



3333 Sanibel Captiva Road, Sanibel Island Florida 33957  
Telephone 239.472.2329

March 14, 2011

Ms. Carol Wehle, Executive Director  
South Florida Water Management District  
West Palm Beach, FL  
*Transmitted by email*

Dear Ms Wehle:

This letter is written on behalf of the SCCF to express our extreme dissatisfaction with the SFWMD staff in misrepresenting the Adaptive Protocols at last Thursday's Governing Board meeting and to request you provide the methodology and policy that will be followed for distributing water in the Water Shortage Management zone.

This past Thursday west coast stakeholders witnessed staff sitting silently by while Governing Board Chairman elect Joe Collins attacked the Corps regarding releases using a completely invented interpretation of the Adaptive Protocols (AP). Unfortunately, no west coast stakeholders were present to support Governing Board member Charles Dauray's assertion against that misinformation, and District staff remained silent. So let us set the record straight. In contrast to Mr. Collins' assertions about the AP:

- The Lake regulation schedule clearly identifies the Beneficial Use zone as under the operational authority of the Corps.
- SFWMD has erroneously cast the AP as absolute direction on release decisions when in fact the adopted document specifies that the AP was developed as **guidance** only to provide a **recommendation** and is **not intended to establish or dictate water levels or operations**.

To quote from the Adaptive Protocol document:

*"These Adaptive Protocols would be used when the lake stage [is] in the Low, Base flow and Beneficial Use sub bands to provide guidance to water managers for discretionary releases for ecosystem benefits or to improve conditions related to the C&SF Project purposes. This document is not intended to establish, dictate or regulate water levels or operations. Instead, this document is intended to provide operational guidance to SFWMD staff, as local sponsor, when making operational recommendations to the USACE. Full discretion of the USACE to operate the C&SF Project is retained as provided in the Water Control Plan. This document is not self-executing, and does not bind the SFWMD or any other person to take, or not to take, any specific action. Technical*

*information regarding the need for water release from the lake is based on a set of quantitative performance measures of ecosystem health and water supply conditions that have a strong foundation in population ecology, regional environmental science and water resource engineering.*

Staff presentations during the AP process revealed that providing the Caloosahatchee estuary with 650 cfs - over twice the volume that has actually been provided since last fall - requires only 1 inch of water per month off the lake. In contrast permitted users use several inches of water off the lake each month and their use and supply is protected and assured, unlike the natural system. The most egregious fact is that the public's estuary resources are completely cut off from public water so it can instead be provided to private enterprises that pay nothing for the use of the water.

As early as October the District was predicting record water shortage but took no action to plan, schedule or implement any restrictions on the largest segment of water users, the permitted users. Instead the agency response has been to simply cut off any flow to the Caloosahatchee - an insignificant amount by District staff's own admission - which has directly caused a quantifiable loss of habitat for commercially important food and recreational species and placed endangered species at risk. In contrast, there has been no demonstration of actual agricultural or municipal losses due to water supply. In fact, during the past drought years of 2007-2009 record harvests were recorded.

The consequence of continually cutting off flow to the Caloosahatchee estuary is that it is in its 4<sup>th</sup> consecutive year of MFL exceedence. The Caloosahatchee has passed the significant harm stage and is now in serious harm, having suffered a 10 year loss of hundreds of acres of freshwater habitat. According to Chapter 373.042 and 373.0421, F.S when significant harm is experienced water management is supposed to declare and institute Phase III water restrictions across the board. That did not happen when we hit the significant harm level 2 years ago nor has that action been implemented in the two years since. The Caloosahatchee MFL was established to protect 640 acres of tapegrass in the estuary. In our best year since 2001 we achieved perhaps 60 percent of that coverage. Now the Caloosahatchee estuary is in serious harm yet the District continues to recommend no public water be supplied to support public resources. Since the District claims water shortage fears as the reason for cutting off the minimal flows and water shortage is expected and forecast, why have mandatory water restrictions not been implemented District wide?

SFWMD will have sole discretion on releases in the Water Shortage Management zone. However, the AP does not address the methodology or protocol that will be used to make water supply decisions in this band and never modeled the LOSA rationing trigger for shared adversity. In the interest of transparency and public accountability we request that the SFWMD make available the methodology and justification for water release decisions with a demonstration of shared adversity and impacts of water deliveries.

The vitriol expressed at the meeting last Thursday served only to demonstrate the extreme bias with which the Caloosahatchee and natural systems are regarded by the District. Such actions do not serve the taxpayers' interest and are not good policy or governance.

Sincerely,

A handwritten signature in black ink, appearing to read "Rae Ann Wessel". The signature is fluid and cursive, with a large initial "R" and "W".

Rae Ann Wessel  
Natural Resource Policy Director

Cc: Governing Board - Sandy Batchelor  
Governing Board - Eric Buermann  
Governing Board - Joe Collins  
Governing Board - Charles Dauray  
Governing Board - Kevin Powers  
Governing Board - Glen Waldman  
DEP Secretary Vineyard  
Lee County BOCC  
Sanibel City Council