



February 20, 2004

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

Dear Mr. Dean,

Thank you for your letter of January 7, 2004 regarding our interest (letter of December 11, 2003) in the December 2000 Pre-CERP Baseline conditions and demands for the Caloosahatchee Basin. You indicate in your letter that 2000 Pre-CERP Baseline demands will not be known until assumptions for the Pre-CERP Baseline modeling can be determined and that the Pre-CERP modeling is not due for completion until June 2004. This concerns us for the following reasons:

- 1) The Southwest Florida Watershed Council (SWFWC) has been very supportive of the concept of reserving water for the Caloosahatchee Estuary (preferably a "statutory" reservation allowed under Chapter 373 F.S.). During a local forum on the Caloosahatchee River on December 17, 2002 sponsored by the SWFWC, a SFWMD representative, Mr. Kenneth Ammon indicated that an initial reservation for the Caloosahatchee Reservation would be established in 2004. At a subsequent forum held in Fort Myers, in 2003, Mr. Ammon stated that the initial reservation for the Caloosahatchee River would not be established until the long-term consumptive use permits were renewed in 2004. We understand that existing legal users must be protected so long as such use is not contrary to the public interest. However, we fail to understand how consumptive use permit renewals can be made without an understanding of the 2000 baseline demands and in the context of adequate water supply for the resource. Without knowing the basin demands, it would not seem possible to determine if the cumulative effect of renewing these permits are in the "public interest" notably the Caloosahatchee River and Estuary. It would seem that this is a "backwards" process. A "reservation" sets water aside from allocation to water use permits but apparently the SFWMD is waiting to determine if any water is left for allocation to the resource after the long-term permits have been renewed. Please explain how we can be assured that there will be adequate water available for a "reservation" after the long-term permits are renewed.
- 2) In addition, we are concerned that the "target storage" (160K acre feet) for the C-43 project may not be adequate for the resource in the context of providing for existing legal users. Water supply modeling based on 1995 land use and estimates for future demand (primarily agriculture) indicate that there may

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 participation and cooperation of all stakeholders in consensus building, planning, and decision making to meet the economic, natural and cultural needs for this and succeeding generations.

not be enough water for the resource under drought conditions (Caloosahatchee Water Management Plan, April 2000). This same modeling (Alternative 04, Regional and Small Scale Reservoir) indicates that low flow exceedences would still occur 21% of the time. Low flow exceedence 21% of the time is only a 17% improvement over the “Do Nothing” alternative. With this in mind, it creates further uncertainty with respect to adequate flows to the estuary in the context of providing for existing legal users. The C-43 project (estimated to cost nearly \$400 million) has been “fast tracked” without adequate understanding of what the 2000 Baseline demand and conditions are, leading to considerable uncertainty about providing for resource needs in the future. In this regard we have serious concerns that under drought conditions similar to recent years in the Caloosahatchee Basin, there may not be enough “new” stored water in the future to meet the MFL requirements.

We commend the SFWMD for recent attempts to provide for more equitable flows in the Caloosahatchee Basin through discretionary adaptive management under WSE. However, there appears to be continued uncertainty for systematic long-term solutions to achieving appropriate flows to the Caloosahatchee Estuary. We encourage the SFWMD to determine a “reservation” of water for the Caloosahatchee Estuary after the 2000 Baseline Demands and Conditions are determined and prior to renewing the long-term consumptive use permits this year (apparently now underway).

We would appreciate a timely response to this letter. Thank you for your consideration.

Sincerely,

Susan Brookman
Chairman

Copies: Ms. Jacque Rippe
Ms. Pamela MacKie
Ms. Trudi Williams