

Reel Time: Stand up for mangroves

By **Rusty Chinnis** - December 28, 2022



This photograph shows the importance of mangroves to protect property. The foreground property in Englewood was protected from damage during Hurricane Ian while the adjacent property with no mangroves was devastated.

Readers of this column are familiar with the rampant illegal mangrove trimming in Manatee County and the efforts of Suncoast Waterkeeper (SCWK) to address them. That frustration led to SCWK Executive Director Abbey Tyrna contacting the Florida Department of Environmental Protection (FDEP) expressing the group's frustration and giving specific examples of policy failures. I'm printing that letter here because I couldn't say it better.



Dec. 22, 2022

Florida Department of Environmental Protection

Compliance Assurance Program, S.W. District

RE: Professional Mangrove Trimmer Accountability for Multiple Mangrove Trimming Violations in Manatee County

Dear FDEP District Staff,

Recently, there has been a ramping up of citizens' complaints relating to mangrove trimming permit violations in Manatee County. In addition to the outstanding complaints at Long Bar Pointe, 223 41st Street N.E., and 10218 46th Ave. W. in Bradenton, there have been new complaints filed at 521 Broadway St. in Longboat Key and Mount Vernon Condominiums on Cortez Road at 27°27'11.0"N 82°39'22.0"W. Suncoast Waterkeeper has a substantial interest in mangrove regulation and enforcement in Sarasota Bay and beyond. Mangroves in Manatee County particularly concern Suncoast Waterkeeper, our members and the communities that rely on these precious coastal resources. Unlike neighboring Sarasota County, where approximately 80% of the natural shoreline and mangrove coverage has been hardened and removed, Manatee still retains significant and ecologically important mangrove coverage. We believe that the 1996 Mangrove Trimming and Preservation Act violations are commonplace.

In an effort to curb violations, Suncoast Waterkeeper investigated whether the mangrove trimmer at Aqua was licensed under state law to perform the work conducted in February 2022. Unfortunately, the search did not yield the desired results because the department does not keep a database of all licensed mangrove trimmers. While in most professions, if a licensed professional breaks the law performing their job, their license is questioned, scrutinized and there is a formal process to hold the individual accountable for their poor job performance. Unfortunately, this is not the case in Florida, and we believe that a lack of accountability for the licensed professional will lead to more mangrove loss. Moreover, undertaking regulated actions without an appropriate license should, like other regulated occupations, have consequences for the individual trimming or removing mangroves in violation of the Mangrove Trimming and Preservation Act.

We fear that the lack of penalties for these numerous illegal actions will send a message to licensed professionals and their clients that mangroves can be illegally altered and removed without consequences. There are no better examples of this than FDEP's recent findings from its inspection at 10218 46th Ave. W. in Bradenton and Long Bar Pointe. Both properties have had previous enforcement cases. The property at 10218 46th Ave. W. had an enforcement case in 2013 for the same violation. In 2013, no penalties were enacted and the case was closed nearly two years later when a follow-up inspection concluded that the mangroves had recovered on their own. Without consequences, the homeowner once again hired a tree trimming service to alter the mangroves on her property illegally. This aggressive trimming is known to harm these protected tree species and was the impetus for the Mangrove Trimming and Preservation Act.

Long Bar Pointe also had an enforcement case in 2021 and closed without penalties in April of this year. Unfortunately, the second aggressive trimming event reported in January 2022 has led to a significant amount of tree debris in the **estuary** contributing to a localized harmful algal bloom in the spring. According to Sarasota Bay **Estuary** Program Director Dr. Dave Tomasko, "That portion of the bay has much more macroalgae than most of the rest of our bay, and a preliminary nitrogen loading estimate suggests that a localized nitrogen load [coming from the mangrove trimming debris] is likely playing a role in the problems

we see in that part of the bay.” The summary letter issued to the FDEP by Long Bar Pointe on Oct. 7, 2022 noted that the mangrove trimmers did not know they were supposed to remove the debris from the water. According to that same letter, penalties are forthcoming. However, there have been no updates on Oculus since Oct. 7. Meanwhile, Sarasota Bay continues to be negatively impacted by decomposing mangrove material, and communities scarred by illegal trimming and removal are increasingly vulnerable to hurricanes and suffer a reduction in overall resilience.

Finally, the complaint filed on Oct. 14, 2022 for the property at 223 41st St. N.E. in Bradenton has no complaint or inspection report logged. Can you please provide us with a file or link to a complete set of documents in DEP’s possession related to 2022 trimming at Long Bar/Aqua, 223 41st St. N.E., and 10218 46th Ave. W.? We are not sure if there are other documents related to the trimming, investigating and penalties of these filed complaints.

We want to see the regulatory framework accomplish environmental protection in Manatee County and elsewhere. We hope that enforcement actions and penalties will be strong enough to incentivize future compliance with Florida law. We also want to see licensed and unlicensed trimmers who break the law held accountable for their actions.

We encourage DEP to consider this and all other pertinent information. We recommend that you follow through on appropriate actions to protect our local waterways and the integrity of our environmental laws and regulations.

Thank you,

Abbey Tyrna, Executive Director & Waterkeeper

Rusty Chinnis, Board Chair

Justin Bloom, Founder & Board Vice-Chair

The damage to mangroves is a loss for every citizen in Manatee County, whether they are fishermen, restaurateurs, builders, realtors, homeowners or developers. These plants clean the water, protect every species that swims and feeds in local waters and are critical to protecting property from storm events like Ian. Get involved, call your commissioners and state representatives and demand accountability. If we don’t do it, no one else will. Happy Holidays.

Rusty Chinnis

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