

SUMMARY MINUTES

Broward County Local Rule Review Committee

Meeting

Friday August 20, 2010

10:00 AM

Secret Woods Nature Center

Voting Members:

County Staff:

Lisa Baumbach – Present (10:30)
Allan Burrows – Present
George Cavros – Present
Gordon Connell – Present
Mark Ercolin – Present
Gary Hecker – Present
Ed Keith – Present
Karl Roeder – Present
Barry Webber – Present
Daniel Yaffe – Present

Ryan Goldman, BCNRPMD
Judi Kladerman, BCNRPMD
John Fiore, BC Parks and Rec.

Scott Calleson, FWC - teleconference

The meeting was called to order at 10:06 am by LRRC Chair, Daniel Yaffe. A sign in sheet was circulated. Roll was called and noted for the record. Minutes for the August 13 meeting were reviewed. Two changes were noted and a motion to approve the minutes with changes was made by Allan Burrows. Ed Keith provided the second and motion was approved.

Winifred Perkins, Florida Power and Light (FPL) addressed the Committee regarding the Port Everglades Cooling Canal. She stated FPL would be in favor of the Florida Fish and Wildlife Conservation Commission (FWC) recommendation to close the eastern end of the cooling canal to boaters if an exemption was granted to FPL for emergency maintenance. Scott Calleson said that was not an issue and FWC issues 5-year maintenance permits under similar situations. A motion to approve the D1 recommendation was made by Barry Webber and seconded by Allan Burrows. The motion passed 9 to 0.

A motion to approve the E1 recommendation was made by Gary Hecker and seconded by Allan Burrows. The motion passed 8 to 1.

A motion to approve the C2 recommendation was made by Barry Webber and seconded by Gary Hecker. The motion passed 9 to 0.

A motion to approve the C1 recommendation was made by Gordon Connell and seconded by Allan Burrows. The motion passed 8 to 1.

A motion to approve the C6 recommendation was made by Gary Hecker and seconded by George Cavros. The motion passed 9 to 0.

A motion to reject the E2 recommendations of either removing the manatee protection zones or removing the 50-ft buffers was made by Allan Burrow and seconded by Karl Roeder. The motion passed 9 to 0.

A motion to take Item 10, F1 recommendation, out of order in consideration of the FPL representative in attendance was made by Barry Webber and seconded by Allan Burrows. The motion was approved.

Dr. Lisa Baumbach arrived at 10:30 am.

A motion to reject the F1 recommendation was made by Gordon Connell and seconded by Allan Burrows. Ms. Perkins stated that FPL would support the motion to reject FWC's recommendation. There was discussion on whether any of the issues were civil matters. The motion passed 9 to 1.

A motion to accept the C3 recommendation was made by Allan Burrows and seconded by Karl Roeder. Mr. Burrows noted the high density of manatees present in the area and Mr. Roeder stated he would support the motion and that residents, through a municipal resolution, support the recommendation. Mr. Webber reminded the committee of comments he received from officers in the area and that they slow down boaters when high numbers of manatees are present. Mr. Connell stated a balance is needed and cannot support the recommendation. Mr. Yaffe said he also could not support the recommendation as the metric used, mortality, is low and there is no scientific evidence that additional regulation would result in decreased mortality. Mr. Cavros agrees with the metric being used, but stated it doesn't show other interactions between boaters and manatees although the risk is probably less during the week than the weekend.

Dr. Baumbach asked Mr. Webber to repeat what he told the committee at a previous meeting regarding officers seeing large numbers of manatees in the area and Mr. Webber elaborated on his earlier comment. Dr. Keith pointed out that there is reportedly less boat traffic in the area during the week and he may find it hard to support the recommendation. Mr. Connell stated there are marine law enforcement officers in the area and, rather than additional regulation, the committee should trust the officers to slow boaters down when there are large numbers of manatee present.

Mr. Yaffe called into question the Coin and Fast-Coin analyses FWC used to create the recommendation and restated the low mortality in the area. Questions were asked of Scott Calleson who provided more insight to data collection and analyses for the recommendations. Dr. Keith stated it would very difficult to gather the type of data some committee members state is lacking on actual boater vs manatee interactions and the best data we have is the coincidence data.

A vote was called and the motion passed 7 to 3.

A motion to approve the C4 recommendation down to Atlantic Blvd. was made by Allan Burrows and seconded by George Cavros. The motion passed 6 to 4.

A motion to reject the C4 recommendation from Atlantic Blvd. to Commercial Blvd was made by Allan Burrows and seconded by Karl Roeder. Mr. Yaffe stated that this appears to be regulation for regulation's sake. The motion passed 7 to 3.

A motion to reject the C5 recommendation was made by Allan Burrows and seconded by Barry Webber. The motion passed 9 to 1.

A motion to approve the G1 recommendation was made by Allan Burrows and seconded by George Cavros. After discussion, Mr. Burrows withdrew his motion and made another motion the Committee not consider the G1 recommendation due to insufficient information. Mark Ercolin made the second and the motion passed 10 to 0.

Gordon Connell left the meeting at 11:45.

A motion to approve the G2 recommendation was made by Allan Burrow and seconded by Mark Ercolin. The motion passed 9 to 0.

A motion to approve the G3 recommendation was made by Barry Webber and seconded by Mark Ercolin. The motion passed 9 to 0.

At the request of Dan Yaffe, John Fiore was asked to review the proposal he submitted in a letter to the Committee at the August 13th meeting. Although submitted on Broward County Marine Advisory Committee (MAC) letterhead, it was made known to the LRRC that this proposal was not a formal request from the MAC. During the discussion regarding the proposal, Mr. Fiore stated that the County Attorney's Office ruled that the vote taken on August 13 was a binding vote. Several committee members took issue with this stating it had been an understanding that all votes prior to August 23 were to be straw votes and thus not binding. Mr. Hecker stated the report should reflect this issue was not formally discussed and the vote should not be counted. Mr. Yaffe suggested the committee revisit the issue and vote again. A motion was made by Mr. Burrows and seconded by Mr. Ercolin to reconsider the potential zone change in south Port Everglades and the eastern most stretch of the Dania Cutoff Canal. During discussion of the eastern Dania Cutoff Canal, Mr. Calleson noted that manatee use the canal as a travel corridor and any change would be an issue and the proposed change would also create additional zone complexity in the area. He did state that any change would not be approved in the cold season, but a warm season change would be considered. Mr. Burrows made a motion to support a change in the south part of Port Everglades to 25 MPH with a 50-ft buffer during the warm season. Mr. Ercolin seconded the motion and the motion passed 5 to 4. Another motion was made to support a change in the eastern stretch of the Dania Cutoff Canal of 25 MPH with a 50-ft buffer during the warm season. The motion passed 5 to 4.

Dan Yaffe presented a request the committee received by email through Pat Quinn from Paul Webb, president of the Harbor Village Civic Association. Mr. Yaffe made it know that he is a member of this association. Mr. Webb requested that the manatee zone south of the 14th Street Bridge over the Intracoastal Waterway be extended sufficiently south of Harbor's Edge Park to protect the habitat. A motion was made by Gary Hecker and seconded by George Cavros to

extend the C2 recommendation south past the Harbor's Edge Park. The motion was approved 8 to 1.

Lisa Baumbach left the meeting at 12:30 pm.

Ed Keith opened discussion on the format of the committee's final report, combining the sections of majority and minority opinions. He asked that all minority opinions be emailed to Pat Quinn who would forward them to Dr. Keith and a draft report would be sent via email to all committee members that weekend for review at the August 23rd meeting.

Barry Webber made a motion to revisit and review a discussion from an earlier meeting to ask FWC to consider regulating speeds in the waterways by size of the vessel. Allan Burrows seconded the motion. Discussion on the motion followed and it was clarified that this was for areas with a 25 MPH regulation. The motion passed unanimously.

The discussion returned to the final report and suggestions were made that it include all data, copies of the public hearing comments, and mention of the Intracoastal Waterway tour.

With there being no further business, a motion was made and the meeting adjourned at 12:50 pm.

Prepared by Pat Quinn

Review and approved by EK **Date** 8/27/10