



CHARLOTTE HARBOR NATIONAL ESTUARY PROGRAM
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December 28, 2009

Peter Silva, Assistant Administrator for Water
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Estuarine Numeric Nutrient Criteria for Charlotte Harbor National Estuary Program

Dear Mr. Silva:

We are writing to inform you of our plans to develop site specific numeric nutrient criteria for estuaries within the Charlotte Harbor National Estuary Program (CHNEP). In addition, we request that once the CHNEP estuarine numeric nutrient criteria are completed, they replace any interim EPA estuarine numeric nutrient criteria utilized for modeling freshwater numeric criteria or other purposes for which they are used.

CHNEP is a partnership program and was established by an amendment to the Clean Water Act (Section 320) to identify, restore and protect estuaries along the coasts of the United States. In 1995, the estuarine system around Charlotte Harbor was recognized as an "estuary of national significance," creating the CHNEP. The program's *Comprehensive Conservation and Management Plan* (CCMP) identifies the region's common priority environmental issues and actions needed to solve them. Our partnership includes EPA, Florida Department of Environmental Protection, local governments, business, industry, and citizen groups.

Two of the CHNEP Quantifiable Objectives in the CCMP address water quality degradation:

- WQ-1: Maintain or improve water quality from 2000 levels. By 2011, bring all impaired water bodies into a watershed management program such as reasonable assurance or basin management action plan. By 2015, remove at least two water bodies from the impaired list by improving water quality.
- WQ-2: By 2015, develop and meet site-specific alternative criteria that are protective of living resources for dissolved oxygen, chlorophyll *a*, turbidity/total suspended solids, salinity and pesticides.

We understand that EPA is developing numeric nutrient criteria for Florida's freshwaters, which are due to be released for review January 14, 2010, with a 60 day comment period. The January 14 criteria will include interim estuarine nutrient criteria, allowing for consideration of receiving waterbody health when developing upstream criteria. In addition, the revised estuarine nutrient criteria will be drafted by January 2011.

Peter Silva, Assistant Administrator for Water

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CHNEP is currently developing site specific numeric nutrient criteria for estuaries within our study area, due to be completed by June 2010. The numeric nutrient criteria are being developed from water clarity targets already established for the CHNEP based on acres of seagrasses, seagrass light requirements and primary light attenuating factors (color, chlorophyll *a* and turbidity). The seagrass targets and water clarity targets are being developed for 13 specific estuarine regions within the CHNEP study area.

The CHNEP water quality targets and nutrient criteria are based on the most comprehensive seagrass and water quality data sets available for the region. Both the analysis methods and results receive extensive scientific review through the CHNEP Technical Advisory, Citizens Advisory, Management and Policy Committees, as well as peer review from technical experts from around the state.

CHNEP is working closely with our partners from local units of government, Florida Department of Environmental Protection, Tampa Bay and Sarasota Bay Estuary Programs, as well as representatives from EPA, to develop regional nutrient criteria that are technically sound and offer the most protection for surface waters in southwest Florida. It is the intent of the CHNEP that the science based, locally derived nutrient criteria will be more accurate and have more partner support than those developed on a broader geographic scale under severe time constraints. Therefore, we anticipate that the CHNEP numeric nutrient criteria, once completed, could reasonably replace the interim EPA numeric nutrient criteria presented in January 2010.

We look forward to working with you and your staff on this important issue in the near future. If the CHNEP can be of further assistance, or if you have any questions regarding the above information, please contact me at the CHNEP office at (239) 338-2556 x 235 or via e-mail at lbeever@swfrpc.org.

Sincerely,



Lisa B. Beever, PhD, AICP
Director

cc: Daryl Joyner, FDEP
Charles Kovach, FDEP