

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: August 21, 2007 () Consent (X) Regular
() Workshop () Public Hearing

Department

Submitted By: Environmental Resources Management
Submitted For: Environmental Resources Management

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

- A) adopt a Resolution to approve the final Palm Beach County Manatee Protection Plan (MPP) which has been revised and approved by the Florida Fish and Wildlife Conservation Commission (FWC); and
B) authorize the County Administrator or his designee to make minor edits to the MPP that do not significantly change the implementation of the MPP.

Summary: The draft MPP approved by the Board in June 2006 (R2006-1184) was not acceptable to the FWC and the United States Fish and Wildlife Service. FWC made changes to the MPP with additional input from stakeholders and has approved a revised Plan contingent upon Board approval and adequate funding of the final plan. The MPP is intended to serve as a resource and planning tool for agencies involved in manatee conservation issues and provide guidance for review of permits for proposed boat facilities. The MPP includes a Boat Facility Siting Plan that determines the amount of new slips that can be constructed on waterfront properties. To offset and mitigate for impacts associated with the new boat slips likely to be approved, the MPP provides annual funding to be used for improving public education, gathering data, enforcing existing boat speed zones, and restoring habitat. Approval of the MPP is expected to provide greater predictability and shorter permitting times for boat ramps, marinas and docks. Countywide (SF)

Policy Issues: The County is one of thirteen (13) counties identified in a 1989 Governor and Cabinet Policy Directive as a "key" county for manatee protection. The State requires that a MPP be developed to reduce impacts to manatees and their habitats. The Florida Manatee Sanctuary Act required that a MPP be completed by July 1, 2006 and that it include, at a minimum, the following elements: public education; boater education; an assessment of manatee protection speed zones; local law enforcement efforts; and, a boat facility siting plan that addresses expansion of existing and development of new marinas, boat ramps, and other multislip boating facilities (>4 slips).

(Continued on page 3)

Attachment:

1. Resolution with Manatee Protection Plan
2. Manatee Protection Plan (MPP) on disc

Recommended by: Richard E. Malady 7/31/07
Department Director Date

Approved by: [Signature] 8/10/07
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>1,000,000</u>	<u>750,000</u>	<u>1,000,000</u>	<u>1,000,000</u>	<u>1,000,000</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
NET FISCAL:	<u>1,000,000</u>	<u>750,000</u>	<u>1,000,000</u>	<u>1,000,000</u>	<u>1,000,000</u>

ADDITIONAL FTE
POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes X No
Budget Account No.: Fund 1226 Dept 380 Unit 3252 Object VAR

B. Recommended Sources of Funds/Summary of Fiscal Impact: State Mandated. The annual \$1M Operating cost for fiscal years subsequent to FY 2008, will be met with a combination of unspent 2007 & 2008 funding, and future available funding from the General Fund. Administratively, the balance of the current \$1,000,000 in the FY 2007 budget will be rolled over to FY 2008; and new funding of \$750,000 for FY 2008 has been recommended for BCC Approval (Proposed FY 08 Budget). If necessary, the Plan will be revised in the future to accommodate available funding.

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS:

A. OFMB Fiscal and/or Contract Dev. and Control Comments: Implementation of the Manatee Protection Plan was effective 10/01/06, and was approved by the BCC on the 6/20/06 BCC meeting, and is to become part of the Comp Land Use Plan. The BCC committed \$1M per yr at their 8/28/06 workshop.

Elizabeth Bloor 8/10/07
OFMB
8/10/07

Contract Dev. and Control
8/13/07

B. Legal Sufficiency:

[Signature]
Assistant County Attorney

C. Other Department Review:

Department Director

Background and Policy Issues (continued from Page 1.)

The approved MPP will subsequently be adopted as part of the County comprehensive land use plan. Municipalities are not required, but are encouraged, to adopt the MPP as part of their comprehensive land use plans. An approved MPP will provide boat facility permit applicants with a greater level of certainty of the likely outcome of state and federal permit actions, since those agencies use the MPP to guide permitting decisions. An approved MPP should also streamline the permitting process and reduce the amount of time required to receive a boat facility permit. Most importantly, the goal of the MPP will be to provide a coordinated management approach that provides for reasonable and effective manatee conservation while balancing the desires of various stakeholder groups. The MPP defines five zones throughout the county for boat facilities (Unrestricted, Preferred, Conditional, Non-Preferred, Exclusionary) based on potential risk to manatees and other factors. Maximum slip densities are established for new or expanding facilities in each of the zones.

Substantive changes that have been made to the plan by the FWC include: created Unrestricted zones near inlets; revised methodology used to create Boat Facility Siting Plan (BFSP) maps; eliminated provisions for upland basins and special commercial facilities; clarified that the Port of Palm Beach is not covered in the BFSP criteria and will be evaluated on a case-by-case basis; reduced the amount of allowable slips in Preferred, Conditional and Non-Preferred areas; and, added a dry storage policy.

The FWC approval is contingent upon the County annually providing \$200,000 for additional on-water law enforcement and \$100,000 for data collection and educational outreach and with the expectation of approximately \$700,000 for habitat restoration. When approving the draft plan, the Board committed \$1,000,000 per year to the Manatee Protection Fund (MPF) for MPP implementation using a combination of \$250,000 from the existing Capital Outlay- Environmental Restoration fund and an additional \$750,000 from ad valorem. The annual allocation was for \$100,000 of outreach and data collection, \$200,000 for law enforcement and \$700,000 for habitat restoration. Because of uncertainty regarding the likelihood and timing of FWC approval, very little of the MPF has been spent in 2007. Additionally, in an effort to meet budget cuts mandated by the legislature, the proposed FY 2008 budget reduces funding to \$750,000.

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY,
FLORIDA APPROVING THE REVISED PALM BEACH COUNTY
MANATEE PROTECTION PLAN**

WHEREAS, in October of 1989, the Florida Governor and Cabinet directed 13 “key” manatee counties, including Palm Beach County, to prepare a Manatee Protection Plan (“MPP”); and

WHEREAS, Section 370.12(2)(t)(2), Florida Statutes, mandates that Palm Beach County complete its MPP by July 1, 2006; and

WHEREAS, public input on the plan was obtained during at least 15 meetings with stakeholders, including 3 meetings held for the purpose of receiving public comment; and

WHEREAS, on June 20, 2006, the Board of County Commissioners approved the draft MPP and \$1,000,000 to implement the MPP; and

WHEREAS, the Florida Fish and Wildlife Conservation Commission (“FWC”) subsequently revised the plan in order to provide their approval and now requests that the Board of County Commissioners approve the revised plan; and

WHEREAS, the Board of County Commissioners desires to adopt the FWC-approved MPP attached and incorporated herein, which provides for the following elements: public education; data collection; an assessment of manatee protection speed zones; local law enforcement; and, a boat facility siting plan that addresses expansion and development of new and existing marinas, boat ramps, and other multislip boating facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

Section 1: The foregoing recitals are hereby adopted and ratified.

Section 2: The attached Manatee Protection Plan is hereby approved.

Section 3: This Resolution shall become effective upon its adoption by the Palm Beach County Board of County Commissioners.

A.T.T. #1

1 The foregoing Resolution was offered by Commissioner _____, who
2 moved its adoption. The motion was seconded by Commissioner _____,
3 and upon being put to a vote, the vote was as follows:

4 Commissioner Addie L. Greene, Chairperson _____

5 Commissioner John F. Koons, Vice Chair _____

6 Commissioner Karen T. Marcus _____

7 Commissioner _____

8 Commissioner Mary McCarty _____

9 Commissioner Burt Aaronson _____

10 Commissioner Jess R. Santamaria _____

11 The Chairperson thereupon declared the Resolution duly passed and adopted this
12 _____ day of _____, 20__.

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14 APPROVED AS TO FORM AND
15 LEGAL SUFFICIENCY

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By  _____
Assistant County Attorney

**PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS**

Sharon R. Bock, Clerk & Comptroller

By _____
Deputy Clerk