



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

EX08-079

September 17, 2008

Mr. John Cassani, Chairman
Southwest Florida Watershed Council
P.O. Box 61063
Fort Myers, FL 33906-1063

Dear Mr. Cassani:

Subject: Water Reservation Rule for Caloosahatchee River

Thank you for your recent letter regarding your request to develop a Water Reservation for the Caloosahatchee River and Estuary.

I am pleased to inform you that the District's Governing Board on August 14, 2008 approved a rule to protect water in Lake Okeechobee, the St. Lucie and the Caloosahatchee River from additional allocations for new consumptive uses. The Lake's Water Availability Rule has a number of features that will help achieve our mutual goals of protecting water supply for the lake and the downstream estuaries.

The Lake's Water Availability Rule has several components geared in large part to address repercussions associated with the Lake's regulation schedule. The new regulation schedule generally will result in operating the Lake at lower levels and, hence, improved water deliveries to the estuaries. Of course, these improvements are restricted by existing infrastructure.

With the implementation of the new regulation schedule, the Lake is now projected to exceed its MFL and existing water users are expected to have a reduced level of certainty. Therefore, a MFL recovery strategy for Lake Okeechobee was necessary and has been captured in revised language in Chapter 40E-8, F.A.C., and an amendment to Appendix H of the Lower East Coast Water Supply Plan. One component of the Lake's recovery strategy is the Water Availability Rule which amends consumptive use permitting criteria. This new criteria is intended to address several objectives including interference among legal users of Lake water, the MFL strategy, and will ensure that water necessary for Everglades restoration is not allocated for consumptive use. In general, the Lake's Water Availability Rule establishes a "base condition water use" which generally equates to consumptive users' historic withdrawals and cannot be exceeded when allocating water in the future.

During 2007, the District, Lee County, and others worked with the Corps to implement the new Lake regulation schedule. One of the anticipated results of this regulation schedule is a more beneficial water delivery plan for the Caloosahatchee River Estuary. Clearly, the plan is not optimal and will not achieve the MFL without additional infrastructure. However, significant strides are expected in the delivery of low-level releases to the Estuary. The analysis shows more frequent delivery of beneficial waters to the Estuary, in the interim, until longer-term options reach fruition.

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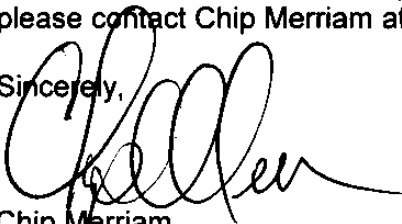
District staff's plans to discuss the Lake Okeechobee Water Availability Rule and other issues at your August meeting were interrupted by Tropical Storm Fay. They are scheduled to attend your meeting on September 18, 2008.

As to your next issue, overall, the Lake's Service Area Basin has substantially fewer acres being irrigated. Since 2001, thousands of acres of agricultural lands have been removed from production as the District acquired land and began construction on various Everglades restoration projects, including the C-43 reservoir. Staff will present more information on this topic at your September meeting.

You also inquired about the possible impacts of the proposed purchase of properties from the U.S. Sugar Corp. on Everglades Restoration projects, specifically the C-43 West reservoir. At this time, the Governing Board has not taken action related to which projects will move ahead. We are working diligently to structure a deal that will benefit the greater Everglades ecosystem. However, until a number of issues are resolved, we can not speculate on whether or how other individual projects may be influenced. I ask for your patience as we attempt to close this unique opportunity and urge you to participate in the public processes that may result following the conclusion, if successful, of negotiations with U.S. Sugar.

We look forward to continuing to work with you and the Council. For additional information, please contact Chip Merriam at 561-682-6597 or cmerriam@sfwmd.gov.

Sincerely,



Chip Merriam
Deputy Executive Director
Water Resources
South Florida Water Management District

CM/jm

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