

September 11, 2026

Alexis A. Lambert, Secretary

John J. Truitt, Deputy Secretary for Regulatory Programs

Adam Blalock, Deputy Secretary for Ecosystems Restoration

John A. Coates, P.E., Director, Division of Water Resource Management

Florida Department of Environmental Protection

Tallahassee, Florida

Via Email: Alexis.Lambert@FloridaDEP.gov; John.Truitt@FloridaDEP.gov; Adam.Blalock@FloridaDEP.gov;
John.Coates@FloridaDEP.gov; WQEA_2023@FloridaDEP.gov

Re: Comments on the September 2026 Notice of Change for Water Quality Enhancement Areas
(Chapters 62-4, 62-330, and 62-332, F.A.C.)

Dear Secretary Lambert, Deputy Secretary Truitt, Deputy Secretary Blalock, and Director Coates:

Audubon Florida appreciates the Department's work over the past two years to develop the Water Quality Enhancement Area rules and the opportunities provided for stakeholder participation. We are concerned, however, that the recently published Notice of Change (NOC) introduces several significant substantive changes at the very end of that process. Of greatest concern, the NOC creates a new monitoring pathway for projects without discrete inflows or outflows. The rule provides limited detail on how this fundamentally different type of WQEA would be designed and evaluated, including how monitoring data will be used to quantify pollutant reductions and attribute those reductions to the WQEA in the absence of discrete inflow and outflow points. The NOC also makes significant revisions to the Locational Valuation Factor framework, which has been a central component of the rule development and stakeholder discussions throughout this process.

Section 120.54, Florida Statutes, allows changes to a proposed rule in response to the rulemaking record and timely comments. However, the NOC process should not be used to introduce materially new regulatory concepts without meaningful public review. Because section 120.54(3)(d)1., Florida Statutes, requires substantive changes to be supported by the public-hearing record, made in response to timely written material, or made in response to a proposed JAPC objection, we ask the Department to identify the materials supporting each material change and provide the relevant written comments or other materials on which it relied. These changes raise important questions about how WQEAs will be designed, monitored, credited, and evaluated, and stakeholders have not had a meaningful opportunity to examine how these new concepts interact with the broader rule framework.

Given the significance of the changes, DEP should withdraw and renote the rule, or at minimum provide another meaningful opportunity for public review and comment before final adoption. Doing so

would allow affected parties to fully evaluate these new concepts, identify potential conflicts or unintended consequences, and provide meaningful technical input before the rule becomes final.

Given the short window before final adoption, we respectfully request a prompt response regarding whether DEP intends to withdraw and renotice the rule or otherwise provide an additional opportunity for public review and comment.

A handwritten signature in blue ink, reading "Julie Wraithmell". The signature is fluid and cursive, with a large loop at the beginning of the first name.

Julie Wraithmell
Executive Director, Audubon Florida
VP, Florida, National Audubon Society