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July 30, 2020

Submitted via email: 2020LORSHABEAComments@usace.army.mil

Department of the Army
Jacksonville District Corps of Engineers

Re: 2020 LORS HAB EA Deviation Comments

To Whom It May Concern,

The Martin County Board of County Commissioners (the County) appreciates the opportunity to provide comments concerning the 2020 Lake Okeechobee Regulation Schedule (LORS) Harmful Algal Bloom (HAB) Environmental Assessment (EA) Deviation (Deviation). Strategies to eliminate or at the very least minimize the occurrence of HABs and nutrients that cause or exacerbate HABs will help to improve water quality within the St. Lucie River and Estuary (SLE) watershed. These water quality improvements are vitally important to the County and the 161,000 residents that we represent.

The Deviation of LORS in 2019 likely averted the presence of HABs in the SLE, and we commend the U.S. Army Corps of Engineers (USACE) in their efforts with this proposed Deviation to continue toward that goal. To the extent that the proposed Deviation has, and will significantly contribute to, eliminating or minimizing the occurrence of HABs in the SLE, the County is in full support. Further, we agree that it is necessary to seek a management approach that continually moves the system toward its restored state, as is the goal of the Comprehensive Everglades Restoration Plan (CERP).

The County again, however, restates our concerns regarding the damaging impacts to the SLE from long duration and/or high-volume Lake discharges because of the non-saline water and the concentrations of HABs, nutrients, and total suspended solids contained within the discharges. These damages extend not only to the SLE but also to the Indian River Lagoon (an Estuary of National Significance) and Florida's Coral Reef Ecosystem Conservation Area (ECA). Frequency, duration, and volume of discharges are factors in the SLE's diminished health. The frequency and duration of discharges negatively affect the ability of the SLE and near shore reef to recover and rebound from past damaging discharges. The result has been misaligned habitats, species response stress, occurrences of single species domination and continual and predictable ecosystem decline.

These stressful conditions will only be exacerbated as climate change related effects result in changes to frequency and intensity of precipitation events and elevated water temperatures.

While we appreciate the additional review performed in preparation of this revised document to analyze operational impacts based on the period of record extending from 1965 to 2010, the County's concern regarding impacts of extended duration releases from Lake Okeechobee remains steadfast. It is understood that a maximum discharge limit of 1,400 CFS from all structures was developed based on the new 2020 RECOVER Salinity Envelope Performance Measure (RECOVER PM), which delineates an "Optimum" range of 150 - 1400 CFS. The County would point out that the documentation for this proposed Deviation fails to identify how the "Green Zone" max release limit of 730 CFS to the SLE was developed and how this max release limit guarantees that contributions from all sources, including contributions from surface and ground waters, will not exceed that limit. Similarly, the proposed Deviation documentation does not appear to recognize the reasonable expectation that precipitation events will become more extreme in the future. Thus, further explanation regarding the expected duration and frequency of releases to the SLE with changing precipitation patterns under this proposed Deviation should have been addressed. Chronic impacts to the SLE from extended and frequent periods of Lake Okeechobee releases are not well defined in the RECOVER PM and should have been analyzed as part of this proposed Deviation. Additionally, we urge USACE to complete the development of a HAB performance measure so that conditions that promote the formation of HABs can be evaluated.

While strategies to eliminate, or at least to lessen, the occurrence of HABs in the SLE are necessary, the impact to spawning oyster populations in the SLE as part of this proposed Deviation is also cause for concern. As stated above, the 2020 RECOVER PM did not adequately address what impact the frequency and duration of Lake Okeechobee releases, even those within the optimal flow envelope range, has on the vulnerable oyster and seagrass populations in the SLE and surrounding waterbodies. Studies in partnership with RECOVER are currently being conducted that may inform these concerns, and this information should be incorporated in the proposed Deviation effort once available. To ensure that healthy salinity levels are maintained, especially during the oyster spawning season, salinity ranges should be monitored daily throughout the SLE during proposed Deviation operations, and these results should be incorporated into operational decisions.

Regarding elimination or minimization of Lake Okeechobee discharges to the SLE, the County understands the USACE's position that discharges to the SLE cannot be eliminated because flow to the WCA's is constrained by canal and STA capacity. However, discharges initiated under this proposed Deviation should first supply necessary water to the Caloosahatchee and then maximize any additional flows to the south. Every effort should be made to eliminate discharges east through the S-308 to the SLE.

The County has concerns related to the water banking scheme that is described in Appendix A, Section 6-f ("Water Bank for HAB operations", page A-6), where it is stated that "By 1 December, if a balance is still present in the water bank, this will be taken into consideration when evaluating when/if advanced releases are made the following year, as well as the guidelines for potential advanced releases."

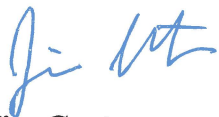
It does not appear in this EA that the USACE considered how the proposed Deviation operations in sequential years will be influenced by outstanding balances in prior years. The failure to account for the ecological impacts from the influence of outstanding balances presents a fundamental concern to Martin County. Since Lake operations are strongly influenced by environmental conditions in a given year, the water balance should be zeroed out at the end of each year. In this manner, the influence of previous years will not adversely impact decisions made for future years.

The EA states that there is a low likelihood that the protocol described therein will be implemented this year, meaning that February 2021 would be the first opportunity to implement the proposed Deviation, if necessary. This appears to be a major time commitment if the proposed Deviation is meant to expire in 2022 when the new Lake Okeechobee System Operating Manual (LOSOM) comes online. This prompts the question whether the expectation is that the operations proposed in this deviation are intended stay in effect after LOSOM is implemented. Should that be the case, Martin County will address the extension in the LOSOM process.

In the County's previous LORS EA Deviation comments (Question #278, Appendix C), concerns were raised about qualifying conditions for HAB operations to be implemented. The proposed Deviation states that HAB operations would commence "if a HAB is currently in Lake Okeechobee, C-43, or C-44 canals, the Caloosahatchee Estuary or the St. Lucie Estuary." In previous comments, the County asked for more information as to why releases from Lake Okeechobee would be triggered by the presence of HABs in the C-44. Notably, this question was not answered and was likely not considered by the USACE. Concerns regarding this seemingly inconsistent operation condition remain in the context of this proposed Deviation.

The County looks forward to continuing to work with the USACE throughout this proposed LORS Deviation EA review and corresponding LOSOM process, and sincerely appreciates the opportunity to provide comments and concerns. Should you or your colleagues have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Jim Gorton

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Public Works Director

Martin County Board of County Commissioners