Board of County Commissioners

FLAGLER COUNTY
FLORIDA

www.flaglercounty.org
386.313.4001
Fax 386.313.4101

July 21, 2010 via Federal Express

Mr. R. Kipp Frohlich, Section Leader
Imperiled Species Management Section
Florida Fish & Wildlife Commission
620 South Meridian Street
Tallahassee, FL 32399-1600

Re: Flagler County Local Rule Review Committee Report

Dear Mr. Frohlich:

On behalf of the members of the Flagler County Local Rule Review Committee (LRRC), it is my pleasure to transmit to you their response to the Florida Fish & Wildlife Commission Manatee Protection Rule Review Data Discussion and Preliminary Identification of Areas for LRRC Review, transmitted on May 24, 2010.

The 10-member committee gave great weight to the FWC staff recommendations as well as the comments from the public at each of their six meetings. Copies of the minutes of these meetings as well as the public comments are included as part of their report.

We look forward to the FWC response to the committee's report and will transmit it to the committee as soon as it is received. Any information you can provide as to the schedule from this point forward would be appreciated by the Flagler County Board of County Commissioners and the public.

Please feel free to contact me should you have any questions regarding the LRRC report.

Sincerely,

Tim Telfer
Environmental Planner

Attachment
/clm

1769 E. Moody Blvd. • Bldg. 2 • Bunnell, FL 32110

District 1	District 2	District 3	District 4	District 5
Alan Peterson	Milissa Holland	Barbara Revels	Bob Abbott	George Hanns

REPORT FROM THE

LOCAL RULE REVIEW COMMITTEE

FOR FLAGLER COUNTY

FINAL REPORT

JULY 19, 2010

Report from the Local Rule Review Committee for Flagler County

Table of Contents

I. Acknowledgements

II. Background

III. Summary of Local Rule Review Committee (LRRC) Recommendations, Including Majority and Minority Opinions

IV. Discussion of Reasons for LRRC Recommendations

Appendix A. Letter from FWC dated March 8, 2010 Announcing Rule-Making

Appendix B. Appointment of LRRC Members by Flagler County Board of County Commissioners dated May 5, 2010

Appendix C. FWC Staff Report dated May 24, 2010 Describing Recommended Speed Zones and Discussing Data and Methodology Used to Create those Zones

Appendix D. Minutes of LRRC Meetings

May 13, 2010 LRRC (organizational) meeting
Minutes of May 26, 2010 LRRC meeting
Minutes of June 9, 2010 LRRC meeting
Minutes of June 23, 2010 LRRC meeting
Minutes of July 8, 2010 LRRC meeting
Minutes of July 19, 2010 LRRC meeting

Appendix E. Individual Member Comments

Ed Caroe
Chris Herrera
S. Laureen Kornel
Stan Ksyniak
Richard McCleery
Jon Netts
Jim Netherton
Virginia Tee

Acknowledgements

This report was prepared by the Flagler County LRRC, whose members include:

Chris J. Vorndran
Mayor James C. Netherton
Linda Provencher
Chris Herrera
S. Laureen Kornel
Edward H. Caroe
Stan Ksyniak
Richard McCleery
Mayor Jonathan S. Netts
Virginia Tee

This report was written by Virginia Tee and Jim Netherton, and endorsed by the entire Local Rule Review Committee (LRRC) for submittal to the Florida Fish and Wildlife Conservation Commission. Flagler County staff provided support during the term of the committee. This report is submitted on behalf of the LRRC to fulfill their obligations under the Florida Manatee Sanctuary Act to review and provide recommendations on proposed speed zones in the Flagler County section of the Intracoastal Waterway.

The LRRC would like to thank the following individuals who attended one or more meetings and provided valuable assistance and information to the committee:

Chris Boland, Florida Fish and Wildlife Conservation Commission
Scott Calleson, Florida Fish and Wildlife Conservation Commission
John Milo, United States Fish and Wildlife Service
Interested citizens advocating for manatees and for boating activities

Background

On May 10, 2007 Flagler County Staff held a meeting for city representatives as well as other interested parties to discuss the current manatee situation, outline manatee protection measures, and facilitate a discussion of resources available to accomplish the appropriate goals. The presentation described manatee sighting and mortality information, potential protection measures via reduced speed zones, ongoing data collection programs to identify manatee usage areas and county-wide boating facility sites, and education and awareness programs. No specific manatee protection plan for Flagler County resulted from this meeting.

On March 8, 2010 Mr. Kip Frohlich, Section Leader of the Imperiled Species Management Section of the Florida Fish and Wildlife Conservation Commission (FWC) sent a letter (Appendix A) to the Flagler County Commission describing the current situation regarding statewide manatee protection. In this instance the state is not establishing a manatee protection plan for Flagler County, which is beyond their authority. Their authority does, however, extend to establishing speed zones in the Intracoastal Waterway. This is a form of protection that is more limited than a complete manatee protection plan, but is often a component in such a plan.

His letter states in part:

> "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 evaluate areas that currently have little or no manatee protection regulations to determine if new manatee protection zones may be warranted. Flagler County is one of the first areas identified in the MPP for this evaluation."
>
> "In recent years we have met with Flagler County staff, the U.S. Fish and Wildlife Service, and stakeholders in regards to a variety of manatee concerns related to state and federal approval of construction of additional marine facilities and potential impacts to manatees. As a part of those meetings it was discussed that there are virtually no state manatee protection zones in Flagler County. The only exception is a small portion of waterway in the southern part of the county which is regulated in the FWC rule for Volusia County (68C-22.012, Fla. Admin. Code). The zones included in the Volusia County rule were adopted in 1991. It was also clear that additional data needed to be collected in this area so that we could better evaluate the potential risks. New manatee distribution data were collected in 2005-2007 and aerial surveys were flown in 2007-2009 to collect boating data in Flagler County. FWC staff has reviewed these data and other information, and spoken to County staff. Based on our initial review of all information, we believe additional manatee protection zones may be warranted in Flagler County."

In summary, FWC analyzed manatee sighting data, watercraft-related manatee mortality, boating data, coincidence of manatees and motorboats and identified five segments of the Intracoastal Waterway in Flagler County where a manatee protection speed zone rule change may be warranted. (The FWC divided three of those segments into two subparts each.) Each zone was proposed and reviewed as follows:

A. Marineland and Matanzas River
B. Palm Coast (B and B1)
C. Fox's Cut
D. Smith Creek North of SR 100 (D1 and D2)
E. Smith Creek South of SR 100 (E1 and E2)

In order to adopt or amend manatee speed zone rules FWC must follow the process outlined in Florida Statute 379.2431(2)(f). FWC therefore notified the Flagler County Board of County Commissioners that the process had been initiated and that the county must appoint a Local Rule Review Committee (LRRC) within 60 days. The purpose of the committee is to review the FWC proposal for new speed zone rules and provide comments and recommendations. The LRRC has 60 days from formation to accomplish its task and report to the FWC.

Another factor influencing the process is a concern by the US Fish and Wildlife Service with watercraft related manatee mortalities in Flagler County that have occurred during the past decade. They are greater than in previous decades and, in the view of USF&WS, may be related to the increase in dock permit requests processed by the US Army Corps of Engineers. The agency wants to work with other state agencies to find reasonable approaches to protect manatees in Flagler County in a way that does not eliminate the watercraft activities. (See comments by John Milio (USF&WS) in the minutes for the May 26, 2010 meeting).

On May 3, 2010 Flagler County responded by appointing a ten member Local Rule Review Committee (Appendix B). Members were:

Chris J. Vorndran representing the City of Palm Coast/waterway users
Edward H. Caroe representing the City of Palm Coast/manatee/environmental advocates
Mayor James C. Netherton representing the Town of Marineland/manatee/environmental advocates
Stan Ksyniak representing the City of Flagler Beach/waterway user
Linda Provencher representing the City of Flagler Beach/manatee/environmental advocates
Richard McCleery representing waterway users
Chris Herrera representing waterway users
Mayor Jon S. Netts representing waterway users
S. Laureen Kornel representing manatee/environmental advocates
Virginia Tee representing manatee/environmental advocates

The LRRC committee held its organizational meeting on May 13, 2010 and elected Mayor Jon Netts chair and Mr. Ed Caroe recording secretary.

Other meetings were held on:
May 26, 2010
June 9, 2010
June 23, 2010
July 8, 2010
July 19, 2010
Meeting minutes are attached as Appendix D.

The FWC proposal for new speed rules (Appendix C)

The FWC proposal for rule making is critically dependent on 3 factors: (1) manatee fatalities due to watercraft injuries; (2) the number of manatees in the area; and (3) the number of boats in the area.

Item (1) is addressed by the statewide mortality data collected by the Fish and Wildlife Research Institute (http://research.myfwc.com/features/category_sub.asp?id=2241) and begins in 1974. Watercraft related injuries are a subset of overall fatalities and can be extracted for Flagler County from the dataset. From 1974 to 2009 there have been 14 watercraft related deaths, 9 of which have occurred since 2002. Of these 9, 7 have occurred around the Gamble Rogers State Park area.

Item (2) is addressed by aerial surveys. These were flown by FWC staff twice a month for two years, from November 2005 through September 2007. A total of 47 survey flights were flown. Each flight surveyed approximately 8.7 square kilometers of Flagler County coastal waters. Observations were entirely visual, subject to the counting biases inherent in the method, and are not considered indicative of the absolute number of manatees that can be found in county waters. Instead they are taken to represent the relative abundance and distribution of manatees at the time of the survey.

Item (3) is also addressed by aerial surveys. Mote Marine Laboratory flew 20 surveys from August 2007 through February 2009 such that 5 flights were carried out in each of the Winter (Dec – Feb), Spring (Mar – May), Summer (Jun – Aug), and Fall (Sep – Nov) quarters to observe both weekday and weekend traffic. Boats observed operating under human or sail power were not included. There were 732 observed powered boats, which were further sorted into plowing, cruising or planing classes. The planing "fast boat" subset included 277 boats (38% of the total).

Finally, conclusions were drawn based on attempts to see where manatees and boats might coincide, since a watercraft related manatee injury requires that a boat and a manatee coincide in time and space. GIS mapping was used to put circles of activity around sighted boats and manatees, and the places where these circles overlap (are "coincident") are considered to have the greatest potential for harmful interactions. Table 3 of the FWC report lists the various coincidence (COIN) levels determined in the 5 sections under discussion.

The LRRC committee reviewed this report, considered the FWC recommendations for warm season manatee protection speed zones and also considered the duration of the warm season as proposed by FWC.

The LRRC offers the following recommendations:

Summary of Local Rule Review Committee (LRRC) Recommendations, Including Majority and Minority Opinions

A. Marineland and Long Creek (4 miles). Starting from the Flagler/St Johns County line and extending 4 miles south.

FWC has not identified this as an area where a zone may be warranted, but requested input from the LRRC.

Majority opinion agrees with the FWC recommendation for no speed zone (7 votes).

Minority opinion (s). One member disagreed with the FWC recommendation (1 vote). Another member suggested a modification of the FWC recommendation; namely, a slow, minimum wake outside the channel (1 vote).

B. Palm Coast

FWC recommendation.

(1). The area from south of the Marineland zone to north of the Palm Coast residential canals had one watercraft related fatality in 1990. FWC has not identified this as an area where a zone may be warranted, but is requesting input from the LRRC,

Majority opinion did not see a need for a speed zone in this area.

Minority opinion. None.

FWC recommendation

(2). Zone B1. The area from the northern shoreline of the central Palm Coast residential canal to approximately 300 feet south of the Dunes Hammock Bridge should have a warm weather (April through October) Slow Speed Minimum Wake zone throughout its 1.5 mile length.

Majority opinion felt that the area should extend from 300 feet south of the Dunes Hammock Bridge to 100 feet north of the most southerly Palm Coast canal entrance and should be in effect during the warm season only (see the LRRC recommendation regarding warm season duration for all affected areas below) (7 votes).

Minority opinion(s) suggested that: (1) the FWC recommendation be accepted (1 vote); (2) that the speed zone apply weekends only (1 vote); (3) a ¼ mile slow speed zone be put in place at the mouth of each of the three entrances to the Palm Coast canals (1 vote).

C. Fox's Cut

FWC has not identified this as an area where a zone may be warranted, but requested input from the LRRC.

Majority opinion did not see a need for a speed zone in this area (7 votes).

Minority opinion(s).
One member recommended that there be manatee caution signs at the north and south entrances to Fox's Cut (1 vote). Another member recommended a modification; namely, a warm season Slow Speed Minimum Wake zone on weekends only (1 vote). A third member of the minority disagreed with the FWC recommendation (1 vote).

D. Smith Creek North of S.R. 100

FWC Recommendation.

(1) Zone D1: Add a warm season (April through October) Slow Speed Minimum Wake zone starting just north of the Silver Lake Marina extending to the south lip of Lehigh Canal (total linear distance: 1.2 miles).

Majority opinion did not see a need for a speed zone in this area (6 votes).

Minority opinion agreed with the FWC recommendation (3 votes).

FWC Recommendation.

(2) Zone D2: Add a warm season (April through October) Slow Speed Minimum Wake zone starting at the south lip of LeHigh Canal extending to approximately 300 feet south of the State Route 100 bridge (total linear distance: 1.5 miles).

Majority opinion recommended a modification to the FWC proposal, recommending that a slow speed out of channel zone be adopted for this area (8 votes).

Minority opinion agreed with the FWC recommendation (1 vote).

E. Smith Creek South of S.R. 100

FWC Recommendation

(1) Zone E1: Add a warm season (April through October) Slow Speed Minimum Wake zone starting at the Gamble Rodgers Memorial State Recreation Area boat launch extending approximately 1.8 miles north in Smith Creek.

Majority opinion recommended a modification to the FWC proposal, recommending that the distance be shortened to bracket the boat ramp at Gamble Rogers State Park (5 votes).

Minority opinion agreed with the FWC recommendation (4 votes).

FWC Recommendation

(2) Zone E1: Change existing zone to a warm season (April through October) Slow Speed Minimum Wake zone and remove the component of the existing zones that are in effect during the cold season (total linear distance: 0.7 miles). Also, amend the Volusia County rule to remove the portion of the existing zone that is located within Flagler County.

Majority opinion recommends a modification of the FWC recommendation; namely, to extend the "Volusia Rules" in season to Gamble Rogers Park (5 Votes).

Minority opinion agrees with the FWC recommendation (4 Votes).

Other Committee Recommendations:

Warm Season Duration

FWC Recommendation.
April 1 through October 30.

Majority opinion is that the warm season should be between May 1 through July 31 (6 votes).

Minority opinion.
One member recommended that the warm season should be between May 1 and September 30 (1 vote). Another member agreed with the FWC recommendation (1 vote).

Boater Education

The Local Rule Review Committee urges FWC to support additional manatee education for the boating public. There are six public access points to the Intracoastal Waterway within Flagler County: Gamble Rogers Park, Betty Steflik Park in Flagler Beach, Herschel King Park, Bings Landing and Hammock Beach Marina, all in unincorporated Flagler County, the Palm Coast Marina in the City of Palm Coast, and a seventh access point, a redevelopment of a marina in the Town of Marineland is in the planning stage. These are ideal locations for educational signage, if not already present. Instead of proposing regulations that will prove to be extremely difficult to enforce, spend some time and money educating boaters. There are a number of fishing and boating clubs in Flagler County; instead of regulations, why not a "speaker's bureau?"

Other manatee protection actions

To "save the manatee" there are many pro-active manatee protection possibilities that FL Fish and Wildlife (& others) should investigate. (A) As part of adding more channel-only planing

speeds with flanking minimum wake zones, some wide channels can be narrowed to provide wider, safer flanking areas for anchored fishermen as well as manatee. (B) When a channel area is dredged, should shoal flanking areas also be dredged to maybe 6-feet MLW to benefit fishermen and manatee? Data studies and some experimenting in higher manatee death areas will be valuable. (C) Some navigation aids are very widely spaced; additional aids will help keep cruising boats within the channel and anchored fishermen outside the channel.

Discussion of Reasons for LRRC Recommendations

General principles applicable to Flagler County

Manatee Population Arguments

The manatee population in Flagler County is strongly influenced by the water temperature. In the winter it is too cold for comfort and most of the manatees leave. During the warm months manatees primarily transit the ICW. There are no favored areas along the boat channel that accumulate manatees. There are no significant submerged grass beds that serve as a food source. The biologists that run kayaking ecotours from the Marineland area comment that they see manatees feeding on young spartina shoots and even sometimes pulling over mangroves to feed on the leaves. They further note that manatees don't use the shallow estuarine flats adjacent to the ICW and don't go any further than the mouths of the feeder creeks that lead to them. They prefer deeper water.

The Palm Coast canal system is the primary area used by manatees when they are not in the ICW. To a lesser extent they can be found in other residential canals and marina basins. Palm Coast is an area with high perinatal fatalities, suggesting that it is important for mother/calf pairs and may be a birthing ground or nursing area. Several members of the LRRC suggested that more attention be paid to this effect and research be directed toward whether the perinatal mortality is in the expected range for a wild population and, if it turns out to be high, whether water quality might be affecting it. Perinatal mortality in our area is a more important component of overall manatee deaths than watercraft injuries and deserves greater attention.

Some felt that the freshwater source in the southern Palm Coast canal system should be considered a manatee attractor and a potential area of concern for manatee safety. The Big Mulberry Creek drains an area west of I-95 and brings most of the fresh water into this system. Many feel that this is the reason that manatees are more often seen in the southern canal system. There is no physical connection between the southern system and northern or middle canals without using the ICW.

Two areas that all members of the LRRC agree need attention are the Palm Coast canal system and the area around Gamble Rogers State Park. Gamble Rogers Park in particular is the site of most of the watercraft related fatalities during the past decade. All other parts of the ICW generated more disputes about what, if anything, should be done.

Manatee Protection Arguments

There are three reasons for slower speeds to protect manatees: (1) manatees have more time to react; (2) the boat operator has more time to react; and (3) in the event of a collision, the trauma is much less to the mammal.

Generally, there was frustration with the data provided by the FWC to support the imposition of manatee protection zones. While the aerial coincidence data was helpful, the mortality data was generally thought to be less so. All agreed that manatees could travel a great distance after being struck by a watercraft, so focusing on the location that a carcass was found was thought to be potentially misleading.

Almost all manatees have been hit by watercraft more than once so the overall issue is about more than those who are killed. The effects of the strikes on the overall health, longevity, reproduction, etc., of the manatee may be affected by multiple strikes. Manatees travelling surface more frequently to breathe so the potential for strikes increase where a manatee is migrating through an area rather than staying to feed, such as the ICW portions of Flagler County.

Protection of manatees is an ethical and moral issue which was not fully appreciated by the whole committee. Boaters must expect reasonable restrictions on their activities as population grows, and an increase in transit time is not an unreasonable restriction if it prevents manatee strikes. Fatalities are not the only concern; non fatal strikes are equally to be avoided. Slowing boat speeds is the best way to accomplish this. Also, FWC has already made some concessions to boaters, such as shortening the length of the seasonal restriction by 15 days, and their recommendations are not as severe as they could be. Slow speed zones should be in place 7 days a week in the warm season and no exemptions should be made for anyone; fast moving boats are a threat to manatees and should be slowed.

Many questioned what else was being done about protecting manatees except proposing potentially unenforceable speed zones? For instance, what is the county doing about reduction in habitat, fertilizer runoff, etc? The no wake zones will not change the fact that tug boats (which are frequently found in the ICW in Flagler County) "suck" water and all that is in it, including manatees, from the shoreline.

Human Population Arguments

The census bureau listed the population of Flagler County as 49,832 in year 2000 and 91,622 in year 2009. Overall Flagler boat registration was 3907 in 2001 and 4820 in 2008. This increase doesn't seem to correlate very strongly with an essentially flat manatee fatality curve and doesn't really suggest that an increase in dock permits should trigger slow speed zones. The number of watercraft-related manatee deaths, county-wide, has remained relatively consistent at less than one per year. Imposing slow speed zones on a third of Flagler County is an overreaction.

According to FIND data, 93% of Flagler County boaters interviewed were on single-day trips (as opposed to multiple-day trips) and 87% of them planned to restrict their activity to the Intracoastal Waterway. The ICW is where the vast majority of Flagler County residents do their boating. Again, unnecessary speed restrictions will diminish the perceived value of living on or near the water in Flagler County and, from an inspection of the data, will have little or no positive effect on protecting manatees.

Boating Safety Arguments

The mission of FWC, as it relates to boating regulations, is two-fold; safety of the boating public and protection of the manatee. The proposed imposition of many (6.7) miles of "Slow Speed – Minimum Wake" restrictions in the already relatively short (18.5 miles) Flagler County ICW will force recreational boaters to relocate their activity to the few remaining unaffected portions of the Intracoastal within Flagler County. As a result there will be an increased density of so-called "fast boats" (an unnecessarily pejorative term since it encompasses any boat not fully

settled in the water) in these areas. As you squeeze more and more boats into less and less space, you are almost certainly going to negatively impact the safety of the boating public.

Much of the supporting data for the proposed restrictions depends on the "coincidence" of manatees and "fast boats." As mentioned above, if you impose speed limits in one area of the Flagler County ICW, you will force such "fast boats" to move to the remaining unrestricted areas. Will future studies then conclude that these heretofore unrestricted areas now have a higher "coincidence" of "fast boats" that will warrant new, additional areas for speed restrictions? Where does this stop?

Opinions by several members of the public and the committee suggested that manatee speed zones were also protective of human life. One individual suggested that the three recent boating deaths in Volusia County may have resulted from the increase in manatee zones in that area.

Economic Arguments

Recreational boating is a significant component of the attractiveness of Flagler County. The City of Palm Coast has many miles of salt water canals with access to the Intracoastal Waterway. Homes on these canals demand higher-than-average prices due to such water access. The City of Flagler Beach, like Palm Coast, has numerous homes situated on salt water canals with ICW access. Most of the homes along the ICW (Island Estates and Grand Haven, for example) have docks; testimony that they are not there "just for the view." These homes enjoy a correspondingly increased property value as a result of waterway access. Unnecessary waterway restrictions will have a significant negative impact on property values in Flagler County; values that are already greatly impacted by the economic recession we are experiencing. Local governments can ill afford such additional impacts on our tax base.

Data taken from the Florida Inland Navigation District (FIND) "Economic Analysis of the District's Waterways in Flagler County" shows that in 2003 (the most recent study)

$133 million in business volume
$46 million in personal income
1,116 jobs, and
$163 to $185 million in property taxes

in Flagler County were directly attributable to the Intracoastal Waterway. Given the significant growth in Flagler County from 2003 until now, there is no doubt that these numbers significantly under-represent the value that recreational boating brings to Flagler County.

Sea Ray Boats is a major employer in a county with high unemployment rates and has a significant impact on the Flagler County economy. Their business is critically dependent on the ability to water test the boats they build prior to delivery. Their normal test route is from the Lehigh Canal north to the Marineland area. Their test procedures include a requirement to run at all speeds for some minimum time. The LRRC committee majority opinion is generally sympathetic to this need and opposes broad slow speed zones in the test area. There was some discussion about obtaining an exemption from slow speed requirements for Sea Ray captains during testing, which is a legitimate option. This exemption is based on the fact that this testing

is done during lower traffic weekdays and that a captain and observer are present who are trained to observe, log and report manatee sightings. When manatees are in the area, the test procedure is modified to avoid them. Most members felt it would lead to others ignoring the speed zones using the principle of "if he can do it, so can I." It is better not to have broad zones, especially considering that manatee fatalities are not a big problem here.

However, some members of the public expressed that ecotourism in Flagler County would benefit from manatee protection. Additionally, by forcing people to "slow down" as they passed through Flagler County, the benefits of living in Flagler County could become more readily apparent.

Law Enforcement Arguments

Public comment from boaters emphasized that the currently suggested speed zones are driven by a legislative mandate and not by a real-world problem. Most boaters feel that an average of one manatee fatality per year is a regrettable but unavoidable consequence of manatees and boats using the same waterway. Eliminating manatee injuries would require eliminating all manatees or all boats, neither of which is possible. Slowing boating speed over a wide area is extremely unpopular; each mile that a boat travels at 5 mph instead of 25 mph adds 10 minutes to the journey. This may be tolerable for 10 or even 20 minutes, but not for 60 minutes or more. One way around this dilemma is to target smaller speed zones around important areas and not institute broad zones hoping to include problem areas in the larger solution. Law enforcement will not be adequate to slow down all boaters who don't believe that the manatee protection laws are fair and equitable and don't want to observe them.

Duration of Restriction Arguments

Most members of the committee agree that the speed zones should only be in effect during the warm season when the Flagler manatee population increases. However, they also felt that a 7 month warm season is too long. The majority want the warm season defined as May through July; a minority think that May though September is appropriate.

Most members believe that the data shows that May, June, and July are when there is a high probability of manatee-watercraft incidents. One member believes that the data shows that that probability extends through September.

Discussion of specific zones

A. Marineland and Long Creek (4 miles). Starting from the Flagler/St. Johns County line and extending 4 miles south.

There is an expectation that the marina will begin redevelopment within the next year and that a slow, minimum wake zone of about ¼ mile will be needed around the entrance for boating safety. Historically there was a no-wake zone around the marina when it was active. When the marina is developed FWC will be petitioned for a slow, minimum wake zone based on boating safety needs.

Although there was initial agreement between several members that because manatees are seen daily around the marina area during the summer season, ultimately the vote showed that only one member of the committee supported an out of channel slow speed, minimum wake zone. Her rationale was that there was evidence of a high coincidence of manatees in the area during the warm season and the channel is wide enough to support such a zone.

B. Palm Coast

The LRRC committee agrees that the Palm Coast canal system is often used by manatees. They feel that the majority of manatees congregate in the southern canals because there are sources of fresh water present. The canal system is covered by a slow speed zone so no additional protection is needed. Most members felt that the southern entry to the canal system is most often used because most manatees are seen in the south canals. This is where the protection should exist. Members also note that, although there are a significant number of deaths recorded from this area, they are mostly not watercraft related. This is where most of the perinatal mortality occurs, so other factors than boats are responsible for these fatalities. Only 3 watercraft related fatalities are recorded here (1990, 1995, and 1998).

A view that did not gain support was that manatees use any of the three entries randomly and once inside the canal system find their way to favored hangouts by trial and error. This view endorsed protecting only the mouths of the canal entries since this is were the manatees must enter and exit.

Another opinion that was in the minority was that this area did not show a significant enough coincidence to support a slow speed minimum wake zone, except on the weekends when the aerial data showed a high incidence of planing boats.

C. Fox's Cut

Most members did not support a manatee zone in this area because the FWC had not recommended one and there was no mortality data to support it.

Another opinion that was in the minority was that the data showed a higher coincidence of fast boats in this area than in the Palm Coast zone, representing a greater risk to manatees than an area where a recommendation had been made and that the fast boat coincidence was significantly higher on the weekends.

D. Smith Creek North of S.R. 100

D1: Generally, the members rejected the FWC recommendation because there was no watercraft-related manatee mortality data in the area and the potential negative impact that a speed zone in this area would have on Sea Ray Boats.

D2: Similar to D1, the majority rejected the FWC recommendation because there was no watercraft-related manatee mortality data in this area and there already exists a "Boater Safety Zone" in the vicinity of the S.R. 100 Bridge and the boat ramp immediately south of the bridge.

If the 1.8 miles restriction were to take effect, it would cause more congestion just north of the proposed zone to the S.R. 100 bridge resulting in not only a boating hazard between boaters, but creating high coincidence for boats on plane and manatees in that area.

E. Smith Creek South of S.R. 100

E1: While all agreed that a slow zone was warranted in this area, the majority requested that the zone be shortened because the manatee mortality data seemed to be clustered around the boat ramp. The S.R. 100 launch ramp offers boaters a choice of turning north or south to leave the current slow speed zone. South is favored by water skiers. If the slow speed zone concentrates fast boats to a smaller area here then boating safety issues arise and the fast boat COIN values similarly increase. Most members felt that a slow speed zone around the Gamble Rogers basin would be the most effective way to protect manatees while allowing boaters traditional use of the northern section of this zone.

E2: This area has no reported watercraft-related deaths and, as such, does not warrant a "slow speed" designation. Boaters travelling northward from Volusia County are already subject to a numerical restriction (30 mph daytime and 25 mph night) and are further restricted to "slow speed out of channel." It was also suggested that extending the Volusia County Rule from the Flagler County line northward to Gamble Rogers might make sense.

However, the minority do not agree that the Volusia County Rule provides any real protection to manatees due to the fact that most boats are planing at 25 mph. The high mortality data in the E zone generally, and without being able to accurately pinpoint where the deaths occurred suggests that the FWC recommendation is appropriate.

Appendix A.	Letter from FWC dated March 8, 2010 Announcing Rule-Making
Appendix B.	Appointment of LRRC Members by Flagler County Board of County Commissioners dated May 5, 2010
Appendix C.	FWC Staff Report dated May 24, 2010 Describing Recommended Speed Zones and Discussing Data and Methodology Used to Create those Zones
Appendix D.	Minutes of LRRC Meetings
Appendix E.	Individual Member Comments

APPENDIX A

Report from the Local Rule Review Committee for Flagler County

LETTER FROM
FLORIDA FISH & WILDLIFE CONSERVATION COMMISSION
DATED MARCH 8, 2010
ANNOUNCING RULE-MAKING

Florida Fish and Wildlife Conservation Commission

Commissioners
Rodney Barreto
Chairman
Miami

Richard A. Corbett
Vice Chairman
Tampa

Kathy Barco
Jacksonville

Ronald M. Bergeron
Fort Lauderdale

Dwight Stephenson
Delray Beach

Kenneth W. Wright
Winter Park

Brian S. Yablonski
Tallahassee

Executive Staff
Nick Wiley
Executive Director

Greg Holder
Assistant Executive Director

Karen Ventimiglia
Deputy Chief of Staff

Imperiled Species
Management Section
Kipp Frohlich
Section Leader
(850) 922-4330
(850) 922-4338 fax

Managing fish and wildlife resources for their long-term well-being and the benefit of people.

620 South Meridian Street
Tallahassee, Florida
32399-1600
Voice: (850) 488-4676

Hearing/speech impaired:
(800) 955-8771 (T)
(800) 955-8770 (V)

MyFWC.com

March 8, 2010

The Honorable George Hanns, Chair
Flagler County Commission
1760 East Moody Boulevard, Suite 301
Bunnell, FL 32110

Dear Chairman Hanns:

The purpose of this letter is three fold. First I want to provide you with some background regarding our state manatee management plan and how it relates to Flagler County. In addition, I will provide you an update on recent activities and progress that we have made related to manatee protection. Lastly, I wanted to let you know about our future plans and also request increased involvement and participation of Flagler County.

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 evaluate areas that currently have little or no manatee protection regulations to determine if new manatee protection zones may be warranted. Flagler County is one of the first areas identified in the MPP for this evaluation.

In recent years we have met with Flagler County staff, the U.S. Fish and Wildlife Service, and stakeholders in regards to a variety of manatee concerns related to state and federal approval of construction of additional marine facilities and potential impacts to manatees. As a part of those meetings it was discussed that there are virtually no state manatee protection zones in Flagler County. The only exception is a small portion of waterway in the southern part of the county which is regulated in the FWC rule for Volusia County (68C-22.012, Fla. Admin. Code). The zones included in the Volusia County rule were adopted in 1991. It was also clear that additional data needed to be collected in this area so that we could better evaluate the potential risks. New manatee distribution data were collected in 2005-07 and aerial surveys were flown in 2007-09 to collect boating data in Flagler County. FWC staff has reviewed these data and other information, and spoken to County staff. Based on our initial review of all information, we believe additional manatee protection zones may be warranted in Flagler County.

Florida Statute § 379.2431(2)(f) prescribes the steps required for the FWC to adopt or amend manatee speed zone rules. While we have informally discussed this with your staff, this letter serves as official notification that we are initiating the next steps of considering manatee protection rules for Flagler County. Pursuant to the statute, Flagler County has 60 days after receipt of this letter to form a Local Rule Review Committee (LRRC) to review the FWC proposal and provide comments and recommendations. Once the LRRC has been formed, we will provide a preliminary rule proposal to the LRRC and the LRRC will then have an additional 60 days to review the proposal and submit its report. (I have enclosed a copy of the statute for your convenience.)

Working through the various issues will take time and it is difficult to predict with certainty a proposed timeline. However, based on our work with other counties, we are

hopeful that we could complete the LRRC process by July 2010. If rules are warranted we would hope to present a draft to our Commissioners at the September 2010 FWC meeting, with final presentation and consideration to occur at a subsequent FWC meeting, likely in early 2011. Of course this is a cooperative endeavourer and we will work with your staff and the LRRC in regards to scheduling and timing. It should also be noted that there is no predetermined outcome. Working with the LRRC may in fact lead us to develop a draft rule for our Commissioners to consider, but alternatively we may conclude upon further analysis that no additional rules are warranted.

It would be helpful if you could provide us with the name of your designee with whom we should work at a staff-to-staff level as this process moves forward. Mr. Chris Boland on my staff will be taking the lead for the FWC and he can be contacted at Chris.Boland@MyFWC.com. If you have any questions about this letter, the rule making process, or if we could assist you in anyway, please do not hesitate to contact me or Mr. Boland (850 922-4330). We look forward to working with you and Flagler County.

Sincerely,

R. Kipp Frohlich, Section Leader
Imperiled Species Management Section

Enclosure

APPENDIX B

Report from the Local Rule Review Committee for Flagler County

APPOINTMENT OF
THE LOCAL RULE REVIEW COMMITTEE MEMBERS
BY FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
DATED MAY 5, 2010

Flagler County
Board of County Commissioners

1769 East Moody Boulevard, Building 2 • Bunnell, Florida 32110 • (386) 313-4000 • fax: (386) 313-4101 • www.FlaglerCounty.org

May 5, 2010

Mr. Edward H. Caroe
25 Coolidge Court
Palm Coast FL 32137

Dear Mr. Caroe:

It is my pleasure to inform you that the Flagler County Board of County Commissioners appointed the citizens to the Local Rule Review Committee at their May 3, 2010 meeting. At the request of the City of Palm Coast, you were appointed to serve as their "Manatee/ Environmental Advocate" representative. A complete committee membership list is attached for your reference.

As has been relayed to you previously, the first meeting of this committee will be an organizational on, scheduled for Thursday, May 13, 2010 at 1:30 p.m. in the Financial Services conference room, located on the third floor of Building 2 of the Government Services Complex. One item of business at this meeting will be deciding on dates and times for future meetings. We, therefore, ask that you bring your meeting schedule so this can be accomplished.

Also enclosed for your review prior to this initial meeting is: (a) Orientation Packet for all Advisory Board members; (b) Description of the FWC Manatee Protection Rule Development Process; and (c) Florida Statute 379.2431(2)(f).

The staff liaison for this committee will be Mr. Tim Telfer, Environmental Planner. Tim can be reached at 386/313-4066 or ttelfer@flaglercounty.org.

Thank you in advance for the time, effort and expertise you will bring to this committee.

Sincerely,

George Hanns /cm

George Hanns, Chairman
Flagler County Board of County Commissioners

Enclosures (4)

c: Tim Telfer

Flagler County
Board of County Commissioners

1769 East Moody Boulevard, Building 2 • Bunnell, Florida 32110 • (386) 313-4000 • fax: (386) 313-4101 • www.FlaglerCounty.org

May 5, 2010

Mr. Chris Herrera
25 Pier Lane
Palm Coast, FL 32164

Dear Mr. Herrera:

It is my pleasure to inform you that the Flagler County Board of County Commissioners appointed the citizens to the Local Rule Review Committee at their May 3, 2010 meeting. At that meeting, the Board of County Commissioners appointed you to serve as one of the at-large "Waterway User" representatives. A complete committee membership list is attached for your reference.

As has been relayed to you previously, the first meeting of this committee will be an organizational on, scheduled for Thursday, May 13, 2010 at 1:30 p.m. in the Financial Services conference room, located on the third floor of Building 2 of the Government Services Complex. One item of business at this meeting will be deciding on dates and times for future meetings. We, therefore, ask that you bring your meeting schedule so this can be accomplished.

Also enclosed for your review prior to this initial meeting is: (a) Orientation Packet for all Advisory Board members; (b) Description of the FWC Manatee Protection Rule Development Process; and (c) Florida Statute 379.2431(2)(f).

The staff liaison for this committee will be Mr. Tim Telfer, Environmental Planner. Tim can be reached at 386/313-4066 or ttelfer@flaglercounty.org.

Thank you in advance for the time, effort and expertise you will bring to this committee.

Sincerely,

George Hanns /cbm

George Hanns, Chairman
Flagler County Board of County Commissioners

Enclosures (4)

c: Tim Telfer

Flagler County

Board of County Commissioners

1769 East Moody Boulevard, Building 2 • Bunnell, Florida 32110 • (386) 313-4000 • fax: (386) 313-4101 • www.FlaglerCounty.org

May 5, 2010

Ms. S. Laureen Kornel
P O Box 661
Flagler Beach, FL 32136

Dear Ms. Kornel:

It is my pleasure to inform you that the Flagler County Board of County Commissioners appointed the citizens to the Local Rule Review Committee at their May 3, 2010 meeting. At that meeting, the Board of County Commissioners appointed you to serve as one of the at-large "Manatee/Environmental Advocate" representatives. A complete committee membership list is attached for your reference.

As has been relayed to you previously, the first meeting of this committee will be an organizational on, scheduled for Thursday, May 13, 2010 at 1:30 p.m. in the Financial Services conference room, located on the third floor of Building 2 of the Government Services Complex. One item of business at this meeting will be deciding on dates and times for future meetings. We, therefore, ask that you bring your meeting schedule so this can be accomplished.

Also enclosed for your review prior to this initial meeting is: (a) Orientation Packet for all Advisory Board members; (b) Description of the FWC Manatee Protection Rule Development Process; and (c) Florida Statute 379.2431(2)(f).

The staff liaison for this committee will be Mr. Tim Telfer, Environmental Planner. Tim can be reached at 386/313-4066 or ttelfer@flaglercounty.org.

Thank you in advance for the time, effort and expertise you will bring to this committee.

Sincerely,

George Hanns/Chr

George Hanns, Chairman
Flagler County Board of County Commissioners

Enclosures (4)

c: Tim Telfer

Flagler County

Board of County Commissioners

1769 East Moody Boulevard, Building 2 • Bunnell, Florida 32110 • (386) 313-4000 • fax: (386) 313-4101 • www.FlaglerCounty.org

May 5, 2010

Mr. Stan Ksyniak
164 Palm Circle
Flagler Beach, FL 32136

Dear Mr. Ksyniak:

It is my pleasure to inform you that the Flagler County Board of County Commissioners appointed the citizens to the Local Rule Review Committee at their May 3, 2010 meeting. At the request of the City of Flagler Beach, you were appointed to serve as their "Waterway User" representative. A complete committee membership list is attached for your reference.

As has been relayed to you previously, the first meeting of this committee will be an organizational on, scheduled for Thursday, May 13, 2010 at 1:30 p.m. in the Financial Services conference room, located on the third floor of Building 2 of the Government Services Complex. One item of business at this meeting will be deciding on dates and times for future meetings. We, therefore, ask that you bring your meeting schedule so this can be accomplished.

Also enclosed for your review prior to this initial meeting is: (a) Orientation Packet for all Advisory Board members; (b) Description of the FWC Manatee Protection Rule Development Process; and (c) Florida Statute 379.2431(2)(f).

The staff liaison for this committee will be Mr. Tim Telfer, Environmental Planner. Tim can be reached at 386/313-4066 or ttelfer@flaglercounty.org.

Thank you in advance for the time, effort and expertise you will bring to this committee.

Sincerely,

George Hanns /cm

George Hanns, Chairman
Flagler County Board of County Commissioners

Enclosures (4)

c: Tim Telfer

Flagler County

Board of County Commissioners

1769 East Moody Boulevard, Building 2 • Bunnell, Florida 32110 • (386) 313-4000 • fax: (386) 313-4101 • www.FlaglerCounty.org

May 5, 2010

Mr. Richard McCleery
8 Sycamore Terrace
Palm Coast, FL 32137

Dear Mr. McCleery:

It is my pleasure to inform you that the Flagler County Board of County Commissioners appointed the citizens to the Local Rule Review Committee at their May 3, 2010 meeting. At that meeting, the Board of County Commissioners appointed you to serve as one of the at-large "Waterway User" representatives. A complete committee membership list is attached for your reference.

As has been relayed to you previously, the first meeting of this committee will be an organizational on, scheduled for Thursday, May 13, 2010 at 1:30 p.m. in the Financial Services conference room, located on the third floor of Building 2 of the Government Services Complex. One item of business at this meeting will be deciding on dates and times for future meetings. We, therefore, ask that you bring your meeting schedule so this can be accomplished.

Also enclosed for your review prior to this initial meeting is: (a) Orientation Packet for all Advisory Board members; (b) Description of the FWC Manatee Protection Rule Development Process; and (c) Florida Statute 379.2431(2)(f).

The staff liaison for this committee will be Mr. Tim Telfer, Environmental Planner. Tim can be reached at 386/313-4066 or ttelfer@flaglercounty.org.

Thank you in advance for the time, effort and expertise you will bring to this committee.

Sincerely,

George Hanns /clm

George Hanns, Chairman
Flagler County Board of County Commissioners

Enclosures (4)

c: Tim Telfer

Flagler County

Board of County Commissioners

1769 East Moody Boulevard, Building 2 • Bunnell, Florida 32110 • (386) 313-4000 • fax: (386) 313-4101 • www.FlaglerCounty.org

May 5, 2010

Mayor James Netherton
Town of Marineland
9505 Oceanshore Blvd.
St. Augustine, FL 32080

Dear Mayor Netherton:

It is my pleasure to inform you that the Flagler County Board of County Commissioners appointed the citizens to the Local Rule Review Committee at their May 3, 2010 meeting. At the request of the Town of Marineland, you were appointed to serve as their "Manatee/ Environmental Advocate" representative. A complete committee membership list is attached for your reference.

As has been relayed to you previously, the first meeting of this committee will be an organizational on, scheduled for Thursday, May 13, 2010 at 1:30 p.m. in the Financial Services conference room, located on the third floor of Building 2 of the Government Services Complex. One item of business at this meeting will be deciding on dates and times for future meetings. We, therefore, ask that you bring your meeting schedule so this can be accomplished.

Also enclosed for your review prior to this initial meeting is: (a) Orientation Packet for all Advisory Board members; (b) Description of the FWC Manatee Protection Rule Development Process; and (c) Florida Statute 379.2431(2)(f).

The staff liaison for this committee will be Mr. Tim Telfer, Environmental Planner. Tim can be reached at 386/313-4066 or ttelfer@flaglercounty.org.

Thank you in advance for the time, effort and expertise you will bring to this committee.

Sincerely,

George Hanns /cm

George Hanns, Chairman
Flagler County Board of County Commissioners

Enclosures (4)

c: Tim Telfer

Flagler County
Board of County Commissioners

1769 East Moody Boulevard, Building 2 • Bunnell, Florida 32110 • (386) 313-4000 • fax: (386) 313-4101 • www.FlaglerCounty.org

May 5, 2010

Mayor Jonathan S. Netts
City of Palm Coast
17 Flintstone Court
Palm Coast, FL 32137

Dear Mayor Netts:

It is my pleasure to inform you that the Flagler County Board of County Commissioners appointed the citizens to the Local Rule Review Committee at their May 3, 2010 meeting. At that meeting, the Board of County Commissioners appointed you to serve as one of the at-large "Waterway User" representatives. A complete committee membership list is attached for your reference.

As has been relayed to you previously, the first meeting of this committee will be an organizational on, scheduled for Thursday, May 13, 2010 at 1:30 p.m. in the Financial Services conference room, located on the third floor of Building 2 of the Government Services Complex. One item of business at this meeting will be deciding on dates and times for future meetings. We, therefore, ask that you bring your meeting schedule so this can be accomplished.

Also enclosed for your review prior to this initial meeting is: (a) Orientation Packet for all Advisory Board members; (b) Description of the FWC Manatee Protection Rule Development Process; and (c) Florida Statute 379.2431(2)(f).

The staff liaison for this committee will be Mr. Tim Telfer, Environmental Planner. Tim can be reached at 386/313-4066 or ttelfer@flaglercounty.org.

Thank you in advance for the time, effort and expertise you will bring to this committee.

Sincerely,

George Hanns /clm

George Hanns, Chairman
Flagler County Board of County Commissioners

Enclosures (4)

c: Tim Telfer

Flagler County
Board of County Commissioners

1769 East Moody Boulevard, Building 2 • Bunnell, Florida 32110 • (386) 313-4000 • fax: (386) 313-4101 • www.FlaglerCounty.org

May 5, 2010

Ms. Linda Provencher
P O Box 1632
Flagler Beach, FL 32136

Dear Ms. Provencher:

It is my pleasure to inform you that the Flagler County Board of County Commissioners appointed the citizens to the Local Rule Review Committee at their May 3, 2010 meeting. At the request of the City of Flagler Beach, you were appointed to serve as their "Manatee/ Environmental Advocate" representative. A complete committee membership list is attached for your reference.

As has been relayed to you previously, the first meeting of this committee will be an organizational on, scheduled for Thursday, May 13, 2010 at 1:30 p.m. in the Financial Services conference room, located on the third floor of Building 2 of the Government Services Complex. One item of business at this meeting will be deciding on dates and times for future meetings. We, therefore, ask that you bring your meeting schedule so this can be accomplished.

Also enclosed for your review prior to this initial meeting is: (a) Orientation Packet for all Advisory Board members; (b) Description of the FWC Manatee Protection Rule Development Process; and (c) Florida Statute 379.2431(2)(f).

The staff liaison for this committee will be Mr. Tim Telfer, Environmental Planner. Tim can be reached at 386/313-4066 or ttelfer@flaglercounty.org.

Thank you in advance for the time, effort and expertise you will bring to this committee.

Sincerely,

George Hanns /cdm

George Hanns, Chairman
Flagler County Board of County Commissioners

Enclosures (4)

c: Tim Telfer

Flagler County

Board of County Commissioners

1769 East Moody Boulevard, Building 2 • Bunnell, Florida 32110 • (386) 313-4000 • fax: (386) 313-4101 • www.FlaglerCounty.org

May 5, 2010

Ms. Virginia Tee
39 Ocean Street
Palm Coast, FL 32137

Dear Ms. Tee:

It is my pleasure to inform you that the Flagler County Board of County Commissioners appointed the citizens to the Local Rule Review Committee at their May 3, 2010 meeting. At that meeting, the Board of County Commissioners appointed you to serve as one of the at-large "Manatee/Environmental Advocate" representatives. A complete committee membership list is attached for your reference.

As has been relayed to you previously, the first meeting of this committee will be an organizational on, scheduled for Thursday, May 13, 2010 at 1:30 p.m. in the Financial Services conference room, located on the third floor of Building 2 of the Government Services Complex. One item of business at this meeting will be deciding on dates and times for future meetings. We, therefore, ask that you bring your meeting schedule so this can be accomplished.

Also enclosed for your review prior to this initial meeting is: (a) Orientation Packet for all Advisory Board members; (b) Description of the FWC Manatee Protection Rule Development Process; and (c) Florida Statute 379.2431(2)(f).

The staff liaison for this committee will be Mr. Tim Telfer, Environmental Planner. Tim can be reached at 386/313-4066 or ttelfer@flaglercounty.org.

Thank you in advance for the time, effort and expertise you will bring to this committee.

Sincerely,

George Hanns /cb

George Hanns, Chairman
Flagler County Board of County Commissioners

Enclosures (4)

Flagler County

Board of County Commissioners

1769 East Moody Boulevard, Building 2 • Bunnell, Florida 32110 • (386) 313-4000 • fax: (386) 313-4101 • www.FlaglerCounty.org

May 5, 2010

Mr. Chris J. Vorndran
137 Cochise Court
Palm Coast, FL 32137

Dear Mr. Vorndran:

It is my pleasure to inform you that the Flagler County Board of County Commissioners appointed the citizens to the Local Rule Review Committee at their May 3, 2010 meeting. At the request of the City of Palm Coast, you were appointed to serve as their "Waterway User" representative. A complete committee membership list is attached for your reference.

As has been relayed to you previously, the first meeting of this committee will be an organizational on, scheduled for Thursday, May 13, 2010 at 1:30 p.m. in the Financial Services conference room, located on the third floor of Building 2 of the Government Services Complex. One item of business at this meeting will be deciding on dates and times for future meetings. We, therefore, ask that you bring your meeting schedule so this can be accomplished.

Also enclosed for your review prior to this initial meeting is: (a) Orientation Packet for all Advisory Board members; (b) Description of the FWC Manatee Protection Rule Development Process; and (c) Florida Statute 379.2431(2)(f).

The staff liaison for this committee will be Mr. Tim Telfer, Environmental Planner. Tim can be reached at 386/313-4066 or ttelfer@flaglercounty.org.

Thank you in advance for the time, effort and expertise you will bring to this committee.

Sincerely,

George Hanns /clm

George Hanns, Chairman
Flagler County Board of County Commissioners

Enclosures (4)

c: Tim Telfer

APPENDIX E

Report from the Local Rule Review Committee for Flagler County

INDIVIDUAL MEMBER COMMENTS

Ed Caroe

Chris Herrera

S. Laureen Kornel

Stan Ksyniak

Richard McCleery

Jon Netts

Jim Netherton

Virginia Tee

Ed Caroe Comments on 07/09/10 McCleery Summary Chart

I've studied and re-studied the info and graphics provided that cover our Flagler County section of the beautiful Intra-Coastal Waterway.

I'm confused because FL Fish & Wildlife asks that all focus be on the small percentage of manatee deaths in Flagler County that occur in the Intra-Coastal and are caused by moving boats. We are asked to ignore data that confirms approx. 90% of manatee deaths in Flagler occur out of the Intra-Coastal Waterway's channels - with no boat involved. Is that saving the manatee?

Then I recall the wonderful hours over many years that I spent neck deep in the waters of a Palm Bay, FL, condo's marina, scrapping barnacles off my boat's running gear. I could count on a friendly manatee resting its head on my shoulder while it waited for a belly scratch, maybe some spinach, or a suck on the hose - not considered "bad" in those days. Like boaters in Flagler County, we all loved our manatee neighbors and felt privileged to have them around. (That was down a long access waterway off the Intra-Coastal, where manatee were plentiful, but no boat related manatee deaths ever occurred.)

Back to reality, in Florida boating is a $2.1-**Billion**/year industry. Also, the Intra-Coastal waterway from VA to FL is a vital "highway" on which suitable freight can be transported by barge at only 20% of the cost of truck transport. It also was invaluable for safe coastal transport of material during WWII when enemy subs were close off-shore; could happen again sometime. And yes, it also is key to much recreational boating. ***So a logical balance between boaters and manatee is a must.***

I absolutely encourage strict enforcement of (POSTED) present laws which make boat skippers responsible for what danger and damage their actions and wakes cause to all boats, occupants and manatee they pass. Violators should be ticketed, points charged to their boat registrations - and their insurance companies encouraged to slap penalty premiums on offenders. That will get the attention of habitual offenders. It should be structured to warn and finally rescind captain's licenses. That will punish just "bad guys" instead of mandating lots more "in-channel minimum wake areas" that punish the great majority of boaters who are "good guys" who care about protecting the manatees (and other boaters) they see.

To "save the manatee" there are many pro-active manatee protection possibilities that FL Fish & Wild Life (& others) should investigate. (A) As part of adding more channel-only planing speeds with flanking minimum wake zones, some wide channels can be narrowed to provide wider, safer flanking areas for anchored fishermen as well as manatee. (B) When a channel area is dredged, should shoal flanking areas also be dredged to maybe 6-feet MLW to benefit fishermen and manatee? Data studies and some experimenting in higher manatee death areas will be valuable. (C) Some navigation aids are very widely spaced; additional aids will help keep cruising boats within the channel and anchored fishermen outside the channel.

(D) In Flagler County's Intra-Coastal, manatee migrate north in spring and south as the water gets colder. Flagler is not considered a manatee destination. Healed scars on manatee seen here likely were caused many miles away. Old animals are less likely to migrate and therefor get stuck in cold water. They are most vulnerable to boat accidents.

(E) FL Fish & Wild Life graphics and data show absolutely that about 90% of manatee deaths here are younger animals in Palm Coast canals which are west of the southern main canal. That heavy population

area for manatee makes sense since Big Mulberry Branch brings large quantities of fresh water from as far away as west of I-95, and dumps most of it into the canal area just west of Palm Coast Yacht Club. (Big Mulberry now is a protected "environmentally sensitive land" acquired by joint action of the City of Palm Coast and Flagler County.)

Note that there is no similar fresh water flow into Palm Coast canals west of the ***middle*** and ***north*** main canals, and no connections between the three separate canal systems. Also, before I-95 was built, much more water from western Flagler County drained into Big Mulberry. Before the Palm Coast canals were dug, and most of that fresh water was diverted, the Big Mulberry fresh water ran into Long's Creek. So prior to our canals, and our present Intra-Coastal being dredged out and created (circa 1878) to create the continuous "river" - fresh water Long's Creek was a deep and wide tributary used to transport crops from Mala Compra Plantation to freight sailing ships that anchored inside of nature-made Matanzas Inlet.

If just one out of nine of those manatee in the south canal system's back areas could be saved, there would be a balance between the number of generally older animals that die in Flagler's Intra-Coastal and younger animals saved in our canals. Yet it appears that nothing is being researched to accomplish this basic way to save the manatees. This should be science, not politics. That is where success should be measured.

Just as an aside, manatee history tells that they evolved from their ancestors, which were 4-legged elephants that for environmental reasons returned to life in the water. That was some 4-million years ago. So manatee have survived thru ice ages, sea water level shifts of many hundreds of feet, huge continent shifts, an impact in Mexico from outer space that blocked most sunlight long enough to wipe out dinosaurs, and so on. Is manatee population now decreasing? Or are many colonies relocating to more accommodating areas between Florida and the east coast of South America? No data on that was provided and should be.

I think about how easy it is to use manatees to try to accomplish goals that have absolutely nothing to do with saving manatee. I'll gladly fight for some of those goals when addressed separately for "people safety". However, within this present manatee safety task, Ed Caroe is going to vote strictly for boater restrictions when they are likely to substantially benefit manatee.

I agree with the "majority vote" in each area as being the more logical option. Two comments:-

(A) In "Zone A" I initially supported a well defined Intra-Coastal channel with minimum wake zones on each side. However, "each side" is predominantly areas that strongly feel the impact of incoming ocean water at Matanzas, where there is nothing to attract manatee. (Note this is strictly a manatee protection study, not people-protection.)

(B) The major problem at Hutch King Sr. boat ramp is the terrible boat entry design. The long dock east of the ramps is so open to, and impacted by, boat wakes that it is only a matter of "when" somebody will be killed while loading or boarding a launched boat - - or offloading. ***Again, this is strictly a manatee protection study, but I urge that the long, dangerous dock be blocked off or removed promptly.***

#####

7/14//10 - Ed Caroe

Comments from LRRC member Chris Herrera (water way user)

To FWC:

As a full time fishing guide in Flagler County I log over 250 days a year on the water either guiding or what I call fun fishing on my days off. I travel through and fish all the areas that are under review for manatee zones and for that reason my votes for or against proposed zones were not **emotionally** driven but more from my **experience** and **observations**.

Trying to impose 6 ½ miles of manatee zones into a county that has less than one manatee/watercraft related death a year is excessive considering that our neighboring county (Volusia) death rate is 5x higher.

It is my opinion that all future LRRC committee members should have some type of local knowledge and experience of the water way so they can vote **rationally** and not **emotionally**. I hope the FWC will take into consideration all the valid comments given by the public during our LRRC meetings.

Zone A

I voted for the FWC Recommendation:

This zone did not warrant a manatee zone and I agreed with the FWC recommendation because it's a straight and wide passage of water way.

Zone B-1

I voted for a modification of the recommended manatee zone:

My vote was based on the fact that the most utilized canal for manatees was the southern canal since it's the canal that has a fresh water source. I frequently fish all the canal systems during the peak manatee season in Palm Coast and do not see Manatees as often in the two northern canals as I do in the southern canal.

Zone D-1

I voted against the FWC recommendation:

This area should not be a considered a Manatee zone as only one death has ever occurred due to water craft collision since 1974-2009.

Comments from LRRC member Chris Herrera (water way user)

Zone D-2

I voted against the FWC recommendation:

No manatee/water craft related deaths in the area. There is also a no wake zone already being implemented south of the 100 bridge to an area north of the bridge.

Zone E-1

I voted for a modification of the FWC recommendation:

This area has the highest manatee/water craft related deaths and do think a manatee zone should be in place but not 1.8 miles. If a zone of 1.8 miles would be implemented in this area it would decrease the area water way users could operate their boats on plane causing more of a congested area just north of the proposed zone to the SR 100 bridge resulting in not only a boating hazard between boaters (jet ski, water skiers, fisherman...) but most importantly creating higher coin for boats on plane and manatees in that area. I proposed a modification that will create a no wake zone on either side of Gamble Rodgers State Park since their basin is used by manatees as a resting and calving area through the warm season.

Zone E-2

I voted against FWC recommendation:

This area does not warrant any changes since there are no manatee/water craft related deaths

Modification:

Season change for all zones:

I voted for the change of our "warm season" to reflect the peak manatee traffic that occurs during the months of May- July that differs from the originally stated April-October.

Local Rule Review Committee General Comments
S. Laureen Kornel
July 14, 2010

- The truth is that manatees are equally as likely to be found in any section of the ICW in Flagler County because there is no inlet. Since Manatees generally seem to be moving through the Flagler ICW to get to food sources and resting places outside of the County and there are no inlets in Flagler County, it seems reasonable to me that they can be found anywhere in the ICW. As such, I view the FWC recommendations as a compromise to regulating the entire ICW in Flagler County.
- The increase in transit time, with the proposed slow zones has been grossly over-estimated and I believe a more realistic estimate would be an increase in 40 minutes. Also it seems reasonable to me that those boaters that don't have direct access to water will put in near their destination and don't need to travel at great speeds to get where they're going. For others, who do have direct water access or are just travelling through the County I don't think it's unreasonable to expect slow zones in areas where manatees are expected in higher numbers.
- Most of Florida's coastal counties are regulated including other working water fronts. I don't see why Flagler should expect to be exempt from reasonable regulation. The County has significantly changed in population: Numbers from the Census Bureau show that in 1970 there were 4,500 people. In 1980 the population increased to 10,000. Today there are over 80,000 people. The number of reported manatee deaths correlates with the increase in population – and that doesn't count un-reported deaths and non-fatal strikes. This is a fact succinctly sated in the FWCC report that was presented to us at the very first LRRC meeting.
- The current economic slump is temporary. We should be proactively planning ahead for when things do turn around. If the economy where booming, I suspect the argument against slow speed zones would still be centered on jeopardizing generated funds.
- To some the ICW might be nothing more than a highway. If that's the case then there should be regulation to control speed. To me and I think to a lot of other Flagler County residents the ICW encompasses a wide array of natural resources. To compare the ICW to a highway is a disservice to the ICW and all of its natural resources. The ICW is living, breathing, and ever changing complex ecosystem. Manatees are hard to see and controlling speed is considered one of the best tools to minimize collisions and protect this endangered species.
- The debate over manatee slow speed zones is more than just fatalities. It's also about non-fatal strikes. The depth of the channel is insignificant to me because manatees come to the surface to breath.
- There shouldn't be a comparison made between F.C. and Volusia County. It's like comparing apples and oranges. It has been shown that manatees

use the Volusia County waterway in different ways than in F.C. (food, etc.) and the Volusia County ICW is significantly longer. Volusia County's population is roughly 500,000 people – that's more than 5 times the population in Flagler County. Volusia County's coastline is significantly longer than that of Flagler County. With significantly more use, it's a no brainer that fatalities are higher in Volusia County.

- As the population continues to increase in Flagler County, so will boater use. In turn the threat of increased strikes will increase and slow speed zones can be used as one tool to mitigate or minimize incidences. Education is another useful tool but we need to slow down through areas that are known to show strikes.
- I do not support an exemption for anyone – a business or otherwise because that would undermine the ability of speed zones to protect manatees and that's the whole purpose of implementing slow speed zones. Fast moving boats are a threat to manatees.
- I do not support weekend-only zones because it creates an opportunity for inconsistencies that can affect compliance. Since Flagler County is a retirement area a lot of boaters have the option to use the ICW during the week. A manatee has no idea what day of the week it is. I think 7-day a week zones are justified.
- It should be noted that that the FWC has shortened the proposed seasonal zone by 15 days which in my mind is a concession to boaters.
- This entire process associated with the Committee has been a disappointment to me. Because of the way in which the committee was set up, two groups working against each other, there was never an opportunity for an intelligent and meaningful discussion. Lead by the Chair of the Committee, an elected official, the committee was polarized right from its inception.
- This isn't an emotional issue, it's an ethical and moral issue and that discussion never took place amongst committee members.

B-1 – Support because there are three access canals. FWC has compromised on this recommendation. They could have suggested extending the zone to cover the northernmost canal access, but they did not.

B-2 – Support because the 1.2 stretch being proposed is only ½ of Sea ray's "initial run". I'm not sure why Sea ray would have selected building their facility so far from an inlet. Again, I re-itereate that Sea ray is a stakeholder in this and their input is valuable, but I think there is financial conflict of interest that we have someone from Sea ray on the committee who will vote. I also think that there are other questionable conflicts of interest on this committee given that there are others on the committee whose work is directly related to

the ICW (i.e. there are others who could quite possible stand to gain or loose financially depending on the outcome of the committee's recommendations).

D-2: Support for reasons stated in my general comments.

E Region – Support because we can do more than the Volusia County Rule to minimize mortality.

E1: Support for reasons stated my general comments.

E2: Support because I don't think deep or shallow water is relevant in this debate.

**MEMO

TO: Tim Telfer

FROM: Stan Ksyniak

SUBJECT: Rationale for FWC Rule Proposal Voting

DATE: July 14, 2020

In response to last LRRC Meeting on July 8, 2010, I would like to offer the following rationale regarding my votes in regards to the FWC Rule Proposals.

Area 1, Marineland – vote was for option 1 as I concur with the majority in that this is a public safety issue versus a manatee issue and agree that this area can be looked at later as the marina is developed.

Area 2, Palm Coast, Zone B1 – vote was for option 3 as this is the intersection where the manatees migrate and data did not reflect the need to extend the zone further.

Area 3, Fox Cut – vote was for option 1 as data did not warrant any recommendation for slow speeds in this zone.

Area 4, Smith Creek North of SR 100, Zone D1 – vote was for option 2 as the data did not warrant any recommendation for slow speeds in this zone.

Zone D2 – vote was for option 3 as the data did not warrant slow speeds in the channel.

Area 5, Smith Creek South of SR 100, Zone E1 – Vote was for option 3 as the supporting data focused around the entrance to Gamble Rogers State Park and extending the area further was not warranted. Furthermore, the current FWCC recommendation would result in water activities, such as water skiing, having to be compressed into a smaller area and thereby pose a potential safety hazard.

Zone E2 – vote was for option 3 to coincide with the owner/operator transition between counties with slow speed minimum wake out of channel as the data did not warrant slow speed in the channel.

Please feel free to contact me should you require further clarification. Thank you.

/sk

LRCC –Flagler County committee member Richard F. McCleery

A. Comments and VOTES on FWC recommendations for Manatee Protection Speed Zones

1. "Zone A"- Marineland and Matanzas River

   Voted no- see no record of manatee deaths to support this phantom zone. Further, appropriate safe boater zone to be reinstated with reopening of Marineland Marina will suffice for manatees and boating safety.

2. Palm Coast Zone- aka B1

   Voted No for FWC proposal. Voted yes for the modification to shorten it which should provide for boater and manatee safety while maintaining timely transit through this area.

3. Foxes Cut

   Voted to accept FWC recommendation that no zone is necessary.

4. Smith Creek Zone- aka D1 and D2

   Voted No on FWC recommendation for D-1

   Voted to modify proposal for zone D-2 designation as slow speed out of channel

5. South Smith Creek Zones E 1 and E 2.

   Zone E-1 voted to modify so that zone only brackets entry on north and south sides of Gamble Rogers State Park Boat ramp

   Zone E-2 Voted to modify so that "Volusia Rules" apply in warm season to south side of Gamble Rogers Boat Ramp

B. Further Commentary

1. In view of the significant number of Perinatal Manatee deaths, which number exceeds by a factor of two that of boating caused deaths in our county, it would seem the time and resources of the FWC would be better spent conducting research in this matter rather than imposing restraints on the boating taxpayers of Florida.

2. A more effective approach than inflicting speed restrictions on boaters would be to initiate a comprehensive education program. I encourage FWC to work with local boating and angling organizations to develop safe boating programs where manatee and people populations are both served through development of safe boating practices. Working in concert with other agencies such as the Sea Grant program, local schools and local sheriff departments, FWC marine officers can work with groups such as local boating clubs and anglers associations to

encourage a multi-purpose boating safety program. This will reap far more benefits for man and manatee than any of the speed zone restrictions put forth in the May 2010 FWC document .

3. A safe boating zone in the ICW north and south of Herschel King County Park makes good sense for people and manatees. The design of that facility left it directly open to the impact from wakes of passing boats creating a safety issue for boats moored in that basin that as yet to be addressed

4. A number of factors are working in concert to dampen boat usage and population growth in Flagler County. The present economic situation shows no sign of recovery with attendant increase in demand for housing in Flagler County. While the percentage of Flagler County (and adjacent Florida county)residents are not identified in the boat usage data collected by FWC research, it is sound logic that diminished real estate growth and a shrinking economy will not increase boater usage of the ICW by residents of Flagler and other adjacent Counties. What is more, prospective increases in fuel prices brought on by ill timed Federal policies crafted to cope with the Gulf Oil spill will further reduce boating in Flagler County waters. Until these economic factors are mitigated, there will be decreasing, not increasing, trends in boating in the waters of our county. To what end then are these proposed regulations?

Comments for the Flagler County LRRC
Jon Netts
Committee Member and Chair

First, some general comments.

(1) The data supplied by FWC does not support the wholesale imposition of many miles of "slow speed" zones within Flagler County. While the population of Flagler County has grown from several thousand persons and several hundred boats in 1974 to a population approaching one hundred thousand and over five thousand registered watercraft in 2009, there has been no corresponding increase in watercraft-related manatee deaths. Quite the contrary – the number of watercraft-related manatee deaths, county-wide, has remained relatively consistent at less than one per year.

(2) Recreational boating is a significant component of the attractiveness of Flagler County. The City of Palm Coast has many miles of salt water canals with access to the Intracoastal Waterway. Homes on these canals demand higher-than-average prices due to such water access. The City of Flagler Beach, like Palm Coast, has numerous homes situated on salt water canals with ICW access. Most of the homes along the ICW (Island Estates and Grand Haven, for example) have docks; testimony that they are not there "just for the view." These homes enjoy a correspondingly increased property value as a result of waterway access. Unnecessary waterway restrictions will have a significant negative impact on property values in Flagler County; values that are already greatly impacted by the economic recession we are experiencing. Local governments can ill afford such additional impacts on our tax base.

Data taken from the Florida Inland Navigation District (FIND) "Economic Analysis of the District's Waterways in Flagler County" shows that in 2003 (the most recent study)

$133 million in business volume
$46 million in personal income
1,116 jobs, and
$163 to 185 million in property taxes

in Flagler County were directly attributable to the Intracoastal Waterway. Given the significant growth in Flagler County from 2003 until now, there is no doubt that these numbers significantly under-represent the value that recreational boating brings to Flagler County.

According to FIND data, 93% of Flagler County boaters interviewed were on single-day trips (as opposed to multiple-day trips) and 87% of them planned to restrict their activity to the Intracoastal Waterway. The ICW is where the vast majority of Flagler County residents do their boating. Again, unnecessary speed restrictions will diminish the perceived value of living on or near the water in Flagler County and, from an inspection of the data, will have little or no positive effect on protecting manatees.

(3) The mission of FWC, as it relates to boating regulations, is two-fold; safety of the boating public and protection of the manatee. The proposed imposition of many miles of

"Slow Speed – Minimum Wake" restrictions in the already relatively short Flagler County ICW will force recreational boaters to relocate their activity to the few remaining unaffected portions of the Intracoastal within Flagler County. As a result there will be an increased density of so-called "fast boats" (an unnecessarily pejorative term since it encompasses any boat not fully settled in the water) in these areas. As you squeeze more and more boats into less and less space, you are almost certainly going to negatively impact the safety of the boating public.

(4) Much of the supporting data for the proposed restrictions depends on the "coincidence" of manatees and "fast boats." As mentioned above, if you impose speed limits in one area of the Flagler County ICW, you will force such "fast boats" to move to the remaining unrestricted areas. Will future studies then conclude that these heretofore unrestricted areas now have a higher "coincidence" of "fast boats" that will warrant new, additional areas for speed restrictions? Where does this stop?

Now, let me address the specific "zones" proposed by FWC staff.

Zone "B1," proposed to extend from 300' south of the Hammock Dunes Bridge to the so-called "middle cut" or Cimarron Basin residential canal in Palm Coast, should be shortened to something immediately north of the southern-most residential canal.

The data supplied by FWC shows only three (3) manatee watercraft related deaths (1990, 1995, and 1998) in this area. However, the number of perinatal deaths in the waters associated with the southernmost canal gives testimony to the fact that manatees must spend at least some time in this vicinity. The presence of the Hammock Dunes Bridge and two marinas in this area suggest that there may be a higher-than-normal number of boats present here. In an abundance of caution, a shortened slow speed zone in this area might be warranted.

Zone "D1," proposed to extend from Silver Lake southward to the Lehigh Canal, should not be designated a "slow speed" zone. There are no watercraft-related manatee deaths in this area. Public testimony from an attorney representing Sea Ray Boats, the second-largest private employer in Flagler County, has indicated that the imposition of a slow speed zone here will have a direct and chilling impact on their ability to continue their manufacturing and testing activities in Flagler County. Flagler County has the highest unemployment rate in all of Florida; we can not afford to jeopardize the jobs represented by Sea Ray!

Similarly, Zone "D2," proposed to extend from the Lehigh Canal southward to 300' south of the S.R. 100 Bridge and partially overlapping an existing "Boating Safety Zone" in the vicinity of the bridge, does not warrant a slow speed designation. There have been no watercraft-related manatee deaths in this area. There already exists a "Boater Safety Zone" in the vicinity of the S.R. 100 Bridge and the boat ramp immediately south of the bridge. This zone should be preserved.

Comments for the Flagler County LRRC
Jon Netts
Committee Member and Chair

Zone "E1," proposed to extend from 1.8 miles north of Gamble Rogers State Park is the only area where FWC staff report a significant number of watercraft-related deaths, however these deaths are clustered near the boat ramp of the Park. Consequently, the zone should be shortened by one mile such that the zone would begin 0.8 miles north of the park.

Zone "E2," proposed to extend from essentially the Volusia County line northward to Gamble Rogers Park, has no reported watercraft-related deaths and, as such, does not warrant a "slow speed" designation. Boaters traveling northward from Volusia County are already subject to a numerical restriction (30 mph daytime and 25 mph night) and are further restricted to "slow speed out-of-channel." Good regulations are marked by ease of understanding and consistency so an extension of the "Volusia County Rule" from the Flagler County line northward to Gamble Rogers might make sense.

In conclusion, regulations that are onerous, difficult to understand and contrary to reason are frequently ignored by the public. The original proposal by FWC is all of these. The Local Rule Review Committee urges FWC to support additional manatee education for the boating public. There are six public access points to the Intracoastal Waterway within Flagler County: Gamble Rogers Park, Betty Steflik Park in Flagler Beach, Herschel King Park, Bings Landing and Hammock Beach Marina, all in unincorporated Flagler County, the Palm Coast Marina in the City of Palm Coast, and a seventh access point, a redevelopment of a marina in the Town of Marineland is in the planning stage. These are ideal locations for educational signage. Instead of proposing regulations that will prove to be extremely difficult to enforce, spend some time and money educating boaters. There are a number of fishing and boating clubs in Flagler County; instead of regulations, why not a "speakers bureau?"

Jon Netts
Committee Member and Chair

Preferences for Manatee Protection Speed Zones

Jim Netherton

General Comments. The evidence seems to show that manatees primarily transit Flagler County and don't have favorite places along the ICW to stay. Resident manatees are more likely to be in the residential canal systems, particularly those around Palm Coast. I don't see any need to establish refuge areas for manatees. The main interactions between boats and manatees will be in the ICW.

I prefer to have smaller, targeted slow speed zones and not broad zones. The two places that I see a potential problem are with the three entries to the Palm Coast canals where there are a lot of manatee sightings, and the area around Gamble Rogers park where the majority of boat/manatee fatalities have occurred.

I believe it is critical to arrive at speed zones that boaters are comfortable with and will voluntarily obey out of desire to benefit manatees. I do not believe it is possible to hire enough law enforcement to make everyone slow down if they don't want to. According to Google Earth, it is about 18.5 miles from the northern to southern county line. Simple math shows that it takes nearly ten minutes more travel time for every mile that a boat has to travel at 5 mph as opposed to 25 mph. If as much as a third of the county is covered with slow speed zones, that will add an hour to a trip and I suspect cause enough resentment that boaters will see manatees as the enemy, not a species to be protected. The slow speed zones that I support will add 25 minutes to the transit time of the county. This is not good, but probably acceptable.

The other problem with broad slow speed zones is that it concentrates the recreational Flagler boaters that need higher speeds – i.e. water skiers, jet skis, and boats pulling inner tubes or other water toys. This creates more boating safety issues and in the future, when FWC repeats their aerial surveys, will increase COIN values along unregulated parts of the ICW and create a push for even more slow speed zones.

I prefer to keep the area north of the Lehigh Canal that is used for boat testing by Sea Ray generally free from slow speed zones, except for the areas around the Palm Coast canal entries. Sea Ray is a waterway user with the same rights as everyone else, and their business can be seriously and adversely impacted by overly severe waterway restrictions. I don't think it is a good idea to create an exemption from the rules for Sea Ray captains. This will foster disrespect for the laws on the part of other boaters. I believe it is better not to establish speed zones in the bulk of their test area.

I prefer to define the warm season as May to September. All speed zones should only be in effect during the warm season.

Specific Recommendations

1. Marineland and the Matanzas River. I will agree with the FWC recommendation at this time for no additional speed zone. I expect to petition the FWC for a quarter mile Slow, Minimum Wake zone around the mouth of the Marineland Marina when it becomes active. This is for purposes of boating safety.

Preferences for Manatee Protection Speed Zones

Jim Netherton

2. Palm Coast. I disagree with the FWC recommendation of a warm season 1.5 mile Slow Speed Minimum Wake zone from the central Palm Coast canal to 300 feet south of the Dunes Hammock Bridge. I would prefer to see a warm season Slow Speed Minimum Wake zone extending 1/8 mile north and south of each of the 3 entries to the Palm Coast canals. There is about 1 mile between each of these entries. In my view any of these entries can provide access to the canal system and I don't see a good way to tell if manatees prefer one to the other. However these are the only 3 entry/exit points available and it is perfectly clear that manatees like to spend time in the canals. Establishing a 2 mile Slow Speed zone from the south entry to the north entry is a little too long for boaters.

3. Fox Cut. I agree with the FWC recommendation for no speed zone.

4. Smith Creek north of S.R. 100

D-1. I disagree with the FWC suggestion. I prefer not to establish a speed zone in this area.

D-2. I disagree with the FWC suggestion. I prefer not to expand the speed zone in effect around the S.R. 100 bridge.

5. Smith Creek south of S.R. 100.

E-1. I agree with the FWC recommendation for a warm season Slow Speed zone from the Gamble Rogers basin 1.8 miles north. My reason is that this is where almost all the Flagler County manatee deaths occur, especially those during the past decade that have stirred regulatory interest.

E-2. I agree with the FWC recommendation to make the 0.7 miles from the Gamble Rogers basin south to the Volusia County line a warm season slow speed zone. My suspicion that one reason for the increased number of manatee deaths around Gamble Rogers park is that boaters that have been creeping through Volusia County are finally able to get back on plane and go fast again. They may be so eager to get back up to speed that they are not careful to look for manatees in the area.

VIRGINIA TEE VOTE RATIONALE

Zone	My Vote	Reason
A	Modification – Slow Speed Out of Channel	Manatees spotted around docks frequently. Data shows a heightened level of Fast Coin (1.109) due to a large group of manatees travelling through area. ICW is wide enough to support a buffer zone that will not interfere with channel traffic.
B1	Modification – Weekend Only	Primarily the greater incidence of boats and of planing boats in the area is on the weekend. Otherwise the data does not support a zone in this area in my opinion.
Fox's Cut	Modification – Weekend Only	High Coin and Fast Coin data (higher than B1). Primarily the greater incidence of planing boats occurs on the weekends.
D1	(Aye) For FWC Recommendation	High warm season Coin and high density of manatees.
D2	Modification – Slow Speed Outside of Channel	Coin and density are lower for D2 than D1. D1 and D2 would be a very long contiguous slow speed zone. Channel is wide enough to support a small buffer here.
E1	(Aye) For FWC Recommendation	High Coin and Fast Coin and high density of manatees.
E2	(Aye) For FWC Recommendation	High Coin and Fast Coin and high density of manatees.
Warm Season	May - September	Data shows the highest density of manatees and a corresponding high mortality rate during these months.