

Tue, 24 Oct 2017 11:12:33 -0700 (PDT)  
From: John Cassani  
Date: Tue, 24 Oct 2017 14:12:32 -0400  
Subject: Re: Caloosahatchee BMAP 5th Year Totals  
To: @dep.state.fl.us>

Kevin: Thank you for the clarification. It's now more evident to me which projects changed status that reflected the large and recent change toward the cumulative total in the 5-year BMAP summary.

It appears almost all of the TN credit change between the 2016 reporting period and the 2017 period through May 31 is reflected from Cape Coral project CC-10 and CC-11. CC-10 is described as "Freshwater Canal Detention" of 10.702 acres of canals. FDEP is crediting 33,585 lbs.TN reduction/yr from this project as the result of completing a "control structure". I suspect this is Cape Coral requesting a massive TN load reduction from canals that were present as early as the 1950s and were likely a significant source of the background TN that FDEP determined as not part of the BMAP load reduction allocation. Whatever net reduction the freshwater canals were providing if any was occurring at the time the TMDL was determined and already credited toward the TMDL total. Yet it now appears that Cape Coral is requesting a load reduction credit for canals that are in many cases more than half a century old and have likely lost most of their sequestering capacity for TN. As such they are more likely a "source" of TN rather than a "sink" and may reflect why TN concentrations are not trending down in the respective Cape Coral WBID.

Please describe what project CC-10 control structure and when completed that FDEP is now (in the 5th year of the BMAP) enabling the crediting 33,583 lbs.TN reduction/yr for the existence of the Cape Coral freshwater canals. Please also describe the assumptions by FDEP that would allow crediting these projects for the specific load reduction credits (e.g. necessary detention time to achieve the assumed TN reduction etc.). Please also cite the documents the assumptions are based on.

Project CC-11 is being credited for 32,305 lbs TN reduction per year as a result of "freshwater canal irrigation" described as "Pump stormwater stored in canals into irrigation supply network". Neither of these projects (CC-10 or CC-11) have been discussed at any of the public BMAP meetings and represent about a third of all TN reduction credits since BMAP implementation. Please provide the FDEP assumptions that will allow the TN load reduction credits for CC-11. For example how much irrigation water per year is being assumed, the concentration of TN in the irrigation water, the infiltration rate, the contribution to the surficial aquifer and the net change in TN to the receiving water. It is my understanding that Cape Coral is also importing both irrigation water from a surface water system and wastewater from a N. Ft. Myers wastewater treatment facility outside of its WBID watershed for irrigation purposes but these imports to the system are not being considered as part of the net change in TN for BMAP crediting.

It is also apparent to me that these two BMAP projects CC-10 and CC-11 are being submitted as mitigation for Cape Corals ERP application to permanently remove the Chiquita Lock which will open the south spreader system to tidal influence and result in the loss of the spreaders intended treatment capacity as it would discharge directly to the Caloosahatchee Estuary without the Lock.

Cape Coral's pending application to permanently remove the Chiquita Lock is an application of "heightened public concern", yet it was not discussed at the recent BMAP meeting even though very large BMAP TN reduction credits are being assumed. At a minimum, the assumptions behind these

BMAP projects CC-10 and CC-11 should have been discussed at the public meeting and among all stakeholders due to the magnitude of the load reduction credits that FDEP is apparently willing to grant.

It would not be appropriate to credit both CC-10 and CC-11 as BMAP TN load reduction credits since these same "credits" are being offered as mitigation for permanently removing the Chiquita Lock that would have been required for mitigation independent of the BMAP process, assuming FDEP grants the permit. In essence "double dipping". Other considerations as I have mentioned above should also apply.

I am suggesting that CC-10 and CC-11 should not be credited to the 5-year Caloosahatchee Estuary BMAP summary until the assumptions behind the crediting can be fully vetted and the decision by FDEP on Cape Coral's ERP application to permanently remove the Chiquita Lock has been decided. If FDEP grants BMAP TN reduction credits for CC-10 and CC-11 prior to FDEP's decision on Cape Coral's ERP application to permanently remove the Chiquita Lock, then it may be a de facto approval of the ERP application (mitigation for reasonable assurance) prior to the deadline for further public comment on it and may be why Cape Coral requested a 90 day extension (until Jan. 15, 2018) to FDEP for a decision on the permit to enable the BMAP crediting as part of the legislative review. The ERP mitigation issue is currently being disputed by the Calusa Waterkeeper as part of the ERP application review of "heightened public concern".

Please provide the information requested above regarding projects CC-10 and CC-11 by 10/29/17 or any other information that verifies the TN reduction assumptions for both projects.

Please consider this message as part of the public comments on behalf of the Calusa Waterkeeper toward the Draft 5-Year Review of the Caloosahatchee Estuary Basin Management Action Plan

Thank you.  
Jc

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On Tue, Oct 24, 2017 at 11:27 AM, @dep.state.fl.us wrote:

The spreadsheet includes all of the projects from all entities, and compares the project status and reductions from the last annual Progress Report to those in this draft 5-Year Review. In order to get the total reduction for each report, we sum all credits associated with projects completed by the end of that reporting period.

Using the spreadsheet, if you filter the 2016 Project Status column (Column E) to show only the completed status, then sum the 2016 TN Reductions in Column H, the total is 181,680 lbs/yr. If you filter the 2017 Project Status column (Column F) to show only the completed status, then sum the 2017 TN Reductions in Column I, the total is 217,008 lbs/yr. The additional information in the spreadsheet is provided to try to answer your question about changes in individual projects from the last report to the draft of this report. As a reminder, the 5-Year Review includes project information through May 31, 2017, only, in order to meet the legislative deadline to submit the report.

Also, attached is a reference document that DEP uses to show the methods used to calculate the credits for various project types. Project information is submitted by the entities, and then verified by DEP for completed projects.

From: John Cassani  
Sent: Tuesday, October 24, 2017 10:03 AM  
To: @dep.state.fl.us

The numbers just don't add up to equal a 35,328 lbs/yr reduction since the 2016 reporting period or even including the 2016 period, draft version or otherwise. Most of the projects you apparently refer to don't have load reductions determined (TBD) or "no information provided". Can you be a bit more explicit as to how the Department reached 35,328 lbs reduced per year since the 2016 reporting period?

According to the Final 2016 Caloosahatchee Estuary BMAP Progress report, the TN load achieved by the end of the 2016 reporting period was 181,680 lbs. TN/ year which is about 47% of the amount required to meet the TMDL and a bit under the stated objective of 50% reduction by the end of the first 5-year reporting period. About 119,238 TN lbs./year was credited to projects before BMAP implementation in 2012 representing about 30.7% of the total achieved through 2016. Since BMAP implementation, 62,442 lbs.TN/year was credited representing about 16.1% of the total (2012-2016 excluding the 5th year credits).

I would not like to see a version of this go before legislative review that seems very ambiguous as to the 5-year total explicitly stated as 56% TN reduction achieved in the draft 5-year summary. It appears the totals are being inflated to achieve the 50% stated objective for the 5-year goal by including uncompleted projects or where information has not been provided. Perhaps for projects that have not even progressed beyond the planning stage. If this is not the case please be very specific as to what "completed" projects will reduce TN since the 2016 reporting period and through the 5th year reporting period (December 1, 2016-November 30, 2017).

Furthermore, it is my understanding that FDEP certifies the load reduction credit per project, not the BMAP entities. Please clarify. It would not seem appropriate for the BMAP partners to determine a load reduction credit as part of this regulatory program. That said, if the project planning is complete then it is FDEP's responsibility to determine estimated load reduction per FDEP criteria after the project is implemented and "on-line" for BMAP crediting. The load reduction criteria should be included in the 5-year summary or at least a reference to it.

Please consider this message and my original message of 10/21/17 as part of the public comment record regarding the Draft 5-Year Review of the Caloosahatchee Estuary Basin Management Action Plan

Thank you.  
jc

John Cassani

On Tue, Oct 24, 2017 at 8:45 AM, @dep.state.fl.us> wrote:

Hello, John.

Please see the attached spreadsheet for details on the changes in the projects from the 2016 Annual Progress Report to the 2017 5-Year Review. Keep in mind the 5-Year Review is in draft format and we expect some of these numbers to change as stakeholders submit edits.

Regards,

From: John Cassani [mailto:jcass927@gmail.com]  
Sent: Saturday, October 21, 2017 3:16 PM  
To: @dep.state.fl.us  
Subject: Caloosahatchee BMAP 5th year totals

Kevin: before I send in my comments on the Caloosahatchee Estuary BMAP 5-Year summary I wanted to know if you could clarify the load reduction projects yielding 35,328 lbs./year for the current 2017 reporting period (December 1, 2016-November 30, 2017)?

During the 2016 reporting period (December 1, 2015-November 30, 2016) the total TN load reduction toward the TMDL was reported as 181,680 lbs./year (Final 2016 Progress Report). In the Five-year Summary Report, apparently including load reduction projects completed since December 1, 2016, the total TN load reduction toward the TMDL is reported as 217,008 lbs./year.

I have reviewed Appendix A of the Draft 5-Year Review of the Caloosahatchee Estuary Basin Management Action Plan and I can only account for 325 lbs TN reduction during 2017 for completed projects (Project EC-08). Has FDEP credited uncompleted projects for year 2017 (BMAP 5th year) toward the 5-year total? If so please inform me of the projects that total 35,328 lbs./year TN reduction for the reporting period December 1, 2016 to November 30, 2017.

I would appreciate it if you could respond by October 27, 2017.

Thank you.

jc

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