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2ND DISTRICT, FLORIDA

COMMITTEE ON AGRICULTURE
COMMITTEE ON VETERANS' AFFAIRS
COMMITTEE ON SCIENCE,
SPACE, AND TECHNOLOGY

Congress of the United States
House of Representatives
Washington, DC 20515-0902

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February 16, 2017

Lieutenant General Todd T. Semonite
U.S. Army Corps of Engineers, Headquarters
441 G Street NW
Washington, DC 20314-1000

Dear Lieutenant General Todd T. Semonite:

We are writing to bring to your attention key findings in the Special Master's recommendation in the litigation between Florida and Georgia regarding the Apalachicola-Chattahoochee-Flint (ACF) River Basin, and to seek the U.S. Army Corps of Engineers' cooperation in stopping implementation of its final revised Master Water Control Manual River Basin rulemaking until this dispute can be resolved equitably. Further, we request appropriate representatives for the Corps provide a briefing at the earliest possible date regarding the Corps' water control practices in the ACF River Basin.

While we disagree with the Special Master's final recommendation, we concur with his finding that Florida has suffered real economic and ecological harm from reduced freshwater flows into the Apalachicola River and Bay. He also concluded:

- "As the evidentiary hearing made clear, Florida points to real harm and, at the very least, likely misuse of resources by Georgia."
- "There is little question that Florida has suffered harm from decreased flows in the River. Florida experienced an unprecedented collapse of its oyster fisheries in 2012."
- The Special Master cited the "unreasonableness of Georgia's agricultural water use." He found that "even the exceedingly modest measures Georgia has taken have proven remarkably ineffective."

The Special Master also pointed out that the Corps plays a dispositive role in the proper resolution of this matter -- namely, the guarantee of fair and equitable downstream freshwater resources so as to not damage the Northeast Gulf ecosystem and the communities that rely on it.

The Special Master found:

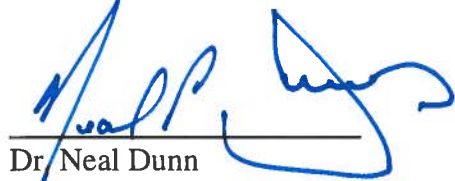
The evidence presented at trial suggests that the Corps' reservoir operations are a significant, and perhaps the primary, factor influencing the amount of streamflow crossing the state line during times of drought or low flow ... [I]t appears likely that ensuring relief for Florida during these times would require modification of the rules governing the Corps' reservoir operations and, hence, active participation by the Corps in this proceeding.

The Special Master concluded:

The evidence also shows that the Corps retains extensive discretion in the operation of those federal reservoirs. As a result, the Corps can release (or not release) water largely as it sees fit..."

Of course, the release of water is governed by the final revised Master Water Control Manual for the ACF River Basin, which was opened for comment in December 2016. Given the Special Master's first-time findings that Florida has suffered harm from the low freshwater flows, and that the Corps' operations are a "significant, and perhaps primary, factor" contributing to the flows creating that harm, we urge you to halt the issuance of your final record of decision and revisit this issue with all stakeholders. Further, we look forward to the Corps' timely response as to the earliest date on which a briefing by the appropriate representatives may occur.

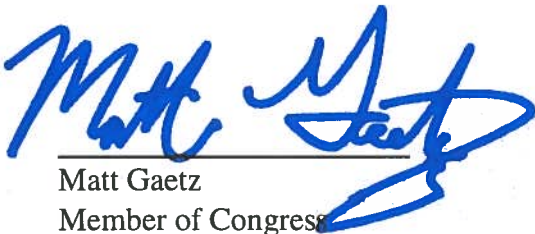
Sincerely,



Dr. Neal Dunn
Member of Congress



Al Lawson, Jr.
Member of Congress



Matt Gaetz
Member of Congress



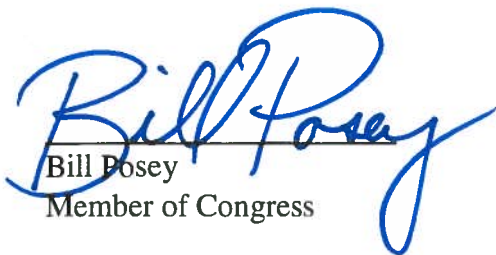
Ted S. Yoho, DVM
Member of Congress



John H. Rutherford
Member of Congress



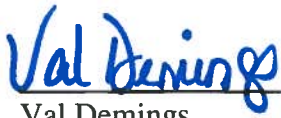
Ron DeSantis
Member of Congress



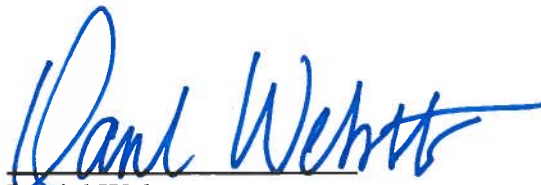
Bill Posey
Member of Congress



Darren Soto
Member of Congress



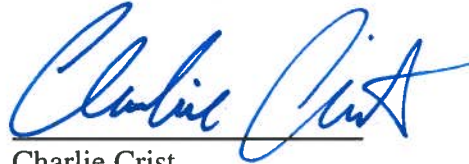
Val Demings
Member of Congress



Daniel Webster
Member of Congress



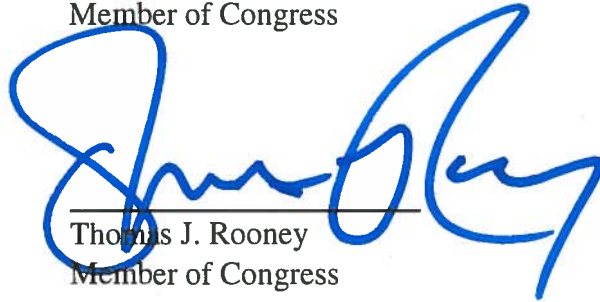
Gus M. Bilirakis
Member of Congress



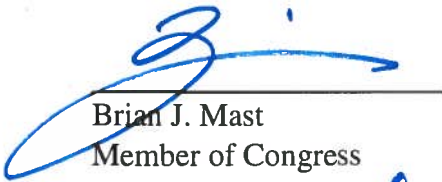
Charlie Crist
Member of Congress



Vern Buchanan
Member of Congress



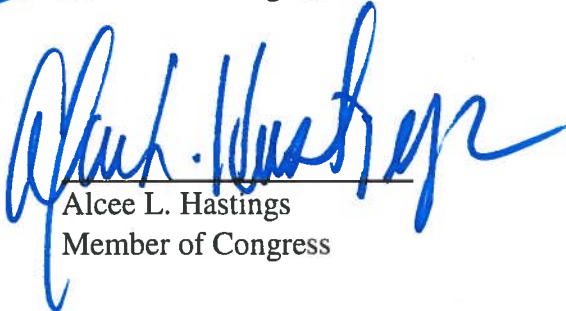
Thomas J. Rooney
Member of Congress



Brian J. Mast
Member of Congress



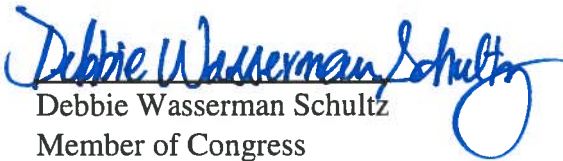
Francis Rooney
Member of Congress



Alcee L. Hastings
Member of Congress



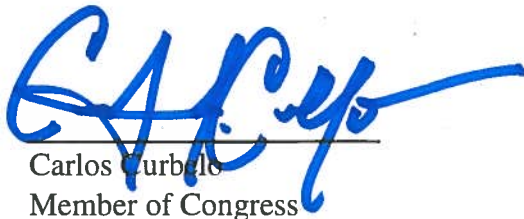
Lois Frankel
Member of Congress



Debbie Wasserman Schultz
Member of Congress



Mario Diaz-Balart
Member of Congress



Carlos Curbelo
Member of Congress



Kathy Castor
Member of Congress



Dennis Ross
Member of Congress



Stephanie N. Murphy
Member of Congress



Theodore E. Deutch
Member of Congress



Ileana Ros-Lehtinen
Member of Congress



Frederica S. Wilson
Member of Congress

Cc: Colonel DeLapp, Commanding Officer, Mobile District