Date: January 9, 2026

To: Jessica Mostyn, Florida Department of Environmental Protection,
Division of Environmental Assessment and Restoration

From: Joseph Cavanaugh, Calusa Waterkeeper

Topic: Public comments on the Draft Biennial Assessment 2024-2026: Requests for prioritizing TMDL development for Matlacha Pass, Billy's Creek & Manuel's Branch

Sent via email

Dear Ms. Mostyn,

Calusa Waterkeeper (CWK) appreciates the opportunity to participate in this important assessment of Florida's waters. Today we are providing public comment in the context of the waterbodies within our work area, which include Lake Okeechobee, the Caloosahatchee River and the coastal waters of Lee County. Due to the large extent of our work area and the great variety of impairments being assessed in this process, we are not able to comprehensively comment on each draft list but would like to thank DEAR for their diligence in this work.

Unfortunately, the trends of new nutrient, heavy metals and bacteria impairments are indicative of a watershed in decline and ensuring each WBID is studied appropriately is a monumental task. This highlights our greatest and ongoing concern with the biennial assessment cycle and the prioritization process itself, which seems to arbitrarily leave some assessments behind simply due to the Department's capacity and resource limitations. For this reason, we want to focus our comments on two specific waterbody impairments currently missing from this draft assessment cycle.

Request 1: Prioritize Matlacha Pass for a nutrient TMDL
Matlacha Pass (WBID 2065F) is a vital Class II marine waterbody first designated as an Aquatic Preserve in 1972 and an Outstanding Florida Water (OFW) in 1994. Despite those protections, it has become impaired for multiple parameters and was verified impaired for Total Nitrogen by FDEP in 2015.

In July 2017, the Charlotte Harbor National Estuary Program (CHNEP) Technical Advisory Committee analyzed impaired WBIDs in OFWs within their boundary. This study resulted in a formal request that FDEP heighten the TMDL prioritization for Matlacha Pass and four other waterbodies in a letter dated October 10, 2017: https://calusawaterkeeper.org/wp-content/uploads/2026/01/CHNEP-TMDL-Priority-letter.pdf

Ten years since being verified impaired for TN, and eight years since CHNEP's initial prioritization request, we appear to be no closer to TMDL development or restoration progress in Matlacha Pass. Despite this waterbody's Category 5 classification and continued eutrophication, this nutrient impairment remains unaddressed by FDEP.

Over the last decade, conditions in Matlacha Pass have continued to deteriorate. Frequent cyanobacteria (dapis) blooms, anoxic decomposition events and hydrogen sulfide releases have punctuated an overall shift towards the proliferation of macroalgae and the dramatic loss of seagrasses throughout the central and southern reaches of this waterbody. https://cdn.wateratlas.org/i/chnep/seagrass/maps/Seagrass%20in%20CHNEP%20Estuaries.png. FDEP has acknowledged this imbalance of flora and fauna in the narrative nutrient criteria for Matlacha Pass.

A focused and numerical nutrient reduction plan, provided by a TMDL and enforced by a BMAP, is sorely needed to protect this Outstanding Florida Water and Aquatic Preserve. Calusa Waterkeeper respectfully requests the Department prioritize TMDL development for Nutrients (Total Nitrogen) in Matlacha Pass (2065F).

Request 2: Re-assess the 4e status and prioritize TMDL development for bacteria in Billy's Creek and Manuel's Branch

Billy Creek (3240J) and Manuel Branch (3240V) are tributaries to the Caloosahatchee River that have been verified impaired for Fecal Indicator Bacteria for decades. These Class III waters run through urban areas of the City of Fort Myers, including multiple public parks and access points where primary contact and recreational use occur.

With the implementation of consent order OGC 20-0851 in February 2021, the City of Fort Myers Pollution Reduction Plan (PRP) became an Alternative Restoration Plan which categorized these waterbodies as 4e status.

As of this writing, the Fort Myers PRP has operated for nearly five full years and resulted in no discernible reduction in the FIB impairments, especially in Manuel's Branch.

- CWK has monitored the PRP and quarterly reports, including an early assessment of the first year, including concerns and questions about compliance sent to FDEP on July 13, 2022: https://calusawaterkeeper.org/wp-content/uploads/2022/07/FM-

consent-order-letter-to-FDEP.pdf. No specific response to that letter was received by CWK.

- On June 20, 2024, Calusa Waterkeeper representatives met with FDEP staff from the South District in Fort Myers and DEAR in Tallahassee, to express our continued concerns with the FIB trends. One salient conclusion reached in that meeting was that the consent order lacked any quantitative threshold for achieving FIB reductions in the affected surface waters—instead focusing on qualitative milestones for human source indicators.
- Most concernedly, shortly thereafter FDEP allowed the City of Fort Myers (CoFM) to discontinue quarterly monitoring for human sources, despite independent HF183 testing by CWK and FDEP that confirmed the presence of human sources of bacteria in Manuel's Branch.
- For more details, we urge the department to refer to our Manuel's Branch Microbial Source Investigation, initially shared with FDEP and CoFM in November 2025: https://calusawaterkeeper.org/wp-content/uploads/2025/11/CWK-Manuels-Branch-Report-v2-4.pdf
- Additionally, this 2024-26 assessment cycle adds Manuel's Branch to the Category 5 Verified list for Dissolved Oxygen (caused by nutrients), which further illustrates the declining conditions in the creek.

According to FDEP guidelines, Alternative Restoration Plans shall be re-assessed every two cycles (4 years), and the Fort Myers PRP began implementation in Q1 of 2021. Thus, Calusa Waterkeeper respectfully requests that Billy Creek and Manuel Branch be evaluated now for Category 5 and the development of bacteria TMDLs.

Ultimately, Calusa Waterkeeper strongly believes that quantitative reduction goals and enforcement deadlines implemented via TMDLs will be the most effective path to restoring these waters. We understand that the overall prioritizations require careful consideration given the great number of impairments that DEAR must assess each cycle, but we trust you'll agree these three waterbodies deserve more immediate attention than they've been receiving.

Thank you for consideration and we look forward to any insight you can provide on prioritizing TMDL development for these waterbodies.

Sincerely,

Joseph Cavanaugh
Calusa Waterkeeper