

Status of the USACE Tentatively Selected Plan for the Lake Okeechobee Regulation Schedule

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Governing Board Meeting*

Chronology of Schedule Modification Process

- Current WSE schedule effective 2000
- USACE Scoping process initiated (2005)
 - High Lake levels & hurricanes 2002 – 2005
 - Lake & estuary water quality concerns
 - Board resolution requested expedited change
 - Dike integrity issues (2006)
- USACE published tentatively selected plan (TSP) in June, 2007

Tentatively Selected Plan: Benefits

- Reduces high Lake stages:
 - Addresses Dike safety concerns
 - Promotes protection of aquatic vegetation by lowering average Lake stages
- Potential benefits of *periodic* extreme low lake levels:
 - Encourages bulrush germination (10-10.5')
 - Oxidizes organic muck in littoral zone
- Estuary benefits mixed

Tentatively Selected Plan: Concerns

- Increases potential for Lake MFL violations
 - Doubles the probability of Lake MFL exceedances
 - Average # of days of Lake MFL exceedance increased by 50%
 - Water shortage cutbacks do not reduce or prevent MFL exceedances
- Impacts to Lake ecology
 - Snail Kite habitat & food source impacted
 - Loss of native habitat & exotic plant expansion
 - Fish reproduction impacted

Tentatively Selected Plan: Concerns, cont.

- **Impact to permitted users' supply & level of certainty**
 - Potential for water shortage cutbacks more frequently than 1 in 10 years
- **US Fish & Wildlife Service consultation:**
 - Anticipating Biological Opinion on proposed TSP
 - Jeopardy Biological Opinion unlikely

Tentatively Selected Plan: Issues

- **Seminole Tribe's Brighton Reservation Water Supply**
 - Water Rights Compact establishes federal water right for Tribe ("entitlement right")
 - Tribe's comment letter indicates the Tribe "...cannot support..." the TSP

Tentatively Selected Plan: Issues, cont.

- 1996 Agreement between the Seminole Tribe and District states:

“The District agrees that, to the extent that the Tribe’s ability to obtain surface water supplies for the Brighton Reservation from Lake Okeechobee ... may be diminished by implementation of ... changes in Lake Okeechobee regulation schedules..., the District will mitigate such impacts....”

Recommendations

- Forward our concerns to USACE for consideration
- Obtain Biological Opinion for review
- Negotiate beginning of next regulation schedule process
 - Paralleling operations manual with new Lake schedule study
- USACE work with District as Dike Reaches 1, 2, & 3 are repaired to incrementally add water to Lake using TSP's flexibility

Recommendations, cont.

- Start process soon after finalizing TSP to acknowledge new projects as they are built
 - C-43, C-44, EAA Reservoir, Band 1, etc.
- Recognize USACE has challenges with federal process
- Address Brighton Reservation supply issues
 - G-207 pump capability or
 - Lake Istokpoga deviation

Anticipated USACE Schedule

- Final Environmental Impact Statement (FEIS) to be published in Federal Register on November 16th
- Public comment on FEIS taken for 30 days
- USACE considers comments and incorporates them; however is not required respond to them. Comments will be included in the final Record of Decision package – late 2007
- Anticipated new schedule Record of Decision - January, 2008
 - Final new schedule – February, 2008