

Area Waters Cannot Afford to See Lee County Adopt a Weak Fertilizer Ordinance

Plan to Speak Out at a Public Hearing on November 13th

Lee County Commissioners need to hear from us how important it is to adopt an enforceable Fertilizer Ordinance for our region. There is a clear scientific link between increased nutrient levels and algal blooms. This algae has impacted our ecology and economy for the past two years. Fertilizer is a source of nutrients in our waters.

The Regional Planning Council unanimously adopted a Fertilizer Resolution using sound scientific input. This Resolution provides a model for communities to develop effective Ordinances. We believe that this is the model that Lee County should adopt. Currently, the Fertilizer Industry is lobbying hard to weaken the proposed Lee County Ordinance.

The proposed Ordinance is weak in the following three areas: 1) Does not establish rules for fertilizer use by residents 2) Does not recommend an adequate buffer between fertilizer placement and bodies of water 3) Does not require the use of slow release nitrogen (a major nutrient source for algae)

A strong turnout at the Public Hearing on November 13th would send a powerful message. The Public Hearing is expected to be held at 5:00 p.m. November 13th in the Lee County Commission Chambers, 2120 Main Street, Fort Myers. Earlier this year, the City of Sanibel adopted a Fertilizer Control Ordinance. We need a Fertilizer Control Ordinance for all of Lee County if we are going to protect our local waters.

If you want to contact members of the Lee County Commission, as well as Lee County staff member Karen Bickford, who is drafting the Ordinance, contact information is below.

REGARDING DRAFT LEE COUNTY FERTILIZER ORDINANCE

Thank you for the opportunity to speak on this critical issue. My name is Holly Downing. I am employed as a biologist with the City of Sanibel Department of Natural Resources. I am here today as a surrogate for Sanibel Mayor Mick Denham who is unable to be here due to a conflict with the Sanibel City Council meeting. As we discuss options for improving Lee County's water quality, it is clear that we must reduce excessive nutrients, including those applied through fertilizer.

The relationship between nutrient concentrations and algal growth is well documented in the scientific literature. In his report on red drift algae blooms in Lee County, Dr. Brian LaPointe of the Harbor Branch Oceanographic Institute clearly demonstrates the link between increased nutrient loads and blooms of red drift algae. This algae has blanketed our beaches for the greater part of two years.

Industry representatives have consistently maintained that "Best Management Practices, or BMPs, are good enough. BMPs, if updated regularly, can be a good reference and guide. Unfortunately, the single greatest problem with BMPs is that BMPs are unenforceable. To be successful, it is critical that Lee County adopt a Fertilizer Control Ordinance that protects our waters and is enforceable. Earlier this year, our local regional planning council unanimously adopted a model Fertilizer Resolution. At the request of Jerry Brooks, Deputy Director of the Division of Water Resource Management for the Florida DEP this resolution was reviewed by an independent scientific panel including representatives from the University of Florida, the Department of Ag and Consumer Services, Florida DEP, the Southwest Florida Regional Planning Council,

and the City of Sanibel. These experts found no significant problems with the science used to develop the resolution.

We believe this Resolution, carefully reviewed by scientific peers, is an appropriate model ordinance for all of southwest Florida, including Lee County. We believe that a successful and enforceable fertilizer ordinance must:

1. Limit both the nitrogen and phosphorus content of residential fertilizers Science clearly demonstrates that excess nitrogen and phosphorus significantly reduce water quality. 2. Encourage/require the use of fertilizers that contain slow release nitrogen Science has also shown that nitrogen from slow release sources is more likely to be used by plants and less likely to leach into groundwater or wash away in stormwater runoff.

3. Prohibit the application of nitrogen and phosphorus during the rainy season Unpredictable summer downpours increase the likelihood that fertilizers applied during the rainy season will be carried away into our local waters. 4. Establish fertilizer-free buffer zones adjacent to waterbodies and wetlands There has been considerable debate regarding the size of these buffer zones. While the Green Industries BMPs allow for a 30 foot buffer (if a spreader deflector is used), SFWMD and DEP documents often indicate the benefits of buffers 15 to 25 feet or more. 5. Emphasize public education Any Fertilizer Ordinance must address fertilizer use by homeowners and professionals both. Many homeowners are completely unaware of the potential impacts of excessive fertilization on water quality. Our water quality is our livelihood, our economy, and our environment. We urge you to take the strongest legislative measures possible to protect us.

Thank you.

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