



*Protecting Southwest Florida's unique natural environment and quality of life ... now and forever.*

October 31, 2017

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*Submitted via email*

RE: Caloosahatchee Estuary Basin Management Action Plan 5-year Review

Dear Mr. Williams,

The Conservancy of Southwest Florida submits the following comments on behalf of our over 7,000 supporting families on the Caloosahatchee Estuary Basin Management Action Plan (BMAP) 5-year Review. We appreciate the opportunity to provide input on this document, and specific recommendations are also included in tracked changes in the draft distributed on October 16, 2017 (attached). Due to the Water Bill legislation passed in 2016, the BMAP is now the sole mechanism for water quality restoration and meeting the applicable Total Maximum Daily Load (TMDL) in the Caloosahatchee estuary. As a result, this first 5-year review is a precedent setting opportunity to identify in what ways BMAP implementation has been successful, and where improvements are necessary. The legislation requires the BMAP 5-year review contain specific components, including: 5-year milestones, identification of projects and funding costs, and a monitoring plan sufficient to determine progress towards achieving pollutant load reductions.

#### Measuring BMAP Progress

Ultimately, how the BMAP measures progress towards meeting pollution reduction goals and the applicable TMDL is the central issue that must be addressed and evaluated in this 5-year review. Progress to date has been quantified utilizing estimated load reductions from projects implemented by local municipalities, best management practices (BMPs) and associated estimates of load reductions by agricultural operations enrolled in the Florida Department of



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Agriculture and Consumer Services (FDACS) program, and other credited reductions such as education efforts and local fertilizer ordinances.

Due to the estimated nature of the credited reductions, the Conservancy had asked the Department to provide data monitoring and trend analyses to establish a more quantifiable baseline of water quality status in the Estuary and tributaries since the time projects were credited in the BMAP. The Conservancy appreciates the Department including some preliminary data and analysis in the draft report.

Thanks in part to this exercise, the lack of flow monitoring within the Caloosahatchee watershed has been identified as a significant data gap that needs to be addressed in order to comprehensively measure the effectiveness of the BMAP's pollution reduction strategies. The flow data is necessary to translate TN and TP concentrations into loading that is consistent with the expression of the TMDL, as well as the way project reductions are quantified.

The Conservancy supports the recommendation to monitor flow at additional locations, including Telegraph Creek and Orange River. However, we strongly urge the Department expand the proposed flow monitoring network beyond the initial two identified in the draft report. Specifically, the South Spreader Canal location is a clear priority due to the location's drainage basin (Cape Coral) and it's adjacency to Matlacha Pass which has been identified as verified impaired for TN. In addition to considering simulated flow volumes, the Conservancy recommends prioritizing flow monitoring sites with the following criteria:

- Flow data representative of various types of land uses (i.e. urban and agricultural)
- Flow data near to areas with projects implemented and/or planned
- Flow data for tributaries/areas with identified water quality impairments

Moreover, the question of how this monitoring will be accomplished - identifying the lead agency, as well as quantifying the funding and resource requirements, should also be addressed in the report to make the case to the legislature and other decision-makers that this is one of the most important, if not the most important, funding need for this BMAP to successfully measure progress or lack thereof.

Finally, the Conservancy believes that monitoring credited projects and areas with implemented agricultural BMPs should be encouraged, if not required, by the Department. We acknowledge that some projects are monitored and commend the responsible entities for undertaking an evaluation protocol. The Conservancy recommends these projects be identified in the BMAP, along with the monitoring results. Measuring performance is the only way to evaluate whether the investment in projects is delivering the credited pollution reduction.

Period of Record and Credited Reduction Estimates

According to the Department’s explanation at the October 18 meeting, the period of record used for the water quality trend analysis dates back to 2008 due to data prior to 2007 not being captured in STORET. As noted during the meeting, the POR can have a significant impact on the outcomes of the trend analyses run for TN and TP. The potential impacts due to POR selection should be explained in the water quality evaluation section, and the reason for the exclusion of the data. If Lee County retains the data in their records, it should be uploaded to STORET or WIN for inclusion in future analyses.

The Conservancy understands that the majority of the credited reductions from projects fall within the POR identified in the report. However, since there are projects credited before the 2007 timeframe, including a longer POR is reflective of the credits included in the BMAP.

It is worth noting that a significant majority of the credited load reductions counted towards meeting the estimated 56% reduction in loading occurred prior to BMAP adoption in 2012. Thus, the first 5-year milestone actually includes 10 or more years of estimated nutrient load reductions. The 10+ year scope of the credited projects is not immediately apparent in the summary and we have provided clarifying language in the attached draft report.

Light Availability for Seagrasses

The Caloosahatchee TMDL is based on reducing nitrogen and chl-a to achieve the 25% PAR at 2.2 m for seagrasses in San Carlos Bay. There are ongoing discussions and work towards updating the TMDL. However, this is what the current TMDL and BMAP are based upon. Therefore, we believe it would be appropriate to include a short summary discussion in the BMAP report, along with any available light attenuation data.

Land Use Loading Allocations

The loading allocations for the BMAP are based on 2004 land use coverages. The TMDL update will be utilizing more recent land use data and this will likely impact the loading allocations for the BMAP. There have certainly been changes in land use and development over the past 13 years in the Caloosahatchee estuary watershed and it would be helpful to include more specificity on how the land use changes could revise loading allocations, as well as the baseline loading, and how updated land use loading is integrated into how progress is quantified.

Stormwater

Stormwater discharges from new development and redevelopment is an important potential nutrient loading source not currently captured in the TMDL and BMAP for the Caloosahatchee estuary. The current stormwater regulations and treatment requirements are outdated and do not meet the necessary reductions to protect local waterways. Traditional stormwater ponds

(wet detention) typically used in new developments only remove approximately 40% of nitrogen and 70% of phosphorus generated. "Treatment train" systems that utilize a number of different types of BMP systems in concert, such as swales, dry retention, constructed wetlands, filter marshes, pervious pavement, etc., are more effective at pollutant removal.

Between 2008 and 2010, updated stormwater regulations were considered, but not adopted, by the Department during the development of a statewide stormwater rule. Until updated statewide standards are adopted, the current strategy for stormwater treatment in new developments will continue to undermine efforts at water quality protection and restoration.

### Conclusion

Thank you for the opportunity to comment on the Caloosahatchee Estuary Basin Management Action Plan 5-year Review. The Conservancy appreciates the Department's consideration of these written comments and those given at the meeting on October 19, 2017. Please do not hesitate to contact me should you wish to discuss or have any questions.

Sincerely,



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cc: Nicole Johnson, Conservancy of Southwest Florida  
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