

**Manatee Protection Plan Review Committee (MPPRC)  
Minutes of July 16, 2008**

**Committee Attendees:** Brett Bibeau; Richard Bunnell; Spencer T. Crowley III; Judith Futerfas; Lynda Green; Bob Karl; Alberto Lamadrid; Kate L. Mansfield, Ph.D.; Manny Prieguez (Chair); Dick Townsend (Vice Chair); (sign in sheet attached)

**County Staff Attendees:** Susan Markley, Ph.D. (DERM); Craig Grossenbacher (DERM); Lisbeth Britt (DERM); Molly Messer (DERM); Forrest Shaw (DERM), Kathy Haley (Park and Recreation Department); Kevin Asher (Park and Recreation Department); Lubby Navarro (Commissioner Aide)

**Other Attendees:** A sign in sheet was provided for public sign in (copy attached)

1. A quorum was established. The meeting agenda is attached and made a part by reference hereto. The meeting was called to order by Chairman Manny Prieguez at 1:45 P.M.
2. *Review of revised minutes of April 8, 2008 meeting:* Chair Prieguez requested comments on the revised minutes submitted to the Committee by DERM by email on July 2, 2008. There were no comments and the minutes were unanimously approved by those in attendance.
3. *Review of the draft minutes of May 21, 2008 meeting:* Chair Prieguez requested comments on the draft minutes submitted to the Committee by DERM by email on July 2, 2008. Mr. Bibeau asked that the draft minutes be revised include a comment made by Dr. Renner that he personally witnesses boats speeding in the bay in the marked zone adjacent to the manatee tanks. The minutes also contain a typo of the adjournment time. A motion was made by Dick Townsend to accept the recommended changes and seconded by Richard Bunnell. The motion passed unanimously.

Mr. Bibeau then pointed out that he reviewed the minutes of February 29, 2008 as posted on the DERM Website and determined that he was not satisfied with the revisions. He asked that the February 29<sup>th</sup> minutes be further revised to reflect those changes identified in the April 8<sup>th</sup> minutes. It was agreed that Mr. Bibeau and staff would work on further clarifications of the February 29, 2008 minutes.

Finally, Mr. Bibeau pointed out that the agenda for today's meeting had not been posted on the DERM Website and he wanted to know the reason. Dr. Markley indicated that the agenda was not finalized until July 15<sup>th</sup> and there had not been enough time for updating the web, but that the general agenda was included in the published notice for the meeting.

4. *Proposed date and agenda topic(s) for next regular meeting:* Chair Prieguez suggested that the next meeting be held early in September as long as DERM can confirm that the law enforcement agencies can attend. Susan confirmed that she has communicated with the various agencies and they are prepared to report to the MPPRC. Due to limitations of some members, Chair Prieguez suggested Wednesday, September 17, 2008 at 1:30 P.M. for the next meeting date at the DERM Overtown office. Availability was confirmed unanimously by the attending

members. The Chair also asked the Committee to keep open Friday September 19<sup>th</sup> to allow some flexibility for those members not in attendance today. Dr. Markley will coordinate the next meeting to include the enforcement agencies and the maximum number of Committee members.

Note: Dr. Markley announced to the meeting attendees that the meeting is videotaped and recorded to ensure accuracy of official meeting minutes. She advised that the placement of microphones is to ensure proper recording and asked that all speakers use a microphone. Additionally, she advised that, at an earlier meeting of the MPPRC, the microphones had inadvertently been placed on mute by an attendee and asked that everyone be careful with the equipment.

Mr. Bibeau asked to discuss other upcoming agenda items. Chair Prieguez asked that the discussion be put at the end of the meeting because there are so many persons in attendance from the public and he wanted to ensure adequate public comment within the confines of the meeting time.

##### 5. *Review of Marine Facility Inventory Data*

#### **Feedback from Committee on 1995 and 2007 facility lists presented to MPPRC at February 29, 2008 meeting**

DERM continues to seek input to ensure that the data in both draft lists is accurate. The lists are also posted on the DERM web site. Dr. Markley reminded the committee of the required facility information in order to update the Manatee Protection Plan, including inventory of existing marinas and other facilities with other information like location, occupancy, types of boats in them, etc. The list of facilities with an active DERM MOP permits in 2007 was created as a first step in this process. Dr. Markley clarified that the list is not an analysis of grandfathering of slips, historical use at any particular location or a list of how many slips a facility is allowed to have, but simply a list of those facilities with active DERM MOP permits in 2007. She further stated that it is not an indication of the number of slips that someone may be able to get if they redevelop the property or reconstruct since it is not necessarily the same as the number of slips in an MOP permit; it may be more or less or different than what is in the MOP.

The second step in the analysis was to compare the 2007 list to a list of facilities that existed in 1995. Dr. Markley further explained that there is a similar list as an appendix in the 1995 adopted MPP and reiterated that it is a list of facilities at that time and not a determination of historic slips. The 1995 draft list was created because DERM found inaccuracies in the facility list in the existing MPP, such as facilities that were overlooked or accidentally listed twice because a facility went by two different names. DERM wanted to make sure that all of the information was correct before doing an analysis of what existed in 1995 and what exists now.

DERM also distributed a summary handout to address questions posed by Mr. Bibeau at the February 29<sup>th</sup> meeting about the corrections DERM noted to the 1995 MPP facilities list that appears in Appendix D of the adopted MPP. The handout explains in detail the differences discovered to date between the facilities listed in the 1995 adopted MPP (Appendix D) and what is incorporated into the draft 1995 permitted facilities list prepared by DERM, including duplicate listings of

facilities by different names that resulted in an over reporting of slips, incorrect reporting of slip numbers, listing of facilities that were no longer in operation in 1995, and omission of facilities that resulted in an under reporting of slips. The corrections were based on review of actual operating permit files from 1995.

A lengthy discussion then ensued that included a “question and answer” session between the committee members and DERM staff. In particular, many of the questions related to the draft 1995 list that incorporates the corrections to date. Staff attempted to correct misunderstandings of several committee members relating to the draft lists. Committee members raised questions with regard to several specific facilities and/or locations from the list and also pointed out a typographical error. Dr. Markley explained again that the handout noting corrections was prepared in response to Mr. Bibeau's earlier request to explain what errors had been detected in Appendix D. She repeatedly emphasized that neither list is a determination of “grandfathering” and does not affect determination of the number of slips that a site or facility may seek or obtain approval for in a permit application. The two lists are simply intended to allow a comparison of the number and types of facilities and slips with operating permits in 1995 compared to 2007, so that an assessment of increases or decreases can be made. Dr. Markley indicated that staff would continue to refine the list and that DERM will make all necessary corrections.

A number of questions relating to permitting were raised by committee members and Dr. Markley explained what types of information are used by DERM as part of the permitting process.

**Review and Discussion of Information provided by Miami-Dade Park and Recreation Department on Ramps and Public Dry Storage** (note: this is information requested by the MPPRC at the February 29, 2008 meeting)

Dr. Markley introduced Kathy Haley, Marinas Manager for Miami-Dade Park and Recreation Department, and Kevin Asher from Park Planning Office who were available to answer questions. Dr. Markley then gave a slide presentation and discussed data tables based primarily on amount of fees collected by the Park Department on ramp launches at each of the six County public ramp facilities: Haulover (ramp and dry storage); Pelican Harbor (ramp); Crandon (ramp); Matheson (ramp); Black Point (ramp and dry storage); Homestead (ramp). The slide presentation, attached and made a part of the minutes, included bar and line graphs of monthly launch summaries for each County marina. As expected, although there is use in all seasons and days, the summer months depict the largest cumulative launches, and numbers of launches per day are much greater on weekends than weekdays

Kathy Haley, supervisor of the County marinas, stated that the majority of marinas, 4 out of 6, have toll booths and actual counts of those people with annual passes are done as the boats enter through the toll booth; however, at Black Point Marina and Crandon Marina there are no toll booths and it is a self pay system for parking so there is no way to judge how many annual passes are used. Based on Kathy Haley's statements, Dr. Markley reiterated that this information is just a minimum number and that the actual number is probably more because there the number of annual passes used is not included.

Mr. Bibeau and Mr. Townsend had questions related to dry storage launches and percents of boats in dry storage being launched. Dr. Markley noted that the cumulative number of launches from Haulover and Black Point rack storage represents many thousands of boat trips per year, although on any given day the majority of vessels remain in their slips. Mr. Bibeau requested additional analysis of data from dry and wet slips related to frequency or rate of use. Dr. Markley stated that DERM is trying to provide information as it becomes available, and data collection is ongoing that will help address some of these inquiries. Analysis of launch information will be a part of the MPP update process. She reiterated that Mote is also doing vessel counts and that data will compliment other data that DERM staff is collecting and the Park launch data.

Some committee members expressed opinions or offered interpretations about the data and manatee mortality patterns. Dr. Markley stated that DERM would be presenting mortality data in a few minutes and requested to complete the presentation with the ramp information.

### **Review and Discussion on Public Boat Ramp Parking Space Inventory**

Dr. Markley referred the committee to information that was emailed to them about the location of all of the public boat ramps in tidal waters with parking space counts. She stated that this is early data to get an idea of the capacity for access for trailerable boats and asked them to keep in mind that about 80% of all registered boaters have their boats on trailers.

Lisbeth Britt presented a map of 12 public boat ramp locations and a table summarizing the number of boat trailer parking spaces counted at each one this year during inspections at the facilities. The map and table are attached and made a part of the minutes. As compared to the ramps identified in the 1995 MPP, only one ramp of the original 13 sites has been closed; this at Dinner Key which is now the private Shake-A-Leg facility. Ms. Britt noted she found construction at two facilities, but that the ramps were in good condition with appropriate signage.

Dr. Markley discussed the difficulty of finding a location for new ramps with adequate parking, and that existing facilities should continue to be available to the public. She noted that some of the sites are locations where the current MPP recommends expansion of dry storage, parking or new ramp lanes. Dr. Markley reiterated the loss of one ramp in the Dinner Key area and that the future of other ramp nearby, Seminole ramp, is uncertain because of a City of Miami Master Plan for that area. Dr. Markley pointed out the Dinner Key area is currently recommended as a location for expansion of marinas and ramps. She also pointed out that boaters who use ramps and dry storage are being impacted the most and that unlike the trend for more in-water marina slips, there already have been impacts to the available ramps since 1995. Dr. Markley also noted that some facilities have to close for certain periods of time during busy weekends because of the number of vessels launching. A brief discussion regarding the Seminole boat ramp followed.

6. *Further Discussion on Manatee Mortality Reports and Maps* (continuation of discussion began at the May 21, 2008 meeting at Seaquarium)

Dr. Markley presented cumulative bar graphs of all causes of manatee mortality for 1996 – 2007 by month and separately by individual causes. These graphs and maps are attached and made a part of the minutes. The graphs show that total mortality of manatees is highest during the winter months when the population of manatees is between 150 to 200 manatees here as opposed to the summer when there are only a fraction of that here, perhaps as few as 20 manatees. The data shows a smaller peak of mortalities during the summer from all causes combined which can be most likely be attributed to more human activity, such as boat use and floodgate gate openings. Dr. Markley pointed out that there are multiple variables affecting seasonal patterns leading to mortality of manatees.

In reference to an earlier observation by Mr. Bibeau concerning peak boat activity, Dr. Markley pointed out that there are manatee mortalities from boats during most months of the year, reflecting both peaks in boating activity and peaks in abundance of manatees. Flood gate mortalities peaked in the fall or earlier winter when water levels are the highest and the gates are opening and closing the most; however, flood gate deaths have greatly reduced since 2005. Dr. Markley discussed other causes of manatee mortality such as other human related, calf mortality, cold stress, and undetermined causes.

The Committee was provided the report requested in an earlier meeting by Mr. Bibeau with map locations on gate improvements at Miami International Airport as prepared by Miami-Dade County Aviation Department. Dependent calf mortalities occur evenly all year and death by natural causes is predominantly in winter due to cold stress.

Dr. Markley also reviewed maps locating manatee carcass recovery locations (for watercraft related mortalities) between 1974-1994 and 1995-2008, comparing mortality percentages within a 5 mile radius of major water use areas. The percentage of watercraft mortalities is greatest within five miles of the Port of Miami/ Miami River area, and has increased in that region since 1995. Percentage of watercraft mortalities decreased in the vicinity of Haulover Inlet since 1995. Watercraft mortalities are lowest in south Biscayne Bay.

The committee was reminded about reports that were mailed to the members describing forensic methods used on manatee carcasses to analyze the vessel related mortality based on propeller size and reports that were issued analyzing statewide data. DERM has extended that method to necropsy reports from 1999 to present to further evaluate the potential effect of large vessel impacts. Map analysis of carcass recovery locations with mortality caused by large (> 65 feet) and small vessels was also presented. The data indicated that large vessel (>65 feet) impact related mortalities are located predominantly in the central part of Biscayne Bay, generally nearest to the Port of Miami and Miami River, although there are some examples in other locations. Dr. Markley noted that carcass recovery locations are not necessarily the location where the animal was killed. They can float or sometimes swim after the injury and die at a later time. Dr. Markley also presented an EXCEL spreadsheet on watercraft mortality. The

information explains how examination of prop wounds during necropsy may be used to determine the size of the boat causing the injury.

Chair Prieguez then asked for questions from the Committee. A lengthy discussion ensued regarding manatee mortality, potential causes, and enforcement.

## 7. *Public Comment*

John Rosser introduced himself as a commercial realtor specializing in sales and property use along the Miami River. He indicated that his main concern is that the River remain vibrant and multifaceted and that it be used by boaters and boating businesses of all kinds. He does not agree that DERM needs to compile an inventory of permitted facilities. The state is asking for an inventory of all facilities. Mr. Rosser recommended to the Committee that all properties that have had or could have a facility should be included and number of slips should be identified. Mr. Rosser also strongly voiced his opinion that DERM regulators use lists to limit property rights. Mr. Rosser also recommended to the Committee that DERM needs to make very clear and in writing what is the exact method used to get an operating permit approved. He stated that applicants are not treated consistently, and should not be required to provide proof of historic uses. Chair Prieguez asked questions of Mr. Rosser to clarify his comments regarding proposed expansion on properties that may have had limited or no vessel facility in the past. Mr. Rosser reiterated his support for marine uses on the River, and urged that DERM policies and procedures for permitting of facilities need to be put in writing, to prevent subjectivity and misinterpretation. Chair Prieguez encouraged Mr. Rosser to write his concerns in an email to the Committee and to DERM.

Ed Swakon introduced himself as President of EAS Engineering and President of the Miami Marine Council. Mr. Swakon indicated that he was a member of the original MPP Committee and helped write the 1995 MPP. He is able to use the plan as it is written but thinks it does need clarification in areas. He presented a written list of bullet items to improve the MPP to the Committee for their consideration. Mr. Swakon offered to author draft revisions of the MPP to address his own concerns. Finally, Mr. Swakon requested that the Committee provide email distribution of all materials before the meeting.

Mike Hatami introduced himself as owner of several River properties. He recommends that in issuing operating permits, that the features of each property be considered when slips are allocated. His neighbor is much smaller acreage, but has more slips allocated.

This concluded the public comment. Chair Prieguez returned to the issue of future agenda items. Brett Bibeau then asked whether the chair can advise him of which of his requested items (as identified by prior meeting minutes) will be scheduled for discussion. Mr. Bibeau expressed to the members and the public that he feels it is critical that his prior requested status reports relating to recommendations of the 1995 MPP be heard by the Committee. Mr. Prieguez noted that as Chair, he needs to exercise discretion on the requests for agenda items to ensure that the topics address the core job of the MPPRC. He acknowledged that some requests may be addressed by written reports or references, and that not all information can be included on agendas. He asked that the members respect and understand the limits.

## 8. *Closing Remarks*

In response to Mr. Rosen's comments, Mr. Lamadrid recommended that Mr. Rosen go to the Board of County Commissioners, since they have final authority for permitting of facilities. To address Mr. Hatami's concerns, he noted that some types of boat slips are determined by frontage not by acres. DERM's draft 1995 list was made based on all facilities existing at the time and was incorporated into the current MPP. Everyone has to work with that so we need to ensure its accuracy.

Ms. Green expressed her admiration and appreciation for the work that DERM does.

Ms. Futerfas remarked that enforcement is an important area for the Committee's consideration. She stated that sonar technology is not ready to be a useful tool in the near future and so she recommends that the Committee concentrate on boater education as an alternative. She noted that she had conducted a compliance study in the recent past, and found low levels of compliance in some areas and user groups. She offered copies of her study results to the committee.

Mr. Bunnell asked how many vacancies there are on the MPPRC. Dr. Markley indicated that Comm. Soto has not made an appointment and that Comm. Diaz' appointment, Roman Gastesi, resigned to take a post in Monroe County government. Both Commissioners represent even-numbered district, and are required by the authorizing ordinance to appoint persons representing manatee or environmental interests.

Chair Prieguez then asked that the next meeting be advertised to finish at 5:00 P.M. so that members and the public know to expect to be able to attend the entire meeting.

Meeting Adjourned: 5:00 P.M.