

Date: March 10, 2023

Sent via electronic mail

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Reference: Comments to consider for April 20, 2023, Public Hearing; Comprehensive Plan and Land Development Code adoption of changes to remove all or parts of wetland mitigation and buffer policies.

Dear Chairman Van Ostenbridge,

We have reviewed the planned changes to the Comprehensive Plan and Land Development Code to remove language from the Wetland Protection and Wetland Buffer Sections. The hearing on April 20, 2023, is the first of two required public meetings to finalize these changes.

As we endure yet another destructive red tide, It is important to focus on the overall goal of these wetland protection and buffer provisions. Wetland protection in Manatee County began in the late 1980s with tremendous foresight on behalf of local government leaders to protect these critical ecosystems in order to preserve the health and well-being of residents ([Millenium Ecosystem Assessment, 2005](#)) and the quality of downstream waters ([EPA, 2002](#)).

The proposed text changes to the Comprehensive Plan are to remove five wetland protection and buffer policies listed under Elements 3 and 4. These changes would not only impact local water quality but would also create new costs for the County when managing preserved lands and other natural assets.

The intent of Manatee County Government's Comprehensive Plan extends beyond what is required by State Statute (Chapter 163, F.S.) and was thoughtfully drafted to "[ensure that long-range considerations are included in the determination of short-range actions; systems in the face of development to ensure flood, water quality, and species protection.](#)" Thus, removing multiple policies related to wetland protections and wetland buffers from the Comprehensive Plan as listed below, contradicts the goals laid out within the plan and by County Government when instituting the planning process.

[Proposed Text Changes to the Comprehensive Plan](#)

Element 3, Goal 3.3: Protect, Enhance, and Maintain the Natural Floral and Faunal Resources of Manatee County to Aid in **Filtration of Contaminants**, Provide for the Preservation of Native Species for Passive Recreational and Aesthetic Enjoyment, and to **Provide a Healthy Environment for Manatee County Residents and Visitors**.

1. Policy 3.3.1.3 - removal of wetland mitigation for County wetlands not protected by the state. This includes removing fees paid to fund purchases of wetland and natural habitat enhancements throughout the county due to impacts caused by development.
2. Policy 3.3.1.5 – removal of county-required wetland buffers and the addition of state-required wetland buffers.
3. Policy 3.3.1.6 – removal of variable width buffers caused by conditions outside of the developer's control and the assurance of a buffer that protects wetland quality and function.

Element 4, Goal 4.1: Protection, Preservation, and Enhancement of the Natural Resources of the Coastal Planning Area **to Provide the Highest Environmental Quality Possible**.

4. Policy 4.1.2.5 - removal of buffer requirements of greater than 50 feet when the developed land is adjacent to environmentally sensitive coastal areas.

Element 4, Goal 4.2. Compatibility of Land Development in The Coastal Planning Area with Natural Resource Protection.

5. Policy 4.2.1.4 - removal of buffer zones for all state-designated Aquatic Preserves and Outstanding Florida Waters.

[Chapter 3](#) of the Comprehensive Plan comprises policies that ensure Manatee County minimizes impacts of development (Policy 3.3.1.1) and, when unavoidable, requires that all development-related impacts to wetlands are offset through mitigation (Policy 3.3.1.3).

The buffer zone policies in [Chapter 4](#) protect the investments of Manatee County. Removing the buffer zone requirements established in Policies 4.1.2.5 and 4.2.1.4 will add to staff expenses as they manage Aquatic Preserves and maintain state water quality standards for Outstanding Florida Waters.

Hand in hand with the text removal of Comprehensive Plan policies outlined above are the removal of Sections of the Land Development Code that put these policies into action.

Proposed Land Development Code Changes

Specifically, the proposed text changes to the Land Development Code include

- Section 706.1 B 10 - removal of the intent to “Provide for the flexibility through the availability of mitigation/restoration measures where more beneficial environmental results can be achieved.”

- Section 706.6 B - G removal of required mitigation for all altered wetlands, not just for those requiring mitigation by the State.
- Section 706.7 - removal of the at least fifty feet buffer requirement for wetlands contiguous to Aquatic Preserves, Florida Outstanding Waters, and inflowing watercourses within the Watershed Protection Overlay Districts and at least 30 feet for all post-development wetlands that are not contiguous with the named areas.
- Section 805.2 - removal of easements for conservation for areas defined as wetlands and wetland buffers. Easements will be granted over newly created, enhanced, or restored wetlands and associated buffers post-construction.
- Section 900.5, C, 5 - removal of the mitigation ratio of 2 acres of wetlands mitigated for each 1 acre of herbaceous wetland impacted and 4 acres of wetlands mitigated for each acre of forested wetland impacted.

These proposed text changes would diminish the acreage and function of wetlands in Manatee County. Under Section 706.6, Manatee County protects all wetlands, not just those regulated by state agencies. Thus, currently, *any* wetland alteration within the County must be alleviated (AKA mitigated) by creating, restoring, enhancing, or preserving a wetland somewhere else in the County. The policies of Sections 706, 805, and 900 aim to create a no-net loss of wetland functions. In other words, these Sections ensure that landscapes in unincorporated Manatee County continue to filter water, provide habitat for Florida wildlife, replenish groundwater supplies, and reduce flood risk even as land is developed.

Other proposed text changes from the Land Development Code (LDC) include removing the 50-foot buffer or greater requirement for state-protected wetlands and areas adjacent to managed natural assets such as Aquatic Preserves and Outstanding Florida Waters. This is despite a robust body of scientific research showing that buffer zones around wetland (and aquatic) systems are essential to function and that larger buffers support more functions ([Ma. 2016](#)). Therefore, a wetland's ability to filter water, replenish groundwater, and alleviate flood risk is directly related to the size and type of buffer that surrounds it. Studies show that buffers of fifty feet or more will remove pollutants more consistently than smaller buffers. Florida only requires a minimum of 15 feet and an average of 25 feet of upland buffer around wetlands. Therefore, referring to state guidelines will eliminate buffer protection, reduce wetland function and compromise the integrity of downstream waters. Given the current state of water quality, County officials should consider improving upon this Section of the LDC to strengthen wetland buffer protections and improve wetland functions. In 1990, [Mark T Brown and others published a comprehensive body of work](#) that calculated the width of wetland buffers to protect water quality, quantity, and habitat in Southeast Florida. Brown and others (1990) concluded that for all wetland types studied, a minimum buffer of 75 feet was necessary to protect water quality.

The [wetland area delineated in Manatee County is significant](#), which means implementing the text changes to the LDC will significantly reduce flood control, water quality protection, and species conservation.

As red tide increases across the Suncoast, removing protections for land that perform essential water quality cleanup services is a bad idea. It has long been understood that [Floridians are overwhelmingly in favor of clean water policies](#). The proposed changes to the Comprehensive Plan and Land Development Code are simply inconsistent with the intent of the Comprehensive Plan, the goals stipulated within, and the desire of constituents. The Board of County Commissioners should put the will of its electorate above all else and protect and enhance water quality for the benefit of all residents and visitors by not supporting the text changes to wetland protections and buffers sections within the Comprehensive Plan and Land Development Code.

We thank the board for their consideration of our comments and concerns. As in the past, we stand by to work with the county to protect our environment, including maintaining and enhancing the coastal habitats that are so important to our quality of life and our economy.

Respectfully,

A handwritten signature in black ink, appearing to read "Abbey Tyrna". The signature is fluid and cursive, with the first name "Abbey" written in a larger, more prominent script than the last name "Tyrna".

Abbey Tyrna, Ph.D.
Waterkeeper & Executive Director
Suncoast Waterkeeper