

11 July 2008

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

RE: Petition for variance from Rule 40C-4.302(1) (c), FAC and subsection 112.2.5(c), applicant's handbook, pursuant to sections 373.414 and 403.201, F.S.

Oslo Road Boat Ramp Improvements

SJRWMD File #4-061-114751-1

Dear Governing Board:

I write as a scientist and citizen concerned about the health and sustainable use of the Indian River Lagoon in general, and the potential harm to public trust resources that will result from the proposed Oslo Road Boat Ramp modifications.

Issuance of this variance from Rule 40C-4.302(1) (c), FAC and subsection 112.2.5(c), applicant's handbook, is contrary to the public interest, and fails to meet four of the seven criteria used to establish or "test" that interest in Chapter 373.414(1)(a), F.S. Specifically:

373.414(1)(a)2 F.S. Issuance of this variance will enable an activity that may adversely affect the conservation of fish and wildlife, including the endangered West Indian manatee, and their sea grass habitat in the federally-designated South County Important Manatee Area (IMA).

373.414(1)(a)3 F.S. Issuance of this variance will likely cause harmful erosion to the shore of the project area resulting from increased traffic of larger boats.

373.414(1)(a)4 F.S. Issuance of this variance will adversely affect the fishing or recreational value or marine productivity in the vicinity of the activity. Impacts to sea grasses in the area of the observation/fishing pier, docks, the very shallow ingress/egress routes, as well as in adjacent areas, will adversely affect spotted seatrout spawning areas, and may adversely affect feeding and aggregation of West Indian manatees within the South County IMA.

373.414(1)(a)7 F.S. The current condition and relative natural resource value of functions being performed by areas potentially affected by the proposed activity are recognized and protected pursuant to: (1) Areas of Prohibition for Boat Ramp Development Based on Specific Site Conditions, page 55, in the FWC/FWS-approved Indian River County Manatee Protection Plan; (2) Resource Protection Area (especially RPA-1) provisions in the Indian River Lagoon Aquatic Preserves Management Plan (Vero Beach to Fort Pierce and Jensen Beach to Jupiter Inlet); and (3) goals and objectives of the FCT/Indian River County Management Plan for the South Oslo Conservation Area, which seek to prevent adverse impacts to natural resources and water quality on the project site.

The Petitioner's claim that without the proposed modifications to the existing boat ramp facility water quality will continue to deteriorate, and "the safety of those using the existing dilapidated boat ramp will continue to be at risk." Since these are the "negative social, economic and environmental impacts for the public utilizing this launch site," they must be considered.

First, is there evidence to substantiate the assertion that water quality is deteriorating at the Oslo Road boat ramp site? Certainly, the Petitioner provides none, nor is there any of which I am aware. Second, though the Petitioner alleges that the existing ramp's deteriorated condition poses a public safety risk, this claim is also unsubstantiated by any actual evidence of harm or injury to the public. Indian River County has not maintained the Oslo Road boat ramp adequately, and it does need maintenance now.

The subject site and its estuarine surroundings currently have extremely high value natural resources that warrant sustained vigilant protection. Any potential public hardship resulting from denial of this variance can be mitigated by improvements to an alternate boat ramp facility (Gifford Boat Ramp at 45th Street) that will avoid impacts to essential public trust resources.

Continued protection of the current condition and value of high quality public trust resources by means of the standard stringent review of ERP applications, rather than relief-granting variances, is consistent with the public interest in this case.

In determining whether or not this activity is contrary to the public interest or is clearly in the public interest, pursuant to 373.414(1) the Governing Board has the responsibility to consider and balance the criteria that define our common, public interest. I respectfully request that you include my comments in your deliberations, and urge you to deny this variance request.

Sincerely,

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