

Nasty accusations over Lake O: Congressman, Big Sugar, enviro groups, cities go at it over proposed changes

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The fight for South Florida's water gets dirty as environmentalists battle cities and farmers over supply. One side says a proposed change will guarantee 'death to the Everglades.' The other says they need guarantees they'll have water in the future.

U.S. Rep. Brian Mast is accusing [South Florida sugar farmers](#) of trying to steal water in an end-run around a massive federal rewrite of how Lake Okeechobee is managed.

The Palm City Republican and dozens of environmental groups oppose adding to new legislation a 20-year-old rule that promised certain amounts of water to South Florida users when the Comprehensive Everglades Restoration Plan was approved in 2000.

Mast called the push to get the guarantee added to the Water Resources Development Act of 2020 a "heist" and singled out Clewiston-based U.S. Sugar specifically for trying to "hijack Florida's water for their own profit."

But U.S. Sugar is one of more than 50 groups, including the City of West Palm Beach, the Lake Worth Drainage District and the Chamber of Commerce of the Palm Beaches that favor including the so-called water “savings clause” in the water development act after the Army Corps of Engineers said it had no place in the new [Lake Okeechobee operating guidelines](#).

The guidelines, called the Lake Okeechobee System Operating Manual, are being revamped to coincide with the completion of repairs to the Herbert Hoover Dike. The new rules are expected to launch in the fall of 2022.

Environmental groups, Treasure Coast residents and some Lake Worth Lagoon advocates want a lower lake to improve its ecosystem and avoid discharges to estuaries that trigger toxic blue-green algae blooms. At the same time, they say water guarantees shouldn't be promised to some groups over restoration.

Others fear their spigots will run dry during drought if the lake is too low.

“Our systems are designed for water permits and allocations that were guaranteed as part of the savings clause,” said Scott Kelly, a retired West Palm Beach assistant city administrator who is working as a consultant with the city on this issue. “We depend on that water, and it's not just West Palm Beach, there are 6 million people in South Florida who depend on it as well.”

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The dueling interests have simmered all year as the Corps held public meetings on the Lake O rewrite, but came to a boiling point this week after letters to members of the U.S. House of Representatives advocated adding the savings clause to the Act. A U.S. Senate version doesn't include the water clause, but a House committee hasn't met yet to consider the bill, according to Edward De la Parte, an attorney for the Southeast Florida Utility Council.

U.S. Rep. Lois Frankel, D-West Palm Beach, said this week she supports giving a water guarantee to cities and counties, whether it's the same savings clause or other language. Frankel was mayor of West Palm Beach in 2007 when [the city faced a water shortage](#). West Palm Beach relies on surface water from Grassy Waters Preserve, which is replenished by Lake Okeechobee if it gets too dry.

Palm Beach County Business Development Board President Kelly Smallridge called the Corps' refusal to consider the water savings clause a "betrayal" in an April 28 letter to U.S. Rep. Alcee Hastings, D-Delray Beach.

"The Corps seeks to unilaterally free itself of complying with the Water Resources Development Act of 2000," Smallridge said. "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."

Adding the rule will guarantee 'death to the Everglades,' other side says

Environmental groups, including Audubon Florida, the Everglades Foundation and the Florida Oceanographic Society, said trying to shoehorn an outdated water supply rule into new regulations will kill restoration efforts.

"We've learned so much since 2000, why would you go back to something that was a failure?" said Doug Gaston, Audubon Florida's Northern Everglades Policy Analyst. "Going back to something that is 20 years old doesn't take into account what we know is best now."

The Everglades Trust said adding the water savings clause to the act would "guarantee a certain death to the Everglades and three nationally-important coastal estuaries, taking Florida's economy and future with them."

South Florida's ecosystem will never return to what it was before human development, when water overflowed Lake Okeechobee's

southern rim, spilling freely south to nourish the Everglades and bring freshwater to Florida Bay. But efforts to save or restore what remains are aimed at balancing environmental needs with those of the farms, homes and businesses that now sit on what was once swamp land.

“The problem is that U.S. Sugar wants your water — every other piece of the system be damned — and they’ve enlisted Congress to steal it for them,” Mast wrote in an editorial Thursday. “Using the coronavirus pandemic as cover, they are hoping nobody will notice that they’ve seized this moment to try again to hijack Florida’s water for their own profit.”

The water savings clause was integral in getting the Comprehensive Everglades Restoration Plan, or CERP, approved in 2000. It was a promise that water would not be taken away from existing users as restoration projects were built — an assurance that brought everyone to the table.

Why the water level of Lake O is always an important issue

The rules that govern the level of water in Lake Okeechobee were rewritten following the hurricanes of 2004 and 2005 after concerns were raised that the dike would fail if the water got too high. The dike protects Glades-area communities from flooding. In 2008, the Lake Okeechobee Regulation Schedule went into effect. It calls for keeping the lake at 12.5 to 15.5 feet above sea level, which is an OK range for health of the lake, but difficult to adhere to with an unpredictable Mother Nature.

>>RELATED: [Our beloved Lake Okeechobee is sick: This is how it got that way](#)

The Corps maintains that CERP and the Lake O rule rewrite are separate, but because the new operating manual considers two Comprehensive Everglades Restoration Projects — reservoirs east and west of Lake Okeechobee — some groups argue the water savings clause should be considered when rewriting the manual.

“There is concern that all these governments on the lower east coast will not get the water they were promised and their citizens will suffer a water shortage,” said De la Parte, the utility council attorney.

The utility council represents South Florida water providers that serve 6 million people.

In the Lake O rewrite, the 730-square-mile lake could be kept at between 12 and 15 feet above sea level. Losing a half foot off the lake is equal to about 75 billion gallons, said Corps spokesman John Campbell.

“That’s not an inconsequential amount,” said Campbell, noting that while the Corps will not consider the savings clause in its rewrite of Lake O management, it’s still considering water supply. “We will try to find a balance.”

In 2019, the Corps decided to keep the water in the lake low to allow for the regrowth of submerged grasses and to avoid more discharges to the estuaries, which suffered a toxic algae bloom the previous summer.

Lower than normal rainfall in the past year left the lake at 11.29 feet above sea level Thursday — more than a foot below the bottom level of 12.5 feet the Corps prefers.

Native American tribes say they’re not getting freshwater to tribal lands

Gene Duncan, water resources director for the Miccosukee Tribe of Indians, said the low lake level means little freshwater is getting to tribal lands, Everglades National Park or Florida Bay. Environmental groups point out that agriculture interests are still getting water.

The tribe supports the savings clause and believes it applies to Lake Okeechobee. Duncan said the bill that implemented the clause in 2000 contains assurances that requires the Corps to provide for other related needs of the region including water supply and flood protection.

Tribal Chairman Billy Cypress, who said airboats are grounded when the land is too dry, called the lack of water “cultural genocide” in an April 30 letter to Gov. Ron DeSantis.

“How are we to practice our religion, visit our ancestral homelands, continue our culture if we cannot access our lands?” Cypress wrote.

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