

## Lake Worth Drainage District Comments on Pre-CERP Baseline

4.0: This section describes the process that was used to develop the Pre-CERP baseline. This section should more clearly detail under what entity the “team responsible for developing the Pre-CERP baseline” operated under. Specifically, was this an interagency team under RECOVER or was it an issue group that met through the Water Resources Advisory Commission?

The last paragraph of the section describes how the concurrence process with the Secretary of the Interior and the Governor’s office will occur. The last paragraph states that a copy of any concurrency or non-concurrency statements shall be made a part of the administrative record and referenced in the final determination of the Pre-CERP baseline. This section should clearly describe what “the final determination of the Pre-CERP baseline” is and how changes will be made between the time the draft document is released and the concurrence process concludes. For instance, will the public see if there is a problem in the model? This section should also detail whether or not the Pre-CERP baseline model will be re-run after public comment is concluded. Figure 2 should be revised to reflect a revised model run in the section on “Revise and Develop Pre-CERP baseline called for in § 385.35(a)”. The concern is that after public comment and review, there will not be ample time to re-run the model and allow review of those new modeling results.

5.0: The section describes a process by which each project team may need to simulate Pre-CERP baseline assumptions using the best available modeling tools for their project. This statement and process should be more clearly detailed. The phrase “simulate the Pre-CERP baseline assumptions” is confusing. Does this mean that there will be a need to use the Pre-CERP baseline assumptions in a smaller resolution model because the SFWMM has such a large scale?

7.1: This section states that “specifically, the Pre-CERP baseline is to be used as part of the analysis for determining if an existing legal source has been eliminated or transferred as a result of project implementation.” What other tools would be used in the Savings Clause/Pre-CERP baseline analysis for existing legal sources and could these additional tools show different results than using the Pre-CERP baseline to make this determination? How would conflicts between the tools be resolved?

7.3: This section describes the concept of “intervening” non-Plan conditions and upon reviewing Guidance Memorandum 3, this process clearly defines the obligations of CERP in relation to other water resources activities. The examples are particularly helpful in clearly articulating these obligations of CERP. We have provided some specific comments about the LWDD’s concerns on those examples in a later section of this document.

7.4.1: This section is helpful in clearly defining how and which Pre-CERP baseline components can be updated and which cannot. Some of these components that can be updated include better mechanisms of interpolating topographic data, an extended period of record and better ways of calculating rainfall data. Allowing for changes in certain key Pre-CERP baseline information will result in a more accurate depiction of the conditions in 2000. The Pre-CERP baseline must

provide a clear mechanism for incorporating new information but maintaining the fundamental assumptions for consistent comparisons of project effects on the Savings Clause.

The last sentence in this section states: “While Pre-CERP baseline simulation may be updated with the commencement of project planning, project determinations with respect to the Savings Clause will not be retroactively affected by an updated Pre-CERP baseline.” This sentence should be clarified. Is there an expectation that this will result in different Pre-CERP baseline analyses for earlier and later projects?

7.4.2: This section outlines the concept that the conditions of 2000 will not change, but the scale of the model used to analyze those conditions may change from project to project. “The project team for each CERP project shall select the appropriate model for the Pre-CERP baseline simulation for their project.” This section should clearly articulate that while the scale of the model may change from project to project, the conditions and the assumptions for the Pre-CERP baseline analysis will not.

The following is a list of the specific questions and issues associated with the assumptions of the Pre-CERP Baseline model:

1. Are topography data sets based on best available field tested data?
2. Have there been any updates to the 1995 FLUCCS data beyond that information updated with 2000 aerial photography for the Lower East Coast?
3. How does the Pre-CERP baseline account for the flexibility within the Lake Okeechobee WSE Regulation Schedule? Which Pre-CERP baseline assumptions account for this operational flexibility within the WSE Regulation Schedule?
5. How are operational changes since the 1991 Supply Side Management Plan was adopted incorporated into the Pre-CERP Baseline?
6. It appears that the Pre-CERP baseline assumptions result in canal levels that 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 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 final determination on whether the operation of that assumption will fall within that acceptable range.
7. The assumption for the WCA 1 Regulation Schedule is summarized in Table 1 of the Pre-CERP baseline. This should be revised to reflect the actual language in the Regulation Schedule as follows:
  - The Regulation Schedule stages vary between a low of 14.0 feet and an upper limit of between 15.75 feet and 17.5 feet.

- Zone A1 (January through June): Up to maximum at S-10 (and S-39 when agreed between the Corps and SFWMD). Water supply releases as needed.
- When water levels rise to Zone A1, water would be released through S-10
  - January stages are targeted just above 17.0 feet and gradually decrease

to low of 15.75 feet in mid-May until the beginning of July. In early July the schedule anticipates an increase in stage to 17.5 feet by late September into late November.

- Zone A2 (July through December): S-10 releases based on Corps forecasts. Water supply releases as needed. If Lake Okeechobee stage is above WCA-1 stage or no more than one foot below WCA-1 stage, then water supply releases from WCA-1 must be preceded by an equivalent volume of inflow.
- Water levels in this zone are allowed to reach 17.5 when water is available.
- Zone B Water supply as needed. If Lake Okeechobee stage is above WCA-1 stage or no more than one foot below WCA-1 stage, then water supply releases from WCA-1 must be preceded by an equivalent volume of inflow.
- This water supply zone is between 14.0 feet and the bottom of Zone A
- Zone C No net releases from WCA-1. Any water supply releases must be preceded by an equivalent volume of inflow.
- This is the drought zone and occurs when water levels drop to 14.0 feet or less.

Regarding the timing of finalizing the Pre-CERP baseline the Programmatic Regulations state: Section 385.35(a)(1): Not later than six months after the effective date of the regulations of this part, USACE and the SFWMD shall, in consultation with ... develop for approval by the Secretary of the Army, the Pre-CERP baseline to be used to aid the USACE and the SFWMD in determining if existing legal sources of water will be eliminated or transferred as a result of project implementation described in §385.36 and memorialize the Pre-CERP Baseline in an appropriate document.

The LWDD wants to ensure that there is ample time for an additional model run of the Pre-CERP baseline for final public review. The LWDD wants to ensure that enough time is provided during and after the comment period to incorporate our comments on the assumption issues. The Corps and SFWMD should clearly state if and when they anticipate revised modeling runs to be available for review and comment.