

WALK ON #3

Lee County Board Of County Commissioners  
Agenda Item Summary

Blue Sheet No. 20041197

1. REQUESTED MOTION:

ACTION REQUESTED: Receive update/status of various water management efforts, including the Lake Okeechobee plan.

WHY ACTION IS NECESSARY: On November 4, 2003, the Board of County Commissioners adopted a policy position statement on the Caloosahatchee River, Estuary, Lake Okeechobee and Kissimmee Basin water management efforts. The position statement was updated April 14, 2004. Smart Growth continues to monitor these efforts and their accordance with the BOCC's stated policy.

WHAT ACTION ACCOMPLISHES: Updates the Board of County Commissioners and provides an opportunity to revise the policy statement and/or direct certain actions related to water management efforts.

2. DEPARTMENTAL CATEGORY:  
COMMISSION DISTRICT #

3. MEETING DATE:

09-14-2004

4. AGENDA:

5. REQUIREMENT/PURPOSE:  
(Specify)

6. REQUESTOR OF INFORMATION:  
Commission District #3

\_\_\_\_\_ CONSENT  
\_\_\_\_\_ ADMINISTRATIVE  
\_\_\_\_\_ APPEALS

\_\_\_\_\_ STATUTE  
\_\_\_\_\_ ORDINANCE  
\_\_\_\_\_ ADMIN.  
\_\_\_\_\_ CODE  
\_\_\_\_\_ OTHER

A. COMMISSIONER  
B. DEPARTMENT County Administration  
C. DIVISION

\_\_\_\_\_ PUBLIC  
 WALK ON  
\_\_\_\_\_ TIME REQUIRED:

BY: Wayne Daltry  
Smart Growth Director

7. BACKGROUND:

See attached write-up.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>[Signature]</i>	N/A	N/A	N/A	R. Gray	OA 9/13/04	OM 9/13/04	Risk 9/13/04	GC 9/13/04	WAF DDS 9-13-04

10. COMMISSION ACTION:

\_\_\_\_\_ APPROVED  
\_\_\_\_\_ DENIED  
\_\_\_\_\_ DEFERRED  
 OTHER

Presented AS informational Item

**September 14, 2004 Update of**  
**Lake Okeechobee/Other Water Management Plans**

1. **Reservations.** We are participating in the legislative discussions, storms permitting. We have preliminary links to entities that see the reservations the same way that we do. A strong supporter of our position (legislatively) is SFWMD. Meetings scheduled for Sept 14-15 have been rescheduled to October 4-5.
2. **Lake O levels.** The 9 county coalition is generally supportive of our position on 12-12.5 feet bottom for zone D, but I can tell the support is stronger if we can get the "forepumping" option. Forepumping is the equivalent of being able to "mine" 400,000 acre feet of water that is not available now due to Lake slope and lock floors. This is the equivalent of 1/3 the target storage of Everglades Restoration (called CERP, Comprehensive Everglades Restoration Plan) water supplies, and would save \$two billion or more. There was a coalition meeting scheduled for Monday, September 13th, but it has been postponed.
3. **Lake Okeechobee management options.** SFWMD staff had prepared a series of management options for Lake Okeechobee, and had recommended one that adversely affected us. Ms. Trudi Williams, once appraised of our concerns, became our advocate for change. SFWMD staff reexamined their recommendation and concluded it would not be bad for us, after all, but was "neutral." We are promoting, and Ms Williams is supporting, a guaranteed 300 cfs minimum flow for the River when the Lake is 12.5 feet or higher. We do not have any practical option for when the Lake is overfull and needs discharge, other than the CERP storage proposals. CERP storage proposals (Talisman, for example) are being expedited where they can be so expedited. C-43 (Berry Grove) and C-44 (St. Lucie Canal) are being faster tracked. The District was supposed to discuss which option it would promote at its September Governing Board Meeting, but that meeting had been abbreviated for Francis (I think, we were told that only essential business was going to be enacted)
4. **Basin management options.** There has been no water discharged from the Lake since June. For the month of August, though, our estuary has been receiving high and extremely high flows from the basin. (The algae bloom in the river was from basin discharges) These high flows are because "flood relief" basically means most rainfall is deliberately discharged rather than stored. (In the natural system, long gone, most rainfall was stored in and on the land; now various drainage districts and works draw down the water table below the root zone of agricultural areas, and the septic tank function zone of suburban/rural inhabited areas). We are awaiting the Southwest Florida

Feasibility Study to establish better management options than the status quo. The SWFFS is being delayed at least two years.

5. **Everglades Restoration Performance Targets.** Regretfully, Everglades Restoration performance targets were drafted through the Task Force staffs that for us basically continued the status quo in water quality, quantity, and estuarine productivity. Lee County objected strenuously, but sadly no comments were made by the entities in this area that are supposed to be commenting. (Very regrettably, FGCU professors provided no comments, even when the performance targets were on subjects that they have been researching).
6. **S-4 and S-236.** This is the part of the Everglades Agricultural Area that discharges into the Caloosahatchee River. (Finally acknowledged). It is the only part of the EAA that does not have a water quality treatment plan proposed.
7. **Impaired waters/TMDL.** The Caloosahatchee Estuary and River is for all practical purposes deemed impaired. The greatest part of the nutrient impairment comes from east of S-79, Franklin Locks. There is a court case, initiated by the Miccosukee Tribe, that has challenged the District/Corps ability to do this for another area (S-9). While still in litigation, the Court seems to have not accepted the District's statement that they just move the water and aren't responsible for its quality. A test, though, may be if the water being moved is still within the same basin, or the water being moved in from an artificially connected basin. For us, this would mean that Lake O water, and S-4/236 water would be affected by this ruling. However, if the District wins part of its contention that they just move it, then the quality coming from the natural basin is not the responsibility of the District. (Glades County, and to a lesser extent Hendry County, do not have strong review processes for water quality, and neither oversees the drainage permits which -- hmmm-- are issued by the SFWMD). The bottom line for Lee County is that we may not be responsible for water quality for waters that don't originate in Lee County, but that doesn't help the estuary/bay/water supply for Olga. It is difficult to see at this time an effective water quality management plan coming from up river.
8. **Lower East Coast Water Supply Plan and Lower West Coast Water Supply Plan.** We (through the TDC) have engaged special assistance to help us with our expectations from the Lower East Coast Water Supply Plan (and items 2 and 3 above) to ensure our natural system needs are continued to be identified at the appropriate amounts. Additionally, County Utilities (and Smart Growth) are continuing to ensure that the utility needs are also met through both plans. The Lower West Coast Water Supply Plan will need reforms--basing the plan on the real water budget that has been created; recognizing the supply loss occurring through over drainage; and,

recognizing the demands of the natural system, both estuarine and terrestrial. These positions are consistent with item 1 above.

9. **Research and Discussion Groups.** Existing environmental research and discussion groups are having Lee County items placed on their agendas in order to broaden our base of support and to evaluate the location and character of "best available information." A specific workshop has been held on the nature of the region's real water budget, and its problems; a forthcoming one will be on how the absence of intergovernmental regional assessment tools on land change, and collaborative evaluations, have led in part to coastal water quality problems and water supply problems.

MULTIJURISDICTIONAL WATER ISSUES FACING LEE COUNTY  
Update as of April 13, 2004

1. **Babcock Ranch.** The Lee County Board of County Commissioners supports the complete acquisition of the Babcock Ranch, an approximately 92,000-acre land holding in Lee and Charlotte County. Lee County will partner with any similarly oriented coalition formed for that same purpose. Lee County supports the South Florida Water Management District's willingness to lead that coalition.
  
2. **Reservations.** "Reservations" is the term by which certain quantities of freshwater flow or supply are "reserved" for the natural system, to ensure the sustainability of fish and wildlife populations, and habitat critical for our economy. Lee County supports the legal processes by which such "reservations" will be determined, whether by Legislation or rulemaking, as long as our current population's need for a quality environment are not made a secondary consideration to future speculative water supply demands.
  
3. **Lake Okeechobee Discharges.** Lee County Position: Promote and expect Lake management regime that does not cause maximum flows to exceed 2800 cubic feet per second (cfs) at Franklin Lock as an average for any sustained period (commonly considered a 30 day period), nor drop below 500 cfs. (Particularly critical for the dry season's seven month period). Since the first of the year, the South Florida Water Management District (SFWMD, or District) and United States Army Corps of Engineers (USACOE, or Corps) have been moderating the flow of the discharge to meet these parameter. These agencies are performing this through a "temporary deviation" to the WS/E.
  
4. **WS/E (Water Supply/Environmental,** the protocol governing Lake Okeechobee heights throughout the year) promote an operating WS/E schedule for Lake Okeechobee that can drop the Lake elevation to 12 feet MSL by end of dry season to achieve the target above. The SFWMD and Corps have been testing a series of options that would enable Lake management to deviate from the current regulatory management lower level of 13.5 feet to drop to 12.5 feet. (The preferred regulatory management high level is 15.5 feet) Lee County supports District/Corps efforts for this approach, which includes "forepumping," which is a proposal to develop pumps that can draw water from the Lake in extreme drought conditions when the Lake level drops below 10' MSL.
  
5. **Fast Track.** Support fast tracking storage options in the Caloosahatchee River basin, with consideration to the local government of jurisdiction. (Rehydration is a fast track option, as is the construction of three reservoirs, one in the Caloosahatchee watershed). Lee County supports the District and Corps in the fast track construction of the C-43 reservoir which has moved its northern border south of a previous location on SR 80 in Hendry County.
  
6. **Kissimmee River basin.** Oppose any Kissimmee basin optional drawdown that will cause additional discharges above the 2800 cfs target above. Lee County supports the District in efforts to store water on farmfields and will pursue Federal funding to reimburse the District for payments to land owners and to otherwise fund storage of water through rehydration of private

lands.

7. **Caloosahatchee River Water Quality.** There is grave concern that too much river flow brings too many poor water quality components for our estuaries to assimilate. Lee County supports all efforts to improve the quality of water that flows into our estuaries, and will pursue remedies that reduce this problem. Lee County supports efforts that will reduce the unnatural high peaks of water flushing occurring when Lake Okeechobee currently needs flood relief, and when our upstream basin areas do not keep sufficient storage on site that in turn results in downstream flooding and water quality problems.

8. **Attorney Briefings.** Ask the County Attorney's office and County Manager's office to keep the Commission apprised on any legal action, rulemaking, or legislative action that affects Lee County in its water supply planning, its resource management planning, and the overall resource management needs of our economy.

9. **Other agencies.** Direct the County Manager's office to ensure critical meetings of resource management agencies, such as the SFWMD, are adequately covered by County staff, County contractors, or agencies that are in partnership with Lee County in resource management programs. Ensure staff provides information at those meetings on issues in which the County supports the proposed action, or in which the County has a problem with the proposed action and proposes a resolution.

10. **3<sup>rd</sup> Party review.** Ask an relatively independent body to provide monthly briefings of the condition of the estuary, with press releases. (Preliminary discussion targeted the Charlotte Harbor National Estuary Program).