



OKEECHOBEE COUNTY

OPPOSITION TO PROPOSED SFWMD

LOWER KISSIMMEE BASIN STORMWATER TREATMENT AREA

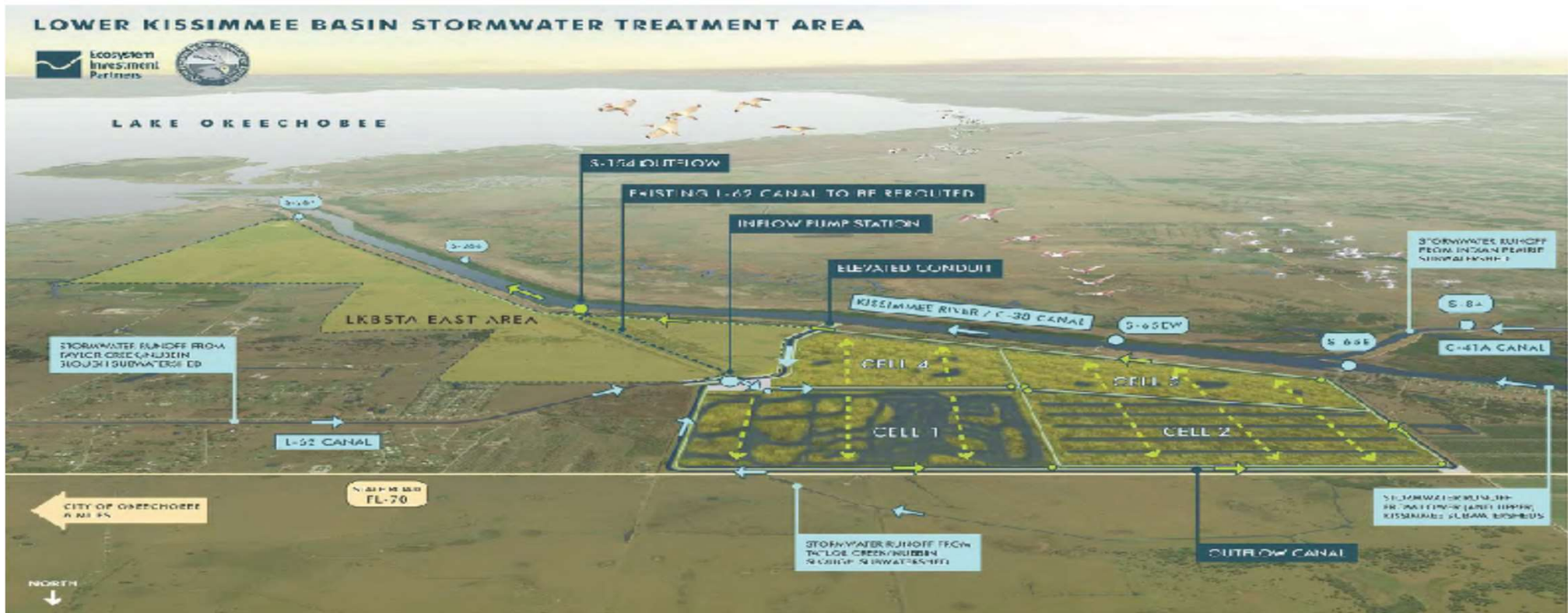
(LKBSTA)

THURSDAY, DECEMBER 14, 2023

Okeechobee County Supports The Need & Purpose of Stormwater Treatment Areas – **Just Not In This Location...**

- Okeechobee County Board of County Commission is an advocate and strong supporter of the need for STA's within our region to reduce nutrient discharges prior to entering Lake Okeechobee
- Together with the District,
 - We must be concerned and respectful of the negative impacts that the proposed LKBSTA facility will bring to our community
 - Need to develop/identify opportunities to improve the environmental issues that we are challenged with today without placing a significant impact on our homeowners and property owners

Proposed LKBSTA Project Location – Southwest Okeechobee County



Okeechobee County Board of County Commissioners Opposes the planned SFWMD LKBSTA Project - Proposed to be Developed by Ecosystem Investment Partners (EIP)

- Okeechobee County **opposes the proposed Lower Kissimmee Basin Stormwater Treatment Area (LKBSTA) Project in its current location**
- County is requesting the South Florida Water Management District (SFWMD) Governing Board **to oppose and discontinue its consideration of the design and construction of the LKBSTA project** by Ecosystem Investment Partners Florida Water Quality, LLC – Ecosystem Investment Partners, LLC (EIP)
- Request **to oppose includes the proposed expansion of this project to include the adjacent property** that is either owned and/or controlled/managed by HGS, LLC d.b.a. RES Environmental Operating Company (RES)

Four (4) reasons the Okeechobee Board of County Commissioners are not in support of the proposed project:

1. Insufficient transparency related to the proposed LKBSTA project development, impacts and cost
2. There are better options that are available today that do not threaten the safety of our community's homes and are not nearly as financially taxing to our residents and businesses
3. This project, if developed, is too close to three (3) airstrips, with one being the Okeechobee County Airport, which is one of the most significant economic development tools that the County maintains in an effort to attract jobs and resources to our community
4. The proposed LKBSTA project is being planned to be developed on the RIO Ranch property in western Okeechobee County (adjacent to State Road 70) to address one of the highest nutrient contributors in our region – the Kissimmee River (according to the SFWMD)
 - The River and natural or historical flow/drainage is bringing in significant amounts of phosphorus into the Okeechobee community from other areas around the central Florida areas and the properties within Okeechobee County are being utilized to attempt to clean the water from other areas of the state

Insufficient transparency related to the proposed LKBSTA project development, impacts and cost

- Limited information on the District's website related to selection of EIP, owners of the proposed property to be developed as the LKBSTA, to complete the design/build in the amount of \$300 million
- Only one document was found when utilizing the search function within the District's website – "Lower Kissimmee Basin Stormwater Treatment Project" presentation by Ms. Jennifer Reynolds – Division Director – Ecosystem Restoration & Capital Projects Division – December 9, 2021
- To date, this project has progressed through the District's design stage without notice to the public nor the acceptance of comments/suggestions from the community
- Our residents, businesses and stakeholders should have the opportunity to voice their thoughts and/or concerns on this significant infrastructure project during the conceptual (or feasibility) stage
- Public awareness on the progress of this project was limited until recently
- No public or community meetings were held and/or notifications were sent out to potentially impacted property owners until August 29, 2023, which was requested by the Okeechobee County Commission on June 26, 2023 [two (2) public meetings were held on the same day at the Okeechobee County Civic Center]

There are better options available today that do not threaten the safety of our community's homes and are not as financially taxing to our residents and businesses

Our homes are one of our greatest investments and the safety and cost impacts that this project would create are valid to real concerns/fears for our homeowners in this area.

- New flooding concerns have emerged due to a lack of understanding by the District's selected firm – EIP Florida Water Quality, LLC – on the current structures within the area (i.e., finished floor elevations, surrounding neighborhood drainage infrastructure needs and/or concerns, etc.) and the expected design of the proposed project
- The potential for flooding as a result of this project is expected to negatively affect some homes and property values in close proximity to the proposed LKBSTA project and may now be required to carry additional flood insurance for these homeowners and would place an unnecessary financial burden on many residents
- This project may increase the risk to our property owners who may experience significant rate increases (above the significant increases that we are already seeing within our County and throughout the state of Florida before this project is constructed) due to the inherent flooding that may occur from this project or losing their home due to flooding

There are better options available today that do not threaten the safety of our community's homes and are not as financially taxing to our residents and businesses

- Residential property owners within the area of the proposed project have also outlined/voiced additional concerns and impacts that may affect their homes/property and quality of life, including:
 - Noise
 - Dust
 - Loss of peaceful living (i.e., construction, recreational activities, etc.)
 - Increase in alligators, mosquitos and other pests
 - Flooding of State Road 70, which is an emergency evacuation route
 - Loss of farm land to support our state's and country's food needs and/or economic development opportunities for water storage purposes
- Proposed leaching of phosphorus to continue from the Kissimmee River without corrective solution (should be addressed prior to this project being considered)

Proposed SFWMD LKBSTA Does Not Comply With The County's Land Development Regulations (LDR's)

3.01.00. - AIRPORT OVERLAY ZONE

Footnotes:

— (1) —

Cross reference— Article, ch. 14.

3.01.01. - Generally.

This section is adopted pursuant to the authority conferred by F.S. § 333.03. It is hereby found that an airport obstruction has the potential for being hazardous to aircraft operations as well as to the persons and property on the ground in the vicinity of the obstruction. An obstruction may affect land use in the vicinity of the obstruction, and in effect reduces the size of areas available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of the Okeechobee County Municipal Airport and the public investment therein. Accordingly, it is declared:

- A. That the creation or establishment of an airport obstruction is a public nuisance and an injury to the region served by the Okeechobee County Municipal Airport;
- B. That it is necessary in the interest of the public health, public safety, and general welfare that the creation of airport obstructions and structures be prevented; and
- C. That it is necessary in the interest of the public health, and general welfare that the establishment of incompatible land uses be prevented in the areas defined as the CNR 100 contour (ASDS 85 dBA) noise area and/or the accident potential hazard area; and
- D. That the prevention of these obstructions, structures and incompatible land uses should be accomplished to the extent legally possible, by the exercise of the police power without compensation; and
- E. That both the prevention and the creation or establishment of airport obstructions, structures and incompatible land uses and the elimination, removal, alteration, mitigation, or making and lighting of existing airport hazards are public purposes for which the political subdivision may raise and expend public funds and acquire land or interests in land.

3.01.02. - Establishment of airport zoning map.

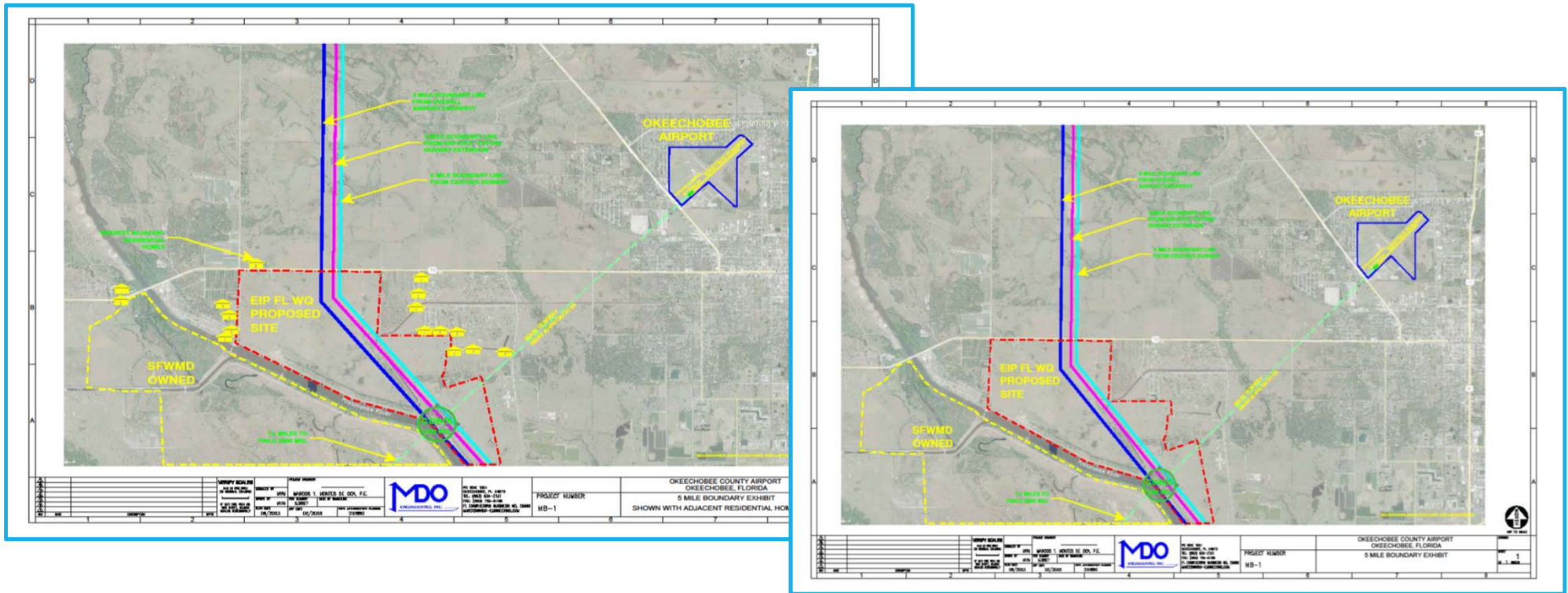
There is hereby established an official Okeechobee County Municipal Airport zoning map. This map shall be maintained and modified by the county clerk in the manner prescribed for the official zoning atlas in section 2.03.01 of this code.

3.01.03. - Airport zones and airspace height limitations.

The proposed project does not comply with the County's Airport Zoning regulations with the County's Land Development Code - specifically, Section 3.01.03.F – Airport zones and airspace height limitations. – Other areas., which states:

“In addition to the height limitations imposed in paragraphs A through E above, no structure or obstruction will be permitted within Okeechobee County that would cause a hazard to air navigation.”

The SFWMD LKBSTA project is too close to three (3) airstrips, including the Okeechobee County Airport, which is one of the most significant economic development tools to attract jobs & resources



Bird & Wildlife Issues Are Expected As Evidenced Through Experience With Existing STA's In the Area:

The SFWMD's website (www.sfwmd.gov) provides the following related to promoting wildlife within their STA's, which is expected to lead to real safety issues for airplanes utilizing the County's Airport:

"STAs provide another bonus – prime home and visiting territory to wildlife including wading birds, ducks and American alligators. A variety of nature-based recreational activities are allowed at several of these wetland locations."

"South Florida is often the last stop for birds on their flight to the Caribbean and Central and South America. The SFWMD manages 60,000 acres of stormwater treatment areas and constructed wetlands that provide habitat for migratory birds as they travel through the region."

"Located on approximately 17,000 acres in eastern Hendry County, Stormwater Treatment Area 5/6 (STA-5/6) has become one of the premier bird-watching areas in Florida through a long-standing partnership with the Hendry-Glades Audubon Society. More than 200 bird species have been spotted at STA-5/6 on the seasonal, guided bird-watching tours offered by the local Audubon chapter. The site is also popular as a waterfowl hunting area managed by the Florida Fish and Wildlife Conservation Commission (FWC)."

US Department of Transportation - Federal Aviation Administration (FAA) - Recommends Relocating/Mitigating Proposed SFWMD LKBSTA Project



U.S. Department
of Transportation
Federal Aviation
Administration

September 27, 2023

Orlando Airports District Office
8427 SouthPark Circle, Suite 524
Orlando, FL 32819
Phone: (407) 467-7720
Fax: (407) 467-7135

[via email to: jhurst@co.okeechobee.fl.us]

Mr. John L. Hurst
Airport & Commerce Park Director
Okeechobee County Airport & Commerce Park
2800 NW 20th Trail
Okeechobee, FL 34972

RE: Proposed Lower Kissimmee Basin Stormwater Treatment Area (LKBSTA)
Okeechobee County, Florida

Dear Mr. Hurst,

We have reviewed the proposed development of a surface water treatment facility that would be developed in the vicinity of the Okeechobee County Airport (OBE). Based on the information provided, the project would take water from the Kissimmee River and circulate the water through a series of man-made wetlands/marshes to remove phosphorus and other nutrients. Once treated, the water would be discharged back into the river.

Okeechobee County Airport is a public-use airport that is used by a wide variety of aircraft, including business jets. A portion of the proposed water quality treatment project site is located within five miles of the airport and on the extended centerline of Runway 5-23, the airport's primary runway. The site is located under a segment of the non-precision instrument approach procedure for Runway 5. The same area is traversed by many aircraft departing the airport on Runway 23.

FAA Advisory Circular (AC) 150/5200-33C, *Hazardous Wildlife Attractants on or near Airports*, provides guidance on certain land uses that have potential to attract hazardous wildlife on or near public-use airports. Hazardous wildlife can threaten aviation safety. The FAA recommends this guidance for airports that receive funding under Federal grant assistance programs. The FAA urges regulatory agencies and planning and zoning agencies to evaluate proposed new land uses within the separation criteria and prevent the creation of land uses that attract or sustain hazardous wildlife within the separation distances. For all airports, the FAA recommends a distance of five miles between the closest point of the airport's aircraft operations area and the hazardous wildlife attractant. Special attention should be given to hazardous wildlife attractants that could cause hazardous wildlife movement into or across the approach or departure airspace.

Based on FAA's initial review, the proposed water quality treatment project does not fully comply with the hazardous wildlife attractant separation distances, as outlined in AC 150/5200-33C. It is FAA's understanding the proposed water quality treatment project will pump water from the Kissimmee River and release the water into cells containing man-made wetlands and marsh habitat. The river water would flow through the cells and nutrients (phosphorus) would be filtered and absorbed by the wetland vegetation. This man-made wetland and marsh habitat is likely to attract a wide variety of wildlife, including avian species hazardous to aviation activity.

The US Department of Transportation - Federal Aviation Administration (FAA), in its letter dated September 27, 2023, recommended the following:

“Based on the existing data for OBE (Okeechobee Airport) and south Florida STAs, the FAA recommends that the proposed (SFWMD LKBSTA) water treatment facility is located outside the 5-mile separation distance from OBE.”

Florida Department of Transportation (FDOT) Recommends Relocating/Modifying SFWMD LKBSTA Project Design

The Florida Department of Transportation (FDOT), in its E-mail dated October 16, 2023, provides the following guidance:

“...we believe there may be an option to remove the same or greater amounts of phosphorus with designs that are less attractive to wildlife if the project footprint cannot be shifted outside the zones that concern the FAA.”

From: [Hatim, Abdul](#)
To: [John Harzo](#); [Gallon, Dawn](#)
Cc: [Robertis, David](#); [Kath, Andy](#); [Smith, Kristi](#); [Socci, Brady](#); [Deborah Manzo](#); [Richard Reade](#)
Subject: RE: Looking for help preventing a potentially hazardous wildlife attractant near Okeechobee County Airport
Date: Monday, October 16, 2023 1:59:56 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

John,

We have reviewed the Lower Kissimmee Basin Stormwater Treatment Area project information and some supplemental information available to us. The letter from the ADO outlines the FAA information and comments and should, of course, be submitted to SFWMD and possibly Ecosystem Investment Partners (EIP). Some of the additional documentation we have reviewed indicates that the phosphorus removal will be an absolute priority. At least one conservation group has reported that current phosphorus levels entering Lake Okeechobee are five times higher than its assimilative capacity. That said, we believe there may be an option to remove the same or greater amounts of phosphorus with designs that are less attractive to wildlife if the project footprint cannot be shifted outside the zones that concern the FAA.

The documents provided from the EIP presentations indicate the construction will be shallow marsh with treatment water pumped in from either of two canals. Some of the marsh is located under the final approach fix (CORD) for Runway 5 where jet or piston traffic will be as low as 1500 feet and descending on the instrument approaches and possibly lower on visuals. In lieu of the shallow marsh, it may be possible to construct a series of parallel, deep, steep-sided canals less attractive to birds and very efficient at phosphorus removal by sedimentation and sequestration. The demonstration project for an FAA pond at Naples Airport provided monitoring data and verified methodologies that can be directly used to design and construct such a system.

Our suggestion is a joint meeting with SFWMD, EIP, Okeechobee Airport, FAA (if available), FDOT, and our water management consultants to discuss options that can both reduce the phosphorus loads significantly and minimize wildlife hazards to landing and departing aircraft.

Sincerely,

Abdul Hatim, Ph.D.
Airport Engineering Manager
FDOT Aviation Office
605 Suwannee Street, MS 46
Tallahassee, FL 32399-0450
Phone: (850) 414-4504
Fax: (850) 414-4508
Email: abdul_hatim@dot.state.fl.us

US Air Force Avon Park Force Range - Concerned With Bird Aircraft Strike Hazard (BASH) Risk To Military Pilots

Richard Reade

Subject: FW: BOCC 2nd Letter Opposing the Lower Kissimmee Basin STA Project - SFWMD - Sept 28, 2023.docx
 Attachments: BASH_website_data_2020_class_A_B_C_D_Mishaps_by_FY.pdf; BASH_website_data_2020_Wildlife Strikes Phase of Operation.pdf

From: MACLAUGHLIN, CHARLES E CIV USAF ACC 598 RANS/RMD [mailto:charles.mclaughlin.1@us.af.mil]
 Sent: Wednesday, September 27, 2023 10:01 AM
 To: Deborah Manzo <dmanzo@co.okeechobee.fl.us>
 Cc: Richard Reade <rreade@co.okeechobee.fl.us>; Jennifer Codo-Salisbury - CFRPC <jcodosalisbury@cfrpc.org>
 Subject: RE: BOCC 2nd Letter Opposing the Lower Kissimmee Basin STA Project - SFWMD - Sept 28, 2023.docx

Good morning Deborah,

My apologies for not replying sooner. The Florida Wildlife Corridor "Corridor Connect" conference has been very dynamic and has been an opportunity to connect with a few colleagues from the conservation and planning worlds.

Thank you for the information regarding the proposed SFWMD Lower Air Force Range perspective, the proposed location is underneath (MTRs) and could cause an increased Bird Aircraft Strike Hazard (BASH). Specifically, the proposed STA project would be underneath Instru and 1088.

As requested by Commissioner Hazelief, please see the attached reference. Class A - D is a system of classifying the severity of the information can be found at <https://www.safetv.af.mil/Divisions/Division/BASH/#:~:text=The%20Bird%20Wildlife%20Aircraft%20Strike%20for%20worldwide%20on-site%20and%20remote%20technical%20>

Fortunately, the Range has not had any reported bird strikes in specific to Avon Park AFR or the referenced MTRs.

Thank you for the opportunity to share this information. I hope it

Please let me know if you have any questions or would like additional

Very Respectfully (V/R),

Buck

Charles "Buck" MacLaughlin, Civ, USAF
 Range Operations Officer
 Avon Park Air Force Range, FL
 813-857-7109

From: Deborah Manzo <dmanzo@co.okeechobee.fl.us>
 Sent: Monday, September 25, 2023 4:44 PM
 To: MACLAUGHLIN, CHARLES E CIV USAF ACC 598 RANS/RMD <charles.mclaughlin.1@us.af.mil>
 Cc: Richard Reade <rreade@co.okeechobee.fl.us>

The US Air Force Avon Force Range, in its E-mail dated September 28, 2023, provided the following:

"From an Avon Park Air Force Range perspective, the proposed location is underneath several of the low-altitude Military Flight Routes (MTR's) and could cause an increased Bird Aircraft Strike Hazard (BASH) risk to military pilots flying the routes."

Wildlife Strikes by Phase of Operation (Object #1)				
FY2000 - FY2019				
Phase of Ops Tier 1	Count	% of Total	Total Mishap cost (Excluding Injuries)	Total Mishap Cost with Injuries
No Data	22,556	36.61%	\$286,119,486	\$286,119,226
Unknown	10,819	16.80%	\$2,693,868	\$2,693,868
Landing Normal	5,592	9.08%	\$16,244,191	\$16,244,191
Approach/Final	4,534	8.01%	\$12,690,276	\$12,690,276
Low-level	3,509	6.34%	\$177,536,249	\$180,954,413
Blank	3,377	5.48%	\$80	\$80
Take Off	3,308	5.37%	\$37,510,203	\$37,510,441
Traffic Pattern	2,731	4.41%	\$9,050,036	\$9,050,411
Initial Climb	1,262	2.05%	\$15,915,210	\$15,915,210
Enroute	1,210	1.90%	\$11,969,258	\$11,969,258
Circling	787	1.20%	\$48,873,813	\$48,873,813
Approach-Initial	348	0.55%	\$1,284,169	\$1,284,169
Ground Operations	152	0.24%	\$1,019,085	\$1,019,085
Air Work	308	0.49%	\$10,828,255	\$10,828,255
Air To Ground	209	0.34%	\$70,487,753	\$70,487,753
Landing/Tactical	109	0.18%	\$119,838	\$119,838
Aerial Delivery	99	0.16%	\$1,299,404	\$1,299,404
	43	0.07%	\$628,381	\$628,381
	29	0.05%	\$1,016,027	\$1,016,027
	28	0.04%	\$11,410	\$11,410
	13	0.02%	\$141,670	\$141,670
	12	0.02%	\$0	\$0
	12	0.02%	\$0	\$0
	8	0.01%	\$445,670	\$445,670
	6	0.01%	\$0	\$0
	4	0.01%	\$0	\$0
	3	0.00%	\$13,380	\$13,380
	61,817	100.00%	\$628,802,712	\$631,775,849

BASH Class A, B, C, & D Mishaps by Fiscal Year						
Current as of October 2020						
Year	Class A Mishaps	Class B Mishaps	Class C Mishaps	Class D Mishaps	Destroyed Aircraft	Fatalities
2001	1	2	2	1	0	0
2002	1	2	2	1	0	0
2003	1	2	2	1	0	0
2004	1	2	2	1	0	0
2005	1	2	2	1	0	0
2006	1	2	2	1	0	0
2007	1	2	2	1	0	0
2008	1	2	2	1	0	0
2009	1	2	2	1	0	0
2010	1	2	2	1	0	0
2011	1	2	2	1	0	0
2012	1	2	2	1	0	0
2013	1	2	2	1	0	0
2014	1	2	2	1	0	0
2015	1	2	2	1	0	0
2016	1	2	2	1	0	0
2017	1	2	2	1	0	0
2018	1	2	2	1	0	0
2019	1	2	2	1	0	0
Total	34	124	106	31	0	0

Aircraft Owners & Pilots Association (AOPA) Concerned With Bird Aircraft Strike Hazard (BASH) Risk To Pilots

The AOPA, in its Letter dated December 1, 2023, provided the following:

“It is unlikely that the proposed project can be engineered, and maintained, as to not potentially increase the risk of wildlife mixing with aircraft operations and therefore should not move forward in its proposed location.”

“The AOPA opposes this project’s location due to the threat to civil aviation. We urge you to relocate the project away from any active airport operations area.”



Florida Department of Environmental Protection
Mr. Shawn Hamilton, Secretary
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

South Florida Water Management District
Mr. Chauncey Goss, Board Chairman
3301 Gun Club Road
West Palm Beach, FL 33406

Via Email to shawn.hamilton@floridadep.gov and cgoss@sfwmd.gov

Re: **AOPA Opposition to the Location of the Proposed LKBSTA.**

Honorable Secretary Hamilton and Chairman Goss,

The Aircraft Owners and Pilots Association (AOPA) is the largest aviation association in the world with over 60,000 members in the southeast US alone. On behalf of the pilots and aircraft owners that reside in and around Okeechobee County, and aviators that visit the three airports in Okeechobee County, AOPA opposes the location of the Lower Kissimmee Basin Stormwater Treatment Area (LKBSTA) Project.

Any project that has the potential to increase the risk of wildlife interaction with aircraft threatens aviation safety. This public threat is greatest when wildlife crosses paths with an aircraft on approach or departure from an airport, the most demanding operations of flying. It is unlikely that the proposed project can be engineered, and maintained, as to not potentially increase the risk of wildlife mixing with aircraft operations and therefore should not move forward in its proposed location.

The annual cost of wildlife strikes to the US civil aviation industry in 2022 was projected to be 67,848 hours of aircraft downtime and \$385 million in direct and other monetary losses.¹ Furthermore, these strikes put the lives of aircraft crew members and their passengers at risk: over 250 people have been killed worldwide as a result of wildlife strikes since 1988.²

Three airports, Okeechobee County Airport (OBE), River Oak (00FL), and Sunset Strip Airpark (32FA), are in the vicinity of the proposed project. These airports have a combined based aircraft make-up of 65 single and multi-engine aircraft, 2 jets, and 3 helicopters. Estimated annual operations include over 5600 local operations plus over 45,000 itinerant (visiting) operations.³ Additionally, in reviewing the airports' positive financial impact to the community, the OBE Economic Impact Study alone shows economic impacts of 894 employees with a total payroll of \$43.1 million and a total output of \$153 million (see

¹ <https://birdstrike.org/wildlife-management-resources/what-topics> accessed 11/29/2023.

² <https://www.fws.gov/story/threats-birds-collisions-aircraft> accessed 11/29/2023.

³ FAA 5010 Database accessed 11/29/2023.

December 1, 2023

AOPA LKBSTA Location Opposition Letter
December 1, 2023

It would be a detriment to the financial viability of the overall community to proceed with the project as it may cause pilots and businesses to go elsewhere.

The project does not meet the Federal compliance standards per FAA Advisory Circular 150/5200-33C for which OBE must comply as a condition of the consultant project manager correctly stated during the August 2023 meeting. The project does not need permission from the FAA to construct the project, the sponsor to protect the flying public and the public investment in OBE. The project, as proposed, is a letter to the FDEP from the Board of County Commissioners of Okeechobee County, Florida, to request that the various agencies about the valid and real concerns. Regardless of the project's location, it is not permitted to be located where it is not permitted to be located. It is not permitted to be located where it is not permitted to be located. It is not permitted to be located where it is not permitted to be located.

The project is not federally obligated, it is ill advised from a public policy perspective to proceed with this project in the proposed location as it is only ~1500' away from River Oak and Sunset Strip Airpark runways which present a wildlife risk immediately in the departure and landing paths.

Wildlife strikes to aircraft and airplanes can occur at any time, the majority occur at relatively low altitudes during takeoff and landing. Due to the proposed project location, there will be low-flying aircraft in the vicinity. A wildlife strike at these altitudes will likely prohibit a safe return to base. A quick google search for "Aircraft bird strike" will show news stories of aircraft suffering bird strikes. If this project moves forward and an accident occurs, the likelihood of a story highlighting the incident is high.

The project location due to the threat to civil aviation. We urge you to relocate the project operations area. Should you have any questions, please contact shawn.hamilton@floridadep.gov.

Secretary for Ecosystems Restoration, FDEP
shawn.hamilton@floridadep.gov

Executive Director, SFWMD
cgoss@sfwmd.gov

Industrial Park Director, Okeechobee County
bccountyfl.gov

Wildlife Hazard Review – October 30, 2023

Completed by ESA for Ecosystem Investment Partners

ESA, retained by EIP to review the proposed wildlife (bird) impact(s) to airplane related concerns, provided the following:

“Based on thorough review of the proposed design, similar STAs, understanding of anticipated wildlife use, and the distance from OBE (~4.5 miles), it is the conclusion of the FAA Qualified Biologists that the mature STA, if vegetated as designed, does not represent a significantly greater wildlife hazard to aircraft at OBE than the existing condition.”



5401 S. Kirkman Road
Suite 475
Orlando, FL 32819
407-748-2729 www.esaac.com

Memorandum

DATE: October 30, 2023
TO: Jeremy McBryan, PE, CFM, ENV SP – Ecosystem Investment Partners
FROM: Julie Sullivan, FAA Qualified Wildlife Biologist
Brendon Quinton, FAA Qualified Wildlife Biologist
PROJECT: Wildlife Hazard Review – Proposed Lower Kissimmee Basin Stormwater Treatment Area

ESA was retained to provide an independent review of a proposed project identified as the Lower Kissimmee Basin Stormwater Treatment Area (LKBSTA) in Okeechobee County. The project includes the development of a regional STA which entails creation of several interconnected herbaceous freshwater wetlands designed to reduce nutrients, specifically phosphorus, from stormwater runoff and help achieve the State of Florida's Total Phosphorus Total Maximum Daily Load for Lake Okeechobee. It is understood that the proposed project will be constructed in two phases with the western phase (LKBSTA-W) being constructed first.



LKBSTA Proposed Development Area

However, the design of this project has not been completed (and distributed to the Okeechobee community).

If comparable to other or “similar STA’s,” then it would be a fair concern that the migratory birds that visit existing SFWMD STA’s and “provide habitat as they travel through the region,” which is outlined within the SFWMD’s website, would also be present at the proposed LKBSTA location...

Review of the ESA Wildlife Hazard Review – December 5, 2023

Completed by HSE for Okeechobee County

HOBE SOUND
ENVIRONMENTAL CONSULTANTS, INC.
9512 S. E. DUNCAN STREET
HOBE SOUND, FLORIDA 33455
PHONE: (772) 545-3676 CELL (772) 260-0857
E-MAIL: bobhsenv@gmail.com

5 December 2024

Stefan K. Matthes, P.E.
Senior Vice President
Culpepper and Terpening, Inc.
2980 South 25th Street
Fort Pierce, FL 34981

Via Email: smatthes@ct-eng.com

Ref: Proposed SFWMD Lower Kissimmee Basin Stormwater Treatment Area (LKBSTA) and possible hazardous wildlife attractants (avian) influences on the Okeechobee County Airport (OBE) and Runway 5-23 Okeechobee County, Florida.

Dear Mr. Matthes;

HSE has reviewed the information provided by Culpepper and Terpening, Inc. regarding wildlife attractants in the proximity of the Okeechobee County Airport (see Attachments) and has the following comments:

HSE staff has over 30 years of experience with stormwater treatment area (STA) design, permitting construction management and monitoring, water farming, wetland mitigation, and marsh restoration. It is the professional opinion of HSE, based on our experience, that the proposed Lower Kissimmee Basin Stormwater Treatment Area (LKBSTA) will attract wildlife, especially wading and migratory avian species. In the past, STA's have provided important feeding, breeding and nursery habitat for avian species. Many STA's are used for bird watching and duck hunting by the general public due to the proliferation of avian species within these areas. HSE was involved in the design, permitting and monitoring of the McCarty Ranch STA operated by the City of Port St. Lucie. This STA has attracted numerous avian species, including (but not limited to): wood stork (*Mycteria americana*), American bald eagle (*Haliaeetus leucocephalus*), sandhill crane (*Grus canadensis*), turkey vulture (*Cathartes aura*), black vulture (*Cathartes aura*), osprey (*Pandion haliaetus*), crested caracara (*Caracara cheriway*), red-tail hawk (*Buteo jamaicensis*), cattle egret (*Bubulcus ibis*), barn owl (*Tyto alba*), American crow (*Corvus brachyrhynchos*), mallard duck (*Anas platyrhynchos*), Egyptian geese (*Alopochen aegyptiaca*), Everglades snail kite (*Rostrhamus sociabilis*), American robin (*Turdus migratorius*), northern harrier (*Circus cyaneus*), American kestrel (*Falco sparverius*), mottled duck (*Anas fulvigula*), roseate spoonbill (*Platalea ajaja*) blue-winged teal (*Anas discors*) green-winged teal (*Anas crecca*), black-bellied whistling duck (*Dendrocygna autumnalis*), fulvous whistling-duck, (*Dendrocygna bicolor*), American black duck (*Anas rubripes*), purple gallinule (*Porphyrio*

HSE, maintains “over 30 years of experience with stormwater treatment area (STA) design, permitting, construction management and monitoring, water farming, wetland mitigation, and marsh restoration, provided the following regarding the proposed LKBSTA project:

“will attract wildlife, especially wading and migratory avian species.”

STA's provide as “important feeding, breeding and nursery habitat for avian species” and “are used for bird watching and duck hunting by the general public due to the proliferation of avian species within these areas.”

“the proposed LKBSTA is within the five (5) mile radius of Okeechobee County Airport and the extended centerline of runway 5-23, the airports primary runway, & may cause an increase in airplane navigation hazards.”

“This wildlife hazard area within the 5 mile zone of OBE may result in the loss of grants under the Federal Grant assistance programs.”

The proposed LKBSTA project is being planned to be developed on the RIO Ranch property in western Okeechobee County (adjacent to State Road 70) to address one of the highest nutrient contributors in our region – the Kissimmee River (according to the SFWMD)

The River and natural or historical flow/drainage is bringing in significant amounts of phosphorus into the Okeechobee community from other areas around the central Florida areas and the properties within Okeechobee County are being utilized to attempt to clean the water from other areas of the state.

However, there may be better financial options to remove the projected phosphorus nutrient load than this proposed project (and location), including, but not limited to, septic-to-sewer conversion, which provides a high reduction of phosphorus at a low cost.

The proposed LKBSTA project is being planned to be developed to address one of the highest nutrient contributors in our region – the Kissimmee River (according to the SFWMD)

Phase One of the District's project is expected to cost up to \$300,000,000, which would require significant tax-payer funding support to not only design and construct this proposed facility, but it would also require an amount of annual funding to support the operations, maintenance and staffing for this project.

The proposed project would not provide for the rehydration of deteriorating on-site wetlands as represented to the Okeechobee community.

There have been conflicting statements regarding the total amount of nutrients that are expected to be removed on an annual basis if the LKBSTA is constructed.

- 13 to 15 metric tons of phosphorus per year is expected to be removed depending on design as outlined within the "Lower Kissimmee Basin Stormwater Treatment Project" presentation by Ms. Jennifer Reynolds – Division Director – Ecosystem Restoration & Capital Projects Division – December 9, 2021.
- 9 to 10 metric tons of phosphorus per year is expected to be removed according to Mr. Kyle Graham with EIP during the first Public Meeting on August 29, 2023.



Unanimously, the Okeechobee County Board of County Commissioners, on behalf of the citizens of Okeechobee County, is urging the SFWMD Governing Board as well as the District's executive leadership to reconsider this project due to the many safety concerns and impacts that it will have within our community.



THANK YOU

Okeechobee County Board of County Commissioners

SFWMD/EIP/RES Lower Kissimmee Basin Stormwater Treatment Area (LKBSTA) Project Timeline

DATE	PURPOSE OF MEETING	MEETING LOCATION	ATTENDEES
03/12/2021	South Florida Water Management District (SFWMD) issues Design/Build Solicitation (RFQ) for Lower Kissimmee Basin Stormwater Treatment (LKBSTA) Project	SFWMD District Headquarters,	N/A
12/09/2021	SFWMD enters into Project Agreement (Contract No. 4600004527) with Ecosystem Investment Partners Florida Water Quality, LLC (EIP) for the design, construction, operation, innovative technology and land acquisition associated with the LKBSTA in and amount not to exceed \$300 million	SFWMD District Headquarters, West Palm Beach, Florida	
11/3/2021	Meeting with RES Environmental Operating Company (RES) to negotiate agreement with RES & Okeechobee County and potential legislative funding to support project	Teleconference	Deborah Manzo, Richard Reade, Wade Vose, Ansley Tilley, John Fumero
11/15/2021	Meeting with RES to negotiate agreement with RES & Okeechobee County (and possibly the City of Okeechobee as a joint project)	Okeechobee County	Commissioner Terry Burroughs, Deborah Manzo, Rich Reade, Gary Ritter, John Fumero
02/03/2022	Meeting with RES Environmental Operating Company (RES) to negotiate agreement with RES & Okeechobee County and potential legislative funding to support project	Okeechobee County	Deborah Manzo, Richard Reade, Wade Vose, Ansley Tilley, John Fumero
3/30/2022	Meeting with SFWMD & RES to discuss proposed RES project (i.e., project to be designed and constructed in accordance with District standards) and agreement with RES. County outlined long term maintenance cost expectations and proposed that SFWMD take over the project and ensure design and construction on accordance with District standards. RES expressed concerned needing to meet District standards as well as potential rise in cost due to District design standards. SFWMD recommended that County enter into an Interlocal Agreement with the District to take over the project after construction and District would agree to review all aspects of design and construction. Proposed endowment agreement to cover future maintenance costs would possibly need to be changed to support Districts expectations for future maintenance costs	Okeechobee County	Commissioner David Hazellief, Deborah Manzo, Richard Reade, Wade Vose, Ansley Tilley, Drew Bartlett, Jennifer Reynolds, Megan Jacoby, Elizabeth Pigman, Brandon Tucker
6/21/2022	Meeting with SFWMD & RES to discuss proposed RES project (i.e., project to be designed and constructed in accordance with District standards) and agreement with RES	Teleconference	Deborah Manzo, Richard Reade, Jennifer Reynolds, Megan Jacoby, Elizabeth Pigman, Jonathan Madden, Derek Brown
07/01/2022	FDEP legislative appropriation funding to support proposed RES project design (termination on March 31, 2024)	Funding Award	N/A
10/26/2022	Meeting with FDEP & RES to discuss \$1.8 Million legislative appropriation	Teleconference	
11/15/2022	Meeting with RES to discuss proposed project (i.e., project to be designed and constructed in accordance with District standards), negotiate agreement with RES & Okeechobee County and potential legislative funding to support project	Okeechobee County	Deborah Manzo, Richard Reade, Wade Vose, Ansley Tilley, John Fumero
11/22/2022	BOCC Meeting - RES Project Update - RES & SFWMD to ensure that proposed project would meet SFWMD design standards and concern with projected increase in engineering and construction costs (estimated to grow to \$120 million from original projection of \$58 million) and options/needs as well as future costs to County to maintain facility (need to obtain grant funding to support project)	Okeechobee County	BOCC, BOCC staff, Wade Voss, Ansley Tilley, John Fumero
11/28/2022	Meeting with SFWMD & RES to discuss RES proposed project (i.e., project to be designed and constructed in accordance with District standards) and agreement with RES - Follow-up meeting to discuss BOCC concerns and requests from November 22, 2022 BOCC meeting		Deborah Manzo, Richard Reade, Wade Vose, Stef Matthes, Megan Jacoby, Sandy Smith
12/16/2022	Meeting with SFWMD to discuss proposed RES project (i.e., project to be designed and constructed in accordance with District standards) and agreement with RES - Follow-up meeting to discuss BOCC concerns and requests from November 22, 2022 BOCC meeting	Teleconference	Commissioner David Hazellief, Deborah Manzo, Richard Reade, Wade Vose, Randy Premer, Stef Matthes, Jennifer Reynolds, Megan Jacoby, Jonathan Madden
3/30/2023	Meeting with SFWMD and notified by District that EIP & RES may partner together to work through the District to design and construct a single project. SFWMD working with EIP to negotiate a contract change to include RES property	SFWMD District Headquarters, West Palm Beach, Florida	Commissioner David Hazellief, Deborah Manzo, Richard Reade, Stef Matthes, Justin Hoover, Ben Butler, Drew Bartlett, Jennifer Reynolds, Megan Jacoby, Elizabeth Pigman, Gary Priest (Teleconference)
Spring 2023	EIP evaluated the possible benefits of adding the RES property into the current SFWMD/EIP LKBSTA project	N/A	N/A
5/11/2023	SFWMD Governing Board meeting announcement that District was in discussions with EIP to incorporate RES property into LKBSTA and possible expansion of the existing contract between SFWMD & EIP	SFWMD District Headquarters, West Palm Beach, Florida	
06/26/2023	Letter to Drew Bartlett, SFWMD Executive Director, inviting District to provide public presentation and update on the LKBSTA to the BOCC and community during an upcoming BOCC meeting	Letter	N/A
7/17/2023	Meeting with SFWMD and District confirmed that EIP & RES have partnered together to work through the District to design and construct a single project (SFWMD Governing Board will consider expanded LKBSTA project in September 2023). Commissioner Hazellief expressed concerns with flooding, property insurance rates, cost of project, lack of public notice and transparency and expected project effectiveness. District staff acknowledged that this is not a "perfect project" and they are "not sold" on the EIP & RES project, but the District may not find a better opportunity to remove harmful nutrients due to not having property available. County notified District that notice/request would be provided to FDEP to withdraw need for \$1.8 million in funding to design RES project	Okeechobee County	Commissioner David Hazellief, Debbie Manzo, Richard Reade, Jennifer Reynolds, Megan Jacoby, Elizabeth Pigman

07/18/2023	Notified SFWMD of residents concerns with (non-approved) sod business operations and trucking on proposed EIP and/or RES properties	Telephone Call	Richard Reade, Elizabeth Pigman
07/23/2023	BOCC Meeting - Discussion by the BOCC regarding various concerns/issues (i.e., location, residential homeowners insurance, cost and effectiveness, water storage levels, etc.) with the proposed LKBSTA project. Recommended sending a letter to the FDEP & the SFWMD expressing these concerns	Okeechobee County	Public
8/01/2023	SFWMD - Community Meeting for North of Lake Okeechobee Storage Reservoir (LOCAR) Section 203 Study Project (Project location - Glades County, Florida)	SFWMD District Office, Okeechobee County Florida	Public
08/07/2023	Site visit to SFWMD Lakeside Ranch Stormwater Treatment Area (STA) to review similar type of project to the proposed LKBSTA project (SFWMD invited County at earlier meeting)	Okeechobee County	Commissioner David Hazellief, Deborah Manzo, Richard Reade, Stef Matthes, Elizabeth Pigman, Bruce Chesser
08/07/2023	Letter to Drew Bartlett, SFWMD Executive Director, noticing the District of County's opposition and concerns related to the proposed LKBSTA project	Letter	N/A
08/09/2023	Meeting with SFWMD discuss proposed LKBSTA project (i.e., project design, cost, construction timetable and project phasing, expected takeover property/project ownership and maintenance by SFWMD, etc.)	Teleconference	Richard Reade, Megan Jacoby
8/10/2023	BOCC Meeting - (1st Public) Presentation by SFWMD and EIP to discuss proposed SFWMD/EIP LKBSTA and listen to community concerns and answer questions regarding the proposed project design and construction and impacts to surrounding residential community, economic development, environmental issues, homeowners insurance and property costs, etc.)	Okeechobee County	Public
8/10/2023	BOCC Meeting - Request to terminate the FDEP legislative appropriation RES (design) project funding (\$1.8 million). FDEP accepted County's request on August 22, 2023 and funding was terminated	Okeechobee County	Public
08/15/2023	E-mail request to SFWMD to include BOCC on SFWMD Governing Board's upcoming meeting agenda and provide opportunity to make presentation (discuss with PowerPoint). District provided information that BOCC would be eligible "to provide comments to the Board during General Public Comment."	E-mail	N/A
08/21/2023	Letter to FDEP Secretary Shawn Hamilton Okeechobee outlining County's opposition to the SFWMD's proposed LKBSTA project (i.e., location in close proximity to established residential communities, airplane safety, environmental concerns, loss of property for water storage purposes, etc.)	Letter	N/A
8/29/2023	Two (2) Community/Public Meetings to discuss proposed SFWMD/EIP LKBSTA and listen to community concerns and answer questions regarding the proposed project design and construction and impacts to surrounding residential community, economic development, environmental issues, homeowners insurance and property costs, etc.). SFWMD notified the BOCC Chairman that the County would be placed on a future SFWMD meeting agenda	Okeechobee County Civic Center	SFWMD & EIP staff and Public/Community
9/6/2023	SFWMD confirmed that the BOCC would be placed on an upcoming SFWMD Governing Board meeting to discuss concerns/issues with the proposed LKBSTA project; however, a PowerPoint would not be available to be utilized (posters and handouts would be acceptable)	Telephone Call	Deborah Manzo, Richard Reade, Drew Bartlett
09/28/2023	BOCC Meeting - Discussion on proposed letter to SFWMD outlining County's concerns with the proposed LKBSTA project by the BOCC and community (i.e., location in close proximity to established residential communities, airplane safety, environmental concerns, loss of property for water storage purposes, etc.)	Okeechobee County	Public
09/28/2023	Letter to Drew Bartlett, SFWMD Executive Director, and copied to the SFWMD Governing Board, noticing the District of County's opposition and concerns related to the proposed LKBSTA project	Letter	N/A
10/10/2023	BOCC Meeting - Discussion on letter sent to SFWMD outlining County's concerns with the proposed LKBSTA project by the BOCC and community (i.e., location in close proximity to established residential communities, airplane safety, environmental concerns, loss of property for water storage purposes, etc.). Additional discussion regarding leaking concerns with the District's C-44 STA in Martin County, Florida and loss of property (owned by the SFWMD) that have been taken off the County's tax rolls	Okeechobee County	Public
10/26/2023	BOCC Meeting - Expected discussion on letter sent to SFWMD outlining County's concerns with the proposed LKBSTA project by the BOCC and community (i.e., location in close proximity to established residential communities, airplane safety, environmental concerns, loss of property for water storage purposes, etc.) as well as upcoming SFWMD Meeting (December 14, 2023), including County's presentation to the Board	Okeechobee County	Public
12/14/2023	SFWMD expected to consider approval of LKBSTA - Phase 1A & 1B completion and authorize commencement of LKBSTA - Phase 2. Additionally, the Governing Board is expected to consider expansion of the project to include the RES property that is adjacent to the ongoing EIP project (originally expected to be considered by the District Governing Board August/September/October 2023 meetings and moving project from design to implementation stage during November/December 2023 meetings)	SFWMD District Headquarters, West Palm Beach, Florida	TBD