

## **Ceitus: Comment to BOCC on 25 October**

**Good morning. I'm Phil Buchanan and I represent the GPICA. I've also served as the legal coordinator of the 15 or so environmental organizations that seek to restore fresh water flows from the North Cape watershed to their natural paths through the mangrove fringe instead of being dumped in one place in Matlacha.**

**The Ceitus issue begs for a court-ordered solution and in fact the path has been paved to that end. Tallahassee ordered DEP to deny the Ceitus Barrier permit even though all of the scientists at DEP and other environmental organizations knew the barrier had to go back to avoid serious environmental consequences. So—while they had to deny the permit, they listed for doing so only tongue in cheek reasons they knew could be easily overturned by a court of law, which would be a win-win for almost everybody.**

**For example, we all know the estuaries, places where fresh water and salt water mix, are among the most productive places on earth—they teach that in grade school these days—varying amounts of fresh water entering our mangroves fringes are essential to our marine nurseries. The denial however says “the higher the salinity the better” and that fresh water in the mangrove fringe would adversely affect marine life—they know better than that—it is as the British say, an “Aunt Molly to be knocked down.”**

**We all know that routing storm waters through the mangroves helps to filter the water and make it cleaner. The DEP denial properly lists Cape Canal waters as impaired, but summarily and erroneously**

**declares that no improvement would result from their being filtered through the mangroves.**

**We all know that there are no archeological or historic resources in the Cape mangrove fringe; nonetheless the denial is based in part on damage to those nonexistent resources.**

**We all know that the absence of the Barrier has created a dangerous current at the south end of the North Spreader—in fact the Cape police have issued several warnings to boaters. The DEP denial turns that on its head by claiming that routing the fresh water back to their historical paths through the mangroves would create a dangerous situation for “boaters traversing the mangroves.” There are of course no boaters traversing the mangroves, nor would the gentle flow of water spread through 1000’s of acres of mangroves be a problem to anybody.**

**The list goes on and on in much the same way, but my warning light is on, so let me just conclude with my favorite facetious reason given for denying the permit. The permit has to be denied, DEP said, because Cape Coral told them in writing that they would instruct their contractor to refuse to abide by manatee protection procedures during construction of the proposed Barrier. I doubt that there has ever been a more telling example of a concocted reason for not doing something, nor one more easily overcome by a court order.**

**The environmental professionals over at DEP have done everything they can to help us bring and win this lawsuit. Don’t let them down.**

**Thank you.**