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Dedicated to representing the public interest in environmental and land use matters.*

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PLEASE REPLY TO: Treasure Coast Office

February 10, 2004

Mr. Robert M. Dunne
U.S. Army Corps of Engineers
701 San Marco Blvd
Jacksonville, FL 32207-8175

Dear Mr. Dunne,

I write to express the Environmental and Land Use Law Center (ELULC)'s strong support for the approval, authorization and implementation of the Indian River Lagoon-South Restoration Plan as described in the December 2003 Draft Project Implementation Report and Supplement to the Final Environmental Impact Statement (IRL Plan).

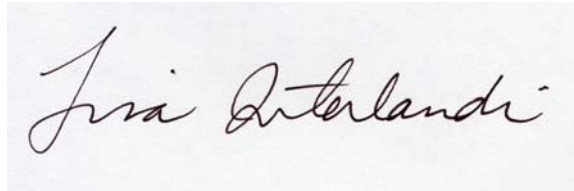
The existing Central and Southern Florida Flood Control (C&SF) Project has critically harmed the Indian River Lagoon and St. Lucie Estuary, resulting in significant loss of habitat, fish kills and lesioned fish. The IRL Plan is the key to undoing the significant and longstanding environmental harm caused by the C&SF project.

The IRL plan, in many ways, could be considered a model plan for CERP. The Plan's focus is clearly and undeniably on the restoration, preservation and protection of the River, Estuary, and Lagoon. The Natural Storage and Treatment Components include over 90,000 acres of restored natural areas, providing perhaps the best possible example of what all CERP projects should strive to achieve. The Natural Storage and Treatment Components significantly increase the spatial extent of wetlands and serve as critical habitat to listed and endangered species, while providing 30,000 acre feet of effective storage, substantially reducing phosphorus loading to the basin, and while providing flood protection, groundwater recharge, and significant recreational opportunities – all without the enormous operations and maintenance costs associated with structural solutions.

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As you must already be aware, the IRL plan has had and continues to have an unprecedented level of support from all sectors of the community – local, regional, and beyond. The IRL team has earned this support by developing a plan that not only restores the health of the Lagoon and Estuary, but does so while restoring the health of its watershed. We urge the prompt approval and finalization of this Plan, and strongly support the authorization and full funding of this Plan by Congress. More detailed comments on a few aspects of the plan follow.

Sincerely,

A rectangular box containing a handwritten signature in black ink. The signature is written in a cursive style and reads "Lisa Interlandi".

Lisa Interlandi

Nutrient Loads to Lake O

We are pleased to see that the Revised Plan responds to concerns raised regarding nutrient loading to Lake Okeechobee from C44. The sustainability of Lake Okeechobee is critical to the restoration of the Everglades as well as the St. Lucie River and the Indian River Lagoon. Serious water quality problems in the Lake are exacerbated by high nutrient backflows from C44. Recommend: Continuing adaptive management to address nutrient loading to Lake O.

Diversion Canal

It is unclear whether the Diversion Canal component has been modified from a stand alone component to be a part of the C44 reservoir / STA complex and what impact such a modification might have. This component was the most controversial aspect of the Plan and may require further study and analysis to better define its values and impacts. It is unclear if combining the diversion canal with the C44 complex will result in the canal being expedited from the schedule proposed in the feasibility study.

Recommend: the diversion canal remain a separate component of the plan, with separate design and cost estimates, and that its construction be deferred until C23 reservoirs are complete.

Public Private Partnerships

Section 7.7.6 appears to endorse, without limitation, the public private partnership concept introduced by the SFWMD. We are concerned about the lack of process, or any particular safeguards to ensure the public benefit in any such process.

Recommend: Include safeguards to ensure: land needed for CERP projects will remain in public ownership; project designs meets Corps standards; all CERP goals and requirements will be met; and the benefits of lower cost and earlier completion will be achieved.

Land Costs

Land costs appear to have risen 156% in the past two years. While some contingency based on uncertainty is appropriate, these prices appear to be excessive.

Recommend: Actual sales documented by the property appraiser should be reviewed.

C44 Reservoir - Assurances for Lake O

The C44 Reservoir will likely be one of the first reservoirs adjacent to Lake Okeechobee to come online. This reservoir will reduce water supply dependence on Lake O while simultaneously reducing discharges to the Estuary and back into Lake O. The reduction in water supply dependence on Lake Okeechobee is critical for successful establishment of a significantly lower regulation schedule to benefit the health of the Lake's littoral zone and to reduce the need for discharges into the estuaries. If the increased reservoir storage capacity is used as the basis for increasing permitted water allocations, the natural system benefits associated with the reservoir may not be realized. It is also important to note that reservoirs, to be effective, must be managed for their primary purpose – i.e., to capture and detain stormwater. Reservoirs will be

able to supply irrigation water but that secondary function must not be used as a basis to perpetually store water in the reservoirs, as such would reduce their ability to achieve their primary purpose and the associated environmental benefits.

Recommend: add language to clarify that water supply permits must not reduce or negate the benefits of the C44 Reservoir to Lake O or the Estuary.

Recommend: add language to ensure that reservoir operations will be focused on achieving primary purpose of capturing and detaining stormwater, and associated environmental benefits.