

Memorandum



Date: March 3, 2009

Agenda Item No. 1(D)6

To: Honorable Chairman Dennis Moss and
Members, Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of the sender.

Subject: Sunset Review of County Boards for 2009 – Manatee Protection Plan Review
Committee

In accordance with the provisions of Section 2-11.40 of the Code of Miami-Dade County, I am transmitting the 2009 Sunset Review of County Boards Report for the Manatee Protection Plan Review Committee. The Board approved the attached report at its meeting of November 5, 2008 and has recommended the continuation of its board.

A handwritten signature in black ink, appearing to read "Alex Munoz", written over a horizontal line.

Alex Munoz
Assistant County Manager

cmo05809

Date: December 22, 2008
To: George M. Burgess
County Manager
From: Manny Prieguez
Chairperson, Manatee Protection Plan Review Committee (MPPRC)
Subject: Sunset Review of County Boards for 2009 - MPPRC

Pursuant to Section 2-11.40 of the Code of Miami-Dade County, I am submitting the 2009 Sunset Review of County Boards Report for the Manatee Protection Plan Review Committee (MPPRC) for transmittal to the Board of County Commissioners (BCC). The MPPRC approved the attached report at its meeting of November 5, 2008.

It is recommended that the BCC approve the continuation of the MPPRC with a modified sunset date extended from the original 18 months to 21 months after its original creation.

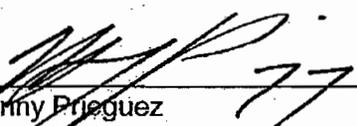
BACKGROUND

The MPPRC was created by Ordinance effective on October 12, 2007.

The purpose of the MPPRC is defined by Sec. 2-626 of the Code of Miami-Dade County as follows:

"There is hereby created a Miami-Dade County Manatee Protection Plan Review Committee for the purpose of providing advisory recommendations to the Board of County Commissioners as to the need for amendments, revisions and additions to the Miami-Dade County Manatee Protection Plan (MPP), consistent with manatee protection regulations as may be proposed or adopted by the State of Florida."

The original ordinance establishing the MPPRC called for it to sunset eighteen (18) months after the date of its creation. However, the Florida Fish and Wildlife Conservation Commission requires extensive data on manatees and boating activity covering all seasons to be considered in the develop or update of local Manatee Protection Plans. The MPPRC has begun to review available information, but complete seasonal data collection and analysis on boating activity and compliance will not be available until the same month that the committee would sunset. The MPPRC members have requested that the sunset date be extended, and that the committee be allowed to continue its meetings and deliberations in order to accomplish the purpose set forth above. An ordinance amending the sunset date, to extend it by three months additional months is currently under consideration by the Board of County Commissioners.



Manny Prieguez
Board Chairperson

**SUNSET REVIEW QUESTIONNAIRE
MIAMI-DADE COUNTY BOARDS
2009**

I. GENERAL INFORMATION

1. Name of Board reporting:

Manatee Protection Plan Review Committee (MPPRC)

2. Indicate number of board members, terms of office, and number of vacancies:

Number of Board Members: 13

Terms of Office: December 2007 - April 2009

Number of Vacancies: 1

3. Identify number of meetings and members' attendance (Attach records reflecting activity from Jan. 1, 2007 through December 31, 2008):

Number of Meetings: 8 (for the period December 1, 2007 through December 31, 2008)

Number of Meetings with a Quorum: 8

Attendance Records: Please see Attachment A – Attendance spreadsheet

4. What is the source of your funding?

Sec. 2-629 of the Code of Miami-Dade County authorizes disbursement to DERM of up to \$700,000 from the Biscayne Bay Environmental Enhancement Trust Fund to compile necessary data and information for the update of the Manatee Protection Plan and to support the activities of the committee.

5. Date of Board Creation:

The effective date of the Board establishment is October 12, 2007.

6. Attach a copy of the ordinance creating the Board (Please include all subsequent amendments).

Please see Attachment B – Ordinance No. 07-144

Please see Attachment C - Draft Ordinance extending sunset date

7. Include the Board's Mission Statement :

Sec. 2-626 of the Code of Miami-Dade County states that the MPPRC is created "for the purpose of providing advisory recommendations to the Board of County Commissioners as to the need for amendments, revisions and additions to the Miami-Dade County Manatee Protection Plan (MPP), consistent with manatee protection regulations as may be proposed or adopted by the State of Florida."

8. Attach the Board's standard operating procedures, if any.

Sec. 2-628 of the Code of Miami-Dade County established the date of the first meeting, sets a minimum frequency for meetings, requires a public hearing to receive input on the nature and scope of information, and defines a quorum. Sec. 2-630 provides for committee reports to the Commission and describes the basis for development of recommendations.

**SUNSET REVIEW QUESTIONNAIRE
MIAMI-DADE COUNTY BOARDS
2009**

9. Attach a copy of the Board's By-Laws, if any.

Not applicable

10. Attach a copy of the Board minutes approving the Sunset Review Questionnaire, including a vote of the membership.
See Attachment D – Approval of Questionnaire

II. EVALUATION CRITERIA

1. Is the Board serving the purpose for which it was created?

The Board is serving the purpose for which it was created. The MPPRC has held all required meetings. Meeting minutes and meeting materials on-line at the following site on Miami-Dade County's web portal: <http://www.miamidade.gov/derm/home.asp>. The MPPRC has received information on boating facilities, county boat ramps and dry storage, causes of manatee deaths, manatee care and rehabilitation, and law enforcement. The committee is beginning efforts to consider the need for revisions to the currently approved MPP.

2. Is the Board serving current community needs?

The Committee membership is to include a balanced representation of members associated or having experience with business, boating, environmental, and manatee interests in the community. All meetings are noticed on the County's and DERM's online calendars and in a general circulation paper. All meetings are open to the public and include an opportunity for public comment. Additionally, the committee solicited input from the community in a specially advertised public hearing held at the University of Miami's Rosenstiel School on April 8, 2008.

3. What are the Board's major accomplishments?

- a. Last 24 months: The MPPRC convened for the first time on December 17, 2007 within the time frame established by ordinance. A quorum has been established at each subsequent meeting. The Chairman submitted a semi-annual progress report to the BCC on August 4, 2008, a copy of which is included as Attachment E. The MPPRC has recommended that its sunset date be extended and has offered suggestions that Miami-Dade County include in its legislative package proposed changes to increase penalties for violations of manatee protection zones.
- b. Since established: Same as a. above, since the MPPRC was created less than 24 months ago.

4. Is there any other board, either public or private, which would better serve the function of this board?

There is no other board that meets specifically to review the need for amendments, revisions and additions to the Miami-Dade County Manatee Protection Plan (MPP), consistent with manatee protection regulations as may be proposed or adopted by the State of Florida.

**SUNSET REVIEW QUESTIONNAIRE
MIAMI-DADE COUNTY BOARDS
2009**

5. Should the ordinance creating the Board be amended to better enable the Board to serve the purpose for which it was created? (If "Yes", attach proposed changes)

The MPPRC recommends a time extension of three months, with a sunset of July 12, 2009, so that it can more fully consider the results of the boating use and compliance study when making recommendations to the BCC. An ordinance proposing this extension is under consideration.

6. Should the Board's membership requirements be modified?

No

7. What is the operating cost of the Board, both direct and indirect? (Report on FY 2007 and FY 2008)

A total of \$700,000 was earmarked from the County's Biscayne Bay Environmental Enhancement Trust Fund for direct and indirect costs of compiling the required information for consideration by the MPPRC, and for costs of supporting the committee operation. For Fiscal Year 2007-08, the costs are approximately \$133,000 in direct costs (county and outside contractual services, legal notices, reproduction, etc.) and \$36,000 in indirect costs. In addition, approximately \$100,000 were encumbered last fiscal year by contracts for professional services, but have not yet been disbursed.

8. Describe the Board's performance measures developed to determine its own effectiveness in achieving its stated goals.

As previously described, Sections 2-628 and 2-630 of the Code of Miami-Dade County provide a schedule for a minimum number of meetings, a public hearing, and a semi-annual report to the Board of County Commissioners. This schedule has been met or exceeded. Additionally the authorizing ordinance requires the Committee to develop recommendations "in accordance with the guidelines of the Florida Fish and Wildlife Conservation Commission (FWC) statewide Manatee Management Plan,"... "as well as such other relevant information identified in the publicly noticed meeting required by Section 2-628(b), including current trends of waterfront development in the county." In its deliberations, the committee has reviewed correspondence from FWC, Florida Statutes, and FWC Boat Facility Siting Guide criteria. These documents help to determine procedures and goals.

**ATTACHMENT-A 2009 Sunset Review Attendance Record
Manatee Protection Plan Review Committee**

Committee Member	Commission District	Appointment Date	Current Status	Committee Member Present on Meeting Date									
				19-Dec-07	29-Feb-08	8-Apr-08	21-May-08	18-Jul-08	1-Oct-08	5-Nov-08	3-Dec-08		
Bibeau, Brett	2	11/06/07	Active	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Bunnell, Richard	13	02/05/08	Active	Not Yet Appointed	YES	YES	YES	YES	YES	YES	YES	YES	YES
Crowley III, T. Spence	7	11/06/07	Active	YES	YES	YES	NO	YES	YES	YES	YES	NO	YES
Futerfas, Judith	9	05/20/08	Active	Not Yet Appointed	Not Yet Appointed	Not Yet Appointed	YES	YES	YES	YES	YES	YES	YES
Gardner, David R.	10	08/25/08	Active	Not Yet Appointed	Not Yet Appointed	Not Yet Appointed	Not Yet Appointed	Not Yet Appointed	Not Yet Appointed	YES	YES	YES	NO
Roman Gastesl	12	11/06/07	Resigned	YES	YES	NO	VACANT	VACANT	VACANT	VACANT	VACANT	VACANT	VACANT
Green, Lynda	1	01/10/08	Active	Not Yet Appointed	NO	YES	YES	YES	YES	YES	YES	YES	YES
Karl, Bob	3	12/04/07	Active	YES	YES	YES	YES	YES	YES	NO	NO	NO*	NO
Lamadrid, Alberto	11	11/08/07	Active	YES	NO*	YES	NO	YES	YES	NO	NO	YES	YES
Lewis, Mark	Mayor's Office	12/12/07	Active	YES	YES	YES	NO	NO	NO	YES	YES	YES	YES
Mansfield, Kate L.	6	10/23/07	Active	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Priguez, Manny (Chairman)	5	10/23/07	Active	YES	YES	NO	YES	YES	YES	YES	YES	YES	YES
Townsend, Richard (Vice Chair)	8	11/15/07	Active	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Zalas, Ph.D., Julia	4	11/06/07	Active	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES

* Member was in attendance for less than 75% of the meeting, and therefore cannot be counted as "present"

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(H)
10-02-07

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

ORDINANCE NO. 07-144

ORDINANCE CREATING THE MIAMI-DADE COUNTY MANATEE PROTECTION PLAN REVIEW COMMITTEE; PROVIDING FOR PURPOSE, MEMBERSHIP, ORGANIZATION, JURISDICTION, FACILITIES AND STAFF SUPPORT; AUTHORIZING DISBURSEMENT OF FUNDS TO DERM FROM THE BISCAYNE BAY ENVIRONMENTAL ENHANCEMENT TRUST FUND TO COMPILE DATA AND INFORMATION REQUIRED TO UPDATE MANATEE PROTECTION PLAN; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, in 1989 the Board of County Commissioners directed the preparation of a Manatee Protection Plan (MPP) in response to a mandate from the Governor and the Cabinet of Florida due to the high number of serious boating accidents and manatee mortalities; and

WHEREAS, the initial effort established vessel speed restrictions that were recommended by the Board and approved by the Governor and Cabinet in late 1991; and

WHEREAS, the State of Florida requires that local MPP's include a boating facility siting plan and imposes limitations on permitting the construction of new or expanded facilities until such plans are approved; and

WHEREAS, a citizen's advisory committee composed of balanced representation from environmental, manatee protection, boating, and business interests was established to assist Miami-Dade County in the development of the comprehensive plan; and

WHEREAS, after numerous drafts, public meetings, workshops and hearings, the Committee completed a comprehensive MPP, and pursuant to Resolution No. 1595-95 the Board submitted the MPP to the Florida Department of Environmental Protection, which approved the

same in 1995; and

WHEREAS, by Ordinance No. 96-148 the Board made conformance with the MPP an evaluation factor when considering permit applications under Chapter 24 of the Code; and

WHEREAS, in 2002 the Florida Legislature amended the Florida Manatee Sanctuary Act, Section 370.12(2), Florida Statutes (2002), which imposed a statutory requirement on specified counties to adopt a State-approved MPPs, as well as requiring inclusion of the boating facility siting element of those plans in the respective county's comprehensive development master plan; and

WHEREAS, Miami-Dade County included consistency with the marine facility siting element of the MPP as a policy into the comprehensive development master plan; and

WHEREAS, for the past decade Miami-Dade County's MPP has served to streamline the County-State-Federal permitting process for the construction or expansion of marina facilities in the county by providing a common set of guidelines utilized by all permitting agencies; and

WHEREAS, the Florida Fish and Wildlife Conservation Commission (FWC) is presently engaged in drafting a statewide Manatee Management Plan, which emphasizes the use of empirical monitoring data and measurable biological goals to assess the manatee population and assure continuing protection and recovery of the manatee; and

WHEREAS, State policies, statutes and rules establish additional requirements for ports and other large vessel facilities, and for the assessment of boating activities and manatee habitat that were not in place when Miami-Dade County's MPP was adopted; and

WHEREAS, local MPP are now required by Florida Statutes and must be approved by the FWC, which requires local plans to include detailed and updated empirical data on manatee

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distribution, manatee deaths and injuries, boating patterns, habitat values and other factors affecting manatees and their habitat; and

WHEREAS, the local surcharge on vessel registration fees, which is deposited into the Biscayne Bay Environmental Enhancement Trust Fund and pursuant to section 7-22.1(d) of the Code is to be used for "[a]ctivities related to the preservation of manatees and their habitat", is a dedicated source of funds; and

WHEREAS, in addition to the aforementioned changes in State plans, statutes and rules, there have been significant changes in the trend of waterfront development in the county since the adoption of the County's MPP; and

WHEREAS, due to the foregoing changed circumstances and regulations, there is a need to review and update the County's MPP,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Article LV of Chapter 2 of the Code of Miami-Dade County is created to read as follows:

Chapter 2

ADMINISTRATION

ARTICLE LV.

Sec. 2-626. Creation; Purpose.

There is hereby created a Miami-Dade County Manatee Protection Plan Review Committee for the purpose of providing advisory recommendations to the Board of County Commissioners as to the need for amendments, revisions and additions to the Miami-Dade County Manatee Protection Plan (MPP), consistent with manatee protection regulations as may be proposed or adopted by the State of Florida.

Sec. 2-627. Committee Membership; Compensation.

(a) Within thirty (30) days of the effective date of this ordinance the Board of County Commissioners shall appoint the members of the Committee. The Committee shall consist of fourteen (14) voting members: thirteen (13) members appointed by the Board of County Commissioners and one (1) member appointed by the Mayor. The Committee shall be comprised of 50% waterway users and 50% manatee or other environmental advocates, and shall be appointed in the following manner: manatee/environmental advocates shall be appointed by the Mayor and by Commissioners who represent even numbered Districts; waterway users shall be appointed by Commissioners representing odd numbered Districts. The Chair of the Committee shall be appointed by the Chairman of the Board of County Commissioners. State, federal and local government agency representatives shall be invited to participate as non-voting members.

The Committee membership shall comply with the requirements of Florida Statutes 370.12(2)(f) and Sections 2-11.38 thru 2-11.39 of the Code of Miami-Dade County. Any member who can no longer serve shall be replaced in accordance with the manner and criteria used in making the initial appointment.

(b) The members of the Committee shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties, subject to approval by the Committee.

Sec. 2-628. Initial Organizational Meeting; Quorum; DERM Presentation.

(a) Within thirty (30) days after the Committee has been established, the Committee Chairperson shall call the first meeting for purposes of organization. At this first meeting the Committee shall decide upon its organization, procedures and the frequency of meetings; however, the Committee shall meet no less than quarterly. A quorum of the Committee shall consist of at least half (1/2) of the members of the Committee.

(b) At this first meeting the Department of Environmental Resources Management (DERM) shall provide an informational presentation to the Committee. Upon the conclusion of DERM's presentation, the Committee shall discuss and set a date for a publicly noticed hearing for the purpose of receiving comments

from interested members of the public regarding the nature and scope of the information to be considered in the process of updating the MPP, in addition to the data and analysis otherwise required by State law.

Sec. 2-629. Updated Data Collection and Reports by DERM.

(a) Pursuant to Section 7-22.1(d) of the Code, the Board hereby authorizes the disbursement to DERM of \$700,000.00 from the Biscayne Bay Environmental Enhancement Trust Fund for the purpose of compiling such information and data as is necessary to update the MPP, including empirical data on manatee deaths and injuries, boating patterns, habitat values and other factors affecting manatees and their habitat, as well as to document significant changes in the trend of waterfront development in the county since the adoption of the MPP and to support the activities of the Manatee Protection Plan Review Committee.

(b) During the process of data collection DERM shall provide quarterly status reports to the members of the Committee on the progress of its data and information collection efforts. Within 60 days of completion of the process of data collection, DERM shall submit to the Committee a final report documenting the same.

Sec. 2-630. Committee Reports.

After its initial organizational meeting, the Committee shall submit semi-annual progress reports, either oral or written, to the Board of County Commissioners. Within thirty (30) days of the Committee's receipt of the final report by DERM required by Section 2-629(b), the Committee shall make its final written recommendations to the Board of County Commissioners as to the recommended amendments, revisions and additions to the Miami-Dade County Manatee Protection Plan. The recommendations shall be in accordance with the guidelines and requirements of the Florida Fish and Wildlife Conservation Commission (FWC) statewide Manatee Management Plan. The recommendations shall be based upon the DERM updated information, data and analysis, including but not limited to the requirements of the FWC, as well as such other relevant information identified in the publicly noticed meeting required by Section 2-628(b), including current trends of waterfront development in the county.

Sec. 2-631. Jurisdiction; Powers.

The Committee shall have no authority to commit Miami-Dade County to any policies, to incur any financial obligations or to create any liability on the part of the County. The actions and recommendations of the Committee are advisory only and shall not be binding upon the County.

Sec. 2-632. Staff Support; Physical facilities and supplies.

(a) The County shall provide the Committee with appropriate meeting facilities, together with necessary supplies and equipment.

(b) The County Mayor and Clerk of the Board shall provide appropriate staff support.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance requires that the Department of Environmental Resources Management's data collection and reporting process and the Miami-Dade County Manatee Protection Plan Review Committee's final recommendations to the Board of County Commissioners be completed within the eighteen month period from the effective date of this

ordinance.

Section 6. This ordinance shall stand repealed eighteen (18) months from its effective date.

PASSED AND ADOPTED: October 2, 2007

Approved by County Attorney as
to form and legal sufficiency:

JAC

Prepared by:

RAD

Robert A. Duvall

Sponsored by Chairman Bruno A. Barreiro

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY
MANATEE PROTECTION PLAN REVIEW COMMITTEE;
AMENDING ORDINANCE NO. 07-144 TO PROVIDE FOR A
THREE (3) MONTH EXTENSION OF THE SUNSET DATE
FOR THE COMMITTEE; PROVIDING SEVERABILITY AND
AN EFFECTIVE DATE

WHEREAS, the Miami-Dade County Manatee Protection Plan Review Committee ("MPPRC") was created by Ordinance No. 07-144 for the purpose of providing advisory recommendations to the Board of County Commissioners as to the need for amendments, revisions and additions to the Manatee Protection Plan ("MPP"); and

WHEREAS, local MPPs are required by Florida Statutes to be approved by the Florida Fish and Wildlife Conservation Commission ("FWC"), which requires local plans to include detailed and updated empirical data on manatee distribution, manatee deaths and injuries, boating patterns, habitat values and other factors affecting manatees and their habitat; and

WHEREAS, the seasonal data collection required by the FWC will not be complete and available for review by the MPPRC until the same month that the committee would sunset; and

WHEREAS, the MPPRC, which to date has held all required meetings and otherwise diligently performed its responsibilities, requested the sunset date established by Ordinance No. 07-144 be extended by three (3) months in order to allow it to accomplish its purposes and make its final written recommendations to the Board of County Commissioners, and

WHEREAS, Ordinance No. 07-144 has an effective date of October 12, 2007 and a sunset date of April 12, 2009,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Ordinance No. 07-144 is hereby amended to provide that the Department of Environmental Resources Management's data collection and reporting process and the Miami-Dade County Manatee Protection Plan Review Committee's final recommendations to the Board of County Commissioners be completed by July 12, 2009.

Section 2. Section 6 of Ordinance No. 07-144 is hereby amended to provide that the ordinance shall stand repealed on July 13, 2009.

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency: _____

Prepared by: _____

Robert A. Duvall

Prime Sponsor: Chairman Bruno A. Barreiro

**Manatee Protection Plan Review Committee (MPPRC)
Minutes of November 5, 2008**

Committee Attendees: Brett Bibeau; Richard Bunnell; Judith Futerfas; David Gardner; Lynda Green; Bob Karl; Alberto Lamadrid; Mark Lewis; Kate L. Mansfield, Ph.D.; Manny Prieguez (Chair); Dick Townsend (Vice Chair); Julia Zaias, Ph.D.

County Staff Attendees: Lee Hefty (DERM) Susan Markley, Ph.D. (DERM); Craig Grossenbacher (DERM); Lisbeth Britt (DERM); Molly Messer (DERM); Nancy Revilla (DERM); Kevin Asher (Parks and Recreation); Lubby Navarro (Office of the Chair, BCC)

Other Attendees: A sign in sheet was provided for public sign in. Jay Gorzelany represented Mote Marine Laboratory.

- 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 12:30 P.M. The meeting was recorded on video.
- 2. Status Report on Boating Activity and Compliance Study:** Preliminary results of data collected in Miami-Dade County during the first six-months of data collection on boater usage and compliance were presented by Jay Gorzelany of Mote Marine Laboratory. Mr. Gorzelany is the chief scientist of the study currently underway, and has conducted numerous similar studies throughout the state of Florida. The study will extend for a total of twenty surveys to cover all seasons. The final report is due in April 2009. Mr. Gorzelany provided a handout dated September 2008, which is incorporated here by reference, but presented additional slides and presented statistics on new slides that update the table in the handout. His final report will also include a survey of the condition of manatee signage at the monitoring sites and a relative risk assessment to manatees based on location of habitat in relation to boater usage and location of boaters in compliance with speed zones versus technical non-compliance and blatant non-compliance with speed zones. Boater usage and compliance are determined by aerial surveys and supplemented by fixed point surveys taken from boats at four strategic locations in the County: Haulover Marina, Pelican Harbor ramp, mouth of the Miami River, and Black Point Marina. Surveys are conducted only when the weather is conducive to boating. Mr. Gorzelany cautioned that conclusions should not be drawn until all sampling is completed and a full analysis for all seasons is performed. However, preliminary results show very large numbers of vessels using the Bay on weekends, with much lower rates of use on weekdays. Blatant noncompliance, defined as a vessel operating two or more speed categories greater than posted, was as low at 7% at Haulover and as high as 46% at Black Point on weekends. Compliance was generally poorer on weekdays. A question-and-answer session followed the presentation, with committee members requesting clarification of some of the data tables relating to compliance figures. Committee members suggested that a fixed camera in the Miami River could be excellent data collecting tool on boater usage and compliance and a possible deterrent for non-compliance of speed zones.
- 3. Review and vote to accept Advisory Committee Sunset Package and review Draft Ordinance from Commissioner Barreiro to extend MPPRC sunset for three months:** The members discussed the merits of trying to extend the sunset for six

months instead of three months and ultimately decided, with input from Lubby Navarro from Commissioner Barreiro's office, to accept the Sunset Package as proposed. Lubby indicated that an ordinance proposed by BCC Chair Barreiro to extend the Committee sunset date by three months would have a first reading in November. The ordinance is a separate initiative from the Sunset Review, which is a standard report required for all advisory committees. Dr. Markley advised the MPPRC that the Sunset Package and the minutes accepting it, must be submitted to the BCC no later than January 2009. Mr. Bibeau motioned to accept the Sunset Package as proposed. The motion was seconded by Mr. Bunnell. The motion passed unanimously.

Added Item: Review of Memorandum from Chair Prieguez to Commissioner Barreiro recommending that the BCC request Florida statute amendments on fines for violating speed zones. Mr. Bibeau motioned that the memorandum, which had been previously distributed to the members by email, be signed by Mr. Prieguez and forwarded immediately to the BCC Chairman in time for the fall legislative session. Lynda Green seconded the motion. The motion passed unanimously. The memorandum was signed by the Chair and given to Lubby Navarro to deliver to Chairman Barreiro. The signed memorandum is also attached to the minutes and made a part by reference.

4. and 5. Review of Seagrass Maps and Manatee Distribution Information: Dr. Markley presented handouts and accompanying slides to show data collection on the distribution of manatees in Miami-Dade County from 1996 - 2008 in relation to seagrass beds and canals draining into Biscayne Bay. Two types of distribution data were presented: USGS telemetry data tracking several individual tagged manatees over a 10 year period and an update of aerial surveys made by DERM from 1996 to present. Dr. Markley explained that each type of data has strengths and limitations, and that they can be evaluated together, using a "weight of evidence" approach, to try and identify common patterns in areas most likely to be used by manatees. Tracking data has the advantage of providing some insight on the movements or travels of manatees over a long time period, but reflects a small number of animals. Aerial survey data provides information on a large number of animals, but records a "snapshot" of their location on the survey day only. Aerial survey data also includes information on particular types of manatee uses, such as feeding, cold-weather aggregation, mating, and occurrence of calves or nursing calves. Taken together, both types of data show that manatees can occur throughout the bay system, but most consistently use freshwater tributaries and nearshore seagrass beds. Manatees occur in all seasons, but are most abundant in winter months, when aggregations are recorded especially in the upstream areas of some canals and rivers.

6. General Committee Discussion on Proposed MPP Revision Topics: Chair Prieguez had previously requested that each member bring three topics to the meeting for consideration and discussion. Based on verbal proposals and opinions submitted by Dick Bunnell, Julia Zaias, and Lynda Green and responses by Chair Prieguez and Dr. Markley, it was determined that each member would submit their three items in writing to DERM staff for compilation by Monday, November 10th since there was insufficient time remaining to hear from all members on this item. A majority of members submitted their comments in writing at the meeting. The Chair assured that each member will have an opportunity to present their proposals, followed by committee discussion. DERM will compile the topics and distribute them to the members for discussion at a future committee meeting.

7. Review of Draft Minutes of October 1, 2008

Mr. Bibeau made a motion to defer the review of the October 1st draft minutes so that he can review the recording of this meeting. Mr. Bibeau stated that he had previously requested the recordings of past meetings (these recordings had just been provided to him by DERM at the start of this meeting). Lynda Green seconded the motion. The motion was approved unanimously by the remaining members present. Mr. Karl left the meeting prior to the vote.

8. Public Comment

Kevin Asher from the Parks Department expressed his appreciation to the MPPRC for their work and indicated that the outcome of their recommendations could have great impact on public agencies, like the Miami-Dade Park and Recreation Department, in their successful efforts to retain and expand marina land use.

Dr. Markley gave a brief update of the transfer of signage administration to the FWC. FWC has a contract in place to assess signage. Additionally, the FWC has had BUOY phone number cards printed so that anyone can report down or damaged or missing signage to a 24-hour toll free number. Dr. Markley distributed the cards to each member and interested members of the public.

NEXT MEETING: December 3, 2008 to begin at 1:00 P.M. at the DERM Overtown Center 2nd floor

The meeting adjourned at 4:45 P.M.

Memorandum Manatee Protection Plan Review Committee

Date: August 4, 2008

To: Honorable Chair Bruno A. Barriero
Board of County Commissioners

From: Manny Prieguez, Chair 
Manatee Protection Plan Review Committee

Subject: Semiannual Progress Report

Ordinance No. 07-144, which established the Manatee Protection Plan Review Committee, requires a semiannual progress report be submitted to the Board of County Commissioners following the first organizational meeting of the Committee. This memorandum constitutes the first semiannual report.

All meetings of the Committee are noticed and open to the public. The Committee has met five times, including a public hearing. Approved minutes of the Committee and materials presented to the Committee are posted on a web page hosted by the Department of Environmental Resources Management (DERM): http://www.miamidade.gov/derm/manatee_agendas_and_information.asp

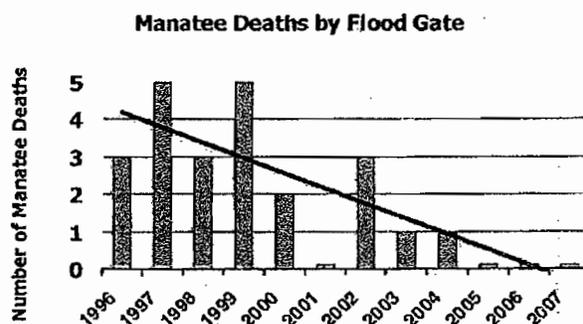
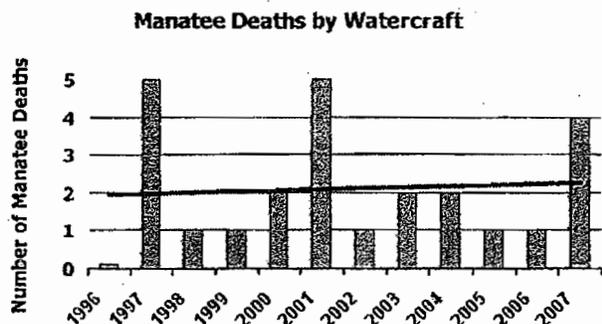
The first organizational meeting of the Committee was held on December 17, 2007. As of that date, ten of the fourteen available seats on the committee had been filled. At this meeting, Assistant County Attorney Robert A. Duval reviewed the statutory requirements of the State of Florida requiring local Manatee Protection Plans and marine facility siting elements, and briefed the Committee members on the scope of authority and responsibilities defined in Ordinance 07-144. Robert Myers, Director of the Commission on Ethics and the Public Trust, provided training on responsibilities of advisory board members. As required by the Ordinance, the Department of Environmental Resources Management (DERM) provided an informational presentation that included an overview of the current Manatee Protection Plan, a review of the types of data required by the Florida Fish and Wildlife Conservation Commission (FWC), and an initial status report on the process to collect the data. DERM reported that it has been collecting data on manatee distribution since 1989, and has information on marine facilities derived from permitting programs and collaboration with the Park and Recreation Department. FWC recommended the Miami-Dade County update its data on boating activities, destinations, and compliance with speed zones in all seasons. Miami-Dade County conducted a competitive Request for Proposals, and has contracted with Mote Marine Laboratory to conduct this study, which began in February 2008. Data collection will continue through February of 2009, and a final report will be provided to the County in April 2009.

The Committee set a date and held a public hearing on April 8, 2008, for the purpose of receiving comments from interested members of the public regarding the nature and scope of information to be considered, as required by Ordinance 07-144. Forty-eight persons signed the attendance record, nineteen provided verbal comments, and two additional persons submitted written comments. The majority of speakers spoke in favor of maintaining or strengthening the current MPP. Two speakers recommended review of restrictions in the current plan that limit location or numbers of vessel slips. Additional details are available in the posted minutes, and a complete audio and video recording of the hearing is also available for review.

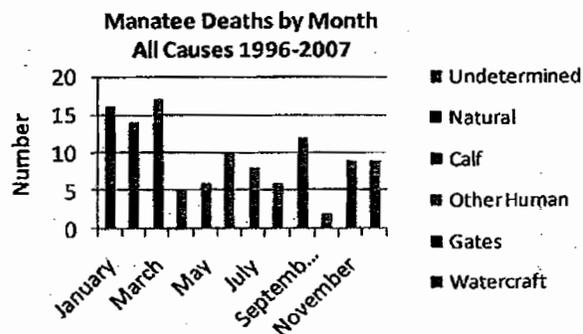
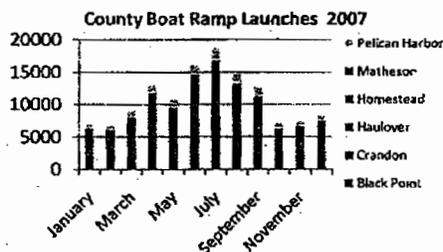
The Committee also met on February 29, May 21, and July 16, 2008. At each meeting, DERM staff members provide verbal reports to the committee on data collection progress, and provide information as it becomes available for review and discussion by the committee. Each meeting agenda also includes an opportunity for public comment. On February 29, 2008, DERM provided preliminary draft

lists of marine facilities that were operating in 1995, and in 2007, with a comparison of the total number of wet and dry slips of all types reported in the operating permits in those years. Total wet and dry slips at facilities with operating permits have increased from 12,392 in 1995 to 13,286 in 2007. These figures do not include single family docks, or facilities that are not required to obtain operating permits. DERM also explained that the current MPP allows rebuilding or reconstruction of "existing facilities", even in sensitive manatee habitats, as a matter of fairness and recognition of traditional riparian property rights and values. The definition is based on a determination of historical uses of the water at a particular site at any time from October 1984 to present, including the types and numbers of vessels. A site with established historical vessel use does not necessarily have to have an active operating permit from DERM or any other agency to be considered a previously "existing" use. Committee members and DERM staff identified topics for future review.

On May 21, 2008, the Committee conducted a meeting at Seaquarium, and received briefings by animal care and public education specialists, focusing on manatee injuries, rescue, and rehabilitation. DERM presented charts and maps on human-related causes of manatee deaths, particularly focusing on updating what has occurred since 1995, when the current MPP was adopted.



On July 16, 2008, discussion of the data presented by DERM continued, and additional information on Miami-Dade County public boat ramps and dry storage uses was presented, including comparisons of weekday vs. weekend launches, and launches in all months. Graphs showing seasonal patterns in manatee deaths were also provided. Boating occurs in all months, with peak usage in summer. Manatee carcasses are recovered in all months, with greatest numbers in winter when more animals migrate to warm waters of south Florida.



The Committee has expressed strong interest in further discussion of enforcement and compliance, improved signage, clarifying procedures for determining numbers and types of vessels historically using sites and a process for facilitating transfer of previously existing but unwanted slips from one site to

another. Members have also urged that the Committee sunset date of 18 months be extended to allow full consideration of new boating activity and compliance data being generated by the Mote Marine Laboratory study and analysis.

It should also be noted that two seats on the committee are vacant currently vacant. No representative has been appointed by Commissioner Souto, and the original appointee of Commissioner Diaz has resigned, due to relocation out of Miami-Dade County. In accordance with Ordinance 07-144, commissioners representing even-numbered districts and the Mayor shall appoint manatee/environmental advocates, and commissioners representing odd-numbered districts shall appoint waterway users, in order to maintain a balance among stakeholders.

Cc: Carlos Alvarez, Mayor
Jose Diaz, Commissioner, District 12
Audrey Edmonson, Commissioner, District 3
Carlos Gimenez, Commissioner, District 7
Sally Heyman, Commissioner, District 4
Barbara Jordan, Commissioner, District 1
Joe Martinez, Commissioner, District 11
Dennis Moss, Commissioner, District 9
Dorrin Rolle, Commissioner, District 2
Natacha Seijas, Commissioner, District 13
Katy Sorenson, Commissioner, District 8
Javier Souto, Commissioner, District 10
Rebecca Sosa, Commissioner, District 6