

Dear Sirs:

The Marine Resources Council has a number of concerns regarding Indian River County's Petition for Variance from Rule 40C-4.302(1) SJRWMD File #4-061-114751-1. MRC is very supportive of Indian River County's efforts to maintain and improve public accesses to the Indian River Lagoon. However, This particular project presents some significant avoidable impacts.

The proposed project would involve dredging and expansion of an existing boat ramp at the end of Oslo Road that currently has no dredged channel and is currently only used for shallow draft vessels, kayaks and canoes. The site of the dredging and other impacts is within Class 2 waters, an Aquatic Preserve, Outstanding Florida Waters, a shellfish harvesting area and the site itself has been rezoned by Indian River County to Conservation Lands.

Expected Impacts to Seagrass

Expected impacts to seagrass by this project include:

- 1) The physical removal of lagoon bottoms associated with the dredging to accommodate the deeper, longer boat ramp (60 ft)
- 2) Impacts to seagrass in area associated with turbidity during dredging and after dredging due to larger boat activity in an area recently dredged.
- 3) The shading of seagrass associated with the construction of 50-70 foot docks on either side of the boat ramp as well as a 118.5 ft fishing pier.
- 4) Loss of seagrass associated with water quality impacts from toxins that leach from treated pilings as per recent research by FI DEP
- 5) The introduction of larger, higher-powered vessels without a previously-dredged channel will increase the likelihood of prop scarring of the seagrass beds.

Expected Impacts to Essential Fish Habitat

Dr. Grant Gilmore, one of the leading researchers of the Indian River Lagoon's fish populations, having studied them for over thirty years, has serious concerns with this project. In his letter to St Johns River Water Management dated March 4, 2008 he wrote: "this project will deleteriously impact essential fish habitat for four of the most protected and intensely managed fishery species within the State of Florida. These are the common snook, tarpon, spotted sea trout and red drum. It will modify present habitat used by these species, both in seagrass communities and adjacent impounded wetlands. Historical research has shown that sparse shoal grasses adjacent to principal spawning sites are prime spotted seatrout settlement sites. The Oslo area is such an area. Increased boat traffic and channel dredging at this location will very likely impact the seagrass flats at this location that were no more than 2 ft deep 100 ft from shore when G.K. Environmental, Inc. examined the site."

Impacts Inconsistent with the Goals of the Florida Forever Program (which funded purchase of site)

The proposed site of the expansion was purchased through Florida Forever funds in the Florida Communities Trust Program (FCT). Indian River County's purchase of the site was selected for funding partially based on points awarded as the result of the County's application that stated the natural resources on the site would be preserved. If the seagrasses and Indian River Lagoon bottoms proposed for dredging were state-owned, the applicant would have to meet the additional criteria sited in 18-20, 18-21 FAC and the Outstanding Florida Waters Rule 62-4.244. It is problematic that St Johns River WMD, a state agency, should apply easier criteria to this project because Indian River County owns the property, when its purchase was funded through state funds for the purposes of preservation of these very natural resources that this project would impact.

Impacts Inconsistent with the Goals of the FCT Management Plan

The FCT Management Plan for the site, which must be followed as a condition for the state funding, was modified to accommodate the proposed project without the final approval of the County's Conservation Lands Acquisition Committee (CLAC). This oversight is being addressed and the modified plan will go before the CLAC probably in August, so it is still unclear whether the proposed change of the Management plan that would be required to allow this project will be approved. Even with the changes made, questions have also been raised whether the proposed project is fully consistent with the Management Plan. The Plan reads:

Pg 8 FCT Management Plan: "The primary purpose of the South Oslo Conservation Area is to prevent development of a portion of the Indian River shoreline and to reduce adjacent development impacts on the water quality of the impounded wetland and the Indian River Lagoon. Under public ownership, the land use classification of the property will be revised to prohibit future development activities other than those related to conservation, ecological restoration, research, and the provision of public environmental education and resource-based outdoor recreation. The long-term goals of the project include management of the site for the preservation of existing native vegetation and restoration of native plant communities in areas now infested with exotic plant species. "

Pg 22 FCT Management Plan: "West Indian manatees frequent the Indian River Lagoon shorelines, especially those locations supporting stands of seagrasses. The major threats to the health of manatees are, of course, the number and speed of watercraft sharing their habitat. Degradation of water quality and prop damage to seagrass beds that act together to reduce feeding habitat for the animals are the secondary causes of population decline in this listed species."

Impacts Inconsistent with Indian River County's Comprehensive Management Plan

Portions of the FCT Management Plan specify how the project was supposed to support Indian River County's Comprehensive Management Plan by protecting water quality, protecting listed species and minimizing impacts to submergent aquatic vegetation, all of which are being impacted in the proposed project. The relevant provisions of the Comprehensive Management Plan as cited by the FCT Management Plan are as follows:

Pg 9 FCT Management Plan: "The South Oslo Conservation Area project assists Indian River County in implementing a number of Comprehensive Plan goals, objectives and policies related to conservation, coastal management, recreation and open space. Specific policies, objectives and elements of the Plan supported by this project include the following: Conservation Objective 2, pertaining to the protection and enhancement of water quality in the Indian River Lagoon. Conservation policy 2.2 states that the County will strive to improve water quality in the Lagoon, including that portion adjacent to the subject property. "

Pg 10 FCT Management Plan: "Policies 2.4 and 2.7 state that the County will implement recommendation contained in the Comprehensive Conservation and Management Plan of the Indian River Lagoon National Estuary Program, and the SWIM Plan of the SJRWMD and will minimize potential impacts to submergent aquatic vegetation"

Impacts Inconsistent with Indian River County Manatee Protection Plan

The dredging and associated turbidity to accommodate the deeper, longer boat ramp (60 ft), the shading of seagrass associated with the construction of 50-70 foot long docks on either side of the boat ramp as well as a 118.5 ft fishing pier and introduction of larger, higher powered vessels into a sensitive manatee area appears to be inconsistent with Indian River County's manatee protection plan based on a number of issues. Two obvious examples are illustrated below by direct quotations from the Indian River County Management Plan:

Page 55 "AREAS OF PROHIBITION FOR BOAT RAMP DEVELOPMENT BASED ON SPECIFIC SITE CONDITIONS. Impacts to Submerged Aquatic Vegetation (SAV) associated with boat ramp use should be minimized as SAV is the main food source of manatees. The introduction of additional vessels via a new or expanded boat ramp into an area of high manatee abundance AND high manatee mortality would significantly increase the probability of negative impacts to manatees, and therefore should not be allowed. In general, new dredging is prohibited within State designated Aquatic Preserves. Within an Aquatic Preserve, the establishment of new boat ramps or the expansion of existing boat ramps that requires dredging will be restricted depending upon an applicant providing evidence that any required dredging be maintenance dredging vs. new dredging (as defined by State Statute and Rule)."

Page 57. "OBJECTIVE 1 BOAT FACILITY AND BOAT RAMP SITING AND CONSTRUCTION Through 2005, there shall be no increased impact to manatee habitat, or the natural resources of the Indian River Lagoon, including seagrass beds, water quality, estuarine wetlands, and mangrove fringe, attributed to the development or expansion of boat facilities or boat ramps in Indian River County.

Alternatives exist and should be considered

Pelican Island Audubon has suggested enlarging an alternative site at the ramp/dock at the east end of 45th St. (Gifford Rd) on the western shore of the Indian River Lagoon, across from Lost Tree Islands, just north of the Barber Bridge in Vero Beach. This site is already owned by Indian River County and has more space for parking vehicles and trailers, does not have extensive seagrasses as is found at ORCA, is not in an Aquatic Preserve, is not documented as being a major nursery for tarpon, snook, and sea trout as is ORCA, is closer to the Intra Coastal Waterway, is less likely to result in prop damage to seagrasses, can handle larger vessels and be less expensive to construct as the land is already cleared, will not require dredging, will not impact mangroves or seagrass and the site already has a fishing pier.

Concerns with mitigation proposed

The mitigation proposed to offset seagrass impacts involves placement of a 30-inch diameter culvert into the mosquito impoundment south of Oslo Road. There is already a major breach in the impoundment making the culvert's benefit suspect and according to Dr. Grant Gilmore might even be harmful to the fish nursery there.

Due to the complexity and number of impacts, MRC does not see a way of sufficiently minimizing the undesirable consequences associated with this project. MRC appreciates the intent of the project and would gladly be of assistance in pursuing alternatives to the proposed project.

Sincerely,



Jim Egan
Executive Director