



June 7, 1999

Jan Mandrup-Poulsen
Water Quality Assessment Section
Florida Department of Environmental Protection MS 3555
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Dear Mr. Mandrup-Poulsen:

As you know, a 4,400 square mile area of Southwest Florida known as the greater Charlotte Harbor watershed has been designated as an "estuary of national significance." This area includes the watersheds and basins of Lemon Bay, the Myakka River, the Peace River, Charlotte Harbor, the tidal Caloosahatchee River, and Estero Bay.

Water quality degradation is a major priority of our program and the objectives in our *Comprehensive Conservation and Management Plan* specifically will address water quality concerns. As you may be aware, many of the water quality segments in our watersheds have been listed on the State's 303(d) list because of water quality problems. Our committees are concerned that even more water quality problems may occur as population growth, development, and mining occur in our study area.

We have, therefore, made ambient water quality monitoring a priority as well as the creation and implementation of total maximum daily loads for the entire study area to be objectives of our management plan. It is our intent to support and coordinate, as we are needed, the efforts of Florida Department of Environmental Protection (FDEP), the water management districts, and other organizations to accomplish these objectives.

In pursuant of these objectives and to keep the water segments of the greater Charlotte Harbor watershed as the State's highest priority, I am concerned with many of the FDEP's suggestions to "delist" many of our water segments from the State's 303(d) list. *In my opinion, if the state's data indicate that waters do not meet the standards for their water classification or if there is insufficient data to accurately characterize the water segment, the segment should not be delisted.* Water segments should only be delisted if good and substantial data demonstrates that the segment meets all of its minimum standards and designated uses.

The grid attached provides you with a detailed summary of my concerns about each segment recommended to be delisted. My comments are organized by river basin with your watershed identification code and short name provided. Overall, I recommend that most segments remain on the 303(d) list unless new data indicate that the segment's

water quality has significantly improved to meet all of its standards. The reasons for leaving the segment on the list are described below:

Reason Explanation

1. The DEP 1998 305(b) report indicates that the segment violates one or more of the State's classification standards and is therefore not "fully meeting designated uses" even though the data may be limited; or
2. The DEP 1998 305(b) report indicates that the segment violates one or more of the State's classification standards and *new* data supports this finding. The segment is therefore not "fully meeting designated uses"; or
3. Current data reveals that the Trophic State Index is "poor", and therefore the segment should be considered impaired; or
4. Current data reveals that, not only is the water quality considered "fair" or "poor" by the Trophic State Index classification, but the TSI would be computed as a "poorer" value using more current data.

A narrative summary of our comments and concerns about delisting these segments, to accompany the grid attached, are detailed in the sections below.

Narrative Summary

PEACE RIVER (USGS Hydrologic Unit 03100101)

Twelve segments of the Peace River hydrologic unit code (HUC) are recommend for removal from the State's 303(d) list because these water segments are "fully meeting their designated uses." The Charlotte Harbor NEP recommends that the following segments remain on the State's 303(d) list.

Lakes

Nine of the ten lakes in the Peace River basin suggested for "delisting" because they are meeting their designated uses are declining in water quality. The 1998 305(b) report shows their trophic state indices (TSIs) ranging from 61 to 70. New data from the *Polk County 1998 Annual Lake and Stream Report* show that each of these lakes' TSIs (with the exception of Lake Arianna) have become worse since the 1980-1995 averages. Many of these new TSIs are in the 70 - 100 range ("poor") (see the attached spreadsheet). These lakes, therefore, with the exception of Lake Arianna, should not be delisted, as they are not fully meeting their designated uses and/or are further declining in water quality. Furthermore, developing a water quality index (WSI) based upon regulatory parameters may indicate that even the lakes with an average TSI slightly below 70 should still be classified as "poor" and not meeting their designated uses.

Creeks, Streams, and Rivers

Hawthorne Creek (23), Myrtle Sough (24), Bear Branch (35), Peace R- AB Oak Crk (41), and Alligator Branch (44) are tributaries that feed the Peace River. Even though there is little new water quality information specific to these segments, there is no evidence that these segments are fully meeting their designated uses. The 1998 305(b) report indicates that each of these segments violates at least one water quality standard

for Class III waters (with the exception of Bear Branch which is not summarized in the report). Therefore, until better information becomes available these segments should not be delisted.

The segments in the Horse Creek watershed are particularly important because major phosphate mines (IMC-Agrico and Farmland Hydro mines) are being proposed in the area. Horse Creek and its entire watershed have been nominated as "Outstanding Florida Waters"; this application is currently being evaluated by Florida DEP. Therefore, all of the segments in the Horse Creek watershed should be carefully evaluated before any are delisted.

Additional segments are suggested for removal from the 303(d) list because of a lack of sufficient data. However, the 1998 305(b) report shows Horse Creek AB Peace R (31) in violation of the Class III standards for TOC, nitrogen, and phosphorus. One year's worth of new data from the Peace River Water Quality Monitoring Program (1998 Water Year) shows that the phosphorus levels were higher than the average levels in the 1998 305(b) report, although the TOC and nitrogen levels were lower than average. Since this segment is not meeting its designated uses, especially for phosphorus levels, it should not be delisted. Brandy Branch (34) and C Will Outfall at Conv (36) are suggested for delisting due to lack of new data. Even though there is little new water quality information specific to these segments, there is no evidence that these segments are fully meeting their designated uses. The 1998 305(b) report indicates that each of these segments violates at least one water quality standard for Class III. Therefore, until better information becomes available these segments should not be delisted.

MYAKKA RIVER SEGMENTS (USGS Hydrologic Unit 03100102)

Two segments of the Myakka River hydrologic unit code (HUC) are recommended for removal from the State's 303(d) list because of lack of information. Additionally, one segment is recommended to have fecal coliform bacteria removed as a parameter of concern. The Charlotte Harbor NEP recommends that the following segments *remain* on the State's 303 (d) list.

Although the Charlotte Harbor NEP has funded, along with several other organizations, a Myakka River water quality monitoring program, the program has just started and sampling has just begun. Therefore, we have no additional information to provide to you about the water quality in segments Upper Lake Myakka (47) and Owen Creek (60). Even though there is little new water quality information specific to these segments, there is no evidence that these segments are now fully meeting their designated uses. The 1998 305(b) report indicates that each of these segments violates at least one water quality standard for Class III waters; the Owen Creek (60) segment violated *five* of the standards. Therefore, until better information becomes available these segments should not be delisted.

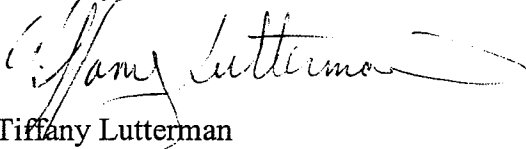
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reliable information for you to remove them. As always, please contact me if you have any questions at 941/995-1777 or through e-mail at chnep-lutterman@mindspring.com. Thank you for your consideration.

Sincerely,



Tiffany Lutterman
Director

Enclosure

cc: Gerold Morrison, DEP/Ecosystem Management--Tampa
Bruce Boler, DEP/Ecosystem Management--Fort Myers
Joe King, Polk County Natural Resources and Drainage Division
Chip Merriam, South Florida Water Management District--Fort Myers
Mark Hammond, Southwest Florida Water Management District--SWIM

Watershed ID	Name	Reason to Keep on 303(d) List	Parameter of Concern	1998 305(b) Report (1980-95 Data)	New Measurements	Source
PEACE RIVER SEGMENTS						
85	Lake Eloise	4	TSI	TSI=61	Worse (Annual average from 61.64 - 66.46)	Polk County 1998 Annual Lake & Stream Report (Data from 1995 through 1998)
89	Lake LuLu Outlet	4	TSI	TSI=61	Worse (Annual average from 60.36-67.96)	Polk County 1998 Annual Lake & Stream Report (Data from 1995 through 1998)
91	Lake Shipp	4	TSI	TSI=69	Worse (Annual average from 72.52 - 74.70)	Polk County 1998 Annual Lake & Stream Report (Data from 1995 through 1998)
93	Lake May	4	TSI	TSI=65	Worse (Annual average from 69.97 - 73.73)	Polk County 1998 Annual Lake & Stream Report (Data from 1995 through 1998)
99	Lake Mirror	4	TSI	TSI=65	Worse (Annual average from 66.06 - 71.97)	Polk County 1998 Annual Lake & Stream Report (Data from 1995 through 1998)
100	Lake Cannon	4	TSI	TSI=63	Worse (Annual average from 64.49 - 71.86)	Polk County 1998 Annual Lake & Stream Report (Data from 1995 through 1998)
101	Lake Bonny	4	TSI	TSI=70	Worse (Annual average from 72.92 - 80.23)	Polk County 1998 Annual Lake & Stream Report (Data from 1995 through 1998)
105	Lake Howard	4	TSI	TSI=65	Worse (Annual average from 67.88 - 71.05)	Polk County 1998 Annual Lake & Stream Report (Data from 1995 through 1998)
108	Lake Jessie	4	TSI	TSI=62	Worse (Annual average from 64.64 - 71.04)	Polk County 1998 Annual Lake & Stream Report (Data from 1995 through 1998)
116	Lake Arianna	4	TSI	TSI=64	Better (Annual average from 44.99 - 56.17)	Polk County 1998 Annual Lake & Stream Report (Data from 1995 through 1998)
23	Hawthorne Creek	1	Nitro/FecI	Nitro=1.77;FecI=660	Unknown if any new data are available	Peace River Water Quality Monitoring Program (1998 Water Year);Note: One yr of data only
24	Myrtle Slough	1	Nitro/FecI	Nitro=1.62;FecI=624	Unknown if any new data are available	
31	Horse Creek AB Peace R	2	TOC/Nitro/Phos	TOC=23;Nitro=1.79;Phos=0.45	TOC=1.9;Nitro=1.4;Phos=0.49	
34	Brandy Branch	1	Nitro/Phos	Nitro=1.99;Phos=0.60	Unknown but in the Horse Creek Watershed	
36	C Will Outfall At Cony	1	DO/Phos	DO=2.9;Phos=0.65;	Unknown but in the Horse Creek Watershed	
41	Peace R AB Oak Crk	1	TSS/Nitro/Phos	TSS=1.5;Nitro=2.30;Phos=2.33	Unknown but in Peace River Watershed	
44	Alligator Branch	1	DO/TOC/Phos	DO=3.0;TOC=3.1;Phos=0.71	Unknown but in Peace River Watershed	
55	Bear Branch	1	Unknown	Unknown--not in 305(b) report	Unknown but in Peace River Watershed	
MYAKKA SEGMENTS						
47	Upper Lake Myakka	1	Phos	Phos=0.19	Unknown if any new data are available	
44	Myakka River	--	FecI	FecI=50	Unknown if any new data are available	
60	Owen Creek	1	Turb/DO/Nitro/Phos/FecI	Turb=20.7;DO=3.5;N=1.68;P=0.34;FecI=55000	Unknown if any new data are available	
CALOOSAHATCHEE SEGMENTS						
26	Lake Hicopchee	1,3	Nitro/TSI	Nitro=2.60;TSI=74	Unknown if any new data are available	
19	Nine Mile Canal	1	DO/BOD/Nitro	DO=0.6;BOD=2.9;Nitro=2.39	Unknown if any new data are available	
24	Trout Creek	1	FecI	FecI=265	Unknown if any new data are available	
11	Yellow Fever Canal	1	DO	DO=?; Not included in 305(b) report	Unknown if any new data are available	
ESTERO BAY SEGMENTS						
26	Gordon River	1	FecI	FecI=329	Unknown if any new data are available	
59	Estero Bay Drainage	1	Unknown	Unknown--not included in 305(b) report	Unknown if any new data are available	

Segments on 303(d) list but not detailed in the 1998 305(b) Report:

- PEACE BASIN
 - 35 Bear Branch
 - 87 Lake LuLu Run
 - 117 Lake Tenoroc
- CALOOSAHATCHEE BASIN
 - 11 Yellow Fever Canal
- ESTERO BAY/EVERGLADES SOUTHWEST
 - 39 Estero Bay Drainage

Codes:

Watershed IDs with no shading are suggested by DEP to be delisted due to "fully meeting designated uses".
 Watershed IDs with solid/yellow fill are recommended by DEP due to lack of sufficient data.
 Watershed IDs with blue fill/dot pattern are recommended by DEP to delist fecal coliforms as a parameter of concern.
 Reason Code 1 1998 305(b) report data does NOT indicate that the segment supports its designated uses
 Reason Code 2 1998 305(b) report data does NOT indicate that the segment supports its designated uses AND new data supports this finding.
 Reason Code 3 1998 305(b) report data indicates that the trophic state index for the segment is "poor" and should therefore be considered impaired.
 Reason Code 4 1998 305(b) report data indicates that the trophic state index for the segment is "poor" or close to "poor" and should therefore be considered impaired AND more current data shows the TSI has become worse.