



Final manatee protection rule for Collier County 68C-22.023, FAC

April 2017

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

Today staff is bringing the proposed revisions to the Collier County manatee protection rule back for final action.

Background Information

- County-wide rule last revised 1997
- Manatee Management Plan calls for review of rules
- Commission approved publication of proposed rule
- Proposed rule published January 10, 2017
- Public hearing held in Collier County January 31, 2017



As background, the rule was last reviewed in 1997. The Collier County rule is identified in the 2007 Florida Manatee Management Plan as one that should be reviewed because it is one of the older rules.

We have worked in Collier County with county staff and other partners since 2015, and held several public workshops and meetings in 2016 to gather local input on developing a draft rule. In addition the county appointed a Local Rule Review Committee (LRRC) in spring of 2016 that provided a review and recommendations to staff for consideration of rule revisions.

At the November 2016 Commission meeting, staff was approved to publish the Notice of Proposed Rule and to hold a public hearing in Collier County. Staff was also directed to obtain feedback from members of the public as well as residents that border Clam Bay.

Public Comments

Public Hearing – January 31, 2017

- 89 attendees
- 32 speakers

Other written comments

- 41 people have submitted written comments



We held a public hearing in Collier County and had 89 members of the public attend on January 31, and 32 attendees provided verbal comments.

Since the comment period began on January 10, 41 people have submitted written comments. The majority of the comments received have been specifically related to the Clam Bay system.

The public comments have been generally supportive of the proposed rule, including the addition of the increased protection in several small zones around Halloway Island and Moorings Bay/Doctors Pass. Many of the residents of the Pelican Bay Community requested that regulations in Outer Clam Bay be added to the rule. A few comments have expressed opposition to zones being proposed by stakeholders for Clam Bay.

Proposed Rule Summary

- Overall public support for the County-wide Rule Changes
- Incorporated most recommendations of LRRC
- Reduced regulation in many areas
- Added protection in a few areas of high risk



Overall the public and local officials have been supportive of our proposed rule changes. Staff incorporated the majority of the LRRC recommendations into the proposal. FWC Staff did not propose the LRCC (Majority or minority) positions in 4 out of the 28 total areas. In all 4 cases, FWC proposes less regulation than that suggested by the LRCC. In many areas staff reduced regulation by changing Idle Speed to Slow Speed (which is an increase of boat speed on the water). Staff also eliminated some zones that were previously designated as 30 mph in marked channels and 20mph outside the channel. The proposed rule changes will reduce the number of signs needed on the water.

Clam Bay



- Staff held meetings with the residents living in communities on or near Outer Clam Bay
- Residents in Pelican Bay Community requested a Slow Speed zone in Outer Clam Bay
- Residents who live in Seagate oppose a zone



Most of the comments received concerned Outer Clam Bay, the southern bay of that system. Staff met with two groups of residents who live adjacent to the bay to hear their concerns.

Those in favor of adding a Slow Speed zone say it is needed for manatee protection, the health of seagrass beds, and human safety due to unregulated boating speeds. Additionally those in favor of regulating Outer Clam Bay indicate it is warranted due to its local designation as a Natural Resource Protection Area and because there was a Collier County designated Idle Speed zone in place from 1996-2009.

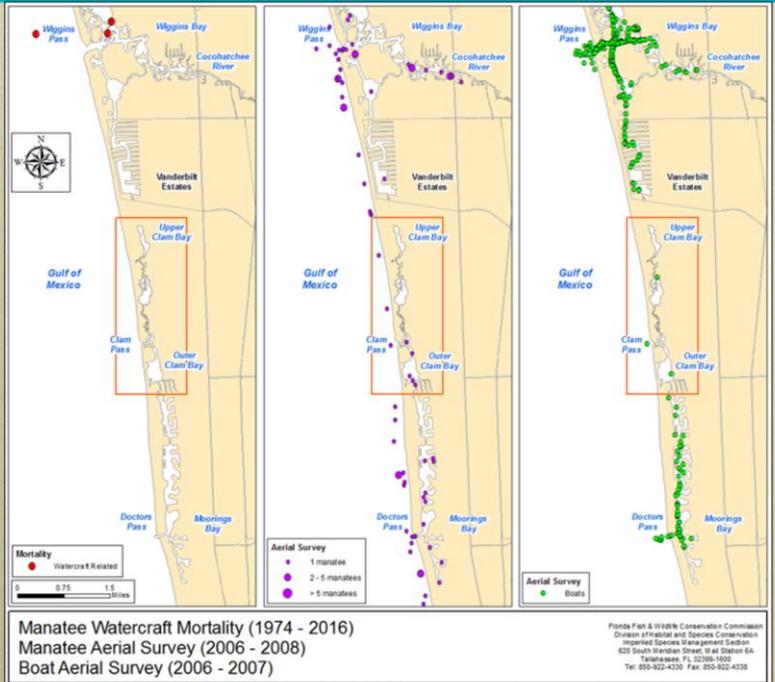
Those opposed to the addition of a Slow Speed Zone say there is limited manatee use data for this area and there is no documented watercraft caused manatee deaths in the Clam Bay system. In addition, residents with boating access will lose their ability to recreate in Outer Clam Bay and it will limit their access to the Gulf through Clam Pass, which is prone to shoaling and periodic closing. Boaters indicate they need to get on plane in portions of the channel and pass to get out to the Gulf.

Data North Collier

Boat Aerial Survey: 16 surveys, 2006-2007
Manatee Aerial Survey: 42 surveys, 2006-2008

Location	Observed Boats*	Observed Manatees
Wiggins Pass	77	16
Vanderbilt Estates	56	4
Clam Bay	3	5
Moorings Bay	40	12

*Observed Boats does not include barges or paddlers



The first map shows manatee watercraft deaths for the area from Wiggins Pass to Doctors Pass. There have been three reported watercraft mortalities (red) between 1974 and 2016. All three occurred in or near Wiggins Pass between 1998 and 2007.

The second map shows manatee aerial survey data collected (purple) during forty-two flights between 2006 and 2008. Two flights were flown each month.

The third map shows data of motor boats (green) collected during aerial surveys over a one year period that included 16 flights during 2006 and 2007.

The table on this slide provides the numbers of motorized vessels and manatees that were observed during the aerial surveys.

Our statute and rule direct staff to only regulate motorboat speed and operation in areas where manatees are frequently sighted and the best scientific information supports the conclusion that manatees inhabit the areas on a regular or periodic basis. Further we are to consider whether watercraft related injuries or deaths are present in an area that reflects risks to manatees. We also seek to balance manatee protection with traditional activities of waterway users and limit regulation to where the level of risk indicates protection is needed.

Clam Bay - Summary

- There are residents and water users on both sides of this issue
- We have been unable to identify a compromise proposal that will be widely supported
- The data are not supportive of slow speed in Clam Bay



Staff tried but were unable to find a compromise or solution that would be supported by both residents of the Pelican Bay Community and the Seagate Community.

Recommended Final Action

- Approve the proposed rule as advertised
- Authorize staff to publish a Notice of Change to correct a technical error in a different part of the rule that was not affected by this rule review process



Staff seek approval of the proposed rule as advertised.

Staff also seek authorization to publish a Notice of Change to correct a directional error (changing “east” to “west”) in a portion of the rule that was last visited in 1997. This change in the Coon Key Pass area does not affect current proposals to the rule.

Staff will file the rule for adoption as soon as possible following the public comment period on the Notice of Change as long as there are no challenges, with the zones becoming enforceable as soon as markers are posted on the water. Posting will likely occur in the latter half of 2017 or in early 2018.

Additional Information

Collier County:

<http://www.colliergov.net/your-government/divisions-a-e/environmental-services/manatee-protection/local-rule-review-manatee-protection-committee>

FWC manatee protection rule information:

<http://myfwc.com/wildlifehabitats/managed/manatee/rulemaking/>



For more information on the rule making process see these two links.