



Save the Manatee® Club

The Voice For Manatees Since 1981

June 10, 2026

Timothy Rach
Program Administrator
Division of Water Resource Management
Florida Department of Environmental Protection
MS #2500
2600 Blair Stone Road
Tallahassee, FL 32399

Submitted via email: WQEA_2023@floridaDEP.gov and Timothy.Rach@FloridaDEP.gov

Re: Water Quality Enhancement Area (WQEA) Rulemaking to Implement Fla. Stat. § 373.4134

Dear Mr. Rach,

Thank you for the opportunity to submit comments on the draft rules to implement Fla. Stat. § 373.4134, which will establish an Environmental Resource Permit (ERP) framework for WQEAs. Thank you, also, for facilitating the helpful May 20 workshop.

Established in 1981, SMC is a not-for-profit organization dedicated to safeguarding manatees and preserving their habitat. Widely beloved by Floridians and our millions of yearly visitors, the manatee is the Florida state marine mammal, a major driver of tourism, and a strong example of success for the United States' and Florida's wildlife protection laws.

As the WQEA program will affect the waterways that comprise manatee habitat, Save the Manatee Club (SMC) has a strong interest in these draft rules and ensuring that the WQEA program is consistent with the Department's water quality mandates. SMC greatly appreciates the Department's work to protect and restore Florida's water quality, including making improvements to these proposed rules as compared to prior drafts.

Recent challenges faced by manatees — such as the 2020-2022 Unusual Mortality Event (UME), which claimed the lives of over 1,200 manatees primarily due to starvation from pollution-driven seagrass loss in the Indian River Lagoon — highlight why sound management of water quality is critically important, especially now. Thus, in this spirit of proactive water quality management, SMC respectfully submits these comments.

NOTE: Suggested deletions to the text are noted with ~~striketrough~~. Suggested additions are **bolded and in blue**.

I. Chapter 62-330

62-330.301 Conditions for Issuance of Individual and Conceptual Approval Permits

(1)(d) Will not adversely impact the value of functions provided to fish and wildlife and listed species by wetlands and other surface waters, **including value provided by native aquatic vegetation.**

Discussion: As noted above, water quality degradation was the root cause of the seagrass loss that caused the recent UME. Accordingly, ensuring that WQEAs and other permitted activities will not harm wildlife dependent on aquatic vegetation through their function comprises a sensible, proactive addition to 62-330.301 F.A.C.

II. Chapter 62-332

62-332.200 Definitions.

- (7) “Locational Valuation Factor” (“LVF”)

Discussion: **No changes requested; SMC supports this concept and its entire definition.** SMC appreciates the use of LVFs to conceptualize the differences in pollutant transport and variability between a WQEA and the Credit Purchaser’s discharge location.

- (8) “~~Natural~~ **Nature-dependent** System” for the purpose of this Chapter means a designed, constructed, or altered ecological system supporting aquatic and wetland-dependent natural resources, including fish, and aquatic and wetland-dependent wildlife habitats.

Discussion: SMC finds that describing a “designed, constructed, or altered” system as “natural” is confusing and suggests this change to reflect the spirit and function of the WQEA program, particularly as described in 62-332.300(1), which articulates the mechanism as “constructing and operating water quality improvement projects . . . including, but not limited to, constructed wetlands or minor impoundments that reduce pollutants to a receiving waterbody or water segment.” We accordingly suggest this phrase instead or, in the alternative, “**nature-based.**”

- **(18) “Major land or water use change” means any change within the WQEA service area or hydrologically connected waters, including, but not limited to construction or land use modification, that could foreseeably increase pollutant loading.**

Discussion: **See the suggested modifications to 62-332.500, below, for context.** We suggest this definition to provide clarity to our modifications below.

62-332.300 General Requirements.

- (7) WQEAs may not be established on lands purchased **or encumbered** for conservation pursuant to **federal, state, local, or other conservation programs, including but not limited to**, the Florida Forever Act or the Florida Preservation 2000 Act.

Discussion: SMC greatly appreciates the Department excluding Florida Forever and Florida Preservation 2000 Act lands from WQEA eligibility. This is consistent with the program's policy against "double dipping" (as articulated during the May 20 workshop and also encapsulated in subsection (5) of this 62-332.300). To further this good policy, and to maximize the potential positive impact of the WQEA program, SMC respectfully suggests broadening the scope of existing conservation lands excluded from the program.

62-332.500 Service Area and Enhancement Credit Locational Valuation Factor Adjustments

- (4) **No changes requested;** SMC supports the requirement that the Credit Purchaser's project be located within the service area and **hydrologically connected** to the WQEA from which credits are purchased.
- Subsection 6(c)(3) (lines 318-320 in the Draft): SMC urges the Department to modify this section to read: "The numerical models used to determine the LVF described in (a) shall be updated at least every ~~10~~ **3** years, **or any time that there is a major land or water use change within the service area or hydrologically connected waters or bordering lands, regardless of whether this change is due to activities of the WQEA Credit Purchaser...**"

Discussion: SMC supports the Department requiring updates to the numerical models used to determine the LVF. However, given how quickly conditions can change due to land or water use differences, we respectfully urge the Department to require more frequent default numerical model reviews and to automatically require these in the event of a major land or water use change (as defined above).

62-332.530 Perpetual Protection of Water Quality Enhancement Areas

- (2) All conservation easements shall be granted in perpetuity without encumbrances, unless such encumbrances do not adversely affect the hydrology and water quality improvement effectiveness of the WQEA **as demonstrated by the best available science.**

Discussion: SMC strongly supports the theme of perpetual protection throughout the WQEA program and, in particular, greatly appreciates the Department requiring conservation easements. However, in determining whether encumbrances adversely affect the effectiveness of the WQEA, SMC encourages the Department to include an explicit guardrail against allowing of potentially problematic encumbrances.

62-332.800 Enhancement Credit Monitoring and Continuing Credit Verification

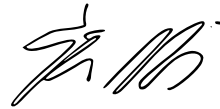
- (1) **No changes requested;** SMC strongly supports this section's requirement that the Owner must annually demonstrate the achievement of pollution reductions.
- (2) (add to end) **The monitoring and verification plan must account for potential extreme weather, including but not limited to hurricanes and droughts, and other foreseeable factors that may impact pollution reductions.**

Discussion: SMC greatly appreciates the monitoring and verification protocols in the proposed rule and respectfully suggests the above language to account for inconsistent but foreseeable factors which can impact pollution reductions.

III. Closing

Thank you for the opportunity to submit comments. As noted above, SMC supports many of the concepts and guardrails contained in the proposed rule. Our suggested modifications are made in the spirit of proactive water quality management to support protection of manatee habitats. Please do not hesitate to reach out to discuss.

Respectfully,



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