Action Request for the Proposed Florida Department of Environmental Protection Action Related to the Removal of the Ceitus Boat Lift on the Northern Cape Coral Spreader Swale System
March 24, 2008

Action Needed

The City of Cape Coral is proposing to eliminate one of their key water quality and groundwater recharge projects through a Consent Order Proposed by the Florida Department of Environmental Regulation. The elimination of this system will not only have an adverse impact on the receiving water bodies, but will also set a bad precedent related to the establishment of future water quality projects and also pave the way for the elimination of the other boat lifts and/or locks in Cape Coral. Therefore it is requested that all interested parties and citizens organizations join in the petition currently being drafted by private citizens and NGO groups to stop the lift removal and to restore the Spreader Swale System. In accordance with State Law a petition requesting an administrative hearing to prevent the elimination of the Spreader Swale System must be submitted by March 30, 2008.

History

In 1979, the Florida Department of Environmental Regulation in Constant Order No. 15 required the construction and maintenance of an innovative surface water management system, otherwise known as the Cape Coral Spreader Swale System. It was designed to retain storm water runoff at elevations above sea level and then discharge the water thru the mangrove forest water ward of the swale system. This was designed to accomplish several important environmental goals.

1.) The system provided a detention of storm water runoff there by improving the quality of the water that exited the system. This is the primary treatment means by which almost all modern surface water management systems provide water quality treatment and prevent over drainage. The system derived additional treatment from allowing the water to sheet flow across the mangrove forest before being discharged to the adjacent tidal waters of the Aquatic Preserve.

2.) The system prevented over-drainage of the surficial groundwater aquifers and stemmed the advance of saltwater intrusion. Cape Coral learned the hard way that opening up vast areas to tidal canals in the 1960's drained off the fresh surficial groundwater and allowed for wide spread saltwater intrusion. In the case of the North Cape Coral Spreader Swale, the system was designed to maintain a control elevation was 1.2 feet above Mean Sea Level which limited the over drainage of the surficial groundwater system and held back salt water intrusion.

The Cape Coral Spreader Swale system after construction operated as it was designed. However insufficient maintenance was preformed on the system allowing breaches to open up through the mangroves thus rendering the system ineffective in the early 1990's. The permits required that the system be maintained and a fund of $1,000,000 was set aside in the 1970's for that purpose. However, these funds were never made available for maintenance of the system and the system ultimately failed.

In 2006, the Florida Department of Environmental Protection (FDEP) issued a Consent Order requiring that the system be repaired. However instead of correcting the problem the City of Cape Coral was able to get the FDEP's 2006 Consent Order overturned and replaced with a 2008 Consent Order which requires only that the Ceitus Boat lift be removed in 90 days and that an Ecosystem Management Agreement (EMA), a consensus-building process, be performed with the intent of establishing stormwater treatment within the urban areas of Cape Coral. To support their position the City has claimed that the Spreader Swale System never functioned properly and therefore should be removed. Additionally this proposed 2008 Consent Agreement also does not address the importance of maintaing surficial groundwater levels and thus preventing over drainage of the surficial groundwater aquifers. It also does not provide any tangible success criteria related to the establishment of the proposed EMA.

Summary

It is important that the Cape Coral Ceitus Boat Lift and North Spreader Swale systems be restored to original design specifications and made to function properly for a number of reasons, not the least of which is to provide water quality protection to the Aquatic Preserve and all of the surrounding receiving tidal water bodies.

Additionally, allowing removal of the system would set a terrible precedent currently as the coastal communities are demanding that the State implement water quality treatment systems on waters that ultimately discharge into our marine environment not dissimilar to that of the Cape Coral Spreader Swale system.

If this is allowed to occur, then how can we expect the inland communities and vast agricultural areas to comply with implementing water quality enhancement projects?