certainty of water supply during the dry season and droughts, and resulted in increased frequency of water shortages and violations of the Lake Okeechobee Minimum Level established by SFWMD. It was always anticipated that, upon completion of the necessary repairs to the dike, more storage would be returned to the lake, a fact contemplated by the SFWMD in subsequent water supply planning efforts for the Lower East Coast through the 2040 planning horizon.

The City and other stakeholders have subsequently invested millions of dollars in the development of the system capacity and alternative water supplies necessitated by existing water use permits and projected water supply needs, not to mention the significant taxpayer dollars invested in the Herbert Hoover Dike rehabilitation itself. These efforts were premised on operations based on the WSE regulation and thus the WSE regulation schedule should be the starting point for evaluation of LOSOM, as opposed to LORS08.

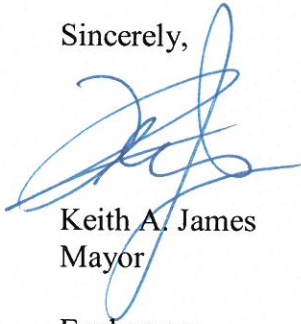
It is critical that the priorities and scope of the LOSOM study include application of Congress's clear direction regarding protection of available water supplies. Any changes to the lake schedule that fail to recognize that existing water supply regulation efforts are based on the WSE without providing for the identification of new sources of water supply of comparable quantity and quality, as required by WRDA 2000, may result in disruption of the achievement of those regulatory requirements currently in place for water supply. Additionally, any modeling base condition should recognize the 1-in-10 year levels of drought protection for public water supply providers and incorporate performance measures to maintain those protections in order to fulfill the commitments of previous planning efforts. Specifically, the scoping should use the WSE schedule as a base condition and include an update of water availability in the system due to project implementation and operational changes since 2000, and take into consideration incorporation of those efforts into SFWMD water supply planning. It is also important that the scope of the evaluation include data and methods to ensure that any proposed operational changes adequately incorporate climactic impacts that are expected due to increased variability throughout the regional water management system, as well as the evaluation of extreme drought/flood scenarios. Any

analysis should consider the impacts of operations on the regional system and increased seepage potential as well as impacts on the saltwater interface.

In addition, the LORS08 planning documents identified a decline in levels of drought certainty from 1-in-10 year to 1-in-6 year for surface water users. As explained above, it was anticipated that upon completion of the Herbert Hoover Dike rehabilitation, lake operations would return to levels enhancing the level of certainty for existing permitted users throughout the system, and surface water users in particular. The modeling effort should include performance measures to ensure that any updated schedule guarantees a return to the 1-in-10 level of drought certainty.

The City appreciates the opportunity to participate in the LOSOM process, and to continue to work with the Corps, SFWMD, and other stakeholders on this critical issue. We believe that when all the objectives of the C+SF Project in conjunction with CERP and existing and planned water supply and protection efforts are taken into account through the application of sound science and performance measures, an operation schedule can be implemented that ensures that regional ecology as well as existing and future water supplies are protected to the benefit of all stakeholders in the region as well as the environment. Thank you for your consideration, and please do not hesitate to contact us if you have any questions or we may be of assistance in this process.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Keith A. James', is written over the typed name and title.

Keith A. James
Mayor

Enclosures

RESOLUTION NO. 118-19

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, SUPPORTING RE-EVALUATION OF LAKE OKEECHOBEE OPERATIONS BY THE U.S. ARMY CORPS OF ENGINEERS PURSUANT TO THE NATIONAL ENVIRONMENTAL POLICY ACT ASSESSMENT FOR THE LAKE OKEECHOBEE SYSTEM OPERATING MANUAL; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, Lake Okeechobee is the liquid heart of an integrated regional water management system and is essential and interconnected to communities, businesses, public water supply utilities and ecosystems throughout Palm Beach County; and

WHEREAS, Lake Okeechobee is the principle source of drinking water during the dry season and periods of drought for the City of West Palm Beach; and

WHEREAS, Lake Okeechobee is an integral component of the Comprehensive Everglades Restoration Plan (CERP) and is critical to meeting the environmental restoration and water supply needs of South Florida; and

WHEREAS, Lake Okeechobee is essential to protecting the region's water supply infrastructure from saltwater intrusion by providing a source of freshwater to prevent the migration of saltwater into coastal wellfields; and

WHEREAS, Lake Okeechobee's authorized project purposes include flood control, water supply, recreation, navigation, environmental effects to fish and wildlife, and cultural and recreational resources; and

WHEREAS, Section 1106 of the 2018 Water Resources Development Act (WRDA) directs the Secretary of the Army to expedite completion of the Lake Okeechobee regulation schedule to coincide with completion of the Herbert Hoover Dike project, and may include all relevant aspects of the CERP; and

WHEREAS, in January 2019, the City received notice from the U.S. Army Corps of Engineers (Corps) that, in accordance with Section 1106 of the 2018 WRDA, the Corps is beginning preparation of a National Environmental Policy Act (NEPA) assessment for the Lake Okeechobee System Operations Manual (LOSOM), which is to re-evaluate and define operations for the Lake Okeechobee regulation schedule that takes into account nearly complete additional infrastructure which will soon be operational components of the water management system; and

WHEREAS, rehabilitation activities on Lake Okeechobee's Herbert Hoover Dike by the Corps began in 2001 and are expected to be complete by 2022; and

WHEREAS, the Lake Okeechobee Regulation Schedule of 2008 (LORS08) was implemented as an interim measure to protect the public from the risk of catastrophic failure of the Herbert Hoover Dike.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that

SECTION 1: The City Commission hereby *supports* the following as it relates to the re-evaluation of Lake Okeechobee operations by the Corps:

1. A science-based evaluation that is transparent and acknowledges and balances all congressionally-authorized purposes of Lake Okeechobee operations; and
2. Performance measures that appropriately and accurately characterize impacts to all communities as it relates to water supply, the environment, and the economy; and
3. The incorporation of data and methods to ensure proposed operations improve lake ecology, protect water supplies and are robust and resilient to expected climatic variability; and

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4. The implementation of water storage and water quality treatment projects in Lake Okeechobee tributary basins north of the Lake; and
5. Lake Okeechobee operations that assist in achieving restoration flows and other key ecosystem goals, including performance measures developed by CERP's Restoration Coordination & Verification (RECOVER) program; and
6. The avoidance and/or minimization of Lake Okeechobee discharges to the Lake Worth Lagoon; and
7. Reductions in water use restrictions and cutbacks on public water utilities and existing permitted users, as compared to those which occur under LORS08.

SECTION 2: That the City Commission *opposes* the following as it relates to the re-evaluation of Lake Okeechobee operations by the Corps:

1. Drastically lowering Lake Okeechobee to levels that are not supported by sound science (e.g. 10.5 feet) will induce drought conditions, impact the ability to deliver water to critical ecosystems, and result in significant environmental damage; and
2. Drastically lowering the Lake Okeechobee to levels that are not supported by sound science (e.g. 10.5) puts the city at risk during an extreme drought resulting in a water emergency, possibly more severe than even the one the City experienced in 2011.
3. Lake Okeechobee operations that result in increased risk of saltwater intrusion into coastal wellfields which would cause irreversible damage to freshwater supplies, affect the health and safety of residents, and result in the need for massive alternative water supply infrastructure investments; and
4. Lake Okeechobee operations that result in restrictions on recreational and commercial fishing, which would impact small businesses such as marinas, fishing guide services and the hospitality industry.

SECTION 3: This Resolution shall become effective immediately upon its adoption.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED THIS 25TH DAY OF MARCH, 2019.



ATTEST:

X *Hazeline F. Carson*

CITY CLERK
Signed by: Hazeline F Carson

**CITY OF WEST PALM BEACH BY
ITS CITY COMMISSION:**

X *Geraldine Muoio*

PRESIDING OFFICER
Signed by: Geraldine Muoio

**APPROVED AS TO FORM AND
LEGALITY:**

3/21/2019

X *Kimberly L. Rothenburg*

CITY ATTORNEY
Signed by: Kimberly L Rothenburg