



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

October 25, 2023

Commissioner David Hazellief, Chairman
Okeechobee County Board of County Commissioners
304 NW Second Street, Room 123
Okeechobee, FL 34972

Subject: Proposed Lower Kissimmee Basin Stormwater Treatment Area Project

Dear Commissioner Hazellief:

Thank you for your letter dated September 28, 2023 regarding Okeechobee County's opposition to the proposed Lower Kissimmee Basin Stormwater Treatment Area (LKBSTA) project. The South Florida Water Management District (District) serves 9 million people within its 16-county region and is responsible for executing many projects providing ecosystem restoration, water supply, and flood protection. As public and stakeholder input is integral to the project implementation process, the District appreciates the Okeechobee County Board of County Commissioners taking the time to outline its concerns about the LKBSTA project and hopes the following information will address and clarify some of the points from your letter.

Over the last two decades, the Florida Department of Environmental Protection (FDEP) has documented high levels of phosphorus in Lake Okeechobee – an important source of water for drinking, agricultural irrigation, recreational activities, and wildlife. The Draft 2024 South Florida Environmental Report (www.sfwmd.gov/sfer) states that the total annual average total phosphorus (TP) load discharged into Lake Okeechobee from the period of 2019 to 2023 was 402 metric tons per year (t/yr), exceeding the state's established total maximum daily load (TMDL) by 262 t/yr (DEP 2001; FloridaDEP.gov/TMDL). Regional projects to improve water quality, particularly in long-standing high-nutrient areas, are necessary to achieve the TMDL for the Lake Okeechobee Watershed (LOW).

Because of this pollution challenge, the District and FDEP began a public exploration of a project in 2019. In coordination with Lake Okeechobee stakeholders, comprised of 28 governmental agencies and local entities including Okeechobee County, a conceptual project was placed in the Lake Okeechobee Basin Management Action Plan (BMAP) Update in 2020 to address the S-154 and S-154C basins which contain some of the highest nutrient concentrations in the LOW.

In 2021, funding was made available, and the District solicited landowners to propose a conceptual project for the *Design/Build of a Lower Kissimmee Basin Stormwater Treatment Project* to address these canals. The solicitation was publicly noticed on the District's Procurement website which adhered to the District's formal procurement process. The project was subsequently awarded at a public meeting consistent with Sunshine Law, as outlined in the State Constitution and Section 286.011, Florida Statutes. In addition to the public procurement process, all Governing Board presentations and actions were posted to the District [website](#) in a timely manner where they currently remain. Following Governing Board meetings, the District shared [press](#) releases which were subsequently picked up and reported by local news outlets ([South Central Florida Life, May 31, 2021](#)).

We are still, however, in the early stages of the project, and nothing is set in stone. There is still time to address your concerns. I assure you and your Commissioners that the District will not support a project that exacerbates flood conditions or poses a threat to public safety. Furthermore, the District expects any sponsored project of this nature to comply with all federal, state, and local requirements both in the design of a project and during construction.

The District is focused on addressing safety questions regarding the project's location. As the agency responsible for flood protection, the District takes the community's flood and safety concerns very seriously. Because the project is located near homes, robust hydrologic and hydraulic modeling is currently underway to understand flood risk and seepage to the surrounding region; however, it is important to note that the project is currently in the Preliminary Design phase. This means there is much more analysis to be done prior to the District accepting a plan to move forward with construction. This type of analysis takes time. Any completed analysis and results will be made available to the public. Also, any project sponsored by the District will monitor water levels, both in and outside of the project, during construction and operations, and all data are made available to the public.

STAs are known habitats for bird species, particularly wading birds and waterfowl. These birds are present in the area and are known to typically move between the Kissimmee River floodplain and Lake Okeechobee. To address public concerns, the project developer, Ecosystem Investment Partners, LLC (EIP) has hired a Federal Aviation Administration (FAA) Qualified Airport Wildlife Biologist to conduct wildlife surveys at the project site and vicinity to understand the wildlife that currently utilizes the project area and potential associated hazards. The District will also hire a similarly qualified independent specialist to peer review the subject report and advise the District as to its quality and integrity.

Again, the District welcomes and appreciates feedback from the public and stakeholders regarding the design of the LKBSTA. The District also expects EIP, to continue engaging with the public and stakeholders throughout design of the project

Commissioner Hazellief

October 25, 2023

Page 3

such that feedback can be incorporated into the plan as appropriate. With this in mind, we invite the Okeechobee County Board of County Commissioners to present your information regarding the LKBSTA project at the SFWMD Governing Board business meeting on December 14, 2023, to be held at District Headquarters, B-1 Auditorium in West Palm Beach. Also, please don't hesitate to call me at any time.

Sincerely,



Drew Bartlett
Executive Director

DB/mj

c: Okeechobee Board of County Commissioners