



Manatee protection zones in Indian Rocks Beach (Pinellas County)

November 2015

Florida Fish and Wildlife Conservation Commission
Division of Habitat and Species Conservation

At the June 2015 Commission meeting in Sarasota, final manatee protection zones were approved for portions of western Pinellas County. Issues subsequently arose related to a portion of the approved zone in Indian Rocks Beach. Staff is bringing this zone back for reconsideration.

Background

- Rule 68C-22.016 approved in June 2015
 - Two basins added to the zone in Indian Rocks Beach

- Two rule challenges filed in August 2015
 - Both challenges concern only the added basins in Indian Rocks Beach

- City of Indian Rocks Beach
 - City residents appear divided regarding the basins
 - FWC staff attended city commission meeting in Oct. 2014
 - The city commission voted to support the addition of the two basins in Nov. 2014
 - The city commission revised its position in August 2015



The final rule for Pinellas County (68C-22.016) that was approved at the June 2015 meeting included several changes to the rule as originally proposed. One of the changes was to the zone in Indian Rocks Beach where, based on public comment, two basins were added to the zone. The two basins were added, in part, based on support for the change expressed by the city of Indian Rocks Beach. (The basins had been excluded from the initial rule proposal based on FWC staff's concurrence with the majority recommendation from the Local Rule Review Committee.)

Two rule challenges contesting only the addition of the two basins in Indian Rocks Beach were filed in August 2015. Both challenges seek to return the zone to what was proposed in December 2014, based on the contention that the two basins have historically been used for water sports and that available information does not support the need for zones in the basins.

Some residents of Indian Rocks Beach have expressed support for regulating the basins while others have advocated for removal of the basins. There has been a diversity of opinions on this issue for over a year. In October 2014, FWC staff accepted an invitation from the city of Indian Rocks Beach to present information on the zones at a city commission meeting. The following month, the city commission discussed the zone again and, by way of a 4-1 vote, expressed support for including the basins in the zone. The City maintained this position throughout the public comment period and through the June 2015 meeting (when the final rule was approved). In August, at the urging of residents who disagreed with the City position (including some people involved in the rule challenges), the city commission held another meeting and, by way of a 3-2 vote, changed its position to now support a zone that excludes the two basins.

Staff recommended change

- Exclude the two basins in Indian Rocks Beach that were added in June 2015
- This change will return this zone to what was originally proposed in Dec. 2014
- This change is expected to resolve the rule challenges



Florida statutes directs FWC to consider water skiers and other recreational and commercial waterway users when assessing the need for manatee protection zones. Although available data support the zone as approved, reasonable arguments can be made in favor of either including or excluding the two basins (shown in red boxes on the map). This is why staff had concurred with the Local Rule Review Committee majority recommendation with respect to the proposed zone. This position was revisited in June 2015 based on the City's support for including the basins in the zone. However, given the rule challenges, the new City position, and the differing preferences of the city residents, staff now recommends that the zone configuration be returned to what was originally proposed (with the two basins excluded).

Even though the rule challenges concern only these two basins, they have prevented the entire rule from being finalized and are thus affecting manatee protection in a much larger area. Excluding the two basins is expected to resolve the rule challenges and allow the entire rule action to move forward. If in the future the City decides it wants the basins treated the same as the areas covered by the zone, the City has the authority to adopt a local ordinance to accomplish this.

Recommended Final Action

- Revise the approved rule to exclude the two basins in Indian Rocks Beach as previously discussed



Staff will publish a new Notice of Change detailing the revision to the previously-approved rule. The rule challenges will still need to be resolved before the rule can be filed for adoption, but staff anticipates that adoption should be able to occur in early 2016, with the zones becoming enforceable as soon as markers are posted on the water. Posting will likely occur in the latter half of 2016.

The following slides are backup material



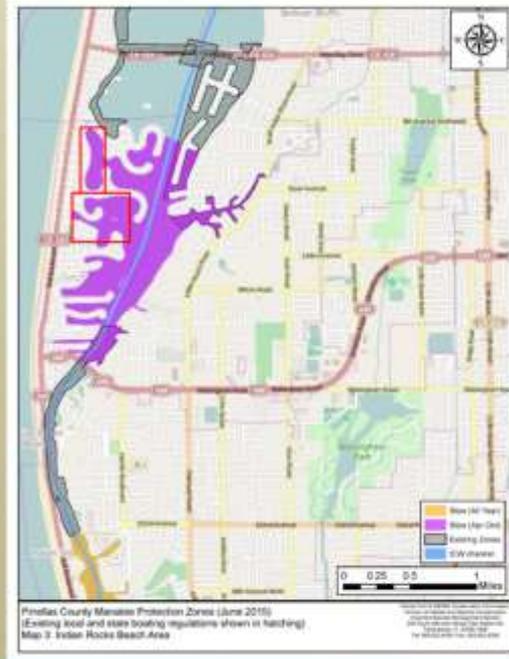
Western Pinellas County



This shows the location of Pinellas County. The eastern (Tampa Bay) side of the county was evaluated in 2003-2004. The western side had never been evaluated by FWC for manatee protection zones prior to the zones that were approved in June 2015.

Approved Zones

Indian Rocks Beach area



Staff is recommending a change to the approved zone for the Indian Rocks Beach area. The previously-approved zone is a warm season Slow Speed zone outside of the ICW. The recommended change is to exclude the two basins indicated by the red boxes. This change will return the zone to what was originally proposed in December 2014.

Additional information

Pinellas County:

<http://www.pinellascounty.org/statemanateeplan/default.htm>

FWC manatee protection rule information:

<http://myfwc.com/wildlifehabitats/managed/manatee/rulemaking/>

