



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

July 8, 2016

The Honorable Bill Nelson  
United States Senate  
413 Clematis Street  
Suite 210  
West Palm Beach, FL 33401

The Honorable Marco Rubio  
United States Senate  
4580 PGA Blvd.  
Suite 201  
Palm Beach Gardens, FL 33418

**Subject: The Endangered Species Act v. Common Sense**

Dear Senator Nelson and Senator Rubio:

You each saw firsthand during your recent tours of the St. Lucie Estuary the very personal impact of the blue-green algae blooms on the residents of the Treasure Coast. With infestation plaguing miles upon miles of South Florida waterways, and residents held at the mercy of a vulnerable dike, it's still business as usual for an oblivious federal agency.

The U.S. Fish and Wildlife Service (USFWS) is forcibly standing behind the Endangered Species Act in an attempt to block the District's emergency operational actions. In fact, USFWS has even threatened the District with legal action. Their message seems to be: If you continue to provide relief for coastal residents and businesses then we will see you in court. For our part, we'll continue to protect our citizens and take our chances with a federal judge if and when these tin-eared bureaucrats haul us off to court.

The South Florida Water Management District will continue to take every reasonable operational action to lessen the impact of the algal blooms on South Florida. This includes holding additional water in the Upper Kissimmee Chain of Lakes, which slows down the flow of water to Lake Okeechobee and the need for lake releases to the coastal estuaries. For every gallon of water held north of the Kissimmee, less water flows into the St. Lucie Estuary.

A recent email exchange between the South Florida Water Management and the USFWS perfectly captures how this federal agency and calcified federal law are used to handcuff emergency operations. On July 6, the District heard from USFWS objecting to our emergency operations and demanding that we return to pre-emergency water levels in the Kissimmee River Valley. USFWS claimed that emergency lower water levels could result in the "unauthorized take" of snail kites in the area and "suggested" we raise the water levels as if nothing had happened in Florida in the previous 10 days. If we were to

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accede to this demand, more water would be released from the Chain of Lakes; that would send more water into Lake Okeechobee; and then on to the estuary where it is most unwanted by humans.

The USFWS ignores the very real and current impact of that water on the thousands of residents and businesses of the St. Lucie and Caloosahatchee estuaries from the algal blooms and the very real public safety flooding risk to residents around Lake Okeechobee if lake levels get too high. Instead, the USFWS myopically fixates on the possible impact to 10 snail kite nests in one area of the Kissimmee floodplain where ironically the number of snail kite nests have actually been increasing. The gross incompetence of this approach speaks for itself.

While the District is trying to help in the current emergency, our government threatens legal actions. As long as the Endangered Species Act continues to exist in its current form, entire communities will suffer as misguided federal employees seek to enforce restrictions that defy common sense. This is not sound science and is not sound water or wildlife management.

Sincerely,



Peter Antonacci  
Executive Director

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