



# SOUTH FLORIDA WATER MANAGEMENT DISTRICT

August 20, 2007

Colonel Paul L. Grosskruger  
Commander and District Engineer  
United States Army Corps of Engineers  
Jacksonville District Post Office Box 4970  
Jacksonville, FL 32232-0019

Dear Colonel Grosskruger:

Thank you for the opportunity to comment on the June 2007 draft Supplemental Environmental Impact Statement (SEIS), including the "Preferred Alternative" for the Lake Okeechobee Regulation Schedule Study (LORSS). It is our intent to provide comments to identify issues of concern to the South Florida Water Management District (District), and provide technical information for incorporation into the United States Army Corps of Engineers (USACE) Final Supplemental Environmental Impact Statement (SEIS) document. We are pleased the USACE incorporated the majority of the District's comments during the previous formal Draft SEIS review in October 2006.

For ease of incorporating the review comments into the USACE's Final SEIS, and as agreed upon by the USACE's project team, the District's collective comments have been collated with the track changes option in the electronic version which was provided to the District's Project Manager. The District has retained a hard copy of the changes as a backup.

The following is a summary of the District's most significant comments and/or concerns:

- ***Projected MFL Violations:***

- The USACE's proposed, temporary Lake Okeechobee Regulation Schedule (LORS) is projected to result in Lake levels that may potentially result in an exceedance and / or violation of the District's Lake Okeechobee Minimum Flows and Level (MFL), depending upon actual rainfall received during the implementation timeframe of this regulation schedule (See Enclosure A - Chapter 40E-8, Florida Administrative Code). District staff conducted several simulations to comprehensively evaluate the performance of low stages in the Lake. These simulations demonstrate that regardless of which Lake Okeechobee water shortage management scheme is used, no major improvements in the Lake Okeechobee MFL performance was achieved. The low Lake stage and the subsequent harmful impact on the Lake's ecology is caused by the highly aggressive flood control management proposed by the Preferred Alternative.
- In response to the anticipated low Lake levels the District, as a part of the 2007 Lower East Coast Regional Water Supply Plan (LECRWSP), prepared various Lake management options that can be implemented to improve the Lake's ecology in the event of extreme low events. Lower Lake levels can provide opportunities to conduct restoration efforts during low water periods that otherwise would not be possible. These periods will allow the District to conduct native aquatic and tree planting, sediment scraping, dredging, and other habitat enhancements, which may include the possible supplementation of apple snail populations.

- **Water Availability Impacts:**

- The current DRAFT SEIS must explicitly state the Preferred Alternative lowers the working water supply storage capability of the Lake and less water will be available to meet demands during the dry season. It is important to note that the amount of water discharged by the regulation schedule to reduce the high stages is proportionately much greater when compared to the dry season water supply releases. Even if severe water supply cutbacks to the Lake Okeechobee Service Area users were implemented using extreme restrictions on water supply deliveries, those reduced water deliveries will not compensate for the low Lake elevations that are caused by the proposed Lake Regulation Schedule. Therefore, the Preferred Alternative under the federal project authority alone increases the severity and frequency of lower Lake stages regardless of the District's selected Water Shortage Management Plan selected.
- Water supply for municipal, industrial, agricultural and urban use is an objective of the C&SF project, including the Lake Okeechobee Regulation Schedule. We recognize that due to the significant concerns regarding the HHD integrity these water supply objectives and potential Lake ecology issues have been temporarily reweighed in developing the proposed Preferred Alternative. The operation of temporary forward pumps to help mitigate the potential for severe economic impacts on existing legal uses of water at low Lake levels is a crucial and integral component of the Preferred Alternative's balancing of federal project objectives. Without the ability to operate the temporary forward pumps, consistent with the District's proposed water shortage management plan, as discussed below, economic impacts on existing legal users of water under the Preferred Alternative would be severe. As such, the USACE must recognize in the DRAFT SEIS that the District's role in installing and operating these temporary forward pumps is, in part, carried out under the authority granted it, as the local sponsor of the C&SF project pursuant to the Preferred Alternative.

- **Lake Okeechobee Water Shortage Management Plan:**

- The District is pleased to attach a revised Draft Appendix G - Lake Okeechobee Water Shortage Management Plan (Enclosure A, with an electronic version forwarded to Yvonne Haberer and Pete Milam via email). This revised draft should replace the August Draft 2006 Water Shortage Management Plan (LOWSM) contained in the DRAFT SEIS. The combination of the Preferred Alternative and the 2006 LOWSM Plan has been found to be incompatible with the Lake Okeechobee MFL rule, and therefore the August 2006 LOWSM plan will not be the plan implemented by the District. The revised LOWSM Plan has been discussed extensively with various stakeholders and generally describes the water shortage operations conducted during the current drought situation (2006-2007).
- Again, District staff intends to present changes to the Water Shortage Plan (Chapter 40E-21, F.A.C.) to the District Governing Board at its September Board meeting. These rule changes address the allocation methodology for users within the Lake Okeechobee Service Area and are commensurate with the District's operations during the on-going water shortage. Although previously considered, District staff will not recommend any changes to the existing Lake Okeechobee water shortage trigger line established in Chapter 40E-22, F.A.C. Staff anticipates the Governing Board will act to authorize publication of these limited rule amendments and adoption of these changes will occur without further Board action, unless a request for public hearing is made. The District

acknowledges the USACE's strategy of bracketing water supply performance in the DRAFT SEIS in an effort to meet National Environmental Policy Act (NEPA) requirements; however, the combination of the Preferred Alternative and the former draft August 2006 LOWSM Plan is not acceptable, nor consistent with State law, since water supply cutbacks would not be triggered until the Lake levels fall below the 11 ft NGVD Minimum Flows and Levels (MFL) criteria. The Preferred Alternative with Water Shortage Triggers (WST) alternative analyzed in the DRAFT SEIS more closely reflects the current rule structure.

- **Emphasis on Interim Nature of LORS:**

- It is the District's understanding that the proposed Lake Okeechobee Regulation Schedule is an interim or temporary schedule which focuses on public health, the safety, and general welfare considerations associated with safety of the Herbert Hoover Dike (HHD). Given this underlying premise, the LORS is destined for implementation over a short-term period currently estimated to be three years. The DRAFT SEIS states, in summary, that following rehabilitation of the HHD in Reaches 1, 2, and 3, the Corps will operate under a new CERP Band 1 regulation schedule (System-wide Schedule) or a new schedule providing storage equivalent to the existing WSE regulation schedule. The DRAFT SEIS must emphasize the temporary nature of this LORS and also provide an expedited avenue to achieve increased storage through either: (1) provisions for increased Lake stages within this schedule after HHD rehabilitation, (2) a new schedule which will be effective immediately upon rehabilitation of HHD in Reaches 1, 2, and 3, or (3) a temporary deviation from the LORS. The District is concerned that uncertainty as to the LORS interim nature may exist in the DRAFT SEIS, due to references to new schedules that may necessarily involve the extensive NEPA process. A firm and timely shift from this interim LORS must be defined. If this is not acceptable, please notify the District immediately.
- The District recognizes the public safety concerns associated with LORS implementation; however, once these issues are addressed, immediate implementation of an alternative schedule is necessary to address prolonged low Lake levels and the associated impacts on the Lake's ecology and water supply.

- **General Operations:**

- We acknowledge that the USACE has addressed several of the District's previously transmitted concerns regarding the Non-Typical Operations and Additional Operational Flexibility. However, Section 3.4 entitled "Makeup Release Description" needs clarification. Makeup releases are problematic to define. To assure all stakeholders that the USACE will not be causing adverse impacts beyond those analyzed in the SEIS, the specific conditions and computations need to be more clearly stated. Examples with numbers would help.
- The Operational Guidance needs to include language addressing the use of C-10A and the L-8 and C-51 canals for conveying excess Lake water to tide. This operation has traditionally followed the estuary release decisions and is briefly addressed in the current water control plan. However, the operation should be more clearly stated within the new release guidance.

- The DRAFT SEIS still does not address the fact that due to the prolonged lower Lake stages caused by the proposed regulation schedule, there is an increased risk of failure to, and/or limited capability to operate, the northern gated spillway structures that discharge into Lake Okeechobee. These structures include S-71, S-72, S-84, S-65E, etc. The lower Lake stages will limit the ability of these structures to hold normal headwater stages without exceeding the design head across the structure. The SEIS needs to address this issue because the proposed action could decrease the water supply and flood control capability of these structures.
- **High Wet-Season Discharge Concerns:**
  - We are pleased that the modeling of the Preferred Alternative indicates the number of high discharge months to the Caloosahatchee and St. Lucie estuaries has been reduced, or at least equal to the No Action Plan, while providing incidental beneficial flows to these systems.
- **Endangered Species and Forward Pumps:**
  - The District anticipates inclusion of the U.S. Fish & Wildlife Service (FWS) Biological Opinion for this proposed action in the final SEIS. Since the final Biological Opinion has not been made public, there still remains the possibility of a jeopardy opinion issued by the FWS regarding the Snail Kite. The potential that a jeopardy opinion could prohibit operation of the temporary forward pumps when the Lake reaches 10.2 NGVD is of grave concern to the District for economic impact and water supply programmatic reasons.
- **Documentation of STA Flow Constraint:**
  - The Dynamic Model for Stormwater Treatment Areas – Version 2 (DMSTA2, 6/30/06) was utilized to simulate phosphorus reductions within the stormwater treatment area. The results of the DMSTA modeling efforts were forwarded to the USACE; however, the summary was not incorporated into the Draft SEIS. The District recommends inclusion of this information as an appendix to the SEIS.

We again welcome the opportunity to continue to working collaboratively with the USACE to develop the Interim Lake Okeechobee Regulation Schedule. Thank you for considering these comments.

Sincerely,



Carol Ann Wehle  
Executive Director  
South Florida Water Management District

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Enclosures:

Enclosure A - Chapter 40E-8, and excerpts from Chapters 40E-21 and 40E-22, F.A.C.

Enclosure B - Lake Okeechobee Water Shortage Management Plan

Colonel Paul L. Grosskruger

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c: Scott Burns, SFWMD  
Luis Cadavid, SFWMD  
Susan Gray, SFWMD  
George Horne, SFWMD  
Peter Kwiatkowski, SFWMD  
Chip Merriam, SFWMD  
Temperince Morgan, SFWMD  
Cal Neidrauer, SFWMD  
Kim O'Dell, SFWMD  
Tom Olliff, SFWMD  
Beth Ross, SFWMD  
Susan Sylvester, SFWMD  
Dean Powell, SFWMD