

April 23, 2020

VIA E-MAIL ONLY:

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The Honorable Marco Rubio
United States Senate, Florida District
284 Russell Senate Office Building
Washington, D.C. 20510

Re: Request to Protect Florida's Critical Water Supply from Lake Okeechobee

Dear Senator Rubio:

We write to you during this unprecedented global emergency requesting your help in protecting Florida's critical water supply in Lake Okeechobee, because the U. S. Army Corps of Engineers (Corps) is failing to do so. The undersigned represent a diverse group of stakeholders, businesses, and communities that all rely on water from Lake Okeechobee for our businesses, for the well-being of our communities, and the enjoyment and restoration of our natural environment.

In 2000, Congress passed the Water Resources Development Act ("WRDA 2000") authorizing an ecological restoration plan for America's Everglades ecosystem. Today, we know it as the Comprehensive Everglades Restoration Plan ("CERP"). CERP directed the Corps and State of Florida, as the local sponsor, to restore our natural environment, *while* providing for our water-related needs, including water supply for people and businesses. CERP was historic. It passed after the State of Florida, the Corps, and diverse businesses, municipalities, farmers, and environmental groups spent nearly a decade developing it. Many of the undersigned were involved in the passage of CERP and all of us are committed to its success.

We recently learned though that the Corps is ignoring a critical feature of WRDA 2000, the Savings Clause¹. The Savings Clause directs the Corps to protect the water supply that was in place in 2000, as it restores the environment. When Congress passed WRDA 2000, it included Lake Okeechobee as part of WRDA 2000. This was an essential element then, and it is just as important now.

Today, 20 years after Congress spoke, the Corps' position is that it will not protect the legal uses of water in place in 2000. Instead, it intends to permanently consign us to the diminished supply available when the Lake was lowered temporarily to repair the dike. The Corps claims that the Lake is not part of WRDA 2000 and, therefore, the water supply protections in the Savings Clause will not apply. This position is not supported by WRDA 2000 and betrays the promises the Corps made to us in 2000. The Corps seeks to unilaterally free itself of complying with WRDA 2000. 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.

¹ Section 601(h)(5) of Public Law 106-541.

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With 1.8 billion dollars invested in the Lake's dike repairs, and Congress' direction in WRDA 2018 to expedite the new Lake schedule, the Corps is well positioned to fulfill the commitments in WRDA 2000 – not abandon them.

During our current global emergency, when so much uncertainty permeates our daily lives, it is imperative that our water supply be preserved for our communities' health and safety and our Nation's food security. We ask that Congress re-assert its prior direction to the Corps to protect our water supply with the clarifying language attached for your consideration. We thank you for your work every day in protecting Florida's water, especially during these trying times facing our Nation.

Sincerely,

City of West Palm Beach
City of Okeechobee
City of Clewiston
Glades County
Okeechobee County
Lake Worth Drainage District
Southeast Florida Utility Council
Okeechobee Utility Authority
Florida Section of the American Water Works Water Utility Council
Florida H2O Coalition
South Florida Water Coalition
The Florida Chamber
Chamber of Commerce of the Palm Beaches
Associated Industries of Florida
Okeechobee Business Alliance
Economic Council of Okeechobee
Anglers for Lake Okeechobee
Roland and Mary Ann Martin Marina
Florida Agriculture Coalition
Florida Fruit and Vegetable Association
Florida Citrus Mutual
Florida Nursery, Growers and Landscape Association
Florida Cattleman's Association
Florida Agribusiness Council
Florida Fertilizer and Agrichemical Association
Florida Land Council
Turfgrass Producers of Florida
Southeast Milk, Inc.
Wedgworth Farms, Keith Wedgworth, President

Lykes Brothers
King Ranch
Hundley Farms, Inc.
Frontier Produce, Inc.
A. Duda and Sons
U.S. Sugar
Florida Crystals Corporation
Sugar Cane Growers Cooperative of Florida
Florida Farm Bureau Federation
Broward County Farm Bureau, Fred Segal, President
Dade County Farm Bureau, Tom Rieder, President
Palm Beach County Farm Bureau, Glenn Whitworth, Jr., President
Western Palm Beach County Farm Bureau, Keith Wedgworth, President
Lee County Farm Bureau, Ricky Pritchett, President
St. Lucie County Farm Bureau, Courtney Forget, President
Indian River County Farm Bureau, Ashley Cox, President
Osceola County Farm Bureau, Herb Harbin, President
Highlands County Farm Bureau, Jeff Williams, President
Collier County Farm Bureau, Kevin Seitzinger, President
Hendry / Glades County Farm Bureau, Callie Walker, President
Martin County Farm Bureau, Reed Hartman, President
Okeechobee County Farm Bureau, Mickey Bandi, President
Greg Munson, Former Assistant Secretary, Florida Department of Environmental Protection
Jon Steverson, Former Secretary, Florida Department of Environmental Protection
Ryan Matthews, Former Interim Secretary, Florida Department of Environmental Protection
Henry Dean, Former Executive Director, South Florida Water Management District

cc: Florida Congressional Delegation
Mr. Mike Needham, Chief of Staff, United States Senator Marco Rubio Office
Ms. Lauren Reamy, Legislative Director, United States Senator Marco Rubio Office

Proposed Language:

Section 601(h)(5) of Public Law 106-541 applies to the Lake Okeechobee regulation schedule and the Secretary shall use the Lake Okeechobee regulation schedule in place in December 2000 as the base condition for the analysis required under Section 601(h)(5) of Public Law 106-541.