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Marie G. Burns, Chief
Environmental Branch
Jacksonville District Corps of Engineers
P. O. Box 4970
Jacksonville, FL 32232-0019

Dear Ms. Burns:

Audubon of Florida is pleased to submit these comments on the Corps' Revised Draft Supplemental Environmental Impact Statement (RDSEIS) for the Lake Okeechobee Regulation Schedule Study (LORSS). The RDSEIS has improvements over the current schedule (WSE), and the previous draft of the DSEIS, and we commend the Corps for continued efforts to refine management of Lake Okeechobee and downstream systems, to the extent practicable. This letter updates and adds to Audubon's comments on LORSS from October 10, 2006 and April 24, 2007.

We support the Corp's selection of Alternative E as a reasonable schedule to adopt at this time. Herbert Hoover Dike (HHD) safety is an over-riding issue in developing this new schedule and Audubon recognizes the necessity of keeping the Lake lower, on average, to increase HHD safety. We strongly support the ongoing HHD repair and will continue working with state and federal partners to maximize funding for this critical effort. Once repaired, the schedule can be adjusted to allow deeper, more desirable levels in the lake and reduce the need for "emergency" estuary releases.

We also emphasize that although many parties have legitimate concerns about the preferred alternative, retaining WSE cannot be an option, due to safety concerns. For example, in 2003 WSE did not call for lake-lowering releases in the spring (for about 3.5 months). The lake remained at about 15 feet until the summer and then rose to about 17 feet, triggering massive releases. Had proactive releases been made (as would be in Alternative E), the lake could have been lowered to the 14-foot range and reached a maximum of only about 16 feet. Ensuing releases would have been less harmful. More significantly, if weather similar to 2004 had occurred (when the lake rose about 5.5 feet in two months), it would have put lake levels in the range of almost-certain HHD breach, an unacceptable outcome. WSE must be replaced as soon as possible for public health and safety.

Lake levels and water supply

Under WSE, Lake Okeechobee's littoral zone suffered mostly from high water stages. Although Alternative E lessens this problem, it is projected to keep the lake too low, too often. Thus, there is virtually no change in the percent of time Okeechobee water levels are not in the desired range (the Lake is out of the desired "stage envelope" 72.5% of time for "No Action" and 74.7% for Alternative E). Low levels also portend increased water supply cutbacks. These results appear unavoidable due to current (severe) limitations in the water management infrastructure of south Florida (the C&SF and the HHD). We support the Corp's proposal to link LORSS updates to completion of infrastructure improvements (especially HHD repair and completion of the EAA reservoirs), that will take advantage of increases in operational flexibility as soon as possible.

Low-water issues with Snail Kites and Okeechobee Gourds

Snail Kites: Apple snails are virtually eliminated by long droughts, such as the one that is occurring now. After the 2001 drought, Snail Kites did not nest on Okeechobee in appreciable numbers until 2006 (five years later), presumably due to the time it took snails to repopulate. This drought offers a second chance to monitor the rate and characteristics of snail population recovery. This is especially important because Alternative E projects many MFL violations, which are defined as low levels (below 11 feet for more than 80 days) occurring more than once in six years. If five years is the true recovery time for snails, frequent MFL violations would virtually extirpate Kites from the Lake. The Corps should fund investigations to determine the impacts of low water levels, and if the regulation schedule is protective enough of Kites.

Okeechobee Gourd: This endangered, endemic gourd has a very limited range and is heavily dependent on the organic soils of the islands on the southern end of the Lake. Low water levels dry the soils out, causing subsidence, which might lower the surface of the islands to the extent they can not sustain viable gourd populations. Oddly, MFLs and performance measures for the Water Conservation Areas have very specific criteria to protect their organic soils from oxidation, but there is no similar consideration for Lake Okeechobee's organic soils. The Corps should fund investigations of soil subsidence characteristics related to low water, to ensure permanent harm does not occur to gourd habitat.

Estuaries

Alternative E appears to offer some improvements for the estuaries. In general, releases are more proactive, which allows lower flows more often and helps avoid very large and damaging flows. Until significantly more storage is built into the system, and southward conveyance, storage, and cleansing capacity are increased, harmful estuary releases will remain a problem. Base flow to the Caloosahatchee Estuary is increased in Alternative E, resulting in fewer projected MFL violations. The Lake Okeechobee Water Supply Management plan is not finalized, but once finished, the Corps should match base flows with the rationing triggers such that Caloosahatchee Estuary releases continue until other users are rationed, whereupon the estuary would be rationed accordingly. Lastly, the new inclusion of base flow options for the St. Lucie Estuary gives another level of flexibility toward improving system management.

Looking forward to the next LORSS iteration

- Non-typical Operations were a feature dropped from the RDSEIS. We think they were a promising avenue, especially provisions to re-establish submerged aquatic vegetation after disastrous losses, which warrant further consideration in future schedules.
- This RDSEIS reports model output as averages of the 36-year period of record. As noted in our October 10, 2005 letter, the 36 years contain weather patterns that are significantly different from each other and lumping them together fails to adequately inform the public, and decision makers, how this schedule is likely to perform. The Corps must develop a formal method to interpret and report model results to reflect these dramatically different weather patterns.
- The SFWMD is developing a Regional Simulation Model for the Okeechobee watershed as part of the Northern Everglades efforts and its usefulness for the Corps in future iterations of the LORSS should be investigated.
- The DSEIS has performance measures in the Water Conservation Areas (WCAs) for peat dry out (Fig. 5-5), recession rates for wading birds (Fig. 5-6), water level reversals (Fig, 5-7), and Snail Kites (Fig. 5-9). These resources also are present in Lake Okeechobee, but comparable performance measures do not exist for the Lake. We understand these issues have been refined from longer years of work in the WCAs, but these measures must be developed for the Lake itself.

We appreciate this opportunity to comment on this proposed schedule change. Audubon has had full-time staff dedicated to Lake Okeechobee since 1936 and this long experience helps us recognize that the challenges in management are as great as the Lake itself. We look forward to working with the Corps and its partners in all arenas to restore this treasure of the Everglades ecosystem, and the downstream systems it interacts with.

Sincerely,

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