

M E M O R A N D U M

TO: Governing Board Members

FROM: Maricruz R. Fincher, Office of Counsel

DATE: June 11, 2026

SUBJECT: Governing Board Concurrence with Order Rescinding Phase IV Restrictions and Imposing Modified Phase II Restrictions in the Northeastern Portion of the City of Cape Coral and a Portion of Unincorporated Lee County (Northeastern Cape Coral), and Resolution of the Governing Board Delegating Authority Under Chapter 40E-21, Florida Administrative Code, to the Executive Director in Relation to the Modified Phase II Water Shortage Restrictions

Agenda Item Background:

On May 4, 2026, the District's Executive Director issued Order No. 2026-047-DAO-WS, which rescinded modified Phase IV water shortage restrictions and imposed modified Phase II water restrictions on recreation area, landscape irrigation, nursery, and aesthetic use classes that utilize groundwater from the mid-Hawthorn aquifer within Northeastern Cape Coral. The order was issued due to sufficient improvement in groundwater levels in the mid-Hawthorn aquifer in Northeastern Cape Coral to allow for the rescission of modified Phase IV restrictions. This determination was based upon the cumulative assessment of rainfall received, the groundwater availability, current water demands, and the climate forecast. Pursuant to Rule 40E-21.291(6), Florida Administrative Code (F.A.C.), the Executive Director's Order No. 2026-047-DAO-WS is subject to ratification by the Governing Board.

In the event that the hydrologic conditions should change in the mid-Hawthorn aquifer in Northeastern Cape Coral, the Governing Board is delegating the Executive Director the authority to reduce water restrictions by modifying or rescinding the Modified Phase II Water Shortage Order (Order No. 2026-047-DAO-WS). The Governing Board further delegates to the Executive Director the authority under Rule 40E-21.275, F.A.C., to issue final orders granting or denying, as well as its authority to revoke or modify, variances submitted to the District pursuant to Order No. 2026-047-DAO-WS.

Additional Item Background:

Core Mission and Strategic Priorities:

Issuing a final order concurring with the previously issued water shortage Order No. 2026-047-DAO-WS, which rescinded modified Phase IV water shortage restrictions and imposed modified Phase II water restrictions on recreation area, landscape irrigation, nursery, and aesthetic use classes that utilize groundwater from the mid-Hawthorn aquifer within Northeastern Cape Coral. Delegating the Governing Board's authority under Ch. 40E-21, F.A.C., to the Executive Director in relation to the Modified Phase II Order should conditions necessitate, supports the District's core mission of preventing serious harm to water resources and ensuring the reasonable beneficial use of the District's water resources continues.

Staff Contact and/or Presenter:

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ATTACHMENTS:

[Resolution No. 2026-0606](#)

[2026-047-DAO-WS Order Rescinding Phase IV Restrictions and Imposing Modified Phase II Restrictions](#)