



*Florida Department of  
Environmental Protection*

*White Paper:*  
**"Nutrient Loading Considerations for  
Planning Decisions in  
Northern Everglades & Estuaries Protection  
Program (NEEPP) Watersheds"**

Southeast District  
Chad Kennedy, Program Administrator,  
Watershed Management & Planning Program



## *Northern Everglades and Estuaries Protection Program (NEEPP)*

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- In 2007, the Florida Legislature adding Caloosahatchee and St. Lucie River to the 2000 Lake Okeechobee Protection Program,
  - Phase II Watershed Protection Plan
- Goal is to Restore and Protect the State's Surface water resources



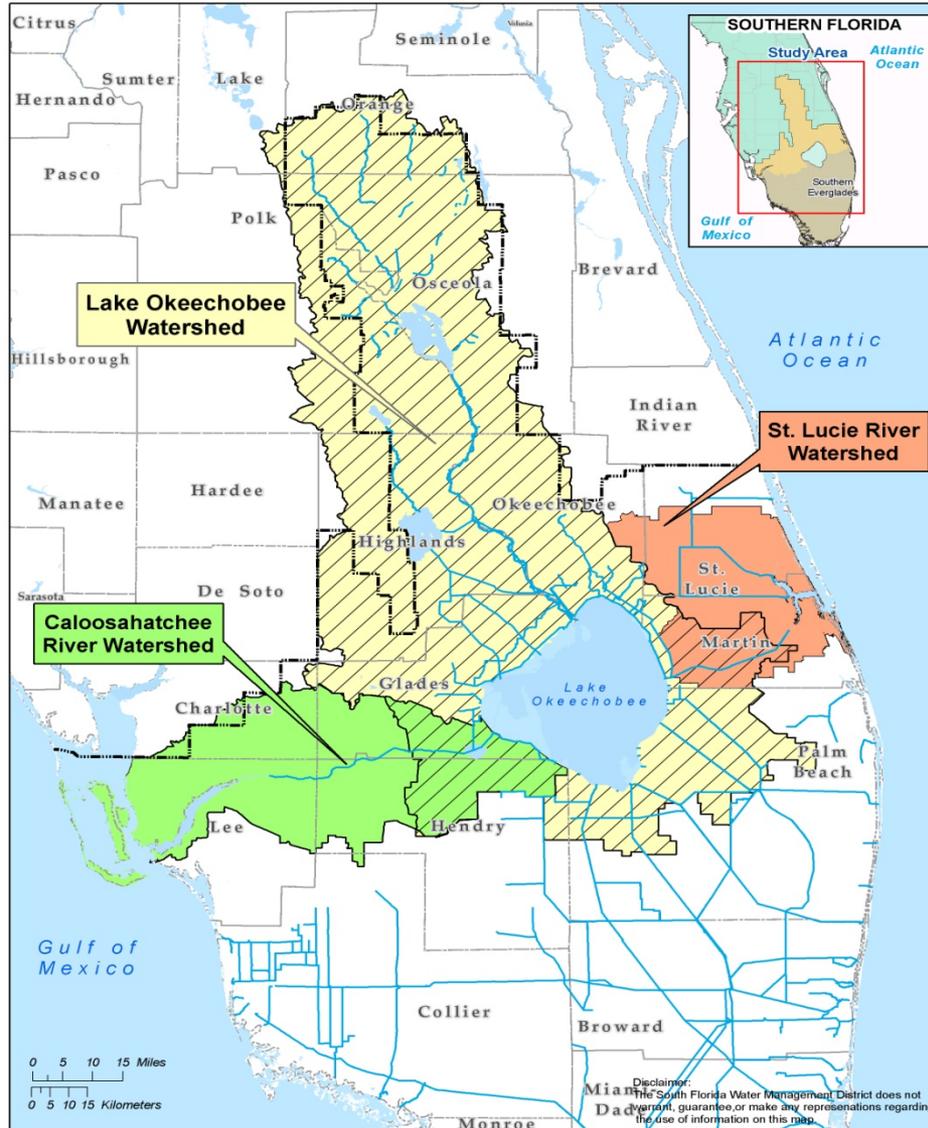


# *Florida Department of Environmental Protection*

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- Lead State Agency for environmental management and stewardship
- Divided into three primary areas:
  - Regulatory Programs
  - Land and Recreation
  - Planning and Management







## *White Paper Purpose*

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- Provides guidance to Florida Department of Environmental Protection (FDEP) and South Florida Water Management District (SFWMD) staff when working with local governments to meet NEEPP requirements
- Explains how existing growth management processes can further restoration and water quality objectives of the NEEPP legislation
- Identifies primary existing regulatory programs that can provide the basis for agency objections or comments on various planning documents and upon which local land planning entities can base additional resource protection measures that will benefit their communities and meet statutory requirements





# *Florida Planning Legislation*

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- Chapter 163, Part II, the *Local Government Comprehensive Planning and Land Development Regulation Act*, directs local government planning activities and includes requirements for the adoption of comprehensive plans, plan amendments, and comprehensive plan evaluation and appraisal report (EAR).
- Chapter 186 describes the responsibilities of the State's eleven **Regional Planning Councils** and provides direction for the integration of State, regional, and local planning efforts. The act directs the RPCs to develop Strategic Regional Policy Plans.
- Chapter 187 sets forth the **State Comprehensive Plan**, with which all local comprehensive plans must be consistent.
- Chapter 380, Part I, directs the coordination of **land use and water management** activities, provides for review of DRIs, and authorizes designation of Areas of Critical State Concern.





## *The State of Florida has an integrated planning system*

- The State's Goal is to ensure a coordinated administration of policies regarding growth and development through:
- Florida Department of Community Affairs (FDCA)
- Regional Planning Councils (RPCs)
- Counties
- Cities





# *Florida Department of Community Affairs (FDCA)*

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- **Division of Community Planning,**
  - Comprehensive planning process
- **Division of Housing and Community Development**
  - Encourage economic development for the common good (grants)
  - Florida building code
- **Division of Emergency Management**
  - respond to natural and man-made disasters
- Web Link: <http://www.dca.state.fl.us/>





## *Regional Planning Councils (RPCs)*

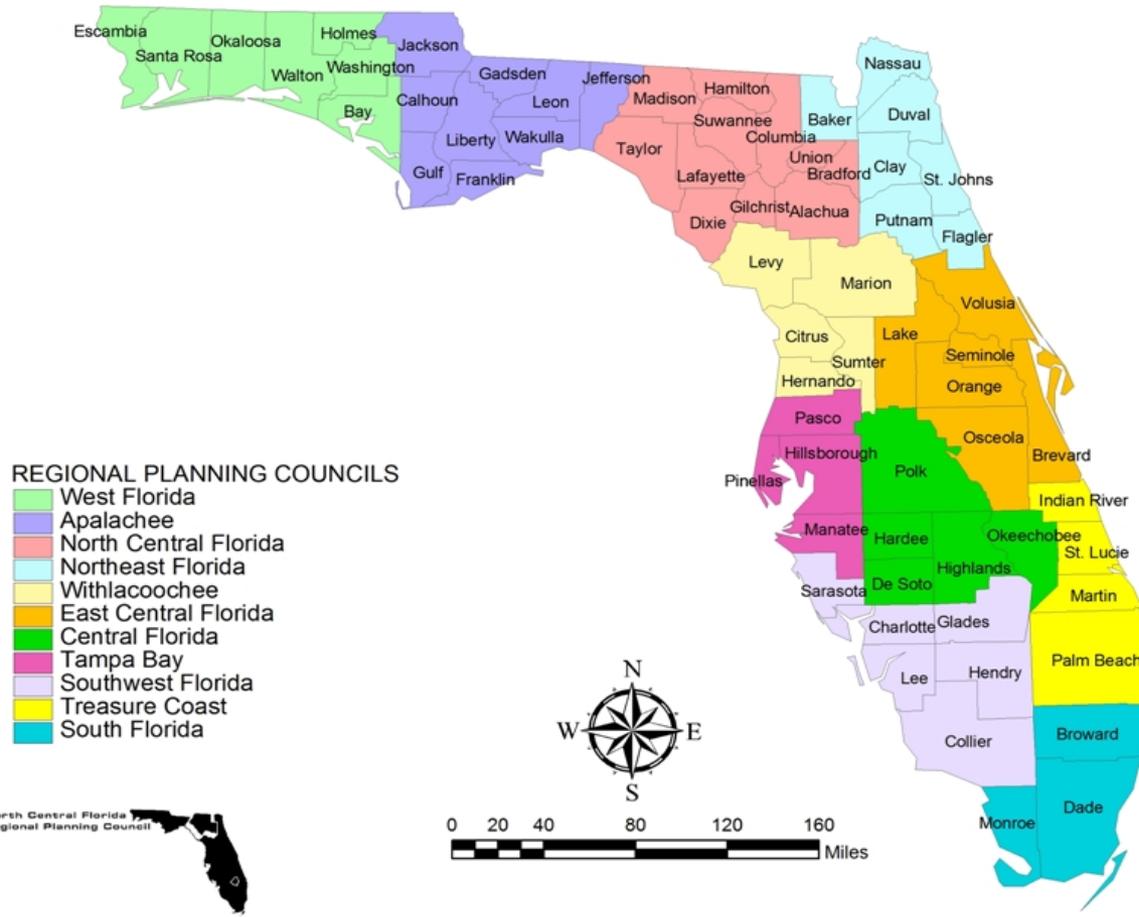
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- Responsible to:
  - Coordinate growth management
  - Protect regional resources
  - Promote economic development
  - Provide technical services to local governments
- NEEPP region RPCs
  - East Central Florida
  - Central Florida
  - Southwest Florida
  - Treasure Coast





## Florida Regional Planning Councils





## *State Comprehensive Plan*

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- The State Comprehensive Plan specifically sets forth the policy of promoting “restoration of the Everglades system and of the hydrological and ecological functions of degraded or substantially disrupted surface waters.”
- Web Link:  
[http://www.flsenate.gov/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=Ch0187/ch0187.htm](http://www.flsenate.gov/statutes/index.cfm?App_mode=Display_Statute&URL=Ch0187/ch0187.htm)



# *Comprehensive Plan*

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- Each Local Comprehensive Plan must be evaluated every seven years
  - Identify major issues
  - Review implementing actions
  - Assess achievement of objectives
  - Assess successes and shortcomings
  - Identify needed change



## *Comprehensive Plan Amendments*

- (1) Map amendments that propose changes to a local government's future land use map;
- (2) Text amendments that propose changes to the goals, objectives, and policies of the adopted comprehensive plan;
- (3) EAR-based amendments resulting from the 7 year evaluation and update of a local government's comprehensive plan.



# *Comprehensive Plan Amendments Review*

## Review Phase I & II

- Phase I: 30 day agencies review while FDCA determines application complete, etc
- Phase II: 30 day FDCA compiles agency input
  - Objection, Recommendation, and Comment (ORC)
- Negotiate or Division of Administrative Hearings (DOAH)



## *Development of Regional Impact (DRI)*

- “... any development which because of its character, magnitude, or location would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.” **380.06, F.S.**
- Various thresholds, by region



## *State Clearinghouse process is designed to:*

- Eliminate duplication of certain State and federal activities
  - Ensure the proposals are in accord with State plans, policies, programs, objectives and procedures;
  - Determine if the proposed project is fiscally and environmentally sound;
  - Ensure that the proposals are consistent with the Florida Coastal Management Program;
  - Determine if the project will have any adverse effects of Florida's natural resources, wildlife, historical or archaeological sites or artifacts;
  - Provide information to agencies concerning proposed activities that may affect their respective programs; and
- Resolve conflicts, when necessary.





## *Agency Comments to FDCA*

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- Agency position,
  - objections, concerns, recommendations
  - ensure consistency with NEEPP objectives to achieve water storage and water quality targets
- Potential impacts
- Insufficiencies in information
- Permit requirements, applicable statutory rules, necessary proprietary authorizations
- District offices items
  - Existing compliance, accumulative effects



## *Recommendations*

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- FDEP and SFWMD will continue to seek opportunities to work cooperatively with the FDCA, RPCs, local governments, and affected stakeholders to influence land use decisions in the NEEPP watersheds
- Local planning efforts should promote “low impact design” principles and Florida-friendly landscaping principles as part of all site plans



## *Recommendations (Continued)*

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- The following slides provide recommendations to local governments for their consideration as part of the development of:
  - Basin Management Action Plans (BMAPs)
  - Comprehensive Plan amendments
  - DRI development orders
  - EARs
- These recommendations will help ensure compliance with existing and proposed regulations and statutes necessary to achieve any adopted TMDLs in the northern Everglades watersheds



# *Promoting Conservation of Natural Resources*

- Identify site- and region-specific conservation measures (e.g., land acquisition) consistent with the public/private partnership goals of NEEPP, which include opportunities for water storage and water quality improvement on private lands
- Maintain an updated wetland inventory and strategy for long-term wetlands management and establish wetland area buffer zones
- Preserve contiguous wetland systems
- Reduce or eliminate wetland loss





# *Promoting Low Impact Development*

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- Require cluster development away from water resources
- Minimize land clearing and removal of natural, native vegetation
- Require Florida-Friendly Landscaping and encourage vegetation management plans and use of native vegetation
- Encourage implementation of pesticide and nutrient control plans
- Implement water-conserving green design principles for landscapes and developments
- Develop protocol for informing property owners on proper application of fertilizers and pesticides
- Promote conservative irrigation techniques





# *Stormwater Treatment and Management*

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- Work with developers to implement stormwater best management practice (BMP) treatment trains
- Establish a baseline water quality monitoring plan to demonstrate that total nutrient loading in stormwater does not exceed pre-development natural conditions



## *Engage the Existing Planning Process*

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- Continue collaboration and cooperation between FDEP, SFWMD, FDCA, Florida Department of Agriculture and Consumer Services (FDACS), local governments, regional planning councils, and other State and regional partners.
- Florida's existing growth management and regulatory processes provide many opportunities for furthering the restoration and water quality objectives of the NEEPP.
- The FDEP and SFWMD will continue to share information with local governments and other stakeholders about the benefits of addressing water quality impacts in their land use decisions.



# *WAKE UP it's over*

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