

Antonia Hover

From: Office of Commissioner Passidomo Smith
Sent: Tuesday, April 1, 2025 11:46 AM
To: Commissioner Correspondence
Subject: Docket No. 20240032
Attachments: RE. Docket#20240032-SU; Docket # 20240032 - Environmental Utilities Application Concerns; Comment on Docket # 20240032 -- The Proposed Project is Unlawful And Must Be Rejected; Environmental Utilities - Little Gasparilla Island; Docket # 20240032; Docket No. 20240032-SU - Application for certificate to provide wastewater

Please place the attached in Docket No. 20240032.

Thank you!

Antonia Hover

From: Evelyn Schaible <evelynschaible@yahoo.com>
Sent: Tuesday, April 1, 2025 11:02 AM
To: Records Clerk; Office of Commissioner Clark; Office of Commissioner Passidomo Smith; Office of Commissioner Graham
Subject: RE. Docket#20240032-SU

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Dear Sirs,

Thank you for this opportunity to express my deepest concerns. I have lived on Don Pedro Island for more than 25 years. I have raised 3 children on the island and my Grandchildren feel like, in their words, it's "HOME".

This email is to express my objection to approving EU, the private utility company, to uproot our homes and lives as they exist on our pristine, yet already injured barrier islands. I personally know the Boyers and their family. They use to be my neighbors on the island. They are lovely people but I fear this project is meant for the wrong reasons, lining the pockets as we say, and going to be torturously destructive to our community and especially to the islands as we know it now. Many of my neighbors are against it too! Many of us showed up at the meeting but many more couldn't!

There are very few places on earth like our island and we all need to realize it's places like this along our coastlines that need to be protected.!

As evident in the last meeting, there is no proof that a transition from septic to sewer is even necessary. There have been no water samples done to show this. Remember the old saying, If it ain't broke, why fix it? In addition, the surrounding counties showed horrific pollution of sewer water dumping into local neighborhoods and our beautiful Gulf of America! Englewood and our islands have suffered enough from the last three hurricanes. Enormous equipment stand on our beaches still sifting mountains of sand to help restore some dunes which are gone leaving barren, lifeless, grassless flatlands, where flourishing dune daisies and sea oats once thrived. Our homes have yet to be repaired and rebuilt so is it fair to put more of a financial burden on your neighbors, much less tear up our beautiful island even more for sewer construction and concrete pipage!

Recently, just a few days ago our electric flickered off and on a few times. Yesterday, our power went off completely for hours. Worried about a very important and impending zoom meeting without power, at least I didn't have to worry about being able to flush my toilet on top of it all.

I have nesting ospreys on my chimney. This is the third nest of hatchlings! My undisrupted septic field lies below them, as I ponder, where would I put a sewer system if I had to, will the ospreys be disrupted too? I'm sure many of my neighbors don't have the available space on there properties either, since it can't be in place of the septic field!

Our workers already wait in line for hours coming in the morning and leaving in the afternoon, rebuilding our homes. How are we going to survive the added sewer traffic and for how many years? Worse yet sewers will open up the door to high rises and condos and more vacationers changing the face of our tiny barrier islands. This would be even more of a burden to our environment and our wildlife which is already struggling.

All of this destruction for a substandard system! Does this make any sense at all? Why would you vote for something homeowners will despise? We need to preserve our pristine piece of paradise, not jeopardize it even more than mother nature already has. I implore you to please respect our homes, our community, our way of life and your beaches!

Thank you,
Evelyn J Schaible

Antonia Hover

From: John Hofer <jbhofer01@gmail.com>
Sent: Monday, March 31, 2025 3:41 PM
To: Records Clerk; Office of Commissioner Graham; Office of Commissioner Passidomo Smith; Office of Commissioner Clark
Cc: hobojackslc@gmail.com
Subject: Docket # 20240032 - Environmental Utilities Application Concerns
Attachments: sewer-notice-charlotte-county.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Commissioners,

Hi, our name is John & Beth Hofer. We own 2 condos on LGI at 9400 Little Gasparilla Island, Unit J2 and H10 which are part of the Hideaway Bay Beach Club condos. (HBBC). We are writing this letter to ask you to **deny** the application by Environmental Utilities for a certificate to install sewers on our island.

EU made the change to the location of the wastewater transmission line from Don Pedro State Park to the HBBC property. Even though we were excluded from the scope of this application on May 13, 2024 (Doc # 03001-2024) by EU's attorney, this change directly affects every one of the owners at HBBC. We were not notified of this substantial change to the application. This is a direct violation of one of the tenets by which the PSC should base their decision - proper notification of all involved parties. This change to the application without notification denies the owners at HBBC of our due process to be able to fight this change.

The letter from the HBBC lawyer, Nick Porter dated February 28, 2025 (Doc #01210-2025) also states HBBC's position in this matter. I was extremely disappointed that the PSC staff did not consider this oversight in their recommendation.

100+ Families are being denied their due process because of the change made by EU without notification.

If EU plans to use the model as indicated in the 2017 CC SMP, the pump house for the sewer will be built on the HBBC Septic Plant drain field. Building anything on our drain field will result in the community being shut down completely while the construction is underway. It will also force us to hook up to the EU sewer despite being excluded from the scope of this project. How can this be done without any kind of notification? Again, 100+ families are being denied our due process.

Because we were excluded from the scope of this application, there have been no estimates of the hook up costs for the condos. If this scenario plays out, HBBC would have to be the first people forced to hook up to the sewer system. We wouldn't have any recourse to this questionable action by EU, we wouldn't have any indication of the costs associated with this action, we wouldn't be able to use our homes resulting in additional

living expenses and loss rental income until the initial sewer construction was completed and we would have to assume the costs of decommissioning our septic plant. Is this fair & reasonable for the 100+ families that are excluded from the scope of this application.

100+ families that are directly affected have not been notified. 100+ families currently using a DEP permitted septic plant do not need a sewer line brought to our property. 100+ families have no idea what the financial burden will be if this transmission line is brought to our property.

Please do the right thing and deny this application.

Sincerely,

John & Beth Hofer
HBBC Units J2 & H10
Phone: 913-908-7460
Email: hobojackslc@gmail.com

Dear Commissioners,

Hi, our name is John & Beth Hofer. We own 2 condos on LGI at 9400 Little Gasparilla Island, Unit J2 and H10 which are part of the Hideaway Bay Beach Club condos. (HBBC). We are writing this letter to ask you to **deny** the application by Environmental Utilities for a certificate to install sewers on our island.

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Please do the right thing and deny this application.

John Hofer

John & Beth Hofer

HBBC Units J2 & H10

Phone: 913-908-7460

Email: hobojacksllc@gmail.com

Antonia Hover

From: Eric Bush <eric8421@gmail.com>
Sent: Monday, March 31, 2025 12:14 PM
To: clerk@psc.state.fl; Office of Commissioner Clark; Office of Commissioner Passidomo Smith; Office of Commissioner Graham
Subject: Comment on Docket # 20240032 -- The Proposed Project is Unlawful And Must Be Rejected
Attachments: Eric Bush Comment on Docket # 20240032.pdf
Follow Up Flag: Follow up
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Dear Commissioners,

On this record, approval of the proposed project would be unlawful under the Florida Administrative Procedure Act and under Florida Supreme Court Precedent. Fla. Stat. Ch. 120; Cf. Floridians Against Increased Rates, Inc., v. Clark, 371 So.3d 905 (Fla. 2023).

And it would violate the Florida and United States constitutions. U.S. Const. amend. V; Fla. Const. art. I, § 9; Mathews v. Eldridge, 424 U.S. 319 (1976).

As Governor DeSantis explained, "Strong private property rights are essential to a free society." But this project would unlawfully trample on the property rights of Little Gasparilla residents.

For that reason, it must be **REJECTED**.

My family owns a condo in Hideaway Bay on Little Gasparilla Island. After more than two years and millions of dollars of repairs, Hideaway Bay is finally approaching normalcy following Hurricanes Ian, Milton, and Helene.

But the proposed project would render Hideaway Bay once again uninhabitable. It would impose significant costs on homeowners who are already struggling from the financial impact of the recent hurricanes. And it would cause irreparable harm to the environment and the unique character of Little Gasparilla Island.

All this for almost no upside.

Accordingly, approval of the project would not be in the public interest. On this record, approval would be arbitrary and capricious and not supported by substantial evidence, in violation of the Florida Administrative Procedure Act. Fla. Stat. Ch. 120; Floridians Against Increased Rates, Inc., v. Clark, 371 So.3d 905 (Fla. 2023).

Additionally, because Hideaway Bay property owners did not receive adequate notice, approval of this project would violate the Florida and United States constitutions. U.S. Const. amend. V; Fla. Const. art. I, § 9; Mathews v. Eldridge, 424 U.S. 319 (1976).

Unlike with Ian, Milton, and Helene, we are not powerless to stop the consequences of this misguided project.

Please help protect the property rights of Little Gasparilla residents and **REJECT** this unlawful project.

Thank you for your consideration,

Eric Bush

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Please help protect the property rights of Little Gasparilla residents and **REJECT** this unlawful project.

Thank you for your consideration,

Eric Bush

Antonia Hover

From: Gagnon, Don <dgagnon@gagnonmgmt.com>
Sent: Monday, March 31, 2025 11:47 AM
To: Office of Commissioner Clark; Office of Commissioner Passidomo Smith; Office of Commissioner Graham
Cc: Don Gagnon
Subject: Environmental Utilities - Little Gasparilla Island

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Dear Commissioners,

My wife and I have been owners at Hideaway Bay Beach Club for 28 years,
I also served as Board President in 2018-2020.

I am writing in support of the letter from our attorney, Nick Porter.

We believe that Hideaway needs to be included in discussions that would likely impact our owners, if not initially, certainly over time.

I understand that there has been much discussion and many concerns expressed.

I sincerely believe that it is time to make certain that all parties have a chance to weigh in on the current EU sewer plans.

Thank you for your consideration.

Respectfully,
Don Gagnon
Hideaway J-5

Antonia Hover

From: Christine Junior <cannjr69@gmail.com>
Sent: Wednesday, March 26, 2025 7:29 PM
To: clerk@psc.state.fl; Office of Commissioner Clark; Office of Commissioner Passidomo Smith; Office of Commissioner Graham
Subject: Docket # 20240032

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Attn: Public Service Commision

We are homeowners at Hideaway Bay on Little Gasparilla Island. It has come to our attention that Jack Boyer did not give proper notice of the significant change to bring the waste water transmission line to Hideaway Bay Beach Club property. We were originally excluded from this project. How can this be legal to not send out notification? This was an underhanded maneuver to sneak this in. This change directly negatively impacts all 102 owners at Hideaway Bay. We are asking you to deny the application on April 1 so that we can adequately fight this change.

Thank You

Joseph and Christine Junior

9400 Little Gasparilla Island unit H-5

Antonia Hover

From: julie.imig@gmail.com
Sent: Tuesday, March 25, 2025 11:59 AM
To: Office of Commissioner Graham; Office of Commissioner Clark; Office of Commissioner Passidomo Smith
Cc: 'Little Gasparilla Island Preservation Alliance'; 'George Shopp'
Subject: Docket No. 20240032-SU - Application for certificate to provide wastewater

Hello Commissioners,

Thank you for your time and attention at the recent public hearing in Englewood. Your engagement is appreciated. Mr. Graham, you invited Road e or call with further information which you will consider in your decision on EUs application.

My husband, George Shopp, and I own the property at 9866 Little Gasparilla Island (about 11 houses from the south tip). We live here full time.

I am writing to disagree with the recommendation of your staff, namely that the EU wastewater project proceed.

I reviewed the staff recommendation regarding this docket, and as someone who attended or listened to all testimony (both days), I find I cannot reconcile the staff recommendation with the testimony offered at the very well-attended hearing.

The proposal to tear out our operational septic systems in order to install new holding tanks and grinder pump, pipes, not have a back-up plan for power outages (which are common) let alone charge every customer \$50k installation and hundreds in monthly fees, is not supported by the vast majority of existing homeowners and frankly out of touch with the needs of our bridgeless, undeveloped barrier island.

It is especially important that EUs proposal be evaluated with a full understanding of the realities of the island.

The picture below shows the south end of Little Gasparilla Island where we live. I am especially concerned about anyone installing utility who does not understand our extremely fragile and inaccessible end of the island. As you can see, there is zero access by land to the homes on the end of the island (golf cart path ends where the first arrow is drawn across the island). Properties south of that line are accessible by water only, and the proposed system would directly impact protected dunes. (The second arrow points to our property.)



Motorized vehicles are prohibited on dunes. We recently experienced damage to our dunes which was done by individuals working for FPL who did not follow regulations prohibiting motorized vehicles on the dunes. They did not understand the nature of our island, including access and fragility, and made poor choices leading to long lived damage. (We have never experienced (in 8 years) motorized vehicles on our property.)

This picture shows what happened when FPL brought a truck onto the dunes on our property after the storm last fall (without permission). It is taken from our porch. As you can see, no road, no trail, no path, no access. Note, the tracks you see in the picture were all made on that day. The damage that happened here, uprooting sea oats which keep the dunes from eroding, digging holes with tire tracks, wheels and axles in the dunes which host gopher tortoises, etc. will take a long time (months if not years) to heal. They made so many tracks and ruts trampling sea oats – it still distresses me to see this picture. FPL has only accessed the property by foot in the past (or very occasionally a golf cart), and this unfortunate picture shows why. The storm bared a lot of the dunes. The natural barriers (grass, bushes, wildflowers, cacti, palms, uneven topography) which made it more obvious that the dunes are not to be driven on were damaged by Helene and Milton. Without an understanding of the island ecosystem, it just looks like a cool place to drive. That is most definitely not the case. The dunes are protected and need time to come back.



I ask you to review the testimony and compare it to your staff's recommendation. While I'm sure the staff is carefully reading regulations, etc, it is important in this case to not only do paper research, but to **understand the island's undeveloped nature, and consider the practical consequences of moving forward with EU's proposal.** I found the staff to be struggling to fit a square peg in a round hole.

Here are some topics I could not reconcile with public testimony:

- Your staff state that the need for service has been established. This need for service has not been established by any testing data. The witness for EU did not have specific evidence about the water quality near Bocilla Islands, he simply stated what he observed in other areas. A witness offered data that we are within safe levels of contaminants.
- A small minority who want to develop on the island are in favor, while the vast majority (over 100 testified) they are against the project and do not want the service from EU. It is surely a big ask of homeowners to blindly fund (~\$50k per hookup) a for-profit project with no data supporting need, no desire to give up easements, and no desire for the described service. The staff recommendation favors development over preservation of one of the last remaining undeveloped barrier islands in Florida – shocking. It is interesting to note that there is a state park and wildlife preserve mid-island - current owners respect our responsibility to protect wildlife on our island and view the undisturbed privately owned dunes as an extension of the habitat protected by the state park.
- The application is not consistent with the Charlotte County's master plan. Just because the Charlotte County commissioners supported the application does not change the fact that this project does not comply with the master plan (as your staff also states). Another inconsistency, another set of actions that don't reconcile with decisions already adopted in the master plan.
- There are better solutions for sewage which are more aligned with island realities. These solutions don't risk a pipe carrying all island effluent failing under the intercoastal waterway. They also don't rely on electricity. Last Sunday's outage lasted 8 hours or more.
- Your staff states that EU meets the requirement showing experience and expertise. The EU has never owned operated or managed the process of installing any wastewater system ever. I am not aware that any outside advisors have been selected or vetted for this project.

- Your staff uses a technicality to exclude grinder pumps as a type of waste water processing. Grinder pumps (which do indeed change the nature of the waste) are included in the definition of a treatment facility. Therefore, EU requests to operate waste treatment without access or use rights on our property.

Thank you again for your attention, and please call to discuss any questions you may have.

Sincerely,

Julie Imig

9866 Little Gasparilla Island
PO box 64
Placida, FL 33946

720 352 03067