

Board of County Commissioners
Office of the County Administrator

304 NW Second Street - Room 123 • Okeechobee, Florida 34972
Telephone 863-763-6441 Ext. 1 • Facsimile 863-763-0118



June 26, 2023
via email transmission only

Mr. Drew Bartlett, Executive Director
South Florida Water Management
3301 Gun Club Road
West Palm Beach, FL 33406

Re: Lower Kissimmee Basin Stormwater Treatment Area (LKBSTA) Lazy 7 Area

Dear Mr. ^{Drew} Bartlett:

Regarding the above SFWMD project, and at the request of the Okeechobee County Board of County Commissioners, please accept this letter as our request to have a SFWMD representative come to an upcoming BOCC Meeting to explain the process of this stormwater treatment area. Our upcoming meetings are July 13, July 27, and August 10, 2023 all beginning at 9:00 a.m. Kindly contact the Administrator's office at 863-763-6441 Ext. 1 to be placed on an upcoming agenda.

Additionally, it is our Board's request that SFWM conduct and hold a public meeting to afford the citizens of Okeechobee an opportunity to hear about the project and ask questions. Okeechobee County would be glad to host the location at our Civic Center located on Highway 98. We would just need to coordinate and date/time with you.

Our understanding is that this is an EIP project for a water treatment, which will be built on privately-owned land and operated under a contract with SFWMD. SFWMD will pay the property owner to remove phosphorus from the water before it goes into Lake Okeechobee

We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "David Hazellief".

David Hazellief, Chairman

cc: South Florida Water Management Board Members

[1016-00033216.1ADMIN]

David Hazellief
District 1

Frank DeCarlo
District 2

Bradley G. Goodbread
District 3

Terry Burroughs
District 4

Kelly Owens
District 5

Board of County Commissioners

Okeechobee County



304 NW Second Street – Room 123, Okeechobee, FL 34973
Phone: 863-763-6441 Ext.1 or Fax: 863-763-0118

August 7, 2023

Mr. Drew Bartlett
Executive Director
South Florida Water Management District (SFWMD)
3301 Gun Club Road
West Palm Beach, FL 33406

Re: Okeechobee County's Opposition to the South Florida Water Management District's Proposed Lower Kissimmee Basin Stormwater Treatment Area (LKBSTA) Project

Dear Mr. Bartlett:

On behalf of the Okeechobee County Board of County Commissioners, I am writing to formally notify the South Florida Water Management District (SFWMD) of the County Commission's strong opposition to the design and construction of the District's proposed Lower Kissimmee Basin Stormwater Treatment Area (LKBSTA) Project, which would include 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 property).

Our 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. However, together, we must be concerned and respectful of the negative impacts that these types of facilities bring to our communities and 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.

Although the County and surrounding areas within our region are faced with significant drainage and stormwater treatment issues, the Okeechobee Board of County Commissioners are not in support of the proposed LKBSTA Project due to reasons that would impact the safety and the quality of life for our citizens within our County, including:

The proposed project is expected to result in significant flooding concerns for the surrounding residential communities in Okeechobee. Thus, our residents and property owners would be faced with a reduction in their property valuation while also being challenged with a cost increase in their homeowner's insurance rates (above the significant increases that we are already seeing within our County and throughout the state of Florida before this project is constructed).

[1028-00033367.1ADMIN]

David Hazellief
District 1

Frank DeCarlo
District 2

Bradley G. Goodbread
District 3

Terry Burroughs
District 4

Kelly Owens
District 5

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. This project would increase the risk of our property owners having to pay more for homeowner's insurance (with the possibility of losing their insurance entirely due to the inherent flooding that will occur from this project) or losing their home due to flooding.

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.

The project is expected to have significant costs, 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.

Thus, the total cost of this project is not justified by the projected nutrient load that is expected to be removed from our waterways (13 to 15 metric tons of phosphorus per year depending on design). *[There are better options as identified below 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].*

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 cost impacts that it will have within our community.

Further, the Board is requesting the District to strongly consider other options/locations to build this type of stormwater treatment area (STA) project, including north of the State Road (SR) 60 or in the northern portion of the County on the +/- 40,000 acres of land where several government agencies maintain ownership and/or flowage easements (Kissimmee Prairie Preserve State Park).

Thus, the County Commission is requesting the SFWMD's Governing Board to vote against any request to proceed with this project in its current location during your upcoming discussion and consideration of the inclusion and/or expansion of the project to include the RES property into the District's larger project. Additionally, we are requesting the Governing Board to vote against moving the entire project from the design stage to the implementation stage.

Should you have any questions and/or require additional information regarding our County's position on this project, please do not hesitate to contact either myself or Ms. Deborah Manzo, County Administrator at 561.763.6441 (Option #1).

[1028-00033367.1ADMIN]
David Hazellief
District 1

Frank DeCarlo
District 2

Bradley G. Goodbread
District 3

Terry Burroughs
District 4

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District 5

Page 3
August 7, 2023

Thank you in advance for your support of the need to find better solutions (and locations) to this important environmental issue while also protecting the safety of our community's homes and citizens' quality of life.

Respectfully submitted,



David Hazellief, Chairman
Board of County Commissioners

cc: Okeechobee County Board of County Commissioners
The Honorable Benjamin Butler – Okeechobee County Area Representative - South Florida Water Management District (SFWMD) Governing Board
The Honorable Charlette Roman – Okeechobee County Area Representative - South Florida Water Management District (SFWMD) Governing Board
The Honorable Chauncey Goss – Chairman – South Florida Water Management District (SFWMD) Governing Board
The Honorable Scott Wagner– Vice-Chairman – South Florida Water Management District (SFWMD) Governing Board
The Honorable Members of the South Florida Water Management District (SFWMD) Governing Board

[1028-00033367.1ADMIN]

David Hazellief
District 1

Frank DeCarlo
District 2

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Terry Burroughs
District 4

Kelly Owens
District 5



**Okeechobee County
Board of County Commissioners**

304 NW 2nd Street
Okeechobee, FL 34972

Department: Administration
Category: Presentation
Prepared By: Tracy Rowland
Initiator: Deborah Manzo

**SCHEDULED
PRESENTATION (ID # 9696)**

SUBJECT: 10:00 A.M. PRESENTATION: MR. KYLE GRAHAM AND MR. JEREMY MCBRYAN ON BEHALF OF ECOSYSTEMS INVESTMENT PARTNERS (EIP) AND SOUTH FLORIDA WATER MANAGEMENT DISTRICT CO-PRESENTING ON LOWER KISSIMMEE BASIN STORMWATER TREATMENT (STA) PROJECT

MEETING: Regular Session August 10, 2023

FINANCIAL IMPACT:

REQUESTED ACTION:

That the Board of County Commissioners receive a presentation from Mr. Kyle Graham and Mr. Jeremy McBryan of Ecosystems Investment Partners (EIP), will be co-presenting with Ms. Megan Jacoby from South Florida Water Management District to provide a briefing on the Lower Kissimmee Basin Stormwater Treatment (STA) Project.

BACKGROUND:

Mr. Jeremy McBryan from EIP will provide an overview and briefing on the Lower Kissimmee Basin Stormwater Treatment (STA) Project, along with Ms. Megan Jacoby from South Florida Water Management District

Mr. Kyle Graham and Mr. Jeremy McBryan of Ecosystems Investment Partners (EIP), will be present along with Ms. Megan Jacoby from South Florida Water Management District.

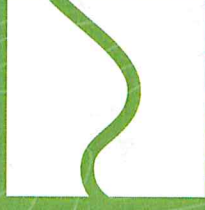
County Administrator recommends the Board receive the presentations.

ATTACHMENTS:

- Lower Kissimmee Basin STA from EIP and SFWMD Okeec_BCCC_Mtg_10Aug2023 v2 to County (PDF)
- EIP - SFWMD Request to Appear 8-10-23 (PDF)

Lower Kissimmee Basin Stormwater Treatment Area Project (LKBSTA)

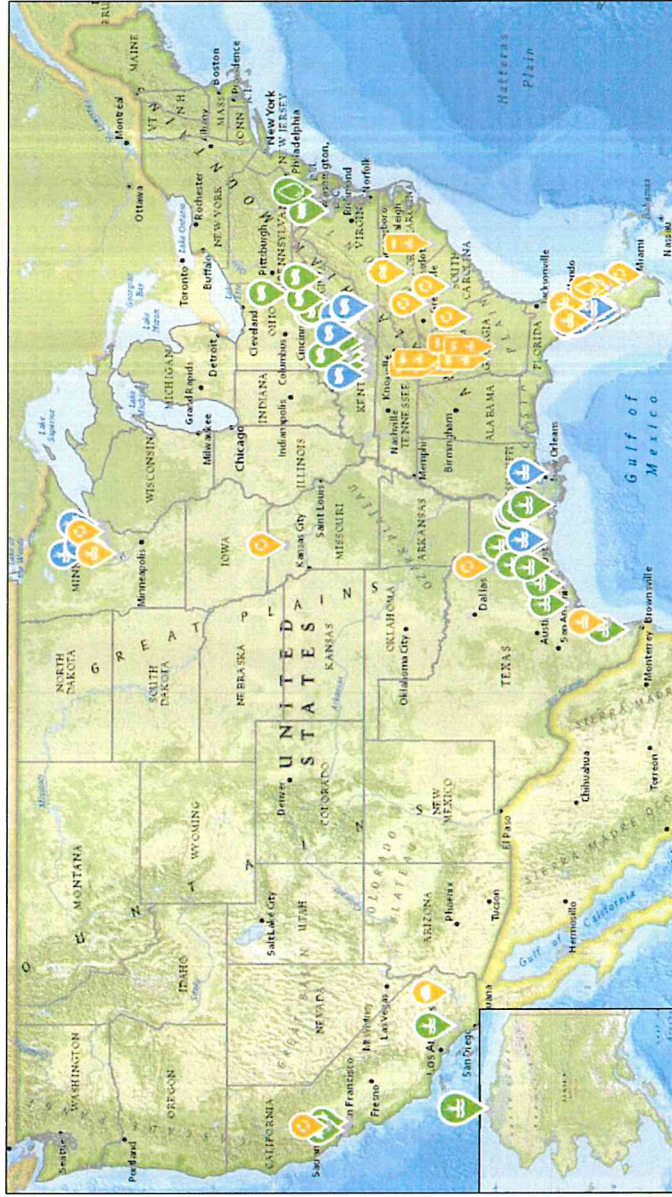
Okeechobee County
Board of County Commissions Meeting
August 10, 2023



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Investment
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LOWER KISSIMMEE BASIN STORMWATER TREATMENT AREA PROJECT

Introduction

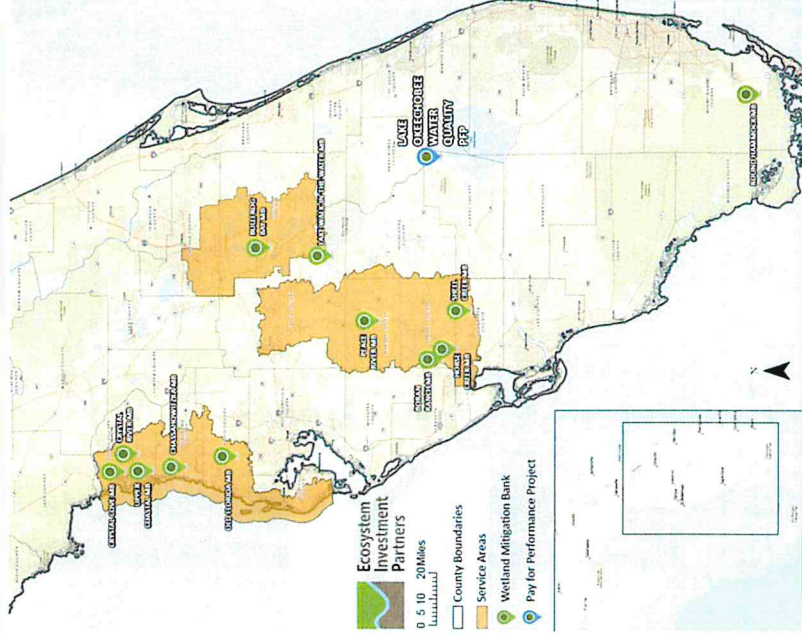


-  Coming Soon
-  Water Quality
-  Species Habitat
-  Stream
-  Wetland
-  EIP I
-  EIP II

 226+ Miles of Streams Restored and Conserved

 46,900+ Acres of Wetlands Restored and Conserved

 6,500 Tons of Nutrient and Sediment Pollution Eliminated Annually



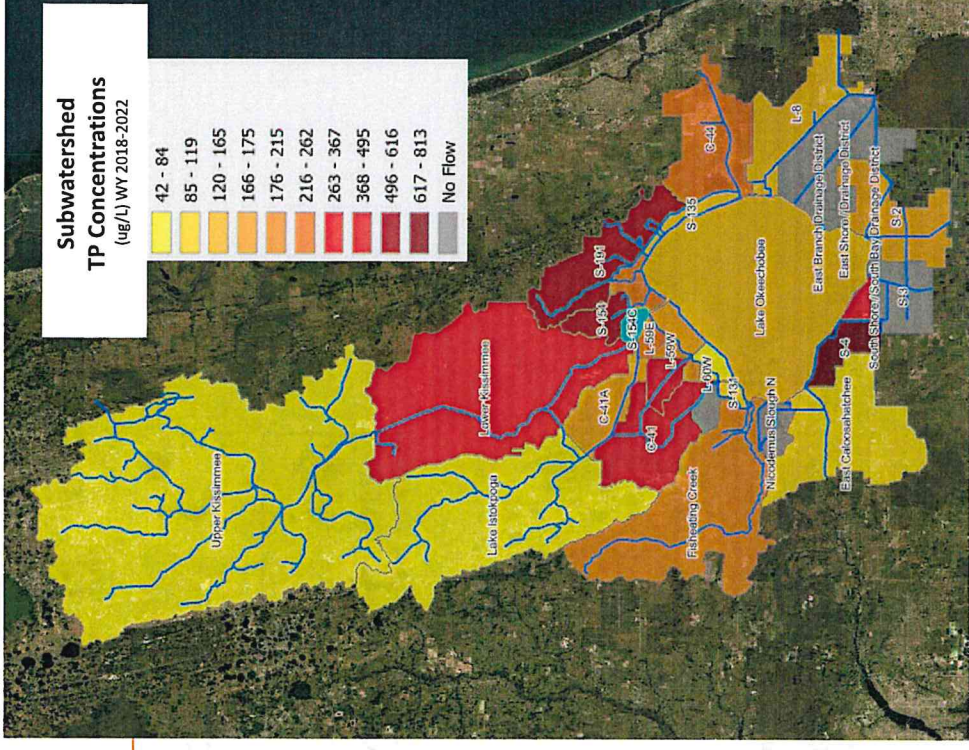
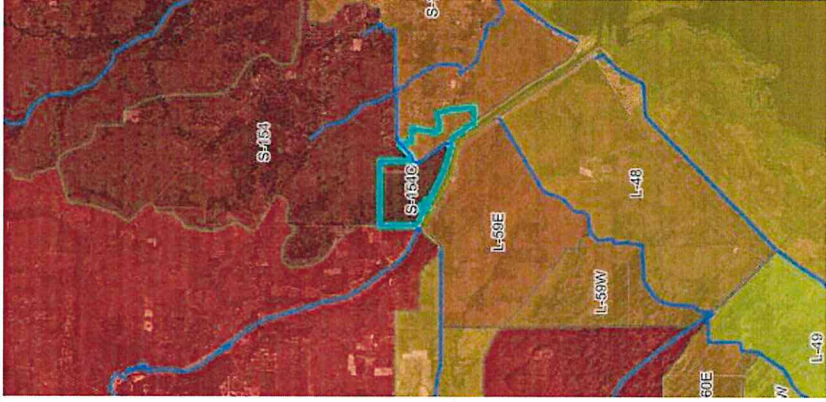
Ecosystem Investment Partners



LOWER KISSIMMEE BASIN STORMWATER TREATMENT AREA PROJECT

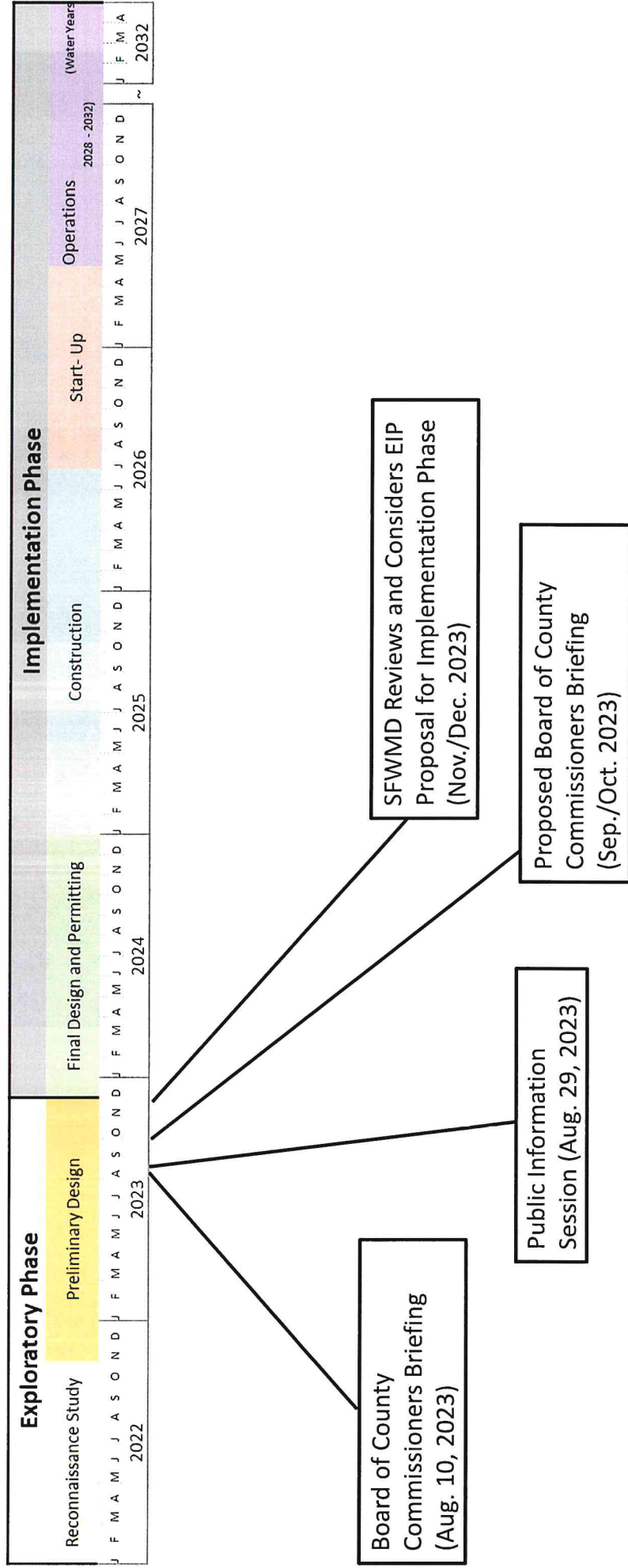
Property Location

- **May 2021:** SFWMD solicited proposals to Design/Build/Operate a stormwater treatment project in the Lower Kissimmee Basin
- **December 2021:** EIP entered into contract with SFWMD



LOWER KISSIMMEE BASIN STORMWATER TREATMENT AREA PROJECT

Contract



Exploratory Phase Activities to Date

Biological / Environmental Studies

Geological Studies

Field Surveys

Project Concept Development

Treatment Performance Evaluations

Infrastructure Assessments

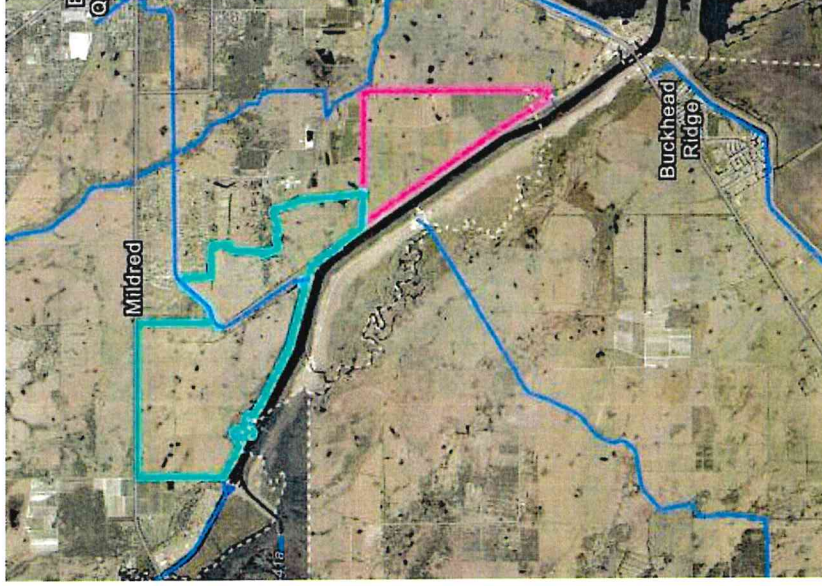
Operational Strategy Development

Permit Acquisition Coordination/Planning

Construction Planning

Conclusions

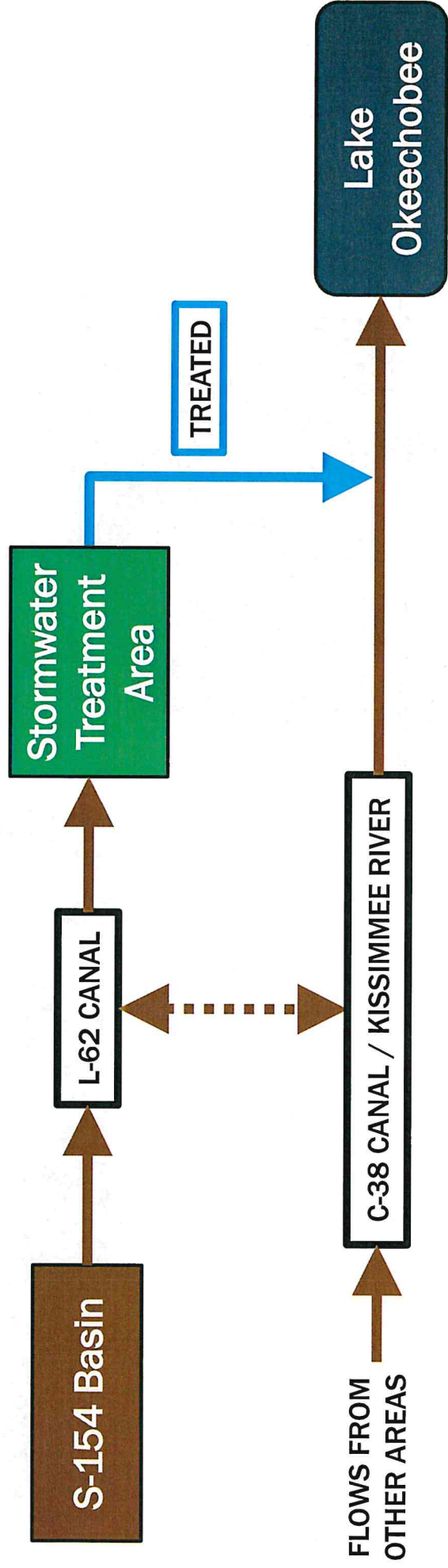
- Project site should be graded flat to facilitate long-term wetland vegetation health and treatment performance
- Re-locating a segment of the L-62 canal enables efficient STA cell configurations and construction methods
- C-38 canal water can be treated if L-62 canal water is not available
- One inflow pump station can convey water from both the L-62 and C-38 Canals



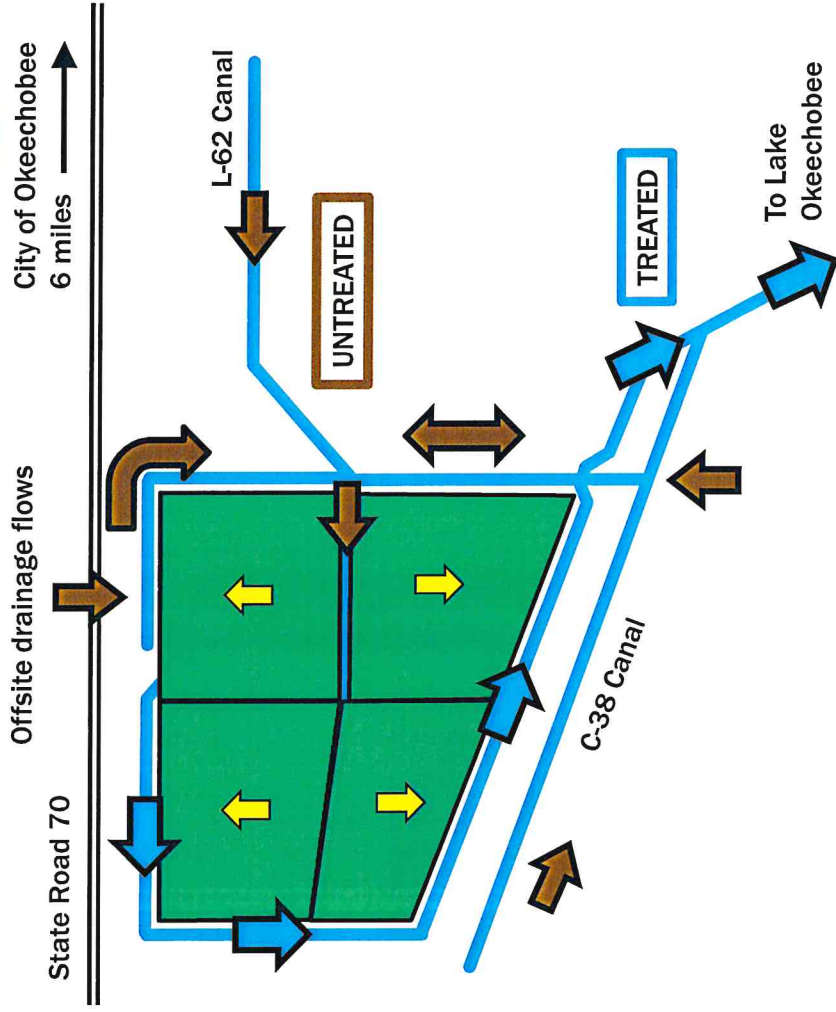
- **Spring 2023:** EIP evaluated the possible benefits of adding the RES property to the project.
- **May 11, 2023:** At SFWMD Governing Board Meeting, staff stated they were in discussions with EIP about the possible expansion of the contract to include the RES property.
- **September/October 2023:** SFWMD Governing Board expected to be presented proposal to begin “Exploratory Phase” for EIP land not included in the current proposed project and the RES property.

LOWER KISSIMMEE BASIN STORMWATER TREATMENT AREA PROJECT

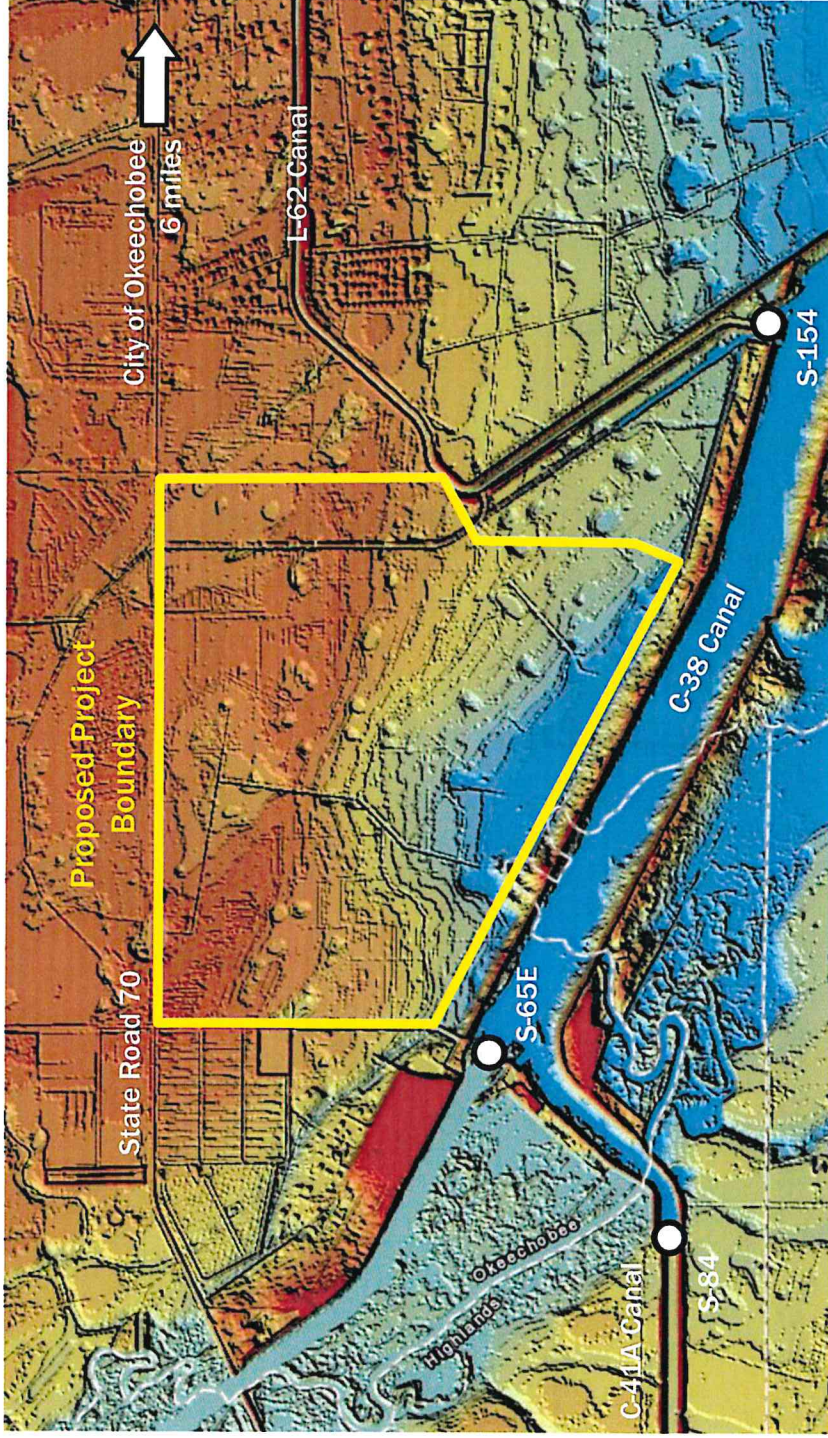
Proposed Project – Concept



LOWER KISSIMMEE BASIN STORMWATER TREATMENT AREA PROJECT
Proposed Project – Concept (cont'd)



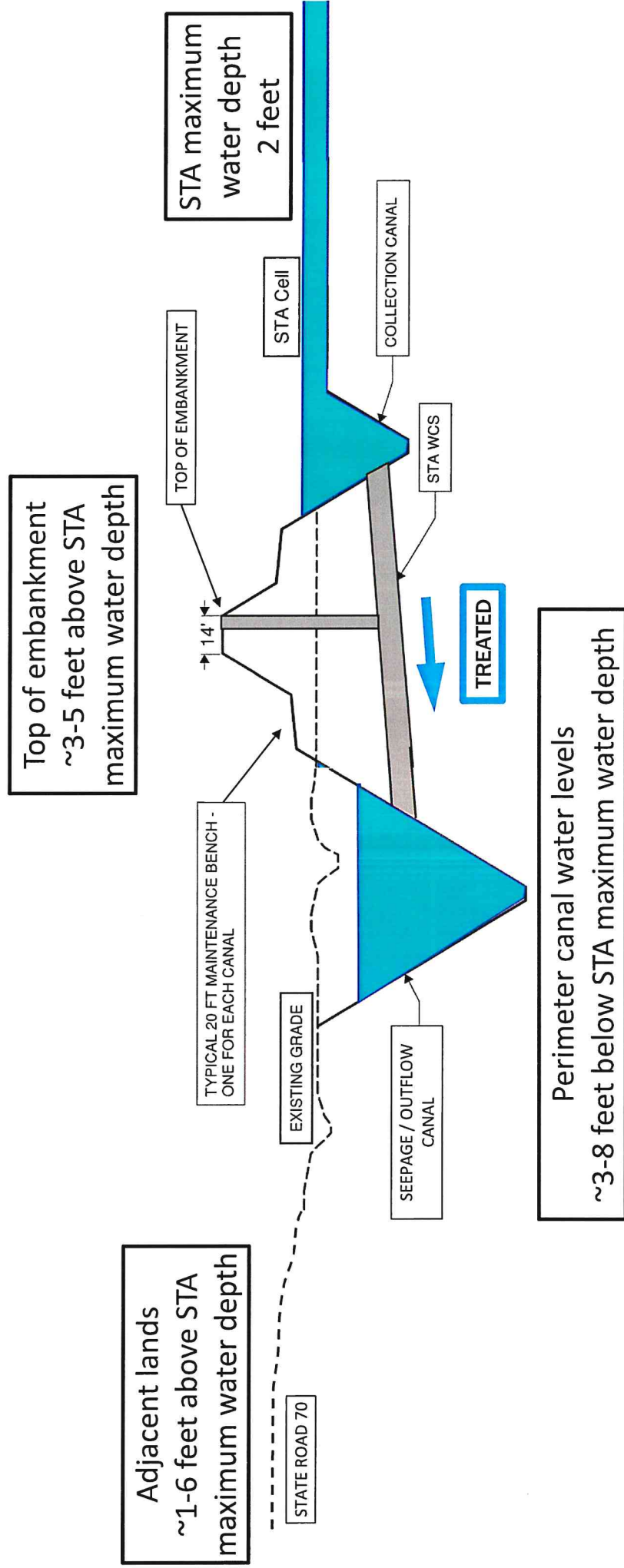
LOWER KISSIMMEE BASIN STORMWATER TREATMENT AREA PROJECT
Proposed Project – Concept (cont'd)



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Proposed Project – Canals and Embankments

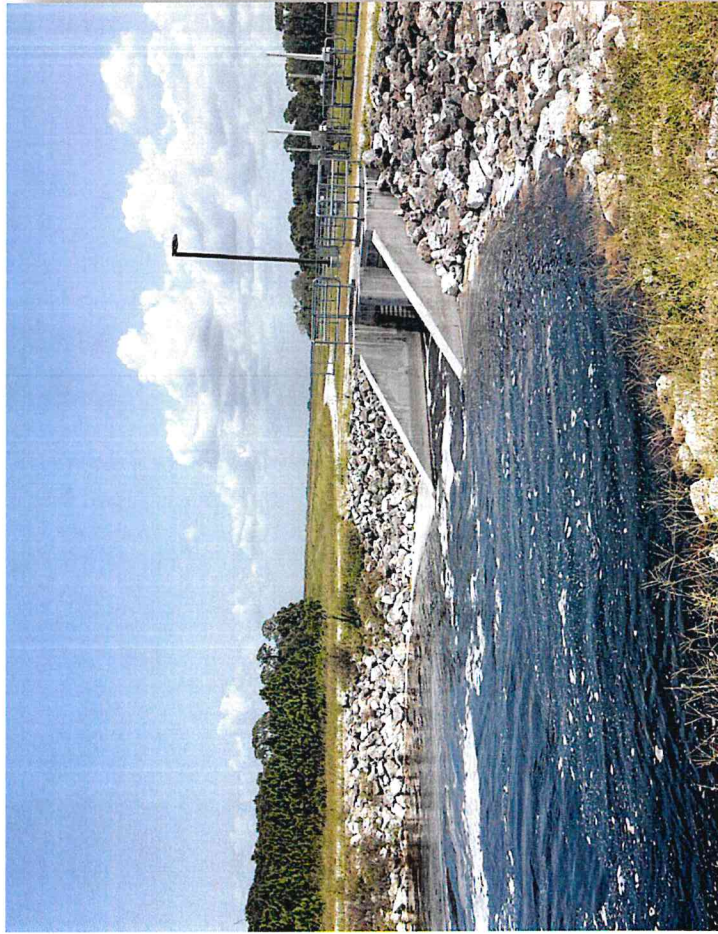


LOWER KISSIMMEE BASIN STORMWATER TREATMENT AREA PROJECT

Proposed Project – Canals and Embankments (cont'd)



LOWER KISSIMMEE BASIN STORMWATER TREATMENT AREA PROJECT
Proposed Project – Water Control Structures



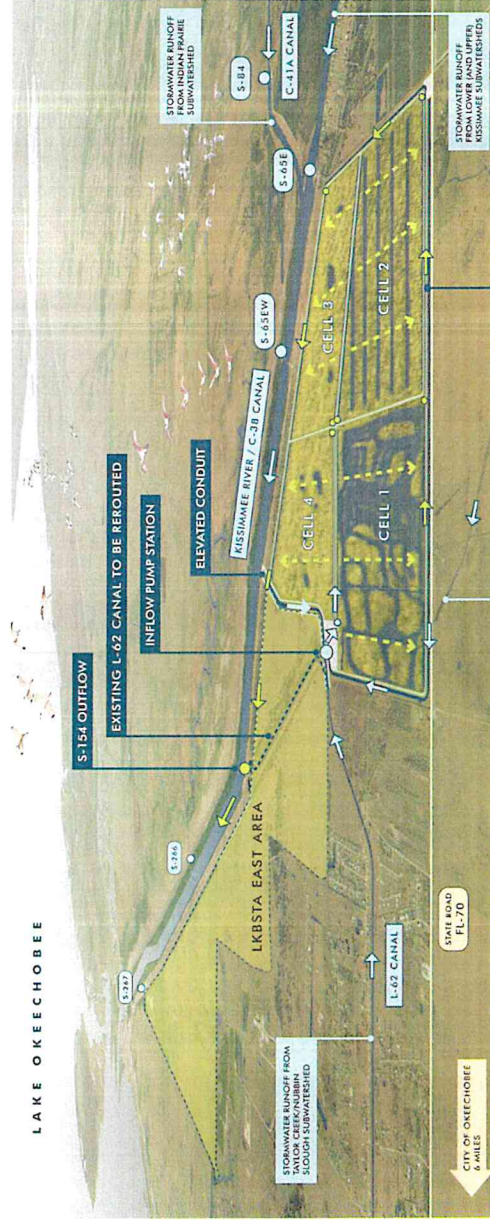
LOWER KISSIMMEE BASIN STORMWATER TREATMENT AREA PROJECT

Proposed Project – Public Access and Recreation



LOWER KISSIMMEE BASIN STORMWATER TREATMENT AREA PROJECT

Next Steps



August 29, 2023

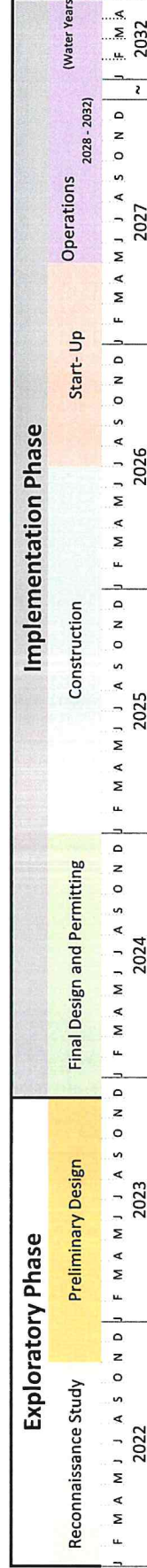
- EIP to hold public information session at Okeechobee Civic Center

September/October 2023

- BOCC briefing (proposed)

November/December 2023

- SFWMD reviews and considers EIP's proposal for Implementation Phase



Questions

Kyle Graham
Senior Program Manager
828-243-2674
kyle@ecosystempartners.com

Jeremy McBryan, PE, CFM, ENV SP
Director, Florida Water Quality
561-319-4995
jeremy@ecosystempartners.com

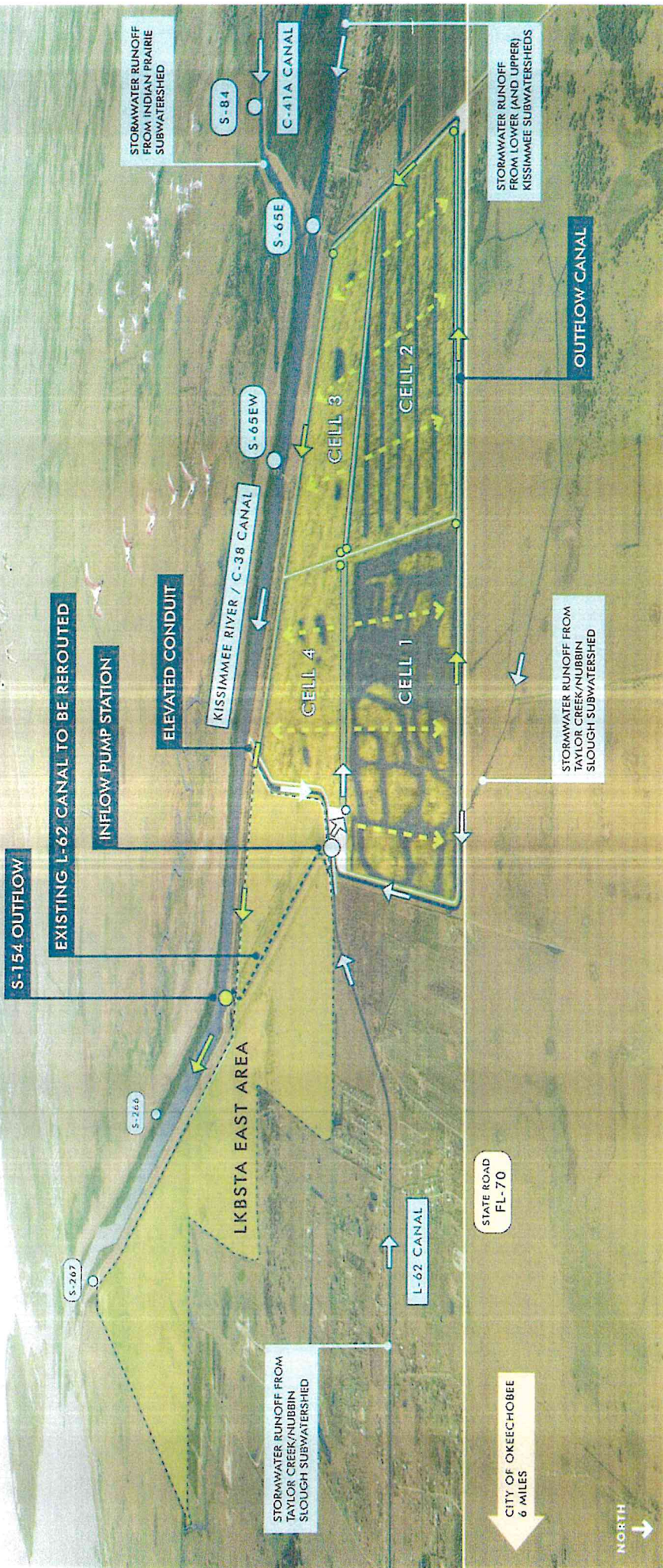


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LOWER KISSIMMEE BASIN STORMWATER TREATMENT AREA



LAKE OKEECHOBEE



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THINGS TO DO - (THINGS-TO-DO/) HEALTH (/HEALTH/)
POLICE/FIRE (/POLICE-FIRE/) OPINIONS (/OPINION/) ()

ONLINE EXCLUSIVE

STA proposed near Lazy 7 to be discussed at Thursday meeting

Posted Tuesday, August 8, 2023 1:11 pm

By Katrina Elsken
Lake Okeechobee News

(https://scflbanners.creativecirclemedia.com/www/delivery/ck.php?oaparams=2_bannerid=216_zoneid=217_cb=1d5f940370_oadest=https%3A%2F%2Fgroup.com%2F)

**YOUR FLORIDA
DAILY NEWS**

OKEECHOBEE – A presentation on the Lower Kissimmee Basin Stormwater Treatment Area Project (LKBSTA) is planned for 10 a.m. on Aug. 10, as part of the Okeechobee County Commission meeting in the Historic Okeechobee County Courthouse, 304 N.W. Second St.

Jeremy McBryan of Ecosystems Investment Partners (EIP) and Megan Jacoby of the South Florida Water Management District (SFWMD) will provide a briefing on the project which will clean water before it enters Lake Okeechobee.

The LKBSTA project is planned about three miles upstream of Lake Okeechobee on the east side of the Kissimmee River. The property is south of State Road 70 and west of the Lazy 7 subdivision.

The project is designed to pull water from the L-62 canal and clean it before the water is released to the Kissimmee River. If L-62 canal water is not available, the project can pull water from the Kissimmee River (C-38 canal). One inflow pump can convey water from both the L-62 and C-38 canals.

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oaparams=2_bannerid=459_zoneid=52_cb=682119980b_oade:  %2F%2Fwww.heartlanddiscountpharmacy.com%2F)

The average water depth in the STA would be about 18 inches, according to the plans shared by EIP. The berm surrounding the STA would be about 4 feet higher than the water. A canal outside the berm would collect any seepage.

The public is welcome to attend.

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Board of County Commissioners

Okeechobee County



304 NW Second Street – Room 123, Okeechobee, FL 34973
Phone: 863-763-6441 Ext.1 or Fax: 863-763-0118

August 23, 2023

Florida Department of Environmental Protection
Attn: Mr. Shawn Hamilton, Secretary
via email transmission only

Re: Okeechobee County's Opposition to the South Florida Water Management District's Proposed Lower Kissimmee Basin Stormwater Treatment Area (LKBSTA) Project

The Honorable Shawn Hamilton:

On behalf of the Okeechobee County Board of County Commissioners, this letter is to address an issue currently involving Okeechobee County and South Florida Water Management District (SFWMD) regarding clean water issues associated with Lake Okeechobee. Currently, we are in conversation with SFWMD regarding the potential development of a Stormwater Treatment Area (STA) on the RIO Ranch Property in western Okeechobee County. According to SFWM, the reason for selecting this site is to address one of the highest nutrient contributors in our region (Kissimmee River).

Our Board of County Commissioners believe the STA in question is in the wrong place because it is too close to existing residential homes and is in proximity of three airstrips, one being the Okeechobee County airport. The impact is that the installation of the EIP project may cause safety issues with aircraft on approach to runway 05 as the wetlands will attract hazardous birds and lead to non-compliance with applicable grant assurances. FAA Advisory Circular 150/5200-33C Subject: Hazardous Wildlife Attractants on or near Airports, states for all airports, the FAA recommends a distance of 5 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. Additionally, building this type of project has the potential to require the homes close to this STA to require flood insurance.

We have communicated our opposition to SFWMD regarding the location of the STA, but it has come to our attention FDEP is in favor of this project.

[1028-00033481.1ADMIN]

David Hazellief
District 1

Frank DeCarlo
District 2

Bradley G. Goodbread
District 3

Terry Burroughs
District 4

Kelly Owens
District 5



Page 2
August 23, 2023

A new development in a contiguous county (Glades County) is adjacent to Lake Okeechobee and has a high potential of creating more nutrient load because of effluents from septic tanks. It is our understanding that FDEP is involved with both projects and is currently supporting both. Our question is why is FDEP supporting the approval of over 1000 homes and commercial space to be on a septic system while at the same time supporting the development of a STA, which functionally may not provide the results intended?

While we functionally understand the issue of reducing nutrient loads, we are confused when a development is projected to create over 1,000 homes plus commercial space is about to be approved by FDEP to implement septic tanks as means to manage the wastewater from this new development.

Additionally, the question looms in our mind, why is it so important to build water storage areas in Okeechobee County? These types of projects should be developed in-between Osceola and Okeechobee Counties to assist in providing the cleaning and storage of water. Continuing to take land off our tax roll to build these types of facilities is not in the best interest of our constituents.

Thank you in advance for your consideration of our concerns and your support as the need to find better solutions (and locations) to this important environmental issue is important to our Board and community while also protecting the safety of our community's homes and citizens' quality of life.

We thank you and FDEP for the work your organization performs, and we would appreciate a response to address our concerns.

Should you have any questions and/or require additional information regarding our county's position on this project, please do not hesitate to contact either myself or Ms. Deborah Manzo, County Administrator at 863.763.6441 (Option #1).

Respectfully submitted,



David Hazellief, Chairman
Board of County Commissioners

cc: Okeechobee County Board of County Commissioners
Drew Bartlett, SFWM Executive Director

[1028-00033481.1.ADMIN]
David Hazellief
District 1

Frank DeCarlo
District 2

Bradley G. Goodbread
District 3

Terry Burroughs
District 4

Kelly Owens
District 5



Lower Kissimmee Basin Stormwater Treatment Area Project

Community Meeting & Information Sessions

Join members of the project team to learn more and share feedback.

August 29

Okeechobee Civic Center

1750 U.S. Hwy 98 North
Okeechobee, FL 34972

Scan the
QR code to
learn more.

SESSION 1

Open House: 2-3 p.m.
Presentation 3 p.m.
Q/A: 3:30 p.m.

SESSION 2

Open House: 5-6 p.m.
Presentation 6 p.m.
Q/A: 6:30 p.m.

If you cannot attend a meeting, information about the project and a contact form for questions or feedback can be found at LowerKissimmeeSTA.com.





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LEARN MORE:

LowerKissimmeeSTA.com

CONTACT: **Jeremy McBryan**
Jeremy@ecosystempartners.com

Board of County Commissioners

Okeechobee County



304 NW Second Street – Room 123, Okeechobee, FL 34972
Phone: 863-763-6441 Ext.1 or Fax: 863-763-0118

September 28, 2023

Mr. Drew Bartlett
Executive Director
South Florida Water Management District (SFWMD)
3301 Gun Club Road
West Palm Beach, FL 33406

Re: Okeechobee County's Opposition to the South Florida Water Management District's Proposed Lower Kissimmee Basin Stormwater Treatment Area (LKBSTA) Project

Dear Mr. Bartlett:

As a follow-up to our earlier letter (dated August 3, 2023), the Okeechobee County Board of County Commissioners (BOCC) continues to oppose the proposed Lower Kissimmee Basin Stormwater Treatment Area (LKBSTA) Project in its current location and 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), which would include 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).

Please note that as previously stated, each member on our 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. However, together with the District, we must be concerned and respectful of the negative impacts that this facility will bring to our community and 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.

Further, with respect to your commitment to ensuring that the County Commission maintains a voice within the decision making process for this project, we appreciate your assurance to provide the County Commission an opportunity to speak and represent our concerns with the LKBSTA project to the SFWMD Governing Board at an upcoming meeting and wanted to say Thank You...

This opportunity will provide the members of the Okeechobee Board of County Commissioners with a chance to provide the Governing Board and District staff with an understanding of the concerns that our Commission, residents, businesses and stakeholders have with this proposed project and the real impacts that we will experience if this project is permitted to proceed by the SFWMD.

Also, we would request that the District permit the County to provide a Power Point presentation to ensure that Board and public can view the documents/maps as they're being discussed.

In advance of speaking to the Governing Board at a future meeting, the BOCC would like to restate and ensure that the District's Governing Board is aware of the issues, impacts and concerns that our citizens and community have with the LKBSTA project and why the Okeechobee Board of County Commissioners are not in support of the proposed project, including:

1. A lack of transparency related to the proposed LKBSTA project development, impacts and cost.
 - . Limited information on the District's website related to competitive selection of EIP, owners of the proposed property to be developed as the LKBSTA, to complete the design/build of the property in the amount of \$300 million.
 - . In fact, 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 (or around) 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].

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.
 - . 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 home and property values in close proximity to the proposed LKBSTA project and may now be required to carry additional flood insurance (which is not required today) 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 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) and/or losing their homeowners insurance entirely due to the inherent flooding that will occur from this project or losing their home due to flooding.
 - . 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.)
 - . Impact to existing habitat and degradation to endangered, threatened and/or protected species (i.e., bald eagles, 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).
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.
- . 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 permittee within Okeechobee County that would cause a hazard to air navigation."
 - . The District's proposed LKBSTA project is expected to create significant safety issues with aircraft on approach to runway 05 as the wetlands will attract hazardous birds and lead to non-compliance with applicable grant assurances.
 - . Federal Aviation Administration (FAA) Advisory Circular 150/5200-33C Subject: Hazardous Wildlife Attractants on or near Airports, states for all airports, the FAA recommends a distance of 5 miles between the closest point of the airport's aircraft operations area and the hazardous wildlife attractant and special attention should be given to hazardous wildlife attractants that could cause hazardous wildlife movement into or across the approach or departure airspace.
 - . The SFWMD's website [[Stormwater Treatment Area 5/6 \(STA-5/6\) | South Florida Water Management District \(sfwmd.gov\)](https://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."
 - . "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)."

"Access to STA-5/6 was expanded in 2013 with a public use area with shell-rocked parking, an informational kiosk, restrooms and a trail that includes a covered shade shelter and a boardwalk. Hiking, bicycling and bird-watching are among the activities visitors can enjoy from the public use area. In addition, a portion of the Florida National Scenic Trail runs along the L-3 levee on the west side of the STA."

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.

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.

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.

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.

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

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.

Thus, the County Commission is requesting the SFWMD's Governing Board to vote against any request to proceed with this project in its current location during your upcoming discussion and consideration of the inclusion and/or expansion of the project to include the RES property into the District's larger LKBSTA project (expected in early 2024). Additionally, we are requesting the

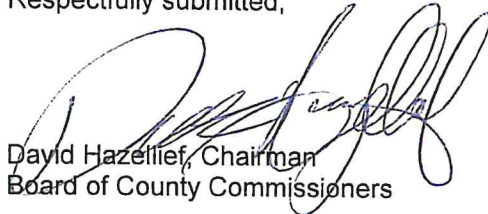
Governing Board to oppose and vote against moving the entire project from the design stage to the implementation stage (within its current location), which is being completed by the District's selected firm – Ecosystem Investment Partners Florida Water Quality, LLC (EIP).

Additionally, based on our community's concerns and issues outlined above, the Okeechobee County Commission is requesting the District's Governing Board to strongly consider other options/locations to build this type of stormwater treatment area (STA) project, including north of the State Road (SR) 60 or in the northern portion of the County on the +/- 40,000 acres of land where several government agencies maintain ownership and/or flowage easements (Kissimmee Prairie Preserve State Park).

Thank you in advance for your consideration of our concerns as well as your support to find better solutions (and locations) to this important environmental issue while also protecting the safety of our community's homes and citizens' quality of life.

Should you have any questions and/or require additional information regarding our County's position on this project, please do not hesitate to contact either myself or Mr. Richard Reade, Deputy County Administrator at 863.763.6441 (Option #2).

Respectfully submitted,



David Hazellief, Chairman
Board of County Commissioners

Attachments

- c: Okeechobee County Board of County Commissioners
- The Honorable Benjamin Butler – Okeechobee County Area Representative - South Florida Water Management District (SFWMD) Governing Board
- The Honorable Charlette Roman – Okeechobee County Area Representative - South Florida Water Management District (SFWMD) Governing Board
- The Honorable Chauncey Goss – Chairman – South Florida Water Management District (SFWMD) Governing Board
- The Honorable Scott Wagner – Vice-Chairman – South Florida Water Management District (SFWMD) Governing Board
- The Honorable Members of the South Florida Water Management District (SFWMD) Governing Board



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
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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



**Okeechobee County
Board of County Commissioners**

304 NW 2nd Street
Okeechobee, FL 34972

Department: Administration
Category: General Business
Prepared By: Richard Reade
Initiator: Richard Reade

**SCHEDULED
ACTION ITEM (ID # 9935)**

SUBJECT: DISCUSSION – OKEECHOBEE COUNTY’S OPPOSITION TO THE SFWMD’S LOWER KISSIMMEE BASIN STORMWATER TREATMENT AREA (LKBSTA) PROJECT - SFWMD, EIP & RES – SFWMD GOVERNING BOARD MEETING – THURSDAY, DECEMBER 14, 2023

MEETING: Regular Session October 26, 2023

FINANCIAL IMPACT:
N/A

REQUESTED ACTION:

That the Board of County Commissioners discuss the upcoming SFWMD Governing Board Meeting on Thursday, December 14, 2023 and the County’s position/request the District’s Governing Board to oppose the SFWMD’s proposed Lower Kissimmee Basin Stormwater Treatment Area (LKBSTA) Project.

BACKGROUND:

On August 7, 2023, the Board of County Commissioner's sent a letter to the South Florida Water Management District (SFWMD) Executive Director (and copied the District's Governing Board) outlining the Board's concerns with the proposed Lower Kissimmee Basin Stormwater Treatment Area (LKBSTA) Project, including the proposed location and concerns related to the proposed location.

On August 10, 2023, the County Commission heard a presentation from representatives of the SFWMD and Ecosystem Investment Partners (EIP), the District's selected firm to design and construct the proposed project.

On August 29, 2023, the SFWMD and EIP held two (2) Community Meetings & Information Sessions at the Okeechobee Civic Center to provide our community with an opportunity to learn more about the proposed project and share feedback.

On September 28, 2023, the County Commission authorized and sent a letter to the District’s Governing Board and Executive Director outlining the issues and concerns that have been provided during the various public and community meetings and requested the SFWMD Governing Board & Executive Director to oppose the District’s proposed Lower Kissimmee Basin Stormwater Treatment Area (LKBSTA) Project.

Note: To date a response has not been received by the County regarding this letter.

The County has been notified that the LKBSTA project will be considered by the SFWMD Governing Board and the County will be added to their agenda on December 14, 2023 to provide discussion/information related to the concerns/issues with this project. Thus, a

presentation has been prepared in advance of this meeting to outline the various concerns that have been identified with this proposed project.

County Administrator recommends the Board discuss the upcoming SFWMD Governing Board Meeting on Thursday, December 14, 2023 and the County's position/request to the District's Governing Board to oppose the SFWMD's proposed Lower Kissimmee Basin Stormwater Treatment Area (LKBSTA) Project.

ATTACHMENTS:

- Presentation - Opposition to Lower Kissimmee Basin Stormwater Treatment Area (LKBSTA) Project - SFWMD Governing Board Meeting - Thursday, December 14, 2023 (PDF)

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 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	Deborah Manzo, Richard Reade, Wade Vose, Ansley Tilley, John Fumero
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	BOCC, BOCC staff, Wade Voss, 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 \$98 million) and options/needs as well as future costs to County to maintain facility (need to obtain grant funding to support project)	Okeechobee County	Deborah Manzo, Richard Reade, Wade Vose, Stef Matthews, Megan Jacoby, Sandy Smith
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	Teleconference	Commissioner David Hazellief, Deborah Manzo, Richard Reade, Wade Vose, Randy Premier, Stef Matthews, Jennifer Reynolds, Megan Jacoby, Jonathan Madden
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 Premier, Stef Matthews, Jennifer Reynolds, Megan Jacoby, Elizabeth Pigman, Gary Priest (Teleconference)
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, Debbie Manzo, Richard Reade, Jennifer Reynolds, Megan Jacoby, Elizabeth Pigman
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	Okeechobee County Letter	
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)		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

12/14/2023	<p>WMD expected to consider approval of LKBSTA - Phase 1A & 1B completion and authorize 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)</p>	<p>completion of LKBSTA - SF/WMD District Headquarters, West Palm Beach, Florida</p>	<p>TBD</p>
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