



September 4, 2015

To: Lee County Board of County Commissioners

From: John Cassani, Chairman, Southwest Florida Watershed Council

Re: Funds budgeted for water quality remediation

Delivered by electronic mail on 9-4-15

Chairman Hamman:

While Lee County is taking public comment on its budget for 2015-2016, I would like to take this opportunity to better understand and perhaps make some comments on Lee's budget for water quality projects for the upcoming fiscal year.

As you may know water quality in Lee County has a substantial impact on county wide tourism and the economic trickle down to businesses, property values and ultimately to Lee County's ad valorem revenue. As the county experiences the projected growth for the near future it is imperative that adequate project planning is in place to address anticipated impacts to water quality from both economic and legal compliance perspectives.

You may also know that trends for total nitrogen, as an example of just one pollutant, from monitoring data in various Lee County watersheds continue to trend upward over the past ten years as documented in Lee's MS4 annual reports and from data derived from Lee's surface water monitoring network. Unfortunately this means that loading trends to impaired waters such as the Caloosahatchee Estuary that is also impaired for total nitrogen, continue to point upward in violation of a no net increase requirement for impaired waters per Florida statutes and rule stemming from the Clean Water Act. It's disappointing that these conditions have not generally improved despite the BMPs associated with the Caloosahatchee Estuary Basin Management Action Plan and other Lee County projects meant to ultimately reduce pollutant loadings to impaired waters or prevent further verified impairments within its jurisdiction.

Unfortunately, Matlacha Pass, a state aquatic preserve and Outstanding Florida Water (OFW) was recently listed as “verified impaired” for total nitrogen as part of FDEP’s recent updated listings of impairments. Matlacha Pass now joins the Caloosahatchee Estuary, Billy Creek, Daughtrey Creek, Yellow Fever Creek, Manuel Branch, Trout Creek, Hendry Creek, and the Imperial River as Lee County waters officially impaired for various pollutants. Hendry Creek and the Imperial River are also OFWs that were and are to have a higher level of protection from impairment according to Florida water law.

The effect of water quality impairment on reducing property values can be significant. The recent Florida Realtors report indicated that improving water quality in Lee County had the potential to generate more than \$9 million a year in increased ad valorem revenue as a result of increasing property values by more than \$500 million (<http://www.news-press.com/story/news/2015/05/23/bad-water-holding-back-property-values/27858803/>). This estimate could be considered conservative since it did not include the costs associated with more stringent requirements for new development in upstream jurisdictions as a result of the legal requirement to recover the resource after impairments are verified and TMDLs have been adopted.

I acknowledge Lee County’s efforts in the past to address certain water quality issues but it appears that as the Lee Comprehensive Plan continues to be amended by the Lee BOCC to increase development density, the mitigation of water quality issues in the future will not be adequate at existing levels of funding especially as the population of the County is expected to rapidly increase. Lax enforcement of Florida water law by FDEP and the SFWMD add to this problem.

Please provide information on how much has been budgeted for water quality improvement projects within Lee County’s jurisdiction with a description of those projects for this coming fiscal year. I would also ask that the amount budgeted specifically for water quality remediation and identified by specific projects for the last 5 years be included for comparison. I am aware of state funds being spent in Lee County but would more specifically like to know the amount being spent from the County’s general fund for the above request.

Thanking you in advance.

cc. Commissioners Manning, Pendergrass, Mann, and Kiker.