



CHARLOTTE HARBOR NATIONAL ESTUARY PROGRAM
1926 Victoria Avenue, Fort Myers, Florida 33901
239/338-2556, Fax 239/338-2560, www.chnep.org

Via Facsimile

April 19, 2007

Senate President Ken Pruitt,
420 The Capitol
402 South Monroe Street
Tallahassee, FL 32399-1300

House Speaker Marco Rubio
420 The Capitol
402 South Monroe Street
Tallahassee, FL 32399-1300

Re: Proposed Fertilizer Preemption

Dear Senate President Pruitt and House Speaker Rubio:

The Charlotte Harbor National Estuary Program (NEP) has reviewed the proposed Fertilizer Preemption language and finds it conflicts with local efforts to comply with Florida's Impaired Waters Rule requirements.

The Charlotte Harbor NEP requests that the proposed Fertilizer Preemption language not be permitted as an amendment to any legislation this session.

Many local governments in Southwest Florida, including Sarasota County, Lee County, and the City of Sanibel are actively engaged in developing fertilizer usage regulations in order to ensure water quality meets state standards. Moreover, the Southwest Florida Regional Planning Council passed Resolution 07-01 supporting the regulation of fertilizers containing nitrogen and phosphorous as a crucial step towards improving and maintaining water and habitat quality

The Charlotte Harbor NEP is a partnership program, created by Section 320 of the Clean Water Act, to protect and preserve the Charlotte Harbor estuary, recognized as an estuary of national significance and one of the most productive estuaries in Florida. Since 1996, the Charlotte Harbor NEP has developed and adopted a *Comprehensive Conservation and Management Plan* (CCMP) for the estuaries and their watershed. This plan was developed utilizing four committees of citizens, scientists, resource managers, industry representatives and policy makers. Our partnership includes, among others, Lee, Polk, Manatee, Sarasota, Hardee, DeSoto, and Charlotte Counties; several cities; the U.S. Environmental Protection Agency; U.S. Army Corps of Engineers; U.S. Fish and Wildlife Service; the Florida Fish and Wildlife Conservation Commission; the Florida Department of Environmental Protection; and both the South and the Southwest Florida Water Management Districts.

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

Quantifiable Objective WQ-3: Identify specific actions and develop timetables for achieving all non-mercury TMDLs by the year 2011.

Quantifiable Objective WQ-6: Meet or exceed designated water quality standards through basins of the Charlotte Harbor NEP study area by the year 2015 with possible exceptions for natural and/or site specific conditions.

Priority Action WQ-E/M: Install or retrofit Best Management Practices (BMPs) as necessary to maintain or improve water quality.

Priority Action WQ-N: Reduce non-point source pollution associated with stormwater runoff.

On behalf of the Charlotte Harbor NEP, this letter is being sent to the Charlotte Harbor NEP Legislative Delegation in Manatee, Sarasota, Charlotte, Lee, Polk, Hardee and DeSoto Counties.

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

Sincerely,



Lisa B. Beever, PhD, AICP
Director

cc: Senator Burt Saunders, Chair, Committee on Environmental Preservation & Conservation
Representative Trudi Williams, Chair, Environment & Natural Resources Council
Charlotte Harbor NEP Legislative Delegation:
Senator Paula Dockery, District 15
Senator JD Alexander, District 17
Senator Mike Bennett, District 21
Senator Lisa Carlton, District 23
Senator Dave Aronberg, District 27
Representative Seth McKeel, District 63
Representative Marsha Bowen, 65
Representative Baxter Troutman, 66
Representative Ron Reagan, District 67
Representative Doug Holder, 70
Representative Michael Grant, District 71
Representative Paige Kreegel, District 72
Representative Nick Thompson, District 73
Representative Gary Aubuchon, District 74