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June 5, 2008

Office of Governor Charlie Crist
The Capitol, 400 S. Monroe St.
Tallahassee, FL 32399-0001

Re: HB 7059 Seagrass Protections

Dear Governor Crist:

Thank you for your longstanding leadership on protecting Florida's coastal resources. We do not envy you the pending decision brought about by HB 7059 regarding Florida's declining seagrass meadows.

You have been called upon to veto HB 7059 because it contains an amendment that would allow the Trustees of the Internal Improvement Trust Fund to allow mitigation banking on sovereignty submerged lands. Seagrass mitigation banking is, of course, an unworkable idea, and it is unimaginable that you or other members of Florida's Cabinet would ever allow mitigation banking on sovereignty submerged lands.

Audubon questions why the Trustees would allow *any* deliberate impacts on sovereignty submerged lands. Mitigation of seagrass impacts is routine but rarely results in functional replacement lost seagrasses. It is wrong to allow development in publicly owned, environmentally sensitive coastal waters, and this practice deserves the same public scorn currently being applied to seagrass mitigation banking. The remedy to development proposals that cause seagrass damage is simply for the Trustees to firmly say, "No!"

HB 7059 was originally filed to provide penalties for careless vessel operation resulting in seagrass damage. That is why we supported the bill, its Senate companion, and previous versions. Our support ended when the amendment in question was added. Audubon was the first conservation group to object to this mitigation banking language when it was added and our objection led to a change in the amendment language from the mandatory "shall" to the permissive "may."

The problem is that the long-sought and hard-won provision setting penalties for vessel damage to seagrasses will be lost if you veto HB 7059. There is no guarantee that the Legislature will again approve penalties for damaging seagrasses. In the meantime, probably as this letter is being composed, boats are being operated carelessly and seagrass beds are being damaged, which will continue until penalties are in place.

A 1995 Fish and Wildlife Conservation Commission report found that more than 173,000 acres of seagrass habitat has suffered damage from vessel operations. FWC believes the damage is much more extensive now. These damaged areas heal slowly if at all and the damage often spreads far beyond the original site of injury. It is sad that it has taken this long for agencies to propose and for the Legislature to act on protecting seagrasses - especially since this is such an environmentally and economically important biological community.

Seagrass meadows function as nurseries or foraging grounds for many of Florida's most important recreationally and commercially harvested species, including shrimp, stone crab, spiny lobster, yellowtail snapper, gray snapper, redfish, snook and blue crab. They shelter and feed manatees and sea turtles and form the basis of a food web that supports signature Florida birds such as Reddish Egrets, Roseate Spoonbills and more. What at first glance look like pastoral seagrass meadows in Florida's shallow coastal waters are actually the powerhouse supporting a complex web of life.

It is a shame that Florida currently allows the routine destruction of this vital resource and this is why Audubon, urged on for years by our coastal scientists, has supported legislation to limit the impacts of vessels.

Vessel impacts are not the only way seagrass is harmed. Dredge and fill activities along with docks and marinas permitted on sovereignty submerged lands also kill off seagrass. Additionally, pollution and mismanagement of freshwater deliveries to estuarine systems contributes to the loss of seagrass communities.

HB 7059 presents us with a conundrum. While it contains important provisions protecting seagrasses from scarring, we recognize that new language in state law allowing mitigation banking on sovereignty submerged lands might tempt the Trustees to allow even more development on these valuable public lands. This would be unacceptable.

Perhaps the Trustees could pledge to not exercise the allowance provided in HB 7059 and refuse to ever allow mitigation banking on sovereignty submerged lands. Additionally, the Trustees could refuse to allow impacts to seagrass or other habitats found on sovereignty submerged lands and thereby avoid any need for mitigation.

Nevertheless, given the widespread opposition to HB 7059 and the troubling way the mitigation banking amendment was added, we expect that the bill will be vetoed.

If you do veto HB 7059, we respectfully ask that you commit to make passage of seagrass protection legislation a top priority for the 2009 session. We ask also that you commit to specifically support penalties for seagrass damage in all state waters regardless of cause; support apportioning the penalties according to impact; and recommend appropriating revenue from penalties and other state funds to seagrass restoration projects.

We know, Governor Crist, that you care deeply for our coastal waters and the life they sustain, and that your commitment to Florida's environment will guide your decision on HB 7059. We only ask that you use the power of your office to help end the awful practice of routine destruction of our important seagrass communities. That effort does not begin or end with this bill.

Sincerely,



Eric Draper
Deputy Director
Audubon of Florida