

United States Senate

WASHINGTON, DC 20510

July 26, 2017

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Ave., NW
Washington, D.C. 20500

Dear Mr. President:

We write to you in regard to the ongoing issue involving the apportionment of water resources of the Apalachicola-Chattahoochee-Flint River (ACF) Basin between the states of Alabama, Florida, and Georgia.

The U.S. Army Corps of Engineers (USACE) has a vital responsibility to operate a series of water control structures throughout the ACF for a variety of purposes that include flood risk management, navigation, hydropower, recreation, fish and wildlife conservation, and water supply storage. This important watershed has far-reaching economic benefits in all three states, yet unfortunately, as a result of overconsumption caused by the refusal of just one of those states to implement commonplace and sensible water conservation practices, downstream communities, including Apalachicola Bay's oyster industry, have been devastated. As a result, the long-simmering dispute has embroiled Congress, and litigation is now pending before the Supreme Court in *Florida v. Georgia* where notably, the Court-appointed Special Master has already found that "Georgia's upstream agricultural water use has been...largely unrestrained" and that "Florida has suffered harm from decreased flows in the River."

In order to extricate Congress and the Courts and finally force the three states to resolve their differences in an equitable and durable way, we strongly believe that it is essential for the USACE to take a neutral role in this dispute. Importantly, in the March 2017 ACF Basin Water Control Manual (WCM) Record of Decision (ROD), the USACE for the first time acknowledged publicly that it would indeed adjust its operational plans to supply more water downstream to meet the commitments of any agreement joined by, or, in the case of a final decision from the Supreme Court or legislation by Congress, imposed upon, the States.

Building on this initial positive step, we respectfully ask your Administration to ensure that any *amicus* brief submitted by USACE to the Supreme Court in *Florida v. Georgia* by the August 7, 2017 filing deadline maintain consistency with USACE's statements in the March 2017 ROD, including:

- "With respect to the *Florida v. Georgia* case, USACE will review any final decision from the U.S. Supreme Court and consider any operational adjustments that are appropriate in light of that decisions, including modifications to the then-existing WCM, if applicable.";
- "Should the Supreme Court issue a decree apportioning the waters of the ACF Basin, ... USACE would take those developments into account and adjust its operations accordingly,

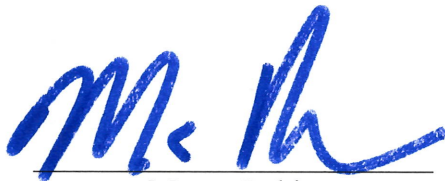
including new or revised WCMs, new or supplemental NEPA or ESA documentation, or any other actions as may be appropriate under applicable law.”; and

- “The [March 2017 WCM revisions] ... would not apportion the waters of the ACF Basin among the States or in any way prejudice the Supreme Court, the States, or the Congress from [sic] with respect to a future apportionment of the waters of the ACF Basin.”

Once again, we strongly believe that it is essential for the USACE to take a neutral role in this dispute. Rather than intervening in *Florida v. Georgia*, it is our hope that the USACE will instead take all steps possible within its existing authorities to manage vital basins, including the ACF, in ways that protect downstream ecosystems and the communities that rely upon them.

We thank you for your consideration of this request and look forward to ensuring an equitable and durable resolution to the apportionment of the ACF Basin’s water resources.

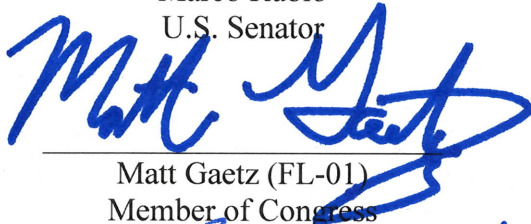
Sincerely,



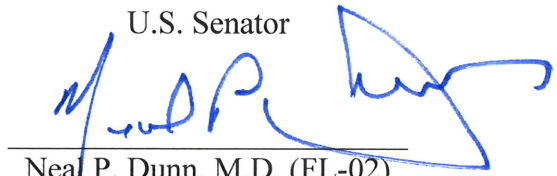
Marco Rubio
U.S. Senator



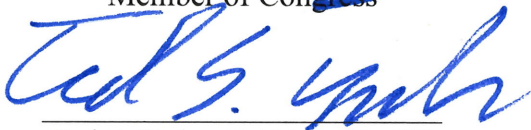
Bill Nelson
U.S. Senator



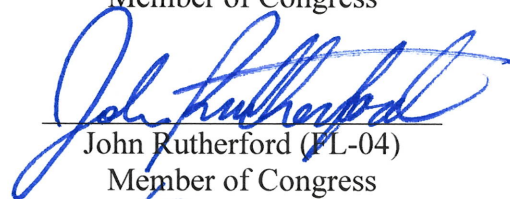
Matt Gaetz (FL-01)
Member of Congress



Neal P. Dunn, M.D. (FL-02)
Member of Congress



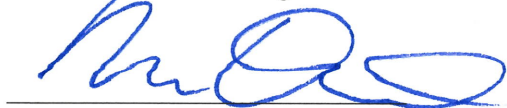
Ted S. Yoho, D.V.M. (FL-03)
Member of Congress



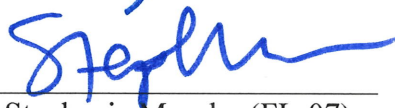
John Rutherford (FL-04)
Member of Congress



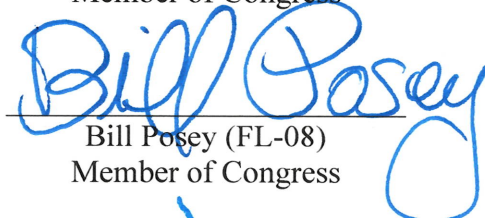
Al Lawson (FL-05)
Member of Congress



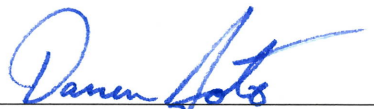
Ron DeSantis (FL-06)
Member of Congress



Stephanie Murphy (FL-07)
Member of Congress



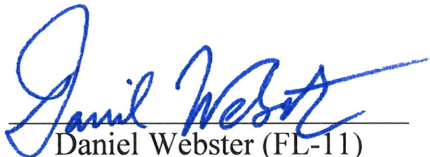
Bill Posey (FL-08)
Member of Congress



Darren Soto (FL-09)
Member of Congress



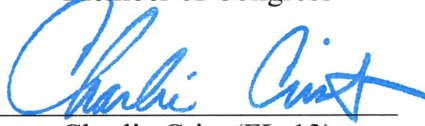
Val B. Demings (FL-10)
Member of Congress


Daniel Webster (FL-11)

Member of Congress


Gus Bilirakis (FL-12)

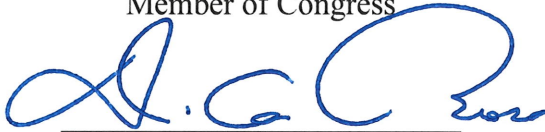
Member of Congress


Charlie Crist (FL-13)


Member of Congress


Kathy Castor (FL-14)

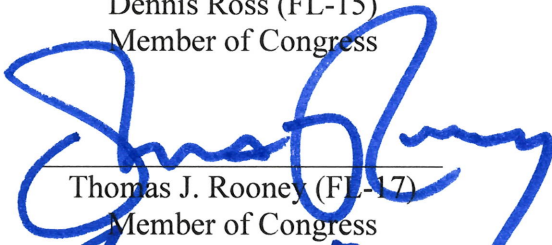
Member of Congress


Dennis Ross (FL-15)

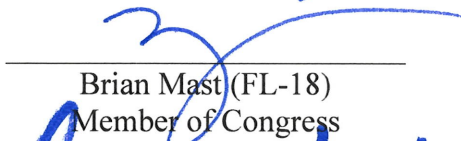
Member of Congress


Vern Buchanan (FL-16)

Member of Congress


Thomas J. Rooney (FL-17)

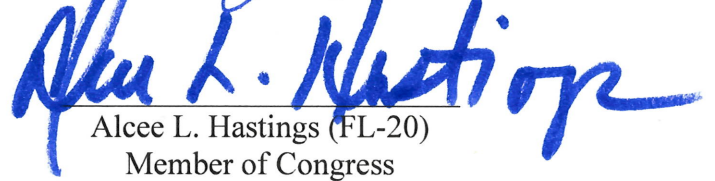
Member of Congress


Brian Mast (FL-18)

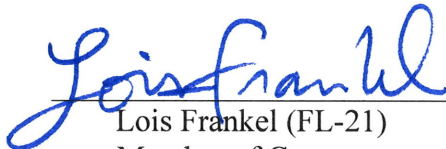
Member of Congress


Francis Rooney (FL-19)

Member of Congress


Alcee L. Hastings (FL-20)

Member of Congress


Lois Frankel (FL-21)

Member of Congress


Ted Deutch (FL-22)

Member of Congress


Debbie Wasserman Schultz (FL-23)

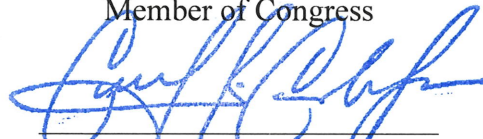
Member of Congress


Frederica S. Wilson (FL-24)

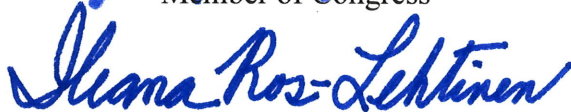
Member of Congress


Mario Diaz-Balart (FL-25)

Member of Congress


Carlos Curbelo (FL-26)

Member of Congress


Ileana Ros-Lehtinen (FL-27)

Member of Congress