

July 11, 2008

Governing Board
St. Johns River Water Management District
4049 Reid Street
Palatka, FL 32177

Via email to dgraham@sjrwmd.com, shughes@sjrwmd.com, amoore@sjrwmd.com, lwood@sjrwmd.com, dbournique@sjrwmd.com, mertel@sjrwmd.com, hhuffman@sjrwmd.com, ajumper@sjrwmd.com, htanzler@sjrwmd.com

RE: Indian River County's petition for a variance to create **Oslo Road Boat Ramp Improvements**
SJRWMD File #4-061-114751-1

Dear Governing Board:

Indian River County has requested a variance to allow the destruction of seagrasses and the expansion of motorized boating access within a portion of a state Aquatic Preserve that harbors some of the shallowest and most productive seagrass beds in this part of the Indian River Lagoon. This proposal is an inappropriate use of sovereignty submerged lands and should be denied for the following reasons:

- 1) Indian River County's own Manatee Management Plan in 2004 advised that "the original plans to improve this boat access have been abandoned due to resource constraints, including mangrove wetlands, dense seagrass beds, and shallow water."¹ These resource constraints are still present and this proposal to improve boat access remains incompatible with protecting manatees and other natural resources in this Aquatic Preserve.
- 2) This boat ramp currently enjoys substantial use from small boats and kayaks compatible with the shallow depths and sensitive resources of this conservation area. Improvements making this ramp safer for these users, as well as providing trash receptacles so that the resource is better protected, are all warranted. However, the county's proposal would do more than this. An expanded ramp is not necessary for the current size of boats that use the ramp, and is intended to accommodate more and larger boats. Because of the shallow water referenced in the manatee plan, it is anticipated this will ultimately require dredging of the channel. Increased parking impacting coastal mangroves in the area will likely also be required, multiplying the impacts of this variance on sovereignty submerged lands. If the boat ramp is intended to only accommodate small boats as it currently does, the variance should not request the extension of the ramp. If it is intended to accommodate more and larger boats, then the variance request should include the totality of improvements the county will ultimately need to make. As it currently stands, the variance you are being asked to consider will set in motion impacts to sovereignty submerged lands far in excess of what is represented in the petition.
- 3) The proposed mitigation for seagrass impacts—the installation of a culvert to aid with the flushing of mangrove impoundments—is insufficient. Not only is this proposed mitigation out-of-type, resulting in a net loss of seagrasses, but it is unnecessary since the impoundments are already breached to

¹ Indian River County Environmental Planning Section. August 2004. "Manatee Protection and Boating Safety Comprehensive Management Plan." Page 39.

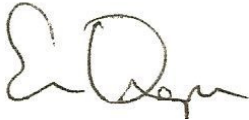
allow tidal flow. The seagrasses in this area are some of the healthiest in the county and are vital not only to manatees but also to the Lagoon's fisheries.

4) This proposal is not only adjacent to a conservation area purchased with Florida Forever funds, but will impact natural resources on sovereignty submerged lands protected under Aquatic Preserve status. The immediate impacts of the extended boat ramp will destroy seagrasses, as will shade from the proposed fishing pier structure. Additionally, increased large boat traffic in this area's shallow waters will undoubtedly result in increased turbidity and seagrass scarring, further degrading the resource.

Variations should be rare exceptions, and the rules from which they vary are created for a purpose. In this situation, the existing rules would not permit this use and with good reason. A nearby ramp at Griffin Road offers a better alternative for providing increased boat access. The quality of its seagrass habitat is less, its water depths are more appropriate for accommodating boats with deeper drafts, and it is not located in an Aquatic Preserve. Alternatives exist, and Audubon believes the County has not demonstrated the statutory and rule-based requirements for approval of a variance based on hardship.

We believe this is a controversial application and under the terms of the District's delegation authority, it should be elevated to the Board of Trustees in the event that the District chooses to approve this project. We urge you to deny this variance, any permit and authorization to use sovereignty submerged lands for this proposal, and direct Indian River County to address its boating access needs through more resource-appropriate means.

Sincerely,



Eric Draper
Deputy Director

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