



October 25, 2010

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On behalf of the Florida Fish and Wildlife Conservation Commission (FWC) and my staff, I would like to thank you for serving on the Local Rule Review Committee (LRRC) for Broward County. We appreciate the time and effort you spent reviewing information, discussing issues, and preparing recommendations for potential changes to the FWC manatee protection rule for Broward County. The information you provided is a very important component of the FWC's rule making process.

FWC staff has completed its review of the LRRC report, and prepared the required written response. As detailed in the attached response, staff concurs with 14 of the 16 recommendations supported by a LRRC majority. Staff also recommends one additional change that was identified by Broward County staff after the LRRC report had been submitted. In the two areas where staff does not concur with the LRRC majority, staff recommends making no change to the existing zones instead of reducing protection during the warm season as recommended by a LRRC majority.

Staff plans to present its recommendations to the FWC Commissioners at their next meeting (December 1-2, 2010, in Weston). The information provided to the Commissioners will include the LRRC report and the FWC staff response. If the Commissioners decide to move forward with proposed rule changes, a Notice of Proposed Rule will be published in early 2011, which will begin the formal rule making and public review process. As part of this process, staff would conduct at least one public hearing in Broward County.

In closing, I want to thank you again for serving on the Broward County LRRC. You have provided an important service, not only to the FWC, but also to Broward County and its residents and visitors.

Sincerely,

**R. Kipp Frohlich**  
Section Leader  
Imperiled Species Management Section

Attachment

## **FWC staff response to Broward County Local Rule Review Committee report**

October 2010

### Reasons for reviewing the Broward County manatee protection rule and methods used

The Florida Fish and Wildlife Conservation Commission (FWC) approved a Manatee Management Plan (MMP) in December 2007 to provide a state framework for conserving and managing manatees in Florida. The MMP is complementary to the federal Florida Manatee Recovery Plan, with both plans describing actions that will ensure the manatee's long-term survival. One of the many tasks called for in the MMP is to review existing manatee protection zones based on the most current data to determine if modifications are warranted.

The FWC rule for Broward County is identified for review in the MMP primarily because new manatee and boating data have both been collected in recent years and it is one of the older rules. Cold season zones in the immediate vicinity of the two power plants were adopted in 1979 and a rule addressing manatee protection needs throughout the county was established in 1993. A comprehensive review of manatee protection needs in the county has not been performed since the countywide rule was put in place 17 years ago.

The number of people living in Broward County has increased considerably since 1993. The number of registered vessels did not grow as much in Broward County as in some other counties but still increased by close to 3,000 vessels between 1993 and 2009 (from 42,612 to 45,373). (The increase was close to 8,500 vessels at its peak but the number declined in 2009 – likely because of issues related to the economic downturn.) These figures do not account for use by vessels registered in other areas that are brought in and used by visitors and seasonal residents. Even so, this information suggests that manatees continue to face significant risks on area waterways as a consequence of boat operation.

When evaluating the potential need for changes to the existing zones, FWC staff placed the greatest emphasis on analyses involving comparisons of manatee sighting data from when the zones were created (1988-92) versus current use (2004-09); and analyses that looked at the spatial overlap between current manatee use and boat traffic (referred to as coincidence analysis) – because where manatees were seen during recent surveys and where there was high spatial overlap between manatee use and boat use are critical factors in determining where manatees are most at risk of being struck by boats. Other factors and data were also considered, such as manatee telemetry data, mortality 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. (Note on mortality data: With regard to zone configurations staff did not rely significantly on the precise location of carcass recoveries for boat-related manatee deaths because of the inability in most cases to know the relationship between where a manatee was struck by a boat and where it was recovered. Mortality data also do not provide much information on the potential for sub-lethal injuries, which is an important consideration when assessing risk.)

### Summary of review process and Local Rule Review Committee (LRRC) recommendations

The number of manatees seen in Broward County during aerial surveys increased between 1988-92 and 2004-09, with a much more substantial increase during the cold season. A comparison of manatee distribution during each period did show some shifts in distribution in Broward County. The biggest change was increased numbers of manatees seen at the inland power plant area during the cold season. In general, however, those areas of Broward County that had higher counts of manatee during the 1988-92 period also had the highest counts in the new survey. This is not surprising since manatee distribution is strongly affected by the characteristics of the area (habitat availability, water depth, freshwater and warm water sources, etc.) and there have not been large scale changes to the basic characteristics of the county (i.e., changes that have occurred have not substantially altered the factors that most affect manatees, such as seagrass availability and locations providing freshwater or warm

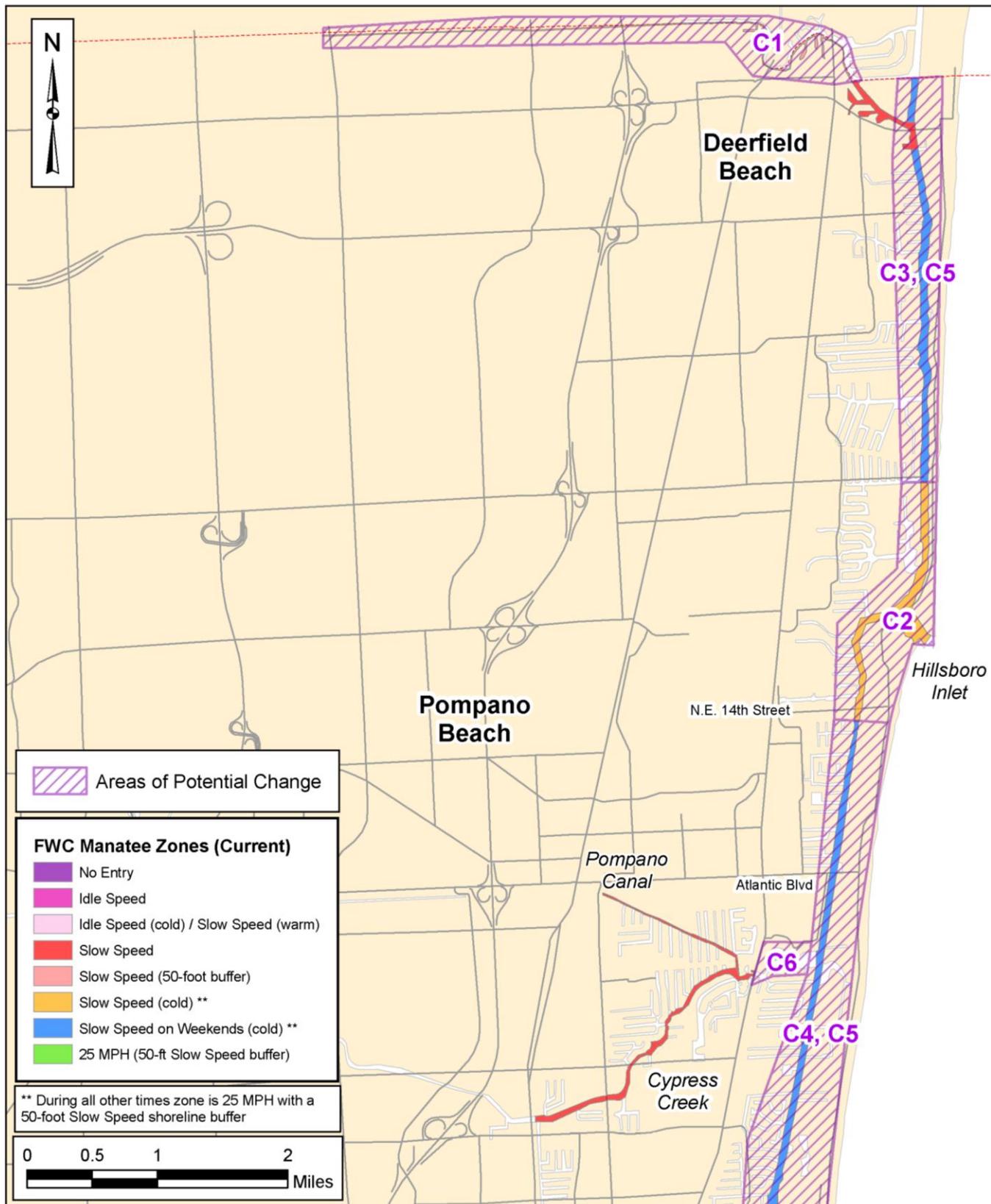
water). Because manatee distribution patterns remained fairly similar, FWC staff did not identify any existing zones that clearly are no longer warranted (i.e., areas that were important when the existing rule was adopted in 1993 but which are no longer important because of diminished manatee presence.) Staff did, however, identify a few warm season zones that might warrant removal or change to reduce zone complexity.

FWC staff also inquired with County staff and FWC and local law enforcement to determine if any zone changes might be warranted for other reasons, such as to make sign posting easier or to address enforcement or compliance issues, and several potential changes were suggested by law enforcement personnel. In the years since the existing zones were adopted, a number of individuals and local governments have contacted FWC with suggestions for zone changes (most often to increase restrictions) and these areas also were examined as part of the review process.

All told, based on an assessment of current manatee distribution and travel patterns, the results of the coincidence analysis (i.e., the overlap between manatees and boats), input from law enforcement, and other factors such as those discussed above, FWC staff identified 10 site-specific areas where a zone change might be warranted (plus three other changes to existing rule language). All of the areas staff identified as potentially warranting additional protection had relatively high manatee use, contained substantial seagrass, and/or exhibited relatively high manatee-boat coincidence. FWC staff notified Broward County in March 2010 that potential rule amendments were being considered and the County Commission then formed a 10-member Local Rule Review Committee (LRRC) to review the potential changes.

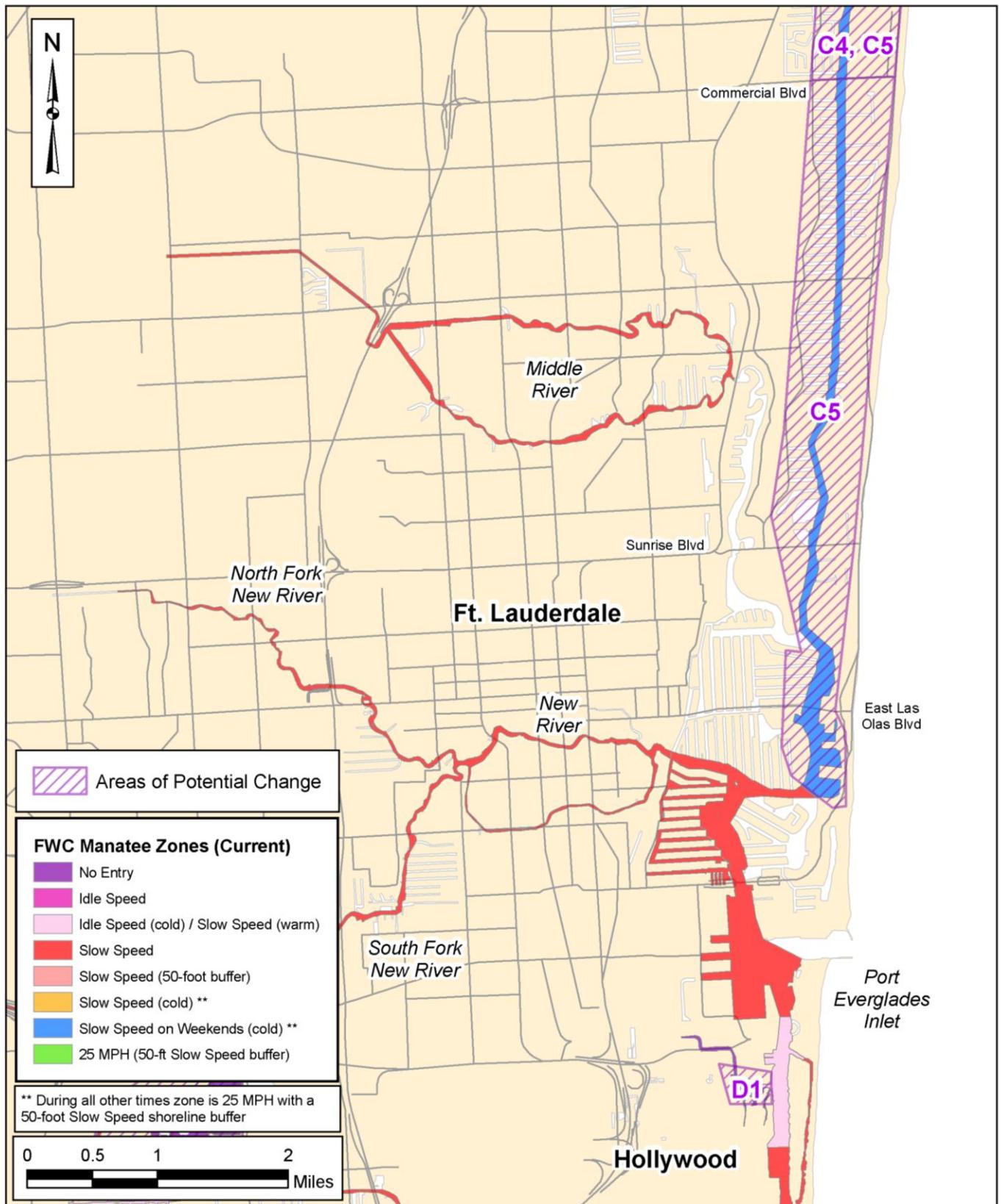
On June 30, 2010, FWC staff provided the LRRC with data and documents summarizing and discussing the analyses staff performed and the 13 potential rule changes staff believed might be warranted. Staff requested the LRRC review these potential changes and provide recommendations on these areas as well as any other potential changes the LRRC believed should be made. **Figures 1A – 1C** show the existing manatee protection zones and the areas identified by FWC staff in June. (The area identifications shown on the maps correspond to the area-by-area discussions that follow.) The LRRC met 13 times through August 2010. In its final report, the LRRC provided comments or recommendations on 17 areas or issues, including all 13 areas identified in June by FWC staff.

In total, FWC staff concurs with the LRRC majority position in 14 cases and disagrees with two, with the LRRC not making a recommendation on one minor issue. Staff also recommends one additional change that was identified by Broward County staff after the LRRC report had been submitted. A more detailed area-by-area discussion is included on the following pages. The information given in **Table 1** summarizes the FWC staff response to the issues included in the LRRC report. **Figures 2A – 2C** show the existing manatee protection and boating safety zones and the changes to the manatee protection zones FWC staff recommends including in a Notice of Proposed Rule for public review and comment.



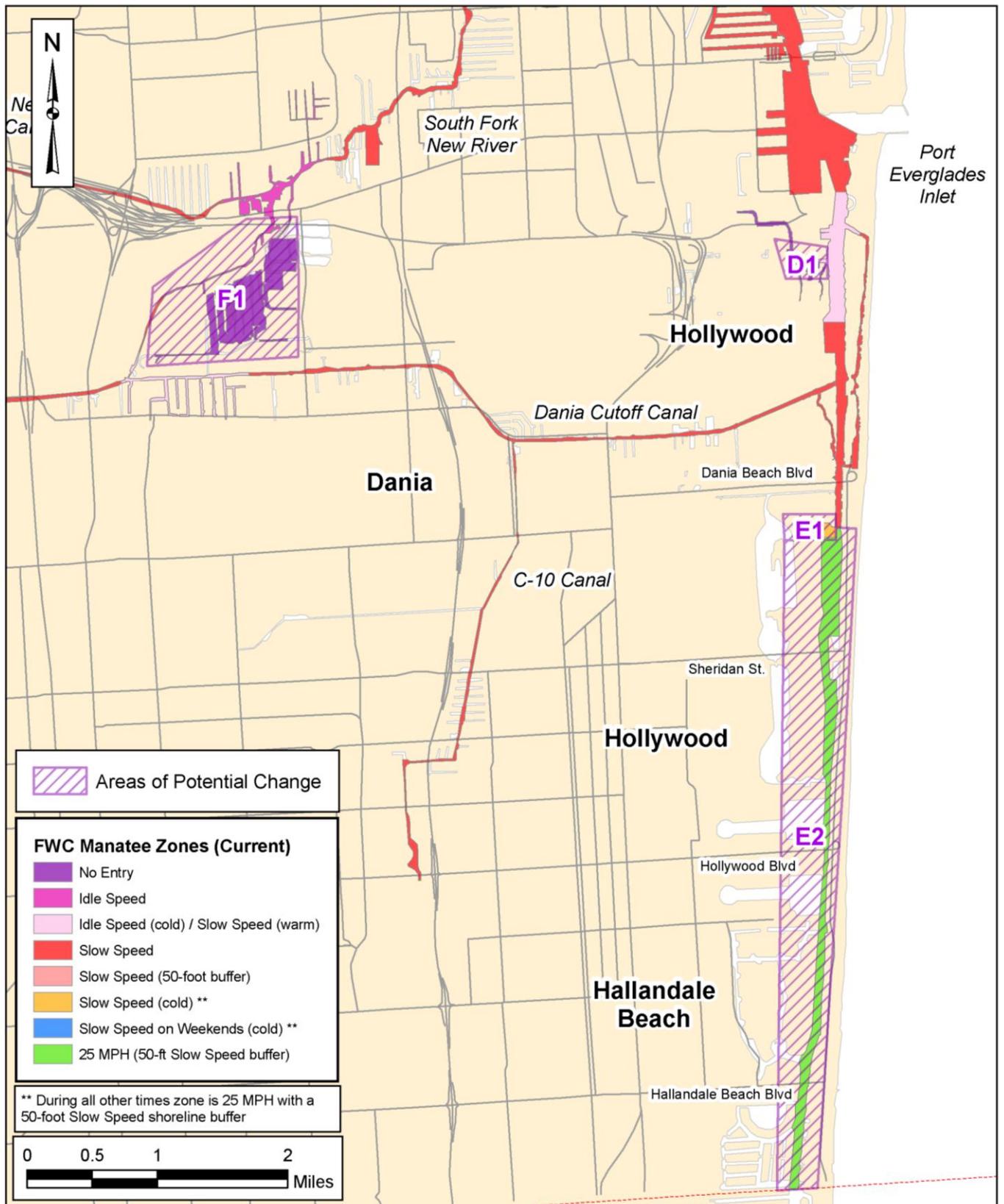
**Figure 1A: Areas Identified as Potentially Warranting a Rule Change  
June 2010**

Florida Fish & Wildlife Conservation Commission  
 Division of Habitat and Species Conservation  
 Imperiled Species Management Section  
 620 South Meridian Street, Mail Station 6A  
 Tallahassee, FL 32399-1600  
 Tel: 850-922-4330 Fax: 850-922-4338



**Figure 1B: Areas Identified as Potentially Warranting a Rule Change  
June 2010**

Florida Fish & Wildlife Conservation Commission  
 Division of Habitat and Species Conservation  
 Imperiled Species Management Section  
 620 South Meridian Street, Mail Station 6A  
 Tallahassee, FL 32399-1600  
 Tel: 850-922-4330 Fax: 850-922-4338



**Figure 1C: Areas Identified as Potentially Warranting a Rule Change  
June 2010**

Florida Fish & Wildlife Conservation Commission  
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 620 South Meridian Street, Mail Station 6A  
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## Discussion of LRRC recommendations and FWC staff response:

### C1. Hillsboro Canal

The preliminary FWC staff recommendation was to change the existing 50-foot Slow Speed shoreline buffer to a shore-to-shore Slow Speed zone.

The LRRC majority opinion (8 votes) supported a change to a shore-to shore Slow Speed zone.

**FWC staff and the LRRC majority opinion are in agreement, but staff recommends delaying this change** until the Palm Beach County rule is reviewed. The boundary between Broward County and Palm Beach County is the center of the canal and the existing rules for each county designate a 50-foot shoreline buffer for the portion of the canal within each county's jurisdiction. A change in the Palm Beach County portion of the canal cannot be made until that rule undergoes a review involving a LRRC appointed by Palm Beach County. No specific time for this review has been set but new manatee aerial survey data are currently being collected and staff anticipates a review taking place within the next 2-3 years.

### C2. Hillsboro Inlet

The preliminary FWC staff recommendation was to change this area (from marker "68A" to just south of NE 14<sup>th</sup> Street) to a year-round Slow Speed zone. It is currently Slow Speed during the cold season but reverts to a 25 MPH zone with a 50-foot Slow Speed shoreline buffer during the warm season.

The LRRC unanimously supported a change to a year-round Slow Speed zone.

**FWC staff and the LRRC opinion are in agreement** to change this area to a year-round Slow Speed zone. This change would have no impact on the water because this entire section (approximately 2.1 miles) is already regulated by a combination of year-round Idle Speed and Slow Speed boating safety zones.

### C3. Intracoastal Waterway (ICW) from Palm Beach County to Marker "68A"

The preliminary FWC staff recommendation was to change the existing cold season weekend-only Slow Speed zone to be in effect all days during the cold season. It currently reverts to a 25 MPH zone with a 50-foot Slow Speed shoreline buffer on weekdays during the cold season.

The LRRC majority opinion (7 votes) supported a change to a Slow Speed zone on all days during the cold season. The rationale for the majority opinion was this area had high manatee density and manatee-"fast-boat" coincidence and that there are times when *"there are many manatees in the area and law enforcement officers have to force boats to reduce their speed even though speed zones allow them to go fast, and law enforcement officers are in favor of the change."* The majority opinion also stated *"[t]he goal of the rule changes is not necessarily to reduce mortality; it is more to reduce the risk of boat-manatee interactions of all kinds, especially sub-lethal impacts. ...The residents themselves have requested a reduction in their liberty through their duly elected representatives on the City Council. The claim of a reduction in liberty is not accurate, the rule would not reduce access, just reduce the speed of access, and only on weekdays."*

The LRRC minority opinion (3 votes) opposed the change with the primary rationale being *"[t]he data suggest that we have been good caretakers of the manatee population, and the proposed rule would reduce the liberty of those using the ICW, which was created for boaters. Because Broward County appears to have an increasing manatee population and a low manatee mortality rate compared to the rest of the state, there is no compelling reason to increase this area of regulation."*

**FWC staff and the LRRC majority opinion are in agreement** to change this area to a Slow Speed zone on all days during the cold season. This change would have an on-water impact on approximately two miles of ICW; the remainder of the area (approximately 1.1 miles) is already regulated at Idle Speed year-round for boating safety. The cities of Lighthouse Point and Hillsboro Beach both requested the areas within their respective jurisdictions be regulated at Idle Speed year-round.

#### C4-1. Intracoastal Waterway (ICW) from NE 14<sup>th</sup> Street to Atlantic Blvd

The preliminary FWC staff recommendation was to change the existing cold season weekend-only Slow Speed zone to be in effect all days during the cold season. It currently reverts to a 25 MPH zone with a 50-foot Slow Speed shoreline buffer on weekdays during the cold season.

The LRRC majority opinion (6 votes) supported a change to a Slow Speed zone on all days during the cold season. The rationale for the majority opinion was the same as for C3 (above). The LRRC minority opinion (4 votes) opposed the change with the rationale being the same as for C3 (above).

**FWC staff and the LRRC majority opinion are in agreement** to change this area to a Slow Speed zone on all days during the cold season. When staff initially identified this area the southern boundary for the change was described as either Atlantic Blvd or Commercial Blvd. The LRRC divided the area into two parts, with C4-1 being the area between NE 14<sup>th</sup> Street and Atlantic Blvd and C4-2 being the area between Atlantic Blvd and Commercial Blvd. Manatee use was fairly similar in both areas but manatee-boat coincidence was higher in C4-1. C4-1 is the shorter of the two sections of waterway. Because of existing boating safety zones at NE 14<sup>th</sup> Street and Atlantic Blvd, this change would have an on-water impact on approximately one mile of ICW.

#### C4-2. Intracoastal Waterway (ICW) from Atlantic Blvd to Commercial Blvd

The preliminary FWC staff recommendation was to change the existing cold season weekend-only Slow Speed zone to be in effect all days during the cold season. It currently reverts to a 25 MPH zone with a 50-foot Slow Speed shoreline buffer on weekdays during the cold season.

The LRRC majority opinion (7 votes) opposed the change with the rationale being the same as the minority opinion for C3 (above). The LRRC minority opinion (3 votes) supported a change to a Slow Speed zone on all days during the cold season. The rationale for the majority opinion was the same as the majority opinion for C3 (above).

**FWC staff has modified its recommendation to agree with the LRRC majority opinion** to make no change to the existing cold season weekend-only Slow Speed zone. When staff initially identified this area the southern boundary for the change was described as either Atlantic Blvd or Commercial Blvd. The LRRC divided the area into two parts, with C4-1 being the area between NE 14<sup>th</sup> Street and Atlantic Blvd and C4-2 being the area between Atlantic Blvd and Commercial Blvd. Manatee use was fairly similar in both areas but manatee-boat coincidence was higher in C4-1. C4-2 is the longer of the two sections. Excluding existing boating safety zones at Atlantic Blvd and Commercial Blvd, this change would have had an on-water impact on approximately 2.6 miles of ICW.

#### C5. Intracoastal Waterway (ICW) from Palm Beach County to Burnham Point

The preliminary FWC staff recommendation was to remove the existing warm season 25 MPH zone with a 50-foot Slow Speed shoreline buffer or possibly change the zone to a warm season shore-to-shore 25 MPH zone.

The LRRC majority opinion (9 votes) opposed the change because “[f]our of five public comments support an increase in protection, not a reduction in protection as would be caused by this change.” The LRRC minority opinion

(1 vote) supported removal of the zone because *“speeds in [the] area would still be limited by other rules already in place.”*

**FWC staff has modified its recommendation to agree with the LRRC majority opinion** to make no change to the existing warm season zone. Staff continues to believe removal of the warm season zone would have a minimal effect on manatee protection while making zone marking easier. However, the benefits of a change would be modest and would require all existing markers to be modified or replaced. Excluding existing boating safety zones, this change would have affected approximately 8.1 miles of ICW.

#### C6. Entrance to Pompano Canal / Cypress Creek

The preliminary FWC staff recommendation was to add a zone to this area (also known as Lake Santa Barbara) to treat it the same as the adjacent section of ICW. It is not regulated by the existing rule. The adjacent section of ICW is covered by C4-2 and C-5, above.

The LRRC unanimously supported adding a zone to this area to treat it the same as the adjacent section of ICW.

**FWC staff and the LRRC opinion are in agreement** to add a zone to this area to treat it the same as the adjacent section of ICW. This change would have no impact on the water because this area is regulated as a year-round Slow Speed zone by the city of Pompano Beach.

#### D1. Port Everglades Power Plant discharge canal

The preliminary FWC staff recommendation was to expand the existing year-round No Entry zone to include the entire discharge canal. Most of the canal is already included in the zone but the east-west portion of the canal that connects to the ICW is regulated at Idle Speed during the cold season and Slow Speed during the warm season.

The LRRC unanimously supported a change to include the entire discharge canal in the year-round No Entry zone.

**FWC staff and the LRRC opinion are in agreement** to expand the existing year-round No Entry zone to include the entire discharge canal.

#### E1. West of ICW, South of Dania Beach Blvd

The preliminary FWC staff recommendation was to change this small area to a year-round Slow Speed zone. It is currently Slow Speed during the cold season but reverts to a 25 MPH zone with a 50-foot Slow Speed shoreline buffer during the warm season.

The LRRC majority opinion (8 votes) supported a change to a year-round Slow Speed zone. The LRRC minority opinion (1 vote) opposed the change.

**FWC staff and the LRRC majority opinion are in agreement** to change this area to a year-round Slow Speed zone. Manatee use and manatee-boat coincidence were both high during the warm season and this area is one of only a few documented locations in the county with substantial seagrass.

E2. Intracoastal Waterway (ICW) south of Dania Beach Blvd to Miami-Dade County

The preliminary FWC staff recommendation was to remove the existing warm season 25 MPH zone with a 50-foot Slow Speed shoreline buffer or possibly change the zone to a warm season shore-to-shore 25 MPH zone. Removal of the cold season 25 MPH zone with a 50-foot Slow Speed shoreline buffer was also raised as a possibility.

The LRRC unanimously opposed any change because the *“committee felt that the current regulations provide valuable protection to manatees with no inconvenience to boaters.”*

**FWC staff has modified its recommendation to agree with the LRRC majority opinion** to make no change to the existing zone. Staff continues to believe removal of the zone would have a minimal effect on manatee protection while making zone marking easier. However, the benefits of a change would be modest and would require all existing markers to be modified or replaced. Excluding existing boating safety zones, this change would have affected approximately 3.2 miles of ICW. The city of Hollywood requested the ICW between Hollywood Blvd and Hallandale Beach Blvd be regulated at Idle Speed and the city of Hallandale Beach requested that the ICW within its jurisdictions be changed to a year-round Slow Speed zone.

F1. Ft. Lauderdale Inland Power Plant cooling ponds

The preliminary FWC staff recommendation was to change the existing year-round No Entry zone to be in effect only during the cold season.

The LRRC majority opinion (9 votes) opposed the change because *“FPL [Florida Power and Light] is opposed to the change, and wants to maintain the area as a year-round no entry zone. ...This area is currently posted as No Entry, and is also inaccessible to boaters. FPL, primarily responsible for these waters, prefers to keep the area inaccessible by watercraft. Because large numbers of manatees congregate in the warm waters of the discharge pipes, it should remain No Entry. This would ensure that, even if the area became accessible to boats through excavation or dredging, the protection for the manatees will remain in place.”* The LRRC minority opinion (1 vote) supported the change because *“[g]iven that access is restricted by other laws and rules, this appears to be a case of placing a ‘legal’ layer of protection over a ‘civil’ layer of protection. It also appears to be a case of ‘regulation for the sake of regulation’.”*

**FWC staff has modified its recommendation to agree with the LRRC majority opinion** to make no change to the existing zone. Staff continues to believe removal of the zone would have a minimal effect on manatee protection because the area’s primary importance to manatees is as a warm water aggregation site during the cold season. However, the benefits of a change would be very small since the area is currently inaccessible to the general public by land or water.

G1. Preamble language in § (1) of the rule

The preliminary FWC staff recommendation was to amend the rule to make the language consistent with current statute and rule language, as was done with the Sarasota County rule when it was amended in June 2010.

The LRRC did not provide a recommendation; it voted unanimously that *“insufficient information was provided to the LRRC to enable them to make a decision.”*

Staff recommends making this change, which is mostly a housekeeping issue so that the rule tracks the current language in the §379.2431(2), FS, and Rule 68C-22.001, FAC.

G2. Add holidays to the zones that are only in effect on weekends

The preliminary FWC staff recommendation was to revise the weekend-only zones to include holidays.

The LRRC voted unanimously to support this change.

**FWC staff and the LRRC opinion are in agreement** to add holidays to the weekend-only zones.

G3. Clean-up and confirmation of zone descriptions

The preliminary FWC staff recommendation was to amend the rule to clean-up zone descriptions where needed.

The LRRC voted unanimously to support this change.

**FWC staff and the LRRC opinion are in agreement** to clean-up zone descriptions where needed.

H1. Intracoastal Waterway (ICW) south of Dania Cut-off Canal to Dania Beach Blvd

The preliminary FWC staff recommendations did not identify any potential changes for this area. This change was suggested to the LRRC during its deliberations. The area is currently a year-round Slow Speed zone.

The LRRC majority opinion (5 votes) supported changing this approximately 0.6 mile stretch of ICW to a 25 MPH zone with a 50-foot Slow Speed shoreline buffer during the warm season (no change during the cold season). The rationale for the change was “[t]here are no marinas, boat ramps, fuel docks, homes, etc., along this stretch of the ICW. The data show that there are almost no manatees in this area during the warm season. This area should be zoned the same as the ICW south of the Dania Beach Boulevard Bridge (E2).” The LRRC minority opinion (4 votes) opposed the change because “[t]his area has significant seagrass beds, establishing a reason for manatees to congregate and linger in this area. The current manatee zoning should be maintained.”

FWC staff **disagrees with the LRRC majority opinion** to change this area to a 25 MPH zone with a 50-foot Slow Speed shoreline buffer during the warm season. There are a number of reasons why staff recommends making no change in this area. As was previously mentioned for Area E1 (which is just to the south of this area) and as raised in the minority opinion, this general area is one of only a few documented locations in the county with substantial seagrass. Although there are no marinas, boat ramps, or fuel docks on this short section of ICW, this narrow waterway is an important travel corridor for both manatees and boats that has been a Slow Speed zone for 17+ years. The recommended change would increase risks to manatees and create a more complicated zone marking situation while only reducing boat transit times by about 3.5 minutes one-way. The added complexity could also negatively affect compliance in this area during the cold season. A change to less protective zones in this area would affect implementation of the boat facility siting recommendations contained in Broward County’s Manatee Protection Plan and could require revisions to reduce the number of powerboat slips available in this and neighboring areas. Based on initial feedback from the United States Fish and Wildlife Service, this change would likely negatively impact federal reviews of proposed boat facility projects in this area. Broward County staff does not support this change because “arguments for making these zone changes appear to be primarily based on boating safety issues (lack of marinas, boat ramps, fuel docks, etc.) in the area rather than manatee-related issues.” County staff also raised similar issues as those discussed above. FWC Law Enforcement also does not support this change because of negative impacts it would have on sign posting and boater understanding of the zones, as well as potential effects on boating safety especially near the confluence of the ICW and the Dania Cut-off Canal.

## H2. Dania Cut-off Canal from the ICW to Harbor Towne Marina

The preliminary FWC staff recommendations did not identify any potential changes for this area. This change was suggested to the LRRRC during its deliberations. The area is currently a year-round Slow Speed zone.

The LRRRC majority opinion (5 votes) supported changing this approximately 0.75 mile stretch of canal to a 25 MPH zone with a 50-foot Slow Speed shoreline buffer during the warm season (no change during the cold season). The rationale for the change was “[t]here are no marinas, boat ramps, fuel docks, homes, etc., along this canal. The data show that there are almost no manatees in this area during the warm season. Manatees traveling to and from the C-10 canal might also use the south fork of the New River as their travel corridor.”

The LRRRC minority opinion (4 votes) opposed the change because “[t]he rip-rap along the south side of the cut-off canal is not complete and boats may run onto the rocks there, especially at high tide” and that “[t]here are areas where manatees congregate further to the west of the area of proposed change during the warm season (e.g. C-10 canal). Since the Dania Cut-off Canal is one of two possible routes to this area, it is logical to assume that manatees may transit this area in higher numbers than the aerial surveys suggest. Broward County manatee aerial survey data show a significant increase in manatee density year round. Considering the length of time until the Manatee Protection Plan is reviewed again, this warrants waiting until further data are gathered prior to any zone changes. The stretch of canal in question is approximately 1 mile in length. At slow speed (approx 7 mph), boaters can transit this area in less than 10 minutes.”

FWC staff **disagrees with the LRRRC majority opinion** to change this area to a 25 MPH zone with a 50-foot Slow Speed shoreline buffer during the warm season. The reasons why staff recommends making no change in this area are essentially the same as discussed for Area H1, although due to the narrowness of the canal and port expansion plans on the north side of the canal, concerns associated with this change are even greater than those for Area H1 (including concerns raised by County staff and FWC Law Enforcement). As raised in the minority opinion above, the area at issue is one of two possible entry points for manatees and boats to use to travel between the ICW and the inland waterways to the west. Because it is a far more direct route, most manatees and boats traveling between the ICW and the Dania Cut-off Canal or C-10 Canal are likely to travel through the area recommended for less protective zones.

## H3. Intracoastal Waterway (ICW) south of NE 14<sup>th</sup> Street to just south of Harbor’s Edge Park

The preliminary FWC staff recommendations did not identify a potential change for this small area (other than those identified for the larger C4-1 and C5 areas). This change was suggested to the LRRRC during its deliberations. The area is currently a weekend-only Slow Speed zone during the cold season and a 25 MPH zone with a 50-foot Slow Speed shoreline buffer during the warm season and on weekdays during the cold season. Recommendations for Area C2 and Area C4-1 would make the area immediately to the north a year-round Slow Speed zone and this area a Slow Speed zone during the cold season and a 25 MPH zone with a 50-foot Slow Speed shoreline buffer during the warm season.

The LRRRC majority opinion (8 votes) supported adding this approximately 0.25 mile stretch of ICW to the year-round Slow Speed zone recommended for Area C2. The rationale for the change was “[t]his will afford Harbor’s Edge Park the same level of manatee protection as is currently in place for nearby parks, e.g. Alsdorf’s Park (“14<sup>th</sup> Street Boat Ramp”), Exchange Park, and DeGroff Park. There is also seagrass on both waterside boundaries of the park.” The LRRRC minority opinion (1 vote) opposed the change.

FWC staff **agrees with the LRRRC majority opinion** to add this area to Area C2 to make it a year-round Slow Speed zone. The rationale provided in the majority opinion is supported by available information.

#### H4. Intracoastal Waterway (ICW) south of Atlantic Blvd to Lake Santa Barbara

This roughly 0.75 mile stretch of the ICW is the northernmost section of Area C4-2. Although a change to all of Area C4-2 (south to Commercial Blvd; total distance of 2.6 miles) was discussed by the LRRC (see page 7 above), a change to just this smaller section of the area was not discussed. After the LRRC report was submitted, Broward County staff recommended changing just this smaller section to be a Slow Speed zone during all days during the cold season. It currently reverts to a 25 MPH zone with a 50-foot Slow Speed shoreline buffer on weekdays during the cold season.

The rationale for the County staff recommendation was that the data *“shows a relatively high level of manatee-boat coincidence for the Intracoastal Waterway (ICW) south to the LSB [Lake Santa Barbara] area. Vessels coming out of the Pompano Canal/Cypress Creek Canal areas through LSB most probably head north to the Hillsboro Inlet, as that is the nearest ocean access point. Due to this direction of transit, vessel density could potentially be greater in the ICW from the LSB north, thereby warranting extension of this zone to the LSB, but not as far south as Commercial Boulevard.”*

The LRRC did not provide a recommendation on this change because the issue did not come up until after the LRRC had submitted its report. The LRRC majority opinion opposed the change to the larger Area C4-2, which includes this area as well as additional area to the south.

FWC staff does not recommend making this change, largely because of the reasons discussed for Area C4-2. The boating data did show relatively high use of LSB (which is currently regulated by local ordinance); however, boat use within the ICW was not noticeably greater between Atlantic Blvd and LSB than it was from LSB to Commercial Blvd. And with the exception of one small area near the northeast corner of LSB, manatee-“fast boat” coincidence was also similar in both areas. Excluding the existing boating safety zone at Atlantic Blvd, this change would have had an on-water impact on approximately 0.6 miles of ICW.

#### H5. Intracoastal Waterway (ICW) north of Sunrise Blvd to Burnham Point

The preliminary FWC staff recommendations did not identify any potential changes for this area during the cold season. This change was suggested by Broward County staff after the LRRC report had been submitted. The County staff recommendation was to change this roughly 2.25 mile stretch of the ICW to be a Slow Speed zone during all days during the cold season instead of only during weekends. It currently reverts to a 25 MPH zone with a 50-foot Slow Speed shoreline buffer on weekdays during the cold season.

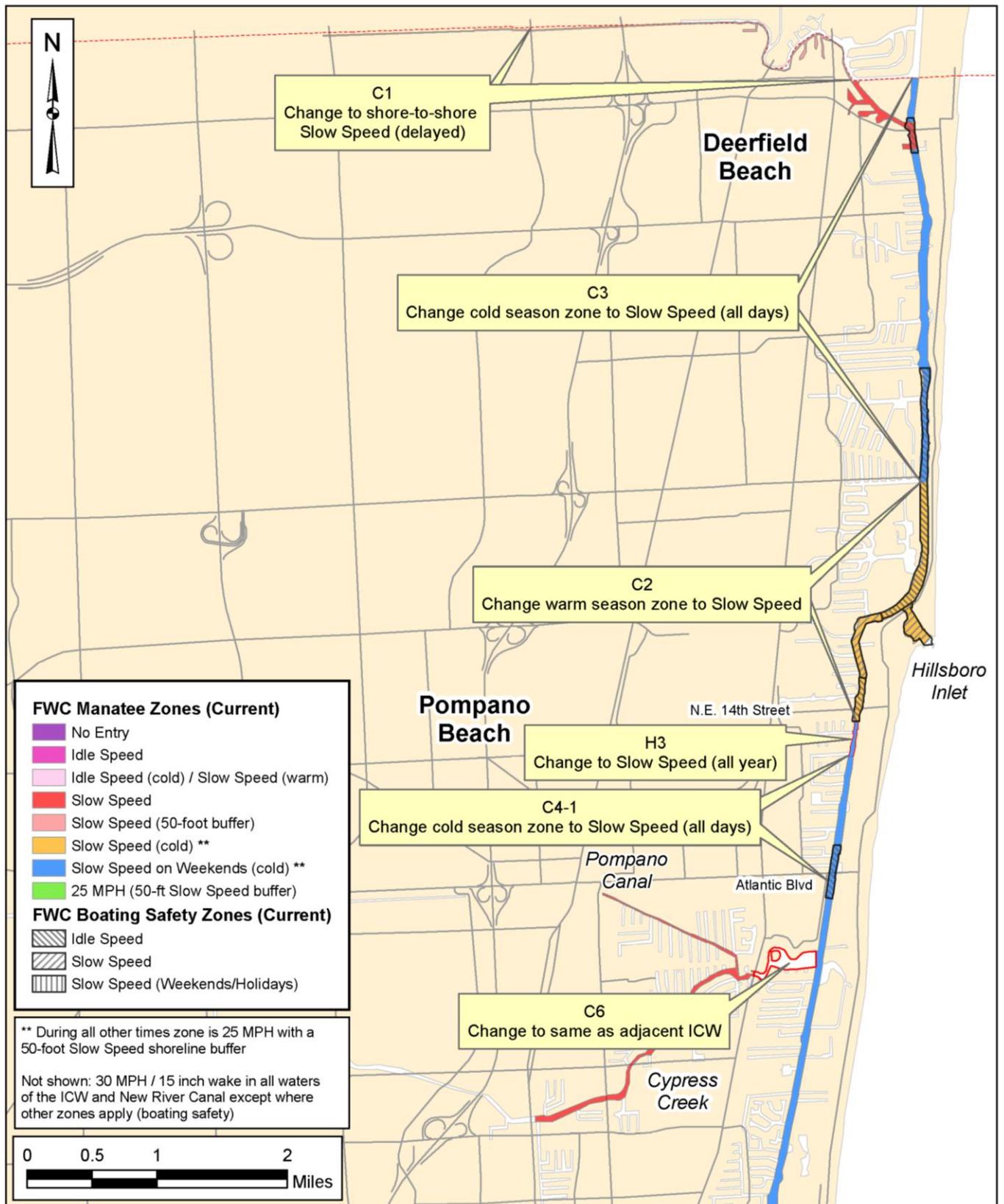
The rationale for the County staff recommendation was that the *“aerial survey data indicate manatees seeking refuge in the power plant cooling discharges primarily travel north when temperatures increase. Manatees from both power plants quickly converge in this area of the ICW during the cold season resulting in a high density of animals. High vessel traffic from the Middle River area and adjacent canals, coupled with an elevated presence of manatees in this reach of the ICW, indicates the potential for a high level of manatee-boat interaction. [The data] shows a relatively high level of manatee-boat coincidence during the cold season from Burnham Point to approximately 0.4 miles north of Sunrise Blvd.”*

The LRRC did not provide a recommendation on this change because the issue did not come up until after the LRRC had submitted its report.

FWC staff agrees with the County staff recommendation to change this area to a Slow Speed zone on all days during the cold season. This entire area is already regulated by a combination of year-round Idle Speed and Slow Speed boating safety zones but the zone on the central 0.75 mile section is only in effect on weekends and holidays. The change would have no on-water impact on the rest of the area.

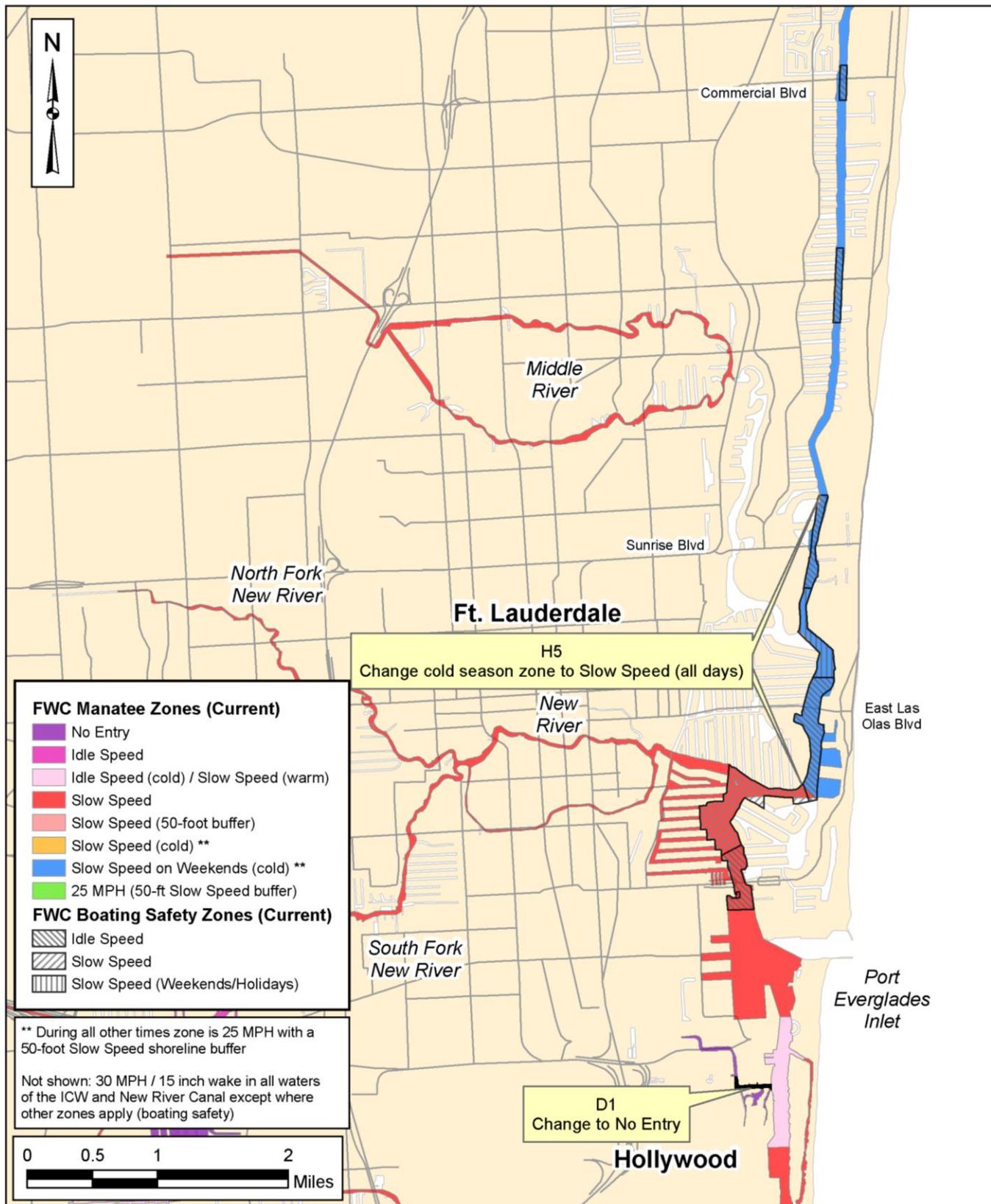
**Table 1  
Comparison of October 2010 FWC Staff Recommendations and LRRC Majority Recommendations for Broward County**

Area	LRRC Recommendation	Accepted?	Comments
			Yes (delayed)
C1	Hillsboro Canal Change to Slow Speed	Yes (delayed)	Currently a year-round 50-ft Slow Speed buffer (north half of canal is in Palm Beach County). Staff recommends delaying rule change until the Palm Beach County rule is reviewed
C2	Hillsboro Inlet Change to Slow Speed (all year)	Yes	Currently Slow Speed (cold season); 25 MPH with a 50-ft Slow Speed buffer (warm season). Change would make the area Slow Speed during the warm season as well. This would have no on-water impact because the area is already regulated year-round for boating safety.
C3	ICW from Palm Beach Co. to "68A" Change to Slow Speed (cold season; all days)	Yes	Currently Slow Speed on weekends (cold season); 25 MPH with a 50-ft Slow Speed buffer (warm season & weekdays during cold season). Change would make the area Slow Speed all days during the cold season with no change during the warm season.
C4-1	ICW from NE 14th St. to Atlantic Blvd Change to Slow Speed (cold season; all days)	Yes	Currently Slow Speed on weekends (cold season); 25 MPH with a 50-ft Slow Speed buffer (warm season & weekdays during cold season). Change would make the area Slow Speed all days during the cold season with no change during the warm season.
C4-2	ICW from Atlantic Blvd to Commercial Blvd Make no change	Yes	Currently Slow Speed on weekends (cold season); 25 MPH with a 50-ft Slow Speed buffer (warm season & weekdays during cold season). The potential change that was discussed but rejected would have made the area Slow Speed all days during the cold season.
C5	ICW from Palm Beach Co. to Burnham Point Make no change	Yes	Currently Slow Speed on weekends (cold season); 25 MPH with a 50-ft Slow Speed buffer (warm season & weekdays during cold season). The potential change that was discussed but rejected would have removed the warm season zones.
C6	Entrance to Pompano Canal / Cypress Creek Change to same as C4-2 and C5	Yes	Currently unregulated by FWC rule. Change would treat this area the same as the adjacent section of ICW. This area is currently regulated by city ordinance as a local Slow Speed zone; staff is looking into the legal status of local zone.
D1	Port Everglades Power Plant Discharge Canal Expand No Entry	Yes	Part of canal is currently No Entry year-round but the section nearest the ICW is not included. Change would add the currently excluded portion to the No Entry zone.
E1	West of ICW, South of Dania Beach Blvd Change to Slow Speed (warm season)	Yes	Currently Slow Speed (cold season); 25 MPH with a 50-ft Slow Speed buffer (warm season). Change would make it Slow Speed all year.
E2	ICW south of Dania Beach Blvd to Miami-Dade Co. Make no change	Yes	Currently 25 MPH with a 50-ft Slow Speed buffer. The potential change that was discussed but rejected would have removed the zones during the warm season.
F1	Ft. Lauderdale Inland Power Plant Cooling Ponds Make no change	Yes	Currently a year-round No Entry zone. The potential change that was discussed but rejected would have removed the zone during the warm season.
G1	Update preamble language to rule	N/A	Change would update rule to make consistent with existing statute and rules
G2	Add holidays to weekend zones	Yes	Holidays are not currently included in weekend zones. Change would add holidays to weekend zones.
G3	Update, clean-up, & simplify zone descriptions	Yes	Change would update and simplify zone descriptions and otherwise improve understandability
H1	ICW, South of Dania Cutoff Canal to Dania Beach Blvd Change to 25 MPH with Slow Speed buffer (warm season)	No	Currently Slow Speed (all year). This change was identified by the LRRC. Change would make the area 25 MPH with a 50-ft Slow Speed buffer during the warm season with no change during the cold season. Staff does not support this change (see p. 10).
H2	Dania Cutoff Canal, ICW to Harbor Towne Marina Change to 25 MPH with Slow Speed buffer (warm season)	No	Currently Slow Speed (all year). This change was identified by the LRRC. Change would make the area 25 MPH with a 50-ft Slow Speed buffer during the warm season with no change during the cold season. Staff does not support this change (see p. 10-11).
H3	ICW, South of NE 14th St. Change to Slow Speed	Yes	This is the northernmost portion of Area C4-1. This change was identified by the LRRC. Change would add this small section of ICW to Area C2, which is recommended to be Slow Speed all year.
H4	ICW, South of Atlantic Blvd to Lake Santa Barbara None	N/A	Currently Slow Speed on weekends (cold season); 25 MPH with a 50-ft Slow Speed buffer (warm season & weekdays during cold season). This change was identified by County staff. Change would make the area Slow Speed all days during the cold season with no change during the warm season. <b>Staff does not support this change</b> (see p. 12).
H5	ICW, North of Sunrise Blvd to Burnham Point None	N/A	Currently Slow Speed on weekends (cold season); 25 MPH with a 50-ft Slow Speed buffer (warm season & weekdays during cold season). This change was identified by County staff. Change would make the area Slow Speed all days during the cold season with no change during the warm season. This change would have limited on-water impact because of existing year-round boating safety zones. <b>Staff supports this change</b> (see p. 12).



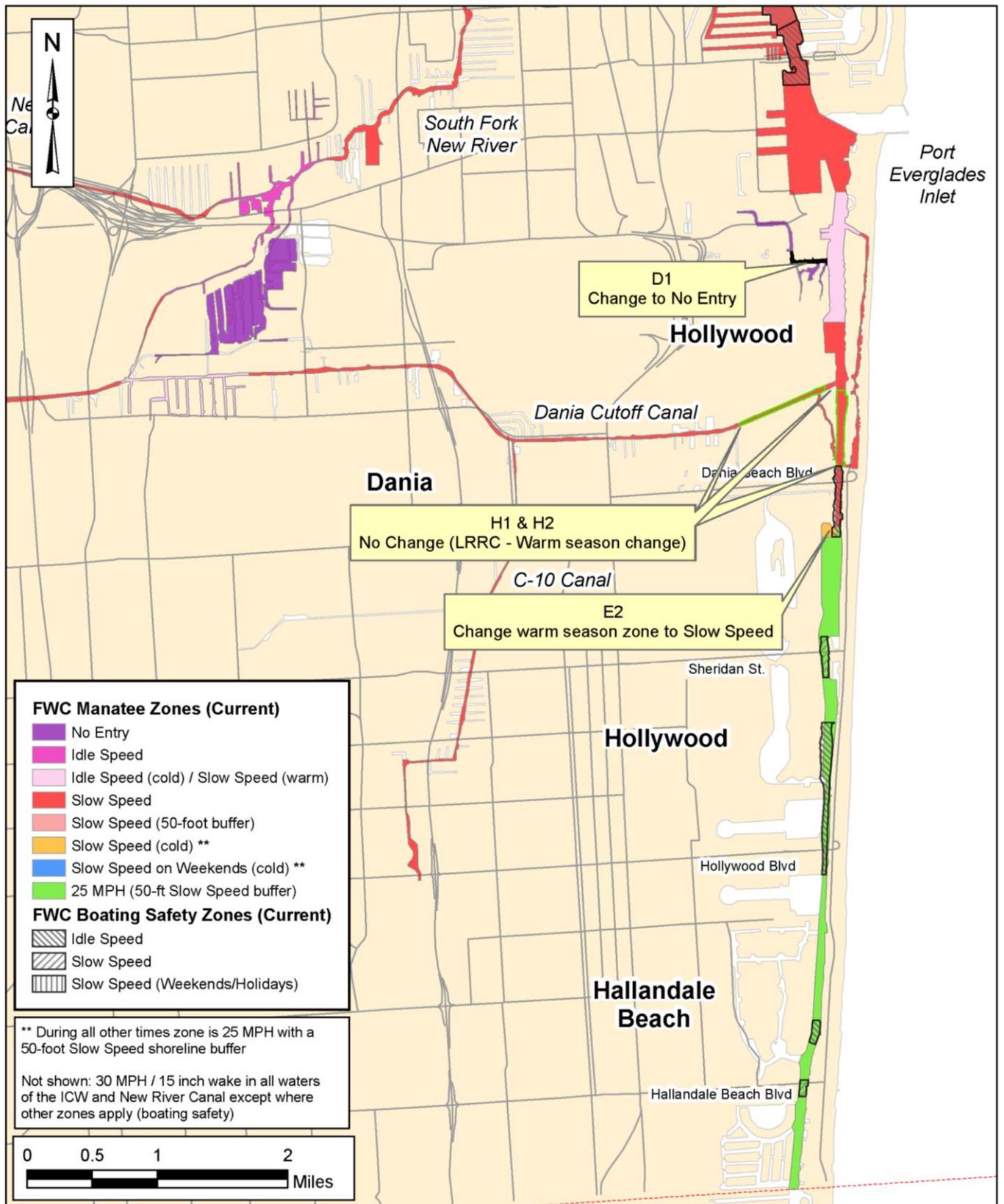
**Figure 2A: FWC staff recommendations for changes to manatee protection zones October 2010**

Florida Fish & Wildlife Conservation Commission  
 Division of Habitat and Species Conservation  
 Imperiled Species Management Section  
 620 South Meridian Street, Mail Station 6A  
 Tallahassee, FL 32399-1600  
 Tel: 850-922-4330 Fax: 850-922-4338



**Figure 2B: FWC staff recommendations for changes to manatee protection zones October 2010**

Florida Fish & Wildlife Conservation Commission  
 Division of Habitat and Species Conservation  
 Imperiled Species Management Section  
 620 South Meridian Street, Mail Station 6A  
 Tallahassee, FL 32399-1600  
 Tel: 850-922-4330 Fax: 850-922-4338



**Figure 2C: FWC staff recommendations for changes to manatee protection zones October 2010**

Florida Fish & Wildlife Conservation Commission  
 Division of Habitat and Species Conservation  
 Imperiled Species Management Section  
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 Tallahassee, FL 32399-1600  
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