



**CHARLOTTE HARBOR NATIONAL ESTUARY PROGRAM**  
1926 Victoria Avenue, Fort Myers, Florida 33901  
239/338-2556, Fax 239/338-2560, [www.chnep.org](http://www.chnep.org)

**Via Email**

January 7, 2008

Consumer Fertilizer Task Force  
c/o Mr. Jeff Blair  
Morgan Building  
Suite 236  
2035 East Paul Dirac Drive  
Tallahassee, Florida 32310

Dear Mr. Blair:

The Charlotte Harbor National Estuary Program (CHNEP) is a partnership program, created by Section 320 of the Clean Water Act, to protect and preserve the greater Charlotte Harbor estuary from Venice to Estero Bay, recognized as an estuary of national significance. CHNEP adopted a *Comprehensive Conservation and Management Plan (CCMP)* for its estuaries and watersheds. This plan was developed utilizing four committees of citizens, scientists, resource managers, industry representatives and policy makers.

Now that work of the Consumer Fertilizer Task Force is nearing its end, we would like to offer several suggestions concerning your final recommendations. We appreciate the opportunity to make these comments concerning this important water quality issue.

1. CHNEP supports the finding that “one should only apply phosphorous to turf when it is recommended based on a soil test.”
2. CHNEP supports expansion of the LCLM certification and additional authority to require all commercial applicators to have the certification.
3. CHNEP supports funding options tied to assessments on nitrogen and phosphorous sales or manufacturing. CHNEP recommends considering expanding this funding option to include restoration of urban waterbodies that are impaired for nutrients.
4. CHNEP does not support adopting a model ordinance in state law for use by municipalities and counties. The caveat that they may choose to adopt more stringent rules if they meet certain requirements, places burden of proof on the local governments before they may proceed. One of the suggested requirements is a future condition that is difficult to demonstrate.
5. CHNEP does not support requiring local governments with existing ordinances to revise them to be consistent with the State’s model ordinance, reducing the effectiveness of the existing ordinances.
6. CHNEP does support recommending the Southwest Florida Regional Planning Council Resolution 07-01 to cities and counties as they consider developing local ordinances restricting consumer fertilizer use.

**The Charlotte Harbor NEP requests that Fertilizer Preemption language not be included in any recommendation from the Consumer Fertilizer task Force.**

The Charlotte Harbor NEP supports the restoration and preservation of water quality in Charlotte Harbor; Fertilizer Preemption language is **inconsistent** with our CCMP:

Quantifiable Objective WQ-1: Maintain or improve water quality from year 2000 levels. By 2011, bring all impaired water bodies into a watershed management program such as Reasonable Assurance or Basin Management Action Plan. Remove at least two water bodies from the impaired list by improving water quality by 2015.

Quantifiable Objective WQ-3: By 2025, reduce severity, extent, duration and frequency of harmful algal blooms (HABs), including macro-algae, phytoplankton and periphyton, through the identification and reduction of anthropogenic influences.

Priority Action WQ-D: Reduce nonpoint-source pollutants associated with stormwater runoff. Install or retrofit best management practices (BMP) to maintain or improve water quality and flows.

Priority Action WQ-E: Implement projects to restore or protect water quality to offset anthropogenic impacts.

Priority Action WQ-F: Promote conservation, stormwater and intergovernmental coordination within local comprehensive plans to prevent the impacts of increasing levels of impervious surface and fill to achieve either a neutral impact on water quality and loss of groundwater and surface water storage, or achieve restoration, based upon the condition of the receiving waters.

Priority Action WQ-L: Increase the use of personal and home best management practices by consumers throughout the watershed to reduce nonpoint-source pollution.

Preempting Cities and Counties from adopting controls beyond a state model ordinance would make it more difficult to achieve the CCMP objectives and actions listed above.

If you have any questions, please contact me at (239) 338-2556 or at [lbeever@swfrpc.org](mailto:lbeever@swfrpc.org).

Sincerely,



Lisa B. Beever, PhD, AICP, Registered Landscape Architect #1447  
Director