

September 7, 2008

Ms. Ann Lazar
Florida Department of Environmental Protection
Office of Submerged Lands and Environmental Resources
2600 Blair Stone Road – MS 2500
Tallahassee, Florida 32399-2400
via email to ann.lazar@dep.state.fl.us

Re: Proposed 62-341.417 Draft General Permit for Construction, Alteration, Operation and Maintenance of Boat Ramp Facilities

Dear Ms. Lazar:

Thank you for hearing Audubon's concerns regarding the proposed rule at your August 25th public meeting. As you know, we are concerned that current boat ramp reviews do not provide sufficient consideration for wetland dependent listed species, and this rule's proposed general permit would provide them with even less consideration. In particular:

Scope of proposed rule is overreaching

The legislative mandate for this general permit expansion only specifies that the rule pertain to local governments (373.118, F.S.), yet the proposed rule provides general permit consideration to individual dwelling units, multi-family dwelling units, commercial entities, and the federal government, among others. Not only does this proposed general permit not sufficiently consider impacts to wetland-dependent listed species, but it greatly overreaches the statutory mandate given to the Department for this rule's development. *Audubon recommends the permit be restricted to local governments only, as directed in statute.*

Proposed General Permit will cause harm to imperiled natural resources

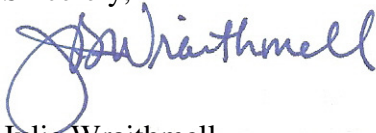
Part IV of Chapter 373, F.S., requires this general permit cause no harm to natural resources. Some consideration has been provided to seagrasses, corals and manatees in the development of this permit; nevertheless, we concur with comments from Pelican Island Audubon, Conservancy of Southwest Florida, and Save the Manatee Club that the provisions made for these resources will prove too little to protect them from impacts. Further, this permit provides no consideration for the potentially significant impacts of new boat ramps on other species on the ERP list of "Listed Wildlife Species That Are Aquatic or Wetland Dependent and That Use Upland Habitats for Nesting or Denning." Specifically, the permit provides no consideration for impacts to imperiled nesting wading birds and their allies (Wood Stork, Roseate Spoonbill, Little Blue Heron, Reddish Egret, Snowy Egret, Tricolored Heron, White Ibis, and Brown Pelican) and imperiled nesting or wintering beach-nesting birds (Southeastern Snowy Plover, Piping Plover, Least Tern, American Oystercatcher and Black Skimmer). Both of these species guilds are susceptible to catastrophic disturbance, resulting in the

death of chicks and eggs during nesting, as well as the depletion of fat reserves, threatening the ability of wintering birds to migrate and breed successfully. Currently, individual boat ramp permits do not provide sufficient consideration for these species. The proposed general permit not only provides even less consideration for these species, but also removes the publicly noticed opportunity for community advocates for these species to comment on projects before construction begins. To this end, we feel the geographic extent of this general permit is too broad. Nesting and wintering sites for these species occur in most of the counties in which this general permit would apply, and because these birds do not have to occur on the site of the proposed ramp to be affected by the ramp, proposals require individual review to avoid and minimize impacts to these species. *Audubon would be happy to discuss with DEP and FWC how the geographic scope of the general permit could be altered to better afford these species their due protection.*

Given the infinite number of site specific issues associated with the construction of boat ramps, it is extremely unlikely that a general permit can be developed for these facilities except for the very best of sites. The proposed rule's geographic and species protection criteria are broad and would allow more than these "very best of sites" to qualify for a general permit. This will ultimately result in impacts to resources the Environmental Resource Permit process is tasked with conserving.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Julie Wraithmell". The signature is fluid and cursive, with a large loop at the beginning.

Julie Wraithmell
Wildlife Policy Coordinator