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December 20, 2007

Mr. Rick Wilkins  
Broward County Department of Planning  
And Environmental Protection  
1 North University Drive  
Plantation, Florida 33324

Subject: Manatee Protection Plan for Broward County, November 2007 Final Draft

Dear Mr. Wilkins:

On behalf of the Florida Fish and Wildlife Conservation Commission (FWC), I am pleased to approve the Broward County Manatee Protection Plan (MPP). It is our opinion that this MPP, with the accompanying Manatee Protection Plan Ordinance 2007-34, meets the requirements of Chapter 370.12(t)(2), Florida Statutes. We coordinated our review of your MPP with the U. S. Fish and Wildlife Service (USFWS), and they plan to concur with our approval.

The conclusion of this effort resulted from the cooperation and hard work of many groups and public input. It would have been impossible, however, without the efforts of Broward County staff, particularly Mr. Eric Myers. I commend you and your staff, and appreciate your perseverance in working on this plan over many years with input from numerous stakeholders.

There are two major conservation measures proposed in the Broward County MPP. The first is a slip pool allocation for waterway zones in the County; and the second is the various offsetting measures designed to address the allowed slip increases. These measures including funding for increased law enforcement, and research projects and education efforts. As you are now aware, FWC believes that slip pool allocations in MPPs are a new and untested approach with the potential for unanticipated difficulties. We expressed these concerns when we approved the Volusia MPP, the first one to try the slip pool allotment approach. Because you were unaware of our reservations about slip pools in the early stages of your MPP development process, this concept was incorporated into earlier drafts of your MPP. While we still have reservations about this methodology, we do not object to its use in the Broward County MPP because of this misunderstanding and the offsetting measures provided in the plan.

We will carefully monitor the implementation of the MPP during the first year so we can ensure that this approach provides the anticipated conservation benefits. We believe one year should be sufficient time to implement most of the proposed conservation actions. Please note, if, after one year, an evaluation by FWC shows that these measures have not been successfully implemented by the county, FWC may decide to no longer support the use of this plan in the permitting process. Recognize that part of our heightened concern regarding implementation of the plan is because of the change in the amount of the mitigation impact fee from the earlier version approved by your Board of County Commissioners in June, which was supported by FWC. Although the final fee was reduced by almost half from what was approved in June, it is the County's belief that there will be sufficient funding to implement the offsetting measures proposed in the

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plan. FWC is willing to support the County's confidence that funding will be sufficient, with the understanding that the distribution of slip allowances will cease if obstacles arise that prevent or delay implementation of the needed offsetting measures. My staff will coordinate with your staff on the details of what information will be needed in order to monitor the successful implementation of the plan.

By copy of this letter to other counties with approved MPPs, we are providing notification that methodologies involving slip pool allocations or slip transfers will not be recommended for approval by FWC for MPP revisions in the near future. One of the concerns we have for this methodology is how riparian rights will be provided using the slip pool method, but we are hopeful the county will successfully address our concerns as the plan is implemented. We believe that it is important to thoroughly assess these methodologies before putting them into practice in wider geographic areas.

In conclusion, it is our belief that the successful implementation of increased on-water law enforcement and educational efforts will offset the proposed increase in the density of slips proposed in the MPP. However, monitoring the effectiveness of these measures is essential in determining success. We look forward to working closely with you and your staff to implement the MPP, and are available to assist you. If you have any questions, please do not hesitate to contact Ms. Mary Duncan or Ms. Carol Knox of my staff at (850) 922-4330.

Sincerely,



Kenneth D. Haddad  
Executive Director  
kdh/md

cc: Mr. Pat Quinn, Broward County  
Secretary Mike Sole, Florida Department of Environmental Protection  
Director Carol Ann Wehle, South Florida Water Management District  
Mr. Chuck Collins, FWC-West Palm Beach  
Mr. James Stansbury, Florida Department of Community Affairs  
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