

9. **OLD BUSINESS**

c. Water Quality Issues

2. **RESOLUTION 06-033 SUPPORTING THE PROTECTION OF THE ECOSYSTEM OF THE CALOOSAHATCHEE ESTUARY BY LIMITING DRY-SEASON (NOVEMBER THROUGH MAY) FRESHWATER FLOWS THROUGH S-79, THE FRANKLIN LOCKS, TO A MAXIMUM OF 800 CUBIC FEET PER SECOND, AND LIMITING WET-SEASON (JUNE THROUGH OCTOBER) FRESHWATER FLOWS TO A MAXIMUM OF 2,800 CUBIC FEET PER SECOND; AND PROVIDING AN EFFECTIVE DATE**

RESOLUTION NO. 06-033

A RESOLUTION SUPPORTING THE PROTECTION OF THE ECOSYSTEM OF THE CALOOSAHATCHEE ESTUARY BY LIMITING DRY-SEASON (NOVEMBER THROUGH MAY) FRESHWATER FLOWS THROUGH S-79, THE FRANKLIN LOCKS, TO A MAXIMUM OF 800 CUBIC FEET PER SECOND, AND LIMITING WET-SEASON (JUNE THROUGH OCTOBER) FRESHWATER FLOWS TO A MAXIMUM OF 2,800 CUBIC FEET PER SECOND; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the U.S. Army Corps of Engineers requested public comments on its proposed "Lake Okeechobee Water Control Plan -- Temporary Planned Deviation Request for 26 January through 31 December 2006"; and

WHEREAS, the City of Sanibel timely submitted written comments in response to that request; and

WHEREAS, those comments endorsed a limitation on the Dry-Season (November through May) flow of freshwater through S-79, the Franklin Locks, of a maximum of 600 cubic feet per second; and

WHEREAS, the City, subsequent to the submission of those comments, undertook to re-evaluate the scientific literature pertaining to the protection of the Caloosahatchee Estuary from excessive releases of freshwater, and to coordinate with other interested partners such as Lee County; and

WHEREAS, the City has concluded, based upon that re-evaluation and coordination, that a Dry-Season (November through May) discharge of freshwater through S-79, the Franklin Locks, of a maximum of 800 cubic feet per second is consistent with the ecological health of the Caloosahatchee Estuary; and

WHEREAS, such scientific evidence and literature also clearly indicates that there should be a Wet-Season (June through October) flow of freshwater through S-79, the Franklin Locks, at a maximum of 2,800 cubic feet per second, as also indicated in the City's written comments to the Army Corps;

NOW, THEREFORE, BE IT RESOLVED by City Council of the City of Sanibel, Florida, that:

The City of Sanibel supports a limitation on Dry-Season (November through May) discharges of freshwater through S-79, the Franklin Locks, of a maximum of 800 cubic feet per second, and a limitation on Wet-Season (June through October) discharges of freshwater through S-79, the Franklin Locks, at a maximum of 2,800 cubic feet per second.

This Resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida
this 7th day of March, 2006.

AUTHENTICATION:

Carla B. Johnston, Mayor

Pamela Smith, City Clerk

APPROVED AS TO FORM: *Kenneth B. Cuyler*
Kenneth B. Cuyler, City Attorney

3/1/06
Date

Vote of Council Members:

Johnston ___
Denham ___
Brown ___
Jennings ___
Rothman ___

Date filed with City Clerk: _____