

12. ADVOCACY AND REVIEW UPDATE

On February 21, 2003, the Policy Committee adopted its Advocacy and Review Procedures. However, CHNEP's advocacy began four years earlier in 1999 with a letter to request designation of Horse Creek as an Outstanding Water (OFW). Prior to CCMP adoption, the conference was reluctant to issue advocacy positions without the guidance of an approved CCMP.

In 2008, 5 advocacy positions were taken by the CHNEP. Four had satisfactory conclusions and one is pending.

Recommendation: None requested. Informational only.

Attachment: Advocacy and Review Tracking Summary

Date	Advocacy Process	Short Title	To	Request	Outcomes	Success?	Gratitude to:
12/18/2008	Yes	Estero Bay AP	Governor	Encourage continued state support for the Estero Bay Aquatic Preserve programs, activities and office.	Preserve Office funded.	Yes	Gov. Crist
12/1/2008	Yes	NPDES Monitoring	FDEP	Consider the value of existing ambient monitoring programs and provide flexibility in using these programs for MS4.	Based on comments, FDEP is preparing new draft monitoring plan guidance.	Yes	Phil Coram and Steve Kelly
10/30/2008	Yes	CRWPP	SFWM	Adoption of plan with 15 recommendations	Pending		
3/26/2008	Yes	Fertilizer Preemption	Senator Aaronberg	Request SB 2352, which included preemption language, not be adopted.	Written response, Not adopted	Yes	Senator Saunders
1/18/2008	Yes	CF South Pasture Mine Modification	FDEP	Request additional information regarding application.	FDEP incorporated comments, additional modeling.	Yes	CFI, Orlando Rivera
12/19/2007	Yes	CF South Pasture Mine Modification	FDEP	Request for extension of public comment period.	CF and FDEP worked together to extend it.	Yes	Rick Cantrell
12/18/2007	Yes	EIS	USACOE	Reaffirm support for EIS within the Peace and Myakka Basins.	Response that request is too broad and to look to local/state permitting processes.	No	David Hobbie, Chief Reg Div, ACOE
11/19/2007	Yes	Stormwater Design Criteria	FDEP	Modifications to the report "Evaluation of Current Stormwater Design Criteria in Florida."	Response committing to including all BMPs in rule.	Yes	Eric Livingston
9/4/2007	No-RRCT	SWFFS funding	USACOE	Requests that USACOE preserve funding necessary to maintain the current schedule for completing the Southwest Florida Feasibility Study (SWFFS).	Funding and schedule preserved from draft language.	Yes	Quality Review Board
8/20/2007	Yes	S Ft Meade Mine Expansion	USACOE	Request ACOE review permit applications on phosphate mining activities for consistency with the Charlotte Harbor National Estuary Program's Comprehensive Conservation and Management Plan (CCMP); Special consideration be paid to potential Cumulative and Indirect Impacts in review of this and other permit applications in the region; A Determination of Consistency with the Charlotte Harbor National Estuary Program's Comprehensive Conservation and Management Plan (CCMP) and Cumulative and Indirect impacts be included in the Statement of Finding; and The Charlotte Harbor National Estuary Program receive a copy of the Statement of Finding for the South Fort Meade Mine Expansion and other mine permit applications in the Peace River and Myakka Basins at the above address or my email account.	No response	No	
6/7/2007	Yes	C-43 PIR	USACOE	Caloosahatchee River (C-43) West Basin Storage Reservoir Draft Project Implementation Report (PIR) and Environmental Impact Statement (EIS)	Some Recommendations Incorporated	Yes	
4/25/2007	Yes	HB 957/SB 2082, Environmental Permitting	House of Representatives	Opposed to section 6 of the bill that would preempt local rules concerning wetland protection.	Not adopted	Yes	Rep. Trudi Williams
4/18/2007	Yes	Proposed Fertilizer Preemption	FL House and Senate	Proposed Fertilizer Preemption language not be permitted as an amendment to any legislation this session.	Not adopted	Yes	

4/4/2007	Yes	HB 1816, Restoring Caloosahatchee River	US House of Representatives	Adopt Restoring the Caloosahatchee River: A Legacy for Florida, House Bill 1816.	Not adopted	No	
3/30/2007	Yes	SB 2176 Inland Navigation Districts	Senate	Hold legislation in abeyance until Florida Department of Environment Protection, Office of Coastal and Aquatic Managed Areas (CAMA), can 1) complete its statewide plan for aquatic preserve management, 2) update the management plans for each of 6 Aquatic Preserves within the Charlotte Harbor NEP Study Area and 3) develop the General Permit for the West Coast Inland Navigation District (WCIND) channel designations.	Not adopted	Yes	Senator Michael Bennett
3/23/2007	Yes	HB 535, SB 392	House of Representatives	Support adoption of Northern Everglades and Estuaries Protection Act (NEEPA).	Adopted	Yes	Rep. Trudi Williams
3/23/2007	Yes	SB 2346/HB 1281 Myakka River Designation	Senate	Support bill to expand designation of the Muakka River Wildlife and Scenic River to include Charlotte and Manatee Counties.	Bill adopted to study expanded designation	Partial	Senator Michael Bennett
3/23/2007	Yes	SB 0548 Protection of Seagrasses	Senate	Support bill which provides for enforcement, restoration and education associated with seagrasses.	Not adopted	No	
3/23/2007	Yes	SB 2178 Restoration of Sea Grass Beds	Senate	Support bill and request that the bill add Charlotte County as a pilot program area for seagrass restoration.	Not adopted	No	
11/20/2006	Yes	Cape Coral Burrowing Owls	Cape Coral	Request Cape Coral invite Tom Allen to present results of study and identify important burrowing owl habitat to protect.	No invitation	No	
9/26/2006	Yes	Lake O Regulation Schedule Study	USACOE	Several changes to draft LORRS project were requested.	LORRS modified	Yes	
6/8/2006	Yes	Pirate Harbor Inner Channel	FDEP	Request participation in review process.	Not granted.	No	
5/2/2006	Yes	90-day Extension for comment period	USACOE	Requested 90-day extension for the Ona Mine Public Comment Period.	Not granted.	No	
4/21/2006	Yes	Babcock Ranch Acquisition-SB 1226	Senate	Adopt SB 1226 to acquire Babcock Ranch.	Adopted	Yes	Senator Paula Dockery
4/17/2006	Yes	Horse Creek OFW	FDEP	Reiterate our support of designating Horse Creek as an Outstanding Florida Water.	Not Designated	No	
4/14/2006	Yes	EIS	USACOE	Reaffirm support for EIS within the Peace and Myakka Basins.	Not funded but Peace River CIS and Resource Management Plan was funded by State.	No	
3/24/2006	Yes	HB 1345, SB 2490 supporting crab trap retrieval program	FWC	Adopt HB 1345/SB 2490 providing a funding mechanism for the removal of crab traps.	Not adopted.	No	

3/24/2006	Yes	HB 1459 supporting laws to regulate reptiles	House of Representatives	Adopt HB 1459.	Not adopted.	No	
3/24/2006	Yes	Babcock Ranch Acquisition	Sun-Herald	Place on the record our support of the Babcock Ranch acquisition.	Babcock Ranch acquired for conservation purposes.	Yes	
11/8/2005	Yes	State-wide Aquatic Preserve Document	DEP Contractor	Request minor revisions and offer support.	Cannot find final statewide document posted on FDEP website.	Do not know	
5/9/2005	Yes	WQ Component for C-43 Reservoir	SFWMD	Include a water quality component for the Accelerate C-43 reservoir project	Received response on 6/27/05.	No	
3/21/2005	Yes	FPL Land Acquisition	FPL	Sell property on Gasparilla Island for conservation purposes.	Received response on 4/14/05 committing to work with GICIA.	No action	
1/14/2005	Yes	Corps Public Notice	USACOE	Review of SAJ20049692 Bethel Community with no objections. Met with consultants (Johnson Engineering) 1/14/05 and established links to EPA reviewers Robert Lin and Rhonda Evans.	Established contacts and procedures to comment on Corps public notices.	Yes	
1/14/2005	11/15/04 Policy Committee follow-up	SWUCA	SFWMD	Policy Committee requested staff meet with SWFWMD staff regarding 2/18/04 comments and present comments to the Governing Board. CHNEP staff met with SWFWMD on 12/17/04 and issued a letter outlining ways to address 2/18/04 recommendations and 11/15/04 discussion.	Presented points to the SWFWMD Governing Board on 1/15/05.	Partial	
10/11/2004	Yes	WSE Regulations	SFWMD	Review of FONSI stated the the CLA adoption was premature, increased damaging freshwater flows, and ignored FWC recommendations regarding lake levels. CHNEP oral presentation of comments to USACE-Jax concerning proposed changes to WSE schedule.	Not adopted	Yes	
10/4/2004	Yes	Phosphogypsum Research	EPA	Approve research into beneficial uses for phosphogypsum	Brevard County withdrew support based on increased hurricane activities and the need for additional space for a methane gas initiative.	No	
7/14/2004	2/18/04 Follow-up	WSE Regulations	SFWMD	2/18/04 request resulted in proposed revision to WSE which was slightly worse for the Caloosahatchee. FAX to request west coast public meeting.	Public meeting held 8/04/04 and CLA revised	Yes	
2/18/2004	Yes	SWUCA	SFWMD	Request SWUCA Recovery Strategy include goal to stop saltwater intrusion of Floridan Aquifer and establishing flow ranges.	SFWMD 3/5/04 response	No	
2/18/2004	Yes	WSE Regulations	USACOE/SFWMD	USACOE and SFWMD modify the regulations affecting flows from Lake Okeechobee to the Caloosahatchee estuary, including FWC recommendations.	Corps 3/23/04 and SFWMD 3/12/04 response committing to revision.	Yes	

11/17/2003	Yes	Corps Phosphate Mine Inquiry	USACOE	1. A summary of phosphate mining permits with review timetables. We may forward a federal consistency determination within the applicable review timetables; and 2. A presentation by Corps staff on their progress to address cumulative impacts of the proposed phosphate mine projects, pending phosphate mining permits in the Charlotte Harbor Study area, and how the Charlotte Harbor NEP can best assist the Corps in their review and CCMP consistency requirements.	No response from the Corps. However, the Corps has issued a new website to track public notices on a weekly basis.	No	
11/17/2003	Yes	Programmatic EIS	USACOE	Reiterate that a programmatic Environmental Impact Statement (EIS) is probably required to comply with the spirit and intent of the National Environmental Policy Act (NEPA), recognizing that Corps permitting and funding activities within the Peace and Myakka River Basins of the Greater Charlotte Harbor watershed constitute federal actions that may have significant effects on the environment, particularly when considered cumulatively.	No response. However, the Florida legislature funded a cumulative impact review for the Peace River basin. The contractor (PBS&J) recommended using the NEP committees for public and technical review.	No	
9/24/2003	Yes	Caloosahatchee Coordination	USACOE, SFWMD, FDEP, FFWCC, Lee, Charlotte.	1. Develop and implement a Recovery Strategy for the Caloosahatchee River in conjunction with the land management strategies of the local governments to ensure the MFL rule will not be violated in the future; 2. Pending establishment and implementation of a Recovery Strategy, establish an interim measure or series of measures for ensuring the MFL is met should the 200 cfs not be provided by drainage west of S-79, including consideration of supplemental Lake Okeechobee releases; 3. Acquire land within the watershed that will allow for additional storage and natural hydrology; 4. Develop, obtain funding and construct projects to restore and maintain a more natural hydrology; 5. Encourage that future development projects within the Caloosahatchee watershed will not have deleterious influence on groundwater and tributary inputs west of the Franklin Lock system; 6. Research and monitor effects of flows to estuarine resources and water quality to better predict and document causes of failure and necessary actions to correct deficiencies; and 7. Establish a plan for protective maximum flows and l		No	
6/19/2003	Technical	Charlotte Harbor TMDL and PLRG	FDEP	Encourage the Department to review and incorporate the Southwest Florida Water Management District's work to develop a Pollutant Load Reduction Goal (PLRG) for Charlotte Harbor into the TMDL process for WBIDs 2065A and 2065 B.			
6/18/2003	Technical	SWANCC Request	USACOE	Quantify the number of acres and the location of the wetlands that will be affected or reclassified as non-jurisdictional by the SWANCC decision within our study area. Explain how the determination of non-jurisdictional status is made for these areas.		No	
2/21/2003	Yes	Babcock Ranch Acquisition	FL House and Senate	Support the acquisition of the Babcock Ranch.		Yes	

12/12/2002	Pre-dates	Upper Peace River	SWFWMD	1. Develop Minimum Flows and Levels rules to protect medium and high flows in addition to the low minimum flows and levels currently proposed; 2. Clarify and modify the Fish Passage Criteria target of a "maximum of 0.6 feet" to a minimum of 0.6 feet for a specific width of the stream channel; 3. Incorporate the loss of flow to subsidence features or reference the Fish Passage and Wetted Perimeter Inflection Point Criteria within the rule; 4. In addition, the Management Conference endorses a rule that provides for the periodic inundation of instream woody habitats, such as snags and roots. However, the period of inundation for the Instream Woody Habitats Criteria should be consistent with the Department of Environmental Protection's recommendations for the Stream Condition Index and Bioassessments; and 5.The Management Conference requests that the Southwest Florida Water Management District revisit the established MFL rules for the Upper and Middle Peace Rivers soon after it has completed rule development for the lower/tidal portion of the river system to ensure	2/19/03 Letter From SWFWMD agreed with the points but would not modify anything for this round.	No	
12/6/2002	Pre-dates	NMFS letter	NMFS	Initiate Essential Fish Habitat consultation pursuant to the 1996 amendment of the Magnuson-Stevens Act as part of the Corps review of these mining proposals.	NMFS provided verbally that indirect impacts are difficult to quantify	No	
9/6/2002	Pre-dates	Horse, Joshua, Shell MFL Schedule	SWFWMD	Include tributaries Horse, Joshua and Shell Creeks for minimum flows and levels development by 2005.		No	
8/23/2002	Pre-dates	Reservations	SFWMD	The white paper be modified to include the Caloosahatchee estuary and Estero Bay as legal source user basins for environmental purposes.	Though not adopted, the issue remains on the table.	Partial	
5/17/2002	Pre-dates	CH Basin Status Report	FDEP	1. Work with EPA to consider information beyond the 1998 Florida 303(d) list and current Florida water quality standards in developing the upcoming revision; and 2. Include all water quality data with a State or Federally approved Quality Assurance Plan in the determination of impairments.	CHNEP funded uploading additional water quality data to STORET	Yes	

4/24/2002	Pre-dates	Myakka TMDL	USEPA	1. EPA and the State of Florida should consider additional contaminants as causing impairment of uses in the Myakka system and include this information in the 303(d) list and proposed TMDL rule. We understand that the Agency may be limited to developing limits for contaminants determined to cause impairment through the 303(d) listing process; however, the current 303(d) list, accepted by the Agency, is inadequate. We understand that the State of Florida is developing a revision to the 303(d) listing which is due Fall 2002. We strongly urge that the Agency and State consider information beyond the 1998 Florida 303(d) list and current Florida water quality standards in developing the upcoming revision; 2. The Agency should incorporate additional relevant research, such as studies documenting the aforementioned biological impairments and numerous appropriate empirical loading models, into the development of the proposed TMDL rule; 3. The Agency should clarify the language in the TMDL rule. Since the actual quantitative poundage of pollutants introduced into the			
4/15/2002	Pre-dates	PLRG	SWFWMD	Support the Pollutant Load Reduction Goal (PLRG) recommendations for Charlotte Harbor.		Yes	
2/15/2002	Pre-dates	Lower CH SWIM	SFWMD	Designate Lower Charlotte Harbor as a Priority 1 Surface Water Improvement and Management Program waterbody	Lower Charlotte Harbor is a Designated SWIM waterbody in direct response to NEP action	Yes	Trudi Williams, Carol Wehle, and Akin Owosina
9/7/2001	Pre-dates	Myakka MFL Sched	SWFWMD	Request that the Myakka River be considered for inclusion within the list of water bodies to have MFLs established by the year 2005.	MFLs have been scheduled for 2006	No	
2/9/2001	Pre-dates	Caloosahatchee MF	SFWMD	1. Flows for the months of April, May and June should be addressed; 2. The time frame necessary to attain "significant harm" should be shortened from "3 consecutive years" to "1 year"; 3. Research and monitoring should be conducted to assure significant impacts do not occur to important estuarine resources; 4. Research and monitoring should be conducted to predict and document causes of failure to maintain minimum flows and thereby identify necessary actions to correct deficiencies; and 5. A protective maximum flow and water level should be identified to assure significant adverse impacts do not occur to significant estuarine resources for use during operation of the water management system.	#3 request conducted	Partial	
9/26/2000	Pre-dates	Region-wide EIS	USACOE	Undertake a Region-wide Environmental Impact Statement for federal permitting and funding activities within the Peace and Myakka River Basins of the Greater Charlotte Harbor watershed.		No	
6/7/1999	Pre-dates	TMDL Delisting	FDEP	Objecting to delisting of several segments from Planning List		No	