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# Senate Meeting

*arranged by*

*Subcommittee on Public Works*

*Committee on Appropriations*

GOVERNMENT

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## Water Supply for Central and Southern Florida and Everglades National Park

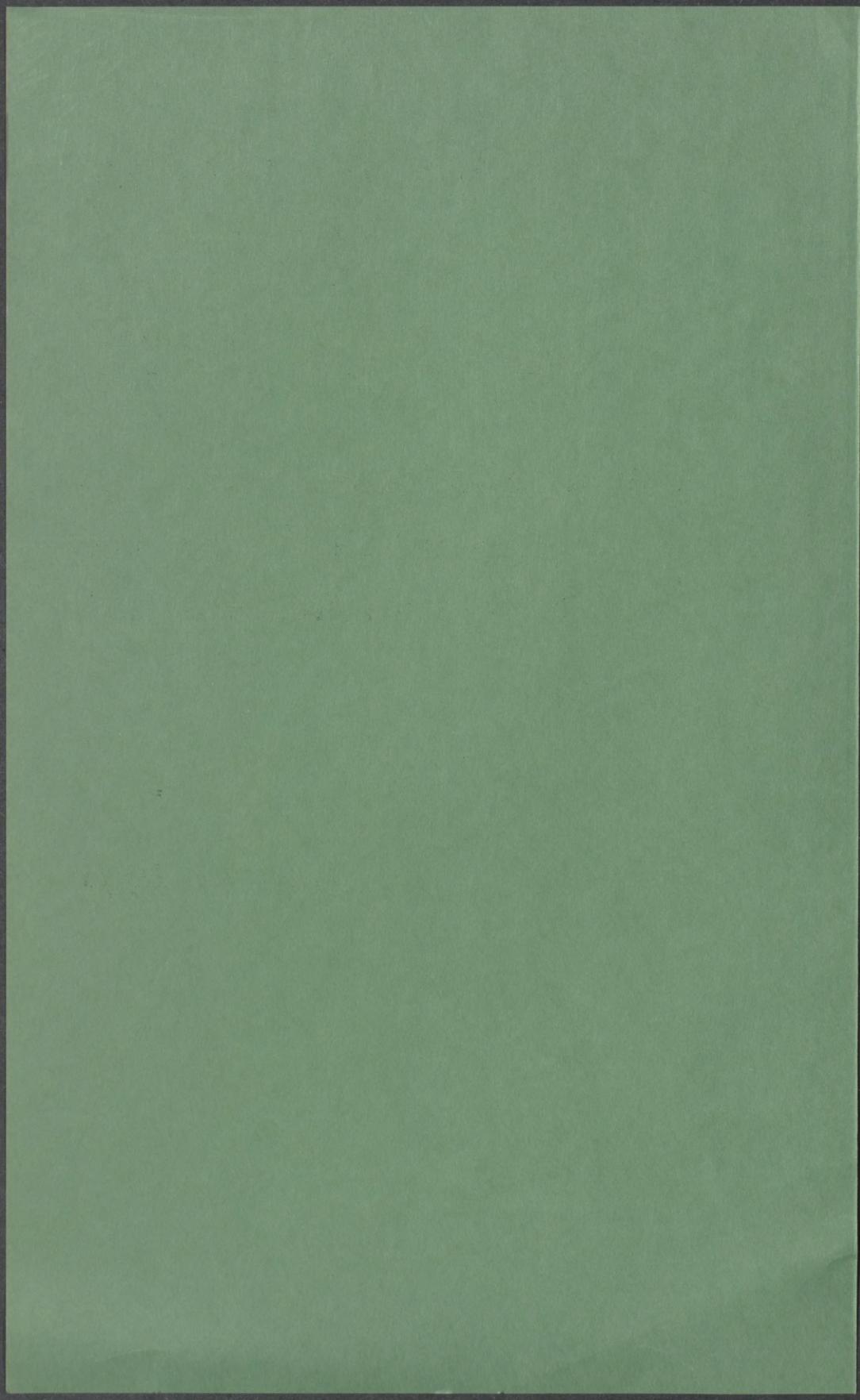
91<sup>st</sup> CONGRESS, SECOND SESSION

*Fiscal Year 1971*

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WATER SUPPLY FOR CENTRAL AND SOUTHERN  
FLORIDA AND EVERGLADES NATIONAL PARK

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MEETING

ARRANGED BY

SUBCOMMITTEE OF THE  
COMMITTEE ON APPROPRIATIONS  
UNITED STATES SENATE  
NINETY-FIRST CONGRESS

SECOND SESSION

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Printed for the use of the Committee on Appropriations



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WASHINGTON : 1970

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# WATER SUPPLY FOR CENTRAL AND SOUTHERN FLORIDA AND EVERGLADES NATIONAL PARK

MONDAY, FEBRUARY 16, 1970

U.S. SENATE,  
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,  
*Washington, D.C.*

The subcommittee met at 10:25 a.m. in room 1114, New Senate Office Building, Hon. Allen J. Ellender (chairman) presiding.

Present: Senators Ellender and Holland; also present: Representative Fascell.

## CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL PROJECT

LETTER OF SENATOR HOLLAND AND REPLY OF SENATOR ELLENDER

Senator ELLENDER. The subcommittee will come to order.

We will proceed in executive session.

Off the record.

(Discussion off the record.)

Senator ELLENDER. Are there any reporters present? If not, we will proceed in executive session.

I wish to place in the record at this point a letter addressed to me by Senator Holland on January 22, 1970, dealing with the matter under discussion, and my answer thereto.

(The letters follow:)

U.S. SENATE,  
COMMITTEE ON APPROPRIATIONS,  
*Washington, D.C., January 22, 1970.*

HON. ALLEN J. ELLENDER,  
*Chairman, Public Works Subcommittee, Committee on Appropriations, U.S. Senate, Washington, D.C.*

DEAR ALLEN: You will recall the subcommittee, in considering the public works appropriations for fiscal year 1970, inserted language in its report (91-528) regarding the Central and Southern Florida Flood Control project, stating, "The Committee desires that the State of Florida, the Department of the Interior, and the Department of the Army complete as soon as possible their current negotiations in developing an operating agreement which will insure deliveries of water to the park whenever adequate water is available to meet park purposes, as stated in paragraph 127b of the project report."

In accordance with the desires of the subcommittee, the Department of Natural Resources of the State of Florida wrote to the Secretary of the Department of the Interior, the Secretary of the Department of the Army and other interested agencies of government, and of the Congress, under date of December 11, 1969, copy enclosed, suggesting a meeting after the first of the year with representatives of the agencies concerned for the purpose of developing the desired operating agreement.

To date, no reply has been received by the State of Florida from either the Department of the Interior or the Department of the Army. This fact was brought out in my remarks in the Senate appearing on pages S312-S314 of the Congressional Record for January 21, 1970.

I have now received the enclosed letter dated January 20, 1970 from Honorable Randolph Hodges, Executive Director, Department of Natural Resources, State of Florida, in which it is stated that, "The Governor and Cabinet, acting as the Department of Natural Resources, have authorized this office to enter into negotiations as requested in Senate Appropriations Committee Report 91-528, November 10, 1969, to reach agreement for delivery of water to Everglades National Park." The letter also enclosed a proposed interim water delivery schedule for the park.

In compliance with the request of the Department of Natural Resources as further contained in the above mentioned letter, and since no reply has been received to the Department's previous letter of December 11, 1969, referred to above, I believe it would be appropriate and in accordance with the desires of the subcommittee for you to call a meeting of all interested agencies and those members of Congress concerned with the water supply to the Everglades National Park in an effort to arrive at an agreement prior to the consideration of the Public Works Appropriations Bill for fiscal year 1971. I will be pleased to render any possible assistance in this regard.

With kindest regards, I remain,  
Yours faithfully,

SPESSARD L. HOLLAND.

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U.S. SENATE,  
COMMITTEE ON APPROPRIATIONS,  
SUBCOMMITTEE ON PUBLIC WORKS,  
Washington, D.C., January 28, 1970.

HON. SPESSARD L. HOLLAND,  
U.S. Senate,  
Washington, D.C.

DEAR SPESSARD: Reference is made to your letter of January 22, 1970 with which you enclosed a copy of Senator Randolph Hodges' letter to you of January 20, 1970.

In your letter, you refer to the fact that as of January 20, 1970 the State of Florida has received no response from the Federal agencies to their letter of December 11, 1969 suggesting a meeting after the first of the year in an effort to develop an operating agreement for the Central and Southern Florida flood control project.

In accordance with the suggestion contained in your letter, I am calling a meeting of the affected Federal agencies and the State of Florida. The meeting is scheduled for 10:00 a.m., February 16, 1970, in room 1114, New Senate Office Building.

Sincerely,

ALLEN J. ELLENDER, *Chairman.*

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STATE OF FLORIDA,  
DEPARTMENT OF NATURAL RESOURCES,  
Tallahassee, December 11, 1969.

SECRETARY OF THE DEPARTMENT OF THE INTERIOR,  
Interior Building,  
Washington, D.C.

DEAR MR. SECRETARY: The desires of Congress concerning delivery of water to the Everglades National Park have been noted by the Governor and Cabinet, as head of the Department of Natural Resources of Florida. Under authority of Chapter 69-106, Section 25, Laws of Florida, this office accepts for the state of Florida the mission as enunciated on pages 24 and 25 of the Senate Report No. 91-528, to accompany H.R. 14159, the Appropriations Bill for Public Works for F.Y. 1970.

The concern of Congress in this matter of water requirements for the Everglades National Park is equally shared by the Florida Department of Natural Resources and has been the concern of the state government and the people of Florida for many years. We are prepared to extend our knowledge and

abilities in an effort to reach agreement on meeting the water needs of the Everglades National Park and the desires of Congress as expressed in committee report referred to above.

We suggest a meeting after the first of the year with representatives of the agencies concerned, namely the Department of the Army, the Department of the Interior, and this office, in an effort to develop the desired operating agreements. C&SF District representation will be included with the state group. We also suggest for your preliminary consideration that the subject be studied on the basis of a revised interim schedule for the current status of project works, and procedures for further agreement to reflect operating regulations that may be implemented as the project works authorized by Congress are progressively completed. Preferably, the initial meeting should be held in Florida, either in Tallahassee or Jacksonville.

We await your response to this suggestion, with a proposed date and location for the meeting and designation of your representative who will attend.

Sincerely yours,

RANDOLPH HODGES,  
*Executive Director.*

Enclosure : Mailing list.

LETTERS TO SECRETARY OF THE INTERIOR AND SECRETARY OF THE ARMY

(Identical Letters)

WATER REQUIREMENTS FOR EVERGLADES NATIONAL PARK

List of names of those to whom copies of letters were sent:

Secretary of the Department of the Interior, Interior Building, Washington, D.C.

Secretary of the Department of the Army, The Pentagon, Washington, D.C.  
Chief of Engineers, Department of the Army, The Pentagon, Washington, D.C.

South Atlantic Division Engineer, U.S. Army Corps of Engineers, Atlanta, Ga.

Jacksonville District Engineer, U.S. Army Corps of Engineers, Jacksonville, Fla.

Governor and Cabinet of Florida.

Chairman, Central and Southern Florida Flood Control District, West Palm Beach, Fla.

Chairman, Subcommittee on Public Works, Senate Appropriations Committee, Washington, D.C.

Chairman, Subcommittee on Public Works, House Appropriations Committee, Washington, D.C.

Each Member of the Florida Delegation in Congress.

STATE OF FLORIDA,  
DEPARTMENT OF NATURAL RESOURCES,  
*Tallahassee, January 20, 1970.*

HON. SPESARD L. HOLLAND,  
*U.S. Senator,*  
*Senate Office Building, Washington, D.C.*

DEAR SENATOR HOLLAND: This is further to my letter to the Secretaries of the Department of the Interior and Army of December 11, 1969, concerning water requirements for the Everglades National Park, copy of which was mailed to you. We have not yet received response to that letter.

The Governor and Cabinet, acting as the Department of Natural Resources, have authorized this office to enter into negotiations as requested in Senate Appropriations Committee Report No. 91-528, November 10, 1969, to reach agreement for delivery of water to Everglades National Park. A revised water delivery schedule for the Park, jointly developed by this office, the Central and Southern Florida Flood Control District, and the Jacksonville District Engineer of the U.S. Army Corps of Engineers, is authorized by the state for interim use pending completion of additional facilities for the project. Copy of that schedule is enclosed.

Your assistance will be appreciated in arranging a conference with the appropriate agencies concerned in an effort to establish agreement on the enclosed revised interim water delivery schedule and also to establish a basis for continuing negotiations as requested by the Senate Appropriations Committee on page 25 of their Report No 91-528, November 10, 1969.

Sincerely,

RANDOLPH HODGES,  
*Executive Director.*

Enclosure : Mailing List.  
(Interim Water Delivery Chart follows page 43.)

LETTER TO SENATOR SPESSARD L. HOLLAND

WATER REQUIREMENTS FOR EVERGLADES NATIONAL PARK

List of names of those to whom copies of letter were sent:

- Hon. Edward J. Gurney, U.S. Senator, New Senate Office Building, Washington, D.C.
- Chairman, Subcommittee on Public Works, Senate Appropriations Committee, Washington, D.C.
- Chairman, Subcommittee on Public Works, House Appropriations Committee, Washington, D.C.
- Chairman, Committee on Public Works, U.S. Senate, Washington, D.C.
- Chairman, Committee on Public Works, House of Representatives, Washington, D.C.
- Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.
- Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.
- Secretary of the Department of the Army, The Pentagon, Washington, D.C.
- Secretary of the Department of the Interior, Interior Building, Washington, D.C.
- Chief of Engineers, Department of the Army, The Pentagon, Washington, D.C.
- South Atlantic Division Engineer, U.S. Army Corps of Engineers, Atlanta, Ga.
- Jacksonville District Engineer, U.S. Army Corps of Engineers, Jacksonville, Fla.
- Chairman, Central and Southern Florida Flood Control District, West Palm Beach, Fla.
- Each Member of the Florida Delegation in Congress.

STATEMENT OF HON. SPESSARD L. HOLLAND, U.S. SENATOR FROM  
FLORIDA

SENATE REPORT 91-528

Senator ELLENDER. The first witness will be Senator Holland. You may proceed, sir.

Senator HOLLAND. Thank you, Mr. Chairman.

Let me first express to you my appreciation for your setting down this meeting of all interested agencies of Government, both Federal and State, and the committees of the Congress concerned with the preservation of our natural resources.

You will recall that our Public Works Subcommittee on Appropriations, of which you are chairman and of which I am a member, after very thorough consideration of the problems involved with the water supply in south Florida and the Everglades National Park, had appropriate language written into the report (S. Rept. 91-528), expressing the desire of the committee that the State of Florida, the Department of the Interior, and the Department of the Army, complete as soon as possible their current negotiations in developing an

operating agreement which will insure deliveries of water to the Everglades National Park as stated in paragraph 127b of the project report (H. Doc. 369, 90th Cong., second sess.).

Senator ELLENDER. May I suggest that this language to which you refer, be put in the record at this point.

Senator HOLLAND. I think this is a good place to put that.

Senator ELLENDER. Without objection, it is so ordered.

(The document follows:)

#### CENTRAL AND SOUTHERN FLORIDA PROJECT

The committee recognizes the Everglades National Park as a legitimate water user and the maintenance of an adequate water supply to the park is essential to its unique ecosystem and all efforts must be made to provide the 315,000 acre-feet of water annually to the park, as provided for in paragraph 127b(2) of House Document 369, 90th Congress, second session. The 1968 modification is designed to provide additional capacity for storing water to further alleviate water shortages in the park and southern Florida.

The committee also recognizes that the State and local governments are bearing over 30 percent of the primary project costs. Non-Federal interests are required to contribute all land, rights-of-way and relocations, plus a cash contribution of 20 percent of the construction costs. In addition, it is recognized that the secondary works constructed at a cost of \$85 million and the operation and maintenance of the central and southern Florida flood control project amounting to \$4,200,000 annually for the primary works and \$625,000 for the secondary works are accomplished by local interests by a millage levy.

The committee also has noted that the Geological Survey reports show that the water supply to the park, while insufficient in many years, was considerably improved in the 12-year period following construction of the central and southern Florida flood control project. In this connection, it should be noted that in 1966 an interim plan of operations was adopted for the project to facilitate delivery of water to the Everglades National Park. This plan was subsequently adjusted in 1968 to facilitate delivery of water to the park when available.

It is the committee's belief that every effort must be made to furnish an adequate water supply to the Everglades National Park. The recommended modification of the plan is expected to meet the water needs of the area until the year 2000. The project document sets forth the criteria for furnishing water to the park, based on projections of future demands for water in southern Florida. The committee desires that the criteria established in paragraph 127b(2) of House Document 369 for the furnishing of water to the park be adhered to upon completion of the project. The estimated benefits, costs, and cost sharing for the latest modification to the Federal project were based on the projections of future demands set forth in the report. In view of the local interests' participation in the construction and in the operation and maintenance of the project through a millage levy, it is the opinion of the committee that any adversity in the water supply to meet the projected demands, as set forth in the report, must be equally shared by all. Such adversity, however, in accordance with all available data, should be very rare indeed (estimated to occur on average of once in 18 years), coupled with the understanding that the Engineers will review the water resources needs in central and southern Florida by 1980 to determine whether further modifications of the project are warranted, and give further assurances of maintaining the essential water supply to insure the protection of the park's ecosystem.

In the event that the demands for water in southern Florida exceed the projections in the report prior to the time that additional sources of supply are provided, the park should not be required to share adversity to a greater extent than contemplated in the report.

Accordingly, the committee desires that the State of Florida, the Department of the Interior, and the Department of the Army complete as soon possible their current negotiations in developing an operating agreement which will insure deliveries of water to the park whenever adequate water is available to meet park purposes, as stated in paragraph 127b of the project report. The committee further desires that these agencies continue their negotiations to develop operating regulations for the sharing of adversity in water-short years.

Such negotiations should be based on the following criteria. The water available during periods of drought will be shared to meet the stated project purposes. Until the water requirements in southern Florida reach the estimate of future demands, estimated in the project document, the share of water to be made available to the park during such times will be no less than the percentage of the total water needs for all water users in the area for any particular month which the park requirement for that month bears to the total needs for all water users in the area. The amount of water required for the park is recognized as that stated in paragraph 127b(2) of the project report and further detailed in the National Park Service letter of October 20, 1967, to the Director of Civil Works, Office of the Chief of Engineers, Department of the Army, a copy of which is contained in appendix K, pages 268-274, of the project report described above. In the event the water requirements in southern Florida exceed the estimate in the project document prior to the development of an additional source of water supply, the park's share of the available supply of water will not be diminished as a result of any demands for water in southern Florida exceeding those contemplated in the project document.

#### PAST EFFORTS TO PRESERVE EVERGLADES NATIONAL PARK

Senator HOLLAND. I hardly think it necessary, Mr. Chairman, to say that I am one of the most ardent supporters for the preservation of the Everglades National Park. I have spent many months of work and effort and even have done some fighting legislatively and in the executive department when I was Governor in connection with the planning and creation of the Everglades National Park, now comprising over 1½ million acres, and in legislating and attempting to further legislate for its completion and protection in the 24 years that I have spent in the U.S. Senate. To me, this has always been a very dear objective and it will always continue to be such because this great natural resource, which is a tremendous asset to our State and the Nation, must be preserved. It also contributes greatly to the economy and development of south Florida.

#### PROJECT WATER SUPPLY FOR AND PROTECTION OF PARK

There are some who are very dogmatic about the park's water supply, refusing to move forward with the evolution brought about by the construction of the central and southern Florida flood control project which even now according to every factual piece of evidence available, has resulted in more water moving into the park on a more regular schedule than nature provided as a result of construction and which will insure even greater benefits when the project is completed.

Much has been accomplished in the conservation of our supply of water, whether in the lakes, the streams, or in the underground aquifers. There is still much to be done. The central and southern Florida flood control project was created primarily as a flood control project to prevent such heavy damage and loss of life as was sustained in 1926 and 1928 when approximately 2,500 persons lost their lives. It also protects against heavy property damage which was sustained in the fall of 1947 in the amount of approximately \$57 million and in smaller amounts in even later years. It also has protected against the serious loss of much by fire which occurred in periods of drought, and by its recharging of the aquifer has driven back the infiltration of salt water which endangered the underground fresh water supply of the Gold Coast area. As a matter of interest, this project, now only 56 percent

complete, has already prevented property damages estimated by the district engineer at Jacksonville at \$175 million.

Mr. Chairman, I could cite statistics at some length from official Government reports, including particularly reports of the U.S. Geological Survey, showing clearly that the water supply to the Everglades has not been diminished due to the construction of the Central and Southern Florida Flood Control District. To the contrary, these official documents show otherwise. But this is not the matter at issue here today.

NONRESPONSE BY SECRETARIES OF INTERIOR AND ARMY TO SUGGESTION FOR MEETING OF INTERESTED AGENCIES

In accord with the report of the Subcommittee on Public Works Appropriations, Senator Randolph Hodges, Executive Director of the Department of Natural Resources of the State of Florida, wrote the interested agencies of the Government, including the Secretary of the Interior and the Secretary of the Army, under date of December 11, 1969, suggesting a meeting with representatives of the agencies concerned in early January. As of January 22, the date of my letter to you, the Department of Natural Resources had not received even an interim reply from the agencies. It was for this reason, Mr. Chairman, that I asked you to set this meeting down and also to invite the other interested committees of the Senate to hear, firsthand, the problem that the State of Florida has been confronted with in an effort to deal with the Federal agencies.

EFFORTS TO SUPPLY PARK WITH WATER AND PENDING STATE PROPOSAL: INADEQUATE LEVELS OF WATER DURING DROUGHTS

May I say, Mr. Chairman, and this will be brought out in detail by others, I am sure, every effort is being made to furnish an adequate water supply to the Everglades National Park. In fact, at a similar meeting a couple of years ago during an extended drought, you were kind enough to aid us in providing emergency funds to enable a greater flow of water into the park.

Now the State has submitted a proposal to the agencies to provide a minimum of 260,000 acre-feet of water in the park, protected by months when the level of Lake Okeechobee is at least 12.5 feet. Naturally, during a severe drought and as the lake level drops, the volume of water must necessarily decrease. As a matter of fact, a continued drought could become a serious matter not only to the park but to other users.

This is the problem, and I am sure it is recognized by all of us here in Congress. We recognized it when we authorized the last modification of the project in 1968, which has the approval of all agencies concerned.

PROJECT AUTHORIZATION AND MODIFICATIONS

I believe the prime concern of the Department of the Interior is two-fold. First, the Department feels that the volume of water flowing into the Everglades National Park must be that agreed to in the latest authorized modification plan approved by the Congress in 1968. In this connection, I call to the attention of the agencies and more

particularly to the attention of Members of Congress here present or their representatives that the central and southern Florida flood control project was first authorized by the Flood Control Act of 1948 and subsequent modifications authorized in 1954, 1958, 1960, and 1962. These authorizations would provide for a water level in Lake Okeechobee of 17.5 feet. This level, gentlemen, the present lake level of 15½ feet, is the basis for the proposed schedule that will be discussed in detail by Senator Hodges today.

In other words, while the lake remains about 12.5 feet, the park will receive the water supply the Department requested. When the lake level goes below 12.5 feet, the distribution of water is reduced, and if it reaches 10.5 feet, there can be no overflow from the lake—there just is no water—with current facilities for distribution. Under current programing and provided appropriations continue to be made available, the work required to raise the lake level will be completed within 2 years, after which time it will then be possible to revise the schedule now proposed by the State. That means a lake level of 17½ feet.

A more recent authorization in 1968 provides for a further raising of the lake level to 21.5 feet which, according to all information available, will insure the continued flow of water (315,000 acre feet) into the park unless there is a drought situation which is not expected but once in 36 years in the case of the Lake Okeechobee area, and once in 18 years in the lower east coast area.

#### SENATE REPORT 91-528

In this connection, I would like to point out that while the report approved by Congress on the latest modification (H. Doc. 369), after taking all factors into consideration, including the park's request, urban, agricultural and population growth and other requirements, suggests that the water supply (after completion of construction of the most recent modification plan) would extend an acceptable water level of satisfaction for all water users until the year 2004. However, the Subcommittee on Public Works Appropriations, stated in its report—91-528—that the Corps of Engineers:

Will review the water resources needs in central and southern Florida by 1980 to determine whether further modifications of the project are warranted, and give further assurances of maintaining the essential water supply to insure the protection of the park's ecosystem.

This, it appears to me, will eliminate the possibility that there may have been some miscalculation in projecting the water requirements through the year 2000.

I believe it can be readily seen from what I have said that an allout effort is being made to give the park every drop of water it requires. Further, by all available data, the supply of water is such that drought conditions may occur on the average of once in 36 years in the Lake Okeechobee area and once in 18 years in the east coast area after completion of the currently authorized works. Bearing this in mind and the fact that the water level of Lake Okeechobee will be raised initially from 15.5 feet to 17.5 feet, expected to be, accomplished within 2 years, then to 21.5 feet as soon thereafter as appropriations will permit and a restudy of water requirements in 1980 completed,

there should be little chance of an inadequate supply. I believe it well to state at this point that the report (H. Doc. 369, p. 70) states that studies made for the purpose of determining how far in the future the authorized project works, without the modification approved in 1968, would provide an acceptable level of satisfaction for water supply shows that by 1976 competition will begin to be felt between alternative users of water. This clearly indicates the need to continue previously authorized works as rapidly as possible.

#### DISTRIBUTION OF POSSIBLE REDUCED WATER AVAILABILITY

The second matter of this twofold problem is the desire of the Department of the Interior to limit any reduced amount of the water supply, which is indeed remote—after completion of the modifications currently authorized—for distribution among current users only; that is, present users. This on the surface may appear appropriate. However, it must be remembered that while the total cost of this project is some \$492,000,000, the non-Federal or local contribution amounts to \$149,000,000, derived through a millage levy, and State appropriations. This levy is not only placed upon current users but also applies to any new users, which was taken into account in the report—House Document 369, 90th Congress, second session. Therefore, all users, whether past, present or future users, will be taxed for the operation and maintenance and secondary works within the project area, and all must share in the distribution of available water. I might say that the secondary works amount to some \$85,000,000 and the operation and maintenance cost approximately \$5,000,000 per year.

I had not planned on speaking at this length, but I believe it important in an effort to accomplish our objective here today that a proper predicate be laid so that all those deeply interested in the preservation of the Everglades National Park, as I am, have a full picture and understanding of the problem. Having lived with the development of the park from the time I was Governor and through some 24 years in the Senate, I can say, with deep conviction, that the program of development for the Central and Southern Florida Flood Control Project, if continued in an orderly fashion, will not only vastly benefit the park but will, in addition, provide an essential water supply for an important part of a rapidly developing State aside from the main purpose of the project as originally conceived—that is, flood control.

#### LETTER OF JOHN C. RAFTERY, SUPERINTENDENT, EVERGLADES NATIONAL PARK

I wish to make one final comment. I received a letter over the week-end dated February 11, 1970, from Mr. John C. Raftery, superintendent, Everglades National Park, informing me that he had previously advised Mr. Robert Padrick, chairman of the Central and Southern Florida Flood Control District, in a letter dated July 15, 1969, that the interim schedule as proposed was acceptable to the park. I ask that the letter be made a part of the record.

Senator ELLENDER. Without objection, that will be done.

(The letters follow:)

U.S. DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
EVERGLADES NATIONAL PARK  
AND FORT JEFFERSON NATIONAL MONUMENT  
*Homestead, Fla., February 11, 1970.*

HON. SPESSARD L. HOLLAND,  
*United States Senator,  
Senate Office Building,  
Washington, D.C.*

DEAR SENATOR HOLLAND: This is written in reference to your comments on the water supply at Everglades National Park as printed in January 21, 1970 issue of the Congressional Record (pages S312-S314). I wish to bring to your attention some items which may be useful in your efforts to insure the preservation of Everglades National Park. No one knows better than you Senator, that adequate timely releases of water from the Central & Southern Florida Flood Control Project are critically important.

We have just received a copy of the January 20, 1970 letter by which Mr. Randolph Hodges, Executive Director, Florida Department of Natural Resources, furnished your office a copy of the revised water delivery schedule for Everglades National Park. We have now had an opportunity to review this interim schedule and find it is in essence the schedule which we discussed with the Flood Control District, Department of Natural Resources and Corps of Engineers during the period April-July 1969.

At the end of those discussions I accepted the proposed delivery schedule for the National Park Service in my letter of July 15, 1969 to Mr. Robert W. Padrick, Chairman, Central and Southern Florida Flood Control District. A copy of this letter is enclosed. Our acceptance, requested by the Flood Control District, was considered to be necessary to initiation of further discussions with other users of District waters, the State, and Corps of Engineers. A copy of Mr. G. E. Dail's letter of June 30, 1969 requesting our acceptance is enclosed.

I think the interim water delivery schedule furnished you by Mr. Hodges is a good schedule for the current status of project works. It is, as near as I can determine, the same schedule as previously accepted by me in July, 1969. It is my understanding that this schedule was accepted by the Water Users Association during October, 1969. I was informed in mid-January, 1970 that the schedule had been accepted by the State Department of Natural Resources, and that the Flood Control District would make every effort to implement it.

Current improvements to the project are increasing its capability to deliver the Park requirements for the immediate future. My concern is directed to that future date when the demands for water exceed that which is available, not only to the Park, but to all current users. This is a matter which must be resolved before the crisis arrives if it is to be solved in a reasonable rational manner free of hysteria.

Sincerely yours,

JOHN C. RAFTERY, *Superintendent.*

CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT,  
*West Palm Beach, Fla., June 30, 1969.*

MR. MANUEL MORRIS,  
*Special Projects Officer, Division of Land and Water Rights, U.S. Department of  
the Interior, National Park Service, Washington, D.C.*

DEAR MR. MORRIS: On June 10, 1969, a meeting was held in this office with Mr. Raftery, Mr. Nix, and Mr. Miele of Everglades National Park to further discuss comments made by the National Park Service on the proposed water delivery schedule of this District for Everglades National Park.

I will attempt to summarize the discussion and the conclusions reached by this District on each of the comments.

(1) *Use of Lake Okeechobee stages to determine critical conditions.*—There appears to have been a misconception on the part of the Park Service with regard to the release schedule. The release schedule which we have proposed is an B-12 release point. We will be releasing water from the Conservation Areas to supply the Park. Lake water, as has been mentioned, is the best indicator of water supply availability and would be released, as the District determines, to serve several needs, including supplies to the Park. We stated our position that the Conservation Areas do not contain meaningful stores of water

for either the Park or the lower east coast during critical dry periods and they are in fact demand areas under such circumstances.

(2) *Reduction in flow when level of P-33 is above average.*—If the P-33 stage to Trail discharge relationship has validity, low stages normally will result when Trail discharges are reduced. Those discharges will be reduced only when water level conditions in the system are critical. Under such circumstances discharges cannot be increased. Certainly a stage-discharge relation can be developed over a period of time if it is considered that conditions have changed because of L-67 extension.

(3) *Monthly changes in discharge.*—The District agreed that abrupt changes in discharge can generally be avoided without deviating from amount scheduled to the Park in any one month. It was suggested that changes be made on a twice a month basis.

(4) *Regulatory discharge in any one month to be deducted from normal monthly flow.*—This appears be related to Item No. 3 and as such appears satisfactory with recognition of our tie into the P-33 gauge.

(5) *Pumping priority.*—The District's position is that our proposal is for a water delivery schedule to Everglades National Park and the determination on pumping is a management decision to be made between the District and the Corps of Engineers.

(6) *Differences in flow to be made up.*—Your comments on this with respect to consultation with the Park Service is certainly something we would intend to do in any case where alternative decisions can be made which may have a direct effect on the Park. We had intended this by our statement on Page 2, Subsection 3, of our Memorandum of April 22, 1969.

It will be appreciated if you will acknowledge and express your willingness to accept this water delivery schedule, on an interim basis, in order that we may proceed to discuss it with other users of District waters, the State Department of Natural Resources and the Corps of Engineers. If we receive the concurrent of those agencies as well, it would be our intention to implement the proposal.

Sincerely,

G. E. DAIL, Jr, *Executive Director.*

JULY 15, 1969.

MR. ROBERT W. PADRICK,  
*Chairman, Central and Southern Florida Control District,  
West Palm Beach, Fla.*

DEAR MR. PADRICK: We have Mr. Dail's letter of June 30, 1969 responding to my letter to you dated May 23, 1969. As you know we discussed the District's proposed delivery schedule with Mr. Dail and members of his staff on June 10. The schedule was again discussed at some length during the meeting held in District offices last Thursday, July 10, at which representatives of the District, Department of Water Resources, Department of the Army, Department of Interior, and Washington and local representatives of the Corps of Engineers and National Park Service were present.

This is to inform you that we are willing to accept the water delivery schedule on an interim basis at this time. We request that you continued to consider the comments of my May 23 letter as you manage the water resource during the interim period.

It is our understanding that you will now proceed to discuss the schedule with the Water Users of the District, the State Department of Water Resources and Corps of Engineers. I believe you will agree that it would be advantageous to have a Service representative at these discussions. Therefore, it is requested that we be informed as to the time and place of the meetings so we may arrange to attend.

The new interim schedule should be of great benefit to Everglades National Park. We appreciate your efforts to implement the schedule and wish to assure you of our continued cooperation.

Sincerely,

JOHN C. RAFTERY, *Superintendent.*

## CURRENT MODIFICATION CONSTRUCTION

Senator HOLLAND. The Superintendent in his letter further stated that his concern was not directed to the increased capability to deliver the park's requirements for the immediate future but to the future date, "when the demands for water exceed that which is available not only to the park but to all current users." I believe all of us recognize the need for meeting all requirements at the earliest possible date; and as I stated previously, the current construction that will increase the capacity of Lake Okeechobee to 17.5 feet will be completed in 2 years, at which time I am sure the State will be ready and willing to revise the present schedule in order to increase the flow of water into the park. This, of course, will depend on continued appropriations and the increase in the monetary authorization currently being considered by the Public Works Committee.

Mr. Chairman, if the position of the superintendent is confirmed by the Department of the Interior, it would appear that, for the present, until work is completed on raising the level of Lake Okeechobee to 17.5 feet after which time a new schedule will be proposed, the matter is resolved. I would like to hear the comments of the Department in this regard as it is my understanding that agreement had been reached at the local level but that it has not been possible to receive such approval from the Department.

## LETTERS OF ACTING DIRECTOR, NATIONAL PARK SERVICE

Now, Mr. Chairman, I understand that over the weekend the Senator from Louisiana, Mr. Ellender, who called this meeting, received under date of February 12th a letter from Mr. Harthon L. Bill, Acting Director, National Park Service of the U.S. Department of the Interior, which indicates not only their presence here today but also enclosed a copy of their letter to Senator Randolph Hodges, Director of the Department of Natural Resources, State of Florida, which certainly is of interest to us. That letter to Senator Hodges dated February 12 indicates the first showing of approval by the Park Service of the letter from Superintendent Raftery dated last July.

I ask that this letter be inserted into the record at this point.

Senator ELLENDER. Without objection, the letters will be put in the record at this point.

(The letters follow:)

U.S. DEPARTMENT OF THE INTERIOR,  
NATIONAL PARK SERVICE,  
Washington, D.C., February 12, 1970.

Hon. ALLEN J. ELLENDER,  
Chairman, Subcommittee on Public Works, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR SENATOR ELLENDER: This will acknowledge for Secretary Hickel your letter of January 28, 1970 in which you request our joining with representatives of other agencies to discuss water supplies for Everglades National Park. We expect to be present at the appointed time and place on February 16 for discussions. We are enclosing a copy of our letter to Senator Randolph Hodges, Director, Department of Natural Resources, State of Florida, which we believe will be of interest to you.

Sincerely yours,

HARTHON L. BILL, Acting Director.

Enclosure.

U.S. DEPARTMENT OF THE INTERIOR.  
NATIONAL PARK SERVICE,  
Washington, D.C., February 12, 1970.

Hon. RANDOLPH HODGES.

*Executive Director, State of Florida, Department of Natural Resources, Tallahassee, Fla.*

DEAR SENATOR HODGES: Secretary Hickel has asked that we reply to your letter of December 11, 1969, and acknowledge, as well, the copy of your January 20, 1970 letter to Senator Holland.

Your Panuary 20 letter makes it apparent that the purpose of the meeting is to accept the Corps of Engineers Proposed Interim Water Delivery Scedhule to Everglades National Park, dated October 19, 1969, which was attached thereto. Your December 11 letter raised concerns in our mind for which we had sought special consultation with other members of this Department, but which we now recognize were not to be discussed at your meeting. The reply to your letter was, therefore, delayed by these consultations. We regret this misunderstanding.

Until now we had been under the impression that you were already advised of our acceptance of this schedule through the Central and Southern Florida Flood Control District. Acceptance was made by Everglades National Park Superintendent John C. Raftery in his July 15, 1969 letter to Mr. Robert W. Padrick, then Chairman of the FCD, a copy of which is enclosed. The letter culminated a number of previous letters and meetings with representatives of the FCD, the Department of Natural Resources and the Corps of Engineers. It did not occur to us that you would expect this new interim agreement to be confirmed by this office.

We look forward to seeing you at the meeting called by Senator Allen J. Ellender on Monday, February 16.

Sincerely yours,

HARTHON L. BILL, *Acting Director.*

#### APPARENT RESOLUTION OF PRESENT WATER SUPPLY

Senator HOLLAND. I am glad at long last the National Park Service has finally indicated its approval and its adoption of the letter from Superintendent John C. Raftery to Mr. Robert W. Padrick, then chairman of the Central and South Florida Flood Control District which letter was dated July 15, 1969.

Mr. Chairman, if you will allow me to speak rather spontaneously, I would like to say first, that I appreciate the fact that Superintendent Raftery has now written to tell us of his letter to the chairman of the Central and South Florida Flood Control District dated July 15 and that Mr. Bill has now written to you indicating his approval of that letter. That would indicate one phase of the matter with which we were concerned has now been resolved. That is, the Park Service indicates that it is satisfied with the offers made by the Central and South Florida Flood Control District.

#### DISTRIBUTION OF POSSIBLE REDUCED WATER AVAILABILITY

The second phase, however, the problem with which we were concerned still remains unsettled and that is my understanding, at least, that the Park Service feels that any inadequacy in supply of the water to be furnished from the Central and South Florida to the park due to drought or other natural conditions, should be confined to and distributed among current users, that is, users at this time. As my statement has already indicated, future users, if any, and there will be, I am sure, will contribute to the tax funds made available for this joint project both by the legislature of the State of Florida and by the taxes

levied by the Central and South Florida Flood Control District. I think there would be no possibility of limiting the distribution of water at any time to current users as of this time or to users at a time long past if a water shortage should develop in the remote future. I hope it will never develop. Our every effort is to see that such a shortage shall never develop, yet we know from one protracted drought that we had recently that such things occur. My understanding is that the weather people tell us that there is apt to be a shortage of water in the Okeechobee basin every 36 years and in the area below that every 18 years even with the project works completed as authorized in 1968.

It seems to me that aside from having the verification of the present position of the National Park Service as indicated by Mr. Bill appear in this record, that we should go into the question of the desire of somebody in the Department of the Interior to limit the distribution of water in the event of a shortage to users as of this time rather than to users at the time of the shortage who will have contributed by their tax money and by the tax money from the State of Florida generally to the creation of the project.

Mr. Chairman, I greatly appreciate your patience. I am sorry I have had to be so long but I did want the record to indicate the real problems which I understand at least confront us and I am glad that the Park Service is here. I am glad that the two Public Works Committees are present and represented I am glad that the State is represented not only by Senator Hodges but by Mr. Nat Reed, who is the Governor's adviser on conservation and similar projects and I would hope that their presence along with the presence of the Department of the Interior and of the Department of the Army will enable you to get a clear, full expression of the views and the attitudes and the hopes of all concerned in this important matter which so vitally affects my State and which so vitally affects the Nation in connection with the Everglades National Park.

Thank you, Mr. Chairman.

Senator ELLENDER. Senator Holland, I am very proud and glad to be able to have these hearings, because unless we do, our good friend from Wisconsin may further object to the use of any funds unless this matter is settled.

#### LEGISLATIVE COMMITTEE DIRECTION FOR 1980 RESTUDY

Senator HOLLAND. Mr. Chairman, may I make one more comment? I think I stated earlier in my statement that your committee, and I think very properly, required a restudy of this matter in 1980, that is, 10 years from now, to see if miscalculations had been made. I want to commend that and I am sure that others concerned will likewise feel that that is a wise direction and should be followed.

#### RESOLUTION OF DEPARTMENTAL DIFFERENCES

Senator ELLENDER. Well, I am very hopeful that all the people involved in this; that is, at the Federal level, can get together and work this out. As Senator Holland pointed out we have a great program there and I do not want any Senator or anybody else to come in and object to funds being provided for its continuance because of lack

of water in the Everglades Park. And as far as I am concerned, I am most anxious to do anything to maintain a proper balance of water there, both for the users in southern Florida, as well as the Park Service, and I feel confident that since all of us get our money from the same pocket, Uncle Sam, except the State of Florida, that we ought to be able to come to some conclusion. And this hearing results from the fact that we promised Senator Nelson that we would look into this matter and try to settle whatever differences may exist among the various departments at the Federal level who are interested in this great project.

Now, as I understood the Senator to say there were some letters, an exchange of letters which I have not seen because I was out in Louisiana during the Lincoln holidays—I did not make any Lincoln speeches out there—as did quite a few of my constituents, in the hope that they would support me in 1972, and all these letters have been placed in the record and if there is anything further to add to that, the committee will certainly like to hear from you.

We would like to first call on Mr. Hodges, director of the Department of Natural Resources, State of Florida.

**STATEMENT OF RANDOLPH HODGES, EXECUTIVE DIRECTOR,  
DEPARTMENT OF NATURAL RESOURCES, STATE OF FLORIDA**

**ACCOMPANIED BY:**

**NAT REED, GOVERNOR'S ADVISER ON CONSERVATION  
JIM SMITH, REPRESENTING THE SECRETARY OF STATE  
TIFF TURNBULL, REPRESENTING THE ATTORNEY GENERAL  
JERVEY KELLY, DEPARTMENT OF NATURAL RESOURCES  
JULIAN SOLLOHUB, DEPARTMENT OF NATURAL RESOURCES  
BOB BLAKELY, CHAIRMAN OF THE BOARD, CENTRAL AND  
SOUTHERN FLORIDA FLOOD CONTROL DISTRICT  
ED DAIL, EXECUTIVE DIRECTOR, CENTRAL AND SOUTHERN  
FLORIDA FLOOD CONTROL DISTRICT  
BILL STORCH, ENGINEER, CENTRAL AND SOUTHERN FLORIDA  
FLOOD CONTROL DISTRICT  
EARL R. BOYCE, ATTORNEY, CENTRAL AND SOUTHERN FLORIDA  
FLOOD CONTROL DISTRICT  
RILEY MILES, EXECUTIVE DIRECTOR, FLORIDA WATER USERS  
ASSOCIATION  
REPRESENTATIVES OF MEMBERS OF THE FLORIDA DELEGATES**

**INTRODUCTION OF ASSOCIATES**

Mr. HODGES. Thank you, Mr. Chairman.

Mr. Chairman, I am Randolph Hodges, executive director of the Florida Department of Natural Resources. The executive board composed of the Governor and the cabinet have designated their executive director to meet and negotiate with the Department of the Interior and the Department of the Army in accordance with the mandates of your committee referred to by Senator Holland. We are here today for that purpose. First, I would like to introduce for the record, if I may, the persons from Florida who are interested in this subject.

Mr. Nat Reed, representing the Governor's office; Jim Smith, representing the secretary of state; Jervy Kelly of my staff; Julian Sollo-

hub of my staff; Mr. Tiff Turnbull, representing the attorney general of Florida; Mr. Bob Blakely, chairman of the governing board of the Central and Southern Florida Flood Control District; Mr. Ed Dail, executive director of that board; Mr. Bill Storch, who is chief engineer for the flood control district; Mr. Earl Boyce, attorney for the flood control district; and Mr. Riley Miles, executive director of the Florida Water Users Association.

There are also a number of representatives of various members of our congressional delegation, who I assume will identify themselves at the proper time.

#### POSITION OF STATE OF FLORIDA

Mr. Chairman, Senator Holland, I think the Senator has certainly done an outstanding job of presenting the problem we face here. For the record and for those who are not completely familiar with the project, I would like to make a few remarks, if I may, to place in proper perspective the position of the State of Florida.

#### 1968 MODIFICATION: FEDERAL NONFUNDING AND STATE COMMITMENT

The State accepted in good faith the modified C. & S.F. plan as developed and recommended by the Corps of Engineers in good faith in 1968 to meet water requirements for south Florida. No funds have been appropriated by the Congress specifically for the modification as recommended in the report and authorized by Congress. Actually we find that funds for the basic project have been declining. The appropriations have been declining almost each year since 1964. So—

Senator ELLENDER. I may say that is not peculiar to Florida.

Mr. HODGES. Yes; we understand the situation, Senator, and certainly we are in sympathy with all of the problems involved.

But the State assumed the responsibility for the non-Federal share of this project, feeling that the Congress would appropriate the necessary funds to take care of the Federal obligation. And we will follow through with our commitment to the very best of our ability.

When this project as authorized is completed, as Senator Holland stated, we will be able to meet the total needs of the region, including the park, with the exception that once every 36 years there may be a deficiency but estimates show even then we can furnish 200,000 acre-feet minimum as requested for the park.

Senator ELLENDER. Could you speculate as to what would have happened during this drought if the Federal Government had met its side of the bargain; that is, providing the funds which I understand you have provided and have available? Do you think that the matter would have been as bad as it was in Everglades?

Mr. HODGES. No, sir. With the project completion there should be no serious water shortage in south Florida.

Senator ELLENDER. And are you satisfied that if the program is constructed as now authorized and the money made available that it will minimize the situation that was complained of in the Everglades?

Mr. HODGES. Yes, Mr. Chairman. The report so indicates, I believe. And we have confidence in the report.

The existing levees, Mr. Chairman and Senator Holland, permit a water level of 15.5 feet in Lake Okeechobee, which is our main reservoir, actually the only reservoir we can depend on in a drought situa-

tion. The levees around Lake Okeechobee were authorized in 1958 and are still under construction. When these levees are completed we can then raise the level of the lake to 17.5 feet which will greatly increase the reservoir capacity of Lake Okeechobee. When the 1968 authorization is completed then we contemplate a lake level of 21.5 feet, which will give us another increase in our water storage capacity.

Senator ELLENDER. Now, has that been authorized?

Mr. HODGES. It was authorized in 1968. But available funds have all been required to work on the 1958 and earlier authorizations. We have not yet completed the work to attain a 17.5 foot lake level.

Senator ELLENDER. I understand.

Mr. HODGES. We can meet the request of the Park Service as outlined in Mr. Harthorn Bill's letter of October 20, 1967, addressed to General Woodbury, Director of Civil Works, U.S. Army, copy of which is in the 1968 project report. Also Mr. Raftery's letter referred to and Mr. Bill's letter which was referred to by Senator Holland but which I have not received due to the time limitations.

At this time, Mr. Chairman, I will be happy to try to answer any questions you may have but I would like to present Mr. Bill Storch, chief engineer of the flood control district, who can give you some of the details of the project.

#### FEDERAL FUNDING REQUISITE

Senator ELLENDER. Well, we can put some of that in the record. I think most of us are familiar with the program that is envisioned except as to what ought to be done. I am familiar personally with the facts. If the moneys had been provided we would not have suffered as much from this past drought as we actually did. I am very hopeful that the Department of the Interior as well as the Corps of Engineers will give us a little push and try to provide, try to allocate a little more money in order to take care of this situation.

I wish to say that your great Senator from Florida, Mr. Holland, has been an ardent supporter of this for many, many years and I have helped him to the extent I could but both of us have been pleading for more funds and it is just a great pity that we are still working on the 1958 authorization when we should have advanced a little further. I know that the State of Florida, as I understand, and I think the record will show, has always been able to put up its share of moneys required on a matching basis, that Uncle Sam was a little bit delinquent and as I said, just a while ago, this, I will not say shortsightedness but the fact that we were short of money is not only Florida but in many other worthy projects throughout the country. And I would hope that Senator Nelson, who raised the issue during this last session of Congress, would familiarize himself with all of this and just show that it was not because of the fact that the Corps of Engineers or Florida failed to—that all of this trouble is due to the failure of the Budget Bureau to provide enough funds for this so that we could complete this project in accordance with the authorization. And I hope that I will get some positive testimony this morning indicating that, if the project is constructed in accord with its full present authorization, that water needs of the park and south Florida will be furnished.

## STATE COOPERATION

Any evidence we can get in that direction would be the one, I think, be pertinent at this time. As far as going into any details of that, it might be well simply to incorporate in the record the conclusions reached by the authorizing authorities and I know that the State of Florida has fully cooperated to my personal knowledge insofar as financing is concerned. You have always had a lot of financing that you could have used but did not. I hope you got interest on it. But you may proceed.

Mr. HODGES. Thank you, Mr. Chairman, for your remarks and we are in complete agreement with you and I can assure you the State of Florida has and will continue to meet its obligation in this matter.

I have felt for several years that instead of Federal agencies haggling and arguing over who is going to get the water we should all be trying to get additional appropriations with which to do the job and then there would be no problem over the matter of division of water.

## INTERIM WATER SCHEDULE AGREEMENT

Mr. Chairman, I realize that there are a number of agencies or committees of the Congress represented here this morning who may not be completely familiar with this interim agreement and it would only take a few minutes if you would allow Mr. Storch to present the details of this interim agreement with which we have been working and which has been concurred in by the responsible State agencies.

Senator ELLENDER. Proceed.

Senator HOLLAND. Mr. Chairman, before those details are stated, I think it would be well to find out, because the Director of the Park Service is here, Mr. Hartzog, and the appropriate officer from the Engineers and the counsel for the Department of the Army, if there is any question at all about this being the fact. My understanding is just from these recent letters, I had no such information at all when I wrote you, of course, that at this stage all parties are in agreement as to the interim proposal and as to its having been accepted by all the parties. Now, I would like, if you will, that we ask for Mr. Hartzog and from the Department of the Army whether this is the case.

Mr. JORDAN. With respect to the Department of the Army, Mr. Chairman, Senator, that is the case. We have agreed to the interim schedule some months ago and fully support it.

Senator ELLENDER. Will you give your name and identify yourself?

Mr. JORDAN. I am Robert Jordan, General Counsel to the Army and Special Assistant to the Secretary for Civil Functions.

Senator ELLENDER. Why was that delayed, not answering correspondence? Can you tell us?

Mr. JORDAN. I think you are referring to Mr. Hodges' letter to which Senator Holland referred. The Army replied to that a couple of weeks ago. We have responded. We were a little late, I think primarily because of the holiday season, but we are happy to meet any time, any place, to try to seek a resolution to this problem.

Senator ELLENDER. Well, I expressed the hope that this matter can be looked into by all of you and get together some way so that we will not be further bothered by Senator Nelson or anybody else

who is so anxious to have this problem solved. All of us are. And I do not know where to put the blame except that the funds have been provided and had the Engineers proceeded to spend the money we might not be in the fix we are today.

I am not trying to find fault with anybody. But it strikes me that the agencies, particularly at the Washington level, should be able to get together and cooperate with the State of Florida to the end that this matter—we can proceed with this matter as soon as possible.

Senator HOLLAND. Mr. Chairman, I understand now that they have gotten together on this interim proposal and Mr. Jordan speaking for the Department of the Army verifies that. Now, Mr. Hartzog is here and I think it would be well if we invite his expression on that.

Senator ELLENDER. Will you identify yourself for the record?

## DEPARTMENT OF THE INTERIOR

### STATEMENT OF GEORGE HARTZOG, DIRECTOR, NATIONAL PARK SERVICE

#### SCHEDULE ACCEPTANCE DUE TO CAPABILITY OF FACILITIES

Mr. HARTZOG. I am George Hartzog, Director of the National Park Service, and on July 15 we wrote a letter to Mr. Padrick, chairman of the Central and Southern Florida Flood Control District, which reads in part:

This is to inform you that we are willing to accept the water delivery schedule on an interim basis at this time.

The interim water schedule referred to is 260,000 acre-feet. The amount of water that we asked for was 315,000 acre-feet. I am advised that the works are not capable of delivering the difference between the 260,000 and the 315,000 which we wanted in Taylor Slough. So that on the basis of the capability of works that exist and where we want the minimum amount of water, the 260,000 interim schedule was accepted. This is not to say that we agree with the rest of what has been presented here this morning and I hope to have an opportunity to comment on it.

Senator HOLLAND. In other words, he adopts the superintendent's letter.

Senator ELLENDER. All right.

Senator HOLLAND. May I ask—do I understand now, Mr. Hartzog, that the Park Service does adopt and approve the letter from Mr. Raftery, superintendent of the park, to Mr. Padrick dated July 15 insofar as it approves and accepts the offer of a minimum supply of 260,000 acre-feet of water?

Mr. HARTZOG. Senator, I do confirm that letter. As a matter of fact, I approved it before it was written. That is not to say that we agree on the basis of what I understand is your interpretation of agreement. We accept it because this is the only reality in the circumstances now existing and the present condition of the works. We likewise, as I have indicated to you before, support the continuation of this project, that together we might realize the agreements that were entered into.

Senator ELLENDER. Let me ask you this. Did such a situation as took place last year take place in the past?

Mr. HARTZOG. What is that, Mr. Chairman?

Senator ELLENDER. That is, this drought. It was a couple of years ago that this happened.

Mr. HARTZOG. Yes. It is a historic situation.

Senator ELLENDER. As I recall, it happened before.

Mr. HARTZOG. That is right.

#### 1968 MODIFICATION

Senator ELLENDER. What I would like to see are the works—I know there is enough water there if we can only hold it back. As I understand, the Florida project envisions a huge reservoir for itself that would assist in that area considerably, and I feel confident that if the program that was authorized in 1968 to raise the lake Okeechobee as much as 21.5 feet, that that ought to provide sufficient water for everybody. Do you concur in that?

#### SERVICE CAVEAT: ESTABLISHMENT OF PRIORITY ON BASIS OF CURRENT USERS

Mr. HARTZOG. On the basis of the Corps of Engineers' report, that is correct. The caveat, by which we accepted the report and by which the Bureau of the Budget reported favorably to the Congress on the project, was that the allocations to the park be recognized as a Federal purpose and be met in years of adversity ahead of the needs of subsequent users. In other words, that the priority be established on the basis of current users. This, Mr. Chairman, unfortunately has been the point of disagreement and this is a very painful experience for me because Senator Holland is indeed the father of Everglades National Park. Of all the years that he has been associated with the park, which covers the entire span of my career in the National Park Service, unfortunately this is the first time that we have had a significant disagreement. But I have no alternative in this matter. This is what our lawyers tell me is the law in the matter. This is the policy enunciated by the Congress and this is the position which I am obligated to support. And this does not mean that I have not met with any and everybody everywhere to talk about the mutual problems we share there but I cannot proceed on this particular point.

Senator HOLLAND. On what point is that now?

Mr. HARTZOG. In sharing adversity with future users. I simply cannot agree to that.

Senator ELLENDER. In other words, you want to be served first.

Mr. HARTZOG. That is right.

Senator ELLENDER. And fully, although you did not have that in the past.

Mr. HARTZOG. Because in the modification——

Senator ELLENDER. Am I correct?

Mr. HARTZOG. That is correct.

Senator ELLENDER. Why should you?

Mr. HARTZOG. Because the Congress in 1968 is amending the Flood Control Act, provided that that would be done.

#### PROJECT COMPLETION IMPERATIVE

Senator ELLENDER. The point is for us to complete the modified project.

Mr. HARTZOG. Right.

Senator ELLENDER. And if you just help us out, get a little money, we will be able to do that.

Mr. HARTZOG. Mr. Chairman, I am wholly in support of that position so long as I am not required to agree to sharing adversity with future users.

Senator ELLENDER. Well, I think the production of food is as important if not more important, than to provide for waters in the national parks. I am speaking personally now. And all of this was entered into with the idea of providing areas to produce food and I think that is important in our country. I am very hopeful that we will not be at loggerheads now to try and let the Park Service come first and let food go by.

It strikes me that we ought to try to share alike with this.

#### 1980 RESTUDY

Senator HOLLAND. Mr. Chairman, may I ask Mr. Hartzog a question or two? I do not think we are very far apart. You agree, do you, Mr. Hartzog, or do you not, with the direction of our committee of last year that there is enough uncertainty about this thing that the whole matter should be reviewed in 1980 with a view to determining what the situation then calls for?

Mr. HARTZOG. Certainly, Senator, I agree with that.

#### 1958 MODIFICATION

Senator HOLLAND. All right. Now, do you also agree that when the construction is completed which is now underway, by which the level of the lake will be raised in time of high water to 171½ feet that at that time the schedule will be reviewed also?

Mr. HARTZOG. Well, if I understand your question, you mean this interim schedule of 1968 will be implemented at that time. I do not see any point of any review of it because—

Senator HOLLAND. My understanding is—

Mr. HARTZOG. We have already reached an agreement.

Senator HOLLAND. My understanding is that the interim schedule goes into effect at once. I may misunderstand that but I understand that goes into effect at once. My understanding further, Mr. Chairman, has been, and if I am wrong I would like to correct it, that when the construction now underway is completed and the 17½-foot level is attained, that is in time of high water, at that date, even then there will be a review to see if we can further step up the delivery. I am sure that you would have no objection to such a review at that time.

Mr. HARTZOG. Senator, so that we—if I may sit down here, so I have some place to put these papers.

Senator HOLLAND. I wish you would.

#### JULY 19, 1968 EXECUTIVE BRANCH AGREEMENT

Mr. HARTZOG. So that there might be no misunderstanding of our position in this matter, the agreement entered into in the executive branch at which the Bureau of the Budget was present on July 19, 1968—

Senator ELLENDER. That was between whom?

Mr. HARTZOG. The Department of the Army, Department of the Interior, the Bureau of the Budget. This agreement preceded the letter of the Bureau of the Budget to the committee endorsing the 1968 modification, and, in summary, covers these points, if I may read them.

1. The National Park Service will get at least 315,000 acre-feet annually except when it has to share shortages with contemporary water users.

The sharing to be on a pro rata basis mentioned above. And it is described engineeringly in quite some detail.

2. The supply to the park will not be diminished by new users. In other words, the National Park Service has priority over all new water users.

3. The report recognizes the park as a Federal purpose.

This is the Corps of Engineers report.

4. Surplus waters in the system are given to the park.

5. Moreover, through the exchange of letters between the Department of the Interior (Dr. Cain) and the Corps of Engineers (Major General Clarke) of June 12 and June 14, 1968 respectively, it is agreed that the park's water supply will be met as a responsibility of the corps.

That is agreeable. That is the basis on which the executive branch supported the legislation which the Congress subsequently enacted. And this sets the parameters, within which I can negotiate. In the meantime, we have gotten superb cooperation out of the State of Florida. We have gotten superb cooperation out of Central and Southern Florida Flood Control District and nobody has worked any harder in this matter than Senator Hodges and Nat Reed and Mr. Padrick and all of these colleagues of his in the Central and Southern Florida Flood Control District to assist in the water supply of the park. But these are the minimum parameters within which I have to negotiate.

Senator HOLLAND. If I understood you, your understanding is that when the 17½-foot limit is reached, that the park will then receive instead of the 260,000 acre-feet covered by the interim agreement, will receive 315,000.

Mr. HARTZOG. 315,000.

Senator HOLLAND. 315,000.

Mr. HARTZOG. Into the Taylor Slough, Shark River Slough, and the panhandle. That is my understanding.

Senator HOLLAND. Well, is it your understanding that the 315,000 minimum be agreed to at the time the 17½-foot level is reached or at the time the 21.5 level is reached?

Mr. HARTZOG. Senator, if I may, I will have to get my engineers up here. I do not know what the detail of that is.

Mr. Chairman, this is Manuel Morris, who is the Chief of the Water Resources Division, National Park Service.

I am advised, Mr. Chairman, that the minimum is to be delivered at the 17½-foot point.

Senator HOLLAND. In what part of the record does that appear, Mr. Hartzog? I do not question your understanding or the good faith but my understanding is that it is not in the report of the engineers which was approved in 1968.

Senator ELLENDER. Why don't we have the Corps of Engineers answer the question?

Senator HOLLAND. I think Mr. Hartzog will have the answer.

Mr. HARTZOG. No. I do not have the answer, Senator. I am sorry. The chairman is correct. I understand the capability is built into the system at the 17½-foot point.

STATEMENT OF JOE KOPERSKI, CHIEF OF THE ENGINEERING DIVISION, JACKSONVILLE DISTRICT OFFICE

INTERIM WATER LEVEL AGREEMENT AND POSSIBLE ADJUSTMENT

Senator ELLENDER. Will the Engineer witness identify himself?

Mr. KOPERSKI. Joe Koperski, chief of the engineering division, Jacksonville district office.

The 315,000 acre-feet of water delivery to the park was an agreement to be met when all the work which has been authorized in the 1968 report is completed and the lake is raised to 21½ feet. In the meantime, we were to revise the interim schedule any time partial works were completed to try to bring it up to date. When we finish the 17½-foot level we would revise the interim schedule to give the park as much water as we could possibly. Also when any other meaningful portion of the project gets completed we would again revise the schedule. When the 21½-foot level is reached, we could then provide the 315,000 acre-feet to the park.

Senator HOLLAND. Let us see if I understand it, Mr. Koperski, and I want the record to be very clear on this.

First, the interim agreement goes in force at once.

Mr. KOPERSKI. Yes, sir.

Senator HOLLAND. And that requires the delivery of how many acre-feet of water per year?

Mr. KOPERSKI. It requires the delivery through the main structures of 260,000 acre-feet of water on a projected monthly basis when the lake is above 12.5 feet.

Senator HOLLAND. That is to the Everglades National Park?

Mr. KOPERSKI. Yes. Through the Tamiami Trail.

Senator HOLLAND. Then since that goes into effect at once, what is the position when the 17½-foot level is completed or the structures to make that available are completed? What happens then?

Mr. KOPERSKI. First, I would like to explain the missing 55,000 acre-feet. That amount of water is to be delivered to the panhandle portion of the park. But we cannot deliver that now, not until certain canals are enlarged along the eastern part of the park. This is explained in the authorized report. The project must be further completed before the system is capable of delivery of that water.

Then, when the lake is raised to 17½ feet, we will again review the schedule and see if some adjustments can be made for better operation of the park and the district.

Senator HOLLAND. You mean upward adjustment.

Mr. KOPERSKI. Upward adjustment; yes, sir.

Senator HOLLAND. More water.

Mr. KOPERSKI. Yes, sir.

Senator HOLLAND. But there is no commitment as to what that will be. That will depend upon the facts that exist at that time; is that it?

Mr. KOPERSKI. Yes, sir.

Senator HOLLAND. Now, at that time when that period should end is when the 17½-foot lake level is reached as a result of completion of the structures in about 2 years?

Mr. KOPERSKI. Two years from June of this year.

Senator HOLLAND. Now, then, at the time the 21½-foot level is attainable is the time when the 315,000 acre-feet of water is a committed amount to go to the park except in times of great drought.

Mr. KOPERSKI. Yes, sir.

Senator HOLLAND. Do you have reason to feel that when the 17½-foot level is reached that the interim figure of 260,000 acre-feet may be able to be increased?

Mr. KOPERSKI. Let me put it this way. When we get to 21½ feet, we said they would have a water shortage only once in every 36 years. Under the present interim plan—this might be more frequent. When it gets to 17½ feet it will be less frequent but when it reaches the 21½-foot level then it would be once every 36 years, as our studies have shown.

#### FUNDING ADDITIONAL CANALIZATION

Senator ELLENDER. Did I understand you to say that in order to give the waters suggested by the witness from the Department of the Interior that we would have to build more canals and more space, I mean, wider canals to deliver the water?

Mr. KOPERSKI. Yes, sir, the authorized project provides for that.

Senator ELLENDER. Who is going to do that?

Mr. KOPERSKI. The Corps of Engineers will do it with money that is appropriated by Congress and also with the State sharing in the cost.

Senator ELLENDER. Is it not a fact that if that is done, this park will get more water than it ever got before?

Mr. KOPERSKI. Yes, sir. The drought years would be less frequent.

Senator ELLENDER. And the Park Service will not furnish any funds or try to obtain any funds for this additional canalization of the area?

Mr. KOPERSKI. No, sir. This would all be under Corps of Engineers supported funds and with the State contributing.

Senator ELLENDER. And they are getting a pretty good bargain, are they not? I am beginning to understand this now.

#### WATER DISTRIBUTION AUTHORIZATION

Senator HOLLAND. Mr. Koperski, I would like to ask you one additional question which seems to be bothering all of us. Is there anything in the 1968 authorization which limits the distribution of whatever water may be available after the completion of the structures to raise the water to 21½-foot level limited to users as of this time or would it be distributed in the events of drought to all users? What does the authorization say on that point?

Mr. KOPERSKI. The authorization says that the 315,000 acre-feet would be an objective but not any assurance. It says as an objective. I can probably read that paragraph from the report.

Senator HOLLAND. You are reading from the 1968 report that was authorized?

Mr. KOPERSKI. Yes, sir. It says—

Senator HOLLAND. What page?

Mr. KOPERSKI. It is on page 87, paragraph 127b(2).

Provide water for Everglades National Park—such amounts are now estimated to be an objective of 315,000 acre-feet annually—and provide, to the maximum feasible extent, for the delivery of excess water.

Above that it says:

Increase the net water supply in the areas to be served from Lake Okeechobee and the three Everglades water conservation areas of the project, with the objective of providing water to meet the demands of continued development of the agriculture and urban lands in the Lake Okeechobee and lower east coast areas.

These are the two pertinent paragraphs.

#### CURRENT LIMITATIONS AND DISTRIBUTIONS IN CASE OF DROUGHT

Senator HOLLAND. My question was intended to bring out this fact if it exists in that report, which is the basis of the authorization, is there any limitation to current users, that is, users at this time, in the distribution of any drought waters or how are those waters to be distributed as shown in that report?

Mr. KOPERSKI. I think the flood control district could best answer that question because they do the distributing of water. I think that answer could best come from them.

Senator HOLLAND. Is there anything in the report which is the basis of the authorization that says that in case of drought, the waters shall be distributed, any loss in the waters shall fall upon new users and the distribution shall be to the current users as of this time?

Mr. KOPERSKI. There is nothing in the report to that effect.

(The following information was subsequently furnished:)

Para 127(b) (4), on page 88 of the report states in part “. . . In extremely dry periods, when all demands outlined above could not be met, the water available would be shared in order to meet the purposes of the project to the extent possible.”

#### ARMY ENGINEER ASSURANCES TO PARK SERVICE

Mr. HARTZOG. Mr. Chairman, Senator Holland, may I comment at this point because you, Senator, as always have touched the real crux of what the dispute is about.

That was the report of the Corps of Engineers which the Department of the Interior refused to concur in. And on June 12, 1968, the Assistant Secretary of the Interior wrote the Chief of Engineers and said:

We, therefore, cannot recommend the plan without written assurance by the Secretary of the Army that he will provide the water supplies as set forth in the report undiminished by new incursions.

And this is a part of the report document that the Congress finally acted on.

Senator HOLLAND. Did you get such an assurance?

Mr. HARTZOG. We did in the letter of June 14, 1968, from General Clarke to Secretary Udall:

In particular, it was indicated that your Department cannot recommend the plan unless the Secretary of the Army assures you of future delivery of the water supply as set forth in the report undiminished by new incursions.

The concept expressed in the report and in the graphs is to provide a supply of water to the Everglades National Park that will not be diminished as the requirements to support growth and new development increase.

And then following that there was still confusion at the Bureau of the Budget level and this is why on July 24, 1968, we had a meeting with Secretary Udall and the Bureau of the Budget, Mr. Schwartz, and the Special Assistant to the Secretary of the Army for Civil Functions, Mr. Robert E. Jordan, and those agreements were discussed and they were confirmed that those assurances were in that report.

And apropos of that, the Solicitor of the Department of the Interior, in commenting upon that exchange of letters, interprets that correspondence as modifying the report to that extent.

#### ARMY DISPUTES PARK SERVICE INTERPRETATION

Mr. JORDAN. Mr. Chairman, at an appropriate time we would like to be given an opportunity to comment on that because we do not agree.

Senator ELLENDER. You may do it now. The question is at issue.

Mr. JORDAN. I might say this initially, Mr. Chairman, that the Department of the Army and the Corps of Engineers are essentially in the position of a stakeholder here. We build certain works and that results in capture of certain water and we build conveyance facilities for it. To be perfectly honest, we can live either with what the State has indicated it would be willing to accept or what the Department of the Interior has indicated it would be willing to accept. They are the users of the water and we are simply the people who build the work to capture and convey that water.

As Mr. Hartzog has indicated, I participated in the meetings in 1968 with the Bureau of the Budget in Secretary Udall's office at which this point was discussed. I could go into great lengths about that exchange of letters but the key words in the letter of June 14, 1968 from General Clark as Acting Chief of Engineers at that time was at the end of the second paragraph when he talks about the project which regulated, I am quoting now: "To deliver the water requirements of the Everglades National Park as so set forth in the report."

#### LEGAL POINTS

Now, the term "as so set forth in the report" really represents the key language because the report from the district engineer's level on up does not contemplate the creation of priorities of the use of water. So there are really two legal issues here which are now under consideration by the Department of Justice.

It is our view, contrary to that expressed by the Department of the Interior, that the report itself does not create a priority of use. It does recognize the park as a purpose of the project, and a beneficiary of the project, but it does not specify a particular priority of use. It shows objectives, and it shows what will happen when there is enough water.

Now, from a technical standpoint, in the year 2020 we are talking about a water demand in the nature of 3.3 million acre-feet, of which the park's requirements are 315,000 acre-feet, representing roughly 10 percent. We frankly feel from a technical standpoint that there will be enough water, and that appropriate adjustment can be made so that

the park will not suffer unduly and that both current and prospective users of water will not suffer unnecessarily.

An additional legal point was the question whether the Department of the Army had the authority unilaterally to establish a priority of use. In other words, leaving aside the question of whether the Congress acting on the report had prescribed that priority of use, do we have general authority under our flood control statutes, and so forth, to do this?

We felt that there was substantial doubt that we had that authority. I think we are dealing with a very delicate question here of water rights which is more delicate in the West than perhaps in the East, but quite delicate. In the past when Congress has legislated on this subject, and in attempting to do anything in the area of water rights, it has done it fairly clearly and in many cases has put specific provisos in its authorizing legislation that it did not intend to affect water rights.

#### MAJOR CONCERN : CONTINUATION OF PROJECT

In any event, as Senator Holland pointed out in his opening statement, we are very much aware that this is not a one-sided operation. The State of Florida is a partner in whatever has to be done here. The amount which ultimately will be required to be furnished by them is very large. Senator Holland mentioned a figure of \$149 million. It is somewhere in that range but it is a lot of money in any event.

We doubted our authority to impose these regulations but as I said, we can live with either side's position here.

The agreement which we had with the Department of the Interior was that we would submit the question of our authority to the Department of Justice and if they thought we had the authority and could do this, we would be willing to create the necessary regulations. But we recognize the most important thing to both the park and the State in that the project continue, and we are very much concerned over any objection, whether it be by Senator Nelson or others, which would halt progress on what we consider to be a very important work.

Now, after the last meeting in Secretary Udall's office, he wrote me a letter, July 24, 1968, which commented on our meeting. I think it is clear from the tenor of that letter that we had not solved all the problems.

If the project report had in itself by its enactment by the Congress eliminated this question of priority of use, it would not have been necessary for the Secretary to write that sort of letter. We do have some differences of opinion with the Department of the Interior but the one thing that I think we are all united on is the desirability of protecting both the park and water needs of the State. We are prepared to meet and would suggest that this is best handled not by delivering ultimatums about what one cannot or will not do but by a good faith effort on the part of all parties to get together and come up with a satisfactory solution in which we will all have to be reasonable people and recognize the needs and rights of others.

## QUESTION OF WHO CONTROLS WATER DISTRIBUTION

Senator, HOLLAND. I understand that the real problem that you think still exists, unsolved, is whether the Federal Government through Congress and through appropriate agencies named by Congress or the State of Florida through its appropriate agencies has control of the distribution of the waters originating in the State of Florida.

Mr. JORDAN. Yes, sir. We think——

Senator HOLLAND. That is the question.

Mr. JORDAN. That is a key question. Our view is that our authority to regulate waters for flood control purposes has been recognized by the Congress and it is quite clear. Someone has to decide when you draw down and when you hold back in order to provide storage for flood control purposes, but when you move beyond a flood control purpose and into a water supply purpose, the authority there is much less distinct. I am not saying, sir, that the Congress does not have the power to prescribe that. Under the Constitution I believe the Congress has sufficient power to prescribe how that water is dealt with. I am just saying I do not think the Congress has necessarily transferred that authority to the Department of the Army.

Senator HOLLAND. Did you request of the Justice Department a ruling on this matter?

## HOPE FOR AGREEMENT AND AVOIDANCE OF LITIGATION

Mr. JORDAN. The Justice Department is now considering this at the request of the Department of the Interior. But frankly, we were very hopeful that this matter could be resolved by agreement. We would much rather get everybody to agree than to try to take a matter of legal authority and cram it down anybody's throat, whether it be the Department of the Interior or the State of Florida. We would much rather have agreement.

Senator HOLLAND. You would not want the question of proper service to the Everglades National Park or any other consumer of the waters to be tied up in litigation which might last for many, many years.

Mr. JORDAN. We would not, sir, and particularly would not want to do that if it endangered progress toward the completion of an important project.

Senator ELLENDER. Do you not think that the completion of this project would assure more water for the park than if we did not do it at all?

Mr. JORDAN. Absolutely, sir.

Senator ELLENDER. There is no doubt about that. That is what I understood. But yet, you have one department seeming to be working against the other. And I am very hopeful that they can get together on that.

Mr. JORDAN. We share that hope, Mr. Chairman.

Senator ELLENDER. I think the State of Florida should be heard, too. All the water originates there and it is its water. I think it gave the land for the park and all of that and when you consider that the park is getting more water now and will get water more constantly than in the past, I think it ought to satisfy any bureaucrat.

Senator HOLLAND. Mr. Chairman, I do not suppose there is anybody that wants the Everglades National Park to be adequately supplied with water more than myself and I agree with the comments made by Mr. Jordan that I think this is a matter for agreement to be reached if possible. I would with great regret see this matter go into the court where there would be a long and indefinite delay that might not only hold up the supply of water—

Senator ELLENDER. Who is going to sue whom?

Senator HOLLAND. Well—

Senator ELLENDER. The Government will sue itself? It is all Government.

Senator HOLLAND. The Federal Government might sue the State government or the State government might sue the Federal Government. Either one of them would get into litigation that I can see might go on for many years. In the meantime, not only might the water supply be affected but also the continuation and conclusion of this very important central and south Florida project—

Senator ELLENDER. Well, as the witness just said—

Senator HOLLAND (continuing). Might be delayed and that to me would be a terrible disaster when all are affected by it, including the park.

Senator ELLENDER. But I do not think it will, Senator Holland. Congress will have something to say about it. But this is an example where I believe the Federal side of it could be easily settled among two departments getting their funds from Uncle Sam, and I do not think there is any doubt about it. Since all of this water is generated in Florida, Florida has something to say about it, too. And the thing that impresses me is that by continuing this work, and by completing it, the park will get more water. That is the conclusion I have reached before. They can have a steady flow now rather than as they had before—they had no works there to take the water except the natural streams and now we are going to build wider streams with greater capacity so as to furnish more water than they have had in the past.

It strikes me that we ought to be able to reach a conclusion without having to go to court or anything like that.

#### INTERIM AGREEMENT

Senator HOLLAND. We have reached a conclusion apparently on the interim question which will operate for a good many years because the 21½-foot level structures have not even begun to be constructed and my understanding is that it is hoped to complete them about 1980. Am I correct in that?

Mr. JORDAN. That is correct.

Senator ELLENDER. Is that correct?

General KOISCH. Yes; 1980.

Senator HOLLAND. So we have got 10 years for people to argue and come to agreement if possible and I certainly hope it will be possible. I would like it to be done while I am here this year because I may be sitting out in the crowd here as an interested citizen after this year.

## SUBCOMMITTEE PROCEDURE

Mr. Chairman, I hope that you will allow Mr. Reed, who represents the Governor of Florida in matters of this kind, to be heard. Perhaps it would be well to hear Mr. Storch first on any detail of the interim plan as he understands them so the record will be very clear on that and then to have Mr. Reed express for the Governor of the State the attitude of the Governor if that meets with your approval.

Senator ELLENDER. I want to get all the facts out and put it in order.

Senator HOLLAND. Mr. Storch.

Senator ELLENDER. Off the record, Senator.

(Discussion off the record.)

Senator HOLLAND. Mr. Chairman, you are not only the chairman but very neutral in this matter and as far as the Senator from Florida, he is not neutral. So, I would hope you could remain here. If we could hear Mr. Storch and Mr. Reed, I hope we can hear both by 1 o'clock.

Senator ELLENDER. Is there anything further you want to add?

Mr. HODGES. No. If you desire, we can restate the position of the State as stated in our letter of July 23, 1968.

Senator ELLENDER. It is in the record.

Mr. HODGES. Yes; I can place it in the record.

## STATEMENT OF WILLIAM STORCH

## INTERIM PLANS

Mr. STORCH. Mr. Chairman, Senator Holland, I will try to be very brief. Your strictures are noted.

My name is Bill Storch and I think basically what I should do here is simply to place these documents in the record, identify what these documents are, and just briefly give a little background.

We in the flood control district and in the State department of natural resources have worked on this problem of an interim water supply to the park since 1964. In 1964 our governing board adopted an interim plan of releases to the park.

Senator ELLENDER. Why was that necessary?

Mr. STORCH. This was necessary because of the extreme drought condition that we had experienced in 1963 and 1964. And the original interim release plan was a very minimal plan I must admit, but it was a step in the right direction to attempt to insure some supply of water to the park when we were in a condition of nonregulatory discharges from our conservation areas.

Early in 1966 after considerable work done by the Corps of Engineers in 1965, another interim schedule was prepared and agreed to by the State and by the flood control district. This one was prepared by the Corps of Engineers and we are now currently operating under this interim release schedule. This was related strictly to conditions in Lake Okeechobee and it was in reality a regulation schedule for Lake Okeechobee or a modification to the regulation schedule.

We discovered, the Park Service discovered, as did the flood control district and the Corps of Engineers, that although the 1966 schedule did augment water supply to the park, the distribution and time of these quantities of water were not in accordance with the historical flow pattern of water to the park as is outlined in the 1968 report.

## WATER DELIVERY PLAN

Therefore, the engineering staff of the flood control district was instructed by our board to devise perhaps a better plan wherein the quantities of water that we could deliver to the park would be in accordance with the historical flow patterns.

We did do this and we developed this interim release schedule in April of last year, April of 1969. We consulted with all the involved agencies on this and presented it. We made a detailed study of the performance of this plan and this was the plan which I now understand today that Mr. Bill and Mr. Hartzog have approved, and I have here the documents which support this plan and identify this plan.

One document is a memorandum from the flood control district to all of the conferees at our first meeting at which we explained this plan. This is a memorandum dated April 22, 1969, which has attached to it various schedules showing a summary of the performance of this plan.

Senator ELLENDER. And you say that was agreed to and adopted by whom?

## ADOPTION AND AGREEMENT

Mr. STORCH. This is the plan that just here this morning I learned had been adopted and agreed to by Mr. Hartzog endorsing Mr. Raftery's letter of July 1969.

## INTERIM DELIVERY SCHEDULE

Also as a supplement to this memorandum is an interim water delivery schedule in the form of a set of graphs and I will also enter this into the record. This is dated October of 1969.

Senator ELLENDER. All those documents will be filed with the committee for the use of the committee.

Mr. STORCH. Yes, sir.

(The documents were submitted and placed in the files of the subcommittee.)

## REGULATION SCHEDULES

Mr. STORCH. So there will be a copy of the memorandum in the record and a copy of the accompanying graphical representation of what is contained in the document.

I would like, if I may, to take just 2 or 3 more minutes to supplement or amplify the statements that were made by Mr. Koperski. All of this, these documents, are related to the current regulation schedule which is based on water levels in Lake Okeechobee of between 13½ feet and 15½ feet as stated by Senator Holland in his opening remarks. In about 2 years we will expect to go to a new regulation schedule of 17½-foot top level in the lake, and as everyone here has stated who has testified already, we will intend at that time to revise the water release schedule, again based on the 260,000 acre-feet, because we simply cannot deliver the full 315,000 until the additional project works are constructed as authorized in 1968.

## HISTORICAL FLOW THROUGH TAMiami TRAIL

Senator ELLENDER. What was the normal amount that was made available to the park before all of this?

Mr. STORCH. The 260,000 acre-foot figure, Senator, is the mean of the historical flows through Tamiami Trail. In other words, 50 percent of the time the flows were more than this and 50 percent of the time the flows were less than this. but this is what we are striving for as an objective, to reach this mean flow figure.

Senator ELLENDER. And as a result of that, the water simply—that amount of water that you have mentioned would flow constantly and not for 6 months and then—

Mr. STORCH. Right, and we would try to meet this objective every year, not just in half of the year as the historical pattern would indicate.

## DELIVERY SCHEDULES

Senator ELLENDER. Will that mean the construction of new works?

Mr. STORCH. No. We feel that we can make these deliveries under this schedule which we are submitting here today with the works as they are in existence now. We can meet this schedule with a pretty good performance. When we go to the 17½-foot level, the objective will still be to deliver the 260,000 acre-feet. With additional water stored in the lake we will be able to improve the performance of delivery of the 260,000 acre-feet; that is, fewer exceptions. Then as we move into construction of the works that were authorized by Congress in 1968, we hope an early priority in that phase of construction will be the facilities for delivery of water into south Dade County and into the Taylor Slough portion of the park.

When these works are finished, as Mr. Koperski has indicated, we will again review our schedule. So perhaps at some time before we go to the full 21½-foot regulation on the lake we will have as an objective the 315,000 acre-feet. Then when we reach the 21½-foot level with completion of the accompanying facilities, we will be able to improve the performance to the point as shown in the 1968 report.

## IMPROVEMENT OF WATER SERVICE

Senator ELLENDER. Is it your judgment if, as and when this is completed as you have just indicated that the park will be better served with water than it has been in the past?

Mr. STORCH. Yes, sir. There will be a continuing bettering of the situation throughout this whole period, starting from right now the institution of this interim schedule agreed to today, which will allow a better performance than with earlier schedules. It will permit a continuing improvement in performance.

## STABILIZING THE FLOW OF THE MISSISSIPPI RIVER AND TRIBUTARIES

Senator ELLENDER. That in a nutshell is what we did with the Mississippi River. We used to have flood there. I remember the flood of 1927 that inundated hundreds of miles, square miles of land. Today we have harnessed practically every tributary to the Mississippi and the tributaries to the tributaries, so that instead of the water coming

down in 3 months, it comes down in 12 months. That is about what you are doing here.

Mr. STORCH. That is right. It will be a stabilization of the flow.

Senator ELLENDER. I think you ought to be applauded for that and there ought to be work among and between the departments so as to accomplish that.

Mr. STORCH. I would hope, Sir. Thank you.

Senator HOLLAND. Mr. Chairman, I would like to know if Mr. Hartzog or his engineer want to suggest any additional questions to be asked of Mr. Storch?

#### DEPARTMENT AGREEMENT

Mr. HARTZOG. Senator, I was going to ask you and the chairman if I might be permitted to comment further on what Mr. Jordan said because I am utterly appalled at what he advised this committee when he said that there was no agreement between us, that the Everglades National Park represented a priority use in this project. This was the central issue between the two departments and the Bureau of the Budget before a favorable report ever came up here on this, and those five points that I read to you, Mr. Chairman, were the summarization of the position which I had outlined at a meeting in the Bureau of the Budget preceding this meeting on July 24 to which Mr. Jordan refers.

This letter written by Secretary Udall confirming that meeting on July 24 and to which we have never to this moment ever had one contrary word of misunderstanding with the Corps of Engineers says in item 3:

You and General Cassidy reaffirmed the interpretation of July 19, 1969 by the National Park Service of the report of the Corps of Engineers, as amplified in exchange of letters between this Department (Dr. Cain) and the Corps of Engineers (Major General Clarke) dated June 12 and June 14, respectively.

#### AUTHORITY OF SECRETARY TO ISSUE AND IMPLEMENT REGULATIONS

The only issue remaining between us was the fact whether the Secretary of the Army had the authority unilaterally to issue and to implement regulations to deliver that water on a priority basis or whether he had to do it through negotiation with the State of Florida. And this is the issue that has been presented to the Attorney General both by the last administration and again by this administration for resolution.

And a further agreement was that if the Attorney General agreed that in fact the authority does exist in the Secretary of the Army to issue these regulations unilaterally, that in fact they would proceed to issue the regulations unilaterally to implement this agreement. So there is—

Senator HOLLAND. Is this letter in the record?

Mr. HARTZOG. I am just simply overwhelmed. I will be delighted to put this letter in the record. It is July 24, 1968.

Senator ELLENDER. No objection. Put it in the record.

Mr. HARTZOG. What I would like to do is send you a copy or have you photograph it because this is my personal file.

Senator ELLENDER. We will return the original. We will have it put in the record and then send the original back to you.

Mr. HARTZOG. Thank you very much.  
(The letter follows:)

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., July 24, 1968.

HON. ROBERT E. JORDAN III,  
*Special Assistant to Secretary of the Army (Civil Functions),  
Department of the Army, Washington, D.C.*

DEAR BOB: This letter will confirm the agreements reached at our meeting in my office today.

1. In view of the difference of opinion between our Department and the Department of the Army on the question of the authority of the Secretary of the Army to prescribe regulations governing the operation of the Central and Southern Florida Flood Control Project in such manner as to assure the delivery of water to the Everglades National Park, we will submit this matter to the Attorney General for his opinion. The Department of the Army will thereupon advise the Attorney General that it agrees that this legal question should be resolved by the Attorney General. Each agency will furnish the Attorney General with its own legal opinion. You and I will consult as to when the request to the Attorney General should be initiated by us.

2. Assuming the Attorney General confirms the authority of the Secretary of the Army to prescribe such regulations, the Secretary of the Army, through the Corps of Engineers, agrees to take timely and needful action to promulgate and implement such regulations, including, if necessary, the initiation of requests to the Attorney General for necessary legal action resulting therefrom.

3. You and General Cassidy reaffirmed the interpretation of July 19, 1968, by the National Park Service of the Report of the Corps of Engineers, as amplified in the exchange of letters between this Department (Dr. Cain) and the Corps of Engineers (Major General Clarke), dated June 12 and June 14, respectively. This statement, copies of which have been previously furnished you and the Bureau of the Budget, was presented and discussed at the meeting with the Bureau of the Budget on July 19.

4. In the light of these agreements, it was agreed that the Bureau of the Budget would advise the Conferees of the House and Senate Public Works Committees that the Administration endorses the Central and Southern Florida Flood Control Modifications now pending in the Public Works authorization bill.

I am confident that the resolution of this last difficult and complex issue, when appropriately implemented, will assure the survival of the Everglades National Park.

I want you to know, again, that all of us in this Department appreciate the splendid spirit of cooperation that exists between the Department of the Army, the Corps of Engineers, this Department, and the National Park Service. I am grateful, also, for the splendid support and assistance that has been exhibited by the State of Florida in your negotiations with them. General Noble and General Cassidy are to be commended, especially, for the creative and constructive part they have played in bringing this situation about.

With warmest personal regards and every good wish, I am,

Sincerely yours,

(Signed) STEWART,  
*Secretary of the Interior.*

(The following statement was subsequently furnished for the record.)

## INTERPRETATION OF THE CORPS' LETTER AND OUR AGREEMENT

The Chief of Engineers agreed to regulate the project to provide 315,000 acre feet of water per annum for Everglades National Park. He will do this by seeing to it that the project is regulated so that this volume of water is available from the total volume of water in the system that is capable of being delivered. The Corps has agreed it is its responsibility to get the 315,000 to the park on the monthly schedule set out in the report. The Corps has said repeatedly that if the water is in the system, we'll get it and we'll get it before new water users. Whenever the volume in the system (the supply) equals or exceeds the amount represented by Curve C (red line) on Chart III of Figure 11 of the report (the demand), the park (green band) gets 315,000. Whenever the volume available in the system is less than the demand of Curve C (red line), the park then shares, but only with its contemporaneous water users (yellow area).

The National Park Service and the Corps have agreed that when the total volume available for supply is less than C Curve, the park will share adversity

with current users on the basis of a proportion of  $\frac{315,000}{1,590,000 + 315,000}$ ; or, simply

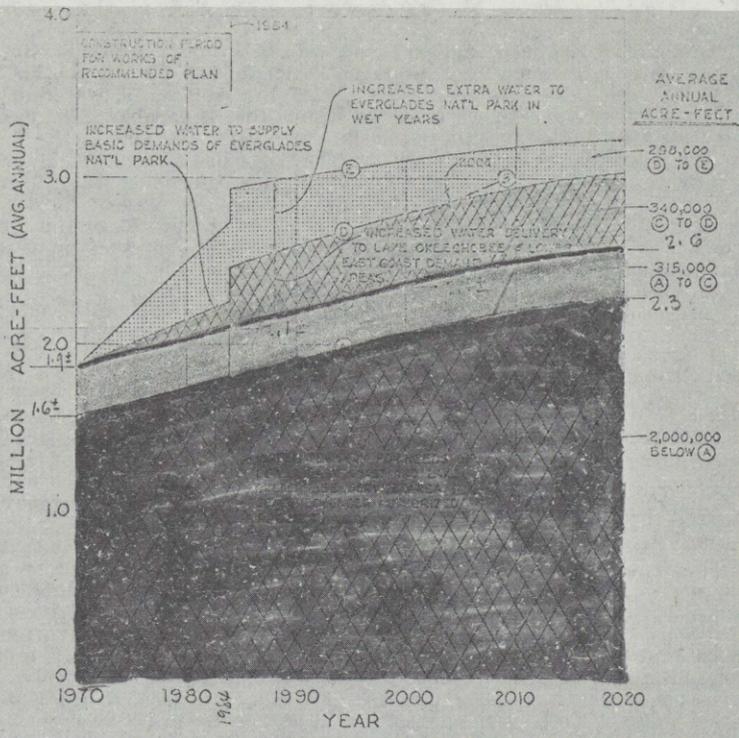
stated  $\frac{3}{19}$  of the total available supply will go to the park. (This computation for illustrative purposes is based on the graph at 1970. Regardless of the year, the park's share in a shortage year will fall between 16% and 12½% of the available water.) Available water is the amount capable of delivery with no withdrawals having previously been made. With respect to new water users, they may be given water at the discretion of the State from the State's  $\frac{16}{19}$ th share.

When the total volume available from supply is greater than the C Curve, the park will receive 315,000 a.f. regardless of the shortages which may affect the new users in the zone between the C and D Curves (blue). In this connection, Curve A (upper bound of yellow area) represents demands of present water users only. We have accepted the Corps of Engineers' explanation that the increase in demand represented by Curve A (from approximately 1.6 million acre feet (1.6 ma.f.) in 1970 increasing to 2.3 ma.f. in 2020) only involves contemporaneous water users. The increase of .7 ma.f. in demand over this 50-year period is due entirely to the present trend of increase in per capita consumption in water-use everywhere. The National Park Service independent study indicates this increase is reasonable. The zone between Curves C and D (blue) is the demand of new (non-contemporaneous) water uses and users.

Whenever the demands are all satisfied including those in the zone between Curves C and D (blue), the surplus will be given to the park. The demands above Curve C, in addition to meeting requirements of new water users, also include water retained in system lakes and conservation areas to meet needs of fish and wildlife and recreation.

*In Summary:*

1. The National Park Service will get at least 315,000 a.f. annually except when it has to share shortages with contemporary water users—the sharing to be on a pro rata basis mentioned above.
2. The supply to the park will not be diminished by new users. In other words, the National Park Service has priority over all new water users.
3. The report recognizes the park as a Federal purpose.
4. Surplus waters in the system are given to the park.
5. Moreover, through the exchange of letters between the Department of the Interior (Dr. Cain) and the Corps of Engineers (Major General Clarke) of June 12 and June 14, 1968, respectively, it is agreed that the park's water supply will be met as a responsibility of the Corps.



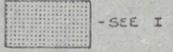
TOTAL WATER DELIVERED BY AUTHORIZED PROJECT PLUS RECOMMENDED PLAN

III

WATER DEMANDS FOR LOWER EAST COAST & LAKE OKEECHOBEE SERVICE AREA:



WATER DEMANDS FOR EVERGLADES NATIONAL PARK:



SURVEY-REVIEW REPORT  
 WATER RESOURCES FOR  
 CENTRAL & SOUTHERN FLORIDA  
 COMPARISONS OF  
 WATER  
 DELIVERIES & DEMANDS

## SUMMARY OF AGREEMENT

Senator HOLLAND. Were there any questions that you wanted to address to Mr. Storch, either you or your engineer? I want to have the record as clear as we can and I think Mr. Storch has stated the engineering facts clearly.

Mr. HARTZOG. My understanding of what he said from the engineering summary is correct. I have developed over the past 7 years, Senator, complete confidence in the integrity of Mr. Storch and Joe Koperski as competent engineers. I have said publicly and I say to you again I think the most competent engineers I know in the world are the Corps of Engineers and I have never found them on an engineering matter to be other than candid and other than correct.

I have no quarrel with their engineering statements whatsoever. I do have very serious quarrel with Mr. Jordan's summary of what we agreed to.

Senator ELLENDER. Well, as far as the Engineers are concerned I can ditto that. I have been dealing with them now for 21 years as chairman of this committee.

Mr. HARTZOG. They are a superb organization, highly talented and creative people.

Senator ELLENDER. Now that you have paid such compliments to them I hope you two can get together.

Mr. HARTZOG. I do, too. It is the policy issues at argument here, not the engineering. I think our engineers across the board are in agreement on what can be done and the way to do it.

Senator ELLENDER. Well, whenever you think about this matter in the future and try to make a determination I hope you bear in mind the additional good that has come about because of these works.

## WATER DISTRIBUTION CONTROL

Mr. HARTZOG. Mr. Chairman, I agree with you, and we have had no problem on that, simply the matter that these are very fundamental issues that we believe the Congress has spoken on as a matter of policy—these are the parameters. I defend the policies of the Congress and the administration with equal vigor. I mean, you in the Congress have the responsibility to set the public land policy of this country and when you have spoken, it is my job to carry out this policy. This is what my lawyers tell me your policy says and this is why I am circumscribed in what I can agree to.

Senator HOLLAND. The problem, Mr. Hartzog, seems to go a good deal further than the question of what the agencies of the Federal Government may agree to. The problem seems to involve also a question of law as to who controls the distribution of water and I do not think this committee could determine that if we tried to, but that problem certainly looms and the fact that the Secretary of the Interior sought advice from the Justice Department and has not been able to get it yet would indicate that it is a troublesome problem.

Senator ELLENDER. Well, since there has been so much confidence expressed in the Corps of Engineers, we have their testimony here that if, as and when this project is completed, a better flow of water that never existed in the past would be available. So it strikes me that ought to settle that matter.

Senator HOLLAND. I think so, Mr. Chairman.

STATEMENT OF NATHANIEL REED, PERSONAL REPRESENTATIVE OF HON.  
CLAUDE R. KIRK, JR., GOVERNOR OF FLORIDA

WATER SHORTAGE PREDICTION

If you will call Mr. Reed I would like very much for him to be heard. Mr. Reed is the personal representative of the Governor.

Mr. REED. Senator Ellender, thank you. My name is Nathaniel Reed. Senator Holland and Congressman Fascell, I welcome this opportunity to speak before you. Mr. Arthur Marshall, U.S. Fish and Wildlife senior officer in Florida, has predicted a very serious water shortage in 1976 unless the present construction on Lake Okeechobee is allowed to proceed rapidly to elevation 17.5 feet. Governor Kirk has frequently reiterated that as our State's objective and goal to provide adequate water for all users and a principal user is Everglades National Park.

The people of the State of Florida recognize the responsibility of delivering to Everglades National Park a dependable annual supply of water. Although the Everglades ecologically is very complex, one thing can clearly be understood by all parties. It suffers terribly in drought.

I would propose to you, sir, immediately bringing the three parties, the State of Florida, the Department of the Army, and the Department of the Interior, together to meet, to attempt to agree on points which can be agreed upon, and to bring back to your attention the issues which we fail to resolve.

That is all I have, sir.

RIGHT TO CONTROL DISTRIBUTION OF WATER

Senator HOLLAND. Mr. Reed, my understanding of what has happened here this morning and what has happened in the exchange of correspondence which first came to my attention this morning, and I think also to the chairman's, all the questions seem to have been pretty well determined except the question of the legal right to control the distribution of water.

Mr. REED. I think, Senator, there are some additional points that can be agreed upon and I would think it would be useful for us to go at another date for the Department of the Interior, Department of the Army and the State to sit down and thoroughly review this without coming back to you until we can delineate the problem areas and also delineate the areas of agreement. I think we have not had an opportunity in the last 3 years for enough close scrutiny among ourselves. I think it would be to our advantage, mutual advantage, to have these meetings and then report back to you, sir.

Senator HOLLAND. Mr. Chairman, that sounds logical to me if it is agreeable to the Department of the Army and Park Service representing the Department of the Interior to allow them or suggest that they shall as you directed last year go ahead with conferences in an effort to eliminate all the problems that they can.

## WATER SUPPLY: EVERGLADES NATIONAL PARK AND OTHER DEMANDS

Senator ELLENDER. Well, I am very hopeful they can do that before the hearings on Public Works appropriations for 1971 are started because if we can put in the record information indicating that these problems more or less have been solved, that a sufficient amount of water will be made available to the park and that will solve it, because Senator Nelson and others who voted with him have an idea that the water for the park will be neglected, that is, the supply of water to the park will be neglected, and I really believe that with the works that have been done in the past and those that we contemplate in the future, it will mean a better supply of water for everybody including the park particularly.

Mr. REED. The Senator is concerned that the rate of growth in south Florida will outstrip the amount of water to be provided by both the 17.6 elevation and the 21 elevation in the years to come. That is very hard to predict, Senator.

Senator ELLENDER. I understand, but Florida is big enough. I mean, has enough population now—am I right, Senator? You have enough population now, do you not?

Mr. REED. We have too much, Senator. We have difficulty keeping them from coming.

Senator HOLLAND. We have considerably greater population than we had in 1960. I see the press states this morning that the Census Bureau says we will get two new Congressmen with the Census this year. But the people, thank the Lord, do keep coming and I do not know what we are going to get to in Florida when you come to a population and industry.

## INTERIM AGREEMENT

Let me state what I think the situation now is and see if everybody agrees.

First, the interim agreement is in effect. Does everybody agree?

Second, there will be at least 2 years when the 260,000 acre-feet will be delivered under the interim agreement, possibly more because the 17½ foot level which it is hoped will be reached in 2 years may not be reached that soon.

Third, that when the 17½ foot level is reached, there is assurance that there will be a review to see if there can be an improvement at that time in flow performance of the 260,000 acre-feet. Is everybody in agreement on that?

Fourth, that in 1980 under the direction of the committee headed by Senator Ellender, there has to be a review of the entire project to see what the situation is at that time as to whether there can be any further improvement to the project plan or if additional or urgent action is indicated.

Fifth, that in all cases the interim agreement or any further modifications of it will last until the 21½ foot level is reached, at which time the agreement to deliver 315,000 acre-feet will go into effect. It seems to me that clearly there are 2 years of negotiating time given,

maybe more, and that there is the assurance of at least two reviews of the interim agreement between now and the completion of the 21½ level structures.

If everybody else understands it as I do, at least we have that agreed upon in general, and I certainly think that Mr. Reed's suggestion that negotiations at least in these 2 years, move ahead is an excellent one.

Senator Ellender, do you concur with that?

#### WATER SUPPLY AND POLLUTION

Senator ELLENDER. Yes, I do, and of course. I want to repeat that the water situation is not peculiar to Florida. My God, I have got it all over the country. We are working now like Trojans in order to facilitate matters. We are trying to increase the funds to fight pollution, clear our lakes and streams of pollution so that more water, good water, will be available because of the increase in population, and we are working to that end, and I am very hopeful that if there is anything else to clear up before we have our hearings within the next maybe 90 days, if you men get together and let us come with a united front so that we will not be met with opposition, that this project should be stopped unless you furnish the park so much water. That was the burden of Senator Nelson's arguments. He wants to stop the whole thing and I do not suppose he is aware of the fact that by the construction of these projects that we contemplate it will mean more water for the park.

Senator HOLLAND. Mr. Chairman. I would like to ask if there is any disagreement on the part of either Mr. Jordan, representing the Department of the Army or Mr. Hartzog, representing the Department of the Interior, any disagreement in the situation as I stated it a moment ago as to what we can help resolve now in the way of time that lies ahead.

#### PROPOSED NEGOTIATION BETWEEN DEPARTMENTS OF THE ARMY AND THE INTERIOR AND THE STATE OF FLORIDA

Mr. JORDAN. I do not think there is any disagreement, Senator. I think the underlying disagreement which is apparent about how you interpret the 315,000 acre-foot supply is still there but as you outlined it, we are certainly happy to undertake to meet with the people concerned and help resolve it.

Senator ELLENDER. Well, the Governor's representative stated that there were other points to be agreed on. I do not know what they are. I did not ask him. But let us try to get together and try to iron these out before the hearings start.

Senator HOLLAND. I want to ask Mr. Hartzog if his understanding of the situation now existing is as I stated it a while ago.

Mr. HARTZOG. I think, Senator, what you said is correct. I think it is influenced by this underlying difference between us and the Corps of Engineers and I think the suggestion of Mr. Reed is an eminently appropriate one. We will be delighted to meet with the State of Florida to see the areas in which we can agree, recognizing, Mr. Chair-

man, Senator Holland, Mr. Fascell, as I have said before, the parameters within which I am at liberty to negotiate. I think there are areas in which we can reach agreement short of having to deal with those very difficult issues.

Senator HOLLAND. I want to ask Senator Hodges and Mr. Reed if they, too, agree with the statement that I made as to what the situation now is.

Mr. REED. Speaking for myself, Senator, I thought it was a very clear presentation of where we now stand.

MEETING FOR NEGOTIATION

Mr. HODGES. Speaking for the Florida Department of Natural Resources, yes, Senator, I agree, but there is one thing I would like to clarify. The State is ready at any time to sit down and discuss this problem. What we do need to clarify is who is going to arrange the meeting because it is a little difficult for me to arrange a meeting with Federal agencies when I cannot get an answer to my letter.

Senator ELLENDER. Well, listen, your administration probably can do a little better from here now.

Mr. HODGES. I have not gotten one yet from the December 11th letter.

Senator HOLLAND. May I speak for the committee and rather insistingly suggest that the Department of the Interior and Department of the Army while the State representatives are here, agree upon a date when they can all sit down and discuss this matter.

MEMORANDUM OF AGREEMENT: POSITION OF STATE OF FLORIDA

Senator ELLENDER. Anybody else desire to be heard?

Mr. HODGES. Mr. Chairman, I would like to insert into the record our letter dated July 23, 1968, addressed to Brig. Gen. Charles Noble: Director of Civil Works, Office, Chief of Engineers, stating the State's position on this problem.

Senator ELLENDER. It will be accepted.

(The letter follows:)

FLORIDA BOARD OF CONSERVATION,  
Tallahassee, July 23, 1968.

Brig. Gen. CHARLES C. NOBLE,  
Director of Civil Works, Office of the Chief of Engineers,  
Washington, D.C.

DEAR GENERAL NOBLE: Thank you for your thoughtfulness in giving consideration to Florida's interests in the Central and Southern Florida modification project and deferring for our consideration your approval of the proposed memorandum of agreement with the National Park Service. We have reviewed the proposed memorandum of agreement which you were so kind as to dictate over the telephone for our information, and have discussed this problem with the members of the Board of Conservation. We were instructed by the Board to inform you that we cannot concur in the proposed agreement.

The Florida Board of Conservation concurs in the report which the Corps of Engineers recommended for authorization, as stated in my letter of May 17 and the Board resolution of May 7, 1968. However, the Board does not agree to the interpretation of the report as outlined in the proposed agreement which you telephoned to this office on July 19, 1968.

The following principles are pertinent and are enunciated by the Florida Board of Conservation:

The state cannot agree that "contemporaneous" water users have no share in the water assets of the state, regardless of date establishing the "contemporaneous" users, be that date 1947, 1970, or any other date. Such agreement, if reached, would limit development of the state to a level that could be supported only by the water resources available as of that date. The report clearly shows that ample water will be available for all users except in rare occasions of extreme drought.

The state recognizes the project purposes to include increasing the water supply in the areas to be served from Lake Okeechobee and the Everglades conservation areas of the Central and Southern Florida project, with the objective of providing water to meet the demands for continued development of agricultural and urban lands in the Lake Okeechobee and lower east coast areas and to provide water for Everglades National Park, all as detailed in the project report and summarized on Page 69 of the main report. The state cannot recognize water users in any area as having priority over other water users of the region.

The state cannot recognize any agreement which would forfeit its water rights and responsibilities.

The state of Florida shares concern with the National Park Service for Everglades National Park. The state has made every effort to coordinate with the Corps of Engineers to develop a program which will insure hydrologically a supply of water vital to the ecology of the Park. In our opinion, it would be tragic to forfeit the authorization of this project due to the National Park Service's objection in areas clearly defined as a sovereign state responsibility. We hope that the Park Service will support this plan for authorization by Congress because their failure to do so may jeopardize the future of Florida and the life of Everglades National Park.

Sincerely,

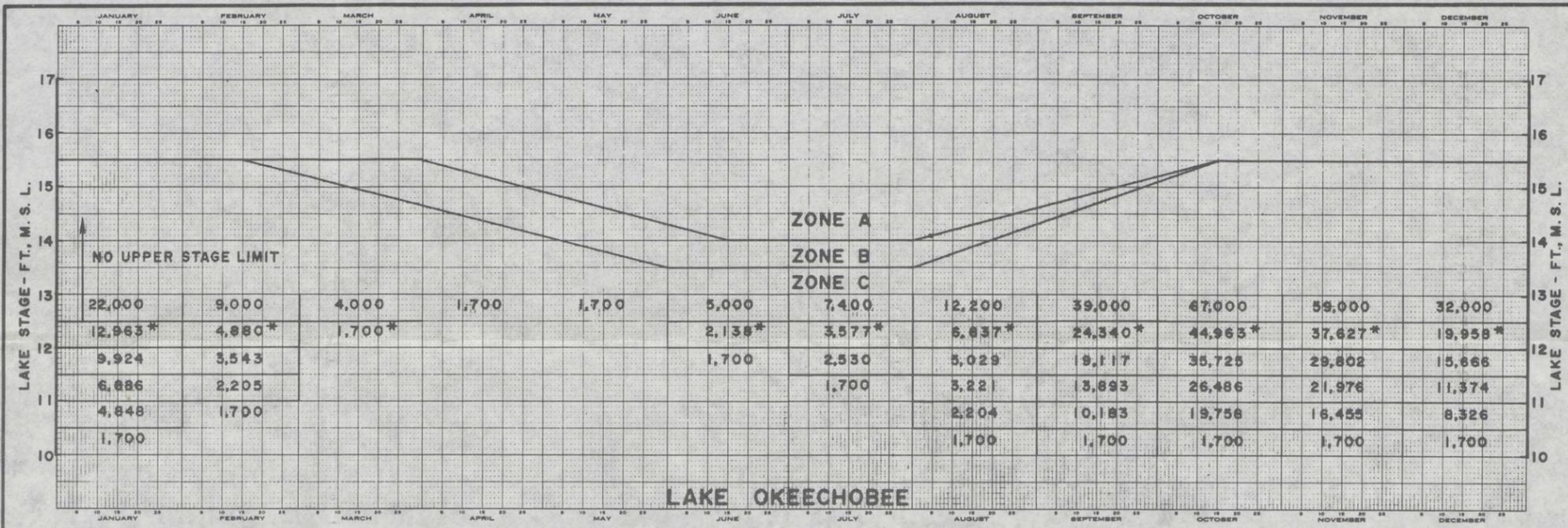
RANDOLPH HODGES, *Director.*

TRANSCRIPTION OF INFORMATION GIVEN BY BRIG. GEN. CHARLES C. NOBLE, OCE, IN TELEPHONE CONVERSATION WITH FBC FOR A PROPOSED MEMORANDUM OF AGREEMENT BETWEEN OCE, BOB, AND DEPARTMENT OF THE INTERIOR, TO BE CONTAINED IN A LETTER FROM THE NATIONAL PARK SERVICE TO THE CHIEF OF ENGINEERS

The Chief of Engineers has assured that the project will be regulated to provide 315,000 acre feet of water per annum for Everglades National Park. He will do this by seeing to it that the project is regulated so that this volume of water is available from the total of water available in the system that is capable of being delivered. The Corps has agreed it is its responsibility to get the 315,000 acre feet to the Park on the monthly schedule set out in the report. The Corps has said repeatedly that if the water is in the system we will get it and we will get it before new water users. Whenever the volume in the system (the supply) equals or exceeds the amount represented by Curve C on Chart III of Figure 2 of the report (the demand), the Park gets 315,000 acre feet. Whenever the volume available in the system is less than the demand of Curve C, the Park then shares, but only with the contemporaneous water users.

The National Park Service and the Corps have agreed that when the total volume available for supply is less than Curve C, the Park will share its adversity with current users on the basis of the proportion of 315,000 over the sum 1,590,000 plus 315,000 or simply stated, 3/19ths of the total available supply will go to the Park. (This computation for illustrative purposes is based on the graph at 1970. Regardless of the year, the Park's share in a shorter year will fall between 16% and 12½% of the available water.) Available water is the amount of water capable of delivery with no withdrawals having previously been made. With respect to new water users, they may be given water at the discretion of the state from state's 16/19ths share.

When the total volume available for supply is greater than Curve C, Park will receive 315,000 acre feet regardless of the shortages which may affect the new users above Curve C. In this connection, Curve A represents demands of present water users only. We have accepted the Corps of Engineers' explanation that the increase in demand represented by Curve A (from 1.6 million acre feet in 1970 increasing to 2.3 million acre feet in 2020) only involves contemporaneous water



ZONE	RELEASE THROUGH OUTLETS AS INDICATED			S-12 REGULATION DISCHARGE TO PARK
	AGRICULTURE CANALS	CALOOSAHATCHEE RIVER	ST. LUCIE CANAL	
A	PUMP MAXIMUM PRACTICABLE TO CONSERVATION AREAS FOR REGULATION AFTER REMOVAL OF LOCAL RUNOFF.	UP TO MAXIMUM CAPACITY WITHOUT LOCAL FLOODING	UP TO MAXIMUM DISCHARGE UP TO MAXIMUM DISCHARGE WITH AVERAGE VELOCITY LIMITED TO 2.5 FT/SEC.	MONTHLY VOLUME SHOWN ON SCHEDULE BASED ON STAGES OF BOTH LAKE OKEECHOBEE AND ENP GAGE P-33 ON THE FIRST DAY OF EACH MONTH. SEE LEGEND AND NOTES.
B				
C	NO REGULATORY DISCHARGE	NO REGULATORY DISCHARGE	NO REGULATORY DISCHARGE	
	FIRST PRIORITY	SECOND PRIORITY	THIRD PRIORITY	

**GENERAL NOTES:**

- NO REGULATORY PUMPING FROM LAKE IS REQUIRED WHEN WATER CONSERVATION AREA NOS. 1, 2 AND 3A ARE FULL.
- WHEN OPERATING NEAR ZONE LIMITS, 30-DAY FORECAST WILL BE MADE AND RELEASES SCHEDULED TO LOWER AND MAINTAIN THE LAKE AT THE DESIRED LEVEL DURING THE 30-DAY PERIOD.
- IF TRIBUTARY BASINS ARE UNUSUALLY WET OR DRY, ADJUSTMENTS OF A FEW TENTHS MAY BE MADE IN THE REGULATED LEVEL OF THE LAKE.

**CONDITIONS GOVERNING EVERGLADES NATIONAL PARK WATER SUPPLY**

**A. ALL LAKE STAGES:**

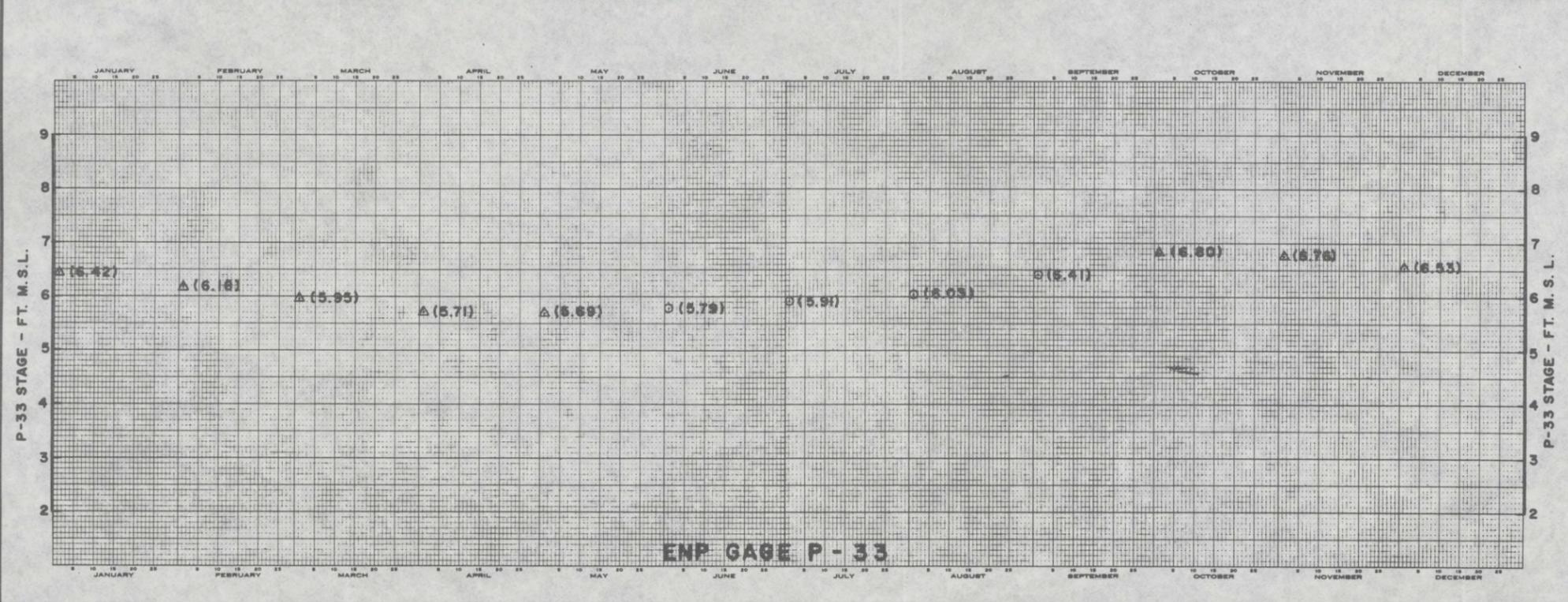
- EXCEPT AS NOTED IN NOTE 2 BELOW, THE ANNUAL REQUIREMENT FOR DELIVERY TO EVERGLADES NATIONAL PARK IS 260,000 A.F. DISTRIBUTED BY MONTHS AS INDICATED ON THE SCHEDULE (ABOVE 12.5 FT.)
- WHEN ENP GAGE P-33 STAGE IS ABOVE THE ELEVATION INDICATED ON THE SCHEDULE ON THE FIRST DAY OF THE MONTH, THAT MONTH'S REQUIREMENT FOR THE PARK MAY BE REDUCED TO THE AMOUNT INDICATED BY ASTERISK (\*). THIS REDUCTION WILL NOT BE CONSIDERED AS A DEFICIT TO BE MADE UP.
- REGULATORY RELEASES FROM WATER CONSERVATION AREA NO. 3A MADE IN ANY MONTH WILL BE CONSIDERED AS GOING TOWARD SUPPLYING THAT MONTH'S REQUIREMENT FOR THE PARK.

**B. LAKE STAGE BELOW 12.5 FT.**

- WHEN LAKE OKEECHOBEE STAGE IS BELOW 12.5 FT., REDUCED MONTHLY VOLUMES WILL BE DELIVERED TO THE PARK AS SHOWN ON THE SCHEDULE. DEFICITS IN MONTHLY DELIVERIES CREATED BY THESE REDUCTIONS WILL BE MADE UP IN LATER MONTHS WHEN PRACTICABLE.

**LEGEND**

SYMBOL	DESCRIPTION
22,000	INDICATES MINIMUM MONTHLY DELIVERY IN ACRE-FEET TO PARK WHEN FIRST DAY OF THE MONTH STAGE IS BETWEEN LIMITS SHOWN.
12,963*	ASTERISK INDICATES REDUCED MONTHLY REQUIREMENT IN ACRE-FEET FOR PARK WHEN P-33 STAGE IS EQUAL TO OR ABOVE INDICATED STAGE ON SCHEDULE.
Δ (6.18)	INDICATES STAGE 0.2 FT. ABOVE MONTHLY MEAN.
○ (5.79)	INDICATES MEAN MONTHLY STAGE.



**CENTRAL AND SOUTHERN FLORIDA PROJECT  
LAKE OKEECHOBEE AND OUTLETS  
PROPOSED**

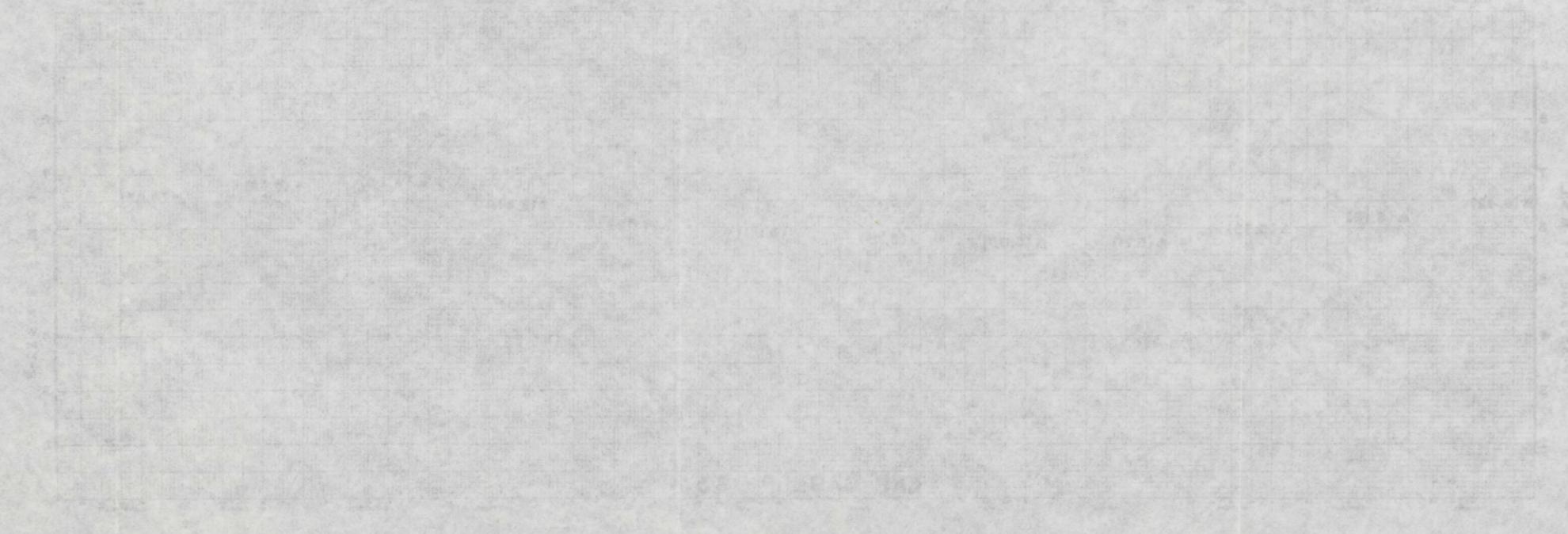
**INTERIM WATER DELIVERY  
SCHEDULE TO  
EVERGLADES NATIONAL PARK**

DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT, CORPS OF ENGINEERS  
JACKSONVILLE, FLORIDA  
OCTOBER 1969

DEPARTMENT OF THE ARMY  
 JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
 JACKSONVILLE, FLORIDA  
 OCTOBER 1963

SCHEDULE TO  
 INTERIM WATER DELIVERY  
 PROPOSED

CENTRAL AND SOUTHERN FLOOD PROTECT  
 AND OVERFLOW AND OUTLET



NO.	DESCRIPTION	DATE	REMARKS
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users. The increase of .7 million acre feet in demand over the 50-year period is due entirely to the present trend of increase in per capita consumption in water use everywhere. The National Park Service's independent study indicates this increase is reasonable. The zone between Curve C and D is the demand of new water users and uses.

Whenever the demands are all satisfied, including those in the zone between Curve C and D, the surplus will be given to the Park. The demands above Curve C in addition to meeting requirements of new water users also include water retained in system lakes and conservation areas to meet needs of fish and wildlife and recreation.

#### SUMMARY

1. The National Park Service will get not less than 315,000 acre feet annually except when it has to share shortages with contemporaneous water users—the sharing to be on a pro rata basis mentioned above.

2. The supply to the Park will not be diminished by new users. In other words, the National Park Service has priority over all new water users.

3. Report recognizes the Park as a federal purpose.

4. Surplus waters in the system are given to the Park.

5. Moreover, through the exchange of letters between Department of Interior (Dr. Cain) and the Corps of Engineers (Major General Clarke) of June 12 and June 14, 1968, respectively, it is agreed that the Park's water supply will be met as a responsibility of the Corps of Engineers.

#### SUBCOMMITTEE RECESS

Senator ELLENDER. The subcommittee will stand in recess.

(Thereupon, at 12:10 p.m., Monday, February 16, the subcommittee was recessed to reconvene at the call of the Chair.)

