

**ISSUE – INTEGRATING WATER, WETLAND, AND CONSERVATION AREAS IN JESUP BMAP
ALLOCATIONS
PREPARED FOR THE LAKE JESUP BMAP TECHNICAL WORKING GROUP
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The Questions

Loading from water, wetlands, and areas under a long term conservation easement have been estimated during the BMAP process. To what extent should loading reductions be applied to these areas in the BMAP? Should loads from these areas be considered “uncontrollable,” or should they be reallocated to other sources in the basin?

Background

The Jesup TMDL requires a 34% reduction to meet the 19,000 kg/yr total phosphorus TMDL. This value assumed that reductions would be achieved from all surface runoff sources, septic tank loading, and loading from the St. Johns River. Reductions in loading from baseflow, springs, or atmospheric deposition were not required as part of the 34% reduction to meet the TMDL. Regarding surface runoff, approximately 27% of the Lake Jesup watershed is either water, wetland, or under a long-term conservation easement or similar development restriction (Jesup land use re-evaluation by R. Kelly & J. Walter, 2006). The Jesup Technical Working Group has agreed that loading from these areas are considered uncontrollable (i.e. we will not improve upon nature). However, the TMDL assumed that we would achieve a 34% reduction in all surface runoff, regardless of the land use type.

Options for Addressing Water, Wetland, and Conservation Area Loads

There are two main options for addressing loads from water, wetland, and conservation areas:

- 1) Require additional reductions from controllable sources to offset the uncontrollable loads.
- 2) Do not place additional reduction requirements on controllable sources, but instead address uncontrollable loads through other avenues (e.g. in-lake restoration).

Under option 1, allocations for each jurisdiction would not differentiate between controllable and uncontrollable sources. Thus, jurisdictions would need to achieve more reductions on their controllable lands to account for the uncontrollable sources. This builds in a disincentive for land acquisition and effectively punishes local governments that either have more water/wetland area in their jurisdictions or who have been active in land acquisition. Further, individual jurisdictions may not be able to meet the required reduction may end up being physically impossible, based on current land use and treatment technologies. This option may also place greater hardship on smaller jurisdictions, as larger jurisdictions have more options on how to reduce overall loads.

Under option 2, allocations for each jurisdiction would only include loading and reductions associated with controllable land uses. This option does not require jurisdictions to accommodate the presence of uncontrollable land area, and retains a significant incentive for land acquisition activities. Loading from

uncontrollable (i.e. natural) land uses would be addressed through implementation of regional projects, paid for in part by state funds, or through future in-lake restoration activities. However, this may lead to inequity between jurisdictions that have a larger proportion of loads from uncontrollable land uses, and would thus benefit more from this approach than those jurisdictions with a higher proportion of controllable land uses. Further, relying on long-term regional projects or in-lake restoration would likely result in a BMAP that does not meet the full TMDL load reduction requirements.

Recommended Approach

Given the pros and cons mentioned above, the Department recommends addressing loads from water, wetland, and conservation areas through **Option 2**. This option promotes equity among jurisdictions, while not requiring jurisdictions to improve upon nature. Further, it recognizes the benefits of large-scale restoration activities in Lake Jesup. A BMAP that does not meet the full TMDL load reduction requirements would not be a fatal flaw in the eyes of the Department.