

The Flow

September 2010 Newsletter
Dr. Annette Snapp, President

Special Events & Meetings

- Oct 6 - CRCA meeting & native plants talk
- Oct 22-23 - 2010 Audubon Assembly
- Oct 28 - 13th Annual Environmental Breakfast
- Oct 29 - Clean Energy & Sustainable Technology Conference
- Nov 14 - 14th Annual River Ride

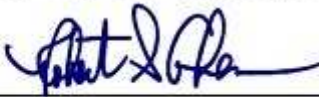
For more river news visit the CRCA web site at crca.caloosahatchee.org
Also, you can renew your membership online

STATE OF FLORIDA DIVISION OF ADMINISTRATIVE HEARINGS

CONSERVANCY OF SOUTHWEST FLORIDA AND RALF BROOKES,)	
Petitioners,)	
vs.)	Case No. 10-8898RX
SOUTH FLORIDA WATER MANAGEMENT DISTRICT,)	
Respondent.)	

It alleges that Rule 40E-20.091, Florida Administrative Code, of the Respondent, South Florida Water Management District is an invalid exercise of delegated legislative authority. Upon review, the petition appears to comply with the requirements of Section 120.56(3), Florida Statutes, and is assigned to DAVID M. MALONEY,

DONE AND ORDERED this 7th day of September, 2010



 ROBERT S. COHEN, Chief Judge

Header of case to establish minimum flow to Caloosahatchee estuary.

Not Subservient to Sugar



In successfully advocating an improved water release schedule from Lake Okeechobee to the Caloosahatchee estuary, Lee County Commissioner Ray Judah accused SFWMD of subservience to the sugar industry. SFWMD Executive Director Carole Wehle challenged the characterization. [\[News Press\]](#)

Past Wetland Harm



While a most welcome discussion, SFWMD is taking a political risk asking, What should be done about water use permitting & past harm to wetlands from these water uses? It should make for a very interesting meeting on Sep 16 in Ft Myers. Ground water pumping can lower water tables & dry out wetlands. [\[SFWMD\]](#)

14th Annual River Ride



On Sunday, November 14 join us for the 14th Annual River Ride, the recreational bike ride around the Caloosahatchee River. The event begins at Caloosahatchee Regional Park near Alva with routes for 15, 30, 40, and 62 miles. Details and registration will be available soon. [\[Web Site\]](#)

Lee BOCC 5-0 for Ceitus



Lee County Commissioners voted 5-0 to replace the Ceitus boat lift, thus disagreeing with Cape Coral that voted 6-2 the day before to not replace the structure. Leo Amos & other residents documented extensive damage caused by removal of the lift. [\[Details\]](#) [\[Remarks\]](#) [\[NBC-2\]](#) [\[News Press\]](#)

Breakfast Discussion & Planning



The 13th Annual Environmental Breakfast sponsored by Audubon, SWFCEE & other groups will be Thursday, Oct 28, 7-9am in Fort Myers. This year's featured program: A river runs through it. A Waterkeeper alliance for 2010? Reservations are required. [\[Announcement\]](#) [\[Riverkeeper\]](#)

News Press River Features



Amy Bennett Williams in the Sep 12 News Press writes about Caloosahatchee issues and how a 1994 public forum about the River resulted in the creation of Riverwatch, which adopted the News Press "River At Risk" graphic as its logo. [\[Swimming\]](#) [\[Critical\]](#) [\[Web Site\]](#)

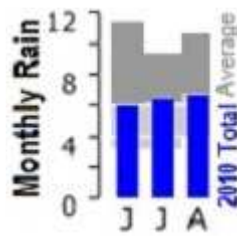
Native Plant Presentation



The October 6 Riverwatch meeting features John Sibley who will describe how using plants helps protect our river. The presentation is at 6pm at All Native Garden Center, 300 Center Road, Fort Myers.

[\[All Native Garden Center\]](#) [\[Map\]](#)

Less Rain, More Flow



The Caloosahatchee Basin has received less rain in 2010 than in 2009, but destructive flows to the estuary at S-79 have been higher. The cause: greater water releases from Lake O at S-79 in 2010. Summer rain in the basin is below average. [\[SF Watershed Journal\]](#) [\[Flow\]](#) [\[Rain\]](#)

Bluegill Like the Oxbows



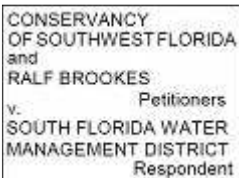
A Caloosahatchee research paper documents how striped mullet (*Mugil cephalus*) and pinfish (*Lagodon rhomboides*) are more abundant along the river's mainstem, while snook (*Centropomus undecimalis*) and bluegill (*Lepomis macrochirus*) are more abundant. [\[Research Paper\]](#)

Damage in Matlacha Shores



Since removal of the Ceitus Lift, waters in Matlacha Shores are being polluted with greater sediment loads, as shown in aerial photos. Residents assert that oyster beds & sea grasses are being destroyed as a result of the sediments & other loads. [\[Pic1\]](#) [\[Pic2\]](#) [\[Details\]](#)

Conservancy Pulls the Trigger



Groups & governments in SW Florida have for a decade toyed with the idea of going to court over low & high flows to the Caloosahatchee Estuary in a manner similar to actions for the St. Lucie & Everglades. Conservancy of SW FL has filed the action. [\[Filing\]](#) [\[Petition\]](#) [\[Phase 1\]](#) [\[Court Web\]](#)

Weir on Fisheating Creek



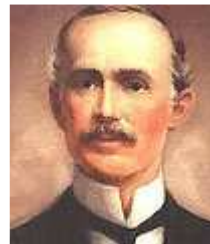
One of South Florida's last natural large streams is now saddled with a flow block intended to prevent or halt possible excess flow from Cowbone Marsh on Fisheating Creek. FWC's canoe path plan was limited to cutting plants & muck, no sand dredging. [\[Weir Photos\]](#) [\[DEP Files\]](#) [\[News 1\]](#) [\[News 2\]](#)

EPA Proposes Rules



The cash-strapped SFWMD has 10 years to build at least 42,000 acres of treatment so that water flowing into the Everglades meets federal standards. The agency and EPA have been accused not to enforce the Clean Water Act - now EPA proposes new rules... [\[PalmBeachPost\]](#)

The Right to Clean Water



River Coalition's filing against releases of polluted water from Lake O cite a 1909 case in which James B. Whitfield, then the chief justice of the Florida Supreme Court, said riparian rights include "the right to have the water kept free from pollution." [\[TCPalm\]](#)

Shared Adversity



Concerns about environmental impacts on the Caloosahatchee River and estuary have been raised by a Lake O water-management plan. The proposed adaptive protocols pit a public crop against a private crop without "Shared Adversity" is not achieved. [\[NewsPress\]](#) [\[News 1\]](#) [\[News 2\]](#)

Pitch In, Pump Out



The Florida Department of Environmental Protection's Clean Vessel Act grant program launched Pitch In - Pump Out, a new awareness campaign to decrease boater sewage. Sportsman Capt. Rick Murphy will advertise the message on TV and radio ads. [\[TradeOnlineToday\]](#) [\[Full Release\]](#)

Swimming Advisory



Water quality at the Cape Coral Yacht Club beach does not meet the criteria for enterococcus bacteria recommended by the EPA. Since water contact may pose an increased risk of disease, people are advised to avoid swimming in this area. [\[NewsPress\]](#)

Court Overrules Insanity



A Leon County Court ruled SB 360 unconstitutional. The law favored developers by shifting burdens to local governments and taxpayers, including eliminating transportation concurrency requirements. [\[Announcement\]](#) [\[Background\]](#) [\[DCA Info\]](#) [\[Ralf Brookes\]](#)