

Congress of the United States
House of Representatives
Washington, DC 20515-0918

September 22, 2020

Colonel Andrew Kelly
Jacksonville District Commander
U.S. Army Corps of Engineers
701 San Marco Boulevard
Jacksonville, FL 32207

Dear Colonel Kelly,

On September 18, 2020, and subsequently in a phone call to me on September 21, 2020, you stated that the Army Corps was likely to soon begin heavy-volume discharges from Lake Okeechobee into the St. Lucie River. I am writing to urge you to reconsider this choice.

At the outset, I want to acknowledge a truth: at the beginning of this year's wet season, on May 15, 2020, Lake Okeechobee's water level was 11.03 feet. Had the Lake been a foot and a half higher—as anticipated by the Lake Okeechobee Regulation Schedule (LORS)—it is likely the estuaries would have been receiving high-volume discharges for most of the summer when algal blooms were at a peak level in Lake Okeechobee. In fact, we would have likely been in the range that LORS begins calling for discharges by July 4th had the lake started the wet season at 12.5 feet as prescribed by LORS. The lake beginning the wet season near 11 feet spared the estuaries from another lost summer. At the same time, despite one of the driest Marches on record, every water user got every drop of water that they needed. These are both strong positives that should not be forgotten.

With this acknowledgement out of the way, I do want to press you for continued operational flexibility to prevent discharges. Although the Army Corps frequently represents discharges to the estuaries as a foregone conclusion with no alternative, this is not the case. As you proved in 2019 (and to a lesser extent in 2020), better dry season management of Lake Okeechobee can mitigate the need for discharges. Moreover, even now, these discharges remain unnecessary.

First, the choice to begin discharges now is the direct result of your decision this winter to keep the lake levels artificially high. As you stated at the beginning of the dry season, “unlike last year, our focus this year will be on retaining water during the dry season.” Had you instead allowed the Lake to recess naturally, we may have had additional capacity now to prevent—or at least delay—the need for discharges.

Second, recognizing that hindsight is 20/20, I want to deal with the issue at hand. The Lake is currently at 15.19 feet. During the media call last Friday you stated that “there's no risk of flooding to the population surrounding the lake right now;” however, as soon as discharges begin there will be a public health risk to the populations near the estuaries. Satellite imagery of Lake

Okeechobee, as well as visible algae sightings at Port Mayaca, show there is active risk of algal blooms being discharged from Lake Okeechobee to the estuaries. This risk is intolerable. To be clear: by choosing to begin heavy-release discharges, you are prioritizing mitigating a hypothetical future risk over the very real and guaranteed public health risk created by discharges, which has been acknowledged by both the Environmental Protection Agency's public health advisory and the Army Corps' Congressional testimony. Under no circumstances should the federal government be choosing to poison Americans, and that is what high-volume, toxic algae-laden discharges amounts to.

To that end, prior to making the choice to discharge to the estuaries, I urge the Army Corps to exhaust all other possible options, including full utilization of dispersed water management projects and maximum flexibility to move additional water south above and beyond the measures that have already been implemented.

I recognize that there are no easy choices but to use a cliché: choosing to time and again use discharges to the estuaries as your emergency escape valve and expecting different results is the peak of insanity. The Army Corps must be creative and find a better way to protect the lives and health of Floridians.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized loop followed by a long horizontal stroke that tapers to the right.

Brian Mast
Member of Congress