



Friends *of the* Everglades

September 12, 2022

Colonel James L. Booth, District Commander
U.S. Army Corps of Engineers, Jacksonville District
Jacksonville, FL 32207
Submitted electronically via LakeOComments@usace.army.mil

Subject: LOSOM Draft EIS Comments

Dear Colonel Booth:

Federal and state management of Lake Okeechobee under the 2008 Lake Okeechobee Regulation Schedule (LORS08) has imposed serious harm on stakeholders. The foundational assumptions that supported LORS failed to fully account for negative impacts on public health, the ecology of the Greater Everglades and South Florida's economy. Meanwhile, LORS provided agricultural businesses with immense benefits by managing Lake Okeechobee in a manner that over-prioritized irrigation and drainage on hundreds of thousands of acres of sugarcane south of Lake Okeechobee.

We are grateful to the U.S. Army Corps of Engineers (ACOE) for making a good-faith effort to address these issues via the new Lake Okeechobee System Operating Manual (LOSOM). As drafted, LOSOM represents a significant and positive change in philosophy on the part of the ACOE — one that formally recognizes the harm inherent in the federal government's discharging of water laden with toxic blue-green algae from Lake Okeechobee to populated communities along the St. Lucie and Caloosahatchee estuaries, as well as the need to deliver more clean water south to Everglades National Park.

While LOSOM is not a panacea, it represents a move toward a more balanced Lake Okeechobee management plan that strives to protect public health and the environment, while continuing to protect the water supply of South Florida.

Friends of the Everglades generally supports the operational intent of LOSOM, which as stated is "to manage lake stages by providing beneficial releases for water users to the west and south throughout the dry season while protecting the sensitive ecologies throughout the system and

heading system constraints, notably in the STAs.”¹ However, we are acutely aware of the need to ensure the stated operational *intent* translates into *realized benefits* when LOSOM takes effect in 2023.

With that in mind, we ask that you incorporate the following improvements to LOSOM before the Draft Environmental Impact Statement (DEIS) is finalized and LOSOM is implemented.

1. **Lake Okeechobee “recovery operations”:** One area of particular concern in the LOSOM Draft EIS is proposed Lake Okeechobee recovery operations, whereby the ACOE would intentionally lower the lake under certain conditions to help expedite reestablishment of submerged aquatic vegetation (SAV) in the lake. The draft Water Control Plan (WCP) calls for accomplishing this by making discharges of up to 1,400 cubic feet per second (cfs) to the St. Lucie Estuary (SLE), and 2,100 cfs to the Caloosahatchee River Estuary (CRE) beginning in the dry season. Since recovery operations are likely to follow a very wet year, this off-season water could be devastating to the northern estuaries, preventing dry-season recovery. As written in the Draft EIS, at least one of the following criteria in the previous year would determine whether recovery operations could be considered.:
 1. Lake stage exceeded 17.0 feet.
 2. Lake stage did not recede below 13.0 feet for at least 30 days (non-consecutive) in the months of June and July.
 3. SAV coverage either falls below 11,000 acres on the lake or significantly reduced from previous years.

Specifically, we are concerned that:

- The above criteria do not ensure a net system-wide ecological benefit. We strongly recommend the ACOE develop a method for calculating whether Lake Okeechobee recovery operations would yield a net environmental gain — meaning, harm to the northern estuaries resulting from a lake drawdown does not exceed benefits to Lake Okeechobee. This calculus should be required and publicly made available ahead of any intentional drawdown of Lake Okeechobee in accordance with recovery operations.
 - Additionally, the LOSOM Draft EIS is vague in its description of the trigger for implementation of Lake Okeechobee recovery operations, stating that such operations “would be discussed with agencies and stakeholders and the specific plan announced before any action is taken.” We request more specific guidance regarding the trigger for implementing this mode and the forum for making that decision.
2. **Coral reef impacts:** The final EIS should include an assessment of the impact to near-shore coral reefs triggered by regulatory releases from Lake Okeechobee.
 3. **Red tide impacts:** The final EIS should more directly address the public health risk posed by Lake Okeechobee regulatory releases in terms of exacerbating red tide.²

¹ LOSOM Draft Water Control Plan (p. 7-14)

² <https://www.sciencedirect.com/science/article/abs/pii/S0048969722012414?dgcid=author>

4. **Climate change:** The final EIS should more deeply analyze the risks that climate change may pose to the modeled LOSOM plan, which relies on a period of record that is likely to look very different from the decade ahead, climatologically.
5. **Harmful Algal Bloom operations:** We would like to see more specificity in LOSOM regarding Harmful Algal Bloom operations. As written, Harmful Algal Bloom operations in the Draft EIS state: “If the risk to the public associated with algal blooms and toxin levels in lake releases is determined to be high, USACE may pause or delay releases.” We recognize that the ACOE has made an effort to incorporate water-quality risks into LOSOM. It’s encouraging to see potential flexibility that could allow for holding back releases when toxin levels are particularly high. We ask the ACOE to *require* regulatory discharges be held back when toxin levels exceed standards set by the World Health Organization and/or Centers for Disease Control. In the interest of public health, it’s imperative that withholding toxic releases be mandatory. We recognize that competing priorities will make that a challenge, but “do no harm” must be at the heart of LOSOM.
6. **Flows south:** The Draft EIS projects the Preferred Alternative will increase total flows south to 206,000 acre feet per year, compared to 60,000 acre feet per year under Existing Conditions as of 2019 (ECB19). We are supportive of this projected increase, and would like to see more specificity in the Final EIS regarding the mechanism for ensuring those deliveries.

Finally, we recognize that ACOE is not the only agency responsible for ensuring that LOSOM is more protective of human health and the environment. LOSOM’s success is highly dependent on the state-led South Florida Water Management District’s use of about 60,000 acres of Stormwater Treatment Areas south of Lake Okeechobee, which under current operations accept and treat a relatively small volume of Lake Okeechobee water. Most water into the STAs is from sugarcane field runoff from the Everglades Agricultural Area. The Water Control Plan states: “Flows south from Lake Okeechobee towards the STA/WCAs may not be made in the early dry season (November–December time frame) to allow the vegetation to recover from the wet season operations or significant storms.”

We disagree with preventing flows south during the early dry season. If additional STA capacity is needed to maintain necessary flows from Lake Okeechobee to the southern Everglades, then SFWMD should prioritize purchasing land and constructing those STAs. The suggested limitations on flows could undermine the operational intent of LOSOM. Prioritizing the STAs for sugarcane runoff in the EAA, rather than environmental water, is a problem state policymakers can and must fix.

In conclusion, we would like to voice our sincere appreciation to the Army Corps of Engineers leadership and LOSOM team for the diligent, transparent, inclusive effort to create a more equitable Lake Okeechobee management plan. The toxic-algae crises of 2013, 2016 and 2018 were avoidable catastrophes borne of water management decisions and nutrient pollution. LOSOM is poised to deliver some relief by addressing the water-management part of the problem. Friends of the Everglades encourages ACOE to embrace our suggested

improvements and finalize this plan without delay. Doing so will improve our chances of protecting Florida's public health and ecosystems.

Ultimately, a more holistic solution will be required to redress the negligence that has left vulnerable Florida's environment and public health. We are committed to achieving it.

Sincerely,

A handwritten signature in black ink, appearing to read "Eve Samples". The signature is fluid and cursive, with the first name "Eve" being more prominent than the last name "Samples".

Eve Samples
Executive Director, Friends of the Everglades