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James F. Littman (1923-2012)

April 18, 2024

John Tracey
Florida Department of Environmental Protection
Southeast District
3301 Gun Club Road
West Palm Beach, FL 33406

Re: Aqua Ra Dredge Project
Application Nos. 56-0173825-005-E1 and 40433560-001-EE

Dear Mr. Tracey:

This firm represents the Conservation Alliance of St. Lucie County with respect to the above-referenced permit applications. Please include this letter in public comment related to these applications, which seek permits that present a serious threat to native vegetation, marine life and the extraordinarily sensitive environment adjacent to South Hutchinson Island on the St. Lucie-Martin County border.

The Conservation Alliance of St. Lucie County previously submitted comments, photographs and reports opposing the proposed dredging of the RiverWatch Waterway and violation of the terms of the Conservation Easement (No. 364114) which was established to protect and preserve the environmental integrity of the 12.9-acre easement area in perpetuity. We request that FDEP incorporate all prior statements, photographs and reports submitted on behalf of the Conservation Alliance in the comments on the pending applications.

A keystone issue raised by the subject applications is the health of critical seagrass beds and the Florida manatee population and other marine life that rely on seagrass for survival. We know that the Department is aware of the significant loss of manatees in our area during the last few years due in large part to the loss of seagrass beds which are just beginning to regenerate.

The FDEP Request for Additional Information and the Florida Fish and Wildlife Conservation Commission comments on the proposed dredge project raise concerns about seagrass beds as well as mangroves that will be adversely impacted by dredging the RiverWatch area and allowing gasoline-powered vessels within the Conservation Easement. The Conservation Alliance joins in these comments and concerns.

John Tracey, FDEP
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It is our understanding that a recent site inspection was made by FDEP for the purpose of documenting the location and condition of seagrass in the area. While we have not seen the results of the Department's inspection, photographs provided by a representative of the Conservation Alliance confirm that vital seagrass beds are starting to recover and must be protected to provide habitat for threatened manatees and other marine life.

The permit applications should be denied on this basis alone.

Section 373.414(1), Florida Statutes, notes that an applicant for a permit to conduct activities in surface waters and wetlands must demonstrate that the activities "will not be harmful to the water resources" and are not "contrary to the public interest." The statute requires the regulating agency to consider and balance certain criteria, including whether the activities will "adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats."

Section 704.06(1), Florida Statutes, defines a "conservation easement" as a right or interest in real property which is appropriate to retaining land or water areas predominantly in their natural condition, retaining such areas as suitable habitat for fish, plants or wildlife.

Department files document extensive scientific reporting and conclusions regarding the harm that may result from alteration or diminution of the RiverWatch Conservation Easement, which was adopted in 1991 to address illegal dredging and removal of mangroves and other native vegetation during development of the RiverWatch community. The express purpose of the Conservation Easement is "to ensure that the subject lands will be retained and maintained forever predominately in the natural vegetative and hydrologic condition existing at the time of execution" of the easement. The easement was ratified and restated in January 2003, allowing vessels powered by electric motors to navigate the area.

A number of previous applications to further alter or restrict the Conservation Easement have been rejected by state agencies, and the Conservation Alliance hopes your Department will continue to insist on adherence to the terms of the easement, recognizing the critical ecological value of the area as we face increased development and water quality issues.

No need has been demonstrated for "maintenance dredging" in the easement. In fact, the FDEP has noted that "sufficient navigability of the flushing channel currently exists." Additionally, there are no justifiable grounds for increasing potential damage to the water quality and marine environment by allowing gasoline-powered vessels to use the easement.

John Tracey, FDEP

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The Florida Fish and Wildlife Conservation Commission staff concluded that the ephemeral nature of seagrass habitat and potential impacts associated with dredging activities require additional study.

The RAI issued by FDEP noted that mangroves are directly adjacent to the proposed dredging areas, placing this critical resource in danger from dredging as well as gasoline intrusion which may impact water quality standards.

Highly respected marine scientist Dr. Grant Gilmore has opined that dredging would be harmful to aquatic organisms and a threat to the entire ecosystem in the RiverWatch Waterway. The St. Lucie County Environmental Resources Department has noted that aquatic resources and County regulations requiring protection of environmental resources require denial of these applications.

As Dr. Gilmore explained, the only marine wetlands on the west shore of the Indian River Lagoon are on South Hutchinson Island, and the barrier island habitat is the only nursery habitat for marine mangrove fishes, Goliath grouper, gray snapper, snook and tarpon. His observation: "No fish habitat, no fish."

The Save the Manatee Club has recognized the RiverWatch Conservation Easement as critical manatee habitat within the Indian River Lagoon.

It is imperative that these resources be protected by rejecting dredging within the Conservation Easement.

Thank you for your attention to these concerns.

Sincerely,

LITTMAN, SHERLOCK & HEIMS, P.A.


Virginia P. Sherlock

VPS/nol

cc: Shari Anker, President, Conservation Alliance of St. Lucie County
sleconservationalliance@gmail.com

Brandon Conroy, Application No. SAJ-2023-00574 (LP-BJC)
brandon.j.conroy@usace.army.mil

John A. Nelson

Conservation Chair
Audubon of Martin County
4096 SW Bimini Circle S
Palm City, FL 34990

Alexander Brockett, MS
Environmental Specialist III
Florida Department of Environmental Protection
Southeast District – West Palm Beach
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406

Mr. Brockett:

It has come to my attention that you are currently processing a permit for dredging within a very sensitive mangrove area on the Indian River. The application in question is # 0173825-004-EE with a site name of Riverwatch POA/Latham, William.

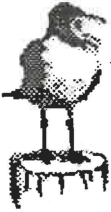
The plans to remove the restrictions on this Conservation Easement on the Indian River are ill advised. At worst, the dredging and removal of mangroves in this 12.9 acre mangrove wetland could have a devastating impact on Manatees which are already in grave peril along the river.

This request for dredging and mangrove removal is at best, very short sighted, and at worst, it could result in a permanent scar on our river environment. Not only do our manatees need this space, but countless other marine species depend on mangrove environments for shelter, food, and spawning.

Thank you for your attention in reviewing this letter, and I trust that your department will take the correct action in not allowing this permit to be approved.

Sincerely,

John A. Nelson
Conservation Chair, Audubon of Martin County



COPY FOR YOU.

ST. LUCIE AUDUBON SOCIETY P.O. Box 1745 • Ft. Pierce, Florida 34954

December 29, 2001

In reply to: 199904699(1P-7A)

Ms. Tori Agramonte, Biologist
Department of the Army
Jacksonville District Corps of Engineers
Stuart Regulatory Office
218 Atlanta Avenue
Stuart, FL 34994

Dear Ms. Agramonte:

Thank you for your letter dated October 29, 2001 in regard to the Ginger Condominium and their permit application for a net loss of sensitive habitat and wetlands. We look forward to hearing from your office advising that a public hearing will be held on this important issue.

Meanwhile, a site visit and further research of the proposal has raised more points that are summarized below. We request these additional comments be added to our record of objection that has already been submitted.

The site is mostly wetlands with dense coverage of mangroves. At the time of the visit it was literally teeming with wading birds including cormorants, and four different species of egrets. Wood storks also frequent this area. The birds are attracted here due to an abundance of fish from the hatcheries in this area that when mature find their way to the Indian River Lagoon.

1. National Environmental Policy Act (NEPA): Since the permit application includes mitigation on land that is not owned by the developer and requests a net loss of wetlands on the Indian River Lagoon, we request that this application be reviewed under the requirements of NEPA and that an EIS be prepared before your agency makes any determination on this application. Dredge and fill is a NEPA action and requires compliance with the act. i.e. there should be no loss of wetlands or removal of mangroves.
2. The Clean Water Act: This act is intended to conserve the "waters of the United States" which includes wetlands. It requires that wetlands shall not be destroyed. It also requires, among other things, that the Corps must conduct a "public interest review" prior to decision on permit, including
 - economic effects
 - general environmental concerns
 - Wetlands values
 - Flood control, fish & wildlife values

- Land use—sprawl
- Navigation, recreation
- Water supply and conservation
- Water quality
- Flood hazards
- “Needs and welfare of the people”
- Must look at 1) The relative extent of the public and private need for the proposed structure or work, 2) Reasonable alternative locations, and 3) Most importantly, effect on wetlands.

The review must show that the proposal is a water-dependent one and that it was not possible to identify reasonable alternative location(s) within a three-mile radius. We do not consider a condominium housing project to be water dependent.

We request that this “public interest review” is completed and a copy made available to us, along with the Environmental Impact Study.

Sincerely,

A handwritten signature in dark ink, reading "Harold I. Phillips". The signature is written in a cursive style with a large, stylized "H" and "P".

Harold I. Phillips, Conservation Officer
St. Lucie Audubon Society

6-19-2023

To: Mr. Alexander Brockett
Permit Processor
FDEP SE District
3301 Gun Club Road
West Palm Beach, FL 33406-3007

Dear Alexander,

You received application number 0433560-001-EE from Scott Florence on 3-28-2023. The applicant proposed the following amendment to the restated 2003 Conservation Easement:

#9. Except for members of the River Watch POA, operation of vessels powered by gasoline or diesel engines.

Activities which are authorized by the Department of Environmental Protection in Conservation Area are:

1. Non-motorized vessels and vessels powered by electric motors may be used by the public within the Conservation Easement...Gasoline and diesel-powered vessels may be used by members of River Watch Property Owners Association at idle speed, no wake within a marked channel for ingress and egress across the Conservation Easement only.

We are opposed to the changes to the wording and intent of the 2003 Restated Conservation Easement Deed which are presented in the above application.

The new wording suggested by the applicant supposes that there could be two sets of standards on conservation easement restrictions set by the FDEP.

The Riverwatch Conservation Easement area lies within US Waters. Therefore, it seems, that the same rule of law would apply to all US citizens. The idea of two separate standards doesn't appear to be constitutional.

The following statement on your April 20, 2023 email to Frank Mockus mirrors the intent stated on both the 1991 CE Deed and the restated 2003 CE Deed.

“Any amendment to the conservation easement must either not damage the natural vegetative and hydrologic condition of the area as existing at the time of the conservation easement or must enhance the ecological function of the area within the conservation easement.”

This statement reflects the purpose and the intent of both CE Deeds and urges caution in allowing activities that could negatively impact the CE lands and surrounding areas. The mangroves, native vegetation, birds, fish and wildlife are flourishing within the Conservation Easement. The hydrologic condition and the ecological function are working so well that, due to the connecting culverts to the Riverwatch CE, the attached northern Mosquito Control mangroves are also extremely healthy, which was the initial purpose of creating this channel. The CE restrictions need to be preserved, as intended, to protect this valuable resource.

Gasoline, diesel powered and jet propulsion vessels are linked with damaging impacts and effects on aquatic ecosystems including the Riverwatch conservation easement.

Numerous studies have documented that emissions and exhaust from gasoline/diesel engines and turbulence from the propulsion system/propellers, especially in shallow water, affect dissolved oxygen levels, increased turbidity and cause shoreline erosion.

Gasoline/diesel powered boats, especially in shallow water, impact aquatic plants either directly through contact with propellers/propulsion or indirectly through turbidity and wave damage. Propeller turbulence from gasoline/diesel powered boats operating near banks erode shoreline by destabilizing the channel bottom leading to the loss of mangroves and native aquatic plant life. Propellers can chop off plant roots or uproot whole mangrove plants.

Increased turbidity may limit the light available for plants and limit where they can grow. Increased turbulence will destroy emerging aquatic plants including the sea grass that is growing at the entrance of the Riverwatch Conservation Easement.

Evidence of damage to mangrove forests along the Riverwatch CE channel by gasoline/diesel powered vessels was documented by the FDEP on 4-19-2023 when mangrove trees on both sides of the CE channel were destroyed or badly damaged by a barge powered by gasoline/diesel engines. Presently, there are several huge openings in the mangrove forest where tall mangroves were uprooted, and destroyed.

Smaller and powerful jet propulsion boats or jet skis can operate in waters less than 12 inches deep and can intensify damage done to emerging sea grass and mangroves and cause severe erosion to the channel banks which result in loss of mangrove trees and native plants.

Aquatic plants perform many ecosystem functions including habitat for fish and wildlife. Please refer to the 5-2-23 letter sent to you which included photos of seagrass growing in the CE channel. The change in CE restrictions to allow gasoline/diesel powered vessels in this very area could destroy the emerging seagrass in this CE channel. There is no need to change the existing CE deed which “will permanently impact the conservation of submerged aquatic vegetation and the habitat of fish and wildlife.” In fact, the damage done to the seagrass and acres of vibrant mangroves, by allowing gasoline/diesel engines, could be devastating to the ecological function of this area. The use of gasoline, diesel and jet propulsion vessels could release toxins and pollutants into the channel and surrounding wetlands. Resulting sediments may cover the aerial roots of mangroves along the channel and kill the mangroves and the oysters attached to these roots which are beneficial to clean the river and offer habitat to marine life in this Essential Fish Habitat area. Removal of CE restrictions, especially the gasoline powered engine restriction, will result in an increase in the threat of damages to submerged aquatic vegetation such as those recorded by Bailey and Patricia on 4-18-23.

The Riverwatch CE has been identified by the South Atlantic Fish Hatchery Council as essential fish habitat (EFH), and in addition to loss of habitat, gasoline/diesel

powered vessels may interfere with success of fish eggs and fish spawning. The introduction of gasoline/diesel powered engines would be devastating to the Manatee population that frequent the area to give birth in this protective environment.

The applicant also stated that "Current restriction is unenforceable."

We have lived in the RiverWatch community for over 25 years. During that time, we have used our boat equipped with an electric motor and/or kayaked through the CE on average twice every week. The sign on the opening of the CE channel clearly states that gasoline/diesel engines are prohibited on the conservation easement. The RiverWatch POA have the above rule included in their RW Association's book of regulations that each member has been given.

Kayakers, fisherman and boaters with electric powered engines frequent the CE area, have no trouble traversing through the tidal pond to the Indian River and enjoy the splendor of this protected, thriving ecosystem. People in the area know of the CE, and very few violate the restriction. Ten years ago, due to a local business, jet skis were entering the CE. The marine patrol was notified, and since that time, we haven't seen another jet-propelled vessel in the CE. As long as the RW president and board of directors acknowledges the restriction and follows the rule themselves, there shouldn't be a problem with enforcement.

The RiverWatch Conservation Easement and surrounding wetlands is an invaluable resource to our area and must have its ecological functions protected by the statutes embedded within the Conservation Easement Deed.

Thank you,

Frank Mockus and Patty Barlow

RiverWatch POA

Ecological Observations of the River Watch Development South Hutchinson Island

R. Grant Gilmore, Jr., Ph.D.
14 April 2023

These comments are based on ecological studies made on the eastern barrier islands of the Indian River Lagoon during research programs directed by Dr. Gilmore from 1972 to present. Some of these studies produced the most intensive quantitative ecological research conducted in wetlands of the Indian River Lagoon (see attached list).

River Watch residents are located on a shallow nearly isolated basin north of the Jensen Beach causeway on South Hutchinson Island, a narrow barrier island situated between the Atlantic Ocean and the Indian River Lagoon.



Before development, this location was dominated with wetland vegetation and mangrove forest. At this location tidal energy is reduced due to the distance between the nearest ocean inlet (St. Lucie Inlet @ 7.4 miles south) and the mouth of the small passage between the River Watch basin and the Indian River Lagoon. Because of reduced tidal action, most detrital (dead organic materials, tree leaves, etc.) export is through biological activity, fish and invertebrate consumption and emigration (Odum and Heald, 1972). These organisms are called detritivores, with shrimp, pupfish and mullet forming the greatest biomass. It is these organisms and their use of mangrove detritus that originated the protection of mangrove forests

by the state of Florida. Mangrove forests are a food source. These trees produce a significant dead leaf and stem biomass feeding the Indian River Lagoon and nearby ocean ecosystems.

Because the River Watch basin is surrounded by mangrove forest and has a very narrow passage (25-40 ft est. width) to the open Lagoon it is a detrital sink (trap). The River Watch basin is shallow. If the bottom is deepened it will increase detrital entrapment and produce a benthic (=bottom) anoxic zone. This will increase anoxic benthic microorganism (bacteria/fungi) activity and production of methane and hydrogen sulfide. Both, methane and hydrogen sulfide are noxious toxic gases that could affect local human health and the aquatic organisms that enter the River Watch basin.

It is not advantageous to both the Lagoon ecosystem and human health to deepen the access channel and River Watch basin. These areas should remain shallow to increase oxidation and aeration of organic detrital materials deposited in the basin by the surrounding mangrove forests.

I have attached a list of research documents that are relevant to the River Watch location and its ecosystem.

SEAGRASS AND MANGROVE PUBLICATION LIST

61) Dale, P.E., J.M. Knight, L.Griffin, J. Beidler, R. Brockmeyer, D. Carlson, D.Cox, J. David, V. Encomio, G. Gilmore, P. Haydt, R. Lewis, J. McNelly, S.M. O'Connell, B. Perry, J. Rey and J. Tucker. In 2014. **Multiagency perspectives on managing mangrove wetlands and the mosquitos they produce.** JAMCA

55) Lewis, R.R. III, and R.G. Gilmore, Jr., 2007. **Important Considerations to Achieve Successful Mangrove Forest Restoration with Optimum Fish Habitat.** Proc. International Mangroves as Fish Habitat Symposium, Bull. Mar. Sci. 80(3): 823-837.

41) Brockmeyer, Jr., R.E., J.R. Rey, R.W. Virnstein, R.G. Gilmore and L. Earnest. 1997. **Rehabilitation of impounded estuarine wetlands by hydrologic reconnection to the Indian River Lagoon, Florida (USA).** Wetlands Ecol. And Manag., 4(2): 93-109.

34) Gilmore, R.G. and S.C. Snedaker. 1993. **Chapter 5: Mangrove Forests** pp 165-198 In W. H. Martin, S.G. Boyce and A.C. Echternacht (eds.) Biodiversity of the Southeastern United States: Lowland Terrestrial Communities. John Wiley & Sons, Inc., Publishers, N.Y. 502 pp.

28) Gilmore, R.G. 1990. **Nekton-Biomass and Abundance.** pp. 129-135 in: Chapter in Seagrass Research Methods. P. McRoy and R. Phillips (Eds.). UNESCO. 210 pp.

27) O'Bryan, P.D., D.B. Carlson and R.G. Gilmore. 1990. **Salt marsh mitigation and example of balancing mosquito control, natural resources and development interests.** Fla. Sci. 53: 189-203.

24) Gilmore, R.G. 1987a. **Fish, macrocrustacean and avian population dynamics and cohabitation in tidally influenced impounded subtropical wetlands.** pp. 373-394 in Whitman, W.R. and W.H. Meredith, eds. Proceedings of a Symposium on Waterfowl and Wetlands Management in the Coastal Zone of the Atlantic Flyway. Delaware Depart. Nat. Res. and Envir. Control, Dover, Delaware.

23) Gilmore, R.G. 1987b. **Subtropical-tropical seagrass communities of the Southeastern United States: Fishes and fish communities.** Pp. 117-137 in: M.J. Durako, R.C. Phillips and R.R. Lewis III (Eds.). Proceedings of the Symposium on Subtropical-tropical seagrasses of the Southeastern United States. Marine Research Publication 42, Fla. Dept. Nat. Res.

22) Lewis, R.R. III, R.G. Gilmore, Jr., D.W. Crewz and W.E. Odum. 1985. **Mangrove habitat and fishery resources of Florida.** Pp. 281-336 in W. Seaman, Jr. (Ed.), Florida Aquatic Habitat and Fishery Resources. Florida Chapter, American Fisheries Society, Kissimmee, Florida. 543 pp.

21) Carlson, D., R.G. Gilmore and J. Rey. 1985. **Perspectives on management of impounded salt marsh habitats in Florida.** Proceedings of the 12th Annual Conference on Wetlands Restoration and Creation sponsored by Hillsborough Community College Environmental Studies Center, Tampa.

13) Gilmore, R.G., D.W. Cooke and C.J. Donohoe. 1982. **A comparison of the fish populations and habitat in open and closed salt marsh impoundments in east-central Florida.** Northeast Gulf Science, 5: 25-37.

10) Gumula, M.L. and R.G. Gilmore. 1980. **Spoil islands: determining how local governments can manage them.** Proceedings of Coastal Zone 1980: The Second Symposium on Management, Conservation and Utilization of the Coastal Zone. 10 pp.

PUBLISHED ABSTRACTS AND PROCEEDINGS

Gilmore, R.G., Jr. 1999. **Annual Sea Level Rise, Predator-Prey Population Dynamics, Wetland Nekton Recruitment, Indian River Lagoon, Florida, USA.** Fifteenth Biennial International Conference Estuarine Research Federation, New Orleans, LA., 29 Sept. 1999 Est Res Fed., New Orleans, Louisiana. Pg.

Brockmeyer, R.E., Jr., R.G. Gilmore, and J.X. Fyfe. 1993. **Feeding in six subtropical estuarine wetland fish species.** 73rd Annual Meeting, Am. Soc. Ichthy. Herp., Austin, Texas. Pg. 93.

Gilmore, R.G. 1991. **Predictability of fish community niche structure within subtropical seagrass meadows located along hydrological and zoogeographic gradients.** 121st Meeting Am. Fish. Soc., San Antonio, Texas. Pg 113.

Gilmore, R.G. and S.C. Snedaker. 1989. **Mangrove Forests.** Assoc. Southeastern Biologist, Bull., 36(2): pg 62.

Gilmore, R.G. 1988. **Subtropical herbaceous marsh, mangrove swamp fish communities. In Proceedings Workshop on Salt Marsh Management and Research.** Co-sponsored by Technical Subcommittee on Managed Marshes and IFAS, Fla. Medical Entomological Laboratory.

Hood, P.B. and R.G. Gilmore. 1985. **Impounded sub-tropical salt marsh fish and macrocrustacean research in east-central Florida.** Fla. Sci., 48 (Suppl. 1): 27.

Peters, D.J. and R.G. Gilmore. 1985. **Avifaunal use of impounded salt marsh habitat in east-central Florida.** Fla. Sci. 48 (Suppl. 1): 29.

Gilmore, R.G. and C.J. Donohoe. 1982. **Diel variation in seagrass bed fish populations.** Fla. Sci. 45 (Suppl.1): 27.

Gilmore, R.G. and D. Cooke. 1982. **A comparison of the flora and fauna of opened and closed marsh mosquito impoundments of the Indian River lagoon.** Fla. Sci. 45 (Suppl.1): 28.

WETLAND RESEARCH – TECH REPORTS
R.G. GILMORE, JR., PH.D. RESEARCH PROGRAMS, HBOI

- 1 - Gilmore, R.G. 1998. **Wetland ecosystem management: Indian River Lagoon, Florida, USA: A comprehensive review of Indian River Lagoon wetland ecosystems and human influence on these systems.** Final Rpt., Nat. Est. Prog. & St. Johns River Water Manag. District. Contract No. 98W230: 243 pgs.
- 2 - Gilmore, R.G. 1998. **Wetland impoundment management: Influence on stock enhancement, survival and migration in the striped mullet, *Mugil cephalus* Linneaus.** Final Rpt. Fla. Dep. Envir. Prot. Proj. No. MR074. : 44 pgs. + Appendix.
- 3 - Gilmore, R. G. 1995. **Tarpon recruitment to impounded wetlands of the Indian River Lagoon in the vicinity of Fort Pierce Inlet, St. Lucie County Florida.** 28 pgs. St. Lucie County.
- 4 - Gilmore, R. Grant, Ronald E. Brockmeyer, Douglas M. Scheidt and Steven J. VanderKooy. 1992. Final Report: **Nekton sampling program evaluation of faunal utilization of a created tidal marsh, Grand Harbor, Indian River County, Florida.** 20 pp., 12 tpls., 22 figs. + 1 app.
- 5 - Gilmore, R.G., D. Scheidt, R. Brockmeyer and S. VanderKooy. 1990. Final Report: **Spatial and temporal dynamics of secondary productivity in high marsh habitats vegetated with algae, herbaceous and woody flora under natural and managed hydrological cycles.** Fla. Dept. Envir. Reg. CZM-258 (Coastal Zone Manag.) through the Indian River Mosquito Control District. 21 pp., 8 tpls., 21 figs.
- 6 - Gilmore, R.G. and M.S. Peterson. 1989. **Interspecific differences in metabolic adaptations to hypoxia and mass mortalities of impounded salt marsh and mangrove swamp fishes.** 44 pp, 12 figs. Final Report: Fla. Dept. Envir. Reg. CZM - 194 (II) (Coastal Zone Manag.) through the Indian River Mosquito Control District.
- 7 - Gilmore, R.G., R.E. Brockmeyer and D.M. Scheidt. 1988. **Induced fish migration as a means of reducing hypoxic fish mortalities in impounded salt-marsh and mangrove swamp habitats.** Final Report: Fla. Dept. Health and Rehabilitative Serv. Contract No. LCNA6.
- 8 - Gilmore, R.G. and R. Eames. 1987. **Fish, macrocrustacean and hydrological studies of an impounded subtropical high marsh.** Final Rept., Fla. Dept. Environ. Reg., Coast Zone Manag. Contract No. 167. 17 pp.
- 9 - Gilmore, R.G., P.B. Hood, R.E. Brockmeyer, Jr. and D.M. Scheidt. 1987. Final Report: **Effects of increased culvert density on utilization of marsh impoundments by fishes and macrocrustaceans.** Fla. Dept. Health and Rehabilitative Serv. Contract No. LD703. 43 p., 21 Tpls., 46 Figs.
- 10 - Gilmore, R.G., P.B. Hood and J.J. Luczkovich. 1987. **Fishes occurring within a breached salt-marsh impoundment (Number 19B) in St. Lucie County, Florida:** Final Rpt St. Lucie

Co. Mosquito Control Dist. H.B.O. Institute Work Order No. 705314. 7 pp. 2 Tabs., 1 Fig.

11 - Gilmore, R.G. and D.J. Peters. 1986. **Rotational management impoundment affects on fish, macrocrustacean and avian population dynamics and basic hydrological parameters.** Final Report, Fla. Dept. Environ. Reg., Coast. Zone Manag. Contract No. 122. 78 pp.

12 - Gilmore, R.G., B.J. McLaughlin and D.M. Tremain. 1986. **Fish and macrocrustacean utilization of an impounded and managed red mangrove swamp with a discussion of the resource value of managed mangrove swamp habitat.** Final Rprt., Homer Hoyt Inst. 132 pp.

13 - Gilmore, R.G., P.B. Hood, R.E. Brockmeyer, Jr. and D.M. Scheidt. 1986. **Final Report: Impoundment No. 16A and 24, St. Lucie County, John Smith Impoundment, Brevard County, Florida: Water control systems and their hydrological impact.** Fla. Dept. Health and Rehabilitative Serv. Contract No. LD704. 63 pp., 20 Tabs., 79 Figs.

14 - Gilmore, R.G., P.B. Hood, R.E. Brockmeyer, Jr. and D.M. Scheidt. 1985. **Final report salt marsh fishery management and restoration technique analysis.** Fla. Sea Grant Proj. No. R/C-E-23 (E/T-3-PD). 50 pp., 15 Tabs., 56 Figs.

15 - Gilmore, R.G., D.J. Peters, J.L. Fyfe, and P.D. O'Brian. 1985. **Fish, macrocrustacean and avian population dynamics in a tidally influenced impounded subtropical salt marsh.** Final Report, Fla. Dept. of Environ. Reg., Coast. Zone Manag. Contract No. 93. 42 pp. + Appendix.

16 - Gilmore, R.G. 1984. **Fish and macrocrustacean population dynamics in a tidally influenced impounded subtropical salt marsh.** Final Report. Fla. Dept. Environ. Reg. - Coast. Zone Manag. Contract No.s 47/73. 35 pp., 20 Tabs., 31 Figs.



April 20, 2023

Alexander Brockett, MS
Environmental Specialist III
Florida Department of Environmental Protection
Southeast District – West Palm Beach
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
Alexander.Brockett@floridadep.gov

Mr. Brockett:

It has come to the attention of Audubon of Martin County that you are processing a permit for dredging within a very sensitive mangrove area on the Indian River. The application in question is #0173825-004-EE with a site name of Riverwatch POA/Latham, William.

The plans to remove the restrictions on this Conservation Easement on the Indian River are ill advised. At worst, the dredging and removal of mangroves in this 12.9 acre mangrove wetland could have a devastating impact on Manatees which are already in grave peril along the Indian River.

This request for dredging and mangrove removal may very well result in a permanent scar on the river. Mangroves are not only critical for wildlife, but they serve as a valuable buffer for high water events such as hurricanes. In this scope, they benefit wildlife and humans alike. In addition to the manatees, countless other marine species depend on mangrove environments for shelter, food, and spawning.

The removal of these mangroves is an action that cannot be reversed. We are strongly opposed to the dredging and mangrove removal for this section of the river and ask that the application for this permit be immediately denied.

Discover Educate Inspire

P.O. Box 3265
Stuart, Florida 34995-3265
www.audubonofmartincounty.org
772-288-2637

Florida Department of Agriculture & Consumer Services - REF CH14040

A copy of the official registration and financial information may be obtained from the Division of Consumer Services by calling toll free (800-435-7352) within the state. Registration does not imply endorsement, approval, or recommendation by the state.

It has been noted that several other environmental groups as well as notable marine scientists have come to this same conclusion. Please do not ignore the science, deny this permit request.

Respectfully,

A handwritten signature in blue ink that reads "Ray Klahne". The signature is fluid and cursive, with the first name "Ray" and last name "Klahne" clearly legible.

Ray Klahne
President

A handwritten signature in blue ink that reads "John A. Nelson". The signature is fluid and cursive, with the first name "John" and last name "Nelson" clearly legible.

John A. Nelson
Conservation Chair

Discover Educate Inspire

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Stuart, Florida 34995-3265
www.audubonofmartincounty.org
772-288-2637

Florida Department of Agriculture & Consumer Services - REF CH14040

A copy of the official registration and financial information may be obtained from the Division of Consumer Services by calling toll free (800-435-7352) within the state. Registration does not imply endorsement, approval, or recommendation by the state.

Section 704.06 (1), Fla. Stat. specifies that the conservation easement must serve the purpose of “retaining land or water areas predominantly in their natural, scenic, open ... or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife”

Conservation easements must “prohibit or limit” any or all of the following:

- * Activities detrimental to ... fish and wildlife habitat preservation.
- * Acts or uses detrimental to such retention of land or water areas.

Under Florida law, conservation easements are, of course, “perpetual”. §704.06(2), Fla. Stat.

The following organizations have submitted written support for the Riverwatch Conservation Easement:

Shari Anker
Fridrich

Tiare

Conservation Alliance of St. Lucie County

Save the Manatee Club

slcconservationalliance@gmail.com

Diane Goldberg
Rantinella

Angela

Audubon of St. Lucie County
Initiative

Hutchinson Island Preservation

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Drew Martin

John Nelson

Sierra Club-Loxahatchee

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Presidents Council on Hutchinson Island

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Greg Braun

Loxa-Lucie Headwaters Initiative

Tony Zunino

Guardians of Martin County