



CHARLOTTE HARBOR NATIONAL ESTUARY PROGRAM  
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April 25, 2007

The Honorable Trudi K. Williams  
Chair, Committee on Environmental Protection  
221 The Capitol  
402 South Monroe Street  
Tallahassee, FL 32399-1300

Re: Environmental Permitting, HB 957, SB 2082

Dear Representative Williams:

The Charlotte Harbor National Estuary Program's Management Conference has reviewed House Bill 957, "Environmental Permitting" and its companion Senate Bill, SB 2082, specifically Section 6 that amends section 373.441 Florida Statutes. The Charlotte Harbor NEP is concerned that the passage and implementation of this legislation may result in negative impacts to the natural resources of Charlotte Harbor.

The Charlotte Harbor NEP's recent Water Quality Status and Trends Report contains data that demonstrate that the water quality in our study area has declined since the 1950s. As you know, local governments are tasked with the responsibility of acquiring water quality permits for point source discharges (NPDES) in order to effectively regulate water quality and storage. Wetlands provide both of these ecological services at a much lower cost than engineered systems. Retaining the ability to regulate wetlands permitting is key to local governments' efforts to improve water quality and water storage throughout the Charlotte Harbor NEP study area.

The Charlotte Harbor NEP Management Conference understands that legislation moves quickly through the Legislature at this juncture of the session; however, the **removal of Section 6** from the proposed bill would assist in ensuring that there is **no preemption** at the State level of local authority over wetland protection.

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 estuary and its 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 improving the permitting process in order to facilitate the restoration and preservation of water quality and estuarine habitat within the Caloosahatchee estuary. House Bill 957 and Senate Bill 2082 **without Section 6** will allow our partners to assist the CHNEP in implementing our CCMP:

- Quantifiable Objective FW-2d: restore and maintain saltwater marsh habitats where feasible (e.g., public lands or undeveloped areas) and prevent loss or conversion of existing salt marsh habitats.
- Quantifiable Objective FW-2e: restore, maintain, and manage freshwater wetlands systems in current extent and to a quality capable of maintaining all natural functions within the range of natural variability.
- Priority Action FW-C: Restore freshwater and estuarine wetland areas, especially those adversely impacted by ditching, using the following methods: the backfilling of ditches, the removal of spoil piles, the elimination of exotic vegetation, and other restoration techniques.

On behalf of the Charlotte Harbor NEP, this letter is being sent to Senator Mike Bennett, sponsor of Senate Bill 2082, and 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. Thank you for your help.

Sincerely,



Lisa B. Beever, PhD  
Director

cc: 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  
Senator Burt Saunders, District 37  
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