9. **OLD BUSINESS**

a. Water Quality

i. Letter dated April 26, 2010 to Senate and House legislators regarding SB 382 and HB 1445 and all State Preemption, directly or indirectly, of Fertilizer Regulation by Local Governments (Vice Mayor Denham)

City of Sanibel

800 Dunlop Road
Sanibel, Florida 33957-4096

www.mysanibel.com

AREA CODE - 239

CITY COUNCIL	472-4135
ADMINISTRATIVE	472-3700
BUILDING	472-4555
EMERGENCY MANAGEMENT	472-3111
FINANCE	472-9615
LEGAL	472-4359
NATURAL RESOURCES	472-3700
RECREATION	472-0345
PLANNING	472-4136
POLICE	472-3111
PUBLIC WORKS	472-6397

April 26, 2010

RE: Opposition to SB 382, HB 1445, and all State Preemption, directly or indirectly, of Fertilizer Regulation by Local Governments

Dear Senator Baker:

Please look at the attached photos and know that you are looking at the future of Florida's water bodies if local governments are stymied in their efforts to reasonably regulate fertilizer. The City of Sanibel stands in strong opposition to SB 382, HB 1445, and all State preemption of fertilizer regulation by local governments. This includes not only direct preemption but indirect preemption accomplished through legislation containing unreasonable and unwarranted barriers to local government ordinances.

These proposed bills take away important tools available to local governments to prevent and address water quality impairments and to protect downstream water bodies from future impairment. Runoff of nitrogen and phosphorus from improper and excessive use of residential fertilizer is contributing significantly to harmful algae blooms in our rivers, lakes, ponds, and coastal waters. The attached photographs were taken on Sanibel's beaches and in the J.N. "Ding" Darling National Wildlife Refuge in 2006 and 2007 when unprecedented algae blooms in our Gulf and Bay waters resulted in fish kills, unusable beaches and hundreds of cancelled visitor reservations. Let your actions make certain this never happens again.

These bills limit local government's ability to restore water quality and to protect their waters from becoming degraded. Furthermore, although it is widely acknowledged that the cost to clean up excess nutrients in water bodies is exponentially more costly than the prevention of the pollution in the first place, these bills would require problems to exist long before a local government could work to prevent it.

Additionally, we strongly oppose a "one size fits all" approach for fertilizer control in the state of Florida. Every locality has its own unique vegetation, soil types, topography and water quality restoration needs. Florida's own TMDL rules develop stormwater permitting requirements that are very location specific, focusing on area by area, watershed by watershed, stream by stream and estuary by estuary to determine precise regulatory requirements that will best bring water quality levels, including nutrients, to an acceptable standard.

Finally, these bills do not reflect the State Fertilizer Task Force Recommendations. The qualification criteria were not recommended by the Task Force and they conflict directly with the unanimous vote by the Task Force to preserve home rule regarding fertilizer management.

We live in a state surrounded by and dependent on water, where pristine beaches and estuaries are among our greatest assets. The health and economy of southwest Florida depends upon the quality of the waters where our citizens fish, recreate and live. Now is the time to address water quality as our priority, not to weaken the protections we have undertaken. Our environment, tourism, economy and our very way of life are at stake.

We are looking to your office for the leadership required to protect and support fertilizer regulations that improve, not impair, water quality and truly protect Florida.

Sincerely,

Mick Denham
Vice Mayor

Recycled paper