

**Manatee Protection Plan Review Committee (MPPRC)  
Meeting Minutes of December 17, 2007**

**Committee Attendees:** Brett Bibeau; Spencer T. Crowley III; Roman Gastesi Jr.; Bob Karl; Alberto Lamadrid; Mark Lewis; Kate L. Mansfield, Ph.D.; Manny Prieguez (Chairman); Dick Townsend; Julia Zaias, DMV, Ph.D.

**County Staff Attendees:** Carlos Espinosa, P.E., Director (DERM); Randy Duvall (County Attorney's Office); Dorian K. Valdes, P.E., Assistant Director (DERM); Susan Markley, Ph.D. (DERM); Craig Grossenbacher (DERM); Lisbeth Britt (DERM); Lee Hefty (DERM); Forrest Shaw (DERM); Molly Messer (DERM); Kevin Asher (Park and Recreation Department); Lubby Navarro (Office of the Chair of the BCC)

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

Chairman Prieguez called the meeting to order at 3:15 PM with nine (9) members present, the required quorum being seven (7). Carlos Espinosa, Director of DERM, welcomed the Committee and offered the support of DERM staff. Members in attendance introduced themselves and recognized their appointing Commissioner/Mayor. (Mr. Lamadrid joined the meeting after the first presentation and introduced himself at the end of the meeting.) Four members are yet to be appointed.

The meeting agenda is attached and made a part by reference hereto. (The initial meeting agenda is set by requirements of Sec. 2-628 of the Code of Miami-Dade County.) Chairman Prieguez stated that the role of the MPPRC is to come to a consensus on recommendations to the Board of County Commissioners (BCC) for revisions, if any, to the County's Manatee Protection Plan based on information that will be presented to the Board. Mr. Prieguez made some adjustments to the sequence of presentations to accommodate changes in the schedules of presenters.

County Attorney, Randy Duval, provided the MPPRC a review of Florida Statutes and County Ordinances related to manatee protection. Mr. Duval's points are briefly summarized:

1. Each member of the MPPRC must be in compliance with County regulations relating to advisory committees.
2. Each member of the MPPRC must be a resident of Miami-Dade County, Florida.
3. No member of the MPPRC can serve on more than one Miami-Dade County Board unless otherwise approved by a vote of the BCC except that this exception cannot be made for those serving on Boards specifically listed in the County Code {these boards are: Community Council, Community Zoning Advisory Board, Planning Advisory Board, Citizen's Independent Transportation Trust, Housing Finance Authority, Independent Review Panel, Industrial Development Authority, Educational Facilities Authority, Health Facilities Authority, Commission on Ethics and Public Trust, Environmental Quality Control Board, The Children's Trust, or The Public Health Trust}.
4. Per Section 2-11.39 of the County Code, a member will automatically be removed from the MPPRC if that member misses two consecutive meetings or three total meetings unless a written request for excuse is reviewed and found acceptable to the remaining members of the MPPRC.
5. The MPPRC is charged to complete their recommendations to the BCC within the statutory context of the State requirements for Manatee Protection Plans and particularly that the recommendations shall be based on data. These requirements were incorporated into Florida Statute after the original Miami-Dade Plan was approved.

6. Florida Statutes require that manatee protection plans include marine facility siting guidelines, and that once approved, these must be incorporated into the Comprehensive Master Plans. The marine facility siting portion of the existing plan is incorporated by reference into Miami-Dade's Comprehensive Development Master Plan.
7. Manatee protection plans are used by local, state, and federal agencies to guide permitting decisions. This cross-agency coordination streamlines the permitting process and facilitates approval of projects that are consistent with the plan.

Chairman Prieguez requested that Committee members submit a list of their County Board appointments to Dr. Markley. She will summarize these for Mr. Duval and if necessary, he will present them to the BCC. It was confirmed by Mr. Duval that Board appointments other than those representing Miami-Dade County are not considered as conflicts.

At this point in the meeting, Mr. Lamadrid arrived. He apologized and indicated that his lateness would not be repeated and was unforeseen.

Chairman Prieguez reiterated the purpose of the MPPRC under the context presented by Mr. Duvall and asked that each member put aside past bad experiences related to the MPP and work toward a consensus and making the plan better, using new data and information that will be provided by DERM and others over the course of the review period. Ideas for the recommendations to the MPP should identify any issues that were not covered by the current MPP and should also include input from the public.

Dr. Markley introduced DERM staff in attendance that will be assisting the Committee: Lisbeth Britt, Craig Grossenbacher, Lee Hefty, Molly Messer, Forrest Shaw. Additionally, Kevin Asher is managing data collection for the Parks Department's marina study.

Dr. Markley also advised the members that the meetings are being recorded for public record. She also asked that each member confirm their contact information and confirm that they have received their introduction package of information that includes the County's current MPP. She then advised the members that they are immediately charged with setting a date for a hearing to get input from the public.

Chairman Prieguez stressed the importance of each member reading all information provided to them in the course of the meetings. He also recognized Lubby Navarro from Commissioner Barreiro's office as an attendee in the audience.

Dr. Markley made a ½-hour PowerPoint presentation, incorporated herein by reference, on the current condition of the manatee population in Florida and in Miami-Dade County. The presentation was prepared and intended only as an introduction to manatee protection and data collection efforts by the State and County on population and mortality. Dr. Markley suggested that all the members consider visiting the manatee veterinary facility at Seaquarium.

Robert Meyers presented training required by the Commission on Ethics and Public Trust. Mr. Meyers provided a handout, Governing Above Board, which is attached hereto and incorporated herein by reference. (Those members not yet appointed must also take this required training.) The major topics covered by Mr. Meyers included 1) the Sunshine Law (members can speak freely to the public and to elected officials concerning the issues of the MPPRC, but not to each other unless in a public forum duly advertised to the public 24 hours in advance), 2) definition of public record is made by context and not from where it originates and requests for public record do not have to be in writing, 3) voting abstentions are not allowed, but members who may have a

conflict of interest ( eg. financial gain, including personal or family members) should recues themselves from discussions or votes on such specific matters, and 4) financial disclosure forms required of each board member by the Code of Ethics Ordinance must be submitted by July 2008 to the Board of Elections.

Dr. Markley's PowerPoint presentation generated many questions from the MPPRC. Dr. Markley and Chairman Prieguez reiterated that these questions can be fully investigated by the MPPRC and that DERM staff will provide data and information to the members at their request. The following topics and requests were raised by the members for future review: Spencer Crowley: boater speed zones; Manny Prieguez: signage; Bob Karl: boater education and boating statistics; Mark Lewis: identification of which strategies in the current plan are most or least effective; Alberto Lamadrid: identify which portions of the plan need updating and provide information on manatee population and deaths; Julia Zaia: compare 1995 data to 2007 data including ramp use statistics; Roman Gastesi: identify data collection strategies, timelines, and costs; Manny Prieguez: identify how technique effects data results; Dick Townsend: request that FWC present their perspective on strategies included in other county plans that are effective; Kate Mansfield: provide an overview of the manatee in context with the Endangered Species Act and provide a biological overview of the manatee; and Mark Lewis: identify the elements that make the current plan successful from the State's perspective and include the perspective of the regulator and the regulated.

Deleted:

The committee members then discussed future meeting schedules and procedural matters. The following were decided based on motions and unanimous voting by the members:

1. Chair Prieguez requested an appointment of a Vice Chair from among the environmental/manatee stakeholder appointees. Mark Lewis nominated Dick Townsend because he is the only current member who served on the first MPP committee. Roman Gastesi seconded the motion. Mr. Townsend accepted the nomination, and was unanimously elected.
2. After discussion recognizing that the Board will be receiving a great deal of information, members voted to meet regularly every two months initially, and call special meetings as needed. Dr. Markley was asked to schedule the next meeting at the DERM office on a Friday in February when a member quorum is available, and to set the time earlier in the day. Members were asked to submit their free February days to Dr. Markley. The meeting date will be set with sufficient time for public advertisement.
3. The members voted to hold either the 3<sup>rd</sup> or 4<sup>th</sup> meeting at the Seaquarium following a veterinary site visit. Dr. Markley was asked to arrange this meeting.
4. Each member was asked to submit requests for information to Dr. Markley by email so that information can be provided to the entire Board before the February meeting. However, the agenda was not set for the February meeting.

Additionally, Chairman Prieguez advised the members that he wants to hold open the floor for public comment for at least 10 minutes at the end of each meeting. Dr. Markley also reiterated that the Board is required to set a date to receive full public comment.

Chairman Prieguez also requested the Dr. Markley provide the meeting minutes to the Board within a week. She indicated that DERM staff will make every effort to do so after subsequent meetings but that the minutes for the first meeting may take longer due to intervening holidays. She noted that the minutes will be draft and only become official after being voted on by the Board at the next meeting.

The floor was then opened for public comment. Ms. Lynda Greene (who did not identify herself but who did sign the attendance form), a citizen attending the meeting, asked if there would be opportunities for the public to speak in the future, because she had information that she wanted to provide to the Committee. Chairman Prieguez assured Ms. Greene that there would be public comment scheduled, and Dr. Markley added there would be at least one public hearing dedicated to receiving comments from the public. Spencer Crowley then requested that Dr. Markley include a link on the DERM Web site to the MPPRC. Dr. Markley said that there is already a "manatee protection" site on the DERM web page that currently has some information, and that the Department intends to post the meeting minutes there. The Department will attempt to add more reports, data and information to this site.

The meeting adjourned at 5:45 PM.