



## Critical Wildlife Area Proposals - Update

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

This presentation will provide an update on the proposals being considered to fulfill the direction received at the April Commission meeting.

CWAs are specific sites designated by the Florida Fish and Wildlife Conservation Commission (FWC) to protect places where wildlife congregates to breed, nest, roost, and feed. The areas are designated through an establishment order to minimize disturbance from human activities.

FWC photo by Carol Rizkalla.

All aerial photos in the presentation are public domain.

All maps have been updated to more accurately reflect actual boundary distance. Proposed sign postings are for presentation purposes only. The number and location of signs around each island will be determined by Waterway Marker permits issued by Boating & Waterways.

Report date: September 9<sup>th</sup>, 2016

## Synopsis: CWA Conservation Initiative

- 1977–1993: 22 CWAs established throughout the state
- 2009: Staff began work to revive the CWA process
- 2010 - Commission approved change to CWA rule
- 2014–2015: Martin Co. Bird Island CWA and Second Chance CWA are established
- 2016: Staff continue work to advance CWA development



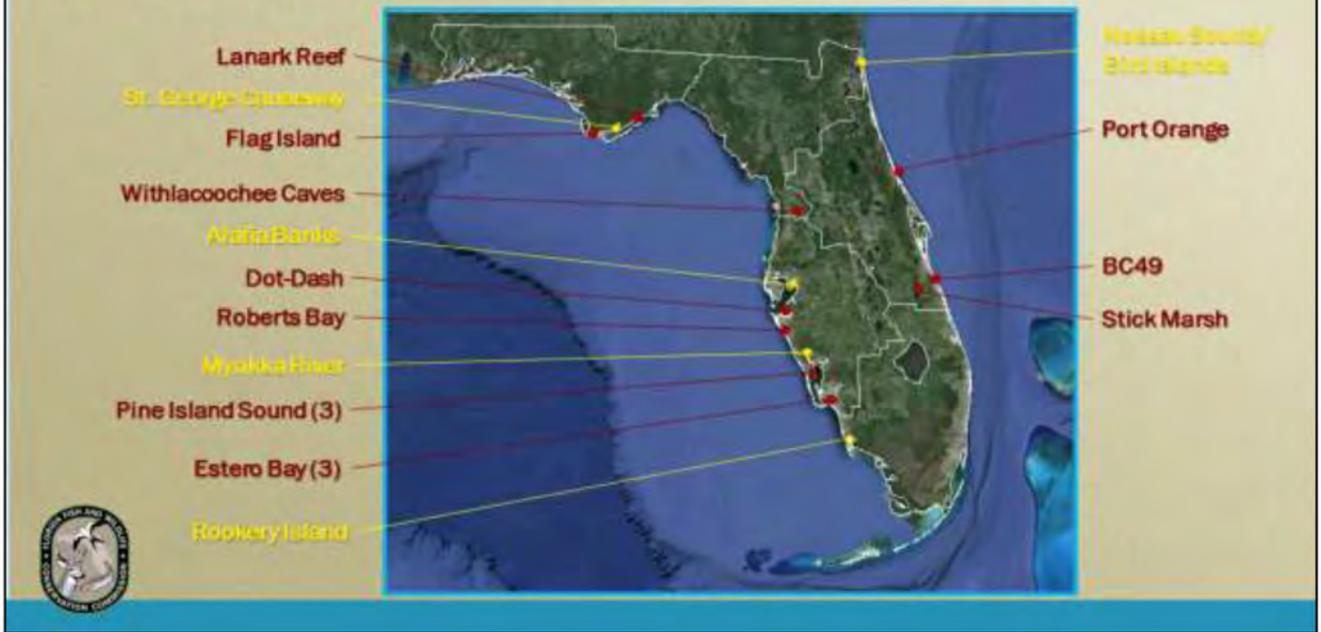
Between 1977 and 1993, FWC established 22 CWAs throughout the state, with 18 still in existence. Originally called Colonial Bird Nesting Areas, the name was changed to CWA in 1982.

Staff and partners have monitored the existing CWAs and during the early 2000's, worked to revise signs and posting techniques to improve compliance. During the early 2000's several issues emerged that led staff to address revising policies and rules related to CWAs. In 2009 and 2010, staff worked to update the process for establishing CWAs. In 2010, the Commission approved changes to rules designating CWAs to allow for emergency CWA establishment, to require landowner concurrence prior to establishment, to include closures to dogs and vessels, and to allow for other CWA-specific regulations within the establishment orders.

In 2011, a CWA coordinator was hired to develop and implement a strategy to improve the management, establishment, and re-establishment of CWAs. In 2014, Bird Island, in Martin County, was the first new designation in 21 years. Second Chance, in Collier County, was designated in 2015. Also in 2015, eight minor re-establishments (modernized establishment orders) and 4 dis-establishments were approved under the revised rule. Seventeen of the 20 CWAs currently provide significant habitat for nesting, roosting, or foraging seabirds, shorebirds, or wading birds.

In April 2016 staff provided an update on Bird Island CWA where reduced disturbance may have contributed to increased productivity. Staff were directed to develop a list of significant sites where wildlife is concentrated and where disturbance is a problem and bring back a proposed list to the June Commission meeting. The goal is to seek final approval for the establishment orders at the November meeting of the Commission.

# Proposed New Sites and Changes



We have identified 5 existing CWAs which require re-establishment (a change in boundary or closure dates) shown in yellow and 10 new areas which would benefit from the protection of a CWA designation. Some of the new areas include multiple islands or caves. The following slides provide a summary of boundaries, comments, and concerns.

## Public Engagement Process

- Numerous press releases sent out and media contacted after the June Commission meeting
- Proposals posted on FWC web site
- Public workshops advertised around the state
- Email address established to accept comments
- Meetings and discussions with land owners and partners



There was extensive media coverage of the CWA initiative. It was picked up by all major media markets state wide and coverage in at least 50 individual media outlets (newspapers and television stations).

# Summary of Public Engagement

- 14 public workshops were held in July and August
  - Over 400 people attended
- Over 320 comments have been received – majority are supportive
- All proposed CWAs received at least one comment
- General comments (no CWA named) most numerous



The public comment period is still open. As of August 31, over 300 comments had been received. Comments were received in person at the public workshops, via email, letters, comment cards, and phone. Nature of written comments was very similar to what was received in the public meetings.

# Topics and Themes from Public

- Support for CWAs
- Scope of proposals
- Buffer width
- Enforcement
- Timing of closures
- Navigation safety
- Multiuse needs

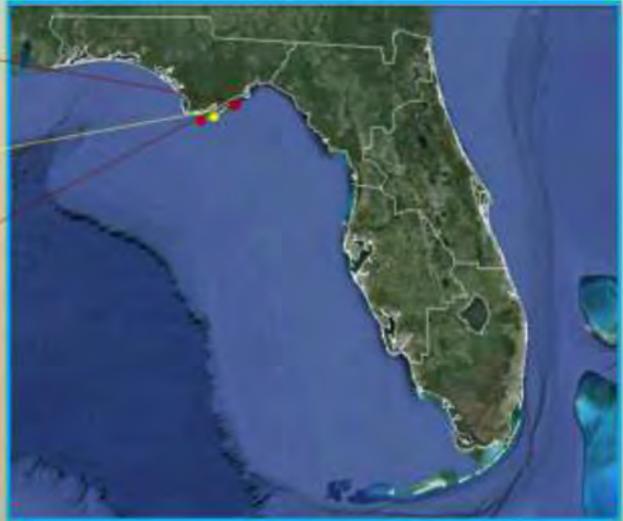


# Northwest Region

Lanark Reef

St. George Causeway

Flag Island



# Flag Island – Franklin County



- Establishment area in yellow
- Only area in red would be posted
- Red buffer ranges from 50-300 feet
- Year-round closure



## NEW establishment

**Ownership:** Division of State Lands, unmanaged

**Birds:** black skimmer, brown pelican, American oystercatcher, and Caspian, royal, sandwich, gull-billed, and least terns

**Acreeage:** currently 26.5 upland, 62 water

As the sandbars shift over time (moving, accreting, eroding) having a large establishment area (shown in yellow), would allow for FWC to change the position of the boundary markers as the islands shift.

**Changes based on public input:** Change spelling of Flag.

# Flag Island – Public Comments

## Franklin County



- 16 people attended the public meeting
- Summary of Public Input:
  - Support designation with buffers and year round closure as proposed
  - Spelling of 'Flagg' inconsistent with older nautical maps
- Changes to proposal:
  - No changes to buffers or proposed closure seasons
  - Update spelling



The public meeting for Flag Island was held on July 12<sup>th</sup> at the Apalachicola National Estuarine Research Reserve in Eastpoint. The meeting was combined with the proposed changes to St. George Causeway. Attendees at the meeting included staff from Apalachicola National Estuarine Research Reserve, members of local Audubon chapters, and the public at large. Discussion of the Flag Island proposal included confirmation of the extent of the sandflats around the areas; no alterations in the proposal were suggested at the meeting or in emails. The spelling of 'Flagg' was noted as a newer spelling inconsistent with older nautical charts. Staff are recommending using 'Flag' instead.

FWC photo by Carol Rizkalla.

# St. George Causeway CWA Re-establishment Franklin County



- No change proposed for boundary or posted areas
- Extend closure season by 2 months (March 1 through September 30)



## Re-establishment:

**Ownership:** Apalachicola National Estuarine Research Reserve, FDEP

**Birds:** least, royal, Caspian, gull-billed, and sandwich terns, laughing gulls, American oystercatchers, brown pelicans

**Acreeage:** 32 acres uplands, no water posting

**Changes based on public input:** No changes

# St. George Causeway – Public Comments

## Franklin County



- 16 people attended the meeting
- Summary of Public Input:
  - Supportive of proposal
  - Some recommended creating in-water buffer
  - Increase law enforcement presence
- Changes to proposal:
  - None recommended



The public meeting for St. George Causeway was held on July 12<sup>th</sup> at the Apalachicola National Estuarine Research Reserve in Eastpoint. The meeting was combined with the proposed establishment for Flag Island. Comments regarding St. George Causeway re-establishment were generally supportive. No changes were proposed in the boundary, and no one expressed concerns about adding an additional month at the beginning and ending of the nesting season. Several people did mention concerns about increased law enforcement presence; the island is already closed seasonally, and people have been documented on the island or tied up to the seawall along the edge of the island during the closed period. There were also several recommendations to create a posted buffer around the island to protect least terns using the top of the seawall. Due to the popularity of the area for fishing, staff feels the best compromise is to maintain a seasonal closure with extended dates, and to maintain posting as it is currently done.

Photo by Megan Lamb.

# Lanark Reef

## Franklin County



Proposal Shown at  
Public Workshop



The yellow box represents a proposed establishment area, that would not be posted. Only the red area would be posted. The larger area was proposed to allow FWC to alter sign posting locations in the future for sites that frequently change. These larger establishment areas depicted in yellow generally caused confusion for the public about what would be posted and generally were not supported. In all but a few sites the larger establishment areas depicted by yellow boxes have been dropped.

# Lanark Reef – Public Comments

## Franklin County



- 38 people attended the meeting
- Summary of Public Input:
  - Extend buffer, close cut (inaccessible at low tide)
  - Tarpon fishing guide at meeting felt that fishing on flats wouldn't be impacted
  - Increase law enforcement presence
- Changes to proposal:
  - Close cut and adjust boundary along reef



The public meeting for Lanark Reef was held on July 11 at the Lanark Boat Club in Lanark. 38 people attended the meeting, and provided input to staff. Meeting attendees included members of local Audubon chapters, Coastal Conservation Association (CCA), Defenders of Wildlife, fishing guides, and the public at large. Input included requests that the cut be closed. The proposal had left this area open to allow boating access, but local fisherman and residents expressed that the area is only accessible at high tide, and even then it is very shallow. Fishing guides felt that the tarpon fishery would not be impacted by the closure – the areas commonly used by the fisherman were outside of the proposed buffer. Participants at the meeting, as well as subsequent emails, also requested the buffer be extended up to 100 feet to better protect the solitary nesting birds along the reef.

It was also requested that signs posting the island be placed in a manner to avoid obstructing view.

FWC photo by Carol Rizkalla.

# Lanark Reef – Revised Proposal

## Franklin County



- Red buffer ranges from 75-300 feet from MHW
- Generally 75 feet along sides, and up to 300 feet at ends
- 300 feet around east island
- Year-round closure



### NEW establishment

**Ownership:** Audubon and the Division of State Lands, unmanaged

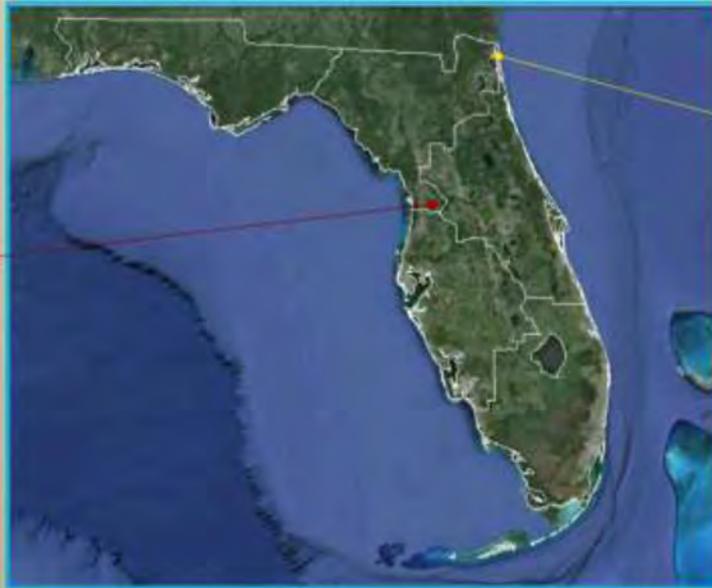
**Birds:** brown pelicans, black skimmers, American oystercatchers, and willets

**Acreeage:** Currently 34 upland, 33 water

**Changes based on public input:** The establishment area, shown in yellow on the original proposal, was removed. The buffer, originally proposed at 50 feet was expanded to 75 feet long the sides. The proposal presented at the public meeting left a unregulated cut through the reef. No one supported this, indicating the cut is not suitable for navigation and should be included in the closed area.

# North Central Region Sites

**Withlacoochee  
Caves**



**Nassau  
Sound/  
Bird  
Islands**



# Withlacoochee State Forest Caves

## Citrus County



- Seasonal closure
  - April 15 - August 15 and December 15 - March 15
- Posted boundary 10-50 feet from caves



Big Mouth Cave



Jackpot and Blowing Hole Caves



Morris Cave



### NEW establishment

**Ownership:** Florida Forest Service

**Bats:** Southeastern myotis, tricolored bat

**Acreage:** 2.93 acres

**Changes based on public input:** No changes

CWA Proposal Summary:

10 foot buffer around existing fenced caves - Big Mouth, Werner, Trail 10

50 foot buffer around existing unfenced cave - Morris

25 foot buffer around gated caves - Jackpot, Blowing Hole

Seasonal closure to protect maternity colonies and hibernating bats

# Withlacoochee Caves – Public Comments

## Citrus County



- 15 people attended the meeting
- Summary of Public Input:
  - Increase law enforcement presence
  - Important to conserve bats and ecosystems within caves
  - Other caves are available, could potentially close these year round
- Changes to proposal:
  - None recommended

The public meeting was held on August 4<sup>th</sup> at the Withlacoochee Training Center in Brooksville. 15 people attended, including representatives of local Audubon chapters, the Tampa Bay Grotto (a caving group), the Florida Bat Conservancy, and the public at large. Attendees were supportive of the designation of the caves as a Critical Wildlife Area, but also stressed that enforcement would be important to the success of the designation.

FWC photo by Jeff Gore.

# Bird Islands CWA Re-establishment

## Duval/Nassau County



- Large establishment area (yellow) due to dynamic shoals
- Year-round closure to public access on Little Bird Island and adjacent mudflat
- Seasonal closure on Big Bird Island (no change)
- Rename as Nassau Sound Islands CWA



### Re-establishment

**Ownership:** FDEP (Little Talbot Island State Park, Nassau River-St. Johns River Marshes Aquatic Preserve), Duval County, state lands (unmanaged)

**Birds:** least terns, black skimmer, royal tern, gull billed tern, Wilson's plover, American oystercatcher, piping plover

**Acreage:** 29 acres uplands, 8 acres mudflat (high tide water)

**Changes based on public input:** Mark Little Bird Island to include portions of mud flat for feeding.

Currently, Little Bird Island CWA is posted above mean high water from May 1 to August 31. The area formerly know as Big Bird Island has become part of Little Talbot Island State Park. The Park marks an area seasonally to protect beach nesting birds. Because of changes in the islands it is important to update the legal description of this CWA. Another concern on Little Bird Island is that boats land and people access the wet sand, thus there is no effective protection.

Based on input from the public workshop, the proposal is to post Little Bird Island at mean low water year round. That would protect the important mud flat foraging area and would also provide a more effective buffer for nesting birds. The area within Little Talbot State Park would continue to be marked by the park seasonally.

# Bird Islands – Public Comments

## Duval/Nassau County



- 35 people attended the meeting
- Summary of Public Input:
  - Increase law enforcement presence
  - Important site for wintering birds
  - Year round protection of mudflats seen as critical
- Changes to proposal:
  - Mark at Mean Low Water to include mud flat

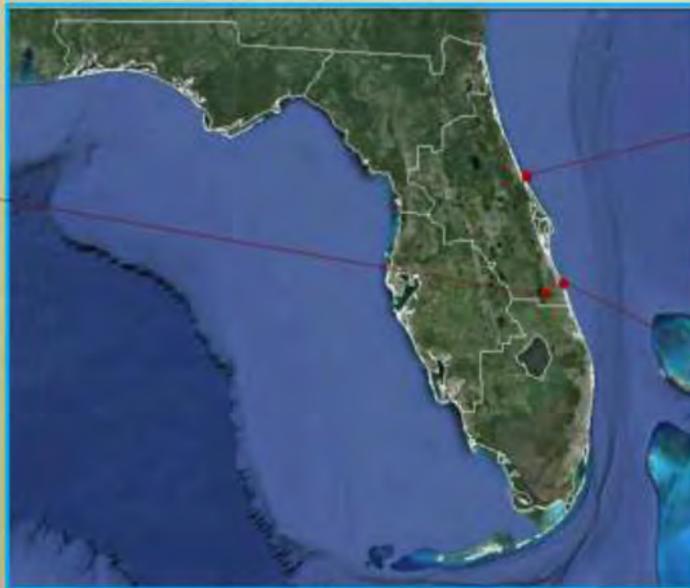


The public meeting was held on July 14<sup>th</sup> at the Peck Center Auditorium in Fernandina Beach. 35 people attended, representing the City of Fernandina Beach, North Aquatic Preserve, Bethune Cookman University, National Park Service/Timucuan Preserve, Kayak American, Defenders of Wildlife, Audubon, North Florida Land Trust, and the general public. Comments included details on historical and current bird use of Nassau Sound and concerns about disturbance of wintering birds. Discussion also included posting at Big Bird Island, with plans to continue posting as FPS does now, with access to the cove by kayakers.

Photo by Patrick Leary.

# Northeast Region Sites

Stick  
Marsh



Port  
Orange

BC49



# Stick Marsh Brevard County



- Posted seasonal buffer (red line) with in-water posting
  - Closed January 1–July 31
  - Include area between Islands
- Year-round closure of islands



## NEW Establishment

**Ownership:** St. Johns River Water Management District

**Birds:** roseate spoonbill, great egret, snowy egret, tri-colored herons, anhinga

**Acreeage:** .92 acres uplands, 1.57 acres of water

**Changes based on public input:** None proposed.

# Stick Marsh – Public Comments

## Brevard County



- 32 people attended the public meeting
- Summary of Public Input:
  - Support designation as proposed
  - Concerned size of signs might obstruct view
  - Photography/tour operators indicated proposed buffer will not hinder photography
- Changes to proposal:
  - No changes to buffers or proposed closure seasons



The public meeting for Stick Marsh was held on July 25<sup>th</sup> at the City of Fellsmere Council Chambers in Fellsmere. 32 people attended the public meeting, representing St. Johns Water Management District, Sierra Club, Audubon, Florida Outdoor Center, Boat US, Fellsmere elected officials, local businesses, Friends of Sebastian River, and the public. Discussion included concerns about the impacts of photographers, the seasonal versus year-round closure, and that large signs would hinder viewing the islands from the levy.

FWC photo by Carol Rizkalla.

# BC49 – Public Comments

## Brevard County



Proposal Shown at  
Public Workshop



## BC49 – Public Comments Brevard County



- 16 people attended the public meeting
- Summary of Public Input:
  - Requested year round closure and extension of buffer to include spit
  - Photography/tour operators present indicated proposed buffer will not hinder photography
- Changes to proposal:
  - Extended buffer to include the spit



The public meeting for BC49 was held on July 25<sup>th</sup> at the Barrier Reef Education Center in Melbourne Beach . 16 people attended the public meeting, representing local Audubon chapters, Boat US, Space Coast League of Women Voters, Florida Conservancy, photography/ecotour business, Florida Ornithological Society and the public. Discussion included concerns over seasonal versus year-round closure and use of the sand spit by shorebirds.

FWC photo by Carol Rizkalla.

# BC49 – Revised Proposal

## Brevard County



- Posted buffer (red) to prevent boat landings
- 50 feet around island and sand spit
- Seasonal closure  
January 1 – August 31



### NEW Establishment

**Ownership:** FDEP (Division of State Lands, Indian River Lagoon Aquatic Preserve)

**Birds:** wood stork, roseate spoonbill, cormorants, great egret, white ibis, great blue heron, tricolored heron, anhinga

**Acreeage:** 3.86 acres uplands, 4.06 acres of water (including 1 acre exposed at low tide)

**Changes based on public input:** The proposal originally did not include the sand spit. It was added based on public input.

# Port Orange Volusia County

Proposal Shown at  
Public Workshop



# Port Orange – Public Comments

## Volusia County



- 23 people attended the public meeting
- Summary of Public Input:
  - Navigational concerns near boat ramp and channel
  - Additional data on disturbance and bird use is needed
- Changes to proposal: Based on input from F.I.N.D. reduced the buffer to ensure there is no overlap with the channel or channel right of way, moved buffer to avoid boat ramp area



Public meeting was held on July 26<sup>th</sup> at the Piggotte Community Center in Daytona Beach. 23 people attended the meeting, representing Audubon, Coastal Conservation Association, Boat US, Defenders of Wildlife, Volusia County, Florida Inland Navigation District, the Marine Discovery Center, and the general public. Concerns about navigation and boater safety were discussed at length, with many suggesting the north buffer should be closer to the island due to use of the boat ramp directly north. Other concerns included quantity of data on disturbance and long-term monitoring of bird use.

FWC photo by Carol Rizkalla.

# Port Orange – Revised Proposal

## Volusia County



- Posted buffer and boundary (red)
  - 25-150 feet
  - Matches F.I.N.D. request
- Year-round closure



### NEW Establishment

**Ownership:** Florida Inland Navigation District

**Birds:** pelicans, snowy egret, cormorants, great egret, white ibis, great blue heron, American oystercatcher

**Acreeage:** 1.86 acres uplands, 1.88 acres of water

**Changes based on public input:** Move north buffer to match existing signage ~25 feet off north shoreline, and proposal was also modified based on input from Florida Inland Navigation District (land owner) to avoid ICW right of way on the east side of the island.

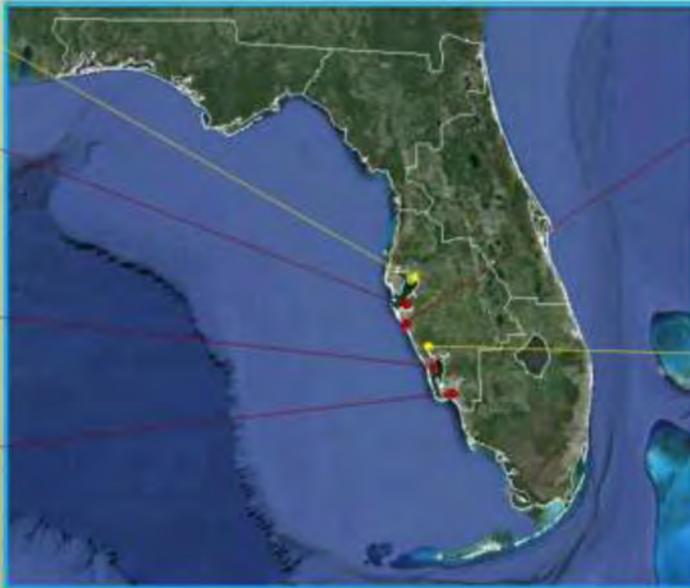
# Southwest Region Sites

Alafia Banks

Dot-Dash-Dit

Pine Island  
Sound (3)

Estero Bay (3)



Roberts  
Bay

Myakka  
River



# Alafia Banks CWA Re-establishment Hillsborough County



Proposal Shown at  
Public Workshop

Currently, Bird Island is  
posted from December  
1 through September 1.



The current establishment order allows for posting of Bird Island at mean high water from December 1<sup>st</sup> through September 1<sup>st</sup>. The proposal at the workshop included the addition of Sunken Island, offshore posting, and year round closure.

# Alafia Banks – Public Comments

## Hillsborough County



- 21 people attended the public meeting
- Summary of Public Input:
  - Support adding Sunken Island and expanding buffer to 100 feet
  - Concern with distance in cove
- Changes to proposal:
  - None recommended



The public meeting was held on July 18<sup>th</sup> at the Gardenville Recreation Center in Gibsonton. 21 people attended the meeting, representing local Audubon chapters, the Sierra Club, Defenders of Wildlife, Coastal Conservation Association, Mosaic, and the Tampa Port Authority. Comments and discussion were supportive of the addition of Sunken Island to the CWA boundary, although there was some concern expressed about closure of the ‘bay’ area – a popular spot for nature photography. The bay is also the site of most shorebird nesting as well as waterbird foraging, and is therefore most vulnerable to disturbance.

Photo by C. Cassels.

# Alafia Banks – Revised Proposal

## Hillsborough County



- Addition of Sunken Island
- Posted in-water buffer (red)
  - 100 feet from island; greater in cove
- Year-round closure



### Re-establishment

**Ownership:** Mosaic Fertilizer, LLC and Port Tampa Bay

**Birds:** pelicans, cormorants, great egrets, great blue herons, snowy egrets, little blue herons, tricolored herons, reddish egrets, black crowned night heron, green heron, roseate spoonbill, American oystercatcher

**Acreeage:** 47.5 water, 60 upland

**Changes based on public input:** The Establishment Area, shown in yellow on the original proposal, was removed.

# Dot-Dash-Dit

## Manatee County



Proposal Shown at  
Public Workshop



# Dot-Dash-Dit – Public Comments

## Manatee County



- 37 people attended the public meeting
- Summary of Public Input:
  - Concerns about buffer distances impacting photography/ecotour businesses
  - Navigational concerns about posting near channels
  - Fishing line on island and bird deaths
- Changes to the proposal:
  - Move boundary to 25 feet at west and southwest shorelines of Dot and Dash to match WCIND channel use. No change to Dit.



The public meeting was held on August 11<sup>th</sup> at the Rocky Branch Library in Ellenton. 37 people attended the meeting, representing West Coast Inland Navigation District, Florida Guides Association, Sierra Club, several charter and ecotour businesses, Florida Native Plants Society, Coastal Conservation Association, Venice Camera Club, Two Rivers Mobile Home Park, Wildlife Inc, Friends of Wildlife, Earth First, local Audubon chapters, and the general public. Concerns discussed at the meeting included impacts to photography and tour operators with the proposed 100 foot buffer, and concerns about boating safety if signs are near the channels.

FWC photo by Carol Rizkalla.

# Dot-Dash-Dit – Revised Proposal

## Manatee County



- Posted buffer (red) with in-water posting
  - 25 to 100 feet
  - Remain outside of navigation channel
- Year-round closure



### NEW establishment

**Ownership:** Division of State Lands (unmanaged)

**Birds:** wood stork, roseate spoonbill, tricolored heron, great egret, snowy egret, black-crowned night heron, great blue heron, anhinga

**Acreage:** 3.6 water, 1.6 upland

**Changes based on public input:** Remove the Establishment Area, shown in yellow on the original proposal; reduce buffer on Southwest and South sides of Dot and Dash islands to approximately 25 feet to keep clear of navigation channel.

# Roberts Bay

## Sarasota County

Proposal Shown at  
Public Workshop



# Roberts Bay – Public Comments

## Sarasota County



- 47 people attended the public meeting
- Summary of Public Input:
  - Support designation with buffers and year round closure as proposed
  - 100 foot buffer is difficult for nature photographers
  - North buffer blocks access
- Changes to proposal:
  - Decrease buffer on north side for access
  - Move buffer to the breakwater on west side

The public meeting for Robert Bay was held at the Celery Fields Nature Center in Sarasota on July 20<sup>th</sup>. 47 people attended the meeting, representing nature tour operators, nature photographers, local Audubon members, and Sarasota County staff. The proposed buffers were discussed at length. Many local nature tour operators and photographers expressed support for the concept of the CWA, but were concerned the proposed 100 feet would be too far for their customers to see and photograph the birds on the island. Others felt the 100 foot buffer was necessary to maintain protections for the birds, based on literature and observed disturbance of the birds. Several of the nature tour operators suggested a compromise distance of 50 feet for the buffer. Local boaters also shared concerns the northern posted buffer cut into the deepest water for accessing the area behind the island.

Photo by Jean Hall.

# Roberts Bay – Revised Proposal

## Sarasota County



- Posted buffer on breakwater on west, north, and south
- 50 feet on north island
- 100 feet for remainder of site
- Year-round closure



### NEW establishment

**Ownership:** Division of State Lands (unmanaged)

**Birds:** pelicans, cormorants, great egrets, great blue herons, snowy egrets, little blue herons, tricolored herons, reddish egrets, black crowned night heron, green heron, roseate spoonbill, American oystercatcher

**Acreeage:** 1.55 water, 2.9 upland

**Changes based on public input:** Remove the Establishment Area, shown in yellow on the original proposal; update boundaries based on input from West Coast Inland Navigation District, move boundary on west to breakwater, buffer reduced to 50 feet on north end and east side of north island.

# Myakka River CWA Re-establishment

Sarasota County

Proposal Shown at  
Public Workshop

Current establishment is  
posting on land with no  
in water buffer from  
March 1 through Nov 31.



Myakka River establishment order only allows for posting on land from March 1 through November 31<sup>st</sup>. The proposal at the workshop included off shore buffers and year round closure.

# Myakka River – Public Comments

## Sarasota County



- 42 people attended the public meeting
- Summary of Public Input:
  - Increase data collection on bird use and disturbance
  - Increase buffer where feasible and provide some protection to sandbar
- Changes to proposal:
  - Expand buffer to 75 feet on N, W, S



The public meeting for the Myakka River CWA re-establishment was held on July 19<sup>th</sup> at the North Port Public Library in North Port. 42 people attended the meeting, representing local Audubon chapters, Friends of North Port Wildlife, Sarasota County, Charlotte Harbor National Estuary Program, City of North Port, Southwest Florida Water Management District, People for Trees, and the Environmental Confederation of Southwest Florida. Many participants requested expansion of the buffers to include more of the sandbar, and wider buffers where it wouldn't impede boating.

FWC photo by Carol Rizkalla.

# Myakka River – Revised Proposal

## Sarasota County



- Buffer of 50 feet on east side
- Buffer of 75 feet on west, north and south sides of island
- Year-round closure



### Re-establishment

**Ownership:** FDEP, Wild and Scenic River program

**Birds:** wood stork, great egret, great blue heron, anhinga, snowy egret

**Acreeage:** .75 water, .42 upland

**Changes based on public input:** Increased buffer to 75 feet on west, north and south sides.

# Lee County

Three areas in  
Pine Island Sound

Three areas in  
Estero Bay



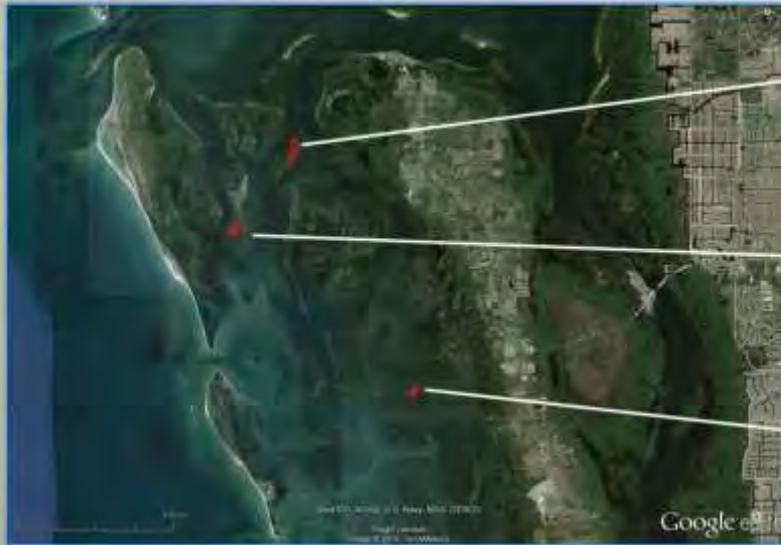
There are six areas in Lee County that are being considered: three sites in Pine Island Sound, and three sites (which include 5 separate islands) in Estero Bay.

Pine Island Sound is approximately 54,000 acres and has about 51 mangrove islands, many of them with nesting. Only the three most important nesting and roosting areas are under consideration. Ding Darling National Wildlife Refuge owns Hemp Key, while DEP Pine Island Sound Aquatic Preserve owns and manages Broken Islands and Useppa Oyster Bar. Birds that use these sites include pelicans, cormorants, reddish egret, little blue heron, tricolored heron, snowy egret, great blue heron, great egret, yellow-crowned night heron, black-crowned night heron.

Estero Bay is approximately 11,000 acres with 100 islands throughout the bay, many with birds nesting. The three most important areas for nesting and roosting are under consideration. Matanzas Pass Island is just outside of the Estero Bay Aquatic Preserve (EBAP), but it is monitored by EBAP staff. Big Carlos Pass contains many small islands, but only 2 of these (M-52 and M-50/52) are under consideration. These islands are state lands managed by EBAP. The final area is Coconut Point, which has 2 islands – east and west – that are under consideration.

**Acreage - total for all sites in Lee County:** 48 acres water, 29 acres uplands (proposed closure is about .07% of the total water area).

## Pine Island Sound: 3 Sites



Broken Islands

Useppa Oyster Bar

Hemp Key



### New establishment

**Ownership:** Ding Darling NWR (Hemp Key), FDEP – Pine Island Sound Aquatic Preserve (Broken Islands and Useppa Oyster Bar)

**Birds:** pelicans, cormorants, reddish egret, little blue heron, tricolored heron, snowy egret, great blue heron, great egret, yellow-crowned night heron, black-crowned night heron

**Acreage - total for all sites:** 41 acre water, 25 acres uplands (.0007% of available water)

# Pine Island Sound – Public Comments

## Lee County



- 38 people attended the public meeting
- Summary of Public Input:
  - Concern about future proposals and potential loss of fishing areas
  - Navigational channels and boater safety
  - Other issues – water quality in particular – seem more important at this time
  - More or better data needed to support closures
- Changes to proposal:
  - Eliminated larger establishment areas depicted in yellow on original proposals
  - Other changes pending meetings with stakeholders



The public meeting to discuss the proposal for the Pine Island Sound CWA was held on August 9<sup>th</sup> at the Ding Darling Education Center on Sanibel Island. 38 people attended the meeting, representing the Charlotte Harbor National Estuarine Research Reserve, the Conservancy of Southwest Florida, Florida Guides Association, several bait, charter and ecotour businesses, local Audubon chapters, Sanibel Captiva Conservation Foundation, Southwest Florida Marine Industries Association, and the general public. Concerns about the water quality of Pine Island Sound were expressed with some frustration that CWAs are the focus instead of addressing larger problems. There were also questions about the data on bird use for the 3 sites, as well as disturbance; many of the local participants feel bird use is increasing in the Sound.

# Pine Island Sound – Broken Islands

Lee County

Proposal Shown at  
Public Workshop



# Pine Island Sound – Broken Islands

## Lee County - Revised -



- 150 foot buffer around island
- Seasonal closure  
- March 1 - Sept 30



**Changes based on public input:** Remove the Establishment Area, shown in yellow on the original proposal; other changes still under discussion; will meet with stakeholders.

**Acreage:** 12.94 acres uplands, 22.14 acres water

# Pine Island Sound – Useppa Oyster Bar

## Lee County



Proposal Shown at  
Public Workshop



# Pine Island Sound – Useppa Oyster Bar

Lee County - Revised -



- 150 foot buffer around island
- 50 foot buffer on north side
- Seasonal closure
  - March 1 - September 30



**Changes based on public input:** Remove the Establishment Area, shown in yellow on the original proposal; other changes still under discussion, will continue to meet with stakeholders.

**Acreage:** 7.24 uplands; 11.92 water

# Pine Island Sound – Hemp Key

Lee County

Proposal Shown at  
Public Workshop



# Pine Island Sound – Hemp Key Lee County - Revised -



- 150 foot buffer around island
- Year-round closure



**Changes based on public input:** Remove the Establishment Area, shown in yellow on the original proposal; other changes still under discussion, will continue to meet with stakeholders.

**Acreage:** 4.87 uplands; 7.11 water

## Estero Bay: 3 Sites



### NEW Establishment

**Ownership:** Army Corp of Engineers (spoil easement on Matanzas Pass Island), FDEP (Division of State Lands; Estero Bay Preserve State Park – M-52 and M50/52; Estero Bay Aquatic Preserve – Coconut Point East)

**Birds:** pelicans, cormorants, reddish egret, little blue heron, tricolored heron, snowy egret, great blue heron, great egret, yellow-crowned night heron, black-crowned night heron, green heron, anhinga

**Acreege - total for all sites:** 6.5 acres water, 3.64 acres uplands (.005% of water)

- 25 Islands occur in Estero Bay
- Proposed CWA covers 4 of these: Matanzas Pass Island, M52 and M50/52 at Big Carlos Pass, and Coconut Point East

**Changes based on public input:** Remove the Establishment Area, shown in yellow on the original proposal; discussion and meetings with stakeholders, as well as site visits will continue before a proposal is finalized.

# Estero Bay – Public Comments

## Lee County



- 39 people attended the public meeting
- Summary of Public Input:
  - Concern about future proposals and potential loss of fishing areas or ecotour access
  - Navigational channels and boater safety
  - More or better data needed to support closures
  - Economic impacts to marina owners, charter fisherman, and photographers/ecotour operators
- Changes to proposal:
  - Eliminate larger establishment areas in 2 sites, more meetings with stakeholders are anticipated before the proposals are finalized

The public meeting to discuss the proposal for the Estero Bay CWA was held on August 10 at the Ft. Myers Regional Library in Fort Myers. 39 people attended the meeting, representing the Florida House of Representatives, the Town of Fort Myers Beach, Charlotte Harbor National Estuary Program, Estero Bay Aquatic Preserve, the Conservancy of Southwest Florida, Florida Guides Association, several marinas, bait, charter and ecotour businesses, local Audubon chapters, West Coast Inland Navigation District, Coastal Conservation Association and the general public. Concerns were expressed that the establishment of CWAs this year would lead to more CWAs in the future and fewer locations for fishing/photography. Posting near navigation channels was also of concern. Some people also expressed concerns about potential limitations of activities outside of the CWA boundaries.

Photo by Jean Hall.

# Estero Bay – Matanzas Pass Island

Lee County

Proposal Shown at  
Public Workshop



# Estero Bay – Matanzas Pass Island

Lee County - Revised -



- 100 foot buffer around island
- Year-round closure



**Changes based on public input:** Remove the Establishment Area, shown in yellow on the original proposal; other changes still under discussion, will continue to meet with stakeholders, including Marine Industries and marina owners to better understand concerns with this site.

**Acreage:** 1.5 upland; 2.5 water

# Estero Bay – Big Carlos Pass

Lee County

Proposal Shown at  
Public Workshop

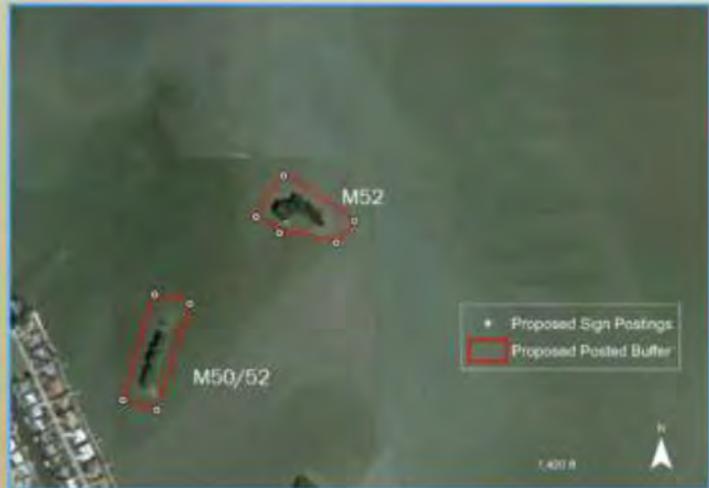


# Estero Bay – Big Carlos Pass

Lee County - Revised -



- 100 foot buffer around M52 and M50/52
- Year-round closure



**Changes based on public input:** Remove the Establishment Area, shown in yellow on the original proposal; the establishment area was significantly decreased to only include M52 and M50/52, no other islands.

**Acreeage:** less than 1 acre upland (.92); 2.8 water

# Estero Bay – Coconut Point East

Lee County

Proposal Shown at  
Public Workshop



# Estero Bay – Coconut Point East

Lee County - Revised -



- 100 foot buffer around 1 island
- Year-round closure
- Other island posted if >20 imperiled species' nests for at least 2 years and disturbance documented

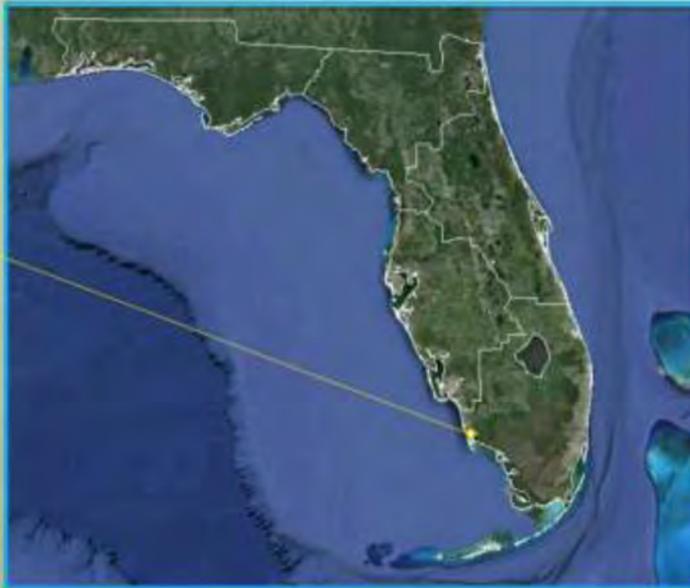


**Changes based on public input:** Based on public input, staff propose to include parameters of when the second, more westerly island could be posted in the future.

**Acreeage:** 1.21 upland; 1.2 water

## South Region Sites

Rookery Island



Rookery Island is a CWA currently being considered for re-establishment, and is the only site in FWC's South Region included in the proposals.

# Rookery Island CWA Re-establishment

## Collier County



- Boundary encompassing the bay (yellow)
- Posted buffer of Island 1 (red) from 100 to 200 feet
- Move or add island posting with specific criteria
  - No more than 2 islands posted at any one time
- Year-round closure
- Rename as Rookery Islands CWA



### Re-establishment

**Ownership:** managed by Rookery Bay National Estuarine Research Reserve; owned by Audubon

**Birds:** pelicans, cormorants, great egret, snowy egret, little blue heron, tricolored heron, reddish egret, white ibis, glossy ibis

**Acreeage:** 5.3 acres water; .19 acres uplands

**Current CWA:** The original establishment order for Rookery Island included only Island 0, which is no longer used. The proposed re-establishment presented at the public workshop was to include Island 1 and to create a boundary that incorporated the Bay to allow posting of additional sites within the as birds moved.

**Changes based on public input:** Reduced buffer around Island 1 to allow wider passage along shoreline. Applied criteria for when additional posting will be considered. Placed a limit on island closures such that no more than 2 islands will be posted at any one time.

Criteria for posting 2<sup>nd</sup> island:

- Imperiled species nests are documented for two consecutive seasons on an island
- Twenty or more imperiled species nests are documented on the island and
- Human disturbance is documented during the two years imperiled species are documented utilizing the island

# Rookery Island – Public Comments

## Collier County



- 32 people attended the public meeting
- Summary of Public Input:
  - Concern about closures in future w/out public comment
  - Navigation between Island 1 and shoreline
  - Would like more data on disturbance and bird use, particularly in non-nesting season
- Changes to proposal:
  - Island 1: Decrease buffer to variable widths of 100-200 feet for safe navigation between island and shoreline
  - Maximum of 2 islands posted at any time



The public meeting to discuss the proposal for the re-establishment of Rookery Island CWA was held on August 8 at the FGCU Kapnick Center in Naples. 32 people attended the meeting, representing the Marco Sportfishing Club, Rookery Bay National Estuarine Research Reserve, Florida Shorebird Alliance, Coastal Conservation Association, Marco Island Charter Captains Association, local Audubon chapters, the Conservancy of Southwest Florida, ecotour companies, and the general public. Discussion included questions regarding the posted buffer, with requests for both larger and smaller buffers around Island 1. The potential to post additional islands without future public comment was also of concern. Public comments from a sport fishing group indicated support for closure of 2 islands, with limitations, and the proposal now incorporates this.

Photo by Alex Kropp.

## Summary of Changes based on Public Input:

- Buffers were increased
  - Lanark Reef, Myakka River, BC49
- Buffers were decreased
  - Roberts Bay, Dot Dash Dit, Rookery Bay, Port Orange
- No substantive changes
  - Flag Is., St. George, Caves, Alafia, Stick Marsh, Nassau
- More time, field work and stakeholder input needed
  - Pine Island Sound Sites, Estero Bay



## Next Steps

- Continue to meet with stakeholders
- Evaluate additional public input
- Site visits
- Refine specific boundaries and dates
- Secure authorization from property owners
- Return to November Commission meeting for final consideration



FWC photo by Carol Rizkalla.

## Commission Direction Requested

- Provide input/thoughts/guidance
- Direct staff to continue public engagement, and bring back for consideration at November meeting



FWC photo.

The following slides are considered back-up material  
and are not anticipated to be part of the actual  
presentation



## 68A-19.005 General Regulations

- (1) The general regulations for critical wildlife areas shall be as follows:
- (a) Areas in which regulations are to be enforced shall be posted as a "Critical Wildlife Area" to provide due notice as to the identity and status of the area.
  - (b) The take of fish and wildlife is prohibited within any area posted as a critical wildlife area, except as authorized in the order establishing the critical wildlife area.
  - (c) Public access, including vehicles, vessels and dogs, is prohibited within areas posted as "Closed to Public Access."
  - (d) Dogs are prohibited within areas posted as "Dogs Prohibited."
  - (e) The Executive Director may issue permits authorizing access for scientific or conservation purposes to a critical wildlife area where public access is prohibited. Persons so authorized must possess a copy of the authorization when engaged in such activities.
- (2) Regulations for any specific critical wildlife area that differ from the general regulations set forth in this rule shall be established by the order establishing the critical wildlife area.



### 68A-14.001 Establishment Orders

Whenever the Commission establishes an area to be a wildlife management area; a wildlife and environmental area; a wildlife refuge; a bird sanctuary; a restricted hunting area; a critical wildlife area; a fish management area; or a miscellaneous area, it shall do so by an establishment order.

(1) The establishment order shall recite, at least, the following:

- (a) The legal description of the area to be established.
- (b) Any terms and conditions under which the area is established.

(2) An establishment order or subsequent executive order may create special regulations for an area established pursuant to this section, notwithstanding regulations for the wildlife management area, wildlife and environmental area, fish management area, public small game hunting area or miscellaneous area within which it occurs. Such regulations shall be noticed by posting on the area and by electronic media.

(3) The establishment orders shall be kept by the Commission in its headquarters office and lists of all orders establishing an area as a wildlife management area, a wildlife and environmental area; a wildlife refuge; a bird sanctuary, a restricted hunting area; a critical wildlife area; a fish management area, a Commission managed shooting range or a miscellaneous area shall be kept by the Commission in its headquarters office and shall be available to the public for inspection.

(4) Small Game.....

(5) No critical wildlife area shall be established without the prior concurrence in such designation by the owner of the property wherein the area will be situated.

(6) A critical wildlife area may be established by order of the Executive Director, with prior concurrence of the Chairman of the Commission, when there is an imperative need that an important aggregation of fish or wildlife be protected as quickly as possible. Critical wildlife areas shall be established in this manner for a specified period of time that shall not exceed 180 days unless extended by approval of the Commission at a regularly scheduled public meeting.

