



LAKE WORTH DRAINAGE DISTRICT

13081 MILITARY TRAIL
DELRAY BEACH, FLORIDA 33484-1105

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January 10, 2004

Joseph H. Redican
U.S. Army Corps of Engineers
Prudential Building
701 San Marco Blvd.
Jacksonville, FL 32207

John Morgan
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

Re: Lake Worth Drainage District comments on the Pre-CERP baseline and Guidance Memoranda

Dear Mr. Redican and Mr. Morgan:

The Lake Worth Drainage District ("LWDD") was created pursuant to Special Act and Chapter 298, Florida Statutes. It is the largest drainage district in the State of Florida. The LWDD encompasses approximately 218 square miles in southeastern Palm Beach County and supplies water to and provides flood control for 12 municipalities with a population of over 700,000 residents, 20,000 acres of agricultural land and is bordered by the Arthur R. Marshall Loxahatchee National Wildlife Refuge, known as Water Conservation Area 1 ("WCA 1"). The water management system of the LWDD includes approximately 511 miles of canals, 20 major water control structures and numerous other minor structures. This system provides groundwater recharge for 24 municipal wellfields and the system is used for the prevention of saltwater intrusion. The LWDD relies on deliveries from WCA 1 to maintain and operate its water supply and flood control responsibilities.

The LWDD recognizes the complexity of producing the six Guidance Memoranda and the Pre-CERP baseline. These documents must provide sufficient direction to project delivery teams (“PDTs”) on how to formulate the multitude of Comprehensive Everglades Restoration Plan (“CERP”) projects. Currently, this draft does not provide the necessary level of detail for PDTs to formulate projects and resolve key policy issues. These documents must also continue to strike the balance so critical to CERP in that all stakeholders receive benefits and are not impacted beyond the conditions when the Water Resources Development Act of 2000 (“WRDA 2000”) was passed by Congress.

To that end, the LWDD has reviewed the Guidance Memoranda and Pre-CERP baseline documents and provides the following summary of some of its most important issues. Attachments to this summary include detailed comments on the documents.

- It appears that the Pre-CERP baseline assumptions for Canal Operations for the LWDD for 2000 are lower than the real time data supplied to the SFWMD by the LWDD. While these differences exist, it is our understanding from meetings with the Corps and the South Florida Water Management District (“SFWMD”) that the difference is small and within an acceptable margin of error for the model although not reflective of actual 2000 Canal Operations. Until we see that written assumption for LWDD Canal Operations, we cannot make a determination on whether the operation of that assumption will fall within that acceptable range. The Pre-CERP baseline model should be re-run to ensure the most accurate assumptions are used and then it should be redistributed for public review.
- One of the Pre-CERP baseline assumptions for WCA 1 is language summarized from the Regulation Schedule. We suggest you use the actual language from the schedule and not a summary. We have provided that language in the attached comments.
- While it is clear that the Pre-CERP baseline is intended to protect the hydrological conditions, as they existed in December of 2000, there are certain sections of the Guidance Memoranda which articulate other available protections under state and federal law. A critical state protection is found in Section 373.1501, F.S., and at the state level, this is equivalent to the Savings Clause. A summary of these protections is found in the Attachment to Guidance Memoranda 4 and provides additional protection for the natural system, flood protection and existing legal users. This set of protections should also be included in the body of Guidance Memorandum 3.
- More explanation is needed in Guidance Memorandum 4 on the use of the Modified Next Added Increment and Next Added Increment methodologies. In addition to that explanation, more direction must be provided to the PDTs on how to apply that methodology when identifying water for the natural system and other water related needs.
- Attachment 4-D includes language that is to be included in every Project Implementation Report (“PIR”). While the LWDD understands the federal interest in CERP and the desire of the federal partners to ensure overall project benefits, it is not clear that this “Model Language” will achieve that goal. The language should be broadened to ensure that all the “goals and purposes of the Plan” are achieved. The LWDD has also provided specific comments on the specific language itself in the attached comment documents.

John Morgan
South Florida Water Management District
Joseph H. Redican
U.S. Army Corps of Engineers
Page 3 of 3

Finally, the LWDD appreciates the opportunity to provide extensive comments on these documents at this stage and we look forward to reviewing the next draft of these documents after they are revised and published for notice in the Federal Register. We anticipate continuing to work with you on the development of the next draft of these critical documents. For any questions that you might have regarding our comments, please contact Michelle Diffenderfer.

Sincerely,



William Winters

MWD/ELD/kss
Attachments

C: Michelle Diffenderfer - Lewis, Longman & Walker, P.A.
Terry Lewis - Lewis, Longman & Walker, P.A.
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Mark Perry – Lake Worth Drainage District
Patrick Martin, P.E. – Lake Worth Drainage District
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