MEMORANDUM

To: Florida Fish and Wildlife Conservation Commissioners
From: Dr. Thomas Eason, Director, Division of Habitat and Species Conservation
Date: April 20, 2017
Subject: Manatee Protection Zones in Collier County (68C-22.023, FAC)

Purpose:
Staff will present a proposed final rule revising the existing manatee protection zones in Collier County. The proposed rule, which would affect only a small portion of the existing zones, would increase protection in a few areas and reduce or eliminate restrictions in other areas.

Summary:
The first state manatee protection zones in Collier County, addressing only the Faka Union Canal area, were adopted in 1983. A countywide rule was adopted in 1990 and amended in 1997. A comprehensive review of manatee protection needs in the county had not been performed since the countywide rule was last amended almost 20 years ago. This rule is identified for review in the Commission approved Florida Manatee Management Plan because it is one of the older rules. New manatee and boating data have both been collected in recent years in anticipation of this rule review. In addition, in 2014 the city of Naples petitioned the FWC to amend the rule in order to add protection in the Moorings Bay system and we advised the City that we would review the area when we conducted the county-wide rule evaluation.

FWC staff has worked closely with local residents, stakeholder groups, and local governments throughout this process. Many changes were made to address concerns raised while the proposed rule was being developed. As a result, there is overall support for the proposed revisions. The City of Naples provided written and verbal support for the proposed rule revisions. The Local Rule Review Committee (LRRC) provided a variety of recommendations in their majority and minority opinions.

Commission staff used the LRRC input in developing the proposed rule which was approved for publication at the November 2016 Commission meeting. The proposed rule was published in the Florida Administrative Register on January 10, 2017. Staff conducted a public hearing in Collier County on January 31, 2017 and more than 85 members of the public attended and provided verbal and written comments. Additional public comments have been submitted since the public hearing.

Of the public comments received at the public hearing or submitted in writing, there is support for the addition of the increased protection in several zones including Moorings Bay/Doctors Pass. Many of the residents of Pelican Bay requested that regulations in Outer Clam Bay be added to the rule. The adjacent neighborhood of Seagate, riparian property owners on Outer Clam Bay, oppose the inclusion of a zone on that waterway. Staff is not proposing regulations for Outer Clam Bay in the final proposed rule.

Staff Recommendation:
Approve the proposed rule revisions as advertised.

Staff Contact and/or Presenter:
Carol Knox, Section Leader, Division of Habitat and Species Conservation