

CITY OF MARCO ISLAND

RESOLUTION 09-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA OPPOSING THE PROPOSED CREATION OF NEW DESIGNATED USES FOR FLORIDA WATERS BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP).

WHEREAS, healthy waters, beaches and canals provide the unique quality of life that draws visitors and residents alike to the City of Marco Island to enjoy swimming, fishing and boating; and

WHEREAS, FDEP listed 85% of the Rookery Bay watershed, which includes Marco Island, as impaired (not meeting state water quality standards) according to 2009 data; and

WHEREAS, Florida law states that its public policy is to "conserve the waters of the state and to protect, maintain, and improve the quality thereof for public water supplies, for the propagation of wildlife and fish and other aquatic life, and for domestic, agricultural, industrial, recreational, and other beneficial uses..."; and

WHEREAS, U.S. law states that revised or new water quality standards must include designated uses of water bodies and must "protect the public health or welfare" and "enhance the quality of water"; and

WHEREAS, the Clean Water Act requires that any change to water quality standards must at least "maintain the existing quality of each waterbody, preventing any further 'degradation' of the waterbody's integrity"; and

WHEREAS, federal regulations state that a water body that is currently meeting or has met a designated use since 1975 cannot have that use taken away;

WHEREAS, the state of Florida already allows for reclassification of individual waterbodies that historically have not and cannot meet their designated uses, to lower use classifications through a Use Attainability Analysis and to lower water quality standards through a Site Specific Alternative Criteria analysis; and

WHEREAS, if designated uses are lowered for canals or other water bodies close to pollution sources, there will be less implementation of pollutant source control measures, as well as Total Maximum Daily Loads (TMDLs) and Basin Management Action Plans (BMAPs) for the natural rivers, streams, and estuaries that they eventually flow into; and

WHEREAS, FDEP has proposed the addition of two new designated uses that fall below the current fishable/swimmable standard and would allow for the re-designation of some water bodies other than urban concrete-lined ditches to the proposed lower splashable/fishable or un-swimmable/fishable standards; and

WHEREAS, the City of Marco Island believes that FDEP should use available resources to uphold the current uses of local water bodies through preventative measures, such as the use of stormwater Best Management Practices to stop pollution at its sources, as well as through the implementation of TMDLs and BMAPs;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA, AS FOLLOWS:

The Council of the City of Marco Island hereby opposes the creation of new lower human designated uses and recommends instead that the current designated use classifications be retained, with existing Class IV amended to include "urban concrete-lined ditches" such that the City of Marco Island and the rest of the state can continue to

enjoy healthy swimmable fishable waters that are so central to the state's economy and the Florida way of life.

BE IT FURTHER RESOLVED that this Resolution be recorded in the Minutes of this Council and filed with the Marco Island City Clerk's Office.

EFFECTIVE DATE: This Resolution shall take effect immediately upon its adoption.

Attest:

CITY OF MARCO ISLAND FLORIDA

By: 

Laura M. Litzan, City Clerk

By: 

Frank R. Recker, Vice-Chairman

