



June 30, 2010

Nick Wiley, Executive Director  
Florida Fish and Wildlife Conservation Commission  
620 S. Meridian Street  
Tallahassee, FL 32399

Dear Nick:

It has come to my attention that an FWC contractor conducting navigation maintenance on Fisheating Creek dredged a channel in Cowbone Marsh. It appears from images that the dredging has impacted the bordering wetlands and has the effect of draining the marsh. I have also seen reports of possible downstream water quality impacts.

It is my understanding that a permit was not issued for this work under the theory that one is not required. I am unaware but am seeking to learn if there was an approved plan for the maintenance work that included the work that was conducted.

I write to urge FWC to discontinue the project until appropriate federal and state permits are in place. As an advocate for wildlife in the region and for downstream water quality I would like to know what steps are built into the permits to avoid, minimize and mitigate impacts. Indeed, most of the Swallow-tailed Kites in North America are returning at this moment to their pre-migratory roost in the Cowbone area, and we recommend extra precautions against anything that could alter its habitat quality.

I recognize that there is a constituency demanding navigation maintenance and that the Fisheating Creek settlement agreement provided for such. However, the agreement did not authorize dredging and does not trump state and federal water protection laws.

I appreciate your attention to Audubon's concerns and appreciate that FWC is in a difficult political situation. I know the commissioners and you are committed to the right outcome. Please keep me informed of your decisions on this and provide notice of meetings.

Sincerely,

Eric Draper  
Executive Director

Copy: Jon Iglehart, Florida DEP South District Office  
Deena Reepen, South Florida Water Management District Regulatory Affairs  
Donald W Kinard, Chief, Regulatory Division ACOE Jacksonville District