

January 21, 2025

The Honorable Rob Feltner  
Chairman, Brevard County  
Board of County Commissioners  
2725 Judge Fran Jamieson Way  
Building C, Suite 214  
Viera, Florida 32940

Dear Chair Feltner,

FloridaCommerce has completed its review of the proposed comprehensive plan amendment for Brevard County (Amendment No. 24-03ER), which was received on November 20, 2024. FloridaCommerce has reviewed the proposed amendment in accordance with the state coordinated review process set forth in sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S.

The attached Objections, Recommendations, and Comments Report outlines FloridaCommerce's findings concerning the amendment. FloridaCommerce has identified 3 objections and has included recommendations regarding measures that can be taken to address the objection. FloridaCommerce is also providing a comment. The comments are offered to assist the local government but will not form the basis for a determination of whether the amendment, if adopted, is "In Compliance" as defined in section 163.3184(1)(b), F.S. Copies of comments received by FloridaCommerce from reviewing agencies, if any, are also enclosed.

The County should act by choosing to adopt, adopt with changes or not adopt the proposed amendment. For your assistance, the procedures for final adoption and transmittal of the comprehensive plan amendment are enclosed.

**The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of FloridaCommerce's attached report, or the amendment will be **deemed withdrawn** unless extended by agreement with notice to FloridaCommerce and any affected party that provided comment on the amendment pursuant to section 163.3184(4)(e)1., F.S. **The adopted amendment must be transmitted to FloridaCommerce within ten working days after the final adoption hearing or the amendment shall be deemed withdrawn pursuant to section 163.3184(4)(e)2., F.S.**

FloridaCommerce staff is available to assist the County to address the objection and comments. If you have any questions related to this review, please contact Joshua Pelfrey, Planning Analyst, by telephone at (850)-717-8549 or by email via [Joshua.Pelfrey@Commerce.fl.gov](mailto:Joshua.Pelfrey@Commerce.fl.gov).

Sincerely,



James D. Stansbury, Chief  
Bureau of Community Planning and Growth

JDS/jp

Enclosures: Objections, Recommendations, and Comments Report  
Procedures for Adoption  
Reviewing Agency Comments

cc: Stephen M. Swanke, Senior Planner, Brevard County, Planning and Development Department  
Tara McCue, AICP, Executive Director, East Central Regional Planning Council

**Objections, Recommendations and Comments Report**  
**Proposed Comprehensive Plan Amendment**  
**Brevard County 24-03ER**

The Florida Department of Commerce has identified 3 objections and a comment regarding Local Government's proposed comprehensive plan amendment. The objection and comments are provided below, along with recommended actions the County could take to resolve issues of concern. If the County adopts the plan amendment without adequately addressing the objection, FloridaCommerce may find the amendment not in compliance with Chapter 163, Part II, Florida Statutes (F.S.), pursuant to section 163.3184(4)(e)4., F.S. Comments are offered to assist the local government and will not form the basis for a compliance determination.

FloridaCommerce staff has discussed the basis of the report with local government staff and is available to assist the County to address the objections and comment.

**I. Objections**

**Objection 1: Internal Inconsistency**

The proposed changes to Policy HOU 1.1.1 A and B (page V-2) create an internal inconsistency with the definitions of "Affordable housing" and "Workforce Housing" compared to how these terms are defined in the Glossary (pages XVII-1 and XVII-2) of the Comprehensive Plan. While much of the language is similar, there are notable inconsistencies in the definitions.

**Statutory Authority:**

Sections 163.3164(3), 163.3177(6)(f)1.d., 163.3184, 163.3191, 380.0651(1)(h), and 420.0004, Florida Statutes

**Recommendation:**

Before adoption, Brevard County must revise the proposed amendment to ensure consistency in the definitions of Affordable and Workforce Housing within both the Housing Element and the Glossary. The County must ensure that the definitions properly cite to sections 380.0651(1)(h), 420.0004, and other relevant Florida Statutes as needed.

**Objection 2: Septic System Conversion to Central Sanitary Sewer System Service**

The proposed Amendment 24-03ER is not consistent with the requirements of Section 163.3177(6)(c)3., F.S. Chapter No. 2023-169 amended Section 163.3177(6)(c)3., Florida Statutes (F.S.), to require the Infrastructure Element to consider the feasibility of providing sanitary sewer services to any development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system (OSTDS) per one acre within a 10-year planning horizon, and to identify the wastewater facility (capacity, projected flows for the next 20 years, and timeline for construction of the sanitary sewer system) that could receive the sanitary sewer flows after connection.

Section 163.3177(6)(c)3., F.S., requires that each comprehensive plan must be updated to include the required element by July 1, 2024, and as needed thereafter to account for future applicable developments. The proposed Amendment 24-03ER does not include all the information required by Section 163.3177(6)(c)3., F.S., in the Infrastructure Element. In addition, please see the enclosed comments (letter dated December 19, 2024) from the Florida Department of Environmental Protection (FDEP). The County should coordinate with FDEP and revise the amendment to include the information required by Section 163.3177(6)(c)3., F.S., in the adopted portion of the Infrastructure Element.

Additional changes to the policy concerning the management of septic tanks have been proposed. Policy CON 10.2.C (page I-31) no longer prohibits new septic tanks in a “Type 1 aquifer recharge areas” (page I-32). Potentially allowing septic tanks in an important water related resource and running counter to [163.3177(6)(d)2.b]. This is inconsistent with Policy SS 3.14 (page VII-5) which aims to eliminate septic tanks altogether. Regulation of Septic Tanks is called out in the Data Inventory and Analysis, “As the County’s primary water supply resource, aquifer groundwater must continually be recharged. Brevard County has identified various aquifer recharge areas based on soil composition and location and generally regulates development and uses within those recharge areas. ...Regulating septic tanks, underground storage tanks, hazardous materials, and other substances in certain aquifer recharge areas.” (page CON-15). The County should review the amendment to Policy CON 10.2.C and determine if changes are necessary to ensure consistency with Policy SS 3.14 and the Data Inventory and Analysis.

**Authority:** Sections 163.3177(2), 163.3177(6)(a)3.e., f., 163.3177(6)(c)3., 163.3184, and Section 163.3191, Florida Statutes

**Recommendation:**

Proposed Amendment 24-03ER must be amended in the adopted portion of the Infrastructure Element to address development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system per 1 acre as required by Section 163.3177(6)(c)3., F.S. The amendment must consider the feasibility of providing sanitary sewer services within a 10-year planning horizon and must identify the name and location of the wastewater facility that could receive sanitary sewer services flows after connection; the capacity of the facility and any associated transmission facilities; the projected wastewater flow at the facility for the next 20 years, including expected future new construction and connections of onsite sewage treatment and disposal systems to sanitary sewer; and a timeline for the construction of the sanitary sewer system. See the enclosed comments (letter dated December 19, 2024) from the Florida Department of Environmental Protection (FDEP). The County must also coordinate with FDEP and revise the amendment to include the information required by Section 163.3177(6)(c)3., F.S., in the adopted portion of the Infrastructure Element.

Amend Policy CON 10.2.C (page I-31) to continue prohibiting new septic tanks in a “Type 1 aquifer recharge areas” (page I-32) such that the comprehensive plan does not potentially allow septic tanks in an important water related resource and running counter to 163.3177(6)(d)2.b., F.S. Policy CON 10.2.C., must be internally consistent with Policy SS 3.14 (page VII-5) which aims to eliminate septic tanks altogether. Regulation of Septic Tanks is called out in the Data Inventory and Analysis, “As the County’s primary water supply resource, aquifer groundwater must continually be recharged. Brevard County has identified various aquifer recharge areas based on soil composition and location and generally regulates development and uses within those recharge areas. ...Regulating septic tanks, underground storage tanks, hazardous materials, and other substances in certain aquifer recharge areas.” (page CON-15). The County needs to review the amendment to Policy CON 10.2.C and assess the changes necessary to ensure consistency with Policy SS 3.14 and the Data Inventory and Analysis.

**Objection 3: Surface Water Management**

The proposed amendment to Policy 4.7 in the Surface Water Management Element removes standards for the development of public facilities within the 100-year floodplain. The proposed changes are not supported with adequate data and analysis demonstrating how the proposed changes are in keeping with the County's overall strategy for managing development within the 100-year floodplain and minimizing loss of structures and facilities within this area, as outlined in the County's Data Inventory and Analysis for Conservation (page CON-15).

**Statutory Authority:**

Sections 163.3177(2), 163.3177(6)(a)3e., and f., 163.3177(6)(d)1., 163.3184, 163.3191, Florida Statutes

**Recommendation:**

The proposed changes must be supported with further data and analysis demonstrating how the proposed changes are in keeping with the County's overall strategy for managing development within the 100-year floodplain and minimizing loss of structures and facilities within this area, as outlined in the County's Data Inventory and Analysis for Conservation (page CON-15).

**II. Comments****Comment 1: Conservation Element**

The proposed amendment includes changes to Conservation Element policies addressing manatee protection, Policy CON 9.9. The proposed changes rely on the adopted Brevard County Manatee Protection Plan (MPP). The County should also consider including policies to addressing the need for further intergovernmental coordination with the Florida Fish and Wildlife Commission regarding any future development of marinas and water control structures to further ensure the protection of manatees within Brevard County both within the Brevard Barrier Island Area of Critical State Concern and all of the waterways within Brevard County. The overall manatee protection strategy in the comprehensive plan would also benefit from a policy guiding boater education of manatee presence and the need for protection at existing and proposed marinas.

## SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

### FOR STATE COORDINATED REVIEW

#### Section 163.3184(4), Florida Statutes

**NUMBER OF COPIES TO BE SUBMITTED:** Please submit electronically using FloridaCommerce's electronic amendment submittal portal "**Comprehensive Plan and Amendment Upload**" (<https://fldco.my.salesforce-sites.com/cp/>) or submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council, Water Management District, Department of Transportation, Department of Environmental Protection, Department of State, the appropriate county (municipal amendments only), the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only), and the Department of Education (amendments relating to public schools), and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

**SUBMITTAL LETTER:** Please include the following information in the cover letter transmitting the adopted amendment:

\_\_\_\_\_ State Land Planning Agency identification number for adopted amendment package.

\_\_\_\_\_ Summary description of the adoption package, including any amendments proposed but not adopted.

\_\_\_\_\_ Ordinance number and adoption date.

\_\_\_\_\_ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government.

\_\_\_\_\_ Name, title, address, telephone, FAX number and e-mail address of local government contact.

\_\_\_\_\_ Letter signed by the chief elected official or the person designated by the local government.

**ADOPTION AMENDMENT PACKAGE:** Please include the following information in the amendment package:

\_\_\_\_\_ In the case of text amendments, changes should be shown in strike-through/underline format.

\_\_\_\_\_ In the case of future land use map amendment, an adopted future land use map, **in color format**, clearly depicting the parcel, its existing future land use designation and its adopted designation.

\_\_\_\_\_ A copy of any data and analyses the local government deems appropriate.

**Note:** If the local government is relying on previously submitted data and analysis, no additional data and analysis is required.

\_\_\_\_\_ Copy of executed ordinance adopting the comprehensive plan amendment(s).

Suggested effective date language for the adoption ordinance for state coordinated review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If the amendment is timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

\_\_\_\_\_ List of additional changes made in the adopted amendment that the FloridaCommerce did not previously review.

\_\_\_\_\_ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment.

\_\_\_\_\_ Statement indicating the relationship of the additional changes not previously reviewed by the FloridaCommerce to the ORC report from the FloridaCommerce.

**Harris, Donna**

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**From:** Plan\_Review <Plan.Review@dep.state.fl.us>  
**Sent:** Thursday, December 19, 2024 2:56 PM  
**To:** DCPexternalagencycomments  
**Cc:** Plan\_Review  
**Subject:** [EXTERNAL] - Brevard County 24-03ER Proposed

**CAUTION - "This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe."**

To: Donna Harris, Senior Plan Processor, Florida Commerce Bureau of Community Planning and Growth

Re: Brevard County 24-03ER – State Coordinated Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction. However, the Department offers the following technical assistance regarding consistency with s. 163.3177, F.S.:

During the 2023 legislative session, the Florida Legislature passed House Bill (HB) 1379, Laws of Florida Chapter No. 2023-169, which revised s. 163.3177, F.S., requiring local government comprehensive plans to address the following:

- Within the schedule of capital improvements, any county or municipality with a BMAP within its jurisdiction must include a list of projects necessary to achieve the pollutant load reductions attributable to the local government as established in the BMAP (s. 163.3177(3)(a)4.b, F.S.)
- Within the general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element, local governments must address the upgrading of wastewater treatment facilities and prioritize advanced waste treatment (AWT), and, for local governments not included within a designated Rural Area of Opportunity, a section considering the feasibility of providing sanitary sewer services within a 10-year planning horizon to any development of more than 50 built or unbuilt residential lots with a density of more than one onsite sewage and disposal system (OSTDS; aka septic system) per acre must be included by July 1, 2024 (s. 163.3177(6)(c)3, F.S.)

Based on the Department's records, Brevard County has not addressed the above requirements, specifically the inclusion of the wastewater feasibility analysis described in s. 163.3177(6)(c)3, F.S. If applicable developments exist within the jurisdiction, the County must update their general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element to include the required information as soon as possible to address the existing noncompliance with s. 163.3177, F.S.

Please submit all future amendments by email to [Plan.Review@FloridaDEP.gov](mailto:Plan.Review@FloridaDEP.gov). If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.



Lindy Green





## Florida Fish and Wildlife Conservation Commission

Commissioners  
**Rodney Barreto**  
Chairman  
Coral Gables

**Steven Hudson**  
Vice Chairman  
Fort Lauderdale

**Preston Farrior**  
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Office of the  
Executive Director  
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**Charles "Rett" Boyd**  
Assistant Executive Director

**George Warthen**  
Chief Conservation Officer

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Division of Habitat and  
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**Melissa Tucker**  
Director

850-488-3831

*Managing fish and wildlife  
resources for their long-term  
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620 South Meridian Street  
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MyFWC.com

December 20, 2024

Stephen Swanke  
Brevard County  
2725 Judge Fran Jamieson Way  
Viera, FL 32940  
[Steve.Swanke@brevardfl.gov](mailto:Steve.Swanke@brevardfl.gov)

Re: Brevard County 24-03ER (24LS00002) and 24-04ACSC (24LS00001), Comprehensive Plan Amendment

Dear Mr. Swanke:

Florida Fish and Wildlife Conservation Commission (FWC) staff reviewed the above-referenced comprehensive plan amendment package and provides the following comments and recommendations for consideration in accordance with Chapter 163.3184, Florida Statutes. While there are no objections to the amendment, the following technical assistance information is provided to assist Florida Commerce and the County during the amendment review and future project planning.

### Project Description

The Brevard County Board of County Commissioners is requesting amendments to the Comprehensive Plan based on an Evaluation and Appraisal Review that includes the Brevard Barrier Island Area (BBIA), an Area of Critical State Concern (ACSC). The BBIA encompasses the southern portion of Brevard County's barrier island which was designated as an ACSC by the Florida Legislature in 2023 (Chapter 380.0533 Florida Statutes). The legislative intent of the designation is to establish a land use management system that protects the natural environment of the BBIA, promotes orderly and balanced growth, protects and improves the Indian River Lagoon ecosystem, and ensures that the population of the BBIA can be safely evacuated in the event of a hurricane. The legislation and associated comprehensive plan amendments place a strong emphasis on the value of this area for marine turtle nesting, particularly for the loggerhead sea turtle (*Caretta caretta*, Federally Threatened), stating that the "beaches of the region are among the most important nesting grounds for threatened and endangered sea turtles in the Western Hemisphere," and that "the management decisions made in the region have global impacts for the species."

### Comments and Recommendations

FWC staff supports the Objectives and Policies within the comprehensive plan amendments (CPAs) provided by Brevard County as they will provide another layer of protection for marine turtles, manatees, the Indian River Lagoon, recreational and commercial fisheries, and imperiled wildlife species that use the BBIA for foraging and nesting. This area of Brevard County has relict habitats that would benefit from additional protections and habitat enhancement projects. Nature-based solutions supported in the CPAs will help restore and protect important wildlife habitat within the BBIA.

Given the strong emphasis in the legislation designating the BBIA ACSC on the importance of this area for marine turtles and coastal wildlife habitats, FWC staff offers the following comments and recommendations focusing on these issues for consideration by Brevard County.

### Marine Turtle Habitat and Lighting

The policies proposed in the subject amendments (Brevard County 24-03ER and 24-04ACSC) would provide protections to marine turtles and their habitat. FWC staff supports the County's efforts to enhance sea turtle habitat by restricting development seaward of the Brevard County Coastal Setback Line (CSL), maintain lighting regulations, and continue to design and implement beach renourishment and dune restoration projects in accordance with local, state, and federal regulations. To further improve and strengthen marine turtle protections, FWC staff provides the following recommendations for Brevard County's consideration as policies are being created for the BBIA:

- Implement strategies with the best available science for coastal engineering, beach nourishment, and dune restoration projects to protect and enhance the natural dune system, maintain viable sea turtle nesting habitat, and minimize visibility of upland lights from the beach while providing beach access.
- Provide a defined timeline to re-evaluate the effectiveness of the CSL, such as every 5 or 10 years.
- Encourage dune vegetation plantings that will reduce light pollution on the sandy beach and create dark silhouettes on the dunes to positively impact sea turtle nesting behavior. Encourage planting of native vegetation on dunes where exotic vegetation has been removed to approximately the same height and density of the exotic plants being removed.
- Consider a requirement to conduct an exterior lighting survey before and after any dune vegetation removal to identify artificial lights that may have become visible from the sandy beach. Also consider mitigation strategies in the event that any artificial lighting does become visible, such as shielding or removal of the lights.
- In coordination with FWC, review and update sea turtle lighting ordinances every 5 years within the BBIA to reflect best available technology and science, to be consistent with Florida Administrative Code 62B-55.004, and to address any persistent areas ("hot spots") with documented impacts to nesting and hatchling sea turtles due to artificial lights.
- Consider procedures for implementing and enforcing new and existing lighting ordinances to eliminate and minimize the visibility of artificial or otherwise man-made light within the BBIA to the sandy beach.
- When environmental assessments are conducted for coastal properties in the BBIA, a proposed exterior lighting plan review would evaluate the potential increase of direct and indirect light visibility from the sandy beach. The FWC's Sea Turtle Lighting Guidelines are available at <https://myfwc.com/wildlifehabitats/wildlife/sea-turtle/lighting/> to assist in the development of an exterior lighting plan. FWC staff can also be contacted at [SeaTurtleLighting@MyFWC.com](mailto:SeaTurtleLighting@MyFWC.com) to answer any questions and provide assistance in the development of a lighting plan.
- Develop outreach programs, partnerships, and development criteria within the Brevard County land development regulations to achieve reduction of light pollution throughout the BBIA.
- When promoting the establishment and maintenance of scenic vistas, consider policies that will not increase light visibility from the beach from coastal development.
- Minimize skyglow by recommending International Dark Sky lighting standards, which provides criteria for shielding and installing long wavelength lights along and adjacent to the coast.
- Design and construct dune cross-overs, boardwalks, walkways and other permissible structures seaward of the CSL and in accordance with the Florida Department of Environmental Protection's Beach and Dune Walkover Guidelines. Designs that are elevated above dune vegetation, do not include exterior lights, and allow adequate

sunlight penetration will minimize impacts to marine turtle's and their nesting habitat. Designs should also consider potential entrapment of nesting females and hatchlings.

- Include a provision that dunes without complete coverage of native shrubby vegetation, herbs, and grasses be prioritized for dune revegetation.

FWC staff is available to assist and work with Brevard County staff on reviewing and updating their sea turtle lighting ordinances, developing outreach programs, and for any of the above recommendations at [ImperiledSpecies@MyFWC.com](mailto:ImperiledSpecies@MyFWC.com).

### Manatees

The proposed amendments and policies state that all development activities should be in compliance with the Brevard County Manatee Protection Plan (MPP), as amended, and that Brevard County will continue monitoring manatee protection measures to determine their effectiveness. The proposed policies for the BBIA ACSC also address water control structures by stating that no new structures (such as dams, weirs, locks, levees, or other artificial mechanisms) designed to control the stage and/or flow of waters of the state shall be constructed, except where no practical alternative exists and where such structures are necessary to protect the public safety; safeguard existing flood control structures, habitable structures, and other public investments; protect or improve water quality; or restore the function of the natural water dependent ecosystem. To further improve and strengthen manatee protections in Brevard County and the BBIA ACSC specifically, FWC staff provides the following recommendations for Brevard County's consideration as policies are being created for the BBIA:

- Coordinate with applicable partners including FWC and the U.S. Fish and Wildlife Service on the development of new marinas, or the expansion of existing marinas to ensure the project is consistent with the Brevard County MPP.
- To inform and educate boaters on manatee awareness, encourage all existing commercial marinas to incorporate permanent manatee educational signs, such as the "Caution Boaters" sign.
- Coordinate with FWC staff on the design or modification of any water control structures to prevent the injury or killing of any manatees.

FWC staff is available to assist and work with Brevard County staff for on reviewing proposed marina facilities, implementing manatee signage, and on the design of water control structures at [ImperiledSpecies@MyFWC.com](mailto:ImperiledSpecies@MyFWC.com).

### Coastal Species and Habitats

FWC staff recommends that Brevard County work with partners such as St John's River Water Management District, Indian River Lagoon National Estuary Program, Florida Department of Environmental Protection (FDEP), and FWC to identify areas suitable for the creation or expansion of nesting habitat for shorebirds, seabirds, and wading birds. Such areas may include spoil islands managed by FDEP, aquatic preserves, or state parks. The creation or expansion of this habitat could be achieved through actions such as vegetation management, construction of nesting platforms, or creating additional substrate for nesting. In Objective BBIA 7, several specific shoreline and marine habitats and species are singled out for protection. Additional sensitive coastal resources to consider in this list include oyster reefs, salt marsh, shorebirds, seabirds, and wading birds.

The proposed BBIA policies refer to conducting environmental assessments prior to development on properties containing potential wildlife habitat (e.g., Policy BBIA 7.6 and 8.8). To better identify potential project impacts to listed species of fish and wildlife, FWC staff also recommends that species-specific surveys be conducted prior to any clearing or construction.

Species-specific surveys are time sensitive and are best conducted by wildlife biologists with recent documented experience for that species. Species-specific survey protocols approved by the U.S. Fish and Wildlife Service (USFWS) and the FWC are provided in the Florida Wildlife Conservation Guide at <https://myfwc.com/conservation/value/fwcg/> or in the FWC Species Conservation Measures and Permitting Guidelines available at <https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/>.

In several of the proposed BBIA policies, “species of special concern” are mentioned (e.g., BBIA 8.11). Currently, there are no species covered under this category of protection (see Chapter 68A-27, Florida Administrative Code). Depending on the context, “Species of Greatest Conservation Need,” as defined in FWC’s State Wildlife Action Plan (SWAP, 2019), is likely an appropriate grouping of species to add. This term includes populations at risk or declining and the SWAP provides a comprehensive list (<https://myfwc.com/media/22767/2019-action-plan.pdf#page=152>). For example, in Policy BBIA 8.11 “... implement education programs to promote the preservation of endangered and threatened species, species of special concern, and species of greatest conservation need, as well as their habitat...”

#### Signage

FWC staff recommends that County and other public beach access sites incorporate educational signage related to seabird and shorebird species listed by FWC as imperiled or Species of Greatest Conservation Need. Such signage could include best practices that reduce disturbance and impacts to resident and migratory bird species using the beaches for nesting, loafing, and foraging. Additionally, to promote public awareness, Brevard County could work with the Florida Department of Transportation to install signage on A1A indicating the boundaries of the BBIA.

FWC staff appreciates the opportunity to provide input on the subject CPAs and looks forward to continuing coordination with Brevard County on the BBIA ACSC. For specific technical questions regarding the content of this letter, please contact Josh Cucinella at (352-620-7330) or by email at [Josh.Cucinella@MyFWC.com](mailto:Josh.Cucinella@MyFWC.com). All other inquiries may be sent to [ConservationPlanningServices@MyFWC.com](mailto:ConservationPlanningServices@MyFWC.com).

Sincerely,



Jennifer Goff  
Deputy Director  
Division of Habitat and Species Conservation

jdg/ms

Brevard County 24-03ER and 24-04ACSC\_60479\_12202024

cc: Donna Harris, Florida Commerce, [DCPexter@Commerce.fl.gov](mailto:DCPexter@Commerce.fl.gov)  
Yazmin Valdez, Florida Commerce, [Yazmin.Valdez@commerce.fl.gov](mailto:Yazmin.Valdez@commerce.fl.gov)  
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**Harris, Donna**

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**From:** Steve Fitzgibbons <SFitzgibbons@sjrwmd.com>  
**Sent:** Thursday, December 19, 2024 11:24 AM  
**To:** DCPexternalagencycomments; Valdez, Yazmin  
**Cc:** Swanke, Stephen M; Office Manager  
**Subject:** [EXTERNAL] - Brevard County proposed comprehensive plan amendments 24-04ACSC

**CAUTION - "This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe."**

Dear Mr. Harris and Valdez,

St. Johns River Water Management District (District) staff have reviewed Brevard County proposed comprehensive plan amendments 24-04ACSC in accordance with the provisions of Chapter 163, Florida Statutes. Based on review of the submitted materials, District staff have no comments on the proposed amendment. District staff appreciated the opportunity to coordinate with and provide feedback to the County and Florida Commerce during development of the draft amendment.

If you have any questions or need additional information, please contact me. Please note that all proposed and adopted comprehensive plan amendments can be submitted to the District by email at [sfitzgibbons@sjrwmd.com](mailto:sfitzgibbons@sjrwmd.com).

Sincerely,  
Steve Fitzgibbons

Steven Fitzgibbons, AICP  
Intergovernmental Planner  
St. Johns River Water Management District  
7775 Baymeadows Way, Suite 102  
Jacksonville, FL 32256  
Office (386) 312-2369  
Email: [sfitzgib@sjrwmd.com](mailto:sfitzgib@sjrwmd.com)  
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[www.sjrwmd.cc](http://www.sjrwmd.cc)

We value your opinion. Please take a few minutes to share your comments on the service you received from the District by clicking this [link](#)

#### Notices

- Emails to and from the St. Johns River Water Management District are archived and, unless exempt or confidential by law, are subject to being made available to the public upon request. Users should not have an expectation of confidentiality or privacy.
- Individuals lobbying the District must be registered as lobbyists (§112.3261, Florida Statutes). Details, applicability and the registration form are available at <http://www.sjrwmd.com/lobbyist/>