

June 9, 2026

Timothy Rach
Program Administrator
Submerged Lands and Environmental Resource Coordination
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Via Email: Timothy.Rach@FloridaDEP.gov; WQEA_2023@FloridaDEP.gov

Re: Comments on May 2026 Draft Rules for Water Quality Enhancement Areas (Chapters 62-4, 62-330, and 62-332, F.A.C.)

Dear Mr. Rach:

Audubon Florida appreciates the opportunity to comment on the May 2026 draft rules related to Water Quality Enhancement Areas (WQEAs), including proposed amendments to Chapters 62-4 and 62-330, F.A.C., and the proposed new Chapter 62-332, F.A.C.

Audubon supports DEP's efforts to establish a clear and enforceable framework for WQEAs. We appreciate the improvements made since earlier drafts, particularly with respect to monitoring, verification, financial responsibility, and credit tracking. The comments below focus on specific safeguards that remain important as DEP refines the final rule.

Localized Water Quality Protection

Audubon supports the draft rule's emphasis on hydrologic connection, locational valuation factors, and agency review of whether credit use could cause or contribute to a violation of water quality standards. The final rule should preserve these safeguards and make clear that enhancement credit transactions must not result in localized degradation of receiving waters. Credit use should provide an equivalent or greater pollutant load reduction, after all applicable location and attenuation adjustments, for the waters affected by the permitted activity.

Locational Valuation Factor Updates

Audubon supports the use of locational valuation factors to account for differences in pollutant transport and attenuation between the WQEA and the credit purchaser's discharge location. However, land use changes can create immediate and significant changes in pollutant loads, hydrology, and attenuation capacity within a watershed. DEP should reduce the ten-year update interval for LVF models or require LVF updates when significant land use, hydrologic, or pollutant-loading changes occur within the WQEA service area or affected receiving waters.

Credit Verification and Release

Audubon appreciates the substantial improvements DEP has made to monitoring, verification, and credit tracking since the March 2024 draft. Audubon continues to support its prior recommendation that released credits should not exceed measured and verified pollutant

reductions. The final rule should ensure that credit releases remain tied to demonstrated pollutant reduction performance.

Monitoring and Verification

Audubon appreciates that the May 2026 draft substantially strengthens monitoring and verification requirements, including annual demonstrations of pollutant reductions and monitoring of flow and concentration data entering and leaving the WQEA. DEP should consider whether additional minimum elements are needed for monitoring and verification plans, including how annual performance evaluations will account for droughts, hurricanes, extreme rainfall events, and other factors that may influence measured pollutant reductions from year to year.

Long-Term Ecological and Hydrological Performance

Audubon appreciates that the draft rule requires applicants to describe ecological and hydrological conditions, vegetation, and perpetual management activities. Because changes in vegetation, hydrology, habitat condition, and wetland function can directly affect nutrient removal performance, the final rule should ensure that WQEA monitoring and management plans evaluate whether changing site conditions are affecting the pollutant reductions relied upon for released credits.

Conservation Lands and Additionality

Audubon appreciates that the draft rule excludes WQEAs on lands purchased for conservation pursuant to the Florida Forever Act or the Florida Preservation 2000 Act. However, Audubon continues to believe this exclusion should be broadened to include lands purchased or encumbered for conservation through federal, state, regional, or local conservation programs.

Definition of Natural System

Audubon continues to support its prior recommendation that DEP consider whether the term "natural system" is the most appropriate description for designed or constructed treatment systems and whether alternative terminology would provide greater clarity.

Thank you for considering our comments; we look forward to participating further in this rulemaking process. Please contact us if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Beth Alvi", with a stylized flourish at the end.

Beth Alvi
Senior Director of Policy