



May 12, 2008

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 latest draft of the Lee County Landscape and Fertilizer Management Ordinance.

We appreciate Lee County's consideration and commitment to development of this ordinance. The importance and timeliness of this effort are underscored by this year's legislative session and current water quality initiatives including TMDL's for the Caloosahatchee estuary and restoration projects through the Caloosahatchee River Watershed Protection Plan. Most importantly this ordinance will initiate Lee County's planning for future Basin Management Action Plans (BMAP).

We have reviewed the latest draft of the Ordinance dated April 23, 2008. We appreciate the consideration and incorporation of previous comments that we have made and with this letter we wish to bring to your attention our recommendations and support of several issues including:

- Application Rate and timing
- Buffer zones
- Rainy season blackout period
- Exemptions
- Public education

Application Rate and Timing

Section 7B addresses the content and application rate for fertilizer which is a critical component of this Ordinance. Two alternatives are provided; Alternative 1 is taken directly from the "model ordinance" incorporated into this year's statewide preemption legislation while Alternative 2 is based on a regional format that has been promoted and adopted within this region. We support alternative 2 which provides for added protections including 50% slow release formulations and limits the amount of nitrogen that can be applied to turf grass.

Buffer Zones

The draft language in Section 7D allows application of fertilizer within 3 feet of a body of water or wetland when applied with a spreader and deflector shield. Given that our built environment, where the majority of fertilizers are applied, are built with slopes of 4:1 -6:1 and planted with turf to the water's edge, this condition could allow fertilization on the slope of a stormwater pond or lake. We recommend that the language be changed to limit fertilization 10 ft from the **top of bank** of any waterbody or wetland to protect wetlands and surface water quality.

Rainy Season Blackout

One of the important changes that has been included in Section 7A, is the inclusion of June to the rainy season blackout period for application of fertilizer. June is the highest rainfall month of the year in Lee County and the south Florida region. June is the highest average rainfall month of the year as shown in both Lee County and South Florida Water Management District data, attached. An important consideration for including June is that the early season rains provide the first flushes of runoff and pollutants after the dry season.

Four months without fertilizer application will not cause grass to die. The summer period highlights regular rain fall -a critical condition for turf to survive-, abundant grass clippings and the residual of slow release formulations of fertilizer that will provide nutrients necessary for healthy turf during the blackout period. For these reasons we endorse and encourage you to retain the rainy season blackout from June 1 through September 30.

Exceptions

SCCF has initiated meetings with the research divisions of the University of Florida and IFAS to conduct ongoing discussions of emerging science and research needs with NGO's and County and City staff. We had a recent meeting with particular focus on our local fertilizer ordinance. One of the points made by Dr. Terril Nell is that fertilizer is wasted on newly laid sod. Their research has shown the greatest amount of leaching comes fertilization of newly laid sod because it lacks an established root system to take up nutrients. We recommend changing the language of Section 8A1 to remove the word "turf" from this exemption.

Public Education

A key element to the success of this effort will be public education. SCCF has been a leader in the area of public education and native landscaping for well over 25 years and would be pleased to participate in the development of language for flyers, signage and point of sale educational information as well as public education programs. The City of Sanibel has developed a DVD program that could serve as a template for public education programs.

With this ordinance Lee County will provide economically and ecologically effective leadership to help prevent further pollution of our waters and begin meaningful restoration.

Thank you for your commitment and efforts on behalf of Lee County's quality of life.

Sincerely,

A handwritten signature in black ink, appearing to read "Rae Ann Wessel". The signature is fluid and cursive, with a large initial "R" and "W".

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

From Lee County Website Mean Monthly Rainfall

Mean Monthly Rainfall (1991-2008) (inches)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
1991	ND	ND	ND	ND	ND	ND	ND	ND	5.79	3.61	0.60	0.18	10.18 ⁺
1992	1.43	4.02	3.76	2.59	0.84	12.41	7.36	7.44	3.92	1.22	0.85	0.46	46.30
1993	4.50	2.63	3.56	2.18	2.56	6.46	6.38	9.08	7.33	7.30	0.85	1.16	53.99
1994	2.99	1.97	1.60	6.77	1.59	5.93	8.43	10.37	8.65	2.86	2.61	4.10	57.87
1995	3.61	1.34	1.13	4.79	3.21	14.40	16.49	16.56	8.26	15.01	1.13	1.33	87.26
1996	2.72	0.80	4.29	2.04	6.48	14.16	6.66	9.58	9.61	5.73	0.36	0.87	63.30
1997	1.81	1.73	2.04	7.55	5.03	9.36	10.61	8.75	11.78	0.52	5.20	8.09	72.47
1998	4.10	10.53	7.39	1.08	4.22	4.37	11.56	11.40	12.89	2.68	9.87	1.81	81.90
1999	3.46	0.23	0.82	1.38	4.94	18.46	8.88	15.06	10.82	3.28	1.86	1.41	70.60
2000	1.28	0.26	3.02	1.31	1.82	7.81	9.14	10.39	14.66	2.86	0.44	1.01	54.00
2001	0.38	0.05	6.98	0.53	2.32	8.90	18.24	9.96	16.77	2.37	0.45	1.60	68.55
2002	2.12	1.57	1.62	1.85	4.03	12.35	6.68	9.97	8.64	3.16	5.28	3.66	60.93
2003	1.46	0.92	4.58	3.29	4.88	13.56	6.50	13.02	13.53	0.60	2.34	3.18	67.86
2004	2.95	3.77	0.22	2.78	0.91	9.37	9.57	15.35	7.14	0.82	0.75	1.49	55.12
2005	0.56	2.68	7.15	3.40	2.89	16.95	11.07	6.65	5.42	8.55	3.90	0.21	69.43
2005	0.56	2.68	7.15	3.40	2.89	16.95	11.07	6.65	5.42	8.55	3.90	0.21	69.43
2006	0.35	2.66	0.74	0.06	2.28	9.45	11.88	10.04	8.67	0.98	0.71	1.40	49.19
2007	0.48	0.99	0.24	1.69	2.45	5.96	8.18	5.93	6.91	1.94	0.34	1.23	36.34
2008	1.24	2.19	2.34	3.58									5.77
Mean	2.08	2.26	3.03	2.76	3.15	10.62	9.85	10.60	9.46	3.73	2.21	1.95	61.70 [^]

SFWMD RAINFALL

30-Year Average (1968-1997)

