



**BOARD OF COUNTY COMMISSIONERS**

Telephone (239) 533-2236  
Facsimile (239) 485-2106

John E. Manning  
*District One*

Cecil L Pendergrass  
*District Two*

Larry Kiker  
*District Three*

Brian Hamman  
*District Four*

Frank Mann  
*District Five*

Roger Desjarlais  
*County Manager*

Richard Wesch  
*County Attorney*

Donna Marie Collins  
*Chief Hearing Examiner*

August 10, 2018

The Honorable Donald J. Trump  
President of the United States  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

RE: Request for Presidential Disaster Declaration – Major Disaster

Dear Mr. President:

Representative Francis Rooney (R), 19<sup>th</sup> District, Florida, wrote you on August 6, 2018, about Lee County's plight and need of federal assistance. Southwest Florida is facing an environmental crisis that is devastating our way of life and economy. Representative Rooney has been a staunch advocate for Lee County, realizing that this environmental crisis is destroying tourism and wreaking havoc on local businesses. He knows firsthand how overwhelmed and in need of assistance we are. In support of Representative Rooney's request to declare Lee County, Florida, a major disaster area, the Lee Board of County Commissioners on August 7 passed the attached Resolution.

The current environmental crisis stems from Lake Okeechobee discharges into the Caloosahatchee River, resulting in an unprecedented algal bloom that is compromising the quality of life for constituents who live along the river and its myriad canals. In addition, a lingering red tide from the Gulf of Mexico is killing fish and marine life, washing them onto our beaches and up into our inland waterways and the river. Experts say a third element of this horrific "perfect storm" is also coming into the mix -- there is the likelihood of red drift algae approaching our shores soon.

The declaration will help our community handle the economic disaster that this environmental crisis has inflicted upon us. Thank you.

Sincerely,

Commissioner Cecil L. Pendergrass, Chairman  
Lee County Board of County Commissioners

cc: Representative Francis Rooney  
Governor Rick Scott

**LEE COUNTY, FLORIDA  
RESOLUTION NO. 18-08-12**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA URGING THE PRESIDENT OF THE UNITED STATES RECOGNIZE THAT A MAJOR DISASTER EXISTS IN LEE COUNTY BECAUSE OF THE HIGH CONCENTRATION AND PROLONGED PRESENCE OF HARMFUL RED TIDE IN THE GULF OF MEXICO AND BLUE GREEN ALGAL BLOOMS IN THE CALOOSAHATCHEE RIVER AND SURROUNDING WATERS.**

WHEREAS, Lee County, Florida is situated in Southwest Florida on the Gulf of Mexico with an estimated population of 739,224; and

WHEREAS, water quality is of vital importance to Lee County, with 85 percent of annual visitors traveling to one of its beaches and 75 percent of those visitors indicating that the “clean, unspoiled environment” influenced their decision to visit; and

WHEREAS, there is a high concentration and prolonged presence of Harmful Red Tide in the waters surrounding Lee County, resulting in large numbers of dead fish and marine life washing up on our beaches, the river and within the inland waterways; and

WHEREAS, decaying fish and other marine life on the beaches further depletes water quality; and

WHEREAS, excess water from Lake Okeechobee is discharged to the Caloosahatchee river and estuaries causing an increase in and prolonging of Blue Green Algal Blooms in the counties waterways; and

WHEREAS, Florida Governor Rick Scott issued Executive Order Number 18-191 (Exhibit A) on Monday, July 9, 2018, declaring a State of Local Emergency for the following counties: Glades, Hendry, Lee, Martin, Okeechobee, Palm Beach and St. Lucie for Emergency Management-Lake Okeechobee Discharge/Algae Blooms; and

WHEREAS, the combined effects of Harmful Red and Green Algal Blooms has caused numerous visitors to cancel their planned vacation to our destination, while businesses that rely on water quality have seen a sharp decline in revenue, which is having a devastating impact on Lee County’s economy and the well-being of its residents; and

WHEREAS, there is no indication that the Harmful Red Algal Bloom is going away anytime soon, however, Red Drift Algae is now a concern for washing up on Lee County beaches carrying more dead fish and marine animals onshore; and

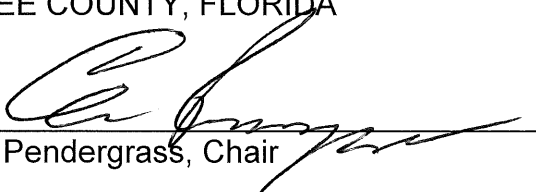
WHEREAS, Mayors of local municipalities have shown their concern for the unprecedented Harmful Red and Green Algal Blooms plaguing Lee County by adopting their own State of Local Emergency's (Exhibit B).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA AS FOLLOWS:

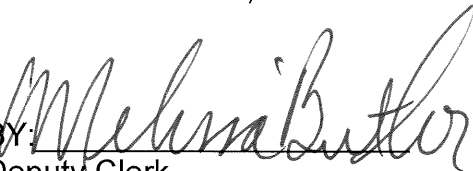
That the Board requests that the President of the United States declare Lee County, Florida a Major Disaster area in order to provide economic assistance to businesses and individuals impacted by Harmful Red and Green Algal Blooms.

DULY EXECUTED this 10<sup>th</sup> day of August, 2018.

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By:   
Cecil Pendergrass, Chair

ATTEST:  
LINDA DOGGETT, CLERK

BY:   
Deputy Clerk

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY:

BY:   
Office of the County Attorney



EXHIBIT A

**STATE OF FLORIDA**  
**OFFICE OF THE GOVERNOR**  
**EXECUTIVE ORDER NUMBER 18-191**  
**(Emergency Management – Lake Okeechobee Discharge/Algae Blooms)**

**WHEREAS**, in the month of June 2018, there was an increase in the number of algae blooms stemming from the Army Corps of Engineers decision to discharge water from Lake Okeechobee; and

**WHEREAS**, the discharge of harmful water from Lake Okeechobee into the Caloosahatchee River, St. Lucie River, the Indian River Lagoon, and estuaries have resulted in wide-spread algae blooms; and

**WHEREAS**, on June 20, 2018, I directed the Florida Department of Environmental Protection to issue an Emergency Order urging the Army Corps of Engineers and the South Florida Water Management District to take emergency action to help redirect the flow of water and curb the potential for algae blooms, including deploying additional water monitoring stations; and

**WHEREAS**, during my tenure as Governor, I have used state authority to address the federal government's failure to act with regards to Lake Okeechobee, including securing \$100 million in state funding to expedite repairs to the Herbert Hoover Dike, accelerating the Everglades Agricultural Area Storage (EAA) Reservoir Project, and investing more than \$1.8 billion in restoring the Everglades ecosystem and water quality; and

**WHEREAS**, after decades of congressional inaction, I worked with the federal government to secure full federal funding for repairs to the Herbert Hoover Dike and remain focused on the EAA Reservoir Project; and

**WHEREAS**, the residents, local governments, and state officials have collaborated to support efforts to improve water quality in the region and protect our valuable ecosystems; and

**WHEREAS**, the release of water from Lake Okeechobee and increase in algae blooms, including overwhelming amounts of cyanobacteria (blue-green algae) which can produce hazardous toxins, has unreasonably interfered with the health, safety, and welfare of the State of Florida and its residents; and

**WHEREAS**, the toxic algae blooms have resulted in an increasing threat to our environmental and fragile ecosystems, including our rivers, beaches, and wildlife; and

**WHEREAS**, the toxic algae blooms have led to the issuance of health advisories, closure of recreational areas, and economic losses in adjacent communities; and

**WHEREAS**, the Army Corps of Engineers anticipates the need to continue releasing harmful water from Lake Okeechobee throughout the month of July due to rising water levels, leading to a greater concern of on-going issues with toxic algae blooms; and

**WHEREAS**, the Florida Department of Environmental Protection sampling has indicated the following counties are experiencing the harmful impacts of algae blooms or may be at risk: Glades, Hendry, Lee, Martin, Okeechobee, Palm Beach, and St. Lucie; and

**WHEREAS**, on July 9, 2018, I toured the Caloosahatchee River and surrounding areas with the Florida Department of Environmental Protection to survey the damage caused by algae blooms from the discharge of water released by the Army Corps of Engineers; and

**NOW, THEREFORE, I, RICK SCOTT**, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. Because of the foregoing conditions and on-going threat of toxic algae blooms, I declare that a state of emergency exists in Glades, Hendry, Lee, Martin, Okeechobee, Palm

Beach, and St. Lucie counties.

Section 2. I designate the Director of the Division of Emergency Management as the State Coordinating Officer for the duration of this emergency and direct him to execute the State's Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with this emergency.

I designate the Florida Department of Environmental Protection as the lead agency for all crisis management responsibilities related to this emergency. The Florida Department of Environmental Protection shall advise the State Coordinating Office on all emergency response activities.

Pursuant to section 252.36(1)(a), Florida Statutes, I delegate to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(5)-(10), Florida Statutes, which he shall exercise as needed to meet this emergency, subject to the limitations of section 252.33, Florida Statutes. In exercising the powers delegated by this Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. The State Coordinating Officer shall also have the authority to:

A. Invoke and administer the Emergency Management Assistance Compact ("EMAC") (sections 252.921-252.9335, Florida Statutes) and other compacts and agreements existing between the State of Florida and other states, and the further authority to coordinate the allocation of resources from such other states that are made available to Florida under such compacts and agreements so as best to meet this emergency.

B. Seek direct assistance and enter into agreements with any and all agencies of the United States Government as may be needed to meet the emergency.

C. Direct all state, regional and local governmental agencies, including law enforcement agencies, to identify personnel needed from those agencies to assist in meeting the

response, recovery, and mitigation needs created by this emergency, and to place all such personnel under the direct command and coordination of the State Coordinating Officer to meet this emergency.

D. Designate additional Deputy State Coordinating Officers, as necessary.

E. Suspend the effect of any statute, rule, or order that would in any way prevent, hinder, or delay any mitigation, response, or recovery action necessary to cope with this emergency.

F. Enter orders as may be needed to implement any of the foregoing powers; however, the requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such orders issued by the State Coordinating Officer; however, no such order shall remain in effect beyond the expiration of this Executive Order, to include any extension.

Section 3. I find that the special duties and responsibilities resting upon some State, regional, and local agencies and other governmental bodies in responding to the emergency may require them to suspend the application of the statutes, rules, ordinances, and orders they administer. Therefore, I issue the following authorizations:

A. Pursuant to section 252.36(1)(a), Florida Statutes, the Executive Office of the Governor may suspend all statutes and rules affecting budgeting to the extent necessary to provide budget authority for state agencies to cope with this emergency. The requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such suspension issued by the Executive Office of the Governor; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extension.

B. Each State agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent,

hinder, or delay necessary action in coping with the emergency. This includes, but is not limited to, the authority to suspend any and all statutes, rules, ordinances, or orders which affect leasing, printing, purchasing, travel, and the condition of employment and the compensation of employees. For the purposes of this Executive Order, “necessary action in coping with the emergency” means any emergency mitigation, response, or recovery action: (1) prescribed in the State Comprehensive Emergency Management Plan (“CEMP”); or, (2) ordered by the State Coordinating Officer. The requirements of sections 252.46 and 120.54(4), Florida Statutes, shall not apply to any such suspension issued by a State agency; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extensions of this Order.

C. In accordance with section 252.38, Florida Statutes, each political subdivision within the State of Florida may waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

- 1) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
- 2) Entering into contracts;
- 3) Incurring obligations;
- 4) Employment of permanent and temporary workers;
- 5) Utilization of volunteer workers;
- 6) Rental of equipment;
- 7) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and,
- 8) Appropriation and expenditure of public funds.

Section 4. I find that the demands placed upon the funds appropriated to the agencies of the State of Florida and to local agencies are unreasonably great and may be inadequate to pay




the costs of coping with this disaster. In accordance with section 252.37(2), Florida Statutes, I direct that sufficient funds be made available, as needed, by transferring and expending moneys appropriated for other purposes, moneys from unappropriated surplus funds, or from the Budget Stabilization Fund.

Section 5. All State agencies entering emergency final orders or other final actions in response to this emergency shall advise the State Coordinating Officer contemporaneously or as soon as practicable.

Section 6. All actions taken by the Director of the Division of Emergency Management with respect to this emergency before the issuance of this Executive Order are ratified. This Executive Order shall expire 60 days from this date unless extended.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 9th day of July, 2018.

  
GOVERNOR

ATTEST:



SECRETARY OF STATE

FILED  
2018 JUL -9 PM 3:23  
TALLAHASSEE, FLORIDA

EXHIBIT B  
**LEE COUNTY MAYORS' REQUEST FOR EXPANSION OF LEE COUNTY'S  
LOCAL DECLARATION OF EMERGENCY REGARDING RED DRIFT  
ALGAE, BLUE-GREEN ALGAE AND FISH KILLS**

**WHEREAS**, provide financial assistance for all cleanup of red drift algae, blue-green algae and fish kills in all waterways including, but not limited to, all rivers, canals, bay beaches and gulf side beaches; and

**WHEREAS**, provide financial assistance to all businesses that can demonstrate loss of income from any of the environmental events including, but not limited to, red drift algae, blue-green algae and fish kills; and

**WHEREAS**, provide financial assistance for workers and/or individuals impacted by the environmental events including, but not limited to, red drift algae, blue-green algae and fish kills; and

**WHEREAS**, provide public relations assistance in communicating daily updates during this local emergency; and

**WHEREAS**, eliminate deviation from the regulation schedule for the Kissimmee chain of lakes to reduce and/or eliminate any inflows into Lake Okeechobee; and

**NOW, THEREFORE, BE IT PROCLAIMED** by the Mayors of Lee County, Florida;

**SECTION 1.** We, the Mayors of Lee County, met Wednesday, August 1, 2018 and instructed Sanibel Mayor Kevin Ruane to contact and communicate with Governor Rick Scott directly regarding this expansion of emergency.

**SECTION 2.** Governor Rick Scott directed Wes Maul, Director of Emergency Management Services, to contact Mayor Ruane to discuss the expansion of the Lee County Local Declaration of Emergency.

**SECTION 3.** We, the Mayors of Lee County, strongly support the above initiatives to prevent and/or avoid any further financial impact to Lee County and the municipalities located therein to assist with our expeditious recovery.

**DULY DIRECTED BY LEE COUNTY MAYORS**, this 2<sup>nd</sup> day of August, 2018.

*Peter Simmons, City of Bonita Springs Mayor*

*Joe Coviello, Cape Coral Mayor*

*James R. Boesch, Village of Estero Mayor*

*Randall Henderson, City of Fort Myers Mayor*

*Tracey Gore, Town of Fort Myers Beach Mayor*

*Kevin Ruane, City of Sanibel Mayor*