The Facilitation of the Volusia County Manatee Protection Plan

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Nature of the Dispute

The Manatee (Trichechus manatus latirostris) is an endangered species. It has been legislatively protected since 1892 and with legislation such as the Florida Manatee Sanctuary Act of 1978 and the revised Manatee Recovery Plan of 1995 the last twenty years have brought an increased awareness to its plight. (1) Without this legislation the awareness of the struggling Manatee population would not be at the magnitude it is presently. Due to the legislation implemented in the 1970’s, the Department of Environmental Protection, DEP, (Formerly Department of Natural Resources) started a program of Manatee Protection Plans (MPP). The objectives of the MPPs are: to reduce the number of boat-related manatee mortality, to achieve an optimal sustainable manatee population, to protect manatee habitat, to promote boating safety, and to increase public awareness of the need to protect manatees and their environment. They identified thirteen counties that were at risk of endangering these ideals and therefore should implement the recommendations made by DEP. (2) These counties include: Brevard, Dade, Duval, Indian River, Lake, Lee, Sarasota, Palm Beach, Citrus, Martin, St. Lucie, and Volusia. (2) The key issue with this concept is that the MPP’s operate under a “good will” type of policy, anotherwords, the regulations are not mandatory. The MPPs are preferred to be adopted as an amendment to the counties’ comprehensive plans or in county land development codes and ordinances. So, these county governments are encouraged to abide by the MPP guidelines but are expected to do so on a voluntary basis. However, the successful implementation of this program involves not just county government but the residents and businesses of the county. One county
in specific was having trouble coming to an amicable agreement between its stakeholders. There were several reasons for this dilemma. First, the east and west sides of the county had very different needs. Second, certain environmental groups were concerned that the Volusia county plan was not sufficient. Lastly, the fish camps that neighbored the waters of the Manatee habitat (St. Johns River) complained that the imposition of speed limits on the waterways was killing their business. All sides had valid arguments but after one failed and upsetting attempt at reaching consensus, the County leaders felt a neutral party needed to intervene. In 1997 Volusia County sought the assistance of the Florida Conflict Resolution Consortium in order to develop a MPP that would abide by the guidelines as suggested by DEP but would comply with the interests of the business leaders, residents and environmental groups of the surrounding area.

Case History

In the initial stages of Volusia County’s MPP the first meeting between stakeholders was conducted without the intervention of the Consortium. According to representatives from the County the interests of each group were voiced clearly and often angrily and the atmosphere of the meeting was tense at a minimum. It was almost a theatrical production and the result of the meeting was very controversial, the County Commissioner’s boat dock was reported as having been set on fire. (3) In addition to the theatrics the DEP did not approve the plan that the County presented. The speed limit most specifically was up for revision. So, for the second “go ‘round” the County was concerned that history would repeat itself and so they sought an outside, unbiased
party to help the stakeholders come to an agreement that would be pleasing to all. They felt that if an agreeable environment was established and maintained then the improvements necessary for the second MPP would be much easier to acquire.

The principle parties involved in the facilitation were as follows: Volusia County, the Department of Environmental Protection (Tallahassee office), Save the Manatee, the Audubon Society, Volusia-Flagler Environmental Alliance, Sierra Club, Citizens for Responsible Boating, and all cities were invited but not all attended. The speed limits and marina siting issues were the most controversial elements of the MPP. The County approached the Consortium first. They were looking for a collaborative process and the best way to design the workshops that would ultimately decide the fate of the MPP. Thirty people were approached from the Consortium to attend the workshop. DEP and the County met first and discussed what it was they didn’t agree on. From there they went to reach out to all parties involved.

A very important element of the facilitation process was the understanding of the varying interests for the east and west sides of the County. The west side is in close proximity to the St. Johns River which is a major waterway for recreational boating and home to many fish camps. The west side’s sociodemographics are very different from the east. The communities are much smaller and rural in nature and are the home of many first generation Floridian families. They are typically close knit and don’t respond well to outsiders. The east side borders the Intracoastal Waterway which has considerable thru traffic. The east side is also home to popular cities such as Daytona Beach, Ormand Beach and New Smyrna Beach which have considerably higher
population densities and tourist traffic. Anotherwords, the west side’s interests were much more passionate because the MPPs directly affect their way of life.

The previously mentioned environmental groups had primarily the same interests. They were concerned with the survival and preservation of the Manatee population. The speed limits varied in certain sections of the county and were not posted clearly and therefore left too much room for interpretation by police and boaters. Also, the level of enforcement and actual speed limits were of great concern.

The group with the most spirited and voiced concern were the business owners and boaters. The fish camps that dot the St. Johns River provide fish guides as well as refreshments and restaurants. According to the representatives of this group business had collapsed due to the speed restrictions. One of the reasons for this is the geography of the region. From Astor at the mouth of Lake George in the north to Hontoon Island in the south there is an approximately twenty-mile stretch of virtually unspoiled beauty. There aren’t many stops along the way for boaters to take a break from the baking Florida sunshine. So, the boaters choose to go faster than the speed limits in order to make it through this terrain because with little or no opportunity to go ashore or to take a swim (too many alligators) the boaters claim they have little chance to make it through this part of the St. Johns River. (4) If they choose to not travel down this waterway the traffic then noticeably decreases. Without the necessary traffic the fish camps claim they can not survive.
According to DEP, their argument is solid but it can not be ignored that in this state boating often is one of the leading causes of death for the Manatee. Below is a table of overall Manatee deaths and those by boating and the numbers are upsetting. (5)

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Deaths</th>
<th>Boating Deaths</th>
</tr>
</thead>
<tbody>
<tr>
<td>1987</td>
<td>114</td>
<td>39</td>
</tr>
<tr>
<td>1988</td>
<td>133</td>
<td>43</td>
</tr>
<tr>
<td>1989</td>
<td>168</td>
<td>50</td>
</tr>
<tr>
<td>1990</td>
<td>206</td>
<td>47</td>
</tr>
<tr>
<td>1991</td>
<td>174</td>
<td>53</td>
</tr>
<tr>
<td>1992</td>
<td>163</td>
<td>38</td>
</tr>
<tr>
<td>1993</td>
<td>145</td>
<td>35</td>
</tr>
<tr>
<td>1994</td>
<td>193</td>
<td>49</td>
</tr>
<tr>
<td>1995</td>
<td>201</td>
<td>42</td>
</tr>
<tr>
<td>1996</td>
<td>415</td>
<td>60</td>
</tr>
<tr>
<td>1997*</td>
<td>111</td>
<td>26</td>
</tr>
</tbody>
</table>

*Through June

SOURCE: Florida Department of Environmental Protection

While this table does not reflect total deaths and boating deaths in Volusia County alone it is relevant to DEP’s argument that boating deaths are a leading cause of the mortality rate for the Manatee population. Therefore, it is more evident as to why DEP, Volusia County, and the environmental groups are so upset by the boating and fish camp interests.

**Outcomes**

Well, what does this mean for the facilitation that took place in 1998? It means that the Consortium had a difficult task ahead of them. Headed by Rafael Montalvo from the Orlando office he agreed to meet with all stakeholders in a workshop setting in order to facilitate an amicable agreement on the development and proposal of Volusia County’s MPP. The outcomes of this process are as follows.
According to Montalvo the level of satisfaction for all parties was much higher with the Consortium’s intervention versus the initial trial without their help. There was a fragile agreement on the modification of the boating speeds rule. Save the Manatee did not vote for the modification but the County did adopt it and forwarded to DEP. The County Council changed its mind several times due to the fragile votes. Apparently voters were not completely comfortable with the improvements and so there was considerable wavering. The process itself gave mixed reviews for satisfaction as well as the outcome of the facilitation.

The individual parties had diverse opinions. The private environmental groups felt that the interests were not thoroughly examined and observed. The process was too rushed since it took place during a four-month period. The magnitude of the issue they felt did not have an accurate assessment due to this short span of time. The DEP was not happy with the outcome. They were “coarse” to participate according to Montalvo. They felt that the process did not focus on the merits established in the DEP rule that was established by state regulation. In reference to the boating speeds rule DEP remained open on the subject but unclear as to their overall evaluation. They had mixed feelings on the entire process and chose to hold opinion till the recommendation passed, as so did the boating interests.

The critical challenges for this facilitation were great. As mentioned previously the western Volusia County representatives were a close-knit group that at times could be hostile. When the Consortium was approached Montalvo was aware of the sociodemographics of Volusia County as well as the sour atmosphere that remained
after the first attempt for developing the MPP. There was one individual that continued to be a “troublemaker” for Montalvo. He developed a list of DEP lies and submitted them for discussion (so to speak). One environmental representative had been arrested three times. It was obvious to Montalvo that in order for this facilitation to become successful the personal issues would have to be stricken from the discussion. That in theory sounds difficult and in reality it was even more so.

The next critical challenge was maintaining a perception of neutrality. Since Volusia County hired the Consortium there was considerable doubt as to the unbiased judgment of the Consortium from all parties with the exception of the County. Yet, this is probably one of the most essential components for the Consortium to bring to the facilitation. It is very difficult to earn the respect of strangers when they greet you with suspicion. So, in addition to established hostilities between parties the “saving grace” that the Consortium was to provide was already tainted before discussion even began.

Conclusions

All in all Montalvo reflected that the facilitation went well. Having been an experienced third party he was aware of the challenges, the issues and interests that divided the groups, and the possibility of failure. However, he did enable the parties to reach an agreement. That is the goal of the facilitator in any situation. In a dispute such as the Volusia County Manatee Protection Plan there are always obstacles to overcome. Otherwise, the facilitator would not have been called upon. The true measure of the success of the outcome is whether or not all parties walk away with some degree of contentment. Only one party defied that, Save the Manatee Club but considering the
heated debates that often went on with this diverse group of stakeholders I believe that even one party may not be content. I would agree that the Consortium could have allowed for a greater time for the facilitation. Four months doesn’t seem to be nearly enough time to remedy the situation fully. But it is for certain that headway was made. It is difficult when so many parties are involved with such personal interests to reach an amicable consensus. In conclusion, I believe that the Florida Conflict Resolution Consortium and Rafael Montalvo successfully completed this facilitation.
Works Cited


