

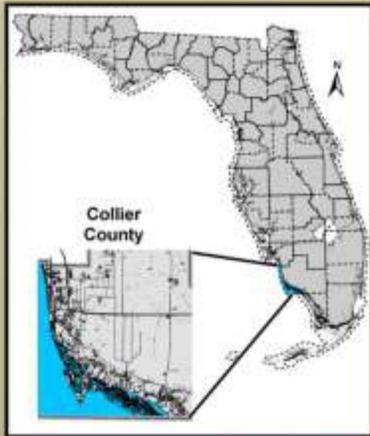


# Review of Collier County Manatee Protection Rule 68C-22.023, FAC

November 2016

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

# Collier County



This slide provides a geographic reference for Collier County, the area of the state that we will be discussing. The majority of the areas we are recommending for changes cover areas from Wiggins Pass south to the Marco Island area.

## Background Information

- First state manatee protection zones in Collier County were adopted in 1983 in the Port of the Islands area
- In 1989 the Governor and Cabinet identified 13 counties for manatee protection measures, Collier County was one of the 13
- A county-wide manatee protection rule was adopted in 1990 and amended in 1997
- This rule is identified for review in the state Manatee Management Plan

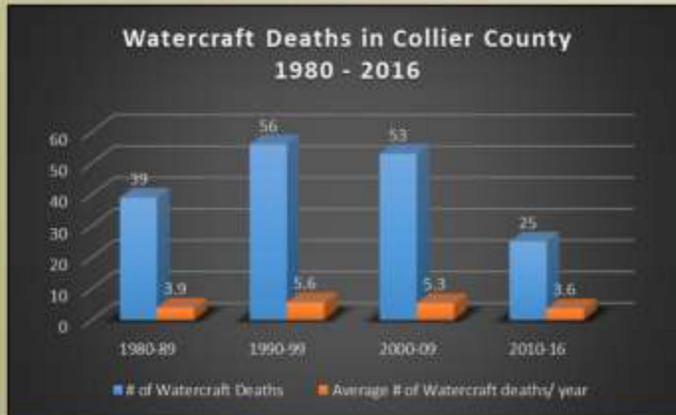


Collier County is one of the 13 counties identified by the Governor and Cabinet in 1989 as “key” counties that needed to implement several actions to help protect manatees. Two of those actions were to develop countywide site-specific boat speed zones and to develop county Manatee Protection Plans that provided a comprehensive approach to manatee protection in each of the 13 counties.

The first state zones in Collier County addressed only the Port of the Islands / Faka Union Canal area. These zones were adopted in 1983 and amended in 1987. A rule addressing manatee protection needs throughout the county was adopted in 1990, and amended in 1997. A comprehensive Manatee Protection Plan (MPP) was developed by Collier County and approved by the state in 1995. The MPP provided some recommendation for rule changes which were considered in the 1997 revisions. This rule has not been reviewed since the 1997 amendments.

The FWC developed a state Manatee Management Plan (MMP) that was approved in 2007 to direct staff priorities in management and research activities. The FWC rule for Collier County is identified for review in the state MMP primarily because it is one of the older rules that has not been re-evaluated in almost 20 years and manatee and boating data have both been collected in recent years for this review. The MMP directs staff to eventually review all existing rules for review.

# Data Review and Analysis



Many factors considered:

- Manatee data
- Boating data
- Manatee mortality
- On-water inspections



Staff completed a review and analysis of all the related data in fall of 2015. Manatee aerial survey data was collected 1986-1993 and 2006-2008. The number of manatees seen in Collier County during aerial surveys showed similar use and distribution of manatees between the two study periods. Boating data was collected during 2006-2007 over 12 months.

Manatee mortality data was reviewed for the 1974-2015 period for the data analysis. Data for 2016 was considered during 2016 as the process moved forward. Six watercraft deaths have been recorded in 2016 so far and are included in the bar graph on this slide. The bar graph shows three 10 year periods and the last set is for slightly less than seven years.

When evaluating the potential need for changes to the existing zones, FWC staff placed the greatest emphasis on manatee sighting data and analyses that looked at the spatial overlap between recent manatee use and boat traffic to evaluate the risk of manatees being struck by boats. Where there was high spatial overlap between manatee use and boat use the risk of collisions is greater.

Other data were also considered, such as manatee telemetry data, water depth, habitat availability (e.g., seagrass), locations of boat access facilities and marked channels, sign- posting considerations, and issues related to overall zone complexity and the ease with which boaters would be able to understand the zones.

## Rule Development Process

- FWC met with staff from the County, City of Naples and USFWS
- Held two public workshops to gather local input
- The County selected a 10-member LRRRC in March 2016
- Visited areas under review with FWC and County Law Enforcement
- Evaluated Moorings Bay as requested by the City of Naples



FWC staff met with county staff several times and conferred with staff of the USFWS. FWC staff also discussed rule revisions with Rookery Bay and Everglades National Park. Public workshops were held on March 7 and July 14 both before and after the LRRRC met.

The county was notified in late February to form an LRRRC, which they formed in early March. Their first meeting was held on March 25 and they met for 60 days as required by statute. FWC staff provided a data package and identified areas for the LRRRC to review and provide input. The LRRRC submitted their report to FWC on May 23.

In 2014 the City of Naples petitioned FWC to amend the rule in order to add emergency manatee protection zones in the Moorings Bay system. FWC declined to do emergency rule making but advised the city we would review Moorings Bay when we reviewed the whole County rule.

Conducted water inspection with FWC and County Sheriffs law enforcement staff to get their input on any issues they had with the areas recommended by the LRRRC to assist in developing our response to the LRRRC.

Staff responded to the LRRRC in early August shortly after the on-water site inspection.

## Rule Development Process

- Local Rule Review Committee (LRRC)
  - LRRC met 7 times and submitted its report to FWC in May 2016
  - LRRC provided recommendations for areas and issues identified by FWC
  - LRRC recommended modifications in two additional areas: Wiggins Pass and the Clam Bay system
  - The LRRC provided majority and minority opinions in their report



FWC staff attended all seven of the LRRC meetings, either in person or by teleconference. The LRRC report includes both majority and minority opinions for FWC to consider.

## Rule Development Process

- FWC staff response to LRRC report
  - Staff considered the LRRC report to FWC including majority and minority recommendations
  - Staff provided a response to the LRRC recommendations



FWC staff re-evaluated all areas in light of the LRRC recommendations and additional input provided by USFWS, FWC and County law enforcement, and other interested parties including the general public.

The LRRC made recommendations on all areas or issues identified by FWC .

After responding to the LRRC report, FWC reconsidered the additional regulation proposed in the channel for Little Hickory Bay and removed it from the staff proposal. The decision was made based on further analysis of the data and risk to manatees. In addition, staff decided to make no changes to the existing availability of commercial fishing permits.

## Summary of Staff Recommended Changes

- Staff recommends removing regulation entirely from areas totaling 784 acres.
- Staff recommends a reduction in regulations (Idle Speed to Slow Speed zones) totaling 875 acres of waterway.
- Staff recommends modifying or adding zones that increase regulation in areas totaling 374 acres.



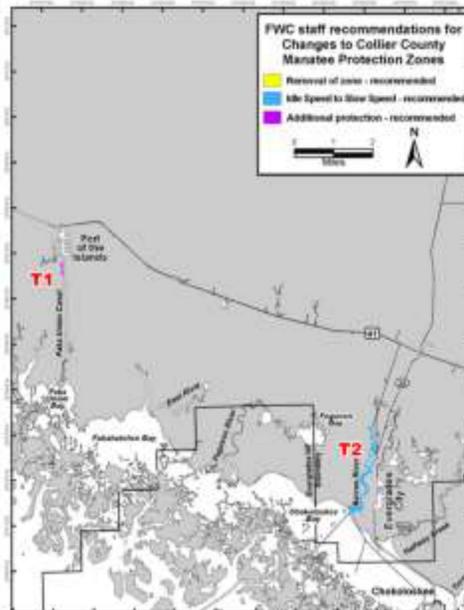
Staff is recommending removing 3 areas with 30 MPH in the channel and 20 MPH outside marked channels (totals 784 acres).

Changes from Idle Speed to Slow Speed would affect a total of 4.9 linear miles of marked channel, reducing the level of regulation.

The slow zone in Moorings Bay (256 acres), which is included in the additional regulated area, was previously regulated by the city for more than 20 years at idle speed. Staff is recommending three areas that would change from a numeric zone to Slow Speed (113 acres) and a No Entry Zone in a newly created manatee warm-water site (<5 acres). Of the areas newly regulated, Moorings Bay and the new manatee mitigation feature account for 70% of the area. Additional Slow Speed areas would affect a total of 1.17 linear miles of marked channel.

Given that the number of manatees seen during recent aerial surveys was similar to what was observed in the past and that boat-related manatee mortality has been relatively stable or decreasing, available information suggests the boat-related risks manatees face at the countywide level have not changed significantly as a result of increases in the human population and/or changes to the characteristics of the area (e.g., habitat availability, etc.). For this reason, large scale changes to the existing rule do not appear to be needed to address changes in risk. However, this does not necessarily mean that no changes are needed to address risks in site-specific areas or that rule changes may not be warranted for other reasons, such as to reduce zone complexity or to remove or modify zones that may not provide a significant benefit.

## Ten Thousand Island Region

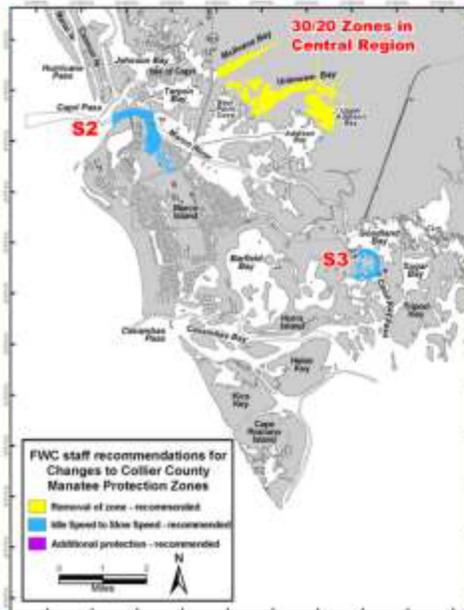


The two staff recommended modifications in the Ten Thousand Island region to the rule include:

T1 is the location of the newly created manatee warm-water refuge. This site was created on a spoil berm along the Faka Union canal as mitigation for the Comprehensive Everglades Restoration Project that will restore sheet flow to the areas north of Port of the Islands. This restoration project is also expected to eliminate the current warm-water site created by the freshwater flow that is currently delivered to the Port of the Islands from canals north of highway 41. The freshwater flow creates a thermocline that holds warm-water that manatees use as a winter refuge. The LRRC concurred with this position.

T2 is the Barron River, which is currently an Idle Speed zone. Like other Idle Speed zones already discussed, staff recommends that this zone be changed to Slow Speed. The majority of the LRRC recommends the area remain as Idle Speed. But this is consistent with the minority opinion.

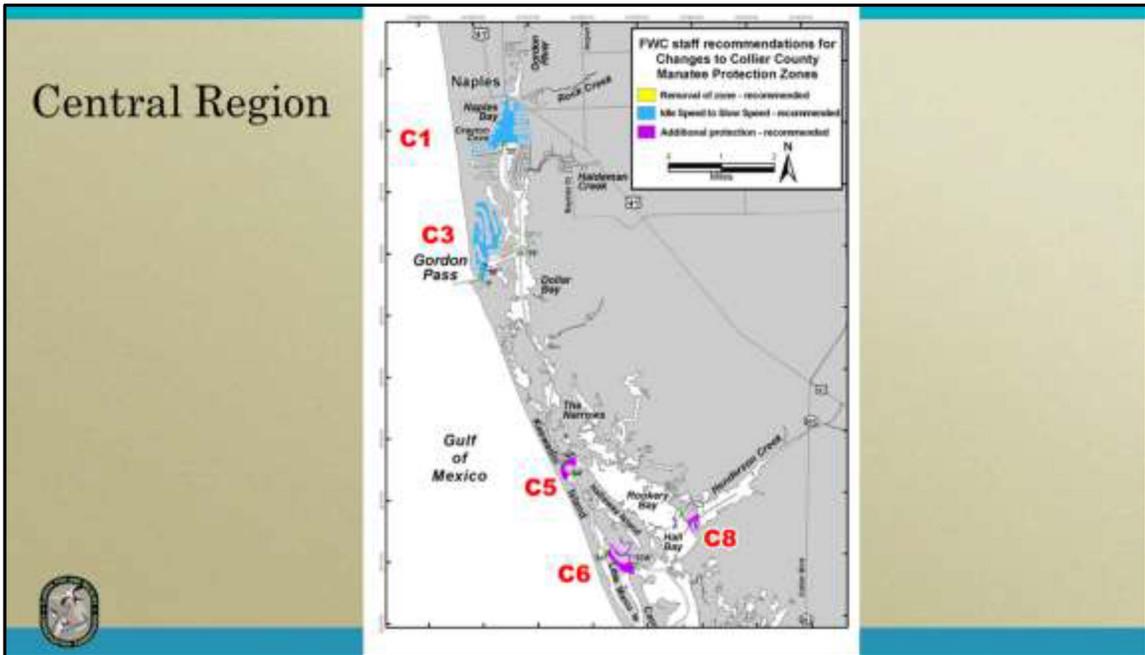
## South Region



Areas S2 (Marco Pass) and S3 (Goodland) are currently Idle Speed zones that are proposed to be changed to Slow Speed. As was discussed with the Central Collier County zones, staff believes these changes still provide the necessary protection for manatees.

In addition to S2 and S3 staff is proposing to remove three 30/20 MPH zones completely from McIlvane Bay, Unknown Bay and Upper Addison Bay. Staff recommends removing these 30/20 zones because of the limited amount of boating and manatee use documented in the bays and the fact that unlike some of the other areas with 30/20 zones manatees do not travel through these bays on their way to or from other areas.

## Central Region

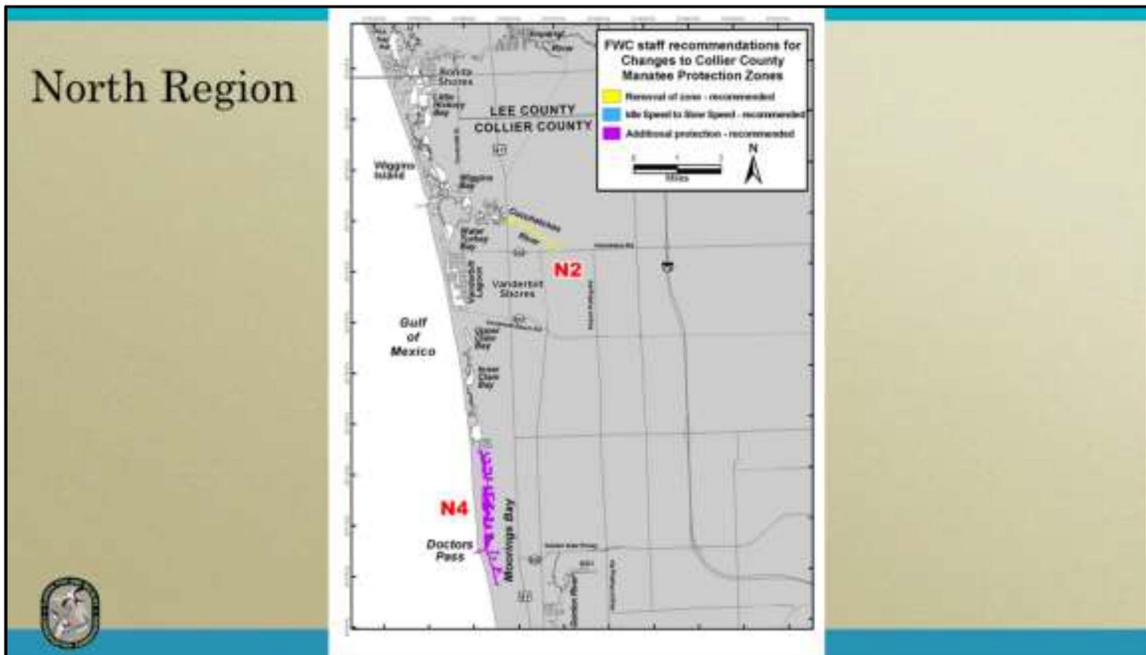


In central Collier County staff recommends 5 modifications to the existing zones. In areas C1 and C3 staff recommends changing the existing Idle Speed zones to Slow Speed. Slow Speed often provides boaters with better vessel control, especially in inlets and passes where tidal currents and other factors can make safe navigation more difficult. In addition, Idle Speed zones provide only marginally more manatee protection than Slow Speed zones but the impact on boater travel time can be significant given that for many boats Idle Speed can be less than half of the speed allowed in a Slow Speed zone. For these reasons, Slow Speed is used much more frequently than Idle Speed in existing FWC manatee protection rules throughout Florida.

In areas C5, C6 and C8, staff proposes adding small areas of additional protection. All three areas are currently 30/SS and would be changed to shore-to-shore Slow Speed to now include the channel. The proposed Slow Speed zone in Area C5 would be 0.3 miles in length. This area is an intersection of waterways that has moderate manatee use but high use by boats traveling at high speed.

Area C6 is similar to C5 in that it is an intersection of waterways; however, C6 has high manatee use, high fast boat use and numerous watercraft manatee deaths have been recovered near this area. The area proposed to become a Slow Speed zone is approximately 0.6 linear miles long.

C8 is an area that has moderate manatee density and moderate fast boat use. The area proposed for regulation is 0.25 miles long and is located in a narrowing of the waterway. This waterway leads to a known warm-water site that attracts manatees during the winter months.



In north Collier County, staff recommends removing the 30/20 mph zone east of Highway 41 (portion of area N2) in the Cocohatchee River. Staff does not believe the available information supports the need for a zone in this section of the river given the limited amount of manatee use and boating use documented in the area. Unlike some of the other areas with 30/20 zones (e.g., Little Hickory Bay), manatees do not travel through this area on their way to or from other areas. Removing the zone would likely have very little effect on how boats are operated on this section of the river.

In area N4, staff recommends the addition of a Slow Speed zone in Doctors Pass and Moorings Bay. Staff supports a zone in this area because manatees are known to periodically use this area and the risk of manatee-boat collisions is higher than other areas due to the amount of boat use documented in the system given the 300+ single family docks and numerous condominiums and other boating facilities that line this entirely sea walled developed residential area.

## Input of Other Agencies

- Local Governments
  - Supports the proposed slow speed zone in Moorings Bay
  
- Collier County
  - County staff participated in the entire LRRC process.
  
- U.S. Fish and Wildlife Service (USFWS)
  - Supports recommended changes



We have discussed the existing rule with other agencies and all are supportive of the recommended changes or have taken no formal position.

## Staff Recommendations

- Staff requests permission to publish a Notice of Proposed Rule, conduct at least one public hearing in Collier County and return with a final rule for Commission consideration in 2017.



Staff requests permission to move forward and publish a Notice of Proposed Rule and conduct an additional public hearing in Collier County. After completing a review of any additional information received, staff will return with final recommendations for the Commission in 2017.