



American Water Works Association Florida Section

February 26, 2020

The Honorable Congresswoman Lois Frankel
2305 Rayburn House Office Building
Washington, DC 20515

SUBJECT: CERP 'Savings Clause' and Water Resources Development Act 2020

Dear Congresswoman Frankel,

On behalf of the Florida Section of the American Water Works Association Water Utility Council ("Water Utility Council"), I extend our appreciation to you for attending a February 3, 2020 meeting with the City of West Palm Beach, Southeast Florida Utility Council, other water users, and the U.S. Army Corps of Engineers (USACE) and South Florida Water Management District (SFWMD).

As described in the attached Southeast Florida Utility Council letter to Colonel Andrew Kelly, the Water Utility Council shares the significant concerns with the USACE's interpretation that the Comprehensive Everglades Restoration Plan (CERP) "Savings Clause" does not apply to its new Lake Okeechobee System Operating Manual (LOSOM) development. We also share the concern the Lake Okeechobee Operating Regulation Schedule 2008 is USACE's current LOSOM baseline condition.

The Water Utility Council continues its strong support for ecosystem restoration throughout our great state and the overall CERP program. However, the USACE's recent interpretation is contrary to CERP's objectives to restore the environment while also providing for South Florida's water-related needs. Codified in both federal and state law, the CERP Savings Clause is a critical component of Water Resources Development Act (WRDA) 2000 (Section 601(h)(5)). It provides assurances water needed for CERP ecosystem restoration will not be taken away from existing legal water users unless and until a new water supply source is made available.

WRDA 2000's CERP Savings Clause is essential to protecting the water supplies for the 6.5 million people in Florida's lower east coast and to sustaining their future. We understand you are considering including language in WRDA 2020 to clarify that the Savings Clause applies to LOSOM. With this letter, we join with other stakeholders in expressing to you, and other members of the Florida Congressional Delegation, our support for language in WRDA 2020 that makes clear the Savings Clause applies to LOSOM and ensures these essential protections for our water rights remain intact.

If you have any questions regarding this correspondence or if the Water Utility Council can be of assistance in some other way, please contact me at (954) 831-0718.

Best regards,

Kevin Carter
Chair, Florida Section of the American Water Works Association Water Utility Council

Attachment: Southeast Florida Utility Council Letter to Col. Kelly dated 1/30/20

C: Major General Scott Spellmon, USACE
Lt. General Todd Semonite, USACE
Col. Andrew Kelly, USACE
Members of the Governing Board, SFWMD
Drew Bartlett, Executive Director, SFWMD