



August 17, 2007

Yvonne L. Haberer
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville FL 32232-0019

Re: Draft Lake Okeechobee Regulation Schedule

Dear Ms. Haberer:

This letter is submitted on behalf of the Sanibel Captiva Conservation Foundation to provide comments on the Draft Supplemental Environmental Impact Statement for the Lake Okeechobee Regulation Schedule Study, (LORSS) and tentatively selected plan, (T3), presented to the public in Fort Myers on August 8, 2007.

The Foundation appreciates the Corps willingness to reassess the alternatives analysis presented last fall in response to overwhelming public comment against the 1BS2-m plan. While the new T3 alternative addresses some of our concerns regarding impacts to the Caloosahatchee estuary, it does not provide a substantial reduction in conditions which will continue to harm the Caloosahatchee and western estuary.

While we acknowledge and appreciate the limited improvements this alternative LORSS TSP schedule offers, we are gravely concerned that it will perpetuate damaging releases to the Caloosahatchee.

We recognize the following improvements provided by the T3 alternative regulation schedule.

- Managing the lake at lower levels between 12.5 and 15.5 NGVD
- Measuring flow at S-79 instead of S-77
- Reduced frequency of high volume releases to the estuaries
- Reduction in the number of time flows exceed 2,800 cfs and
- Establishing a lake level of 17.25 as a performance measure, not a constraint.

We remain concerned about the serious impacts that will continue to be experienced by the Caloosahatchee under the lake regulation alternative 'T3'.

1. The alternatives analysis is not comprehensive in that it does include a no action alternative but does not include any alternative that would provide significant benefits to the Caloosahatchee.
2. The selected alternative will still result in too many high volume releases over 4,000 cfs that deliver significant nutrient loads and excess freshwater to the estuary. There is no evidence that reducing maximum flows from 4,500 cfs to 4,000 cfs will provide any reduction in impacts to the estuary.
3. The alternatives analysis does not address the seasonality of releases and their impacts on the biological communities whose life cycle is dependent on regular, seasonal patterns of flow into the river and estuary. Spring releases have historically been the most damaging releases to the estuary and natural systems including seagrass and fish spawning. These have most often been triggered in order to get the lake down to 13 ft by the beginning of Hurricane season. There was no discussion of the seasonality of releases, their potential impacts to the estuary or how they will be considered in the operational guidance.
4. Under alternative T3 minimum flow and level (MFL) exceedences will increase. These exceedences will be further exacerbated by the current practice of backflowing the Caloosahatchee into Lake Okeechobee during low water conditions. Backflowing of the Caloosahatchee from S-78 this year has resulted in a continuous exceedence for low flow to the Caloosahatchee estuary. This has resulted in serious impacts to the estuary including salinity levels that extend east of the WP Franklin Lock and Dam to the Olga Water Treatment plant. This plant has been shut down for most of the year while the river has been backflowing into the lake causing high chloride levels at S-79. The alternatives analysis needs to address the Corps operational policy on backflowing and backpumping and quantify these impacts to the estuaries.
5. The SEIS does not identify, quantify or address the economic impacts to the estuaries of poor water quality, delivered in unnatural quantities and out of sync with the biological resources that will result from the implementation of this TSP.
6. The SEIS fails to address water quality impacts resulting from the regulation schedule. Nutrient loading and freshwater deliveries to the estuary are direct and cumulative impacts of the regulation schedule on the estuary that need to be identified and quantified.
7. The alternatives discussion does not address operational issues such as the replacement of the vertical lift gate that delivers organic loads of muck with water releases to the river. We request that a change to this delivery mechanism be made to allow discharges of water from the surface instead of bottom of the water column.
8. The SEIS does not fully address impacts to federally listed species including the Manatee and Small tooth sawfish.

As the Colonel noted in his presentation, the central problem remains inadequate storage capacity of the current system for the volume of excess water that needs to be managed. In 2005 the Caloosahatchee received over 3 million acre feet of water above and beyond that needed for the health of the estuary. The storage that continues to be discussed is not enough to eliminate the damaging releases with any alternative.

Additional detail is needed regarding the assumptions and coordination between the Corps and Water Management District made about additional storage including:

- a. Location and capacity of basin(s) where 150,000 acre feet capacity is available today and 450,000 acft is proposed to be provided and when that will be available.
- b. Details of how water will be conveyed to these storage sites.
- c. Operational guidance on what conditions would trigger diversion and duration.
- d. The alternatives need to address how alternative storage areas could reduce estuary flows.

Independent analysis has shown that only complete DECOMP will provide the storage and diversion of flows that will protect the lake and estuaries. We would ask that the COE proceed with Full DECOMP to achieve historic flows.

We are hopeful that these issues can be addressed. For further discussion or questions regarding these comments please contact Rae Ann Wessel, Natural Resource Policy Director, by telephone at 239.731.7559 or email at Rawessel@sccf.org.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, reading "Erick Lindblad". The signature is written in a cursive, flowing style.

Erick Lindblad, Executive Director
Sanibel Captiva Conservation Foundation