



**Critical Wildlife Area Proposal: MC-2**  
June 19, 2014

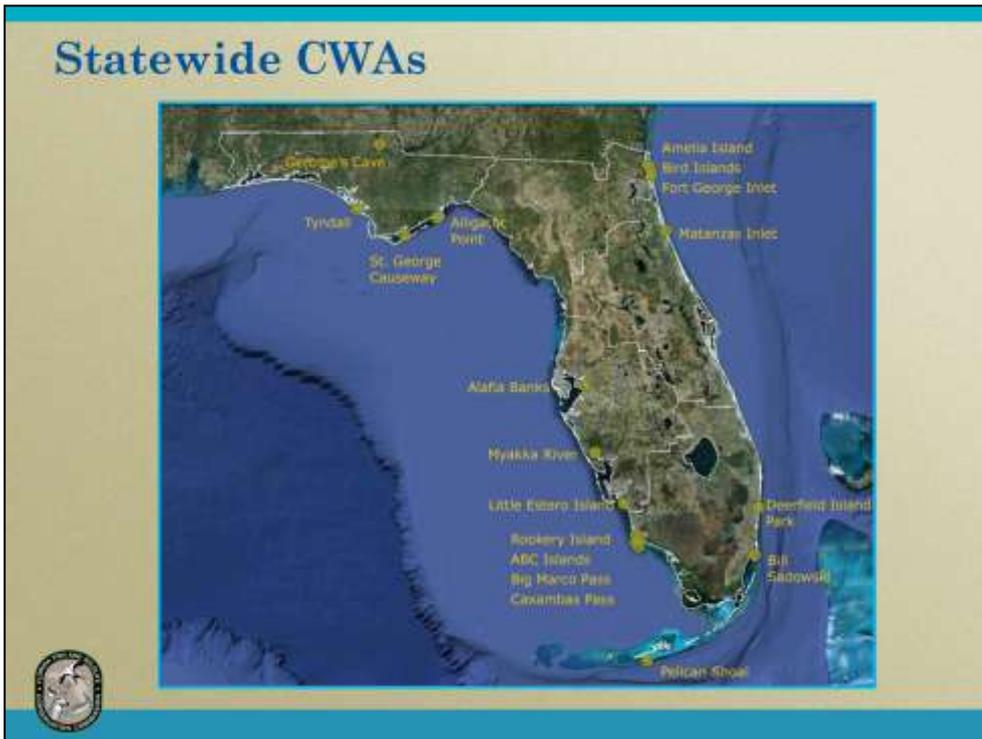


Florida Fish and Wildlife Conservation Commission  
Division of Habitat and Species Conservation

Critical Wildlife Areas are established by FWC to protect important congregations of one or more species of wildlife from human disturbance during critical life stages. Many species of wildlife are subject to disturbance caused by people and their vehicles or pets, and such disturbance can cause wildlife to abandon high quality habitat critical for their survival. At the February 2013 Commission meeting the Commission delegated the authority to dis-establish or re-establish CWAs with minor changes to the Executive Director. However, the establishment of new CWAs requires Commission approval.

Photo credit: All photos by Carol Rizkalla, unless otherwise specified.

## Statewide CWAs



There are currently 18 CWAs across the state which are managed for nesting and wintering shorebirds, wading birds, gopher tortoises, and bats. Four additional CWAs currently being dis-established are not shown.

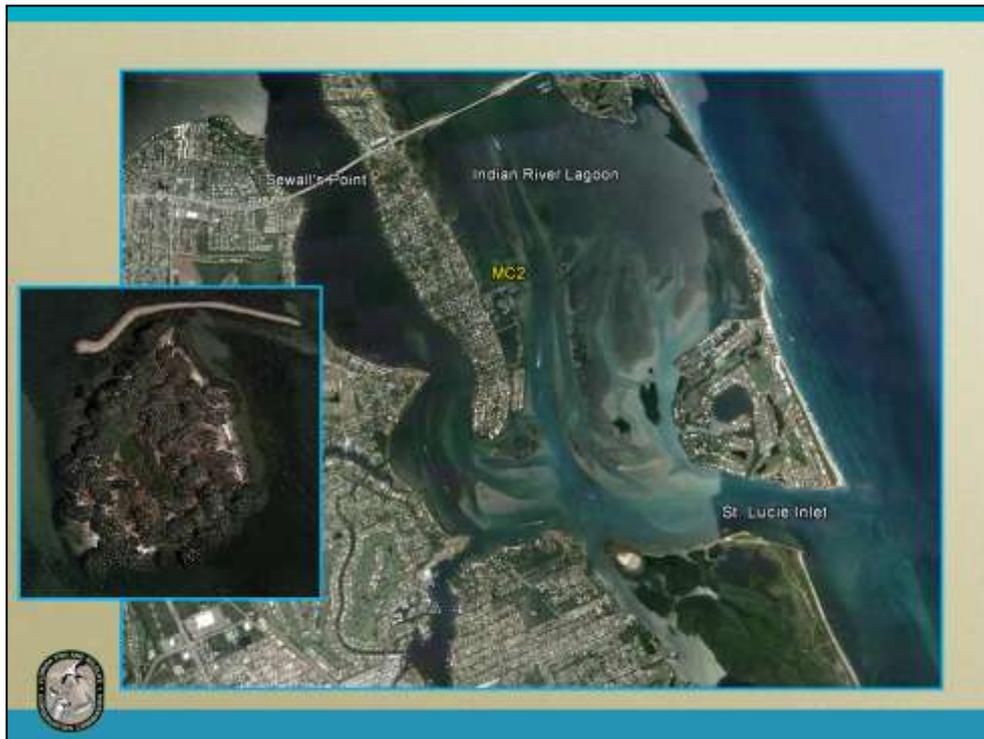
## MC-2

### Martin County spoil island #2

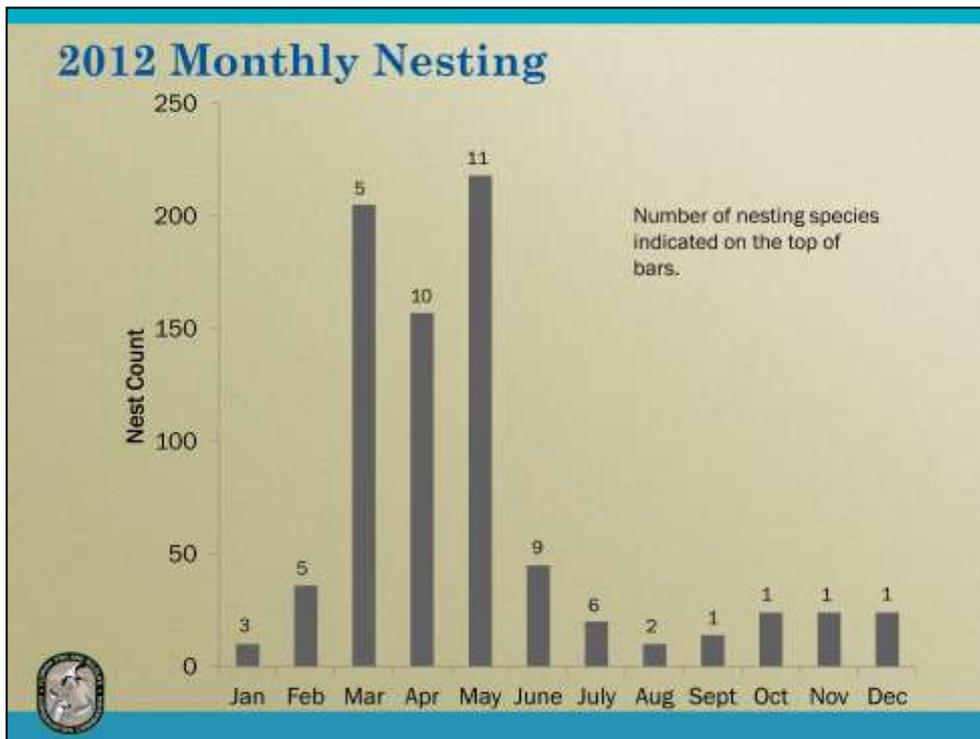
- Owned by the State of Florida
- Managed by Martin County
- Designated for conservation



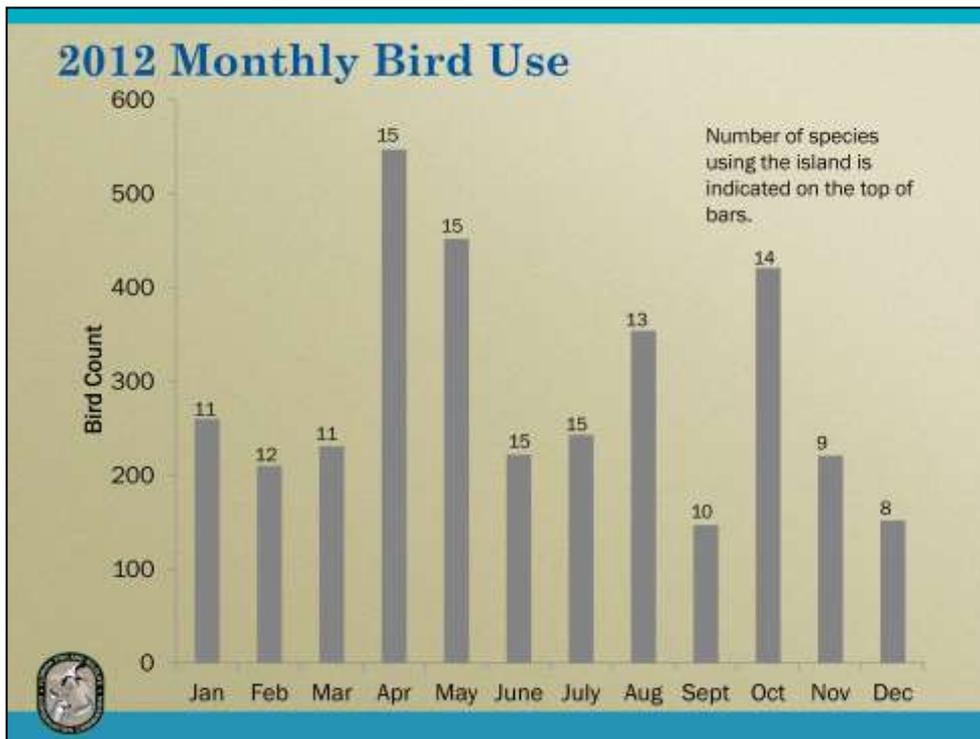
Martin County spoil island number 2, generally referred to as MC-2, but locally known as Bird Island, is one of 7 spoil islands in Martin County; and one of 137 spoil islands in the Indian River Lagoon that were created as a result of dredging the Atlantic Intercoastal Waterway. In 1964, the State of Florida dedicated MC-2 and 3 other spoil islands to Martin County for public recreation and preservation of wildlife purposes, and the County became the management authority for the islands. An Indian River Lagoon Spoil Island Management Plan was developed in 1990 to help guide management and use of the islands. It designated each island - based on accessibility, presence of native plants and animals, and historical human use - as primarily for Education, Passive Research, Active Research, or Conservation. MC-2 was designated for conservation. This designation was reconfirmed in a 2008 update to the Martin County Spoil Island Management Plan.



MC-2 is located in the Indian River Lagoon near the Town of Sewall's Point, and is about 2 acres in size. When birds started using MC-2 is not known, but it has been a major rookery and roosting area since at least 1976. MC-2 is currently considered by staff as one of the top ten waterbird bird colonies in south Florida based on the abundance and diversity of birds using the island. It provides nesting habitat for at least 17 bird species, eight of which are state or federally listed, and roosting habitat for many more. Note the small inset picture – this is MC-2 and each of the hundreds of white specks you see is a bird. There are also many dark-plumaged birds that cannot be seen very well from the air.



Nesting on the island occurs year-round, with peaks in the spring. On this graph, the height of the bar represents the total number of nests for that month, and the number on top of the bar represents the number of species nesting that month. Birds that regularly nest on the island include (in order of decreasing nest abundance): wood storks, brown pelicans, double-crested cormorants, great egret, snowy egret, cattle egret, great blue heron, black crowned night heron, anhinga, tri-colored heron, and little blue herons. In 2012, roseate spoonbills nested here for the first time in Martin county. A pair of American oystercatchers also successfully nested on the breakwater that year, and they nested on the island last year.



The island is important to birds throughout the year. Chicks and juveniles remain on the island through October, cormorants continue to nest in the fall and winter, and other species like magnificent frigatebird roost or rest on the island all year. On this graph the height of the bars represent the average number of birds using the island during the month, and the number above the bar represents the number of species using the island that month. These counts occurred during the day, not as birds come in to roost for the night. The true number of birds using the island is likely greater than shown here.

## Related Issues



Martin County and other local stakeholders have spent considerable time and money managing the island to maintain and increase its conservation value. Management activities they have taken include trash clean up, eradicating exotic vegetation and restoring native plant communities, removal of fishing line, and stabilizing shorelines to prevent erosion. In December 2011, the County completed installation of a breakwater on the north side of the island to combat erosion. An unexpected result was it improved fish habitat, which also attracted fishermen. Recreational fishermen have been observed standing on the breakwater, and commercial fishermen like to push bait fish along a slough within 10 feet or so of west side of the island to an area near the breakwater where they cast their nets.

## Informational Approach



The close approach of people in boats at MC-2 creates varied reactions by birds. Birds flying off the nests, or jumping into the water below have been observed. Science has shown that disturbance can have negative impacts on bird colonies, including decreasing nest success, decreasing fledgling success, and lower chick survival. To reduce this disturbance and possible take of listed species we first tried a non-regulatory approach. Educational signs have been posted since the early 1990s that provided information about what happens when wildlife are disturbed. However these signs did not include enforceable restrictions. Such signs have been in place around MC-2 since the early 1990s in an attempt to minimize disturbance to the bird colony. However, some boaters and fishermen have been observed ignoring the voluntary signs.



Despite the informational approach, disturbance has continued and has likely increased over the years. In November 2012, Martin County asked the FWC to designate MC-2 as a CWA. While research and species management plans have recommended a 300-foot buffer for wading bird colonies, their request noted a buffer of this size would impede navigation channels at this location. Thus, the county requested the CWA include a 150 foot buffer. The CWA would be posted with eight signs regularly spaced at the boundary.

## Support for Designation

Martin County Commission

City of Stuart

Town of Sewall's Point

Florida Oceanographic Society

Audubon of Martin County

Nature Conservancy

Indian River Lagoon National Estuary Program

Martin County Chapter, Florida Native Plant Society

Martin County Schools' Environmental Studies Center



There is significant local support for designating MC-2 a CWA. Letters and resolutions of support have been received from numerous organizations and citizens, including those listed here. A local group known as the River Kidz even created a small photo book advocating the CWA designation to protect the island's birds.

## Stakeholder Outreach

Public meetings – February 2013

- Unanimous support for designating the island
- Point of contention: The buffer



Two public meetings were held in February 2013 in the city of Stuart. Attendees supported protecting the island, but two stakeholders were opposed to the 150-foot buffer. A local ecotour accesses the waters on the southwest side of the island to show customers the birds. This is the only area around the island with waters deep enough for the boat, and the business operator requested that we change the location of 2 signs to allow continued operation in the area. The commercial fishing representative supported closing the island, but suggested using informational signage at the buffer, or having no buffer at all.

## Seeking Consensus

Targeted meetings: March - May 2013

- 3 meetings with fishermen
- 1 meeting with ecotour operator

Additional Contacts

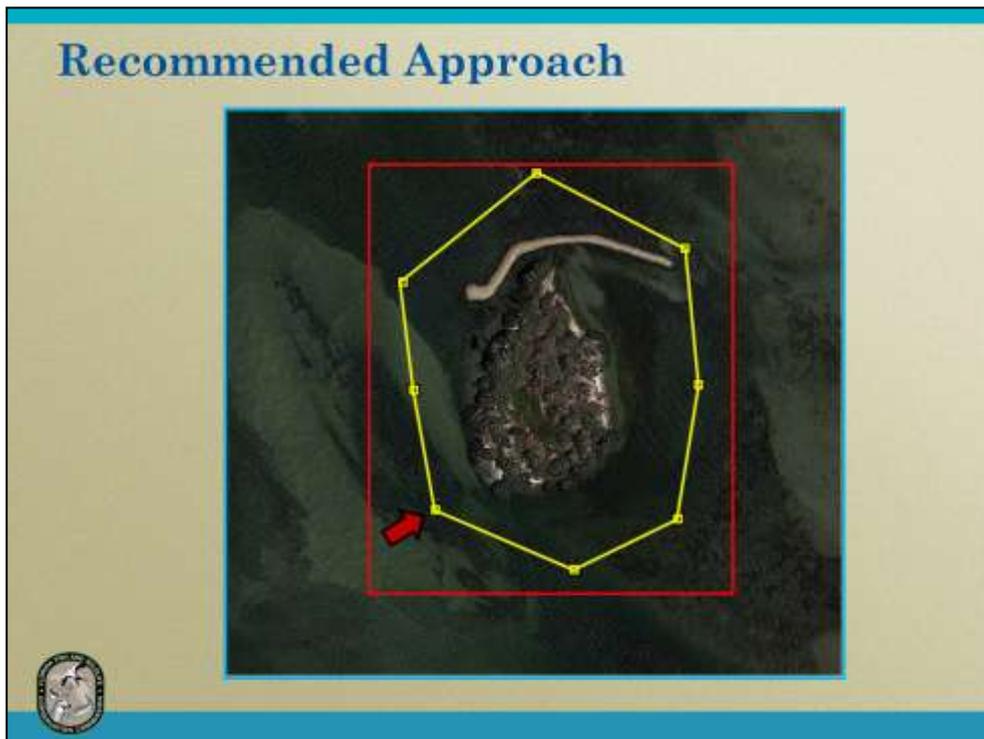
- Meeting with fishermen in March 2014
- Stakeholder meeting in March 2014



The following month, Martin County and FWC staff met with the fishermen to discuss their concerns. The Port Salerno Fishermen's Association represents several fishermen who fish the Indian River Lagoon from Fort Pierce to Jupiter. At MC-2, they cast net for fish in 3 or 4 places near the island, but the area of most importance is near the breakwater on the west. They approach the island from the south, motor along the west shore coming within 10-15 feet of the island, pushing the fish along the slough until they cast just south of the tip of the breakwater. They stated they use the area somewhat irregularly, sometimes coming daily, sometimes there are weeks between visits.

In May 2013, Martin County and FWC staff went out with the fishermen to see how they fished along MC-2. Staff also went out with the ecotour operator and discussed the location of the 2 signs in contention.

In March 2014, Tallahassee staff, including the Deputy Division Director of Marine Fisheries Management, visited MC-2 with the fishermen to see how they fished the area and to discuss their concerns. Tallahassee staff also participated in another stakeholder meeting held the following day.



To address the concerns of the ecotour operator, staff and the ecotour operator believe adjusting the southwest buffer zone (see arrow) inward to about 96 feet from the island will allow ecotours to continue without significant disturbance to the bird colony.

Staff considered a number of ideas to address the fishermen's concerns for access to the slough and the area near the breakwater tip on the western side of the island. Ideas considered included, seasonal closures, monitored access to the CWA, and permitted access. We discussed these ideas at various times with stakeholders, the County, staff from our marine resources and law enforcement divisions, and our regional directors. We are recommending MC-2 be designated as a CWA with two zones for closure, with the island itself and the breakwater structure being closed to public access for the full year. The surrounding waters, from the island to the posting signs being closed from February 1 to July 31 each year. This will provide protection for most of the nesting that occurs on MC-2, while allowing some access to the buffer waters for a portion of the year.

## Staff Recommendation

- Approval to establish the MC-2 Critical Wildlife Area, including:
  - Two closure zones
  - Island and the breakwater structure closed to public access year round
  - Surrounding waters, from the island to the posting signs, closed from February 1 to July 31 each year
- Authorize the Executive Director to issue an Establishment Order setting the boundaries and closures pursuant to 68A-19.005, Florida Administrative Code



Staff recommends the Commission approve the establishment of MC-2 as a Critical Wildlife Area, including two closure zones – the island and breakwater structure closed to public access the full year and the surrounding buffer from the island to the posting signs closed to public access from February 1 to July 31 each year, and authorize the Executive Director to issue the appropriate establishment order.

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



## Species Observed Nesting/Resting

Brown pelican (SSC->UL)	Magnificent frigatebird
Wood stork (FE)	Reddish egret
Anhinga	Laughing gull
Double crested cormorant	Ring necked gull
Roseate spoonbill (SSC->T)	Spotted sandpiper
American oystercatcher (SSC->T)	Solitary sandpiper
Yellow-crowned night heron	Least tern (T)
Black-crowned night heron	Caspian tern
Great egret	Sandwich tern
Great blue heron	Forster's tern
Little blue heron (SSC->T)	Royal tern
Tri-colored heron (SSC->T)	Sanderling
Snowy egret (SSC->T)	Willet
White ibis (SSC->UL)	Belted kingfisher
Cattle egret	Fish crow
Green heron	Osprey
Black vulture	Turkey vulture



1<sup>st</sup> column are species which have nested on the island

2<sup>nd</sup> column are species which have rested on the island

# Owner Concurrence



FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION  
AGRICULTURE, FORESTRY, CONSERVATION AND TOURISM  
1900 CENTRAL EXPRESSWAY, PALM BEACH, FLORIDA 33410  
TEL: 561.860.1300 FAX: 561.860.1300

REC-32421  
FTE-32421  
ADDRESS: 11000 N.W. 11TH ST.  
MIAMI, FL 33157

April 18, 2013

Attn: Tim G. Swadlow, Engineering Department Director  
Marine County Board of County Commissioners  
2401 NE Highway Road  
West, Florida 34386

Dear Mr. Swadlow:

We have been in communication with your staff regarding Marine County's recent resolution efforts to protect the WIDEH's (western) of MC-1, or Bird Island, in the Indian River Lagoon. We understand the MC-1 is a wet island in Marine County that is a regionally significant nesting area for 18 species of birds, including threatened and endangered species. It is our understanding that Marine County is pursuing, through the Florida Fish and Wildlife Conservation Commission, a Critical Wildlife Area (CWA) designation which would ultimately allow for the establishment of "no entry" buffer around the island which would be enforceable by local law enforcement. Further, to pursue a CWA, Marine County must obtain from the landowner, who in this case is the Board of Trustees, approval of protecting the CWA designation.

To that end, and on behalf of the Board of Trustees of the Natural Improvement Fund, the Florida Department of Environmental Protection concurs with Marine County's pursuit to designate MC-1, or Bird Island, as a Critical Wildlife Area (CWA). The Department appreciates local efforts to protect Florida's natural resources, and we wish you well in your pursuit related to Bird Island.

Sincerely,

Mike Ursella, Director  
Division of State Lands

MS/gg

cc: Jeff Quast, Division of State Lands  
Deborah Drenn, Marine County Ecosystem Restoration & Management Division  
Michael Tuckie, Marine County Ecosystem Restoration & Management Division



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