

NOTICE OF PROPOSED RULE

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
Manatees

RULE NO: RULE TITLE:
68C-22.028 Flagler County Zones

PURPOSE AND EFFECT: The purpose of the proposed rule is to add a manatee protection zone on a half-mile section of the Intracoastal Waterway (ICW) near Lehigh Canal, as requested by Flagler County. The effect of the rule would be to extend the existing shore-to-shore seasonal Slow Speed zone approximately 0.5 miles farther north. Additional information is available at: <http://myfwc.com/wildlifehabitats/managed/manatee/rulemaking/>.

SUMMARY: The proposed rule would redescribe the boundary between an existing shore-to-shore seasonal Slow Speed zone and an existing "east of ICW" seasonal Slow Speed zone such that the boundary is approximately 0.5 miles farther north than its current position.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this rule will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the nature of the rule and the preliminary information and analysis conducted to date. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 379.2431(2), FS
LAW IMPLEMENTED: 379.2431(2), FS

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: April 13-14, 2016, 8:30 a.m. daily
PLACE: Wyndham Grand Jupiter at Harbourside Place, 122 Soundings Way, Jupiter, FL 33458

This hearing will be a part of the regular 2-day meeting held by the Commission. The Commission is expected to make a final decision on the rule at the meeting. The agenda for the full 2-day meeting will be available at: <http://myfwc.com/about/commission/commission-meetings>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 5 days before the meeting by contacting the FWC at (850) 488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68C-22.028 Flagler County Zones.

- (1) No change.
- (2) The following zones are established, which include all associated and navigable tributaries, lakes, creeks, coves, bays, backwaters, canals, channels and boat basins, and other waterways unless specifically excluded or

otherwise designated for more restrictive regulation. As used in this rule, ICW means the Intracoastal Waterway. Coordinates used in the descriptions of zone boundaries are referenced to the North American Datum of 1983 (NAD83) using the HARN Florida GDL Albers projection.

(a) SLOW SPEED (May 1 – September 7)

1. No change.

2. ~~North of Lehigh Canal Area – All waters of Lehigh Canal; and those~~ waters east of the ICW channel south of a line that bears 70° through Red ICW Channel Marker “6” (approximate latitude 29° 30’ 50” North, approximate longitude 81° 09’ 00” West) and north of a line that bears 70° from a point (approximate latitude 29° 29’ 5936” North, approximate longitude 81° 08’ 4132” West) on the western shoreline of the ICW approximately 500 ~~1,800~~ feet north south of Lehigh Canal, ~~including all waters of the waterbody east of the ICW in the vicinity of Green ICW Channel Marker “13”;~~

3. ~~Lehigh Canal to State Road 100 Area – All waters of Lehigh Canal; and all~~ waters, including in the ICW channel, south of a line that bears 70° from a point (approximate latitude 29° 29’ 5936” North, approximate longitude 81° 08’ 4132” West) on the western shoreline of the ICW approximately 500 ~~1,800~~ feet north south of Lehigh Canal and north of a line that bears 70° from a point (approximate latitude 29° 28’ 34” North, approximate longitude 81° 08’ 12” West) on the western shoreline of the ICW approximately 500 feet south of the SR 100 (Moody Blvd) Bridge; and,

4. No change.

(b) No change.

(3) No change.

Rulemaking Authority 379.2431(2) FS. Law Implemented 379.2431(2) FS. History–New 6-13-12, Amended _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 4, 2016