

NOTICE OF PROPOSED RULE

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE NO: RULE TITLE:

68C-22.023 Collier County Zones

PURPOSE AND EFFECT: The purpose of the proposed rule is to improve protection of manatees and manatee habitat in Collier County by amending the existing regulations that establish safe havens and limit allowable motorboat speed in portions of the county. These actions are being proposed after considering: [1] new information, analyses, and reports that have been collected, performed, or prepared since the existing zones were established; and [2] recommendations made by the Collier County Local Rule Review Committee that was formed pursuant to Section 379.2431(2)(f), F.S. The effect of the action would be to amend the zones that establish safe havens and limit allowable motorboat speed in portions of the county and to revise other provisions of the rule. Additional information is available at: <http://myfwc.com/wildlifehabitats/managed/manatee/rulemaking/>.

SUMMARY: A rule addressing manatee protection throughout Collier County was adopted in 1983 and amended in 1997. The proposed rule would remove existing 30MPH in channel and 20MPH outside of marked channel zones in three areas (Cocohatchee River east of US41, Upper Addison/Unknown Bays, and a portion of McIlvane Bay) and five areas will change from Idle Speed All Year to Slow Speed All Year in portions of Naples Bay, Gordon Pass, Marco River, Goodland Bay, and Barron River. Three areas that have existing 30MPH in channel and Slow Speed outside of marked channel will change to Slow Speed Shore to Shore (a portion of the Inland waterway between Keewadin Island and Halloway Island, a portion of the waterway between Halloway Island and Little Marco Island and in the narrow waterway between Hall Bay and Henderson Creek), a new Slow Speed zone would be added in Moorings Bay (City of Naples), and a new No Entry zone would be added in the newly created manatee warm-water refuge located on the west side of the Faka Union Canal, an exception to this No Entry zone is provided to employees and authorized agents of Rookery Bay National Estuarine Research Reserve, South Florida Water Management District and the Florida Department of Environmental Protection. The proposed rule includes new descriptions of the existing zones in the remainder the county, but the zones are not being substantively changed. The maps accompanying this notice show only those geographic areas where zones would change. The new descriptions are needed so that all zone descriptions are based on the same geographic projection and the most up-to-date and accurate shoreline information.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this rule will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency. The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the nature of the rule and the preliminary information and analysis conducted to date.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 379.2431(2) FS.

LAW IMPLEMENTED: 379.2431(2) FS.

HEARINGS WILL BE HELD BY COMMISSION STAFF AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIME: January 31, 2017, 5:00 p.m. – 8 p.m.

PLACE: Collier County Commission Chambers, 3299 Tamiami Trail East, 3rd Floor, Naples, FL 34112

The final public hearing will be held by the Commission in April 2017 or later. Another notice will be published in the FAR when the date and location of the final hearing is set. The Commission's agenda for this meeting will indicate the specific day when this item is scheduled to be addressed. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these hearings is asked to advise the agency at least 5 days before the hearing by contacting the FWC at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Ron Mezich, Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section, 620 South Meridian Street, Tallahassee, Florida 32399-1600. Comments may be submitted by e-mail to ManateeRuleComments@MyFWC.com (please reference Collier County in the subject line).

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 68C-22.023 follows. See Florida Administrative Code for present text.)

68C-22.023 Collier County Zones.

(1) The Commission hereby designates the waters within Collier County, as described below, as areas where manatee sightings are frequent and where the best available information supports the conclusion that manatees inhabit these areas on a regular or periodic basis. The primary purpose of this rule is to protect manatees from harmful collisions with motorboats and from harassment by regulating the speed and operation of motorboats within these designated areas. A secondary purpose is to protect manatee habitat. In consideration of balancing the rights of fishers, boaters, and water skiers to use the waters of the state for recreational and commercial purposes (as applicable under Section 379.2431(2)(k), F.S.) with the need to provide manatee protection, the Commission has examined the need for limited lanes, corridors, or unregulated areas that allow higher speeds through or within regulated areas. Such lanes, corridors, or areas are provided in those locations where the Commission determined they are consistent with manatee protection needs.

(2) The following year-round zones are established, which include all associated and navigable tributaries, lakes, creeks, coves, bays, backwaters, canals, channels, boat basins, and other waterways unless otherwise designated or excluded. Coordinates used in the descriptions of zone boundaries are referenced to the North American Datum of 1983 (NAD83 2011) using the Florida GDL Albers projection. Access to the NO ENTRY zone designated in paragraphs (2)(a)2. will be provided in accordance with procedures set forth in subsection (4), hereunder, and applicable provisions of Rule 68C-22.003, F.A.C.

(a) NO ENTRY –

1. Henderson Creek/Enchanting Shores area: All waters of the basin and canal adjacent to the Enchanting Shores Trailer Park, east of a line bearing 20° beginning at a point (approximate latitude 26° 02' 58.2" N, approximate longitude 81° 41' 14.6" W) on the southern shoreline of the canal approximately fifty (50) feet east of where the canal flows into Henderson Creek; and

2. Faka Union Canal area: All waters of the basins, canals, and associated waters of the warm water manatee refuge oxbow west of and adjacent to the Faka Union Canal, south of an east-west line 745' south and north of east-west line 2200' south of the southernmost east-west canal of Port of the Islands.

(b) IDLE SPEED (channel included) –

1. Henderson Creek area: All waters of Henderson Creek and associated waters east of the centerline of Collier Boulevard (State Road 951) bridges, and southwest of a structure north of the Tamiami Trail (US41) bridge, except as designated under subparagraph (2)(a)(1);

2. Marco Island/Collier Bay area: All waters of Collier Bay, and associated waters south of the mouth of Marco Bay/Marco River, and north of San Marco Road (State Road 92);

3. Caxambas Bay/Roberts Bay area: All waters of Caxambas Bay, Roberts Bay, and associated waters, north of a line beginning at a point on the shoreline of Marco Island (approximate latitude 25° 54' 29.3" N, approximate

longitude 81° 43' 06" W) (west of channel marker "8") and bearing approximately 106° to the westernmost point of the unnamed island north of Dickman's Island, then running along the northern shoreline of said island to its easternmost point (approximate latitude 25° 54' 16.8" N, approximate longitude 81° 42' 23.6" W), and then bearing approximately 91° (through channel marker "13") to the line's ending point on the shoreline of Horrs Island (approximate latitude 25° 54' 15.2" N, approximate longitude 81° 41' 31.7" W), south and west of a line beginning at a point on Horrs Island (approximate latitude 25° 54' 13.8" N, approximate longitude 81° 41' 15.2" W) and bearing 360° to the southeasternmost point of Pass Key (approximate latitude 25° 54' 27.6" N, approximate longitude 81° 41' 14.9" W), then running along the eastern shoreline of said key to its northernmost point (approximate latitude 25° 54' 37.1" N, approximate longitude 81° 41' 18.9" W), then bearing approximately 349° to the southernmost point of David Key, then running along the southwestern shoreline of said key to its westernmost point (approximate latitude 25° 54' 57.8" N, approximate longitude 81° 41' 33" W), and then bearing 270° to the line's ending point on the shoreline of Marco Island, and south of San Marco Road (State Road 92); and

4. Faka Union Canal/Port of the Islands area: All waters of Faka Union Canal and associated waters, south of the centerline of the Tamiami Trail (US 41) bridges, and north of an east-west line 500 feet south of the southernmost east-west canal.

(c) SLOW SPEED –

1. Little Hickory Bay/Bonita Shores area: All waters of Little Hickory Bay and associated waters south of the Lee County line and north of a line beginning at a point on the western shoreline of Little Hickory Bay (approximate latitude 26° 19' 28.2" N, approximate longitude 81° 50' 13.7" W) and bearing 90° to the southernmost point of the peninsula containing Third Street West in Bonita Shores (approximate latitude 26° 19' 27.9" N, approximate longitude 81° 49' 57.4" W), and then bearing 125° to the line's ending point on the eastern shoreline of Little Hickory Bay, except as designated under paragraph (2)(e)1.;

2. Wiggins Pass/Vanderbilt Lagoon area: All waters of Wiggins Pass, Wiggins Bay, Water Turkey Bay, Vanderbilt Lagoon, and associated waters, east of a line which bears 180° from the southernmost point of Wiggins Island (approximate latitude 26° 17' 22.6" N, approximate longitude 81° 49' 50.5" W), south of a line beginning at a point on the eastern shoreline of Wiggins Island (approximate latitude 26° 18' 10.2" N, approximate longitude 81° 49' 47.6" W) at the narrow section of the waterway north of Wiggins Pass and bearing 90° to the line's ending point on the eastern shoreline of said waterway (approximate latitude 26° 18' 10.2" N, approximate longitude 81° 49' 46" W), and north and west of a line at the southern end of Wiggins Bay beginning at the northeasternmost point of the peninsula west of the Cocohatchee River (approximate latitude 26° 17' 16.8" N, approximate longitude 81° 48' 57.2" W) and bearing 90° to its ending point on the eastern shoreline of said river, including all waters of Water Turkey Bay and Vanderbilt Lagoon, except as designated under paragraph (2)(e)1.;

3. Doctors Pass/Moorings Bay area: All waters of Doctors Pass, Moorings Bay, and associated waters, east of a line which bears 168.5° from the northern shoreline of Doctors Pass (approximate latitude 26° 10' 27.2" N, approximate longitude 81° 48' 53.6" W);

4. Gordon River area: All waters of the Gordon River, Rock Creek, and associated waters, north of the centerline of the Tamiami Trail (US41) bridges, south of the structure at Golden Gate Parkway (County Road 886) (approximate latitude 26° 10' 27.2" N, approximate longitude 81° 48' 53.6" W), and west of the structure at Golden Gate Main Canal (approximate latitude 26° 10' 4.4" N, approximate longitude 81° 48' 27.1" W);

5. Naples Bay/Gordon Pass/Dollar Bay area: All waters of Naples Bay, Gordon Pass, Admiralty Bay, Port Royal, Bartell Bay, and associated waters south of the centerline of the Tamiami Trail (US41) bridges, north of a line beginning at a point on the eastern shoreline of Keewadin Island (approximate latitude 26° 03' 23.3" N, approximate longitude 81° 46' 45.4" W) and then bearing 90° through channel marker "52" to the line's ending point on the eastern shoreline at the north end of "The Narrows" (approximate latitude 26° 03' 23.3" N, approximate longitude 81° 46' 42.7" W), northeast of a line beginning at a point on the southern shoreline of Gordon Pass (approximate latitude 26° 05' 30.9" N, approximate longitude 81° 47' 55.2" W) and then bearing 336° through channel marker "7" to the line's ending point on the northern shoreline of Gordon Pass (approximate latitude 26° 5'

38.3" N, approximate longitude 81° 47' 58.6" W), and west of the structure northeast of Tamiami Trail (US41) bridges, in Haldeman Creek, except as designated under paragraph (2)(e)2.;

6. The Narrows: All waters east of Keewadin Island known as "The Narrows", south of a line beginning at a point on the eastern shoreline of Keewadin Island (approximate latitude 26° 03' 23.3" N, approximate longitude 81° 46' 45.4" W) and then bearing 90° through channel marker "52" to the line's ending point on the eastern shoreline at the north end of "The Narrows" (approximate latitude 26° 03' 23.3" N, approximate longitude 81° 46' 42.7" W), and northwest of a line beginning at a point on the eastern shoreline of Keewadin Island (approximate latitude 26° 02' 33" N, approximate longitude 81° 46' 31.4" W) and then bearing 54° through channel marker "47" to the line's ending point on the southwest shoreline of an unnamed island at the south end of "The Narrows" (approximate latitude 26° 02' 35.8" N, approximate longitude 81° 46' 27.1" W),

7. Halloway Island North area: All waters of the inland waterway south of a line beginning at a point on the eastern shoreline of Keewadin Island (approximate latitude 26° 02' 33" N, approximate longitude 81° 46' 31.4" W) and then bearing 54° through channel marker "47" to the line's ending point on the southwest shoreline of an unnamed island at the south end of "The Narrows" (approximate latitude 26° 02' 35.8" N, approximate longitude 81° 46' 27.1" W), north of a line bearing 60° through channel marker "44" (approximate latitude 26° 02' 20.1" N, approximate longitude 81° 46' 27.3" W), and west of a line bearing 180° at the north end of Halloway Island running through the westernmost point (approximate latitude 26° 02' 33.8" N, approximate longitude 81° 46' 16" W) of the small unnamed island at the north end of Rookery Bay;

8. Inland Waterway/Halloway Island area: All waters of the inland waterway and associated waters, south of a line bearing 60° through channel marker "44" (approximate latitude 26° 02' 20.1" N, approximate longitude 81° 46' 27.3" W), west of a line bearing 180° at the south end of Halloway Island running through channel marker "27A" (approximate latitude 26° 0' 53.1" N, approximate longitude 81° 45' 13.8" W), north of a line beginning at the northern most point of Little Marco Island (approximate latitude 26° 01' 05" N, approximate longitude 81° 45' 44.2" W) and then bearing 247° to a point on the eastern shoreline of Keewadin Island (approximate latitude 26° 01' 02.1" N, approximate longitude 81° 45' 52.4" W), and north of a line beginning at a point on the eastern shoreline of Little Marco Island (approximate latitude 26° 00' 42.8" N, approximate longitude 81° 45' 30.4" W) and then bearing 90° to a point on the eastern shoreline of Cannon Island (approximate latitude 26° 00' 42.8" N, approximate longitude 81° 45' 19.3" W), except as designated under paragraph (2)(e)3.

9. Johnson Bay area: All waters of Johnson Bay and associated waters, east of a line bearing 180° at the south end of Halloway Island running through channel marker "27A" (approximate latitude 26° 00' 53.1" N, approximate longitude 81° 45' 13.8" W), south of a line at Hall Bay beginning on the southeastern shoreline of Halloway Island (approximate latitude 26° 00' 55.2" N, approximate longitude 81° 44' 36.9" W) and bearing 90° to a point on the eastern shoreline of the waterway (approximate latitude 26° 00' 55.2" N, approximate longitude 81° 44' 32.3" W), and northeast of a line bearing 136° from a point on the south end of the unnamed island south of Cannon Island (approximate latitude 25° 58' 43.3" N, approximate longitude 81° 44' 33.8" W) to a point on the southwestern shoreline of the Isle of Capri in Capri Pass (approximate latitude 25° 58' 31.6" N, approximate longitude 81° 44' 21.7" W), excluding the unnamed bays and backwater areas north and east of Johnson Bay as designated under paragraph (2)(d)4., except as designated under paragraph (2)(e)6.;

10. Henderson Creek/Hall Bay area: All waters of Henderson Creek, Hall Bay, and associated waters, west of the centerline of Collier Boulevard (State Road 951) bridges, north and east of Johnson Bay beginning at a point on the southeastern shoreline of Halloway Island (approximate latitude 26° 00' 55.2" N, approximate longitude 81° 44' 36.9" W) and bearing 90° to a point on the eastern shoreline of the waterway (approximate latitude 26° 00' 55.2" N, approximate longitude 81° 44' 32.3" W), and south and east of a line beginning at a point on the southeastern shore of Halloway Island (approximate latitude 26° 01' 13.2" N, approximate longitude 81° 44' 42.8" W) and bearing 90° to the southwesternmost point (approximate latitude 26° 01' 13.2" N, approximate longitude 81° 44' 38.8" W) of the large unnamed island separating Rookery Bay and Hall Bay, then running along the eastern shoreline of said island to its northeasternmost point (approximate latitude 26° 01' 23.3" N, approximate longitude 81° 44' 31.6" W), then bearing approximately 15° to the southwesternmost point of the unnamed island to the northeast (approximate latitude 26° 01' 27.4" N, approximate longitude 81° 44' 30.3" W), then running along the eastern shoreline of said

island to its southeasternmost point, then bearing approximately 60° to the line's ending point at a point (approximate latitude 26° 01' 34.4" N, approximate longitude 81° 44' 15.6" W) on the southwestern shoreline of the peninsula forming the northwestern boundary of Henderson Creek, except as designated under subparagraph (2)(e)4. & (2)(e)5.;

11. Marco River/Tarpon Bay area: All waters of Tarpon Bay, Marco River, Marco Bay, Factory Bay and associated waters, east of a line bearing 164° from point on the southwestern shoreline of the Isle of Capri (approximate latitude 25° 58' 30.1" N, approximate longitude 81° 44' 21" W) to the line's ending point at a point (approximate latitude 25° 58' 17.8" N, approximate longitude 81° 44' 17.3" W) on the northwestern shoreline of Marco Island, north of Collier Bay, and west of the centerline of Collier Boulevard (State Road 951) bridges over Marco River (Judge Jolly Bridge), except as designated under paragraph (2)(e)7.;

12. Flotilla Passage area: All waters of Flotilla Passage, north of a line bearing 260° from the southernmost point of the mangrove island to the east of Flotilla Passage (approximate latitude 25° 58' 01.1" N, approximate longitude 81° 42' 26" W) to the line's ending point at a point (approximate latitude 25° 58' 1" N, approximate longitude 81° 42' 28.2" W) on the southeastern shoreline of the Bear Point causeway, and all waters within 600 feet of the Collier Boulevard (State Road 951) bridge over McIlvane Bay;

13. South Marco River/Addison Bay area: All waters of Marco River, Big Marco River, East Marco Bay, Sanctuary Sound, Georgia Fruit Farm Creek, Bear Point Cove, Three Island Cove, The Muddies, Addison Bay, and associated waters, east of the centerline of Collier Boulevard (State Road 951) bridges over Marco River (Judge Jolly Bridge), south of Unknown Bay, Upper Addison Bay, and the unnamed bays and backwater areas north and east of Bear Point Cove, Three Island Cove, and Addison Bay, and north of a line bearing 265° through channel marker "15" (approximate latitude 25° 56' 04.4" N, approximate longitude 81° 39' 14.1" W) in the Marco River (north of the San Marco Road/State Road 92 bridge over Goodland Bay), except as designated under subparagraph (2)(e)8. & (2)(e)9.;

14. Goodland Bay/Coon Key Pass area: All waters of Goodland Bay, Coon Key Pass, Blue Hill Creek, and associated waters, west of Palm Bay, south of a line bearing 265° through channel marker "15" (approximate latitude 25° 56' 04.4" N, approximate longitude 81° 39' 14.1" W) in the Marco River (north of the San Marco Road/State Road 92 bridge over Goodland Bay), north and east of a line beginning at the southernmost point of the unnamed mangrove island between Sugar Bay and Coon Key Pass (approximate latitude 25° 54' 38" N, approximate longitude 81° 38' 09.6" W) and bearing 219° to the southeastern shoreline of an unnamed island on the western shoreline of Coon Key Pass (approximate latitude 25° 54' 23.7" N, approximate longitude 81° 38' 23" W), then running along the northern shoreline of said island to its northwesternmost point (approximate latitude 25° 54' 45.8" N, approximate longitude 81° 38' 58.7" W), then bearing 298° to the line's ending point on the northeastern shoreline of Horrs Island (approximate latitude 25° 54' 52.9" N, approximate longitude 81° 39' 12.7" W), and east of a line beginning at a point on the southern shoreline of Marco Island (approximate latitude 25° 55' 08.3" N, approximate longitude 81° 39' 19" W) and bearing 180° to a point on the northern shoreline of Horrs Island (approximate latitude 25° 55' 04.3" N, approximate longitude 81° 39' 19" W), except as designated under subparagraph (2)(e)10.;

15. Caxambas Bay/Helen Key area: All waters of Caxambas Pass, Caxambas Bay, and associated waters, south of a line beginning at a point on the shoreline of Marco Island (approximate latitude 25° 54' 29.3" N, approximate longitude 81° 43' 06" W) (west of channel marker "8") and bearing approximately 106° to the westernmost point of the unnamed island north of Dickman's Island, then running along the northern shoreline of said island to its easternmost point (approximate latitude 25° 54' 16.8" N, approximate longitude 81° 42' 23.6" W), and then bearing approximately 91° (through channel marker "13") to the line's ending point on the shoreline of Horrs Island (approximate latitude 25° 54' 15.2" N, approximate longitude 81° 41' 31.7" W), east of a line beginning at the southwesternmost point of Marco Island (approximate latitude 25° 54' 29.4" N, approximate longitude 81° 43' 42.6" W) and bearing 165° to a point in Caxambas Pass (approximate latitude 25° 54' 13.7" N, approximate longitude 81° 43' 38.2" W), then bearing approximately 100° to the line's ending point on the northernmost point of Dickman's Point (approximate latitude 25° 54' 06.3" N, approximate longitude 81° 42' 56" W), north and east of Kice Island, and north of a line beginning at a point on the eastern shoreline of Kice Island (approximate latitude 25° 53' 25.4" N,

approximate longitude 81° 42' 01.9" W) and bearing 66° to the northwesternmost point of the large unnamed island between Kice Island and Helen Key, then running along the north and east shoreline of said island to its easternmost point (approximate latitude 25° 53' 15.4" N, approximate longitude 81° 41' 15.2" W), then bearing approximately 48° to the line's ending point on the western shoreline of Helen Key (approximate latitude 25° 53' 26.1" N, approximate longitude 81° 41' 01.6" W), and west of a line beginning at a point on Horrs Island (approximate latitude 25° 54' 04.3" N, approximate longitude 81° 40' 33.5" W) and bearing 180° (through channel marker "3") to the northern shoreline of Helen Key (approximate latitude 25° 53' 42.3" N, approximate longitude 81° 40' 33.5" W), except as designated under subparagraph (2)(e)(11), (2)(e)(12), and (2)(e)(13);

16. Faka Union Canal area: All waters of Faka Union Canal, Faka Union Bay, and associated waters, south of an east-west line 500 feet south of the southernmost east-west canal, and north of a line in Faka Union Bay beginning at the southernmost point of the peninsula (approximate latitude 25° 54' 03.5" N, approximate longitude 81° 31' 01.4" W) north of channel marker "43" and bearing 107° to the line's ending point on the eastern shoreline of Faka Union Bay (approximate latitude 25° 53' 51.4" N, approximate longitude 81° 30' 21" W), except as designated under subparagraph (2)(a)2.; and

17. Barron River/Everglades City/Chokoloskee Bay area: All waters of Barron River, and associated waters, west of the Collier Avenue (State Road 29) bridge; and all waters of Chokoloskee Bay, and associated waters, south and east of a line beginning at a point on the northern shoreline of the bay (approximate latitude 25° 51' 18.5" N, approximate longitude 81° 23' 46.7" W) and bearing 180° to the northernmost point of Bear Island (approximate latitude 25° 51' 13.1" N, approximate longitude 81° 23' 46.7" W), then running along the western shoreline of said island to its southwesternmost point (approximate latitude 25° 51' 07.2" N, approximate longitude 81° 23' 45.4" W), then bearing approximately 225° to northernmost point of the unnamed spoil island north of channel marker "27", then running along the eastern shoreline of said island to its southernmost point (approximate latitude 25° 50' 50.5" N, approximate longitude 81° 24' 04.4" W), north of a line beginning at the aforementioned southernmost point of the unnamed spoil island north of channel marker "27" and bearing approximately 112° to channel marker "5" (approximate latitude 25° 50' 31.8" N, approximate longitude 81° 23' 16.1" W), then bearing approximately 135° to a point on the Everglades National Park boundary (approximate latitude 25° 50' 02.2" N, approximate longitude 81° 22' 44.6" W), and then bearing approximately 89° to the line's ending point on the Chokoloskee Causeway (State Road 29) (approximate latitude 25° 50' 02.2" N, approximate longitude 81° 22' 24.9" W), and south of the Chokoloskee Causeway (State Road 29).

(d) 20 MPH –

1. Little Hickory Bay area: All waters of Little Hickory Bay and associated waters south of a line beginning at a point on the western shoreline of Little Hickory Bay (approximate latitude 26° 19' 28.2" N, approximate longitude 81° 50' 13.7" W) and bearing 90° to the southernmost point of the peninsula containing Third Street West in Bonita Shores (approximate latitude 26° 19' 27.9" N, approximate longitude 81° 49' 57.4" W), and then bearing 125° to the line's ending point on the eastern shoreline of Little Hickory Bay, and north of a line beginning at a point on the eastern shoreline of Wiggins Island (approximate latitude 26° 18' 10.2" N, approximate longitude 81° 49' 47.6" W) at the narrow section of the waterway north of Wiggins Pass and bearing 90° to the line's ending point on the eastern shoreline of said waterway (approximate latitude 26° 18' 10.2" N, approximate longitude 81° 49' 46" W), except as designated under paragraph (2)(e)1.;

2. Cocohatchee River area: All waters of the Cocohatchee River and associated waters south and east of a line at the southern end of Wiggins Bay beginning at the northeasternmost point of the peninsula west of the Cocohatchee River (approximate latitude 26° 17' 16.8" N, approximate longitude 81° 48' 57.2" W) and bearing 90° to its ending point on the eastern shoreline of said river, and west of the centerline of Tamiami Trail N (US 41) bridge;

3. Rookery Bay area: All waters of Rookery Bay and associated waters east of "The Narrows" section of the Inland Waterway and line bearing 180° running through the westernmost point (approximate latitude 26° 02' 33.8" N, approximate longitude 81° 46' 16" W) of the small unnamed island at the north end of Rookery Bay, and north of a line beginning at a point on the southeastern shore of Halloway Island (approximate latitude 26° 01' 13.2" N, approximate longitude 81° 44' 42.8" W) and bearing 90° to the southwesternmost point (approximate latitude 26° 01' 13.2" N, approximate longitude 81° 44' 38.8" W) of the large unnamed island separating Rookery Bay and Hall

Bay, then running along the eastern shoreline of said island to its northeasternmost point (approximate latitude 26° 01' 23.3" N, approximate longitude 81° 44' 31.6" W), then bearing approximately 15° to the southwesternmost point of the unnamed island to the northeast (approximate latitude 26° 01' 27.4" N, approximate longitude 81° 44' 30.3" W), then running along the eastern shoreline of said island to its southeasternmost point, then bearing approximately 60° to the line's ending point at a point (approximate latitude 26° 01' 34.4" N, approximate longitude 81° 44' 15.6" W) on the southwestern shoreline of the peninsula forming the northwestern boundary of Henderson Creek;

4. East of Johnson Bay area: All waters of the unnamed bays and backwater areas north and east of Johnson Bay, north of Flotilla Passage and the Isle of Capri, and west of the Collier Boulevard (State Road 951) bridge over McIlvane Bay, except as designated under subparagraph (2)(c)12.;

5. Barfield Bay/Blue Hill Bay area: All waters of Barfield Bay, Blue Hill Creek, and associated waters, north of Horrs Island, north and east of a line beginning at a point on Horrs Island (approximate latitude 25° 54' 13.8" N, approximate longitude 81° 41' 15.2" W) and bearing 360° to the southeasternmost point of Pass Key (approximate latitude 25° 54' 27.6" N, approximate longitude 81° 41' 14.9" W), then running along the eastern shoreline of said key to its northernmost point (approximate latitude 25° 54' 37.1" N, approximate longitude 81° 41' 18.9" W), then bearing approximately 349° to the southernmost point of David Key, then running along the southwestern shoreline of said key to its westernmost point (approximate latitude 25° 54' 57.8" N, approximate longitude 81° 41' 33" W), and then bearing 270° to the line's ending point on the shoreline of Marco Island, and west of a line beginning at a point on the southern shoreline of Marco Island (approximate latitude 25° 55' 08.3" N, approximate longitude 81° 39' 19" W) and bearing 180° to a point on the northern shoreline of Horrs Island (approximate latitude 25° 55' 04.3" N, approximate longitude 81° 39' 19" W);

6. Palm Bay/Sugar Bay area: All waters of Palm Bay, Sugar Bay, Mud Bay, and associated waters, east of Goodland Bay, northeast of a line beginning at the southernmost point of the unnamed mangrove island between Sugar Bay and Coon Key Pass (approximate latitude 25° 54' 38" N, approximate longitude 81° 38' 09.6" W) and bearing 157° to the line's ending point on the northwestern shoreline of Tripod Key (approximate latitude 25° 54' 30.3" N, approximate longitude 81° 38' 06.1" W); and

7. Ten Thousand Islands/Faka Union Bay/Chokoloskee Bay area: All waters of the Ten Thousand Islands area (including those waters of the Blackwater River, Blackwater Bay, Faka Union Bay, and Chokoloskee Bay), east of Palm Bay, Sugar Bay, Tripod Key, and a line beginning at a point on Tripod Key (approximate latitude 25° 54' 14.1" N, approximate longitude 81° 37' 31.2" W) and bearing approximately 170° to the westernmost point of the large unnamed island northeast of Brush Island (approximate latitude 25° 53' 58.1" N, approximate longitude 81° 37' 28.5" W), then bearing approximately 174° to the northwesternmost point of Brush Island (approximate latitude 25° 53' 47.7" N, approximate longitude 81° 37' 27.5" W), then running along the western shoreline of Brush Island to the line's ending point at the southernmost point of said island (approximate latitude 25° 53' 29.2" N, approximate longitude 81° 37' 21.2" W), and north of the Monroe County line and a line connecting the southern shorelines of all the outermost islands of the Ten Thousand Islands area, excluding all waters within the boundaries of Everglades National Park, and areas otherwise designated under subparagraphs (2)(a)2., (2)(b)4., (2)(c)16-17., and (2)(e)14-17.

(e) 30 MPH –

1. Little Hickory Bay/Wiggins Pass area: All waters in the marked channel south of the Lee/Collier County line and north of a line beginning at the southeasternmost point of Wiggins Island (approximate latitude 26° 17' 26.2" N, approximate longitude 81° 49' 38.9" W) and bearing approximately 79° to the southernmost point of the first small unnamed island to the east (approximate latitude 26° 17' 26.9" N, approximate longitude 81° 49' 34.1" W);

2. Naples Bay/Gordon Pass/Dollar Bay area: All waters in the north-south marked channel south of channel marker "33" (approximate latitude 26° 07' 45.9" N, approximate longitude 81° 47' 28.1" W) in Naples Bay and north of channel marker "52" (approximate latitude 26° 03' 23.3" N, approximate longitude 81° 46' 43.5" W) at the north end of The Narrows; in the marked channel of Haldeman Creek north to marker to "3" (approximate latitude 26° 6' 54.2" N, approximate longitude 81° 47' 9.8" W); in the east-west marked channel inside of Gordon Pass east of channel marker "10" and west of a line beginning at the southernmost point of the peninsula containing Bayview Park (approximate latitude 26° 06' 06.8" N, approximate longitude 81° 47' 04" W) and bearing 180° to its ending point on the southern shoreline (approximate latitude 26° 06' 03.8" N, approximate longitude 81° 47' 04" W);

3. Inland Waterway/Halloway Island area: All waters in the north-south marked channel south of channel marker "44" (approximate latitude 26° 02' 20.1" N, approximate longitude 81° 46' 27.3" W) and north of channel marker "31" (approximate latitude 26° 01' 05.9" N, approximate longitude 81° 45' 44" W);

4. Hall Bay area: All waters in the marked channel northeast of channel marker "1" (approximate latitude 26° 01' 14.7" N, approximate longitude 81° 44' 23.3" W) and southwest of channel marker "3" (approximate latitude 26° 01' 31.7" N, approximate longitude 81° 44' 12.7" W);

5. Hall Bay/Henderson Creek area: All waters in the marked channel northeast of a line bearing 360° beginning at a point on the eastern shoreline of Shell Island (approximate latitude 26° 01' 33.1" N, approximate longitude 81° 44' 01.9" W) and southwest of channel marker "7" (approximate latitude 26° 02' 0.5" N, approximate longitude 81° 43' 20" W);

6. Johnson Bay/Capri Pass area: All waters in the north-south marked channel south of channel marker "27A" (approximate latitude 26° 00' 53.1" N, approximate longitude 81° 45' 13.8" W) and north of channel marker "2A" (approximate latitude 25° 58' 47.7" N, approximate longitude 81° 44' 17.6" W); and in the east-west marked channel northeast of a line bearing 136° from a point on the south end of the unnamed island south of Cannon Island (approximate latitude 25° 58' 43.3" N, approximate longitude 81° 44' 33.8" W) to a point on the southwestern shoreline of the Isle of Capri in Capri Pass (approximate latitude 25° 58' 31.6" N, approximate longitude 81° 44' 21.7" W), and southwest of channel marker "9" (approximate latitude 25° 59' 07.9" N, approximate longitude 81° 43' 41.8" W);

7. Marco River area: All waters in the marked channel of Marco River southeast of channel marker "15" (approximate latitude 25° 58' 17.7" N, approximate longitude 81° 43' 26.2" W) and north and west of a point 360° northwest of the centerline of the Collier Boulevard (State Road 951) bridges over Marco River (Judge Jolly Bridge);

8. Bear Point Cove/Addison Bay area: All waters in the east-west marked channel north of Charity Island, north and east of a point 360° southeast of the centerline of the Collier Boulevard (State Road 951) bridges over Marco River (Judge Jolly Bridge) and west of channel marker "1" (approximate latitude 25° 58' 03.1" N, approximate longitude 81° 40' 32.8" W) in Addison Bay;

9. Big Marco River area: All waters in the east-west marked channel south of Charity Island, south and east of a point 360° southeast of the centerline of the Collier Boulevard (State Road 951) bridges over Marco River (Judge Jolly Bridge) and north of channel marker "15" (approximate latitude 25° 56' 04.4" N, approximate longitude 81° 39' 14.1" W) on the north side of the San Marco Road/State Road 92 bridge over Goodland Bay;

10. Coon Key Pass area: All waters in the north-south marked channel south of channel marker "6" (approximate latitude 25° 55' 13.9" N, approximate longitude 81° 38' 28.9" W) and north of a line bearing 219° beginning at the southernmost point of the unnamed mangrove island between Sugar Bay and Coon Key Pass (approximate latitude 25° 54' 38" N, approximate longitude 81° 38' 09.6" W) to the southeastern shoreline of an unnamed island on the eastern shoreline of Coon Key Pass (approximate latitude 25° 54' 23.7" N, approximate longitude 81° 38' 23" W);

11. Caxambas Pass area: All waters in the east-west marked channel south and west of a line beginning at a point on the shoreline of Marco Island (approximate latitude 25° 54' 29.3" N, approximate longitude 81° 43' 06" W) (west of channel marker "8") and bearing approximately 106° to the westernmost point of the unnamed island north of Dickman's Island, and north and east of a line beginning at the southwesternmost point of Marco Island (approximate latitude 25° 54' 29.4" N, approximate longitude 81° 43' 42.6" W) and bearing 165°;

12. Caxambas Bay area: All waters in the east-west marked channel north of Fred Key, west of channel marker "3" (approximate latitude 25° 55' 13.9" N, approximate longitude 81° 38' 28.9" W) and south of channel marker "13" (approximate latitude 25° 54' 15.4" N, approximate longitude 81° 41' 38.3" W); and in the connecting east-west channel north of Dickmans Island and Curry Island east of channel marker "6" (approximate latitude 25° 54' 15.2" N, approximate longitude 81° 42' 36.6" W) to the connecting point between markers "7" and "9";

13. Snook Hole Channel area: All waters in the east-west marked channel north of Kice Island, north and west of a line beginning at the easternmost point of the large unnamed island between Kice Island and Helen Key (approximate latitude 25° 53' 15.4" N, approximate longitude 81° 41' 15.2" W), then bearing approximately 48° to

the line's ending point on the western shoreline of Helen Key (approximate latitude 25° 53' 26.1" N, approximate longitude 81° 41' 01.6" W), south and east of channel marker "12" (approximate latitude 25° 53' 53" N, approximate longitude 81° 42' 38.8" W):

14. Shell Key/Blackwater Bay/Blackwater River area: All waters in the north-south marked channel north of Shell Key, north and east of channel marker "2" (approximate latitude 25° 55' 03.6" N, approximate longitude 81° 36' 45.5" W) and south and west of channel marker "22" (approximate latitude 25° 56' 19" N, approximate longitude 81° 35' 28" W):

15. Panther Key/Faka Union Bay area: All waters in the north-south marked channel, north and east of a line connecting Panther Key and Round Key (between channel markers "4" and "5"), and south of a line in Faka Union Bay beginning at the southernmost point of the peninsula (approximate latitude 25° 54' 03.5" N, approximate longitude 81° 31' 01.4" W) north of channel marker "43" and bearing 107° to the line's ending point on the eastern shoreline of Faka Union Bay (approximate latitude 25° 53' 51.4" N, approximate longitude 81° 30' 21" W):

16. Indian Key Pass/Chokoloskee Bay area: All waters in the north-south marked channel, north and east of the Everglades National Park Boundary, and south and west of a line beginning at the southernmost point of the unnamed spoil island (approximate latitude 25° 50' 50.5" N, approximate longitude 81° 24' 04.4" W) and bearing approximately 112° to channel marker "5" (approximate latitude 25° 50' 31.8" N, approximate longitude 81° 23' 16.1" W):

17. Sandfly Pass/Chokoloskee Bay area: All waters in the north-south marked channel, north and east of the Everglades National Park Boundary, and south and west of channel marker "5" (approximate latitude 25° 50' 31.8" N, approximate longitude 81° 23' 16.1" W).

(3) Commercial Fishing and Professional Guiding Permits: The following provisions pertain to the issuance of permits to allow commercial fishermen and professional fishing guides to operate their vessels in specified areas at speeds greater than the speed limits established under subsection (2) above. Procedures related to the application for and the review and issuance of these permits are as set forth in Rule 68C-22.003, F.A.C.

(a) Permits shall be limited as follows:

1. Permits shall only be issued for the zones or portions of zones described under subparagraphs (2)(c)9., (2)(c)10., (2)(c)11, (2)(c)13, (2)(c)14 and (2)(c)15:

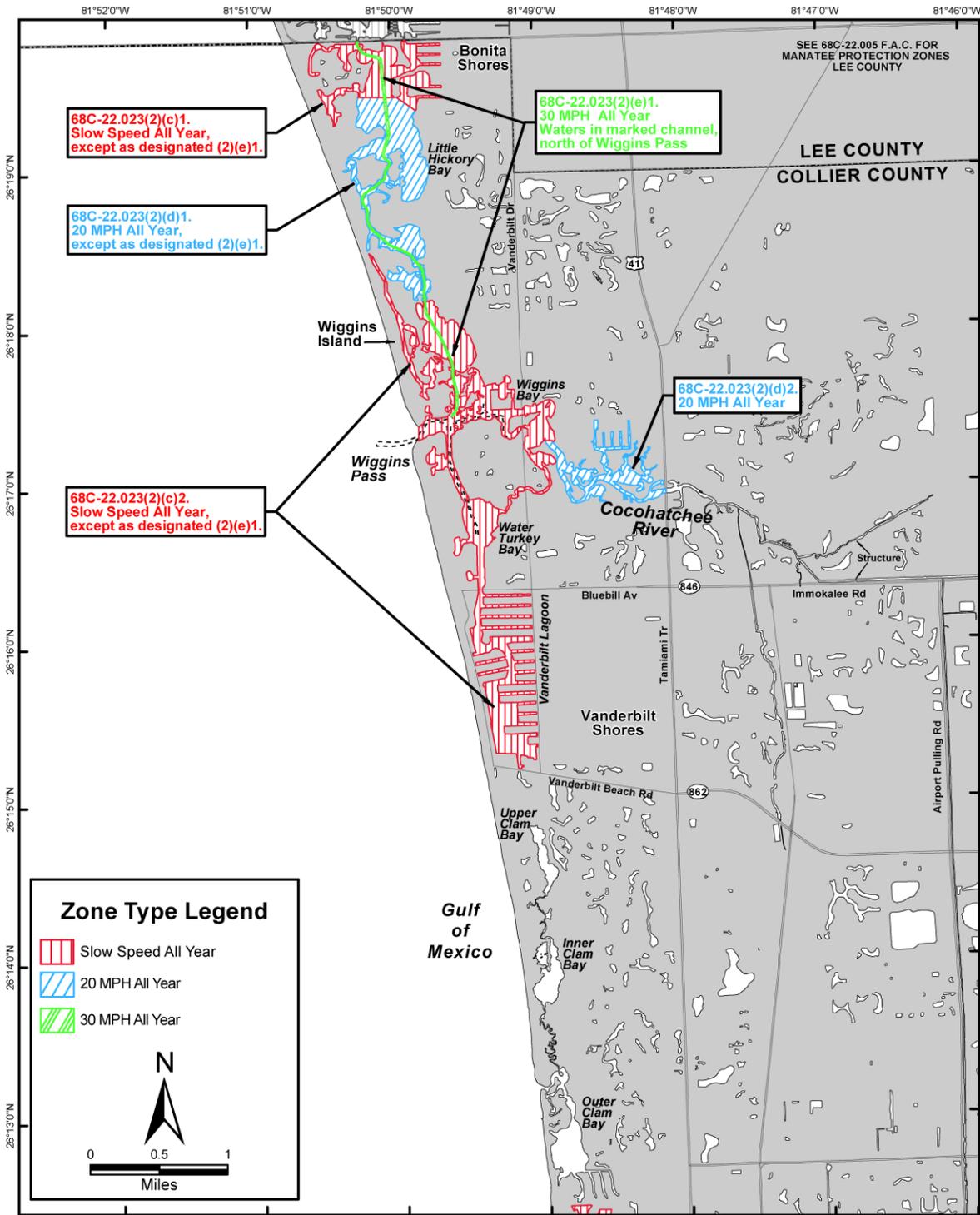
2. Permits shall not authorize the recipient to operate at speeds greater than 20 MPH within the restricted area, and:

3. Permits shall not apply on weekends or on the holidays identified in Section 110.117, F.S.

(b) Permit applications may be obtained by contacting the Commission's Imperiled Species Management Section at 620 South Meridian Street, Tallahassee, FL 32399-1600 (e-mail: ManateeZonePermit@MyFWC.com; 850-922-4330).

(4) Access to the No Entry zones designated in paragraph (2)(a)2. above will be allowed for the Rookery Bay National Estuarine Research Reserve, South Florida Water Management District, and Florida Department of Environmental Protection employees or their authorized agents provided that entry into the zones is necessary to conduct activities associated with maintenance, emergency operations or environmental monitoring. The Commission must receive notification of the activity prior to its commencement. In the event of an emergency activity, the Commission shall be notified no more than two weeks after the activity has been commenced. All vessels used in the operation or associated with the activity shall be operated at no greater than Idle Speed while within the zones and must have an observer on board to look for manatees. All routine activities associated with maintenance and environmental monitoring shall be halted when manatees are seen in the zones. Activities that are halted because of manatee presence may only proceed after the manatee(s) leave the area of their own volition.

(5) Maps depicting the zones described in this rule are available on the agency's website at <http://myfwc.com>. The maps are intended only as visual aids and do not have regulatory effect; therefore, in the event of conflict between the maps and the descriptions of the zones provided by this rule, the rule text shall prevail.

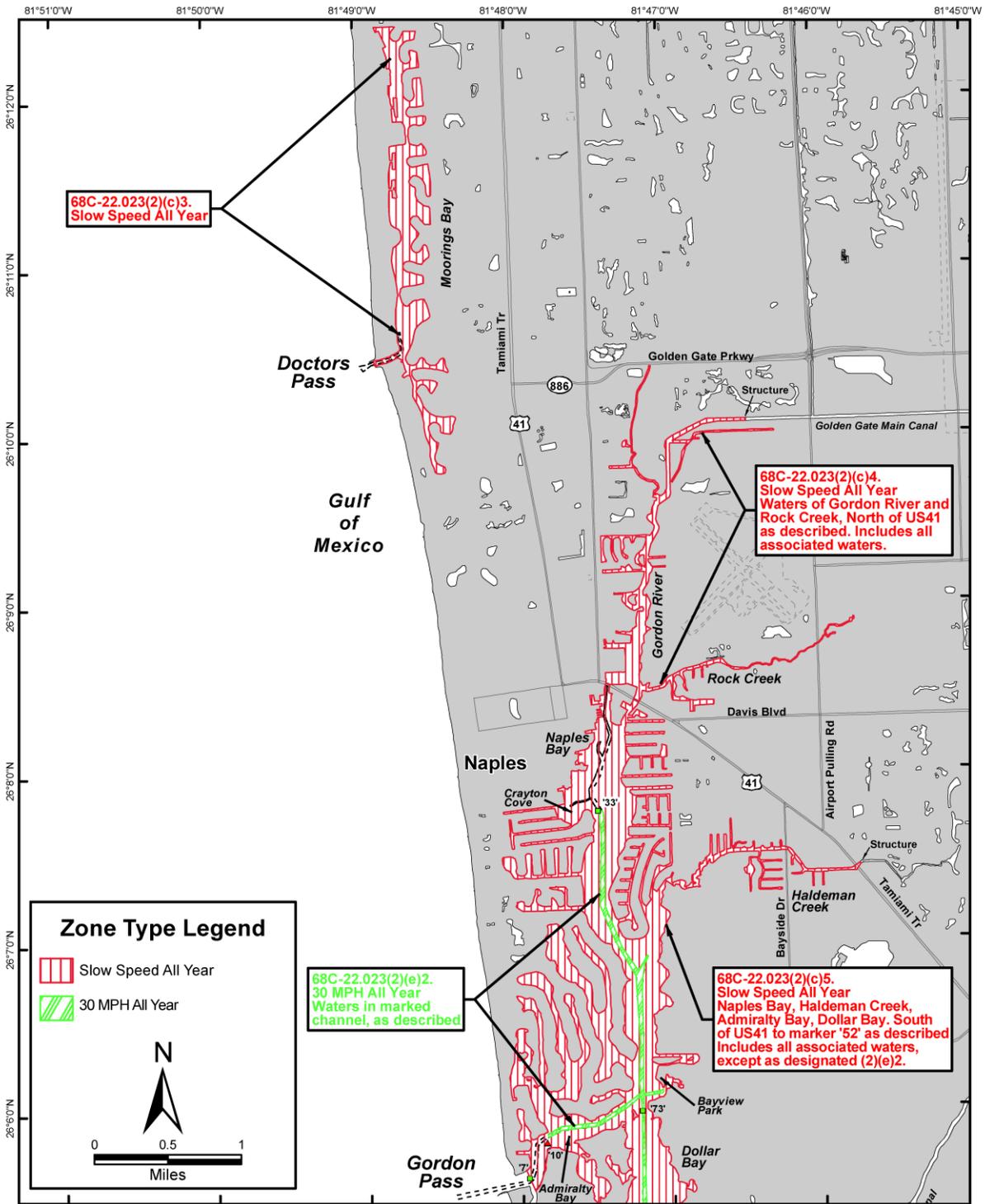


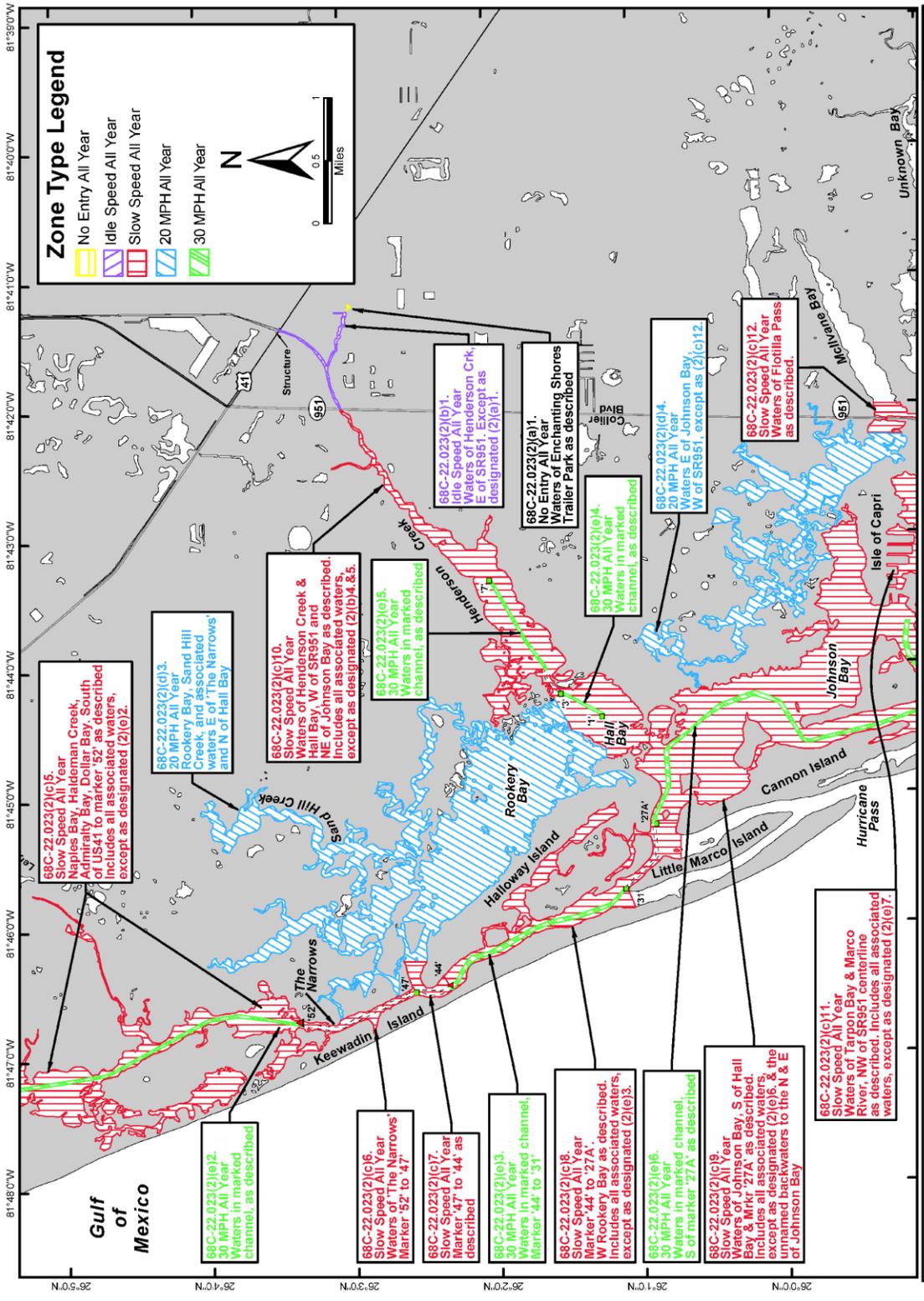
SEE 68C-22.005 F.A.C. FOR
MANATEE PROTECTION ZONES
LEE COUNTY

LEE COUNTY
COLLIER COUNTY



**PROPOSED CHANGES TO COLLIER COUNTY - DECEMBER 2016
FWC MANATEE PROTECTION AREAS**

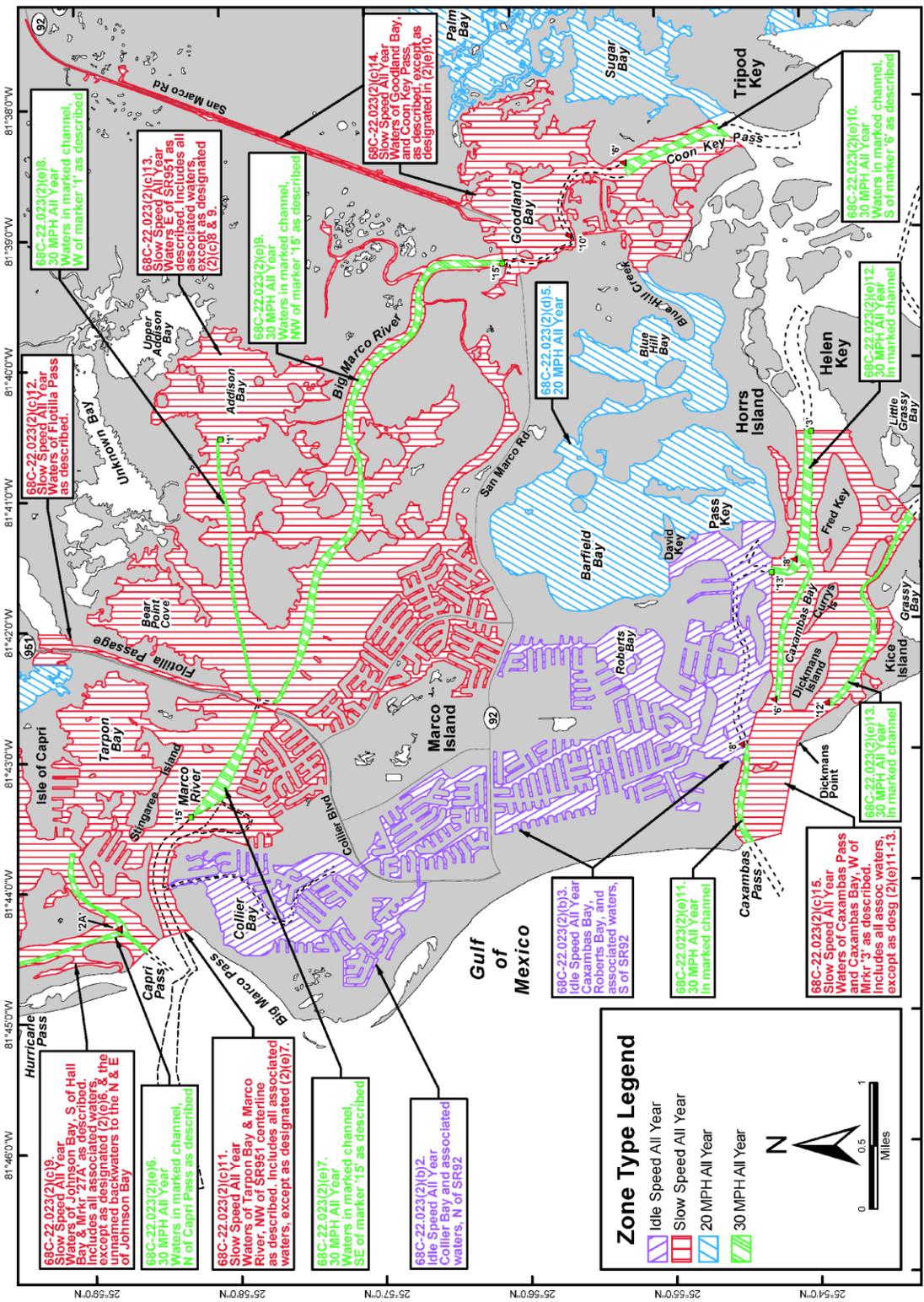




Zone Type Legend

- No Entry All Year
- Idle Speed All Year
- Slow Speed All Year
- 20 MPH All Year
- 30 MPH All Year

0 0.5 1 Miles



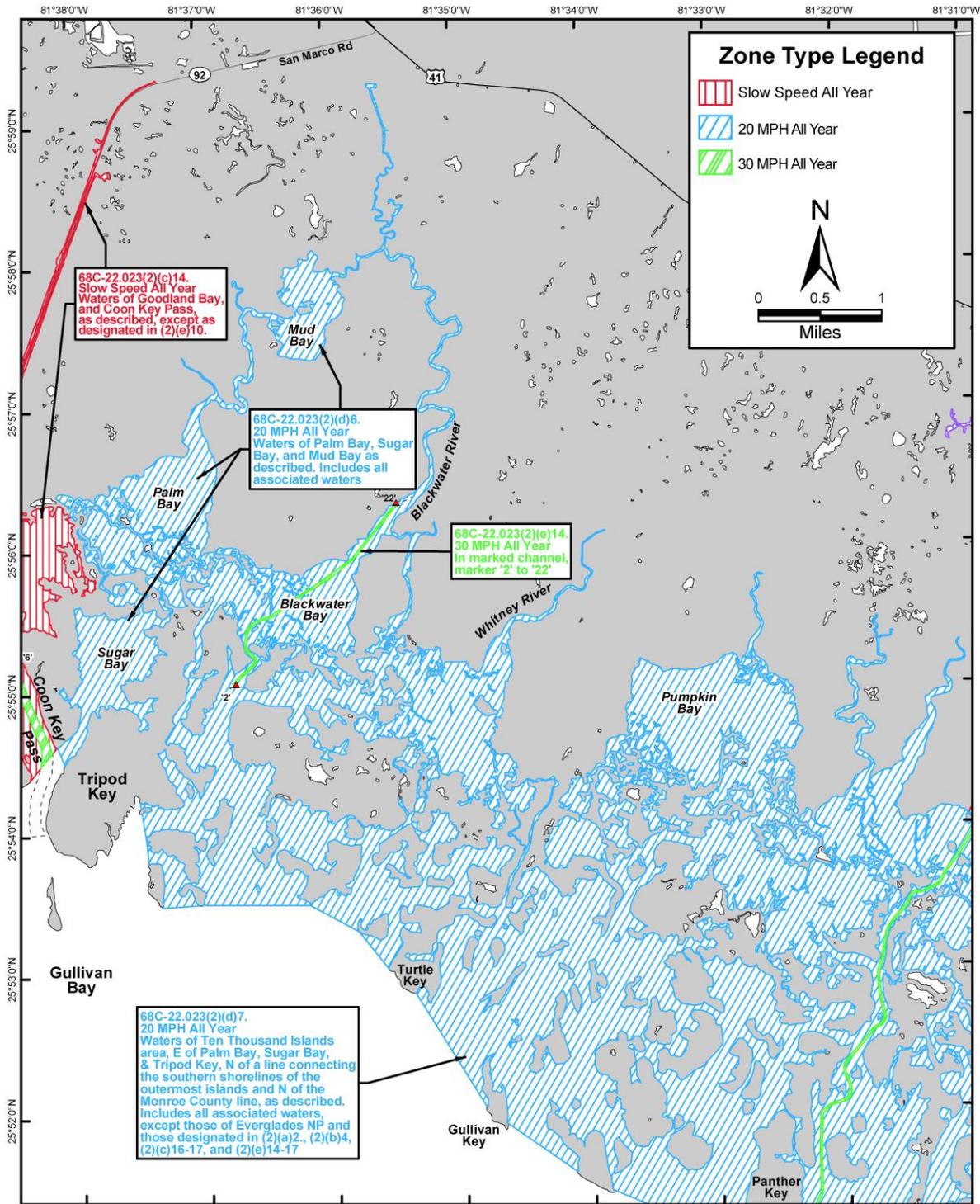
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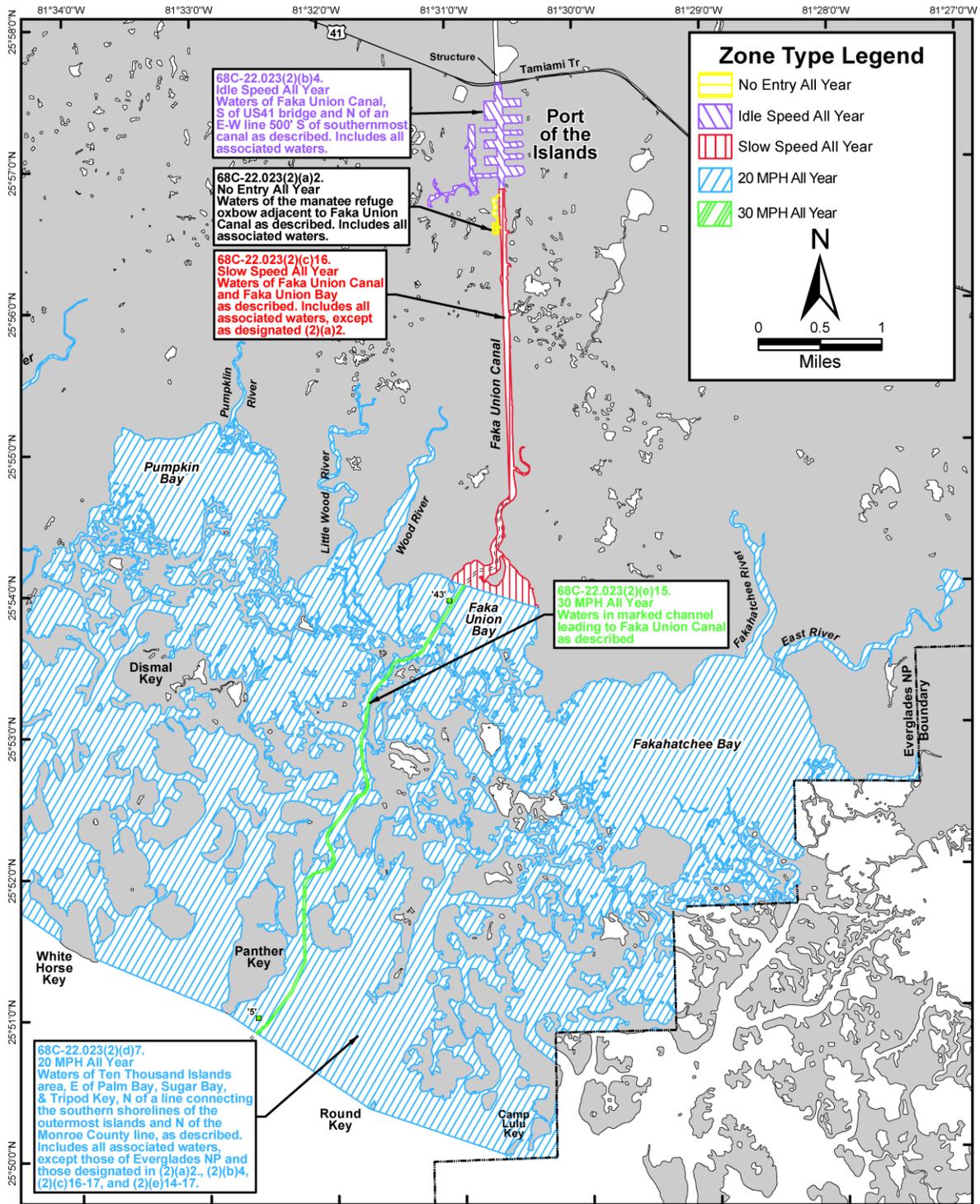
25°58'0"N 25°57'0"N 25°56'0"N 25°55'0"N 25°54'0"N

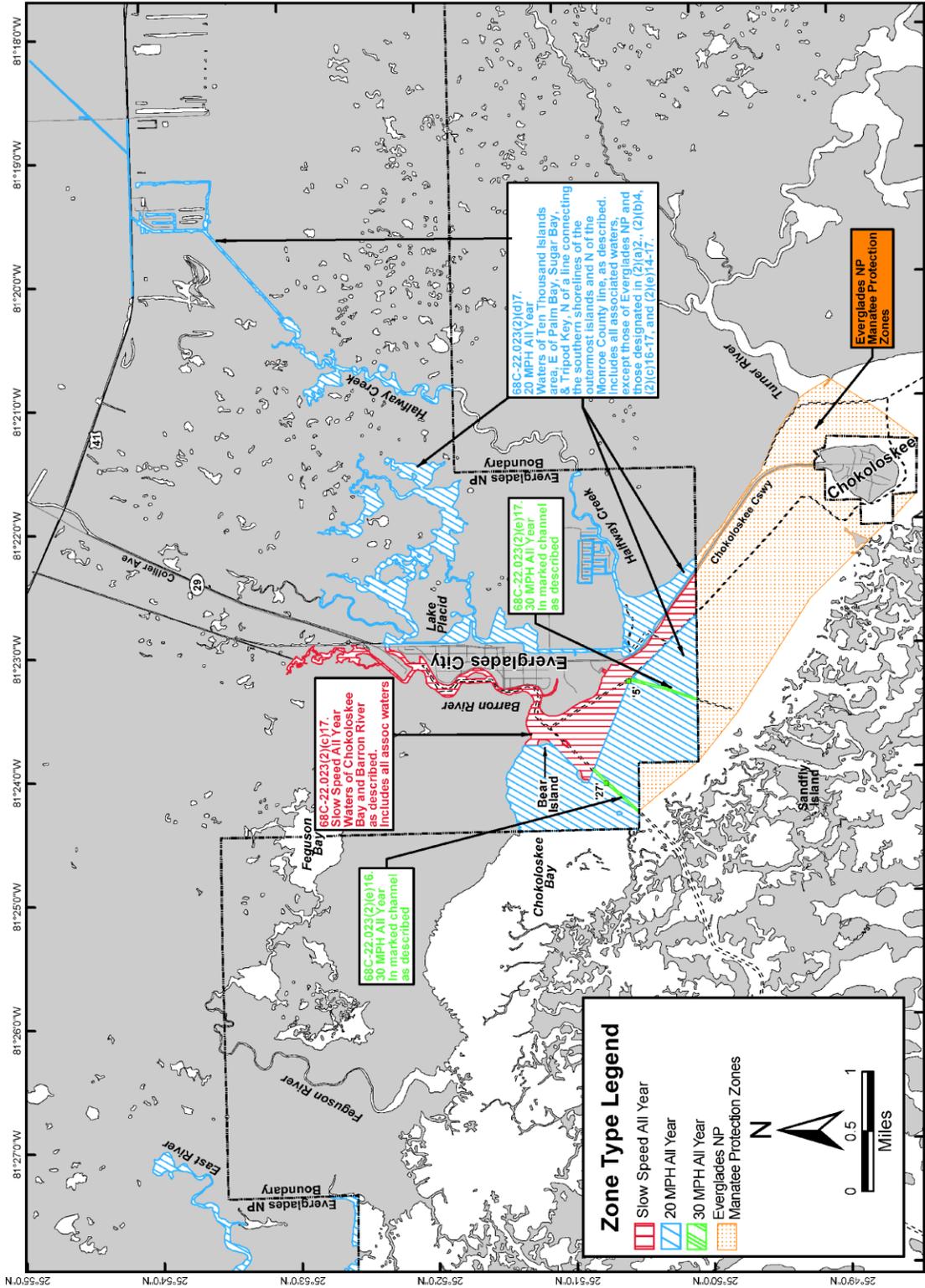
Zone Type Legend

- Idle Speed All Year
- Slow Speed All Year
- 20 MPH All Year
- 30 MPH All Year

0 0.5 1 Miles







81°27'0"W 81°26'0"W 81°25'0"W 81°24'0"W 81°23'0"W 81°22'0"W 81°21'0"W 81°20'0"W 81°19'0"W 81°18'0"W

25°55'0"N 25°54'0"N 25°53'0"N 25°52'0"N 25°51'0"N 25°50'0"N 25°49'0"N

Zone Type Legend

- Slow Speed All Year
- 20 MPH All Year
- 30 MPH All Year
- Everglades NP
- Manatee Protection Zones

88C-22.023(2)(c)17.
 Slow Speed All Year
 Waters of Chokoloskee
 Bay and Barron River
 as described.
 includes all assoc waters

88C-22.023(2)(e)16.
 30 MPH All Year
 in marked channel
 as described

88C-22.023(2)(e)17.
 80 MPH All Year
 in marked channel
 as described

88C-22.023(2)(d)17.
 20 MPH All Year
 Waters of Ten Thousand Islands
 area, E. of Palm Bay, Sugar Bay,
 & Tripod Key, N of a line connecting
 the southern shorelines of the
 outermost islands and N of the
 Monroe County line, as described.
 Includes all associated waters,
 except those of Everglades NP and
 those designated in (2)(e)2., (2)(d)4,
 (2)(c)18-17, and (2)(e)14-17.

Everglades NP
 Manatee Protection
 Zones

Rulemaking Authority 379.2431(2) FS. Law Implemented 379.2431(2) FS. History–New 8-28-90, Formerly 16N-22.023, Amended 6-5-97, Formerly 62N-22.023, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Thomas Eason, Director of the Division of Habitat and Species Conservation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioners of the Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 30, 2016