

Sugar Cane Growers Cooperative of Florida Files Action to Preserve Water for Farmers

U.S. Army Corps Puts Food Supply and Drinking Water at Risk,

Violates CERP's Savings Clause and the National Environmental Policy Act

Belle Glade, FL. – Sugar Cane Growers Cooperative of Florida today filed a complaint with the U.S. District Court for the Southern District of Florida against the U.S. Army Corps of Engineers for violating a law that guarantees an adequate water supply from Lake Okeechobee, a necessary safeguard to avoid food supply scarcities and drinking water shortages.

“Promises—especially those made by statute and rule—are meant to be kept. Unfortunately, the Corps has broken a promise to our farmers, putting our growers, their livelihoods, and the community’s drinking water at risk,” said **Matthew B. Hoffman, CEO and President of Sugar Cane Growers Cooperative of Florida.**

The Corps violated the Savings Clause under the Comprehensive Everglades Restoration Plan (CERP) in the Water Resources Development Act of 2000 (WRDA 2000). The Corps is also in violation of the National Environmental Policy Act (NEPA).

“While the Cooperative fully supports the original CEPP EAA Project, the management of the CEPP simply must comply with the Savings Clause to ensure an adequate water supply is available for our family farmers and our community,” Hoffman continued.

When Congress authorized CERP in the WRDA 2000, it adopted a Savings Clause, promising existing water users that if any of their water sources might be lost as a result of a CERP Project, water supply would be maintained at pre-enactment levels until replaced by new sources.

Now, however, the Corps has broken that promise by failing to conduct a proper Savings Clause analysis to ensure that a key CERP project, the EAA Reservoir and Stormwater Treatment Area (known as the CEPP EAA Project), will not transfer or eliminate existing legal sources of water.

“The Cooperative and our 42 members depend on the water supplied from Lake Okeechobee to irrigate our crops, especially during the annual dry season and periodic droughts. Just last spring, we endured droughts that made it challenging to grow and put food on the table for our community and country,” said **John L. Hundley, member of Sugar Cane Growers Cooperative of Florida Board of Directors and President of Hundley Farms, Inc.** “If farmers don’t have a reliable source of water, as was guaranteed to us, everyone loses. The Corps needs to stand by their word, and we hope the Court recognizes the importance of the commitment that was made to farmers and the community.”

Among other problems, the Corps ignored the very specific water supply baseline called for under WRDA 2000 and instead, utilized a baseline that resulted in significantly less water being available for agricultural, urban, and other existing legal users during droughts.

The Corps’ approval of the CEPP EAA Project also violates the NEPA because the Corps failed to take a hard look at how the project would impact the environment, including agricultural and drinking water supplies.

The Corps’ analyses were fundamentally flawed because they utilized the wrong baseline assumption in calculating how much water supply was already allocated to growers. In addition, they failed to even consider the prospect of the STA being operated without the reservoir, something that is assured to happen since the STA will be complete years before the reservoir is ready for operation. Should that occur, and without creating new water sources for other users, the Corps is putting agricultural and urban water supplies at a risk.

“This violation of federal law not only puts the production of sugarcane at risk, but the wide variety of home-grown foods that EAA farmers have to offer,” said **Paul Orsenigo, member of Sugar Cane Growers Cooperative of Florida and owner of Orsenigo Farms.**

“From rice to snap beans, to leafy vegetables and sweet corn, EAA farmers keep our grocery stores stocked, create jobs, and support our local and global economy. Yet, to do this, farmers need water. With the Corps going back on their word to farmers, there will be devastating impacts on Florida’s agriculture industry, threatening our secure source of U.S. food supply and the state of our economy unless the Court takes action,” added **Orsenigo**.

From the start, Sugar Cane Growers Cooperative of Florida has been supportive of the CERP and CEPP and continues to support the construction of the EAA Reservoir and related stormwater treatment area. The Cooperative looks forward to the Court’s decision and is hopeful the Court will order the Corps to correct the CEPP operating plan to comply with WRDA 2000 and NEPA, without delaying reservoir construction.

Sugar Cane Growers Cooperative of Florida is comprised of 42 small to medium-sized member farms that grow sugarcane on approximately 70,000 acres of what is among the most fertile and productive farmland in America, located in the Everglades Agricultural Area (EAA).