

The Savings Clause: Why Do South Floridians Need Their Water Protected?

What is the Savings Clause?

Congress enacted the Savings Clause in WRDA 2000, which authorized the Corps to undertake environmental restoration in Florida *while* protecting existing water supply. The Savings Clause protects water supplies that existed on December 11, 2000, for all users, including: 1) urban and agriculture, 2) the Seminole Tribe, 3) the Miccosukee Tribe, 4) the Everglades National Park, and 5) water for fish and wildlife. The Savings Clause protects all of these users, not just agriculture.

What is happening to South Florida's water today?

The Corps is lowering the level of Lake Okeechobee to the point that there will not be enough water supply in the next drought. In 2008, the Corps originally lowered Lake by one foot - 500,000 acre feet of water - to repair the Lake's Herbert Hoover Dike. This was to be a three-year schedule, but has lasted for 12 years. In 2019, the Corps discharged an additional foot of water from the Lake. South Florida came dangerously close to water shortages in 2020 because of these decisions. This is not sustainable because droughts are inevitable.

Why are water users asking Congress for help in protecting their water?

The \$1.8 Billion in expedited Herbert Hoover dike repairs will be completed in 2022. Per WRDA 2018, the Corps is developing a new operating plan for the Lake (LOSOM). South Florida expected a return to the previous water supply performance in this new Lake plan. However, the Corps is not committing to restoring water supply performance. The Corps has said they will try to improve water supply with the new plan compared to current practices, but this is not an appropriate comparison against an already diminished supply. With the dike repaired, restoring the level of water supply performance stated in the Savings Clause is achievable. The proposed WRDA 2020 language insures South Florida's future water supply will finally be restored.

What the water protection language will do:

- Re-affirms the importance of the Lake's water to all South Floridians, not just one group.
- Allows the Corps to continue developing LOSOM using the best available science and balancing all interests.
- Provides South Florida water users with certainty that its water will be restored at least to the amount they had in 2000.
- Insures that sufficient amount of water remains in the system, available to the users listed in the Savings Clause, rather than wasted to tide.

What the water protection language will not do:

- Does not "hamstring" the Corps in developing LOSOM.
- Does not require high lake levels or a predetermined Lake schedule.
- Will not cause harmful algal blooms. The Corps is on record that Lake operations do not cause algae or red tide.
- Does not benefit agriculture over others and will not result in less water for CERP. CERP creates "new" water to be reserved for the environment.
- Is not a "retroactive" application of an old requirement. The Savings Clause has been the law for 20 years to ensure that cities and businesses will not have their water supply reduced.
- Is not an attempt by agriculture, or any one user, to prioritize itself over other users or the environment.