



THE FLORIDA SENATE
SELECT COMMITTEE ON INDIAN RIVER LAGOON
AND LAKE OKEECHOBEE BASIN

Location
325 Knott Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5372

Senator Joe Negron, *Chair*
Senator Charlie Dean, *Vice Chair*
Senator Bill Montford, *Vice Chair*

Professional Staff:
Pepper Uchino and Jamie DeLoach, *Staff Directors*
Senate's Website: www.flsenate.gov

February 18, 2014

The Honorable Jeff Miller
United States House of Representatives
336 Cannon House Office Building
Washington, D.C. 20515

Dear Representative Miller:

Florida Senate President Don Gaetz created the Senate Select Committee on Indian River Lagoon and Lake Okeechobee Basin last summer in response to devastating toxic algal blooms in the Indian River Lagoon and Caloosahatchee Estuary. The Select Committee was tasked with investigating policies, spending, and any other governmental activities affecting water management in the Indian River Lagoon and Lake Okeechobee Basin and released its final report on November 8, 2013, which I have attached for your reference. With the wet season scheduled to begin in just a few months, federal approval is needed to address several recommendations designed to better manage lake levels, regulatory releases, and water quality.

Within the next few weeks, Congress will consider the 2014 Water Resources Development Act. You have the opportunity to authorize the C-43 Reservoir project in this legislation. The C-43 Reservoir will benefit the Caloosahatchee region by allowing for the storage of excess lake and local basin water during the wet season for use during the dry season.

Florida has done our part to prepare the way for federal approval of this needed water storage project. The state has purchased the land and approved the plan for the reservoir. We are poised to include our share of funding in the state budget, as recommended by both the Select Committee and Governor Scott. Federal authorization of the C-43 Reservoir is essential if Florida is to remain proactive in balancing the risk of a dike breach or failure with ongoing environmental impacts.

We also require your attention with regard to amending the U.S. Army Corps of Engineers' operational control over water levels in Lake Okeechobee. Over the last few months, the Army Corps has demonstrated a willingness to be more proactive and coordinate with the South Florida

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Water Management District to manage lake levels. This experience demonstrates the state water managers and the Army Corps can work effectively together. However, the fact remains the Army Corps has sole jurisdiction and authority over lake levels and acts within that authority even when those actions conflict with the state water managers' better judgment. We need your help to permanently and officially rebalance this delegation of responsibility and authority.

The Army Corps' authority to manage the water level of Lake Okeechobee is derived from Congress. Utilizing this authority, the Army Corps undertook a risk assessment of the Herbert Hoover Dike after the flooding in New Orleans from Hurricane Katrina. The results showed the federal government had failed to maintain the dike, which was found to be in serious disrepair. In response the Army Corps implemented the 2008 Lake Okeechobee Regulation Schedule (LORS 2008). Under this schedule, the Army Corps holds less water in the lake during the wet season in order to reduce the risk of a dike breach or failure. While this schedule addresses ongoing flood control needs, it fails to account for the fact that every wet season the risk of damage to the estuaries, caused by these fresh water releases, is 100 percent.

To address these long-term impacts and consistent with the recommendations of the Select Committee, I am asking Congress to take the following actions: (1) remove the Army Corps' sole jurisdiction over Lake Okeechobee releases in the manner outlined in the attached report; and (2) direct the Army Corps to develop an interim risk assessment and lake-level schedule to account for the rehabilitation that has been completed or is ongoing to repair the Herbert Hoover Dike.

I look forward to working with you to implement these recommendations and to better protect Florida's interests in the future. Thank you for your consideration of these critical matters to our state.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Joe Negron", with a horizontal line drawn through the middle of the signature.

Joe Negron, Chair
Senator, District 32

Enclosure

cc: The Honorable Patrick Murphy, Florida's 18th Congressional District
Members of the Florida Congressional Delegation
The Honorable Rick Scott, Governor, State of Florida
The Honorable Will Weatherford, Speaker of the Florida House of Representatives