Agricultural Best Management Practice (BMP) Implementation under 2016 Water Law

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Florida Department of Agriculture and Consumer Services (FDACS)
Office of Agricultural Water Policy (OAWP)
Presentation Overview

- Statutory Changes
  - Section 373.801-813, Florida Statutes (F.S.)—Florida Springs and Aquifer Protection Act
  - Section 373.4595, F.S.—Northern Everglades and Estuaries Protection Program (NEEPP)
  - Section 403.067, F.S.—Establishment and Implementation of Total Maximum Daily Loads (TMDLs)
  - Section 403.0675, F.S.—Progress Reports

- Current OAWP Efforts
Section 373.801-813, F.S.—Florida Springs and Aquifer Protection Act

- Directs FDACS and Florida Department of Environmental Protection (FDEP) to:
  - Study new or revised agricultural BMPs for improving and protecting Outstanding Florida Springs (OFS).
  - Initiate rulemaking to require implementation of BMPs within reasonable period.

Source: Southwest Florida Water Management District
Section 373.801-813, F.S.—Florida Springs and Aquifer Protection Act

- Directs FDEP, FDACS, and University of Florida Institute of Food and Agricultural Sciences (UF-IFAS) to:
  - Conduct necessary research and demonstration projects to develop improved or additional nutrient management tools, including use of controlled release fertilizer that can be used by agricultural producers as part of an agricultural BMP program.

Source: Suwannee River Water Management District
Section 373.801-813, F.S.—Florida Springs and Aquifer Protection Act

- Prohibits new agricultural operations within priority focus areas of OFS that do not implement BMPs or conduct water quality monitoring.

Source: St. Johns River Water Management District
Section 373.4595, F.S.—NEEPP

Coordinating Agencies shall develop an interagency agreement that addresses:

- Roles of individual Coordinating Agencies.
- Development of nonagricultural nonpoint source BMPs.
- Implementation and verification of all BMPs.
- Measures taken by Coordinating Agencies during BMP reevaluation.
- FDEP’s use of best professional judgment in making initial determination of BMP effectiveness.
Section 373.4595, F.S.—NEEPP

“Agicultural nonpoint source BMPs...as part of a phased approach of management strategies within the Lake Okeechobee BMAP, shall be implemented on an expedited basis.”

Source: UF-IFAS Extension, Okeechobee County
Section 373.4595, F.S.—NEEPP

- Agricultural producers shall either implement interim measures or BMPs or demonstrate compliance with state water quality standards addressed by the Lake Okeechobee Basin Management Action Plan (BMAP) by conducting monitoring prescribed by FDEP or South Florida Water Management District (SFWMD).
Section 373.4595, F.S.—NEEPP WOD Program

- Agricultural BMP program set forth in SFWMD’s Everglades Program [Chapter 40E-63, Florida Administrative Code, (F.AC.)] meets requirements for Lake Okeechobee Watershed.
- Entity that implements BMPs required by Chapter 40E-63 permit may elect to use permit in lieu of enrollment in FDACS BMP Program.
- SFWMD shall revise Chapter 40E-61, F.A.C., to develop monitoring program for nonpoint source dischargers required to monitor water quality by s. 403.067.

Source: U.S. Geological Survey
Section 373.4595, F.S.—NEEPP
WOD Program

- FDACS, in cooperation with FDEP and SFWMD, shall provide technical and financial assistance for implementation of agricultural BMPs, subject to availability of funds.

Source: SFWMD
Section 403.067, F.S.—Establishment and Implementation of Total Maximum Daily Loads (TMDLs)

- No later than January 1, 2017:
  - FDEP, in consultation with water management districts (WMDs) and FDACS, shall initiate rulemaking to adopt procedures to verify implementation of water quality monitoring required in lieu of implementation of BMPs or other measures.
  - FDACS, in consultation with WMDs and DEP, shall initiate rulemaking to adopt procedures to verify implementation of agricultural interim measures, BMPs, or other measures adopted by rule.
Section 403.0675, F.S.—Progress Reports

- By July 1, 2018 and each year thereafter, FDACS shall:
  - Report on implementation of agricultural nonpoint source BMPs, including an implementation assurance report summarizing:
    - Survey responses and response rates.
    - Site inspection.
    - Other methods used to verify implementation of and compliance with BMPs pursuant to BMAPs.
Current OAWP Efforts

- Internal Working Groups
- OAWP-BMP Program
- Extensive Stakeholder Outreach Program

Source: FDACS
Current OAWP Efforts—Overall Programmatic Changes

- Landowner Responsibility and Accountability
- Fully Electronic Data Management
- Technology Drivers in Cost-Share and Research
OAWP BMP Manuals

Florida Department of Agriculture and Consumer Services
Statewide BMP Enrollment

FDACS BMP Enrollment, Statewide, 3/31/2016

<table>
<thead>
<tr>
<th>Commodity</th>
<th>Total NOI Acres</th>
<th># of NOIs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Citrus</td>
<td>568,802</td>
<td>3,327</td>
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<tr>
<td>Cow/Calf</td>
<td>2,648,883</td>
<td>1,798</td>
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<tr>
<td>Dairy</td>
<td>41,233</td>
<td>25</td>
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<tr>
<td>Equine</td>
<td>5,767</td>
<td>101</td>
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<tr>
<td>Fruit/Nut</td>
<td>12,570</td>
<td>364</td>
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<tr>
<td>Mixed Use</td>
<td>101,075</td>
<td>9</td>
</tr>
<tr>
<td>Nursery</td>
<td>38,636</td>
<td>1,323</td>
</tr>
<tr>
<td>Row/Field Crop</td>
<td>1,349,552</td>
<td>1,812</td>
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<tr>
<td>Sod</td>
<td>64,341</td>
<td>71</td>
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<tr>
<td>Wildlife</td>
<td>20,393</td>
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<tr>
<td>Sub Total</td>
<td>4,850,651</td>
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<tr>
<td>Forestry</td>
<td>4,878,169</td>
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<tr>
<td>Forestry - Wildlife</td>
<td>1,540,123</td>
<td>27</td>
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<tr>
<td>Grand Total</td>
<td>11,268,943</td>
<td>9,299</td>
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</table>

OAWP BMP Enrollment, March 2016

Commodity, by Parcel

- Citrus
- Cow/Calf
- Dairy
- Equine
- Fruit/Nut
- Mixed Use
- Nursery
- Row/Field Crop
- Sod
- Wildlife
- Land in FFS BMPe

* Florida Forest Service Data

Disclaimer: This map/information represents an estimate of the amount and/or location of acreage enrolled in FDACS BMP programs for specific commodities and/or regions of the state. It is not binding, and does not otherwise affect the interests of any persons, including any vested rights or existing uses of real property. The accuracy and reliability of the map/information are not guaranteed, and are subject to change based on land use, crop production, and other soil/sediments models. Data current as of March 31, 2016.
Implementation Assurance (IA) Program

- **Primary purposes:**
  - Document implementation of BMPs.
  - Report on implementation extent and progress, particularly in BMAP areas.
  - Provide basis for determination of implementation status.
  - Inform research priorities, opportunities for technical assistance, cost-share focal points, and BMP review/revision process.

Source: FDACS
IA Program Development

- Standardized data collection.
- Periodic surveys and self-certifications conducted.
- Prioritized FDACS site visits for confirmation and assistance.
- Multiple opportunities for corrective or remedial action.
- Final determination of status, including assessment of risk to water resources.
- Non-implementing landowners referred to FDEP for development of monitoring plan.
Conclusion

- Statutory Changes
  - Section 373.801-813, F.S.—Florida Springs and Aquifer Protection Act
  - Section 373.4595, F.S.—NEEPP
  - Section 403.067, F.S.—Establishment and Implementation of TMDLs
  - Section 403.0675, F.S.—Progress Reports

- Current OAWP Efforts
Thank you!

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