

CHNEP TAC mtg July 14, 2010

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CHNEP CAC, contact Ms. Maran Hilgendorf at (239)338-2556 ext. 240, [mhilgendorf@swfrpc.org](mailto:mhilgendorf@swfrpc.org)

CHNEP TAC, contact Ms. Judy Ott at (239)338-2556 ext. 230, [jott@swfrpc.org](mailto:jott@swfrpc.org)

From: Nancy Hindenach, 12340 Shoreview Dr., Matlacha Shores, Matlacha, FL 33993, [hindenach@gmail.com](mailto:hindenach@gmail.com)

**Re: Public Input Regarding the Cape Coral North Spreader Canal and current EMA**

Dear Dr. Beever, Ms. Hilgendorf and Ms. Ott,

As a community member of Matlacha, property owner since 1980 on Shoreview Drive (easternmost bay of Matlacha Pass Aquatic Preserve) and concerned citizen, I would like to share my observations, research and concerns regarding the environmental impact the removal of the Ceitus Barrier/Boat Lift has had on the marine waters and wildlife of the area directly impacted by the single point discharge of approximately 25% of the total effluent of the North Spreader System.

**Will one of you please have my statement read and entered into the public notes of the TAC meeting? Thank you.**

I have become involved in increasing awareness of the NSEMA process and the local water/marine habitat issues because my family have been property owners since 1980 on Shoreview Drive in Matlacha. I am ALARMED about the dramatic change in water quality from the now unimpeded Cape North Spreader Canal/stormwater discharge into the bay and its negative affects on the plant and animal life within the bay and estuaries, oyster, seagrass beds, fish nurseries, successful bird rookeries, manatee migration, etc.

**Replace the Barrier** between the North Spreader Canal (as mandated by the Court), **remediate the damage done** (and which continues to occur, much as the hemorrhage of BP into the Gulf but on a smaller/local, but just as deadly to the local habitat) and **restore the quality of water** in the Federally and State "protected" waters of Matlacha Pass Aquatic Preserve.

Increasing the quantity and capacity of swales has been suggested as a remedy for the stormwater runoff in the North Cape.

Swales *could/would* be a possible treatment to reduce stormwater runoff **IF they were properly designed and placed at a suitable site** with the correct geology/soil structure/drainage **and would drain/dissipate in 24-30 hours.** **However, that is not the case** with many of the swales we have seen with just casual "drive-by" observation along Pine Island Road and Burnt Store Road. The swales are holding standing water for days, sometimes weeks, long enough to complete a breeding life cycle of the mosquitoes, which has been observed. They are not an acceptable solution in many locations due to the poor soil drainage and are adding to the environmental problems by increasing the population and reproduction of mosquitoes (well documented disease-carrying vectors to humans, livestock, wildlife and pets) and may call for the introduction of more chemicals to the environment for mosquito control. Since the swales are located in families' front yards, the septic tank/drain field leachate into the swales is creating not only mosquito breeding habitat but also a stagnant E. coli "stew" of all things flushed.

Current concern in Collier County is the spread of Eastern equine encephalitis, but there are, of course, many other diseases carried by mosquitoes.

Putting risers in the swales and retaining more water for longer periods of time would add to the potential mosquito breeding problem and increased septic leachate concentration in the swales in family yards.

There is ample undeveloped property that may be developed into stormwater retentions ponds within the North Cape. Google an aerial view of the NW Cape. The stormwater runoff generated by the Cape has to be retained and treated within the Cape. It cannot be flushed into the neighboring waters, Matlacha Pass, particularly when the Pass has been designated protected waters by several Federal, State and local entities.

The Cape cannot expect to flush its effluent into the neighboring waters of Matlacha and then expect the County to pick up the clean up and remediation expenses which will run into the millions of dollars.

The NSEMA process, in my opinion, has been very subjective in the design, gathering of data, and presentation of information. To my knowledge, no environmental impact studies were done of the area (the easternmost bay of Matlacha Pass Aquatic Preserve) directly impacted by the single point discharge of nearly 25% of the effluent from the North Spreader Canal (NSC). Data used by the Janecki report sites numbers from sites 6-8 km away from the direct impact site to determine "effect" of the discharge. Those data sites are under the influence of Charlotte Harbor tidal waters, not the NSC. It is not surprising that the report showed little effect from the discharge.

Additionally, the box models and Janecki report did not study areas of the mangrove fringes and waters to the west of the Spreader—the environment directly impacted by the 24/7 hemorrhage of the NSC into the Aquatic Preserve.

Matlacha, directly impacted by the removal of the Ceitus Barrier and Lift, is not represented as a Stakeholder in the process and does not have a vote in the decision. Matlacha, the immediate recipient of NSC effluent, has not been represented nor included in the NSEMA process. Many are still not aware of the EMA process and that the NSC continues to flush into the Pass. A group of us, who became aware of the process in mid-February, asked for a Stakeholder vote but were denied.

The bay has been dramatically impacted by the increased volume and velocity of the NSC discharge, sedimentation and siltation have smothered the oyster beds and killed them, manatee feeding seagrass beds have been smothered and killed, salinities have dropped so that we know longer have our familiar lines of crab trap floats, manatees and dolphins are having trouble migrating through the bay due to the infill, harassing gulls congregating on the “new” exposed fields of sediment are chasing away the shore and wading birds, fishing bobbers are being sucked down and away into the roiling currents, it is difficult to swim or navigate a boat due to the strong current.

Regarding the NEB’s (Net Environmental Benefits) and the vote for them or the replacement of the Barrier/Boat Lift—  
By design, the voting sheet is set up so that three of the four choices can only be for the NEB’s: “wholehearted support”, “this is what I prefer”, “I can support, although it may not be what I prefer” and lastly, “I do not agree with the proposal and I feel I must oppose it.”

If the EMA voting wording were presented from the point of replacing the Court mandated Barrier, restoring the water quality, and remediating the damage already done to the bay, how would the vote go when the choices remained: “wholehearted support”, “this is what I prefer”, “I can support, although it may not be what I prefer” and lastly, “I do not agree with the proposal and I feel I must oppose it”?

It has been presented that relocating the Barrier to a new location *may* result in similar problems with a breach around the Barrier and mangrove damage. We have taken several Stakeholders on boating field trips up the NSC and there is a suitable location farther north of the former location of the Barrier. It has uplands with mature trees, higher elevation with much more stability.

Some have characterized the former Barrier/Lift as an engineering “toy”, yet is functioned quite successfully for 30 years with minimal maintenance and increased stress and demands (many vessels routinely stressed the system by

exceeding vessel maximum weight capacity)—a feat that would be judged an engineering success by anyone in civil engineering evaluating a similar structure—30 years for a road or bridge with minimal maintenance and routine abuse? And, the original structure was in a poor location with low elevation. The new location would be far superior.

Many extensive detailed studies were done on the biology of the area waters in the 70's which led to the Court mandated conclusion that a Barrier with a Boat Lift must be constructed to protect the waters of Matlacha Pass Aquatic Preserve. Total Nitrogen and Total Phosphorus loads cause a very visual problem, algal blooms, so they are a strong concern to local water watchers. Far more insidious and dangerous are the heavy metals (such as Cadmium, a potent carcinogen, found in the canal waters as early as the 70's), herbicides, fungicides, pesticides, flushed pharmaceuticals, septic tank leachate. These chemicals, even in small quantities can be endocrine, reproductive and immune system disruptors. Small quantities can cause failure in proper gender development in aquatic animals.

Many of the NEB's listed in section 4 of the report lack funding or are already mandated by pending State and Federal legislation under clean water laws. Many of the NEB's are "forums", "studies", "plans", "monitoring", "work groups" and do not have immediate funding, implementation and enforcement, particularly the NEB's suggested to improve water quality and water quantity (volume and velocity) flushing from the NSC unimpeded into Matlacha Pass.

The death and dying is already working its way from the east bay, around the Shoreview Drive peninsula point and into the main body of Matlacha Pass. The sediment buildup is already to the Matlacha Bridge. The size and numbers of boating vessels has dramatically increased, stirring up the bottom sediments which should contain the settled pollutants which now rush into the Pass.

The Courts mandated the Barrier to separate the polluted and impaired waters of the canal system and the SEVEN mile long Spreader from the Pass. The Courts mandated a LIFT to allow the sediments to settle in the Spreader and to help contain the pollutants therein. A Lock will allow a "flush" of the Spreader with every cycle, allow perturbation of the bottom sediments with each "flush" and allow the migration of the pollutants into the Pass.

The "breaches" within the western berm of the NSC are the natural restoration of the historic tidal creeks. They, as well as the replacement of the Barrier and restoration of the Spreader system, where the overflow from "excessive freshwater events" (rain) can spread across the berm, will continue to help protect the Pass. In another thirty years, if the new Barrier/Lift begins to deteriorate, hopefully Cape Coral will have implemented water quality programs within its boundaries that will have improved the water quality and water quantity

issues and the Barrier/Lift will not have to be replaced because a barrier between the waters will not be necessary. Also, perhaps by then, more tidal creeks will have established themselves so that there will be more natural flow through them and the Barrier would not be needed to create more head pressure to force the necessary flow of waters through the creeks to maintain their fish nursery/estuary functions.

It is now time to prevent further damage, protect and preserve Matlacha Pass Aquatic Preserve:

- Replace the Barrier/Boat Lift
- Remediate the damage to the ecosystem
- Restore the water quality and water quantity flows in the Pass

Thank you for your gracious allowance of my comments. Please let us how we can help protect our waters from further damage. The high "residency" rate in the Pass may take decades to recover from this damage.

Nancy Hindenach  
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Matlacha Shores  
Matlacha, FL 33993

\*\*In addition, if Mr. Phil Buchanan, who helped initiate the litigation to have the Barrier/Lift replaced if suitable NEB's could not be agreed upon, is not able to appear at the TAC mtg, his Dissent Comments follow for the TAC's consideration:

### **Dissent on the alleged "Findings and Conclusions" of the Ceitus EMA Stakeholder Committee**

I am Phillip G. Buchanan, one of 19 stakeholders on the EMA, and I dissent from the environmental report alleged to constitute the "Findings and Conclusions" of the Stakeholder Committee as presented at the final meeting on May 17, 2010. Since the majority (11 out of 19 thus far) of the other stakeholders also do not accept either **the "Findings and Conclusions" or the recommendations as set forth in this report, it does not in fact represent the work of the Committee. It also does not constitute a "Report" with "Net Environmental Benefits" as required by EMA procedures.**

**I vote to instead reconstruct the Ceitus Barrier with a lock at the new**

**specified location as required by the Consent Order, an action that would in fact be of considerable environmental benefit to all of Southwest Florida.**

I request that this dissent as well as any other dissents (or concurrences, should they occur) be published in the preface to the “Finding and Conclusions” and any other documents held out as produced or alleged to have been adopted by the Stakeholder Group.

The purpose of the EMA is to evaluate environmental conditions in the Cape Coral area and recommend whether the recently removed Ceitus Boat Lift/Barrier should be reconstructed or whether alternative environmental actions would be of greater environmental benefit. At the very beginning of the EMA process some two years ago, **the Cape Coral Government publically announced that they had the “purest water in the State of Florida” and that neither the barrier nor other environmental improvement measures are required. The proffered version of the “Findings and Conclusions” (written by Cape Coral contractors) is drawn to support those erroneous claims.**

***\*\*\*Byle comment: A large State 208 Water Quality Study was conducted in the 80's that concluded that the Cape Coral canals had many serious water quality problems (even 30 years ago).***

Southwest Florida, including Cape Coral, has serious environmental problems and they are mainly water related, but these problems are not documented in these “Findings and Conclusions.” This report instead concludes that the quality of water in Cape Coral is good, and offers only Cape Coral Government sampling results to support that conclusion. **Other agencies, government and private, offer a wide variety of data and studies supporting the conclusion that much of the waters in Southwest Florida including Cape Coral are impaired due to pollution or disruption in the seasonal quantity and timing of water distribution--none of that appears in this report.**

The Florida Department of Environmental Protection has at one time or another declared many of the major water bodies in Southwest Florida to be impaired for either nitrogen, phosphorus, fecal coliform, mercury, or other pollutants (or combinations of same), but that does not appear in this report. Those declarations were based on water sampling and studies, but they also do not appear in this report. The FDEP recently declared the three major creeks in North Cape Coral to be impaired—this report references that finding but suggests

it to be mistaken.

**I personally documented with numerous photographs a 2008 saltwater marine die-off at the mouth of the Cape North Spreader Canal caused by excess fresh water.** Those photographs do not appear in the report. My presentation to the EMA, which included samples of the dead marine life, does not appear in the report. The report does make a one sentence reference to the die-off, but suggests it to be an unexplained anomaly. **An FDEP scientist conducted water monitoring at the time of the die-off and reported to the EMA that he had found the readings to be near zero for salinity and dissolved oxygen, but that finding also does not appear in the report.**

**I and others presented to the Stakeholder Group numerous photographs of a randomly chosen dozen or so examples of extreme instances of horrific foul smelling algae blooms in Cape Coral canals caused by excess nutrients.** Those photographs, while shocking, should be on the cover of the report-- but they are not in the report at all. The excess nutrients derive mainly from fertilizer and pet droppings run-off from residential lots as well as leaching from septic systems, **but none of that appears in the report.** Southwest Florida has also been experiencing a sharply increased frequency of hazardous algae blooms derived from excess nutrients in our rivers, bays, and the Gulf, but you won't read about that in this report.

The Stakeholder Group and its committees totaled dozens of meetings, and at every meeting stakeholders, noted environmentalists, and citizens reported on the decline of our local environment. They particularly noted the loss of water clarity and adverse impacts on saltwater marine life (sea grass, oysters, fish, and birds, etc.), but none of that appears in this report.

**Cape Coral has some 17,912 (seventeen thousand, nine hundred and twelve) individual on-site septic systems north of Pine Island Road, a fact not mentioned in the report.** (That may be a record for any large city in the United States.) A very large percentage of the septic systems are lined up and down canals that eventually dump into the Matlacha Pass Aquatic Preserve. Cape Coral is geographically flat, and each and every septic system has a drain field that is necessarily located only a few feet (often two feet) above the surficial aquifer. The aquifer is directly connected to and generally rises and falls with the level of water in the Cape canals. How many of these septic systems work as designed is unknown because neither the Cape nor other area jurisdictions have an inspection program. However, **even if they all work perfectly as designed, the cumulative affect of the leaching of nitrogen, phosphorus, and fecal coliform from 17,912 drain fields to the area waters is disastrous. An analysis of this process and the possible remedies should occupy a large portion of the report—instead; none of this is even mentioned.**

Much of Cape Coral was created by illegal dredge and fill in the 1960's-70's, and in the northwest area, much of the dredging and filling was conducted in the

state-owned mangrove fringe. All of the mangroves in what is now the north Cape were destroyed, and past and **current Cape building codes prevent their natural restoration by requiring the construction of vertical concrete bulkheads along all of the canals.** None of that appears in the report.

***\*\*\*Byle comment: for all practical purposes, creating a 'revetment shelf' (rip-rap) next to new seawalls is the most likely project most already a requirement of the State DEP in waterways that already have a natural shoreline on one side (like the Spreader Canal). As such, again, this proposal does not generate ecosystem benefits that are not already required.***

Much of the report is devoted to computer-produced hydrological charts (arranged by the Cape contractor) which purport to indicate that any barrier (such as the Ceitus Barrier) between the man-made residential canal lots and the open waters of Matlacha Pass would be a bad thing. The computer producing the charts, the programs employed by the computer, and the data fed into the computer, are all unknown to me and the other stakeholders. We have no way to examine or evaluate the reliability of the charts or their conclusions--they are not a finding or conclusion by me or the other stakeholders.

**Since the “Findings and Conclusions” largely ignore area environmental problems, the recommendations that flow from those finding and conclusions are of course flawed.** Twelve of the 20 stakeholders on the EMA (including me) qualified for their seat on the EMA by consent order settlement of a legal action initiated by them, and eleven of them joined to make a series of six major (and numerous minor) recommendations to the EMA that, if implemented, would constitute a suitable alternative to replacement of the Ceitus Boat Lift/Barrier. **Of the six major recommendations, the Cape agreed to implement only one—a fertilizer ordnance, which they openly admit they had planned to do even without the EMA.**

**The studies on storm water treatment areas (storage, filtration, and timed release) and septic system inspections resulted only in Cape agreement for plans to conduct more studies.**

**The Cape steadfastly refused to even consider recommendations for restoration of mangroves in rip rap in new saltwater canal-front construction (ordnances long-standing in other jurisdictions in the area), and neither the recommendations nor the Cape response appears in the report.**

The report also does not include the environment stakeholders' recommendation for a “reasonable and timely schedule” for a phased program to replace septic systems with central sewer north of Pine Island Road. **The report instead includes a Cape counter-recommendation that the phased program be delayed for the time required for the population of each section**

of the Cape to reach 35 to 45% septic system pre-platted density-- milestones that are generally not expected to be reached for decades. The Cape counter-recommendation was rejected by nearly all the Stakeholders, but is the only proposal included in the report.

The Cape has thus far not only refused to consider the replacement of the Ceitus Barrier, but they also reject any responsibility for the direct damages resulting from removal of the Barrier. Proposals by stakeholders that the Cape accept responsibility for removal of the siltation entering Matlacha from the now open mouth of the Spreader were rejected by the Cape, as was the recommendation for restoration of the smothered sea grasses. Even though those recommendations were accepted by every stakeholder except the Cape, they do not appear in the “Findings and Conclusions.”

Of the six principle recommendations made by the eleven environmental stakeholders, only the fertilizer ordinance appears in its proposed form. The others were not even documented in the alleged “Finding and Conclusions.”

According to the terms of the Settlement Agreement, Amended Consent Order, and EMA procedures, inability of the Stakeholders to agree on alternative measures requires that the Ceitus Barrier (with a lock) be reconstructed, and an escrow account already exists to pay the expenses. **The Cape signed the Settlement Agreement and the Amended Consent Order, but Cape representatives have made numerous statements casting doubt on their intent to abide by the agreements.**

Finally, **the escrow account established v by the Consent Order to replace the Ceitus Barrier originally consisted of some \$3.5 million, largely funds provided by Lee County and FDEP. That was the 2008 informal contractor estimate for a replacement barrier and lock. The escrow account is reportedly now down to \$3.1 million, at least partially because of unspecified amounts spent by the Cape Government contracting the EMA process facilitators and an engineering firm to “to support the EMA Committee” by drafting the “Findings and Conclusions.” The “Findings and Conclusions” proffered would not only forgive the missing \$400,000, but would also divert the remaining \$3.1 million to Cape coffers.** The stakeholder committee was not involved in those or any other past or proposed future expenditures from the escrow account, and will look to the Cape Government for fund replenishment.

My dissent relates solely to the failure of the report to address and offer solutions for what we all know to be serious environmental problems. Both contractors (the facilitators and the engineering firm) were professional, efficient, and more than cordial in their work, and they gave the stakeholders plenty of opportunity to review their drafts and provide input. Even though they were not free to accept data or conclusions or recommendations not approved by the

Cape representatives, they rejected them with the best of graciousness. I thank them for that. They did an excellent job under very trying circumstances.

**In essence, the Cape Coral Government by this report continues to declare their belief that their water quality and related environmental conditions are good, and that no environmental remedies are advisable--including replacement of the Ceitus Barrier. This report was written by the contractors to largely reflect and support that position. I want to make it absolutely clear that this report is not the "Findings and Conclusions" of this stakeholder, nor is it the Findings and Conclusions" of the majority of the other stakeholders.**

A legal caveat is required--neither the "Findings and Conclusions" nor these dissents constitute a consensus EMA "Report" setting forth "Net Environmental Benefits" qualifying as a suitable alternative for the Ceitus Barrier as required by the terms of the Settlement Agreement or the Amended Consent Order. Consequently, the Amended Consent Order requires that the Ceitus Barrier be restored.

Respectfully submitted this 9<sup>th</sup> day of July, 2010,

Phillip G. Buchanan, Qualified Individual Stakeholder

Signed copy mailed to:

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Mr. Buchanan is correct. The NEB package and its implementation are not sufficient to protect the Pass, but *eventually* will improve water quality. In the meantime, the NSC continues to hemorrhage into the Pass. The Barrier/Lift must be replaced *and* the proposed NEB's should be implemented to improve water quality within the NWCape.

Here is one of Phil's early letters regarding the Barrier/Lift removal:

This is Google's cache of

[http://news.caloosahatchee.org/docs/capecoral\\_pollutedwater\\_article.htm](http://news.caloosahatchee.org/docs/capecoral_pollutedwater_article.htm).

It is a snapshot of the page as it appeared on Jul 10, 2010 14:22:42 GMT.

## Cape Coral's polluted water!

### Florida DEP set to eliminate Matlacha Pass pollution controls

The Florida Department of Environmental Protection has a plan to begin **dismantling the 45 year old spreader canal system that protects the Matlacha Pass Aquatic Preserve and the remainder of our estuary from the polluted waters of Cape Coral.** Lee County and the Charlotte Harbor Estuary Program need to get involved in this issue ASAP, since it appears that approval of this plan is imminent.

Ironically, the spreader canal system was created by FDEP in the early 1960's as an environmental condition of the dredge and fill permits that made possible the creation of Cape Coral. Here follows is a short background.

In Cape Coral, as in many canal cities in Europe, much of the runoff from the streets, parking lots, and driveways ends up in the canals. That runoff includes oil, gasoline, antifreeze, grease, and other drippings from motor vehicles, as well as the usual cigarette butts, construction debris, and other trash. Ditto as regards the runoff from house lots, which includes massive amounts of fertilizers and pesticides as well as the usual animal droppings and other trash. These pollutants concentrate in the canals and fuel massive algae blooms, which suck all the oxygen from the water and make marine life impossible. These very predictable results were why the DEP in the 1960's set up the Cape Coral spreader canal system to protect the aquatic preserves, which were designated "outstanding Florida waters."

The spreader system consists of a north spreader canal (north of

Pine Island Road) and a south spreader canal (south of Pine Island Road). Each spreader runs north-south and receives water flow from hundreds of miles of landlocked freshwater canals to the east, which are blocked along Burnt Store Road by weirs that keep the flow in a westerly only direction and maintain the freshwater canals at a constant level. The spreader canals are wide and deep and completely block the canal waters from flowing directly into the mangroves or Matlacha Pass. Pollutants entering the spreader settle to the bottom while the top water overflow filters through the wide mangrove fringe. The result is a good cleaning of the canal waters before they enter Matlacha Pass.

Cape Coral **boat** owners on properties between the weirs and the mangrove fringe have been obliged to use public **lift** stations maintained by Cape Coral to cross the berms to access open waters. The lifts are difficult and expensive to maintain, and the northern **boat lift** is currently broken.

In the 1960's, our 55 inches of rain each year largely settled into the ground and replenished our aquifers. Today, however, perhaps one-third of Cape Coral is covered by concrete, asphalt, and rooftops, and thus one-third of Cape Coral's rainfall now goes into the canals instead of the aquifers. The canals and the spreader system were not designed for that amount of water. The rapid growth in the northwest sector of Cape Coral is going to make that situation much worse for the north spreader. A combination of that excess water, hurricane damage, and vandalism have created a navigable breach around the berm and **boat lift** at **Ceitus** Parkway, plus a serious breach through the mangroves near the north end of the north spreader. There is also a small breach through the mangroves on the south spreader.

Cape Coral City Government has said they would prefer not to repair any of these breaches, but to instead remove the **Ceitus boat lift** and the berm, thus directly connecting the canals of northwest Cape Coral to Matlacha Pass. The canal-front lots west of Burnt Store Road would thus become direct access saltwater waterfront properties, which would greatly increase their economic value. I think we can assume the northwest canals would also become much cleaner, since they would become tidal and flush directly into Matlacha Pass. Of course the price would be greatly increased pollution entering Matlacha Pass, which has already reached historical levels.

One would think that FDEP, charged by law with the responsibility for protecting our environment, would immediately reject Cape Coral's request. However, a just released draft "Amended Consent Order" between FDEP and Cape Coral indicates that the FDEP plans to grant the request, not only removing the **boat lift** but also removing the entire 200 foot concrete and dirt berm and dredging out the berm area to accommodate large **boat** traffic. Attached is a copy of the draft order, which I obtained a few days ago in a Sunshine Act document request. Note that permission to remove the **lift** and berm is conditioned on reallocating the \$1 million or so that would have been used to repair them to instead clean up the canal waters (which is of course impossible with such a small sum).

**If Cape Coral wants to remove the spreader system, they must first design and implement a program that renders Cape canal waters at least as clean as those of Matlacha Pass. Dumping the polluted waters into Matlacha Pass with a fainthearted promise of cleaning them up later is not acceptable.**

FDEP has been very rough on Pine Island. A few years back, they transferred our aquatic buffer preserves (most of our mangrove fringe and all of Little Pine Island) to the State Park System (what's their long range plan on that?) Then they declined enforcement jurisdiction when the only fresh water ecosystem on Pine Island was illegally destroyed. Now, they turn their back on protection of our aquatic preserves. It's time we started fighting back.