



November 30, 2007

Lee County Board of County Commissioners

Commissioner Bob Janes, Chair
Commissioner Brian Bigelow
Commissioner Ray Judah
Commissioner Tammy Hall
Commissioner Frank Mann

Re: Lee County Fertilizer Ordinance

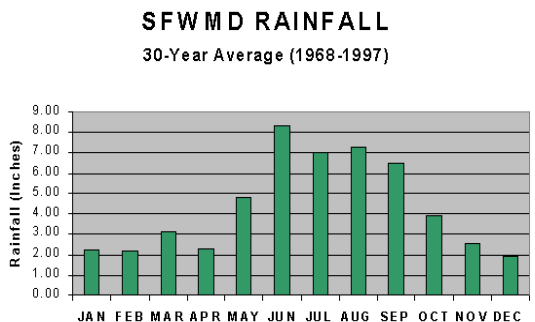
Dear Commissioners:

This letter is submitted on behalf of the Sanibel Captiva Conservation Foundation to provide comments on the draft Lee County Fertilizer Ordinance.

We applaud Lee County for committing to development of a fertilizer ordinance recognizing the link between land use practices, including fertilizer use, and water quality. We have reviewed the latest draft ordinance dated October 26, 2007 and request your support of additional standards that will result in a stronger ordinance than that which has been drafted.

As drafted the Lee County ordinance will only regulate professional landscape businesses and would not apply to homeowners despite the fact the non-farm sales of fertilizer has experienced a fourfold increase since 1999. This limited focus leaves out the largest segment of the population using fertilizers and undermines the opportunity to educate the fast growing public that is most apt to be uninformed about Florida's soil needs, fertilizer application and the link between fertilizer runoff and water quality degradation. We request that the ordinance include all fertilizer applicators in the ordinance both licensed professionals and non professional homeowners.

To assure that the ordinance is effective we request the restricted rainy season blackout for application of fertilizer be expanded to include June, the highest rainfall month of the year. Average rainfall data reflect that 27% of the rainy season rainfall total is received in June. June rainfall averages over 8 inches of rain per year followed by August at 7.25 inches, July at 7 inches and September averaging 6.5 inches per year. To exclude June from the blackout period for fertilizer application would undermine the effectiveness of the ordinance. We request that the rainy season blackout be extended from June 1 through September 30.



The formula for fertilizer is also a critical aspect of the Ordinance. In Section 7.B, phosphorus content and slow release are specified but there is no nitrogen content listed. We suggest that nitrogen content limitations be added, requiring fertilizer contain no more than 20% total nitrogen with at least 50% slow release nitrogen to be applied at no greater than 0.5 pounds per 1,000 square feet, per application.

Many fertilized lawns adjacent to waterbodies slope toward the water's edge. To protect these surface waters and wetlands we advocate the ordinance incorporate language outlined in alternative 2 of Section 7.E, incorporating the statewide permit setback of 25 feet as a fertilizer free buffer zone adjacent to wetlands and waterbodies.

To assist with the management of vegetative materials Section 7. G, and provide for absorption of nutrients in runoff we suggest encouraging a six foot low maintenance zone adjacent to wetlands and waterbodies be included.

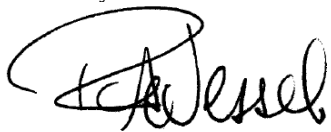
Education and enforcement for private homeowners will be similar to the successful enforcement strategy used regarding watering restrictions. As citizens are educated through public notices in their water bills and through public/private educational campaigns, habitats will gradually adjust. Like watering restrictions in southwest Florida, the results, while not immediate, will demonstrate increasing compliance with comprehension that changing land based actions is in everybody's best interest. The City of Sanibel has developed an effective DVD program that could be utilized by the County to extend educational outreach.

The economic wisdom of preventing pollution is well documented. It is cheaper to prevent pollution of our waterways than to clean them up after the fact. According to modeling of the Caloosahatchee, the annual average load of phosphorus in Lee County is 146,000 lbs/yr. According to an IFAS study, the cost estimate to remove phosphorus in Lee County using a traditional STA or filter marsh system is \$167 million amortized over 50 years for an annual expenditure of \$3.3 million per year. This assessment highlights the magnitude of costs to clean up water bodies once they are impaired. It pays to prevent pollution.

Like so many of our practices, including water and fertilizer use, the force of this ordinance is in educating the public about sustainable standards, encouraging changes in our fertilizing practices, the link between land based actions and impacts on water quality and ultimately the economic benefit that we will all enjoy by preempting a source of pollution over which we do have control.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Rae Ann Wessel". The signature is fluid and cursive, with a large loop at the beginning and a long tail extending to the right.

Rae Ann Wessel, Natural Resource Policy Director
Sanibel Captiva Conservation Foundation