

8. OLD BUSINESS

b. Water Quality Issues

5. Recent City Generated Water Quality Correspondence

- a. April 7, 2006 Letter to Pete Milam confirming meeting attendance

April 7, 2006

Via Regular Mail and Fax (904-232-1213)

Project Manager Pete Milam
U.S. Army Corps of Engineers
Jacksonville District
701 San Marco Blvd.
Jacksonville, FL 32207-8175

Dear Mr. Milam:

We were delighted to learn of your interest in attending our April 18, 2006 Sanibel City Council meeting. Sanibel City Manager, Judie Zimomra, will contact your office about the specifics of scheduling.

Because the magnitude of the threat from Lake Okeechobee releases to the Caloosahatchee Estuary and to the Ding Darling National Wildlife Refuge has reached a crisis level, it is crucial that the City and the Corps of Engineer's Jacksonville Office begin a new era of substantive communication directed toward providing short as well as long term relief from the potential of permanent damage to our pristine environment.

My hope is that the responses you bring with you on April 18th to the concerns raised in this letter will provide us all a starting point for such communication.

My colleagues, our staff, as well as those who participate in our public comment process are all very well informed on the nature of our problem and the Lake management challenge. Consequently it will be useful to begin the meeting with your specific presentation focused on responses to the enumerated matters raised in this letter.

In addition to these specific questions, I am certain that every member of City Council has specific questions for you.

It is our intent that, at the conclusion of our meeting, we will all be equally committed to preserving our estuary as well as to a responsible long-term lake management plan.



City of Sanibel

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Below please find specific issues that we request you address in your April 18th presentation to City Council:

LORSS

In your capacity as manager of the Lake Okeechobee Regulation Schedule Study, it's important that we hear about the status of the Study to determine the frequency and quantity of releases at S-77 over the next three years, to determine how the biologists' recommendations are incorporated into those decisions and, just as important, to learn about the Corps' success in operating the Lake at sufficiently lower elevations prior to the onset of the rainy season so that excess releases are not needed to protect the levees.

The City joins the Corps in supporting the expedited revision of the dated and imperfect Water Supply/Environment decision matrix. We look forward to your having this revised management tool as soon as possible.

We hope to hear about the progress of this project, and we would respectfully request the opportunity to participate in a midcourse give-and-take that can be valuable as a means of raising important points and especially in avoiding the misunderstandings and disagreements that sometimes appear at the end of a complex process.

To that end, we ask that the results of the Modeling and Analysis task that was scheduled for completion by March 31, 2006 be made available to the City and other interested stakeholders. This would enable the Corps to consider mid-course corrections that might be appropriate without delay in the overall completion of the Study and incorporation of the findings into Lake management practices. We ask that the same procedure be followed for the Environmental Evaluation phase of the study that is due to be completed by April 29, 2006. Certainly it must be understood that such mid-course review is intended only to provide informal feedback to the Corp and would place the Corp under no additional obligation other than to receive potentially valuable stakeholder input at a time when such considerations might still be accommodated and might improve the final product.

In addition, there are a number of specific proposals outstanding that relate to, but that are not the precise subjects of the LORSS process. It would be helpful to learn the status of these proposals and the projected time line for implementing any changed practices. These include (1) the reconfiguration of S-77 to allow the release of mid-level Lake water to minimize the release of nutrients and phosphates to the river, (2) the operation of the new forward pumps as a component of managing the lake at a lower level, (3) the question of whether pulsed releases or continuous low-level releases during the dry season provide the greatest potential for reducing Lake elevations consistent with the Estuary's health, and (4) the need to sharpen existing estimates of the salinity tolerances of the estuarine ecosystem.

Taken together, these LORSS-related issues could have a significant impact on the ability of any of the alternative regulatory schedules under consideration in the Study to enable Lake Okeechobee to be operated at a lower elevation.

Overall, then, it will be important to hear what specific actions are planned to enable the Corps to hear our concerns early enough in the LORSS process so that they can be incorporated into the revised WSE when it is implemented in January of 2007. *And, of course, in order to facilitate estuary recovery from the devastating releases of Fall 2005, it will be important to learn how releases can be handled to protect the life cycle of the Estuary between April and December 2006. If Corps and SFWMD actions ignore this critical short term problem, lasting devastation to the Refuge, the Estuary and the economy may become a new catastrophe. We need to work together closely to avoid this.*

CERP

It also is important that Council hear about the evolution of certain key CERP projects that directly or indirectly determine the long-term fate of the Caloosahatchee Estuary.

While I realize that these may not be your particular responsibilities, it would be helpful to know the position of the Jacksonville Corps office on each of the below items.

For example, the inclusion of a Storm Water Treatment Area in the design of the C-43 Storage Reservoir (similar to the STA's that currently are a part of the C-44 and EAA storage reservoir projects) is a matter of great current interest to SW Florida. It would be helpful to learn what your office sees as needed to accomplish this incorporation into the C-43 design. For example, what are the critical decisions affecting this issue, which entity is responsible for each decision and the timeline for each decision? And, who might be the appropriate liaison for us on this matter?

Similarly, the design of the EAA Storage Reservoir project and the extent of bridging to be applied to the Tamiami Trail are important factors in determining whether an effective flow-way could ever be developed to remove the million-acre-feet of water for which there is no planned storage area and which otherwise remains destined to drain to the coastal estuaries upon CERP's completion. It would be helpful to learn what the thinking is on the designation of such flow-way during the coming months so that a) any proposed changes to EAA canals can be incorporated into flow-way plans, and b) future land use planning for development or for planning crop options (such as growing rice) can benefit. It would be useful to understand the jurisdictional issues associated with making such designation. In addition, it would also be helpful to learn about the status of the project to elevate a 10 mile stretch of the Tamiami Trail -- a critical component of creating a flow-way. It will be helpful to understand the role of the Corps as a jurisdictional partner in the Tamiami Trail elevation project.

In conclusion, the Sanibel City Council is eager to be a partner in the expeditious abatement of the destruction occurring in the Caloosahatchee Estuary and the Federal Refuge resulting from the Lake Okeechobee water releases. We look forward to your presentation and the responses that you can provide on April 18th to the concerns raised in this correspondence.

Cordially,

A handwritten signature in black ink that reads "Carla Brooks Johnston". The signature is written in a cursive style and is positioned above the printed name and title.

Carla Brooks Johnston, Mayor
City of Sanibel

cc: City Council
Judith A. Zimomra, City Manager

bc: Kenneth B. Cuyler, City Attorney
Dr. Rob Loflin, Natural Resources Director