



June 17, 2004

Mr. Henry Dean, Executive Director
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33416-4680

Dear Mr. Dean,

We are once again writing to you to express concerns related to the management of flows into and through the Caloosahatchee. As you know, the Watershed Council has been concerned about low flows for quite some time. To that end, during the three years since our founding, we have requested opportunities to be included in efforts to establish and re-evaluate the Minimum Flows and Level (MFL) Rule for the Caloosahatchee, offered input into the Water Reservations White Paper that was prepared in 2002, and formally requested that the District and the Florida Department of Environmental Protection establish a Statutory Reservation of Water for the Caloosahatchee and its estuary.

While we applaud the efforts that the District and the U.S. Army Corps of Engineers made during most of the 2003-2004 dry season to prevent harm in the Caloosahatchee, the management of Lake Okeechobee and the Caloosahatchee in May and early June has been the subject of much discussion and concern amongst many of the members of the Watershed Council. According to the data posted on the District web site at http://www.sfwmd.gov/org/wrp/wrp_ce/2_wrp_ce_estuary/cresal.gif, the MFL has been exceeded since May 20th or 21st and salinity levels have not yet dropped to a point to rectify the exceedance.

It is highly distressing to note that District staff members did not take proactive action to inform Governing Board members at their May 13th meeting that an MFL exceedance was likely and therefore put in place the management options that would have allowed an environmental release at that time. Although we appreciate the environmental release that began on May 27th, it was not successful in dropping the salinity level below the 30 day upper limit for salinity levels that constitutes an MFL exceedance in the Caloosahatchee. It further upsets us that the District has not imposed Phase III water shortage restrictions to support the recovery of the Caloosahatchee. We see no evidence of any attempt to manage the system with the concept of shared adversity, a significant component of the MFL Rule.

The current exceedance is not the first for the Caloosahatchee since the MFL Rule was adopted in September of 2001. There were exceedances in the late fall of 2001 and in the spring of 2002. Thus, significant harm has

The mission of the Southwest Florida Watershed Council is to protect, conserve, manage and/or restore the land and water resources of the Caloosahatchee and Big Cypress Watersheds. Through increased awareness, participation and cooperation among all stakeholders in consensus building, planning and decision making, we are working to meet the economic, natural and cultural needs for this and succeeding generations.

occurred in three of the years that the MFL Rule has been in place. We know that the District anticipated frequent MFL exceedances when the Rule was adopted, and that this was the reason that the MFL Rule included a recovery and prevention strategy. The components of this strategy (reservoirs, aquifer storage and recovery wells, etc.) may, over a period of many years, allow the District to achieve the minimum flow criteria, but frankly, we are extremely concerned about the harm that will undoubtedly continue in the Caloosahatchee over the next decade. By the time all of the components of the recovery and prevention strategy are in place, the Caloosahatchee estuary may well be, for all intents and purposes, dead because of the harm caused by management regimes. We understand the reasons the District has given us in the past for the projected timing of initial reservations for the regional system. You have previously stated that the analysis to determine these reservations must be based on the best available information, and on a full analysis of benefits and impacts. We respectfully submit that while the District studies, but also continues to issue water use permits throughout the basin, the health of the Caloosahatchee will continue to decline.

The death of the estuary is of course, a worst-case scenario. But considering the importance of the Caloosahatchee to our region's economy and our residents' quality of life, we feel we must recognize the potential consequences of the current policy and management decisions that are being made and take action to prevent such a bleak future. We therefore once again ask you to commence rulemaking to establish a Statutory Reservation for the Caloosahatchee, pursuant to Section 373.223(4) of the Florida Statutes. We do not want to wait for an initial reservation through the Comprehensive Everglades Restoration Plan – we seek a Statutory Reservation this year, because, as we view the situation, this is our only way to assure that the Caloosahatchee, and the people of this region, receive equal protection from adversity and to ensure that the estuary will receive the flows it needs. We stand ready to help with technical assistance, the education of citizens and whatever else may be needed to establish a Statutory Reservation.

We look forward to participating in the process to establish a Statutory Reservation for the Caloosahatchee, and we hope to begin very soon. As always, we thank you for your attention to our concerns.

Sincerely,

Susan Brookman
Chairman

Copies: Ms. Trudi Williams, Governing Board Member
Mr. Hugh English, Governing Board Member
Mr. Nicolás J. Gutiérrez, Jr., Esq., Governing Board Chairman
Mr. Chip Merriam, Deputy Executive Director for Water Resources
Mr. John Albion, Lee County Board of County Commissioners Chairman