

FLORIDA INLAND NAVIGATION DISTRICT



July 5, 2025

The Honorable Danielle Levine Cava, Mayor
Miami-Dade County
Miami, FL 33126

COMMISSIONERS

Re: FIND comments to proposed Manatee Protection Plan (MPP)

BUDDY DAVENPORT
CHAIR
VOLUSIA COUNTY

Dear Mayor Levine Cava:

STEPHEN W. BOEHRING
VICE CHAIR
INDIAN RIVER COUNTY

The Florida Inland Navigation District (FIND) is hereby submitting the following comments to Miami-Dade County's proposed revisions to the Miami-Dade Manatee Protection Plan (the "County's Proposed Revisions"). As you know, a primary element of FIND's public purpose is to promote safe and responsible public access to Florida's waterways. Unfortunately, we do not believe the County's Proposed Revisions are consistent with this public purpose. In fact, it is clear that the County's Proposed Revisions will not only interfere with the public's ability to access the waterways of Miami-Dade County, but more importantly fail to incorporate important recommendations which will directly benefit the manatee population.

CATHY CHAPMAN
TREASURER
NASSAU COUNTY

MICHAEL KENNEDY
SECRETARY
MARTIN COUNTY

J. CARL BLOW
ST. JOHNS COUNTY

As is mentioned below, FIND reserves the right to make future comments, suggestion and revisions as the public comment period has been insufficient to allow thorough dissemination of the proposed revisions and to solicit meaningful responses from affected parties.

AUSTIN BURKETT
PALM BEACH COUNTY

PATRICK CALLAWAY, P.E.
DUVAL COUNTY

T. SPENCER CROWLEY, III
MIAMI-DADE COUNTY

PAUL TRABULSY
ST. LUCIE COUNTY

RANDY STAPLEFORD
FLAGLER COUNTY

Create a Manatee Protection Fund dedicated to Manatee Rehabilitation, Habitat Restoration & Law Enforcement of at least \$5 million/year. The funds could be used to enforce idle/no wake speed zones, enforce against illegal operations, and promote code compliance against illegal charters. This was the Manatee Protection Plan Review Committee's adopted "Motion 22". This revision should be made on page 107-110 of DERM's track changed draft revisions to the Manatee Protection Plan.

RICHARD WALTZER
BROWARD COUNTY

VACANT
BREVARD COUNTY

Increase fines for violation of idle/no wake speed zone, and escalate fines and consequences for repeat offenders. This was the Manatee Protection Plan Review Committee's adopted "Motion 1". This revision should be made in the policies goals and objective section starting on page on page 112 of DERM's track changed draft revisions to the Manatee Protection Plan. There should be a greater emphasis on the need for increased law enforcement as a means to protect manatees. This is far more valuable than more regulations that restrict property rights. This is referenced on page 59, but is not given enough priority.

JANET ZIMMERMAN
EXECUTIVE DIRECTOR

CHRIS KELLEY
DEPUTY DIRECTOR

ADMINISTRATIVE OFFICE ON THE INTRACOASTAL WATERWAY IN PALM BEACH COUNTY
600 State Road 707, Unit C, Jupiter, FL, 33469-3516 TELEPHONE 561-627-3386 FAX No. 561-624-6480

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- All water taxi stops identified in the DDA Resolution 007/2024 should be specifically authorized by, and not limited within the MPP. There should be a process to authorize other stops. There is no logical reason why Palm Beach and Broward Counties can have these services but Miami-Dade County actively discourages them.
- Transient/Water Taxi Vessels should not count towards slip count. Areas with an overlap between commercial and residential should be allowed to have transient/water taxi slips in addition to resident slips (for example, most of the mixed use buildings in Brickell).
- Transitory slips should be expanded and unlimited to help provide access to upland restaurants and businesses. This is consistent with how other plans in south Florida regulate transient slips. This is critical to the success of various downtown restaurants and businesses.
- The Intracoastal Waterway is designated by the US Department of Transportation MARAD as M-95 and the use of this Federal project which FIND administers should not be restricted by the MPP.
- The historic date for “grandfathering” of slips (1984) and proposed five year limit on “existing marine facilities” cannot be approved, because this unfairly and disproportionately impairs the property rights of waterfront property owners. The Manatee Protection Plan Review Committee adopted this concept as “Motion 10”. This revision should be made on page 16 to the definition of Existing Marine Facility DERM’s track changed draft revisions to the Manatee Protection Plan.
- In the section “IV. Manatee Protection Plan: Objectives and Policies”, revisions to the following policies should also be made:
 - Policy 10.E (p. 91): Incorporate vested rights in existing facility, as follows: 10E. An existing marine facility as defined for this Manatee Protection Plan, is one which is legally operating and is currently producing boat traffic, or has recently produced boat traffic in the past five years, or otherwise has a vested right to produce boat traffic prior to the permit application.
 - Policy 10P (p. 94-95) should be revised to set alternative performance standards.
 - Procedure for site specific alternative performance measures should be altered to increase allowable slips from 1 per 100 feet to 5 per 100 feet. The basis of data for 1 per 100 feet locations is outdated and should be updated to reflect site-specific evidence of actual manatee sightings in recent years (Available on FWC website).
 - The slip transfer process (on page 75), similar to the revision to “existing marine facility”, should refer to vested rights and not just 5 years.
 - Suggested revision: “Documentation would include records showing the vessel use and aerial photographs, based on the highest single day slip use by motorboats during the period not greater than 5 years prior to application, or during the period within which vested rights for slip use have been established, for transfer.”
 - The proposed "slip transfer" process is too restrictive and inconsistent with past precedent. The requirement for donor site slips to be in active use for the last 5 years is another limitation on grandfathering and retention of historic docking facilities in an attempt to phase them out. Additionally, the requirement to result in a net reduction of the overall slips at donor plus receiver sites is inconsistent with past slip transfers that were approved to maintain the same amount and deprives owners of property rights. Finally,

the requirement that transfers go "downstream" on the Miami River is arbitrary and unnecessary if you can show reduced impact.

- Other slip transfer criteria seem needlessly restrictive of property rights:
- The slip transfer process should not require "an overall net reduction in slips" (page 76), since moving to a less sensitive manatee area is sufficient public benefit.
- Eligibility should not be limited to "only slips in compliance with all required environmental and land use approvals". It should be sufficient to limit eligibility to "only slips in compliance with the then-applicable provisions of the Manatee Protection Plan," or, if needed, "in compliance with the conditions of approvals upon which their vested rights are based."
- The multi-family residence and single-family residence definitions should be adjusted to treat duplexes and townhouses as single-family residences. These appear to be old MPP definitions and don't track the CDMP, which treat townhouses and duplexes like single-family homes:

Suggested revisions:

- Multi-family residence - a building occupied by more than one family, in which each family shares a roof and/or outer wall(s) with at least one other family. Notwithstanding any provision to the contrary, duplexes and townhouses shall be treated as single-family residences.
- Single-family residence - a detached building having a roof and outer walls entirely separated from any other structure by space, and occupied by members of a single family with not more than two outsiders, if any, accommodated in rented rooms. Notwithstanding any provision to the contrary, duplexes and townhouses shall be treated as single-family residences.
- The repeated definition of "single family" on page 77 in "Residential Dock Density" should be removed and simply refer back to the definitions section, so all definitions are in a single place.
- The statement relating manatee deaths to vessel collisions on page 35, section 2.4 should be updated with more current data that is available. It states the number of manatees killed in vessel collisions has increased from 1974 -2021, but the FWC has vessel collision data through 2024. All recent and relevant information should be reflected in this section. Deaths from vessel impacts account for only 20% of manatee deaths and that fact should be featured in the MPP.
- Similarly, the Miami-Dade Boater Traffic Study relies on data from 2009. This should be updated to reflect more recent numbers.
- Suggested revision: Although there have been fluctuations in the numbers of facilities since 1995, the total number of slips at facilities with current operating permits has increased. Reductions in the number of commercial and industrial facilities are associated with land use changes and redevelopment of upland parcels in the Aventura area and some sites on the Miami River.
- These statements, written 33 years ago, are no longer accurate:
- Page 53 "Interactions between manatees and human activities have increased dramatically in recent years causing manatees to sustain physical impact, harassment and general disruption of daily activities".

- Page 45, “Although Dumfoundling Bay is wide, manatees frequently linger along the edges of the ICW channel in this area to feed in adjacent seagrass-covered shoals.”
- The following statement on page 60 (Land Development II.C) should be adjusted as such to avoid confusing correlation with causation in a regulatory standard:
 - “Projects or facilities whose construction or operation results in causes [or is likely to cause], adverse impact to manatees or their essential habitats should not be permitted, except as necessary to protect the health and safety of the public”.
- Limited Special Use in Downtown Area (p. 70), should not be limited to publicly owned and operated facilities. The criteria should also be clarified to add limited special use docks downtown. Proving a “demonstrated need” is too subjective.
- Suggested revision: Sites or additional slips may be considered if there is a demonstrated need for this type of use benefit to the public from additional slips and such slips would be located at publicly owned and operated facilities and such that public access and use shall be afforded and maintained.
- On Performance Measures (p. 72), this requirement contradicts state law: “In both cases, the proposed project must demonstrate that all other permitting and land use requirements can be met, before being considered for a site specific alternative or exception.” This would be a development permit application. Florida Statute prohibits requiring obtaining other permits as a condition of approving the applied-for permit: “For any development permit application filed with the county after July 1, 2012, a county may not require as a condition of processing or issuing a development permit or development order that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the county action on the local development permit.” (See § 125.022(5), Fla. Stat).
- Revise the purple hatch area “Limited Use Special Docks” in front of Herald Plaza north and around to Parrot Jungle and the Miami Yacht Club to green “Commercial Marinas”. I think they would recognize the economic value added by the Miami Boat Show to the community. By asking that that change to a permanent designation would help keep that show here and probably reduce the costs of temporary installations they have to build every year. With government cut dredged to 50ft, I don’t know how DERM could argue that that’s an important area for the Manatees

Miami River Issues

- Allow slip transfers from 1 property to another property in either direction on the Miami Rivers. This was the Manatee Protection Plan Review Committee's adopted "Motion 5 & 6". This revision should be made on page 104 of DERM's track changed draft revisions to the Manatee Protection Plan.
- Revise to allow Waterborne Transportation / Water Taxi on entire Miami River and tributaries, which is currently allowed in the Fort Lauderdale's "New River", Palm Beach, and their respective Manatee Protection Plan's which were both approved by the U.S. Fish and Wildlife and the Florida Fish and Wildlife Commission. This was the Manatee Protection Plan Review Committee's adopted "Motion 9". This revision should be made on page 98 of DERM's track changed draft revisions to the Manatee Protection Plan.
- Revise to specify that "Waterborne Transportation / Water Taxi" should be specifically authorized at all public property along the Miami River. This was the Manatee Protection Plan Review Committee's adopted "Motion 9". This revision should be made to the definition of "Transitory Boat Slip" found on page 19 of DERM's track changed draft revisions to the Manatee Protection Plan.
- In City of Miami, riverfront properties zoned D3 Marine Industrial and in Unincorporated Miami Dade County's portion of the Miami River (west of 27 Avenue), allow increased boat slips in order to promote job generating marine industrial businesses. This revision should be made on page 112 forward of DERM's track changed draft revisions to the Manatee Protection Plan.
- Allow increased flexibility and slip counts for dry stack storage on the Miami River. This revision should be made on page 112 forward of DERM's track changed draft revisions to the Manatee Protection Plan.
- Revise to specify that the only limiting factors for slip density/configuration along the Miami River shoreline be property width/shoreline and federal channel boundaries.
- Revise the ratio of vessel:linear feet of shoreline to 1 vessel per 25 feet. This revision should be made on page 87, under "new facilities" in DERM's track changed draft revisions to the Manatee Protection Plan.
- Revise to specify that vessels over 100' do not count towards the allowable slip count of property along the Miami River, consistent with other areas of Miami-Dade County. For example, if a Marine industrial zoned site with 300 linear feet has a Marine Operating permit which allows 5 slips, the facility should be authorized to have 5 slips in dry stack plus 3 x 100' vessels along the shoreline. This revision should be made on page 95 of DERM's track changed draft revisions to the Manatee Protection Plan.
- It is important to note that the Miami-Dade County CDMP includes a Private Property Rights Element, requiring all county decision-making to "respect judicially acknowledged and constitutionally protected private property rights." Of particular note for vested rights issues, "Miami-Dade County will consider in its decision-making the right of a property owner to physically possess and control his or her lawful interests in the property", and must therefore keep in mind rights of each property owner when creating restrictive measures.

Finally, as stated above, FIND reserves the right to make future comments, suggestion and revisions as the public comment period has been insufficient to allow thorough dissemination of the proposed revisions and to solicit meaningful responses from affected parties.

Sincerely,

A handwritten signature in blue ink, appearing to read "Spencer Crowley", with a stylized flourish at the end.

Spencer Crowley
Miami-Dade County Commissioner
Florida Inland Navigation District