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Attorney
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November 5, 2020

Via Email: dmedelli@sfwmd.gov; tedwards@sfwmd.gov

Mr. Don Medellin
Ms. Toni Edwards
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

**Subject: Request for the Governing Board to Schedule a Public Hearing on the
EAA Reservoir Water Reservation Rule**

Dear Ms. Edwards and Mr. Medellin:

The Lake Worth Drainage District (LWDD) has long been a supporter of the Comprehensive Everglades Restoration Plan (CERP), including the construction of a reservoir south of Lake Okeechobee. In 2000, Congress intended for the project to reduce estuary discharges, provide water for the environment and water supply for municipal and agricultural uses. The LWDD appreciates the opportunity and has participated in the process leading up to this proposed rule by attending the District’s public workshops and meetings and providing written and oral comments.

LWDD concerns, along with the issues and concerns expressed by other governmental, business, and agricultural entities, have not been fully addressed in this process. While the relationship between Lake Okeechobee and the EAA A-2 Reservoir is undeniable, it is not clear how the operations of both the structures surrounding the Lake and the EAA A-2 Reservoir will be integrated.

We believe this Reservation Rule can be successfully implemented with a more reasonable approach. Given that operations cannot be determined at this time, the Reservation should be the amount identified in the EAA Reservoir Final Environmental Impact Statement and Project Implementation Report equal to 370,000-acre feet of water. This is the amount of new water expected to be generated from the project and the amount necessary to secure the Project Partnership Agreement (PPA).

As the project gets closer to being operational, a Reservation based on updated modeling can be simulated to determine if the amount should be greater than the report is currently indicating. Without doing that, this Rule may not meet several of the criteria for adoption as outlined in the LWDD October 7, 2020 written comments to the Board.

Mr. Don Medellin
Ms. Toni Edwards
November 5, 2020
Page 2

Additionally, the proposed rule at 40E-10.061(3)(b) provides, "The water prospectively reserved under this subsection is not available for fish and wildlife until the Governing Board makes a formal determination pursuant to state and federal law, that the EAA Reservoir is operational." If the amounts being reserved could be more accurately specified now, a person or entity particularly affected could determine to what extent they are being affected. But the project is not expected to be completed at the earliest until 2027. Given the significant length of time to plan, fund and construct this project, to make this a reasonable implementation, the next provision after subsection (3)(b) should be amended to add "All permitted uses and applications for water are not considered to use reserved water."

Given that there are still so many uncertainties as a result of this proposed rule, the LWDD respectfully requests the Governing Board schedule a public hearing prior to adoption of its EAA Water Reservation Rule, pursuant to the requirements in s. 120.54(3)(c)1, F.S. At the public hearing it is important that enough time be allotted for staff to fully explain the agency's proposal and to respond to questions or comments regarding the rule. Given the interest in this rule, a presentation, board discussion and public comment are what would be expected.

As previously stated, the LWDD fully supports constructing the CERP projects and meeting all the objectives of the projects, and while doing so, not diminish the legally existing uses and applications of water.

Thank you for the opportunity to participate in this ongoing process.

Sincerely,

A handwritten signature in blue ink, appearing to read 'TBS' with a stylized flourish.

Tommy B. Strowd, P.E.
Executive Director & District Engineer
LAKE WORTH DRAINAGE DISTRICT

c: Chauncey Goss, Board Chairman, SFWMD
SFWMD Governing Board Members
Drew Bartlett, Executive Director, SFWMD

TBS/sgw