

Sanibel considers suing over Lake O water releases

By Kate Spinner

Thursday, May 4, 2006

Frustrated by lack of action by water managers to ward off high volumes of water gushing into San Carlos Bay from Lake Okeechobee this hurricane season, the Sanibel City Council is poised to sue.

Sanibel Mayor Carla Brooks Johnston said this time the city's serious.

"The heat has been turned up," she said, adding that water managers have not proposed any alternatives to flooding the estuaries with lake water this year.

At the City Council's next meeting on May 16, Johnston anticipates the city will vote to file suit against both the South Florida Water Management District and the U.S. Army Corps of Engineers.

The city has a law firm at the ready and will meet with attorneys over the next two weeks to develop an argument.

Johnston said the city appreciates the efforts of the Corps and the water management district to alleviate environmental damage from lake releases over the mid-term and the long-term, but she said the agencies have no short-term strategy going into the hurricane season.

"Nothing seems to be geared toward short-term relief or an emergency plan," Johnston said. She said the Caloosahatchee River estuaries cannot handle another summer of fresh water inundation.

The Corps and the district control the movement of water throughout South Florida, including how much water is released to the Caloosahatchee River from Lake Okeechobee. While the district offers weighty recommendations to the Corps, the Corps makes the final call on how much water is let out of the lake and where that water goes.

Lake water is released to the estuaries on the east and west coasts to protect the Herbert Hoover Dike, which surrounds Lake Okeechobee, from crumbling under the water's pressure.

When summer rains start falling, the lake fills up fast. To protect the levee the Corps flushes billions of gallons of that water to sea, where it degrades water quality and harms local fisheries.

The water historically flowed south, but sugar farms and communities now impede the natural flow of water to the Everglades.

"There needs to be a plan to protect Southwest Florida, just like there needs to be a plan to protect the people who are dependent on the levee," Johnston said.

Barry Vorse, spokesman for the Corps, said the agency's policy is not to comment on any pending legal action.

Kurt Harclerode, spokesman for the water management district, said the district is doing what it can within its authority to reduce damage to the estuaries.

In the short term, the district has made agreements with at least one property owner near the lake to store water this rainy season. The agreement with the Lykes Brothers, who helped store water

during restoration work on Lake Toho, could prevent about three billion gallons of water from coursing down the Caloosahatchee.

Last year, however, the Caloosahatchee received 696 billion gallons of lake water.

Whether the water is dirty or clean, it's fresh and it upsets a delicate salinity balance in the estuary. Estuaries are supposed to fluctuate in salinity, but when lake flows are high, the Caloosahatchee estuaries can become almost entirely fresh for far too long.

Prolonged periods of fresh water drive out critters that need salt water and it also stresses sea grass beds.

The lake water is also dirty, full of silt and phosphorus. The silt clouds the water, further stressing the grasses, and the phosphorus can cause ugly and sometimes toxic algae blooms.

Following large lake releases last fall, mats of stringy green algae blanketed the marshes at the J.N. Ding Darling National Wildlife Refuge on Sanibel Island.

At the time, fishermen reported catching no fish or freshwater exotics like armored catfish and tilapia off the Sanibel Island pier, where the water is usually very salty.

The Corps and the water management district are building reservoirs near the Caloosahatchee, north of the lake, south of the lake and near the St. Lucie Canal to store more lake water, but those projects won't be complete for several years.

The Corps is also coming up with a new water management schedule that would keep the lake lower and reduce the need for emergency water releases to the estuaries. That schedule is supposed to go into effect next year.

It's this year that has Sanibel leaders and residents nervous.

"If they really cared about Southwest Florida's environment and our economy, they would make some emergency decisions about what they can do with that excess water, rather than depending on business as usual," said Louise Johnson, a Sanibel resident and former mayor.

She said it seems like the only way to get the water management district and the Corps to take a city's environmental concerns seriously is to sue.

Lawsuits eventually led to better protection for the Everglades and Loxahatchee National Forest.

To help pay for the legal costs, Johnson convinced the council to tentatively agree to set up a city environmental defense fund. On May 16, the City Council is likely to officially set up the fund to accept donations.

"I'm ready to put in the first thousand and hope that there will be others," Johnson said.

She said it always costs less in the long run to avoid causing environmental damage.

But the outlook for the year isn't all that bleak, water managers said.