



Proposed Policy Resolution 6.2021

Adopted Unanimously on September 28, 2021

Resolution in Support of Preserving State Water Allocation Authority for Energy Development & Environmental Restoration Efforts

Sponsors

Representative Bobby Payne, Florida

Representative William E. "Bill" Sandifer, III, South Carolina

WHEREAS, water is essential for all human life and vital for our planet's biodiversity and ecosystems; and

WHEREAS, water supplies are essential for communities, public health, economic development, agriculture, energy reliability, manufacturing, housing transportation, tourism and the livelihoods of everyone in America; and

WHEREAS, stable water supplies are vital for electricity production and thermal power plants to make steam and cool equipment at power generating facilities; and

WHEREAS, consumers and communities need affordable and reliable supplies of energy and electricity that all depend on stable water supplies; and

WHEREAS, water is essential for the safe operation of nuclear power plants and cooling systems at facilities found across the Southeast and our nation; and

WHEREAS, renewable energy and solar power technologies use modest amounts of water for cleaning solar collection and reflection surfaces like mirrors and photovoltaic (PV) panels to help generate emissions-free power; and

WHEREAS, the Western United States has been struggling with drought and a lack of reliable water supplies that has crippled industries like agriculture, has exacerbated widespread blackouts and brownouts of cities and consumers, led to water rationing and made fighting wildfires even more dangerous and difficult; and

WHEREAS, the US Army Corps of Engineers has historically respected and honored the State's role in allocating and controlling surface water; and

WHEREAS, the Jacksonville District of the Army Corps of Engineers recently announced a new management schedule for the Lake Okeechobee System Operating Manual (LOSOM) on July 16, 2021, after more than two years of internal agency review; and

WHEREAS, a host of municipalities, communities, industries, utilities, and Tribes depend on water from Lake Okeechobee for water supplies, industrial needs, environmental restoration,

irrigation and more. Those water rights and allocations are protected by federal and state law under a water sharing agreement; and

WHEREAS, under both Florida and federal laws, water users and communities were guaranteed supplies per various laws, including a provision called “The Savings Clause” which is part of the broadly supported Comprehensive Everglades Restoration Plan (CERP) authorized by Congress; and

WHEREAS, the new LOSOM action by the Corps District Office would severely restrict the backup water supply available in Lake Okeechobee during dry conditions, which recharges the aquifers that supply water to South Florida’s 7 million people; and

WHEREAS, a bipartisan group from the Florida Congressional delegation have repeatedly requested that the Corps create a balanced schedule that protects the water sharing agreements for communities and stakeholders in CERP and prioritizes the federally authorized uses of Lake Okeechobee which are: flood control; water supply; navigation; water storage; and salinity control; and

WHEREAS, the complex modeling behind the Corps’ LOSOM review took years of internal agency development, but was only released on June 9, 2021, and the management plan was announced on July 16, 2021, giving the public, Tribal authorities, and water agencies minimal time to review a massive amount of data; and

WHEREAS, the Jacksonville Corps office ignored bipartisan requests to offer additional time and public comment opportunities for input to ensure that sovereign Tribal and municipal water rights were protected from curtailment as guaranteed by federal law and statute; and

WHEREAS, disclosure of the requested modeling information is needed to comply with the spirit and intent of the National Environmental Policy Act (NEPA), especially due to the impact it would have on low-income communities, federally recognized Tribes and stakeholders;

WHEREAS, the new LOSOM management plan supersedes the State of Florida’s ability to allocate and control water use permitting and management; and

WHEREAS, the establishment of this new precedent by a regional office of the Corps of Engineers could have significant, harmful implications for States across the country and their sovereign water allocation authority for environmental restoration efforts; and

WHEREAS, the implications of this precedent could have detrimental impacts to reliable energy, electricity, and water service for communities across the region and nation; and

THEREFORE, BE IT RESOLVED, that the Southern States Energy Board (SSEB) expresses its opposition to the issuance of new regulatory and management policies by the Corps of Engineers that infringe upon State allocation of water use permits that run counter to clearly established federal laws and state statutes.

BE IT FURTHER RESOLVED, that the SSEB recognizes the far-reaching and unforeseen, harmful impacts that could occur from establishing this new precedent not only in Florida, but in other states on electric power generation and grid reliability as well as water service needs of

communities, including low-income populations, and federally recognized Tribes that depend on supplies from Lake Okeechobee; and

BE IT FURTHER RESOLVED, that the SSEB encourages the Corps of Engineers to work with all communities, industries, stakeholders and water users to take additional time to develop a balanced management schedule that complies with federally authorized uses of Lake Okeechobee for the betterment of the people of Florida; and

BE IT FURTHER RESOLVED, that copies of this resolution will be distributed to the leadership of the United States Senate and House of Representatives, the U.S. Army Department of Civil Works, the Department of Interior and other applicable federal agencies.