

January 25, 2006



## City of Sanibel

800 Dunlop Road  
Sanibel, Florida 33957-4096

[www.mysanibel.com](http://www.mysanibel.com)

### AREA CODE - 239

CITY COUNCIL	472-4135
ADMINISTRATIVE	472-3700
BUILDING	472-4555
EMERGENCY MANAGEMENT	472-3111
FINANCE	472-9615
LEGAL	472-4359
PARKS & RECREATION	472-9075
PLANNING	472-4136
POLICE	472-3111
PUBLIC WORKS	472-6397
UTILITIES	472-1008

### VIA E-MAIL AND EXPRESS DELIVERY

Barry Vorse  
Corporate Communications  
Jacksonville District  
U.S. Army Corps of Engineers  
701 San Marco Boulevard  
Jacksonville, FL 32232-8175

Re: Lake Okeechobee Water Control Plan -- Temporary Planned Deviation Request for 26 January through 31 December 2006

Dear Mr. Vorse:

The City of Sanibel appreciates this opportunity to comment on the Draft Lake Okeechobee Water Control Plan -- Temporary Planned Deviation Request (the "Draft Plan"). As a preliminary matter, the City's ability to thoroughly review the Draft Plan was limited significantly because we were not included in any mailing that might have been sent out to interested parties. While we were fortunate to have come across the Draft Plan on the Corps' website just prior to the close of the comment period, our ability to evaluate the proposed deviation and to comment meaningfully on it would have been enhanced had we received notice earlier in the process. In the future, we respectfully request that we be included on any list of stakeholders or interested parties, and that we receive an advance copy of any Corps proposal affecting the Water Supply/Environment Plan (the "WSE") with sufficient advance notice to participate fully in the public process.

As you know, the City of Sanibel lies squarely in the path of releases from Lake Okeechobee as they exit the Caloosahatchee River. Maintaining the quality of our aquatic environment is of critical importance to both our residents and the many tourists who come annually to enjoy our unique natural environment. As fellow stewards of that environment, we offer these comments as the first step in a collaborative effort to ensure that any necessary deviation from the WSE is fully protective of the natural values on which we and our visitors depend.

## Summary of Comments

In brief, the City supports the Draft Plan's proposal to employ releases to the agricultural areas south of the Lake as a means of controlling Lake elevations. Proposed releases through the Caloosahatchee River, however, are more complex. These releases must be planned and executed in a manner that accounts for the environmental vulnerability of the Caloosahatchee Estuary -- just as the environmental vulnerabilities of the Lake and of the St. Lucie Estuary are expressly accounted for in the Draft Plan. Therefore, we recommend below that a specific provision be added to the proposed exceptions to implementation of the planned deviation. This consideration is especially important in light of the substantial harm that already has been done to the Caloosahatchee Estuary's ecosystem by recent, high-volume releases of Lake water. As a result, these resources must be monitored carefully to prevent exacerbating adverse impacts associated with additional nutrient inputs. Finally, we propose the study and consideration of seasonal limitations to releases of Lake water, as well as a period of no discharges to follow any 10-day pulse schedule.

The comments that follow provide additional detail and support for each of these points. Given the curtailed opportunity to comment, our technical analysis is somewhat preliminary. We hope that improved collaboration and additional time will permit a more careful exploration of these technical issues.

### Releases to the Agricultural Area

We concur with provisions of the Draft Plan that would direct significant flows of excess water from Lake Okeechobee to the agricultural areas to the south rather than to the east or west. Areas to the south of the Lake often can make productive use of those releases with little or no adverse impact on their ecosystems. As the Corps has recognized in past environmental analyses, releases to the east (through the St. Lucie River) and to the west (through the Caloosahatchee River and Estuary), on the other hand, pose a significant and documented threat to the important estuarine environments.

In light of events over the past year, we disagree with the conclusion that the impacts of proposed releases are adequately analyzed in the June 1999 FEIS. *See* Draft Plan, Paragraph 5. Conditions assumed by the FEIS clearly have not obtained over the past few seasons. The FEIS did not accurately forecast either the extraordinarily high rainfall totals or the extensive hurricane activity that have led to the current re-examination of the WSE. We believe it would be appropriate to formally re-examine the FEIS' assessment of the impacts of discharges from Lake Okeechobee under these changed circumstances. We therefore respectfully request documentation of the "evaluation" employed by the Corps to determine that the proposed deviation "is in compliance with the existing FEIS." *Id.* The City nonetheless supports the Draft Plan's decision to include environmentally beneficial releases to the agricultural area south of the Lake as an important element in managing Lake water levels.

## **Environmental Sensitivity of the Caloosahatchee Estuary**

As a result of the recent severe discharges from the Lake, the Caloosahatchee Estuary is currently experiencing a widespread bloom of the filamentous green algae, *Enteromorpha spp.* This benthic algae is a classic indicator of eutrophication resulting from excessive nutrient loadings. The current bloom threatens the health of over 10,000 acres of seagrass beds near the mouth of the Caloosahatchee River, including those in the waters of southern Matlacha Pass, San Carlos Bay and lower Pine Island Sound. See Photographs taken in federal waters with Wilderness Designation within the J. N. "Ding" Darling National Wildlife Refuge, attached hereto.

Destruction of these sea grasses will have devastating effects on our local economy including impacts to local fisheries, tourism and threatened and endangered species such as sea turtles and the West Indian Manatee. Seagrass beds throughout the area have defoliated down to a stubble due to the polluted freshwater releases, and are now being colonized by this filamentous green algae. Their recovery is in doubt. At the very least, careful monitoring of the marine seagrass beds themselves and management of nutrient loadings, light transmissivity and salinity will be required to prevent the permanent loss of this critical habitat resource.

## **Recognition of Caloosahatchee Estuary as Area Impacted by Proposed Releases**

The Draft Plan expressly provides that similar adverse impacts to other areas are to be taken into account when deciding whether to conduct releases under the proposed deviation. Impacts to essential habitat for sport fish in Lake Okeechobee, for example, and to oyster spawning in the St. Lucie Estuary are described as conditions that may trigger a recommendation not to utilize the temporary planned deviation. See Draft Plan, Paragraph 4. The City believes that it is imperative that the already pressured Caloosahatchee Estuary receive the same consideration. Specifically, the City requests that the following limiting condition be expressly recognized at the end of Paragraph 4 of the Draft Plan:

“ . . . , and (3) nutrient and other impacts on the integrity of marine seagrass beds in the Caloosahatchee Estuary.”

## **Other Management Considerations**

The manner of releases from the Lake is also an important feature in protecting the City's aquatic environment. Research available to the City at this time (including analysis conducted by the South Florida Water Management District ("SFWMD") staff in their Valued Ecosystem Component study) indicate that optimal conditions for the Caloosahatchee Estuary would consist of a flow of no more than 600 cfs (on a monthly average) during the

dry season and no more than 2800 cfs (maximum in a pulsed release schedule) during the rainy season at the Franklin Locks. Consequently, the City believes that the Draft Plan should be amended to limit releases to an average of 600 cfs (in a pulsed schedule) from the lake from November through May and to 2800 cfs maximum from June through October, both as measured at the Franklin Locks (S-79).

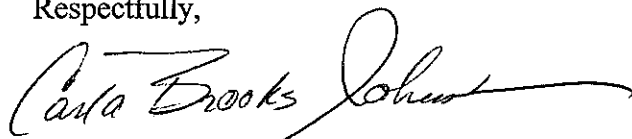
Similarly, while it has been the Corps' practice to confer weekly with the SFWMD and with other agencies when determining whether to exercise its authority under prior temporary deviations, it is important to recognize that some ecosystems need a rest period between releases in order to sustain themselves. This is the case with the Caloosahatchee Estuary's seagrasses. Isolated weekly determinations to initiate pulsed discharges amount, at the receiving end, to one continuous pulse of increased flow. This can result in an unsustainable stress on the ecosystem. Indeed, the very nature of a true pulse system indicates a planned start and stop to discharges. For this reason, the City recommends that pulse releases authorized by this deviation during the dry season be followed by a period of at least 15-20 days without discharge to allow for seagrass recovery.

Finally, the City generally supports maintaining Lake Okeechobee at a lower level consistent, of course, with the health of our estuary. Optimally, we believe that lake levels should be lowered gradually to prevent further stress to the already damaged marine seagrass beds. In the event that Lake levels are maintained between 11-13 feet NGVD, the City would support the construction and use of forward pumps to enable continued drinking water and irrigation supplies in the event of drought conditions.

Thank you again for this opportunity to have input into this critically important plan. The City is vitally interested in the health of its aquatic ecosystem, which is world famous and is one of the jewels in the crown of our state. We look forward to working with you, the SFWMD, and other stakeholders on this and other initiatives to manage discharges from Lake Okeechobee in a way that preserves and enhances the Caloosahatchee Estuary and related aquatic resources.

If you have any questions regarding the City's position on this important matter, please feel free to contact me at (239) 472-3700.

Respectfully,

A handwritten signature in black ink that reads "Carla Brooks Johnston". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Carla Brooks Johnston, Mayor  
City of Sanibel

Copies Via Regular Mail & E-Mail to:

Sanibel City Council

Jay Arend, Mayor - Town of Bonita Springs

Bill Barnett, Mayor - City of Naples

Stephen Fabian, Mayor - City of Punta Gorda

Garr Reynolds, Mayor - Town of Fort Myers Beach

Jim Humphrey, Mayor - City of Fort Myers

Eric Feichthaler, Mayor - City of Cape Coral

Tammy Hall, Chairwoman, Lee BOCC

Bob Janes, Chair, Lee BOCC

John Albion, Commissioner, Lee BOCC

Ray Judah, Commissioner, Lee BOCC

Doug St. Cerny, Commissioner, Lee BOCC

Robert Jess, Refuge Manager, J.N. Ding Darling Wildlife Refuge

Erick Lindblad, Executive Director, Sanibel-Captiva Conservation Foundation



All of the bright green areas in these two aerials show filamentous green algae blooming off Wildlife Drive at the J. N. 'Ding' Darling National Wildlife Refuge as a result of polluted freshwater discharges from Lake Okeechobee. Photos:David Meardon 1/13/06

