

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 01-24

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, JOINING WITH OTHER LOCAL GOVERNMENTS OF SOUTHWEST FLORIDA, SUPPORTING THE PREPARATION OF AN AREA-WIDE ENVIRONMENTAL IMPACT STATEMENT BY THE U.S. ARMY CORPS OF ENGINEERS FOR THE CENTRAL FLORIDA PHOSPHATE INDUSTRY.

WHEREAS, on February 13, 2001, the Charlotte County Board of County Commissioners adopted Resolution 2001-021 requesting Congress to appropriate funds and direct the preparation of an updated area-wide Environmental Impact Statement by the U.S. Army Corps of Engineers and/or the Environmental Protection Agency for the South Central Florida Phosphate Mining District and the Peace River Basin, including Charlotte Harbor; and

WHEREAS, the Town Council now wishes to adopt this resolution to represent a joint request with similar resolutions from other local governments of Southwest Florida; and

WHEREAS, the U.S. Army Corps of Engineers has the authority to initiate an area-wide Environmental Impact Statement to assess the secondary and cumulative impacts of phosphate mining and phosphate mining reclamation on the quality of human life and natural resources of Central and Southwest Florida; and

WHEREAS, much of the southern half of the Central Florida phosphate reserves have yet to be mined; and

WHEREAS, the Peace River and its tributaries are the major source of freshwater for Charlotte Harbor, the second largest estuary in the State of Florida; and

WHEREAS, the Peace River and Charlotte Harbor are identified as Regionally Significant Natural Resources in the Southwest Florida Strategic Regional Policy Plan; and

WHEREAS, Charlotte Harbor has been designated an Estuary of National Significance; and

WHEREAS, the Charlotte Harbor National Estuary Program has been established to protect this resource, the Program is directed by a Policy Committee consisting of a Department Director of the U.S. EPA Regional IV, the Southwest District Director of the Florida Department of Environmental Protection, a member of the Governing Board of the Southwest Florida Water Management District, a member of the Governing Board of the South Florida Water Management District, the Secretary of the Department of Community Affairs, a staff member of the Florida Game and Freshwater Fish

Commission, the Executive Director of the Central Florida Regional Planning Council, a member of the Southwest Florida Regional Planning Council, a member of the Board of the County Commissioners from each of Lee, Charlotte, Manatee, and Sarasota Counties, County representatives from Hardee, Polk, and DeSoto Counties, and representatives of the Cities of Bartow, Arcadia, Fort Myers, North Port, Sanibel, Punta Gorda, and Venice; and

WHEREAS, Manatee County, Sarasota County, and Charlotte County are founding members of the Peace River Manasota Regional Water Supply Authority; and

WHEREAS, the Peace River is the source of potable water for the Authority's water treatment facility; and

WHEREAS, The Authority is charged with supplying water to its member counties which include Manatee, Sarasota, DeSoto, and Charlotte Counties; and

WHEREAS, there is a concern that the Development of Regional Impact process does not fully address the secondary and cumulative impacts of phosphate mining and reclamation on the Region; and

WHEREAS, Fort Myers Beach has a concern regarding the cumulative impact of these applications taken together with the other current proposed areas scheduled for mining; and

WHEREAS, Fort Myers Beach finds that the secondary and cumulative impacts of phosphate mining and reclamation, as currently practiced, will have an adverse impact on the Region's land, water, vegetation, and fish and wildlife resources and should be studied; and

WHEREAS, Fort Myers Beach is concerned with the past and impending potential of hydrological alterations, water quality degradation, and fish and wildlife habitat loss in the Peace River/Charlotte Harbor Watershed and Estuary; and

WHEREAS, since the original EIS was performed, the Southern Water Use Caution Area was established by the Southwest Florida Water Management District in 1992 covering all of Manatee, Sarasota, Hardee, and DeSoto Counties and portions of Hillsborough, Charlotte, Highlands, and Polk Counties because of the critical long-term declines in the Florida aquifer; and

WHEREAS, Fort Myers Beach finds that the loss of these resources would have a direct and adverse effect on the quality of life for the citizens of Southwest Florida; and

WHEREAS, under the National Environmental Policy Act of 1969, as amended, and under the implementing regulations of the Council on Environmental Quality, the Clean Water Act of 1972, and the Endangered Species Act of 1973, the U. S. Army Corps of

Engineers has the statutory obligation to examine the impacts of federally permitted actions which authorize phosphate mining.

NOW, THEREFORE, BE IT RESOLVED by the Fort Myers Beach Town Council:

1. The Town of Fort Myers Beach hereby joins with other local governments of Southwest Florida and requests that Congress appropriate funds and direct the U. S. Army Corps of Engineers to initiate preparation of an Area-wide Environmental Impact Statement to study and address the secondary and cumulative impacts of phosphate mining on the environmental resources and human quality of life in Central and Southwest Florida.
2. The Clerk of Court is hereby directed to send copies of this resolution to the Congressional delegation for Southwest Florida, the Jacksonville Office of the Army Corps of Engineers, and the Governor of the State of Florida.

The foregoing resolution was adopted by the Fort Myers Town Council upon being put to a vote, the result was as follows:

Daniel Hughes	<u>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>
Terry Cain	<u>aye</u>
Howard Rynearson	<u>aye</u>

APPROVED this 4th day of June, 2001.

ATTEST:

TOWN OF FORT MYERS BEACH

By: Marsha Segal-George
Marsha Segal-George, Town Clerk

By: Daniel Hughes
Daniel Hughes, Mayor

Approved as to form by:

Richard V. S. Roosa
Richard V. S. Roosa, Town Attorney