



October 23, 2008

Mr. Chip Merriam  
South Florida Water Management District  
P.O. Box 24680  
West Palm Beach, FL 33416-4680

Dear Mr. Merriam:

Thank you for responding to our letter of July 28, 2008 regarding the Caloosahatchee River MFL and our interest in a statutory reservation for the Caloosahatchee River Estuary. We also appreciate Mr. Mulliken and Dr. Doerings attendance at our September Southwest Florida Watershed Council meeting to help address our concerns on this issue.

A number of questions and concerns have arisen from your letter and the presentation by Mr. Mulliken and as such we would appreciate your response to them.

- Up to what point in time does the SFWMD consider "historic withdrawals" as the "base condition"? Does this apply to and include all permits currently pending renewal as the "base condition"?
- The current Lake Regulation Schedule does in some scenarios provide for discretionary releases that would help getting us closer to meeting the MFL criteria but certainly does not provide for adequate or even equal protection to the estuary especially with regard to conditions we have experienced since the rule was adopted. Also, how is the estuary guaranteed to receive the water allocated from S-77 under LORS08?
- Regarding the Lake Okeechobee Water Availability Rule (LOWAR) we have the following questions and comments:
  - Are water rights (allocations) retired before the adoption of the LOWAR eligible for discretionary allocation by the SFWMD Board?

- What is the volume of water currently available to the Caloosahatchee Estuary as a result of retired agricultural allocations?
- How and when will the new additional allocations to the Estuary as a result of LOWAR be implemented and or integrated with the Lake Regulation Schedule as a result of retired agricultural allocations?

Again, thank you for your response and we look forward to your answers to our questions and comments above.

Sincerely,

John Cassani, Chair  
Southwest Florida Watershed Council

cc. Colonel Paul L. Grosskruger  
Janet Llewellyn, FDEP  
Carol Wehle, Executive Director, SFWMD  
Charles Dauray, Governing Board, SFWMD  
Phil Flood, SFWMD  
Janet Starnes, SFWMD  
Honorable Ray Judah, Chairman, Lee BOCC  
Marjorie G. Craig, P.E., SFWMD