

November 30, 2016

Good morning Mr. Wood,

Thank you for reviewing the application. Your comments have been added to the file.

Please let me know if you have any additional questions or concerns.

Kind regards,

cid:image004.png@01D21A3D.CCCA4160

Daniel Sensi

Permitting Program Manager

Florida Department of Environmental Protection

South District Office

Daniel.Sensi@dep.state.fl.us

Office: 239.344.5614

Internal: 8-5614

From: Roger Wood [mailto:rogergpica@gmail.com]

Sent: Wednesday, November 30, 2016 1:57 AM

To: Sensi, Daniel <Daniel.Sensi@dep.state.fl.us>

Subject: Chiquita Lock Removal

Dear Mr. Daniel Sensi, Permitting Program Manager, Florida DEP,

I have reviewed the Chiquita Lock Removal Permit Application. I object to the Permit being issued as submitted, and I have attached copies of the relevant pages with my critical comments noted in red.

Roger Wood, President Greater Pine Island Civic Association, Architect Retired, Saint James City, FL

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exotic vegetation, use the FLUCCS code representative of the native community type that was present prior to exotic infestation. **See attached Drawings.**

11. Provide existing and proposed maps indicating vegetative community types based on the Florida Natural Areas Inventory Guide to the Natural Communities of Florida. **See attached Drawings.**
12. Impact Summary Tables (located at the end of this section):
 - a. For all projects, complete Table 1, 2 and 3 as applicable. **Table 1 is attached**
 - b. For shoreline stabilization projects, provide the information requested in Table 4. **Table 4 is attached**
13. Adjacent property owners. The following information is required only for projects proposed to occur in, on or over wetlands that need a federal dredge and fill permit and/or authorization to use state owned submerged lands and is not necessary when applying solely for an Environmental Resource Permit. If the activity is located on state owned submerged lands and requires a lease or easement, provide a list of names and addresses from the latest county tax assessment roll of all property owners located within a 500 ft. radius of the proposed lease or easement boundary in mailing label format, or you may elect to send notice to those persons by certified mail, with the return-receipt card addressed to the DEP or water management district, as applicable, in accordance with subsection 18-21.005(3), F.A.C., and Section 253.115, F.S. For projects that need a federal dredge and fill permit, please provide the names, addresses and zip codes of property owners whose property directly adjoins the project (excluding applicant). Attach additional sheets if necessary.

1. CRE Cape Harbour, LLC 4600 Wells Fargo Center, 90 S. 7th St. Minneapolis, MN 55402	2. META at Cape Harbour Community Association 8117 Preston Road, Suite 450 Dallas, TX 75225
3. CRE Cape Harbour Land, LLC 4600 Wells Fargo Center, 90 S. 7th St. Minneapolis, MN 55402	4. Board of Trustees of the Internal Improvement Trust Fund of the State of Florida

PART 2: ENVIRONMENTAL CONSIDERATIONS

Note: for many questions, a state rule/Applicant's Handbook Volume I (AH I) section is cited to assist the applicant in addressing these questions. However, additional Federal criteria may apply.

1. Elimination or Reduction of Impacts (Avoidance and Minimization). Describe measures taken to eliminate or reduce impacts to wetlands and other surface waters (Refer to AH I Section 10.2.1). **The proposed method of removing the existing locks and seawall creates the least possible impacts to the OSW (a manmade canal). Only the immediate area adjacent to the existing manmade structures will be impacted. All impacts are incidental to the demolition and will result in temporary disturbances to the adjacent water body. See attached Report by Janicki Environmental for additional information.**

The construction of the lock may have the least possible impacts, but after the lock will be removed there will be a huge impact on the environment of the navigable waters and shorelines of Pine Island, Matlacha, Sanibel and Fort Myers Beach. The release of 41 square kilometers of storm water flushing out at one point will disrupt the local ecology. The Janicki Report does not address sedimentation. On P. 92 of the Permit Application, the Hydrodynamic Model used shows two canals going West to Matlach Pass that do not exist. The Model calculations cannot be accurate.

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2. Fish, Wildlife, Listed Species and their Habitats. Provide results of any wildlife assessments that have been conducted on the project site and provide any comments pertaining to the project from the Florida Fish and Wildlife Conservation Commission and/or the U.S. Fish and Wildlife Service (*Refer to AH I Section 10.2.2*). **No new wildlife assessments have been conducted on the project site.**
3. Water quantity impacts to wetlands and other surface waters (*Refer to AH I Section 10.2.2.4 and AH II*). **No significant changes in water quality are anticipated with the removal of the Boat Lock. The estimated TN loading from the Southern Spreader Waterway to be applied in the updated TMDL and BMAP for the Caloosahatchee River is unimpeded in the new DEP watershed model. Therefore, the expectation is that there will be no incremental change in TN loadings due to removal of the boat lock. See attached Report by Janicki Environmental for additional information.**

See prior comment on the flawed Model in Item 1. The water quality study of salinity, Total Nitrogen and sedimentation is inaccurate. There is only an EXPECTATION that there is no change in TN.

- a. Does the activity include a proposed stormwater water management system with a control elevation different than the wetland normal pool elevation(s) of existing or proposed created wetlands or other surface waters? **Not Applicable. A surface water management system is not required or proposed. The whole Sreader Canal and lock was a Stormwater Water Management system. After it's removed, what repaces it? See Permit Application P. 56 attached.**
- b. If yes to (a), provide documentation (e.g. drawdown assessment or other methods) that shows the proposed surface water management system will not change the hydroperiod of the existing or created wetland or other surface water. **Not Applicable. Yes it is!**

4. Public Interest Test. Please describe how the proposed activity will *not be contrary* to the public interest, OR if such an activity significantly degrades or is located within an Outstanding Florida Water (OFW), that the regulated activity will be *clearly in* the public interest (*Refer to AH I Section 10.2.3*). **Removal of the boat lock will eliminate the existing hazard to boaters navigating the Spreader Waterway. See attached Boat Lock Report for additional information.**

There is no hazard, only an inconvenience. A double lock, as considered, would solve the traffic problem.

- a. Please describe how the project will be designed to avoid adverse affects to public health, safety, or the welfare or the property of others. **Following all construction activities, the canal at this location will have a cross-sectional width of 125'. All activities associated with the former boat lock will be eliminated. The upland development that is currently associated with the boat lock will also be eliminated. As a result, public health, safety, and adjacent private property considerations are enhanced.**
- b. Please describe how the project will be designed to avoid adverse affects to the conservation of fish and wildlife, including endangered or threatened species, or their habitats. **The completed Project will create a new cross-section of the canal at this location that is more consistent with the canal both upstream and downstream of this location. Although short-term construction activities may minimally disrupt the normal routines of some species, all necessary steps will be taken to insure their well-being. Post-construction conditions should present no adverse affects to the species or their habitats and may likely benefit them in the long-term. For additional information, see attached report by Janicki Environmental and Attachment A – Construction Activities Plan.**
- c. Please describe how the project will be designed to avoid adverse affects to navigation or the flow of water or cause harmful erosion or shoaling. **The completed Project will improve navigational access within the canal. No erosion or shoaling is anticipated. Where shown on the plans, replacement seawalls will be constructed that will reduce the potential for erosion.**

After the removal of the North Spreader barrier there was huge sedimentation that was a hazard.

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- d. Please describe how the project will be designed to avoid adverse affects to the fishing or recreational values or marine productivity in the vicinity of the activity. **The completed Project should create no adverse impacts to fishing, recreation Values productivity. See attached Report by Janicki Environmental for additional information. The Lock Removal will cause sediments to smother the sea grasses, crabs and shellfish. The added disruption of salinity to the area will further kill sea grasses and a major food source in the aquatic food chain. Commercial and -**
- e. Will the project be of a temporary or permanent nature? **The lock removal is permanent.**
- (d. Cont.) Sport fishing will decline. Muddy turbid water prohibits swimming. Lawn fertilizers and dog poop will cause stinking seaweed. Beach use and tourism will be cut. Boat sales and service will decline. Land Values will drop. None of this has been studied and disproved in the permit Application.**
- f. Please describe how the project will be designed to avoid adverse impacts to significant historical and archaeological resources, under the provisions of section 267.061, F.S. **There are no significant historical or archaeological resources associated with this project. See attached letter from The Florida State Historic Preservation Office.**
5. Please describe how the project will be designed to avoid adverse affects to the current condition and relative value of functions being performed by areas affected by the proposed regulated activity. **With respect to public interests, this project proposes to improve or enhance current conditions, safety and navigation.**
6. Water Quality. Provide a description of how water quality will be maintained in wetlands and other surface waters that will be preserved or will remain undisturbed, both on and offsite. Please address both short-term (such as during construction) and long-term water quality considerations (*Refer to AH I Section 10.2.4*). **The completed project will have limited effect on water quality conditions due to the removal of the existing Lock. See attached Report by Janicki Environmental for water quality data. During construction, all applicable BMP's will be utilized to insure that no adverse water quality impacts occur.**
- There is no accurate Hydrographic Model done on my prior comments, and many assumptions were made.**
7. Class II Waters; Waters approved for shellfish harvesting (*Refer to AH I Section 10.2.5*).
- a. Will the project occur in Class II that are NOT approved for shellfish harvesting? If yes, please provide a plan or procedure detailing the measures to be taken to meet the requirements of *AH I Section 10.2.5(a)*. **NA**
- b. Is the project located adjacent to or in close proximity to Class II waters? If yes, please provide a plan or procedure detailing the measures to be taken to meet the requirements of *AH I Section 10.2.5(b)*. **NA**
- c. Is the project located in Class II or Class III waters that are classified as "approved", "restricted", "conditionally approved", or "conditionally restricted"? If yes, demonstrate that the project meets the requirements of *AH I Section 10.2.5(c)*. **NA**
8. Vertical seawalls. Are vertical seawalls proposed in an estuary or lagoon as part of the project? If yes, please describe how the project meets the requirements of *AH I Section 10.2.6*. **The project is in compliance with Applicants Handbook I Section 10.2.6(A)3. No seawalls are proposed within existing estuaries or lagoons. At the time of its construction, the replacement seawall will be located within non-jurisdictional uplands.**
9. Secondary Impacts (*AH I Section 10.2.7*).

The "Purpose" of the Lock and South Waterway System is highlighted in yellow on the copy of Page 56 of the Lock Removal Permit Application shown below.

1. Stormwater was to be **RETAINED** in the Canals to settle out sediment and pollutants.
2. Flash Stormwater Levels would **OVERFLOW** the West and South banks to filter and spread uniformly through the Mangrove Forest. **REMOVING THE LOCK STOPS THOSE 2 TREATMENTS.**

The Chiquita Boat Lock (Figure 2) itself was built in the early 1980's as part of the South Spreader Waterway System.

The waterway was meant to distribute stormwater runoff through the mangrove fringe for treatment. The boat lock provided boaters access to the tidal Caloosahatchee River and ultimately the Gulf of Mexico. The canal system upstream of the lock is divided into two zones, freshwater canals and saltwater canals separated by Weir 20. The saltwater zone is maintained for navigation and has access to the boat lock. The freshwater zone is meant to retain stormwater runoff for treatment and provide a source for irrigation.



Figure 2. Aerial view of the Chiquita Boat Lock provided by Google Earth.

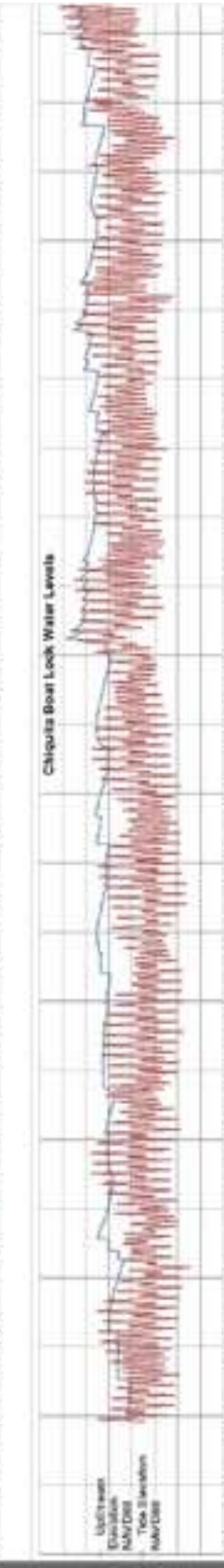
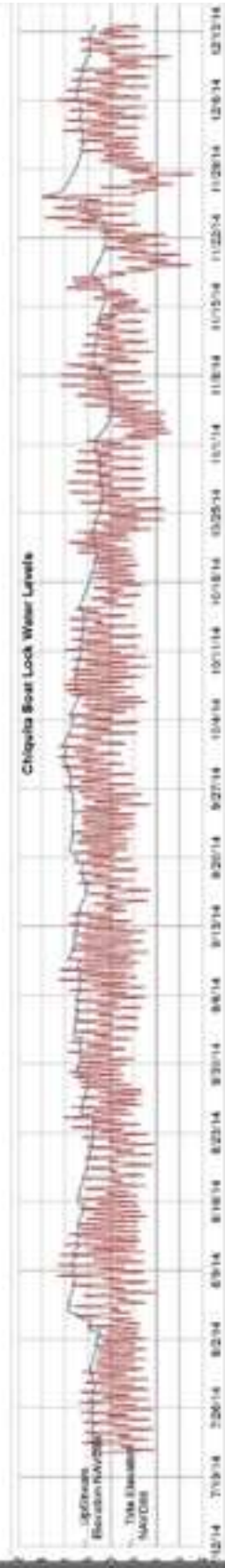
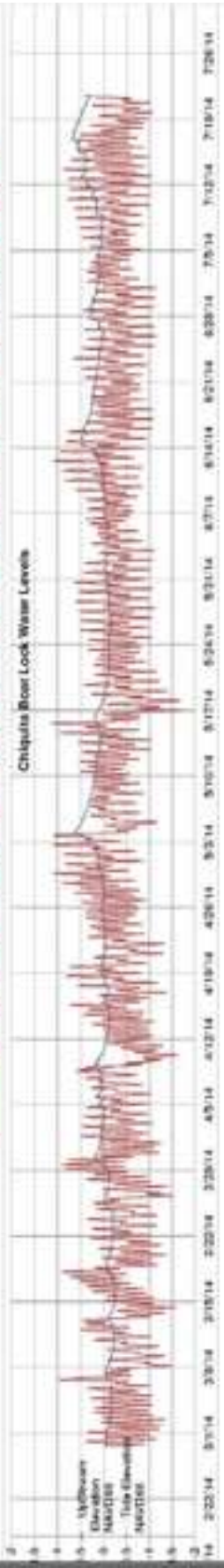
The lock is operated by the City of Cape Coral, Parks and Recreation Department's Marine Services Division. It is opened on demand during normal operating hours and requires, ½ hour notice of when an opening is required. All of the waterways upstream of the lock are marked "Idle Speed, No Wake".

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CHIQUITA BOAT LOCK REMOVAL - CANAL WATER LEVELS WILL VARY 1 1/2 TO 3 FEET

Chi Boat Lock Removal - Water Levels for Boat Access
June 7, 2016

— The Blue Line shows Canal Water Levels with the Lock. Most of the Water Level Variations are 3 to 6 inches.
— The Red Lines show the River Tidal Water Levels by the Lock. The Tidal Water Level Variations are 1.5 to 3 feet.



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The tide chart on the ~~next~~ page shows the elevation readings upstream of the Boat Lock (Spreader Canal) and tidal water downstream of the Boat Lock for 19 months between March 2014 and September 2015.

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