

January 15, 2021

**VIA EMAIL ONLY: [ANDREW.D.KELLY@USACE.ARMY.MIL](mailto:ANDREW.D.KELLY@USACE.ARMY.MIL)**

Colonel Andrew Kelly  
Department of the Army  
Jacksonville District, United States Army Corps of Engineers  
701 San Marco Boulevard  
Jacksonville, Florida 32207-8175

**Re: Lake Okeechobee Transition Operations November 2020 – January 2021**

Dear Colonel Kelly:

The undersigned represent south Florida communities and businesses that are impacted by the operations of Lake Okeechobee (Lake). We have been engaged stakeholders in south Florida's water management issues for decades and are engaged in the current development of the new Lake schedule. We write to you because we are concerned about the United States Army Corps of Engineers' (Corps) current operations of the Lake.

In recent years, we have commented in numerous forums on the changing Lake operations and our related concerns that the Corps has managed the Lake beyond the bounds of the Interim Lake Okeechobee Regulation Schedule (LORS 2008). It appears the Corps has again operated the Lake beyond the expressed limits defined in the LORS 2008 EIS. Specifically, as documented in the South Florida Water Management District's weekly Lake Okeechobee Technical Summary memoranda, since mid-November 2020, the Corps has maintained high estuarine releases that exceed the authority contained in LORS 2008. See <https://www.sfwmd.gov/science-data/operational-planning>. The Corps indicated these high estuarine releases could continue into January 2021. The Corps has not triggered the "Additional Operational Flexibility" clause as it did in 2018. And, while the Corps approved a planned deviation from LORS 2008 in October 2020, that deviation does not contemplate discharges until February 1. Therefore, it is unclear under what authority the Corps is currently operating the Lake, since its discharges exceed LORS 2008 in quantity and duration.

During the past couple of years, the Corps has acknowledged its desire to operate beyond the authorizations in LORS 2008, first through the 2018 / 2019 Additional Operational Flexibility, and then with the 2020 planned deviation, which provides for supplemental releases beginning on February 1. This pattern of "flexibility" is also evident in the current LOSOM planning effort. However, the effects of these high estuarine discharges were not analyzed in the LORS 2008 EIS, and the Corps has not yet indicated any intention to analyze such effects in the LOSOM planning effort either.

Of concern to our communities and businesses are the recent actions by the Corps to drive the Lake to low levels, in the false hope of superficially managing harmful algal blooms. These actions violate the Lake's water supply purpose, established by Congress, exceed the bounds of the LORS 2008 EIS, and are, therefore, beyond the scope of the Corps' authority.

We support the Corps' desire to find solutions to Florida's water quality challenges. In fact, many agencies are engaged in developing scientifically-based, solutions for algal blooms. This is a complex problem with multiple factors contributing to blooms in Florida, as evidenced by the robust discussion at the recent State of Florida Blue Green Algae Task Force meeting and the mandate of that body to view the issue in a measured, scientific manner. Lowering the Lake beyond the already low LORS 2008 levels has not been scientifically demonstrated to lessen harmful algal blooms in the Lake. Simply put, solutions exist that will help reduce harmful algal blooms, but simply lowering Lake Okeechobee is not one of them.

Unfortunately, South Florida has experienced the severe economic and environmental consequences resulting from past natural and operationally-induced water shortages caused when the Lake dropped to low levels. Therefore, predictable and supportable Lake operations are necessary to serve all of the Lake's Congressional authorizations and Florida's water supply program. During these times of uncertainty and the need for governmental transparency, we request that the Corps disclose to the public the authorizations for the current discharges and the Corps' operational plan in support of these operations. The Corps should operate within the bounds of LORS 2008, but if the Corps chooses to operate outside the bounds of LORS 2008, we request that it follow the administrative procedures specified within the schedule, including public disclosure and adherence to the National Environmental Policy Act.

We look forward to your response to our questions and appreciate the Corps' consideration of our concerns.

Sincerely,

Southeast Florida Utility Council  
City of West Palm Beach  
Palm Beach County Commissioner Gregg K. Weiss  
Palm Beach County Commissioner Melissa McKinlay  
Lake Worth Drainage District  
City of Clewiston  
City of Okeechobee  
Associated Industries of Florida  
The Florida Chamber of Commerce  
Western Palm Beach County Farm Bureau, Keith Wedgworth, President  
Central Palm Beach County Chamber of Commerce, Mary Lou Bedford, Chief Executive Officer  
Florida Chapter of the Golf Course Superintendents Association of America  
Florida Fruit and Vegetable Association  
The Florida Land Council  
The Florida H2O Coalition  
Florida Farm Bureau Federation  
Florida Nursery Growers and Landscape Association  
Florida Citrus Mutual  
Florida Agribusiness Council  
Turfgrass Producers of Florida

Southeast Milk  
United Dairy Farmers of Florida  
U.S. Sugar  
Florida Crystals Corporation  
Sugar Cane Growers Cooperative of Florida  
Jon Stevenson, Former Secretary, Florida Department of Environmental Protection  
Ryan Matthews, Former Secretary, Florida Department of Environmental Protection

cc: Lieutenant General Scott A. Spellmon, United States Army Corps of Engineers  
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