

Florida Crystals Asks Court to Enforce Water Supply Rules

WEST PALM BEACH, Fla. (August 26, 2021) A Florida Crystals' subsidiary filed an action Thursday asking the Court to direct the Army Corps of Engineers (ACOE) to follow Congress' mandate that ensures water supply from Lake Okeechobee for existing stakeholders, including agriculture and urban water users, which is critical to protecting food supply and drinking water during dry periods.

"Farms need a secure supply of water, and all farmers need certainty as we plan and manage our planting schedules and crop rotation," said Jaime Vega, Florida Crystals' Vice President of Agriculture, who oversees a team of more than 50 agronomists, engineers, crop nutritionists and farmers that manage more than 75 farms.

Florida Crystals, the state's largest organic farmer, grows sugarcane, rice and sweet corn in the Everglades Agricultural Area (EAA) south of Lake Okeechobee. Additionally, fresh market vegetables, such as green beans and radishes, are rotated on Florida Crystals' farms by independent family farmers. While the EAA farming region receives the majority of its irrigation water from rainfall, the lake is critical to farmers' water supply during dry periods.

When Congress was developing the Comprehensive Everglades Restoration Plan (CERP), in addition to environmental preservation, lawmakers recognized the need to safeguard water supply for a variety of purposes, including irrigation for agriculture and urban water supply for users down the Lower East Coast of South Florida. Congress enacted these protections in the Water Resources Development Act of 2000 (WRDA 2000) where it directed the ACOE to ensure that it did not "eliminate or transfer" water supply from existing stakeholders as it worked to achieve both the environmental and water-supply goals of the CERP.

Today's filing is a result of the ACOE's failure to ensure that existing stakeholders receive appropriate levels of water supply as the ACOE planned and modeled the Central Everglades Planning Project (CEPP) and its key component, the EAA Reservoir. The ACOE's operating plan for the reservoir is inconsistent with WRDA 2000 and will needlessly reduce water supply for agriculture, urban and other water interests.

Florida Crystals and other stakeholders have exhaustively participated in and submitted numerous comment letters to the ACOE since 2011, as part of the CEPP process, asking the ACOE to comply with WRDA 2000, especially because reducing existing water supply is not necessary to achieve the environmental objectives of the CEPP.

Reducing water supply to farmers puts farms at risk during droughts and endangers US-grown food supply. The EAA is critical to homegrown fresh food supplies for millions of Americans, especially during the winter months when other farm states are too cold to supply US consumers.

"In dry periods, when we can't count on rainfall and Lake Okeechobee's levels are low, many of our farms simply cannot access water," Vega added. "When that happens, we either lose our crops or the crops' yields are significantly reduced, especially with a crop like rice. Any time you reduce the irrigation water a crop requires, no matter what crop it is, the yields will be hurt."

Florida Crystals has consistently supported the CERP since its passage in 2000, and the company has repeatedly expressed support for the CEPP since its inception. As noted in the filing, “The construction of the EAA Reservoir is a positive step forward toward achieving the environmental goals of the Comprehensive Everglades Restoration Plan, and Okeelanta [Florida Crystals’ subsidiary] supports that project.”

The correction to the reservoir’s operating plan at the heart of Florida Crystals’ request can be made concurrently as the reservoir project’s construction continues.

Florida Crystals is confident the Court will direct the ACOE to develop a proper operational plan for the reservoir that complies with WRDA 2000.