

**Manatee Protection Plan Review Committee (MPPRC)
Public Hearing
Minutes of April 8, 2008**

Committee Attendees: Brett Bibeau; Richard Bunnell; T. Spencer Crowley III; Lynda Green; Bob Karl; Alberto Lamadrid; Mark Lewis; Kate L. Mansfield, Ph.D.; Dick Townsend (Vice Chair); Julia Zaias, DMV, Ph.D.

Miami-Dade Department of Environmental Resources Management (DERM) Staff Attendees: Susan Markley, Ph.D. (DERM); Craig Grossenbacher (DERM); Lisbeth Britt (DERM); Molly Messer (DERM); Forrest Shaw (DERM),

Other Attendees: A sign in sheet was provided for public sign in. Forty-eight persons signed the register.

The meeting was called to order by Vice Chair Dick Townsend at 5:45 P.M.

1. *Introductions Statement of the Hearing's Purpose and Procedures.*

Vice Chair Townsend welcomed participants and explained the purpose of the meeting and provided some background information on the Committee. He asked that those members of the public wishing to speak to fill out and submit a "speaker card" and limit their comments to five (5) minutes in order to assure that all speakers would have a fair and equal opportunity to provide input. Comment cards were also available for those persons who wished to contribute, but preferred not to speak. He also encouraged all participants to limit their issues to those that meet the purpose of the hearing, to get early input on issues of concern about Miami-Dade's existing Manatee Protection Plan so that the MPPRC can incorporate those concerns into their future discussions.

Mr. Townsend explained that the Committee members have not made any recommendations about the plan to date and would not be debating the issues raised by the public until later meetings. He also noted that the meeting is not intended to discuss the State or federal statutes or regulations, and comments concerning these should be made directly to the agency responsible for them. Mr. Townsend also briefly explained that the Committee was established by Ordinance 07-144 passed by the Board of County Commissioners (BCC) on October 2, 2007, a copy of which was provided on the entry table for members of the public. The Ordinance requires that the MPPRC provide recommendations to the BCC for any needed revisions to the MPP, but that ultimately the recommendations and revisions require the approval of the BCC, and must also adhere to the requirements of and get the approval of the Florida Fish and Wildlife Conservation Commission (FWC) and the U.S. Fish and Wildlife Service (FWS). The Vice Chair explained that he was a part of the Committee that worked on the 1995 Plan and that this plan was painstakingly written and included many compromises. The Ordinance requires that the Committee conduct a public hearing to receive input from the public regarding the nature and scope of the information to be considered in the MPP update. Mr. Townsend expressed that he anticipates that this will only be the first of a series of public hearings on the recommendations that will be made by the Committee. He also explained that each meeting of the Committee is public and that the Committee has established a public comment period at the end of each meeting. Finally, Mr. Townsend asked the audience to make sure they

educate themselves on Florida's marine mammals and the issues surrounding those animals.

Mr. Townsend delayed the business portion of the meeting until the end of the night to make sure that each person who wanted to speak got a chance to do so.

2. *Brief Description of local Manatee Protection Plan*

Dr. Susan Markley, Miami-Dade DERM staff member, gave a presentation providing background on State of Florida requirements for local manatee protection plans, the new County ordinance that established the advisory committee, and some important features of the 1995 Miami-Dade Manatee Protection Plan. Information was also provided on manatee aerial surveys, manatee mortality, improvements to water control structures to prevent manatee deaths, ongoing efforts to update manatee and vessel related data, and contacts for local, state, and federal agencies. A handout of the slides was provided to the attendees and is attached hereto and incorporated hereto by reference.

3. *Public Comment Period*

Vice Chair Townsend opened the comments at 6:15 P.M by first thanking the Rosenstiel School (RSMAS) for hosting the public event in a most appropriate venue and by asking each of the MPPRC members to introduce themselves. Nineteen persons submitted speaker cards. Four written comment cards were submitted, including 2 cards provided by persons who also requested to speak, for a total of comments by 21 different persons. The following is a summary of the comments of individual speakers:

Patrick Nolan: Dr. Nolan described the Mahi Canal, a small basin near his residence on the Coral Gables Waterway where manatees aggregate. He is concerned that a marina near the Metro Bank at US 1 is operating there illegally and that proposed development of this site will further harm manatees using this narrow area. He requested help from the Committee in determining why the City of Coral Gables is not enforcing requirements.

Rod Jude : Mr. Jude stated that he was speaking on behalf of the Sierra Club Group Miami and is himself an avid boater. He stated that Sierra Club participated in the development of the existing MPP and that they are satisfied that conservation efforts are helping manatees make progress toward recovery. He cautioned against major changes to the existing plan, because it is not "broken" and seems to be working.

Paul T. Sweeney: Mr. Sweeney stated that he believes the existing MPP is working and noted that the MPP is supported by the agencies that work with manatees, and consider it as working well and a good plan. He urges the members to determine what is common ground to service boaters, but not to weaken the manatee protections that are in place. He recommends improving the effectiveness of the current MPP protections by encouraging more enforcement and education.

Alan Farago: As a Gables resident and dry dock boater, Mr. Farago stated that he enjoys boating throughout the Bay, and that the MPP must address the entire county and not just one area. He noted that the FWC recently affirmed the

endangered status of the manatee, and recommended against changing the MPP at this time.

Barbara Hobbs: Ms. Hobbs stated she is a member of the Marine Animal Rescue Society (MARS) and added that her family has been living in Miami since 1896 and they have always been involved in boating. Ms. Hobbs expressed special concern about the Miami River, noting that there are no facilities participating in [FDEP's] "Clean Marina" program, even though the Miami River Commission endorsed that program. She is concerned that the existing MPP could be weakened, and that the cost of performing an update is using funds that could be spent on other important manatee protection and Biscayne Bay improvements. She advises against going backwards in the MPP update.

Brenda Randol: Ms. Randol stated that she resides near the Mahi Canal turning basin of the Coral Gables Waterway., She requested the Committee not to weaken protections in the existing MPP and to increase enforcement of existing provisions of the plan.

Laura Dias: Ms. Dias stated she is a member of MARS and has completed a Master degree in biology. She explained her experience in tracking an aged, injured manatee that she believes is surviving due to conservation efforts. She requested the committee not to weaken protections provided by the MPP because she believes it has been successful and changes would jeopardize recovery of the manatee population.

Edward Keith: Mr. Keith opposes revisions of the current MPP, which he views as a success in protecting manatees and allowing for increases in boating. He noted that the existing MMP is endorsed by the FWC. Mr. Keith expressed that good data are needed on boats, manatees, habitat and other factors for any revisions to the plan. He stated that quarterly manatee surveys are not adequate for critical areas such as the Miami River, and he is concerned that the 18-month timeline will not be adequate to collect the need information. He stated that FWC has suspended efforts to downlist manatee and noted FWC's high level of resistance to revising Miami-Dade's MPP, concluding that it is not a good time to revise the MPP.

Vanessa Lane: Stating that she was speaking on behalf of the Executive Board of MARS, Ms. Lane provided background on the organization. She stated that MARS is authorized to participate in rescues by the US Fish & Wildlife Service and cooperates with FWC, and in that capacity has received to up to 150 requests per year for assistance to injured wildlife and has participated in dozens of transports of animals per year. She stated that boat-related manatee deaths are increasing and are the leading cause of manatee mortality. She said that it is MARS belief that protections in the existing MPP should continue and not be reduced. She concluded her remarks by reading from FWC correspondence supporting the existing MPP and stating that its revision is not a priority at this time.

James Brinklow: Mr. Brinklow states that he is a cardiovascular medicine student and a MARS volunteer, and has learned a great deal from his work assisting USGS in manatee migration studies and FWC on injury calls. He states that last year was a record for manatee deaths and that population could decline. He is opposed to reopening of the existing MPP and urged facilities should not be

allowed to expand until they become better environmental stewards and participate in the “clean marina” program.

Theodora Long: Ms. Long states that she has lived on the Miami River for 25 years, is a past member of the Miami River Commission, and currently is Executive Director of the Marjory Stoneman Douglas Biscayne Nature Center. Ms. Long expressed her opinion that with respect to the Miami River, the current MPP is broken, citing that the required fenders are not maintained or never installed and that speed zones are not enforced. She notes the frequency of manatee sightings on the upper Miami River and expresses concerns about the larger ships using the River west of 27th Avenue. recommending that they should use the Port of Miami. She believes that manatee rehab facilities are not an effective remedy to boat impacts, and that only injury prevention is the cure, which in her opinion may best be accomplished with increased enforcement and education. She concludes that the existing MPP is good, but its provision need more enforcement.

Ed Swakon: Mr. Swakon introduced himself as the current president of the Miami Marine Council, and a member of, of the committee the developed the existing MPP. He adds that as an environmental consultant, he works with the MPP every day and believes that parts of the Plan work fine, but other parts need clarification and updating. He recommended that the Committee consider the effectiveness of speed zones, since this may allow for more boating amenities without decreasing manatee protection. He notes that speed zone markers should be maintained and the zones enforced, and offered additional specific suggestions: “grandfather” provisions for existing facilities should be maintained; procedures for slip transfers could be established that do not result in impacts to manatees, or could even provide benefits, such as relocation of slips further downstream on tributaries; all areas prohibited for new marinas in the existing MPP should be reconsidered; and the “performance criteria”, which he supports in concept and could help an applicant demonstrate that their project is not harmful, are onerous and should be reviewed. Mr. Swakon’s allotted time ran out before he could complete his recommendations, and Vice Chair Townsend invited him to submit his comments in writing to the MPPRC so that they get the remainder of his points.

Laura Reynolds: Ms. Reynolds stated that she is representing the Tropical Audubon Society, and noted that the organization was instrumental in past manatee protection efforts. She believes that boating in the bay has increased in numbers and size of boats since the MPP was implemented, and that this change may impact manatees, seagrass and the Bay itself. She stated that the boat increases should be incorporated in the review of the MPP which she also feels should be strengthened to protect the manatee and manatee habitat further.

Anne Biddle: Ms. Biddle stated that she is a MARS volunteer, and that the manatees she has helped to rescue have been injured by human causes. She believes that the ocean is the only home for manatees, and that though boaters need reasonable facilities, manatees need reasonable habitat. She concluded by stating that the increased need for manatee protection is real.

Dona Piza: Ms. Piza identified herself as owner a Coral Gables business, Prana Yoga with more than 15,000 students. She stated that she is speaking on behalf of her students, and that none support revisions of the existing MPP.

Kelly Novic: Ms. Novic stated that she is a staff biologist representing Save the Manatee Club (SMC), with 1,700 members in Miami-Dade County. She described FWC's policies that maintain the manatee protection and its status as endangered. She cites FWC correspondence that supports the current Miami-Dade MPP and noted that reopening it is unwarranted and expensive, and that funds could be spent more productively on other protection and conservation efforts. Ms. Novic stated that SMC does not support revising the current MPP, but recommends that its protection strategies be enforced. .

Paul Savage: Mr. Savage stated that he is a Coral Gables attorney and member of the Builders Association of South Florida. He expressed his support for enforcement or policing of speed zones and boating use. However, he feels that regulations that restrict the use of real property, such as requirements that affect docks, contravene property and traditional riparian rights, which in his opinion are guaranteed by common law. He believes that federal and state permitting requirements already interfere with such rights, and he does not support these kinds of regulations.

Daniell Washington: Ms. Washington stated that she is a University of Miami student and president of a student team that responds to marine animal strandings. She believes that manatees are an important part of the ecosystem. She also stated that people who own waterfront property do so because they enjoy nature, and that regulation helps protect these values. She encouraged the Committee to protect the manatee and not reduce the effectiveness of the Plan.

Margaret Pisciotta: Ms. Pisciotta, a resident of New Jersey visits Miami for 3 – 4 months each year and enjoys the scenery, manatees, dolphins, and the ocean. She stated that she agrees with previous speakers who support following existing regulations. She recommends that there should be a schedule of fines for boaters that harm manatees, since costs would be a big incentive.

NOTE: For additional details of the individual comments, a video recording of the entire hearing is available for review by contacting Miami-Dade DERM. Also available for review are two written comments from members of the public who chose not to speak. The commenters oppose revisions that would weaken the current MPP. One recommends increasing protection of manatees, and the other recommends increased education and enforcement of the protections in the current MPP.

Vice Chair Townsend thanked everyone for attending and assured them that their input is appreciated and considered a vital part of the Committee process. The Vice-Chair also suggested that speakers who had prepared their comments in writing should submit them as well.

At this point, committee member Bob Karl asked if he could address the members of the audience and Mr. Townsend polled the members of the Committee, and hearing no objections, gave Mr. Karl the floor. Mr. Karl assured the audience that he and the entire committee agrees with their sentiments for protecting the

manatee, they should be confident that their concerns are his concerns, and that he will represent those in the review process.

Committee member Brett Bibeau also asked to address the audience so that he could respond to several of the speakers. He also announced his commitment to environmental education and stated that the free Miami River Day event on April 12th sponsored by the Miami River Commission provides booths for many organizations that are involved in outreach. He offered art posters of a manatee to the audience. He described the MRC's role in improving the appearance of the River and encouraged the audience to participate in upcoming volunteer projects on the River. He stated that we wanted to clarify the following and address comments of several speakers:

- Concerning the requests that the MPPRC not amend the plan, he noted that only the Board of County Commissioners (BCC) can amend the plan. The MPPRC can only make recommendations to the BCC, and so far the members have not formulated any recommendations.
- Concerning the Gables waterway facility, he stated that the MPPRC has no authority or jurisdiction in the City of Coral Gables, but DERM does and is represented at the meeting and heard the concerns and requests from those residents.
- With respect to the State's Clean Marina Program and the perceived lack of progress, Mr. Bibeau assured the concerned speakers that even though marinas may not be participating in the State program, that they are regulated and inspected by DERM, and to have a permit they should be "clean". He emphasized his point by stating that DERM and Sydney, Australia have been identified as having the strictest permitting programs in the world.
- Concerning the limited time that the committee has to review the data being collected, Mr. Bibeau advised the commenter that one action the Committee has taken is to request a time extension by the BCC.

Committee member Lynda Green thanked the audience for their participation and told them that their coming to speak is critical to the process. To emphasize her point, she mentioned that Governor Crist received 38,000 letters urging that the manatee status not be changed from endangered to threatened, and that this has an important effect on his recommendations. She encouraged everyone to stay involved.

4. *Review of Draft Minutes of Feb 29 and Date and Agenda for next Meeting:*

Vice-Chair Townsend advised the audience that the public comment portion of the meeting was now closed, but invited any interested parties to remain. He began the business portion of the meeting at 7 P.M. .

Brett Bibeau requested revisions on the meeting minutes of Feb 29th. He asked the members whether or not they recalled if a vote was taken on the motion that DERM be asked to draft a letter requesting data on dry dock usage at County marinas. Dr. Markley stated that no formal vote had occurred, but that the committee should not be concerned because DERM has already made the request

and received the data from the Park and Recreation Department. She advised that the information will be provided to the MPPRC in the future.

Mr. Bibeau also asked for some corrections on the list of items on p. 8 of the minutes. He stated that it was his intent that all of the items that he had listed at the end of February 29th meeting be designated as future agenda items. The Vice Chair polled the committee, and there was no objection to this change. Mr. Bibeau also stated that at the earlier meeting, he had cited specific pages of the 1995 MPP, and asked that references be inserted as follows:

- He said that Items 1 & 2 refer to MPP pp. 47 and 87, and that his intention was to request a status report on enforcement.
- He stated that item 3 refers to p. 86 of the MPP which says that filling slips may impact manatee habitat and should not be allowed. His request was for a status report on how developments on the Miami River have gotten permits to fill slips.
- He said that item 5 refers to p. 20 of the MPP, and that his request is for a status on storm drain retrofits with SWIM funds.
- He requested that item 7 needs to be corrected to be a status report on repairs at airport canals, not status of manatee mortality at airport canals.

Dr. Zaias moved that the minutes be adopted as corrected. Mr. Karl seconded the motion. The vote to approve the minutes as corrected by Mr. Bibeau was unanimous.

The members then discussed potential meeting dates and times in May or June. Lynda Green recommended a May date so that the Committee can move forward as soon as possible. Vice Chair Townsend asked that the date be set so that Chair Prieguez can attend and not have to miss two meetings in a row. Dr. Markley reminded the members that they had asked for a meeting to be held at Seaquarium so that they can get a tour of the rehab facility and receive a presentation from veterinarians and rescue staff. She indicated the best day for that is on Wednesdays. Due to potential schedule conflicts, the Committee requested that Dr. Markley contact Seaquarium to see if the tour could be held on Friday May 16th or May 30th. Mr. Bibeau asked for a 1PM start time to ensure the Committee has sufficient time to also conduct business.

Dr. Markley then suggested that if the Seaquarium date can be set, that the Committee will have some additional time for agenda items other than the facility tour. She will work with the Chair to set the next agenda depending. She also indicated that DERM will be sending a mail out with much of the requested information from the last meeting. She also reminded them that a quorum is required as this is a public meeting and that for those members who miss the Seaquarium tour, she will try to arrange an individual tour.

Mr. Lamadrid requested further discussion of the subject matter included in the February minutes at the next meeting.

The meeting adjourned at 7:10 P.M.