



November 13, 2020

Mr. William Bartnick
Environmental Administrator
Office of Agricultural Water Policy
Florida Department of Agriculture and Consumer Services

Re: Chapter 5M-1, F.A.C. Rulemaking Comment Letter

Dear Mr. Bartnick:

We thank the Florida Department of Agricultural and Consumer Services (FDACS) for updating Chapter 5M-1 with revisions to the best management practices (BMP) implementation verification process and adoption of a nutrient application record form. While we welcome these changes and see this as a positive step towards better nutrient management on agricultural land uses that could ultimately contribute to improve water quality in the state of Florida, we have several concerns as listed below.

- **Unreasonable timeframe for the compliance procedure**

The rule allows too much time for the producer to come into compliance. Since the site visit frequency is about 2 years, it could take up to 6 years before a producer/landowner starts to properly implement applicable BMPs or being referred to Florida Department of Environmental Protection. This is unacceptable. Under the current Basin Management Action Plan (BMAP) the update cycle is 5 years. Corrective actions and remedial measures for non-compliant producers should not exceed 1 year depending on the commodity grown. These timeframes should be strictly adhered to in basins with BMAPs such as Lake Okeechobee, St. Lucie, and Caloosahatchee watersheds.

- **More frequent site visits**

The verification site visit frequency should be increased in general and specifically in watersheds under a BMAP. Instead of 2 years, annual visits would be more appropriate and more beneficial. As mentioned under the previous point, the site visit frequency when a

producer/landowner is under corrective measures or remedial measures phase should be higher.

- **Electronic and more frequent data submission**

During the 5M-1 workshop it was stated that the purpose of the nutrient application record form is to aggregate the nutrient application information at an annual scale to facilitate data gathering efforts for Florida Department of Environmental Protection. However, collecting data at such aggregated scale will not be useful for refinement of BMPs, identification of events leading to nutrient spikes in runoff, research and modeling purposes. Secondly, nutrient application data collection would be done only during site visits, i.e. every 2 years, in the form of hard copies. Data handling in such cases is likely to be more cumbersome. Instead, a more frequent (growing season or annual) electronic submittal of nutrient application data (with additional details as explained below) would be beneficial making data aggregation, analysis, storage and handling easier.

- **Additional information needed in the Nutrient Application Record Form**

Nutrient application record form in its current state does not capture sufficient details to be adequately informative for the purpose of BMPs implementation verification. Implicitly it is being assumed that BMPs manuals are being followed correctly. It is understandable that this form is generic and is based on details that are common to most of the commodities grown. Perhaps, instead of nutrient application form a commodity specific BMPs implementation form would be more appropriate. Here are a few things that should be part of the nutrient application record form - (a) Nutrient application date (Month/Day/Year) should replace the month/year column, (b) a column should be added to tabulate any irrigation and rain events in 3-5 days before and after nutrient application, (c) nutrient application placements (band application, fertigation etc.) should be recorded, (d) fertilizer type (slow release vs fast release, liquid vs solid) should be recorded, (e) crop harvesting details.

Sincerely,

Dr. Yogesh Khare
Water Quality Scientist, Everglades Foundation