

BOARD MANAGEMENT AND PLANNING COMMITTEE AGENDA

MONDAY, FEBRUARY 06, 2006

1:30 PM - 4:00 PM

COUNTY COMMISSION CHAMBERS

- 1. INVASIVE EXOTIC ANIMAL SPECIES CONTROL & REMOVAL**
PRESENTER: Scott Trebatoski, Animal Services
TIME REQUIRED: 5 Minutes
- 2. MULTI-USE SITE ON PINE RIDGE ROAD – STRAP # 31-45-24-00-00012.0000**
PRESENTER: DT Minich, Visitor & Convention Bureau
TIME REQUIRED: 10 Minutes
- 3. ADVANCEMENT OF US 41 FROM CORKSCREW RD. TO SAN CARLOS BLVD.**
PRESENTER: David Loveland, DOT
TIME REQUIRED: 15 Minutes
- 4. ESCHEATED LOTS LOCATED IN LEHIGH ACRES**
PRESENTER: Karen Forsyth, County Land
TIME REQUIRED: 15 Minutes
- 5. CLARIFICATION OF COMMISSIONER ITEMS**
PRESENTER: Commissioner Hall
TIME REQUIRED: 10 Minutes
- 6. RIVER RECOVERY STRATEGY**
PRESENTER: Wayne Daltry, Smart Growth
Roland Ottolini, Natural Resources
D.T. Minich, VCB
TIME REQUIRED: 20 Minutes

BOARD COMMENTS/DISCUSSION

ADJOURN

FOR MORE INFORMATION ABOUT THIS AGENDA CONTACT THE
PUBLIC RESOURCES OFFICE - (239) 332-2737

The Management & Planning Meeting is carried live
on the following cable channels:

Comcast Cable Channel 11
Time Warner Cable Channel 16

**MANAGEMENT & PLANNING COMMITTEE
AGENDA REQUEST FORM
COMMISSION DISTRICT #**

PRESENTED BY: Scott Trebatoski **REQUESTED BY:** BoCC
Animal Services

TITLE OF ITEM FOR AGENDA: Invasive Exotic Animal Species Control & Removal

1. DESCRIPTION AND OBJECTIVE OF THE ISSUE

To update the Board of County Commissioners on the iguana overpopulation problem on Gasparilla Island (Boca Grande) and reiterate the county's policy on forming taxing districts to control such populations because this is not a core service of the County and Animal Services.

2. PROPOSED POLICY, PROCEDURE OR PLAN OF ACTION

Back-up materials to be provided under separate cover.

3. OPTIONS (List Advantages/Disadvantages of Each Option Listed)

4. FINANCIAL IMPACTS/FUNDING SOURCE

5. STAFF RECOMMENDATION AND JUSTIFICATION FOR RECOMMENDATION

6. MANDATED? Y N BY WHAT AUTHORITY?

DEPARTMENT DIRECTOR SIGNATURE	COUNTY MANAGER SIGNATURE	MEETING DATE	TIME REQUIRED
		02/06/06	5 minutes

**MANAGEMENT & PLANNING COMMITTEE
AGENDA REQUEST FORM
COMMISSION DISTRICT #**

PRESENTED BY: Facilities Management

REQUESTED BY: Construction & Design

TITLE OF ITEM FOR THE AGENDA: MULTI-USE SITE ON PINE RIDGE ROAD
STRAP #31-45-24-00-00012.0000

1. DESCRIPTION AND OBJECTIVE OF THE ISSUE - Opportunity to consolidate EMS, Fire, Sheriff and Tax Collector operations on County-owned property at one location.

2. PROPOSE POLICY, PROCEDURE OR PLAN OF ACTION - Plan of Action: To relocate and develop a plan for construction and operation of a combined EMS, Fire and Sheriff substation facility located on this property and additionally, relocate the Tax Collector's office on Summerlin Road to this location.

3. OPTIONS (List advantages/Disadvantages of Each Option Listed)

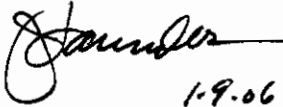
Advantages: If accepted, this plan will consolidate four agencies on one County-owned site; eliminate leasing costs for Sheriff substation and Tax Collector's office and eliminate need to find new office space for each, as Tax Collector's lease is not being renewed and Sheriff's substation modular building has reached the end of its useful life. Geographical location is acceptable for emergency response.

Disadvantages: Utilizes nine (9) acres of property Lee County could sell; Lee County will be responsible for off-site mitigation of on-site wetland impacts.

4. FINANCIAL IMPACTS/FUNDING SOURCE – By cancellation of two leases, savings will be \$123,000 per year. An inter-local agreement will be required for occupancy by the Fire department and capital cost to construct new buildings.

5. STAFF RECOMMENDATIONS AND JUSTIFICATION FOR RECOMMENDATIONS – Proceed with plan to consolidate facilities listed above on one County-owned site. Justifications include cost savings and improvement to public health, safety and welfare.

6. Mandated: Y N **BY WHAT AUTHORITY?**

<p align="center"><u>DEPARTMENT DIRECTOR SIGNATURE</u></p>	<p align="center"><u>COUNTY MANAGER SIGNATURE</u></p>  1-9-06	<p align="center"><u>MEETING DATE</u></p> <p align="center">February 6, 2006</p>	<p align="center"><u>TIME REQUIRED</u></p> <p align="center">15 minutes</p>
--	---	--	---

**MANAGEMENT & PLANNING COMMITTEE
AGENDA REQUEST FORM
COMMISSION DISTRICT # 3, 5**

PRESENTED BY: David M. Loveland, Planning Manager
Lee County Department of Transportation

REQUESTED BY: BoCC

TITLE OF ITEM FOR THE AGENDA: ADVANCEMENT OF US 41 FROM CORKSCREW RD. TO SAN CARLOS BLVD.

1. DESCRIPTION AND OBJECTIVE OF THE ISSUE

Lee County previously advanced the design phase of the FDOT project to six-lane US 41 from Corkscrew Road to San Carlos Boulevard, and FDOT obtained a loan through the State Infrastructure Bank (SIB) to advance the purchase of right-of-way. FDOT then applied for but failed to receive an additional SIB loan to advance the construction phase; construction is currently funded in State's five year work program in fiscal year 2010/2011. Based on this schedule, the best case for start of construction is a let date in July of 2010 with an estimated start date in the fall of 2010.

The BOCC asked staff to review options to advance the project. Lee County cannot advance this project utilizing County funds without impacting other projects. Following the concept proposed in 2004, County staff has explored obtaining a commercial paper loan and entering into an advancement-reimbursement agreement with FDOT. FDOT will reimburse only the construction and CEI costs, not interest costs. The Board previously expressed reluctance to use County funds to cover the interest on a loan to advance a State highway project, so County staff recently met with some developers in the Estero area who have pending developments along US 41 but face concurrency issues and may end up with a condition similar to the Estero Golf Resort MPD (Wal-Mart). The MPD zoning resolution says the developer may not obtain a building permit for the commercial portion of the project until "notification of the commencement of the US 41 six lane improvements". The meeting with the developers was preliminary to gauge their willingness to cover the interest costs, and all those present indicated a willingness to participate, subject to working out specific details

Advancement-reimbursement agreements with the State are written as maximum participation agreements. FDOT agrees to reimburse up to the budgeted amount for construction and CEI. All additional costs such as bid amounts in excess of cost estimates and overruns during construction would be the responsibility of Lee County under such an agreement. Typically, the full amount must be deposited with FDOT when the project is advertised and repayment is made in increments. FDOT has agreed to reimburse the principal loan amount in one lump sum payment in July 2010 and has agreed that if Lee County advances the funds to FDOT to construct, the funds can be deposited just prior to awarding the contract rather than when the project is advertised. FDOT has also agreed that Lee County DOT can let and construct the project, which could help us in keeping costs down and minimizing interest obligations.

2. PROPOSED POLICY, PROCEDURE OR PLAN OF ACTION

Obtain a commercial paper loan for \$25 million, enter into agreements for area developers to pay the interest costs, and enter into an advancement-reimbursement agreement with FDOT to advance the construction phase of the project to begin in Spring 2007.

3. OPTIONS (List Advantages/Disadvantages of Each Option Listed)

Option 1: Enter into an advancement-reimbursement agreement with FDOT and provide the funds to FDOT when the contract is awarded.

Advantages:

- Construction will be advance approximately 3 years from 2010 to 2007.
- Commercial paper loan will not be drawn until bids are received.

Disadvantages:

- All cost overruns during construction will be the responsibility of Lee County.
- The entire loan amount must be deposited with FDOT when the contract is awarded and interest will accrue on that amount; estimated interest amount over the life of the loan under this scenario is \$5 million.

Option 2: Enter into an advancement-reimbursement agreement with FDOT and Lee County will let and construct the project.

Advantages:

- Construction will be advanced approximately 3 years from 2010 to 2007.
- Lee County can obtain authorization for the loan but not act on it until bids are in; if bids are above estimate, the contract will not be awarded.
- If bids are acceptable and Lee County awards the project, the county will have control over construction and change orders, which will provide better overall control over cost over-runs.
- The commercial paper loan will be drawn in increments as needed to minimize interest costs; the estimated interest over the life of the loan under this scenario is \$3.1 million.

Disadvantages:

- All cost overruns during construction will be the responsibility of Lee County.
- Staff time for overseeing construction, estimated to be \$250,000.00, may or may not be recouped.

Option 3: Don't enter into an advancement-reimbursement agreement with FDOT.

Advantages:

- No County financial exposure for interest costs, cost over-runs, staff time charges or otherwise.
- Developers would still have option to enter into agreement directly with FDOT, without County involvement.

Disadvantages:

- Critical section of US 41 may not be widened until 2010, creating congestion, concurrency, and potential safety problems.
- Community would be unhappy with project delay.

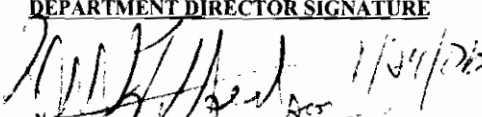
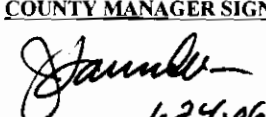
4. FINANCIAL IMPACTS/FUNDING SOURCE

The commercial paper loan will require a covenant to budget and appropriate (CBA) pledge. A \$25 million loan with a CBA pledge reduces coverage to 1.54 in 2011 thereby limiting the county's ability to borrow money for other projects.

5. STAFF RECOMMENDATIONS, AND JUSTIFICATION FOR RECOMMENDATIONS

County staff recommends Option 2. If Lee County obtains a commercial paper loan, Option 2 provides more control over costs and reduces the amount of interest to be paid. In addition, the developers indicated they are more likely to enter into agreements to cover the interest based on this scenario.

6. Mandated: Y N (X) **BY WHAT AUTHORITY?**

<u>DEPARTMENT DIRECTOR SIGNATURE</u>	<u>COUNTY MANAGER SIGNATURE</u>	<u>MEETING DATE</u>	<u>TIME REQUIRED</u>
 1/24/06	 1-24-06	Feb. 6, 2006	15 Min.

**MANAGEMENT & PLANNING COMMITTEE
AGENDA REQUEST FORM
COMMISSION DISTRICT # 5**

PRESENTED BY: Karen Forsyth, County Lands Director

REQUESTED BY: Division of County Lands

TITLE OF ITEM FOR THE AGENDA: Escheated Lots Located in Lehigh Acres

1. DESCRIPTION AND OBJECTIVE OF THE ISSUE Lee County currently owns eighty-four (84) platted lots in the area of Lehigh Acres scattered throughout several square miles that were acquired through escheat under Florida Statute 197.502(8). The statutory time limit for submittal of claims by prior owners and their creditors has expired. Staff is requesting Board direction on disposition and/or inventory retention of the properties.

2. PROPOSE POLICY, PROCEDURE OR PLAN OF ACTION

County Lands Staff has compiled information and has evaluated each platted lot. The information can be readily accessed for surplus land disposition.

3. OPTIONS (List advantages/Disadvantages of Each Option Listed)

A. Retain ownership until such time as a comprehensive plan for Lehigh Acres has been developed and approved.

Advantage:

- Provides opportunity for possible future public infrastructure needs, either directly, through exchanges, or direct sales at future market values.

Disadvantage:

- County must continue to pay the annual non-ad valorem assessment to East County Water Control District and monitor properties.
- No ad valorem taxes are collected during period of County ownership.
- Continued liability associated with lands that have substantially unrestricted access (dumping, trespassing, etc.)
- On-going mowing costs

B. Declare properties as surplus and offer for sale under the Lee County Surplus Lands Ordinance No. 02-34.

Advantage:

- Elimination of County's annual costs and liability associated with ownership.
- Proceeds will be realized from the sale to offset back taxes owed plus county expenses incurred since taking title.
- Places property back on County tax roll.
- Provides relatively low priced lots for workforce housing.

Disadvantage:

- Reduces future sales at possibly higher market values.

4. FINANCIAL IMPACTS/FUNDING SOURCE

A. Annual expense for non-ad valorem assessment to the East County Water Control District: approximately \$17 per quarter acre lot (approximately \$1,500) Funding source CIP 8829. Additionally, no ad valorem revenue is collected until sold.

B. Returns property to tax roll (84 lots multiplied by the average home value of \$225,000). County does recoup prior non-ad valorem assessments paid to the East County Water Control District: approximately \$9,000. County does recoup staff time: approximately \$5,000

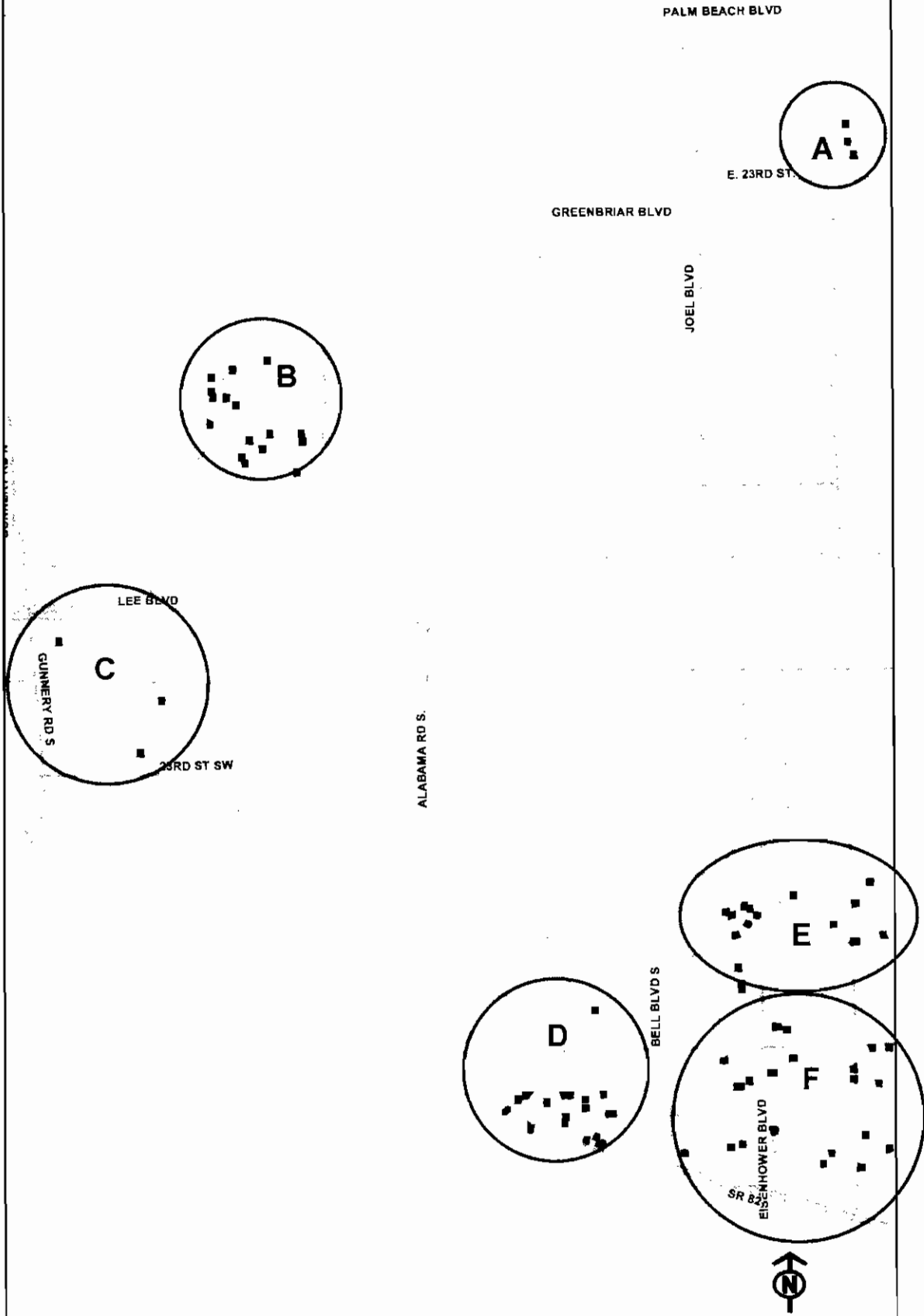
5. STAFF RECOMMENDATIONS, AND JUSTIFICATION FOR RECOMMENDATIONS

Direct staff to have all parcels declared surplus and be sold under the Lee County Surplus Lands Ordinance No. 02-34.

6. Mandated: Y N **BY WHAT AUTHORITY?**

<u>DEPARTMENT DIRECTOR SIGNATURE</u>	<u>COUNTY MANAGER SIGNATURE</u>	<u>MEETING DATE</u>	<u>TIME REQUIRED</u>
		February 6, 2006	15 min.

LEHIGH ESCHEATED PROPERTIES



Lehigh Escheated Lands selection
 SectionTownshipRange



THIS IS NOT A WARRANTY
 THE COUNTY LANDS MANAGER HAS PREPARED THIS MAP
 FOR OFFICIAL PURPOSES ONLY. THE LANDS SHOWN
 MAY BE SUBJECT TO OTHER INTERESTS AND MAY NOT BE
 ACCOMPANIED BY IMMEDIATE EASEMENTS. THE
 COUNTY HAS MADE EVERY EFFORT TO PROVIDE THE
 CORRECT INFORMATION, HOWEVER, THE USER SHOULD
 BE RESPONSIBLE.
 REVISION: JAN. 28, 2010

**MANAGEMENT & PLANNING COMMITTEE
AGENDA REQUEST FORM
COMMISSION DISTRICT #**

PRESENTED BY:
Commissioner Tammy Hall

REQUESTED BY:
Commissioner Tammy Hall

TITLE OF ITEM FOR THE AGENDA: CLARIFICATION OF COMMISSIONER ITEMS

1. DESCRIPTION AND OBJECTIVE OF THE ISSUE

Commissioner Items are taken at the end of regular BOCC meeting agendas as well as Management & Planning meeting agendas. These items are not predetermined agenda items and are introduced at the discretion of each commissioner. Commissioner Items have begun to take as long as the agenda itself and in some cases would be more appropriate as agenda items. Additionally, some of the items discussed and moved forward have the public interest involved and should offer the public an opportunity to know that this item will be discussed at the these meetings. Therefore, the policy needs to be updated and there needs to be board consensus on what should be a commissioner item and what type of action should occur for a commissioner item.

2. PROPOSE POLICY, PROCEDURE OR PLAN OF ACTION

Discuss and determine what is appropriate to have under Commissioner Items and what types of actions and/or policy should be appropriate in response to those items.

3. OPTIONS (List Advantages/Disadvantages of Each Option Listed)

Procedure clarification:

1. Allows for all commissioners to be prepared and briefed on County issues before discussion occurs.
2. Allows for public to have a complete agenda of items to be discussed at the BOCC or M&P meetings.
3. Gives staff an opportunity to be prepared for dialog.

4. FINANCIAL IMPACTS/FUNDING SOURCE

None

5. STAFF RECOMMENDATIONS, AND JUSTIFICATION FOR RECOMMENDATIONS

N/A

6. Mandated: Y N

BY WHAT AUTHORITY?

DEPARTMENT DIRECTOR SIGNATURE

COUNTY MANAGER SIGNATURE

MEETING DATE

TIME REQUIRED

02/06/06

10 Minutes

**MANAGEMENT & PLANNING COMMITTEE
AGENDA REQUEST FORM
COMMISSION DISTRICT #**

PRESENTED BY: Wayne Daltry, Roland **REQUESTED BY:**
Ottolini, DT Minich _____
Smart
Growth/Natural
Resources/VCB

TITLE OF ITEM FOR AGENDA:
 River Recovery Strategy

1. DESCRIPTION AND OBJECTIVE OF THE ISSUE

Outline a program for recovery of the Caloosahatchee River and Lower Charlotte Harbor

2. PROPOSED POLICY, PROCEDURE OR PLAN OF ACTION

A four point program is noted within the Strategy

3. OPTIONS (List Advantages/Disadvantages of Each Option Listed)

A. Do nothing. Continue to react to circumstances. Disadvantage—be subordinate to other entities initiatives for this subject and area. B. Pursue the outlined program with or without modification. Advantage--Be able to document a proactive program. C. A Litigation program. Disadvantage—constrains communications and discussions on how best the situation can be improved.

4. FINANCIAL IMPACTS/FUNDING SOURCE

Uses existing or programmed staff resources and supporting contractual assistance.

5. STAFF RECOMMENDATION AND JUSTIFICATION FOR RECOMMENDATION

Accept the strategy for direction to staff, under the existing and forecasted programs provided therein. Justification is that the County goals are clearly stated for the forecasted events and programs expected for the next several years.

6. MANDATED? Y N BY WHAT AUTHORITY?

DEPARTMENT DIRECTOR SIGNATURE	COUNTY MANAGER SIGNATURE	MEETING DATE	TIME REQUIRED
		2-6-06	20 min.

River and Estuary Recovery—Issues and Strategy

Preface:

The Caloosahatchee River and Estuary is gravely damaged. Appendix C describes the nature of this damage. The Lee County Board of County Commissioners at its special workshop on November 22nd directed staff to develop a paper and strategy on River Recovery. This is that Paper.

Introduction:

What is Recovery? If recovery means returning the physical form, that will not happen along much of its length. The excellent *A Historical Geography of Southwest Florida Waterways* authored by the late Gustav Antonini, PhD, et al, describes and maps in significant detail the 1880s Caloosahatchee River. Even then, it had been altered by the dredge work commissioned by Hamilton Disston, and lesser alterations by upland owners. Since then, there have been some basic unalterable land use decisions which makes the current river configuration permanent.

Generally, then, River Recovery then has to be defined as achieving a condition of environmental recovery consistent with the greatest part of existing river configuration. This restriction, however, does not prevent recovery to a condition deemed relatively satisfactory with experienced conditions of the not too distant past. Although there are several technical efforts underway that define "recovery" and its practical pursuit, at the Lee BoCC immediate direction, the following conditions shall be considered "recovery."

For East of S-79, Franklin Locks.

- A. Achievement of Class I water quality standards for the River proper.
- B. Achievement of dry season flows not less than 300 cfs for a 30 day period, and more desirably 800 cfs
- C. Achievement of wet season flows not to exceed 2800 cfs average for 30 day period.
- D. Delisting of Impaired Water Body Status, due to successful remediation actions.
- E. Successful implementation of the Kissimmee storage projects, and a more benign Lake Okeechobee regulation schedule.

For West of S-79 to Shell Point

- A. Achievement of Class III water quality standards for the River proper to Shell Point.
- B. A range of grass beds extending from S-79, with freshwater grasses extending thickly to intermittently to the Mid Point Bridge, with saltwater grasses extending from Shell Point easterly thickly to intermittently to Harney Point, and brackish grasses intermittently to thickly in the areas in between.
- C. Healthy oyster colonies at Shell Point.
- D. No harmful algae blooms. (HABs)
- E. No point source discharges requiring permitted deviations from State water quality Standards.
- F. Delisting of Impaired Water Body Status, due to successful remediation actions.

For Shell Point West

- A. Class II water quality standards are achieved
- B. Broad range of thickly colonized saltwater grasses.
- C. No Red Drift Algae breeding on the near shore bay/sound bottoms.
- D. Delisting of Impaired Water Body Status, due to successful remediation actions.

The Strategy

I. *The Recovery Plan:*

Staff estimates that it will take 10 years for the river to recover, once the unusual discharges stop. Discharges of the current nature aren't forecasted to stop until 2007. River recovery will require four strategies. Litigation is a fifth step, not to be taken lightly.

- A. *Management.* There has to be a River/Bay management program that focuses on the River. None exists. The program needs to relate water quality to land use and water quality contributors. It will need to be funded in a reliable way, and be able to pursue implementation beyond different political jurisdictions. The Governor addressed this need in various components of the October 10th announced Lake Okeechobee Estuary Recovery Initiative. The Initiative includes more storage north of the Lake, and a better Lake Okeechobee strategy. More storage south of the Lake seems to be needed for an increasing cycle of wet years.
- B. *Legislation.* The River needs the equivalent water quality standard protection that the Lake and the areas south of the Lake are getting. Litigation has prevented discharges from going south, since the water volume needed to give us relief would exceed establish pollutant load limits. The River need the same protection legislatively.
- C. *Research.* Sadly, all research and planning going into the SWFFS assumes a better condition of the River than exists. The sediment deposits now occurring are not recognized in current assessments, and what that does to recovery planning is not known. Other than that serious shortcoming, the SWFFS needs to be supported to its timely conclusions.
- D. *Media Exposure.* The nature of the estuary and the degree to which its' health is locked into the "Everglades Restoration" program needs to be frequently portrayed. Focus nees to be given to those hurt by poor management, and how the normal person and business can make a difference.

II. *Ensure All Planning Efforts Complement Lee County Goals for Recovery (Stated in the Introduction).*

- A. *Southwest Florida Feasibility Study.* All agencies in SW Fla participate in this effort, which is a follow up study of the massive Central and Southern Flood Control District Restudy, aka CERP, Comprehensive Everglades Restoration Plan. First reports should be coming out in 2006, adoption by Corps is expected in 2008.
- B. *Lower West Coast Water Supply Plan and Lower East Coast Water Supply Plan.* These two plans are being prepared through the South Florida Water Management District, and contain the estimates of water supply demand (not including the water needed to sustain the terrestrial and aquatic environments, much less the estuarine environment). The two plans are connected through Lake Okeechobee, and the LECWSP extents to S-79, Franklin Lock.
- C. *Lake Okeechobee and Estuary Recovery.* Announced by the Governor on October 10th, this initiative intends to bring various efforts to more focused outcomes. The part of most immediate interest was the managed recession of the Lake which had to be abandoned for 2005-6, due to Hurricane Wilma. To the extent that some managed recession is still possible, support is needed.
- D. *Comprehensive Everglades Restoration Plan .* Managed through the USCOE and SFWMD, this effort contains some 68 (more or less components), 14 of which (more or less) constitute SFWMD's Acceler8. The continuing planning process (called RECOVER) of this effort is supposed to address the unanticipated events and consequences, and this level of Lake quantity and quality discharge is such.
- E. *Other Components of Everglades Restoration.* For all practical purposes, the US Department of Interior (which has the Bureau of Indian Affairs, the US Fish and Wildlife

Service, The US Geological Survey, and the National Park Service) oversees the “non flood control/water supply component” of Everglades Restoration. For example, Land acquisition is supposed to be coordinated through DoI.

F. Surface Water Improvement and Management. SFWMD made the estuarine river/lower Charlotte Harbor a SWIM water body in 2003. A very well done reconnaissance report has been prepared through the Charlotte Harbor NEP (funded by SFWMD), and SFWMD is to prepare a plan soon.

G. Total Maximum Daily Load “Plan.” This effort is being undertaken by the Florida Department of Environmental Protection (FDEP), and is due 2009. SFWMD in part due to Lee County BoCC request (outcome of the August 15-16 consultation) is undertaking a quick pollutant load assessment, and Lee County staff itself has some preliminary estimates. FDEP is being encouraged through LOER to finish in 2008.

H.. C-43 Reservoir Phase I and following Phases. The County has taken the position that the reservoir be sized to meet more than the Minimum flow and Level, and to have the same success rate as the remainder of CERP is planned to achieve—1/10 year drought and flood. The County has taken the position that the reservoir should meet the same water quality standards required of any permittee, and contribute to helping the basin meet the expected pollution load reduction needed for forthcoming TMDLs.

III. Ensure that Legislation Affords Lee County Equal Protection.

A. Lake O Protection Act amendments. These have been drafted through John Fumero's offices.

B. Budget Appropriation for annual Basin project list. This has been prepared through a SFWMD workshop, under its comprehensive river program (CPR)

IV. Ensure Operations of SFWMD and FDEP and Federal Agencies complement Lee County Goals

A. Best Management Practices Rule for SW Florida. This rule being prepared by SFWMD is the result of a lawsuit from the Conservancy of SW Florida. It came from concerns of deteriorating water quality conditions in Estero Bay, whose watershed has largely urbanized under existing rules, with the contention that current rules thus don't protect water quality. The proposal does not extend east of S-79, and there is opposition from some land development interests. It also exempts agriculture.

B. Reservations. The topic of reserving flows to meet environmental needs is a concern for “drought” conditions, which will occur again. SFWMD and FDEP both have efforts underway, but SFWMD's has been delayed for two years due to priorities rearranged by unusual wet conditions, and FDEP's has been delayed by a rule challenge, and inertia—lower prioritization.

C. Minimum and Maximum Flow and Level attainment. Minimum (not maximum) Flow and Level is a rule category requirement of the SFWMD, required by state law. The M/MFL rule has been set for the Caloosahatchee River and Estuary in 2001, but not for any other water body that is pertinent for the greater estuary. The minimum flow has been exceeded (too low) but a violation (requiring two years of exceedences) has not occurred. The maximum flow has been exceeded for two years in a row. The preferred “above minimums—base flows” are the preferred management targets, and are part of the SWFFS discussion.

D. Budget Priorities. Lee County residents contribute large amount of taxes to agencies charged with managing natural resources. It is difficult to claim that these last several years that Le County Natural Resource needs have gotten any equitable treatment from those agencies. This may be in part that Lee County resources do not have a sustained sponsor that lobbies those agencies for equitable treatment in funding to achieve these needs.

V. *Ensure Local Governments of the Basin Have Complementary Goals*

A. RPC Subcommittee (NEP?) (MPO?) For the River to recover, all local governments need to have complementary goals that make recovery possible. That is currently not the case. The SWFRPC is undertaking the creation of a subcommittee to see if a complementary effort can be developed.

B. Tourism Development Council. This entity is composed of stakeholders, which includes all the cities of Lee County as well as the Lee BoCC, the sponsor. Having this entity agree to a set of complementary outcomes for river recovery, and on a strategy, will greatly increase the success of the strategy.

C. National Pollution Discharge Elimination Strategy-Stormwater, and Point Sources. Lee County is the lead sponsor for the independent public agencies within Lee County striving to meet water quality goals. These entities have agreed to a complementary set of technical outcomes and strategies. These same entities need to consider accepting a complementary set of political strategies, also.

D. 9 County Coalition. The 9 County Coalition includes river, lake, and coastal counties. The overall goal of restoration is a shared point of agreement among these counties, but how and when and where remain elusive decisions. There is agreement on the Lake being too high, and the coasts getting too much water, but no agreement on a "plan B" should CERP implementation and various regulatory schedules fail to achieve restoration, which is the current condition.

Appendix

A. Status Report on progress on previous BoCC direction

1. Reservation of water for the environment. (Established 2002)

Background: In 2000, the Caloosahatchee River received unusual out of season high water flows from the Lake, followed by very unusual drought conditions. These two extremes damaged saltwater grasses and reduced freshwater grasses to remnants. In 2001, SFWMD adopted both a minimum and maximum flow for the River at S-79, Franklin Locks, which was updated in 2003 to include the whole River west of the Locks. Since then, there have been exceedences of the minimum flow, but not a violation (a violation is exceedences in two sequential years). There is currently a violation of the maximum flow.

Staff activity: Since the Board petitioned for a reservation from both Florida Department of Environmental Protection and SFWMD, staff (of the Manager and Attorney) has participated in workshops and discussions of the Legislature. The Lee Commission was the first local government to petition for reservations for the environment.

Current Status: SFWMD has placed the Caloosahatchee River on the list of water bodies to receive a "reservation" prior to any reservation also established by the implementation of CERP—Comprehensive Everglades Restoration Plan. Current date for such a reservation is 2006-7, due to setbacks caused by hurricanes and other challenges.

2. Management of the Kissimmee Basin and Lake Okeechobee. (Established 2003, revised 2004).

Background: High lake conditions replaced low Lake conditions in 2003. Lake Okeechobee discharges, coupled with high river basin discharges began to broaden the area of damage to salt grasses in the estuary. Concerns about water quality also climbed.

Staff Activity: Staff has been appointed to an advisory committee on Lake Okeechobee Regulation levels.

Current status: Creating storage in the Kissimmee basin is the District's highest priority. As part of LOER, but initiated independent, the Corps is holding workshops on Lake Regulatory levels. The Lake, however, is higher than it should be due to a rainy year, so discharges continue.

3. *Water Quality as it relates to red tides and red drift algae.* (Established 2004)

Background: High discharges contain large volumes of nutrients that exceed the natural system's assimilative capacity, particularly after the loss of most of the river's grass beds (which assimilates nutrients.) Although correlations of such discharges to red tides are questioned, suspicions regarding links continue. Red drift algae last year and intermittent but persistent red tides keep the public attention on the issue.

Staff activity: The TDC and City of Bonita Springs funded a preliminary study of the relationship of nutrients and algae outbreaks in the estuary/Gulf. That study is under peer review. A second phase is contemplated, and will be presented to the Board for review.

4. *Water quality as it relates to the River basin, and blue green algae.* (Established 2005)

Background: The C-43 (a.k.a. Caloosahatchee River east of the Franklin Lock) reservoir was originally planned to be a "holding pond" for other activities. AS information on basin needs became more apparent, the reservoir planning became primarily for estuary needs. This shift (which became apparent in January 2005) seemed to bypass some of the expected water quality treatment that was originally expected. EPA staff questioned whether the absence of treatment would exacerbate the likelihood of blue green algae outbreaks, particularly of the more toxic varieties. Such outbreaks began in late August, leading the Health Department briefing the Board and posting signs of warning.

Staff activity: Since the C-43 Consultation held August 15-16, staff has been active in promoting water quality components in the test cells and preliminary design.

Current status: SFWMD has let a contract to develop preliminary pollutant loading reduction goals, and has initiated another series of requests for funding for "turn dirt" projects in the basin. Staff participates in the State task force on blue green algae as a "call in." Natural Resource Division staff has developed a survey for river review daily, primarily by Parks and Recreation staff. Staff (utility staff, in conjunction with Health Department) monitors the water quality at the plant and when algae is detected, draws samples and receives weekly reports on concentrations and toxicity. Algae had dropped to undetectable levels within the last three weeks.

5. *Lobbying.* (2004, 2005)

Background: A concern expressed by the Board was that the County needed more strategic and effective "lobbying" than staff can provide, squeezing in time for special meetings "away" taken from normal duties.

Staff Activities. The TDC has engaged a lobbying/legal firm in West Palm Beach for SFWMD activities, and expanded a contract with a Washington firm for Corps of Engineers activities.

Current Status: Each firm has been instrumental in providing advice, setting up meetings and pursuing the follow-up, the West Palm Beach firm for the consultation on C-43, and the Washington firm for the trip in early October. Each firm attends meetings and represents the County positions, and sends followup notes and suggestions. A legislative package has been prepared for the 2006 Florida session and a local sponsor has been pursued.

6. *Lee County pollution, water supply, and quality issues.*

Background: As a general principle, a community must show a degree of attention to the issues it has raised or others in its own activities. Staff is prepared to summarize the vast breadth, depth and length of the commitments and activities the Board authorizes and funds at any time of the Board's choosing, or any forum the Board so directs.

Staff activity: An additional position has been filled in DCD to ensure Lee County participates fully in the SFWMD, FDEP, and USCOE permit review process. An additional position has been developed and soon to be advertised that would heighten Lee County participation in the myriad Everglades Restoration, Southwest Florida Feasibility Study, and Lake Okeechobee initiatives.

Current Status: The Lee County Master Mitigation Plan (in draft) summarizes the County activity in water quantity, water quality, wetland and habitat management.

7. Coordination.

Background: In order to raise the profile of the County's issues, and have a better understanding of other areas needs for water management, Lee County participates in a variety of coordinating activities. The first of these is the County's own agency, the TDC with its municipal representation. The second is the Charlotte Harbor NEP. The third is the 9 County Coalition for Lake Okeechobee and the Estuaries. Lastly, the SWFRPC may or may not have established a coordinating subcommittee at its meeting of No

B. Management Fact Sheet

1. The SFWMD exists as the local partner to the Corps of Engineers in managing a vast series of public works--drainage works and locks, levees, and pumps. It was assigned environmental regulatory authority by the Florida legislature, and its ability to levy property tax was affirmed by the Constitutional amendments of 1976. It was formerly known as the Central and Southern Flood Control District.

2. The Central and Southern flood Control Drainage Project (of 1947)(CSFFCD-P) is a series of public works, (works of the district) and built upon earlier designs undertaken by special drainage districts dating as far back as Hamilton Disston (1880s), one of which was the Everglades Drainage District.

3. Before these drainage works, the area south of Lake Okeechobee sheet-flowed south as part of the Everglades River of Grass. The Kissimmee basin flowed into the Lake as the largest natural drainage system basin, and was a sinuous river that slowed major flow rates. There was no direct natural channels to the east or west.

4. After the drainage works were completed, the Kissimmee basin pulses large flows quickly into the Lake, and the flow south is stopped by a large levee, and is pierced by canals with gates that limits the flows south to controlled levels. Large dredged channels from the Lake lead east and west. The one east is called Canal 44 or C 44, (St Lucie River at its eastern most extent) and the one west is called Canal 43 or C 43, aka the Caloosahatchee River. The St Lucie Canal and the Caloosahatchee Canal are roughly equivalent in their capacity to move water.

5. The area south of the Lake is called commonly the Everglades Agricultural Area, but has a legal boundary that is confusing, since the Legislature passed a geographical definition that leaves out areas to the west and south that are just as altered as part of the CSSFCD project.

6. The EAA (or Everglades Protection Area, another legal designation which encompasses a larger area) is drained in the wet season, and receives massive supplies of Lake water in the dry season. Approximately 1 million acre feet is discharged off of private lands in the wet season, using up all existing public storage areas south of the Lake; about half of that is required for irrigation in the dry season. The EAA has been subsiding due to the soils oxidizing or otherwise diminishing, so drainage is even harder than in the beginning, due to the land becoming even more low lying. Until stopped by litigation, the EAA northern half was backpumped into the Lake. The back pumped waters were heavily sediment laden, contributing to a large part of the sediments in the water column that are the problem now. The other major source is the Kissimmee basin and the Lake's own decaying vegetation. It is reported by old timers from the Clewiston area that historically the sugar mills use to discharge their organic waste by-product of the sugar mills directly into the Lake which also added to the organic sediment loading.

7. The EAA/EPA landowners generally do not have the stormwater retention nor storage requirements that new farms (or urban areas) have. It has a network of conveyance works (canals, with sizing constraints limited by their size and the pump system) to take the place of storage or retention. Lands in the EAA are drained or flooded based upon the landowner needs, which have some regulatory limits. Approximately 100,000 acres of largely subsided EAA lands have already been purchased by the public for open space, water treatment areas, or reservoirs.

8. The EAA has several moderate sized towns (Belle Glade, South Bay, Pahokee & Moore Haven), and other unincorporated enclaves. Their primary economy is agriculture, but housing projects are being proposed that have the look of the moderate income housing developments that are being displaced from increasingly expensive coastal communities. (It should be remembered that not all retirees are upper middle class; S W Florida had a lot of growth from affordable mobile home parks and moderate income on site built housing, catering to such retirees. There is an increasing volume of speculative writing that supposes a similar market for these communities, along with higher end housing.)

9. These towns are moving off the Lake as a water source, and are going to more expensive technologies. The plants are being designed for more customers (and hence, have more costs) than are currently supplied.

10. "Everglades Restoration" came about from a lawsuit by the Federal Government against Florida/SFWMD for damaging the Federal properties to the south. It was settled with the requirement that plans and actions be undertaken (currently encompassed in the Everglades Restoration plan). The Miccosukee tribe was not an original litigant but was given standing by the Court in issues of implementation. The Tribe is currently in litigation with the State and the Federal government over implementation.

11. "Everglades Restoration" planning is partly completed, at least as far as "Water supply for the system, natural and manmade" is concerned. It is called CERP. (Comprehensive Everglades Restoration Plan). Unfortunately, some of the original assumptions are not panning out, so "adaptive assessment" through a RECOVER program is underway. Part of the problem is the Lake operating protocols and part of the problem is that the EAA/EPA receives extraordinary treatment since it is the only place in the system that water flows "into" (it is a depression, below normal water table levels) rather than "from" (upland development).

12. The result of the above is that the area to the south has limits (from moderate levels down to no capacity, depending upon rainfall south of the Lake) to receive water from the Lake that instead goes East and West. Over the last several decades the system has become more unbalanced. Since the implementation of CERP has begun, it has become the longest record of poor discharge regime to the east and west.

13. To the West (the Caloosahatchee) that basin has its own drainage issues. Not as extensively canaled, still the system delivers water to the estuary from the basin very quickly, when the formerly natural sinuous river delivered water more slowly, and kept more water in the ground. While the Lake/EAA/EPA issues worsened, so did the basin's.

14. Fixing the Lake issues lessens the impacts on the estuary, but doesn't fix them. Fixing the basin issues without the Lake has the same outcome. Recently, it has come to light that all modeling that took place was based upon the rainfall years of a "dry cycle." The hurricane rains of 1926-28, 1947, and 1960 (Donna) were not factors in planning for water management. Since 2001 we seem to have moved more into a wet cycle, so management targets of water movement need to be reexamined to achieve the stated success rates.

15. There is a long term plan to fix the Lake issues, there is none for the basin. As a remedy, the Southwest Florida Feasibility Study (SWFFS) was initiated to be the science part of the effort needed to repair the basin. There is currently no political part. The absence of a political or management structure differs from the Lake situation since the Corps and District have the operational and political capacity (so to speak) to undertake the Lake reparation, but they do not have that capacity for the Caloosahatchee basin--local governments maintain the political strength for these issues.

C. Basic condition of the Caloosahatchee River As of December 31, unless otherwise noted:

1. The river salinity regime is completely out of order. (As of December 31) This time of year, freshwater flows should be attenuating, and the brackish zone moving up river to the area between the Cape Coral and Edison bridges. The freshwater zone, though, extends into San Carlos Bay. (As of January 25). The limitations on discharge instituted when the Lake hit 15.5 feet caused salinity to increase, moving up to the Franklin Locks. Whereas this helps water clarity and reduces pollution, sustaining the limitation will imbalance the estuarine salinity needed for this time of year.

2. The color and sediment content of the river is very poor. Light should be able to penetrate the river to the bottom. Instead, sediment is blocking light from penetrating a few inches in.

3. The grassbeds are gone. The saltwater beds have been eliminated from the western reaches of the river, and the color/sediment of the water has prevented freshwater grasses from recolonizing. The freshwater beds had not recovered from the drought of 2000-2001.

4. Oysters are gone.

5. Nutrient content of the river is poor. Lake waters have been high in nutrients due to the loss of assimilative capacity of the Lake due to its damage, and the loss of grassbeds in the River has resulted in the loss of River assimilative capacity. The lack of competition leaves algae the beneficiary of these excessive nutrients.

6. The riverbed nature is changing. A naturally sandy bottom has become a sediment bottom due to Lake water sediments.

7. Algae blooms are forecasted as a virtual certainty.

8. Piscean life is minimal to absent, and lesions are being seen on local fish that are caught, a result of the poor water regime.

9. River dependent fishing and crabbing basically doesn't exist.

10. Newly posted Public Health notices are posted noting the dangers of swimming in local waters under certain conditions.

11. Current Everglades Recovery planning for our basin are tied to conditions of 2000, which are not the conditions of today. Questions about Aquifer Storage and Recovery, and a potential series of wet seasons lead to concerns that more storage will be needed than can be provided, particularly during the mid term effort of Acceler8.

12. The number of septic tanks in the watershed, and the concentrations in different locales, have become more of an issue as the assimilative capacity of the River is lost. A similar concern exists for known point sources, such as utility discharge pipes.

D. Distribution of Nitrogen.

Total Nitrogen Caloosahatchee Estuary WY 2004

