



**SEA TURTLE  
CONSERVANCY**  
S I N C E 1 9 5 9



Jeffrey Ball  
Brevard County Planning and Development Department  
2725 Judge Fran Jamieson Way  
Viera, FL 32940

October 14, 2024

Dear Mr. Ball,

We are writing on behalf of the Florida-based Sea Turtle Conservancy (STC), the oldest sea turtle conservation group in the world, to provide comments on the October 2024 version of the County's Brevard Comprehensive Plan Area of Critical State Concern (ACSC) appendix. As the County receives comments from subject matter experts and residents who have a direct stake in this plan's implementation, we encourage the County to amend the language of the draft plan to address their concerns.

In the October 2024 version of the appendix, it appears that very few changes have been made, and in some cases, changes have been made that appear to weaken the County's existing policies on residential density increases. The intention of 380.0553, F.S., is to add further protection to the Brevard Barrier Island Area (BBIA) by preventing the adverse impacts of development. In its most recent iteration of the appendix, the County has changed **Policy BBIA 12.1** to only prohibit density increases by "amending the Future Land Use Map designation for such properties," this could create confusion and open up the possibility for density increases to be made by the County using other methods, such as approving Planned Unit Developments. STC encourages the County to explain to all of the stakeholders invested in the implementation of this law what this change means, why it was made, and how it will continue to fulfill the Guiding Principles in 380.0553, F.S.

The newest version of the appendix does not take into account suggestions made by STC to strengthen the County's policies to reduce coastal light pollution within the BBIA. **Policy BBIA 2.3** in the new draft is identical to the same policy in the initial draft and would benefit from being updated. We recommend that this policy reference the Florida Department of Environmental Protection's (FDEP) Model Lighting Ordinance for Sea Turtle Protection, which was updated in 2020, in this policy to provide a guideline upon which the County should be basing its lighting ordinance language. By including the State's Model as a guiding document for the County during its "periodic reviews" of the ordinance in Policy BBIA 2.3, the County will be providing government staff with the most ideal language upon which to carry out an update of the County's existing language. In addition to improving the County's existing ordinance language, a statement should be added in Policy BBIA 2.3 that requires proactive enforcement of the County's ordinance. Proactive enforcement of the County's ordinance includes conducting regular nighttime beach surveys within the ordinance's jurisdiction to identify properties in violation of the ordinance; outreach to owners of properties in violation that provides solutions to address lighting problems; active engagement with the community on the best practices to comply with the ordinance language; and collaboration with the various stakeholders in the community that are working to reduce sea turtle disorientations. In addition to strengthening its language around coastal light management, the County should add a priority in Policy BBIA 2.3 to pursue a "Dark Sky" certification for interior lights within the BBIA that could contribute to sea turtle disorientations. STC recommends that the County proactively enforce each policy within BBIA Policy





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8 (Upland Resources) in order to prevent the destruction of critical upland vegetation and adhere to Section 380.0553's Guiding Principles.

**Policy BBIA 2.1** also remains unchanged from the original draft and should be updated to define exactly the types of “new shoreline hardening structures” that are prohibited. This should include all of the examples of “Rigid Coastal Structures” as defined in Florida’s Marine Turtle Protection Act (Rule 62B-33, F.A.C.).<sup>1</sup> Although seawalls, rock revetments, geotubes, and other man-made erosion control methods provide the illusion of protection of upland property, these structures create a fixed barrier on the beach that prevents the natural sediment transfer process from occurring, leading to further erosion in front of the property and down the beach. For sea turtles in particular, hard shoreline armoring has wide-ranging effects at every stage of their life cycle. By specifically describing what constitutes a “new shoreline hardening structure,” the County will be providing further clarity on the type of coastal construction that is not compatible with sea turtle protection.

Each BBIA Objective in the plan is critical to protecting the area’s sea turtles and their habitats from development pressure. In addition to consulting with local, state, and federal agency representatives and STC, we encourage the County to meet with subject-matter experts for each category (water quality restoration and protection, reducing nutrient contributions, nature-based solutions, critical assets, marine and upland resources, and compatibility) to ensure that the requirements outlined in the plan will have the desired result. These subject matter experts include but are not limited to: members of the Archie Carr Refuge Working Group, 1000 Friends of Florida, the Marine Resources Council, the Indian River Lagoon Coalition, the Florida Oceanographic Society, the Barrier Islands Preservation and Protection Association, and the Florida Department of Health in Brevard County.

**We appreciate the County’s consideration of these comments. We respectfully encourage the County to strengthen the policies in the Brevard Comprehensive Plan ACSC appendix to create a distinct set of rules to further protect crucial natural resources for wildlife, residents, and visitors alike.**

Sincerely,

David Godfrey  
Executive Director

Stacey Gallagher  
Policy Coordinator

<sup>1</sup> Florida Marine Turtle Protection Act. 62B-33.002(55)(a)

