



## Legislation Details (With Text)

**File #:** 20-0733

**Type:** Departmental      **Status:** Passed

**In control:** Board of County Commissioners

**On agenda:** 5/15/2020      **Final action:** 5/15/2020

**Title:** WATER SAVINGS CLAUSE APPLICATION TO LAKE OKEECHOBEE SYSTEM OPERATING MANUAL

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Draft\_Savings Clause Correspondence (002).pdf

Date	Ver.	Action By	Action	Result
5/15/2020	1	Board of County Commissioners	approved	Pass

**PLACEMENT:** Departmental

### TITLE:

**WATER SAVINGS CLAUSE APPLICATION TO LAKE OKEECHOBEE SYSTEM OPERATING MANUAL**

### EXECUTIVE SUMMARY:

Recently, there have been efforts to extend the "Savings Clause" in Water Resources Development Act ("WRDA") 2000 to the ongoing development of the Lake Okeechobee System Operating Manual ("LOSOM") being conducted pursuant WRDA 2018 and other federal law including the National Environmental Policy Act ("NEPA"). Staff is requesting a Chair letter be sent to the House Transportation and Infrastructure Committee, the US Army Corps of Engineers, and our congressional delegation.

**DEPARTMENT:** Public Works

**PREPARED BY:** **Name:** Donna Gordon  
**Title:** Executive Aide

**REQUESTED BY:** John Maehl, Ecosystems Restoration and Management Manager

**PRESET:**

**PROCEDURES:** None

### BACKGROUND/RELATED STRATEGIC GOAL:

The stakeholders advancing this extension are implicitly advocating for a prior Lake operation schedule, known as Water Supply and Environment ("WSE"), and the larger water storage capacity / supply benefits it mandates.

Staff vehemently oppose this effort for the basic principle that the Savings Clause applies to CERP “projects”; LOSOM is not a CERP project. Additionally, the application of this constraint on the LOSOM planning process greatly diminishes the potential flexibility of the process to meet the varied interests’ and needs of all stakeholders involved in the LOSOM planning process through NEPA.

**ISSUES:**

There are varied opinions amongst stakeholders as to the legal application of the Savings Clause in LOSOM.

**LEGAL SUFFICIENCY REVIEW:**

This has been reviewed for legal sufficiency; however, it is primarily a matter of Board policy.

**RECOMMENDED ACTION:**

**RECOMMENDATION**

- Move that the Board send a Chair letter to the House Transportation and Infrastructure Committee, the US Army Corps of Engineers, and our congressional delegation to express our opposition to requiring the “Savings Clause” to be applied to the Lake Okeechobee System Operating Manual development process.
- Move that the Board allow staff to have flexibility to allow changes to the format of the letter, add other government emblems, and any other minor non-substantive edits prior to releasing.

**ALTERNATIVE RECOMMENDATIONS**

None

**FISCAL IMPACT:**

**RECOMMENDATION**

None

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

**ALTERNATIVE RECOMMENDATIONS**

None

**DOCUMENT(S) REQUIRING ACTION:**

- ☐ Budget Transfer / Amendment   ☒ Chair Letter   ☐ Contract / Agreement  
☐ Grant / Application   ☐ Notice   ☐ Ordinance   ☐ Resolution  
☐ Other:

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