

WALK-ON #3

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20060856

1. ACTION REQUESTED/PURPOSE: Authorization to comment on items pending regarding USACOE proposed changes to Lake Okeechobee regulation schedules, and upon draft EPA Rule on transfer of water.

WHAT ACTION ACCOMPLISHES: The County Attorney and Staff will preserve the Board's standing upon these items should alternatives and proposals be pursued that adversely affect Lee County's river water quality and estuary, while the Board is at recess.

3. MANAGEMENT RECOMMENDATION: Authorize comments within guidelines previously established by the Board within the River Recovery Strategy and similar direction.

4. Departmental Category: SFWMD.

5. Meeting Date: June 27, 2006

6. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

7. Requirement/Purpose: (specify)

- Statute
- Ordinance
- Admin. Code
- Other Formal comments

8. Request Initiated:

Commissioner _____
 Department County Attorney, Smart Growth, Public Works
 Division _____
 By: _____

Background: The USACOE is preparing a preferred alternative for changes to the Lake Okeechobee Regulation Schedule. There are concerns that the preferred alternative will increase the frequency and duration of adverse level discharges, and increase the frequency of "no flow" events, with its adverse consequences. Going on the record with clear concerns may be needed while the Board is at recess.

EPA has announced an intent to file a rule that exempts certain water transfers, such as those through the Works of the SFWMD, from the Clean Water Act. In the past the District and Corps have stated that they have no requirements to be responsible for current violations of water quality standards. There is litigation history that indicates this may not be the legal interpretation by the Federal Courts. Our concern is past water quality violations due to discharges of excessive nutrients will be authorized by EPA to continue without remedy or recourse. The County has 45 days to go on record with any concerns it has. This action ensures staff is not constrained by the Board's recess on commenting.

Comments to the proposed regulation schedule or EPA rule will be provided to the Board members upon return from recess.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
				<i>[Signature]</i> 6/20/06	<i>[Signature]</i> 6/20/06	<i>[Signature]</i> 6/21/06	<i>[Signature]</i> 6/21/06	<i>[Signature]</i> 6/21/06	6-21-06

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
 COUNTY ADMIN: *[Signature]*
 6-20-06 4:15 PM

COUNTY ADMIN
 FORWARDED TO: *[Signature]*
 6/22/06
 2 PM

Rec. by CoAtty
 Date: 6/20/06
 Time: 2:25 PM
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