

Date: June 14, 2001

To: Manatee Subcommittee

From: Captain Denni's Kirk and Joe Fleming

PROPOSED MANATEE PROTECTION PLAN - PEACE RIVER,
MYAKKA RIVER AND NORTHERN CHARLOTTE HARBOR (north of
Alligator Creek)

Our committee has studied manatee reports published by the State of Florida Fish and Wildlife Commission (FWC) and Florida Department of Environmental Protection (FDEP). These reports go back to 1974. Additionally, the manatee protection plans for the City of Punta Gorda and for Lee County were also researched. This proposal has been discussed with personnel from FDEP, FWC, Charlotte Harbor National Estuary Program Technical Advisory Committee and Citizens Advisory Committee (CHNEP-Charlotte Harbor Environmental Center (CHEC) over 40 property owners and canal maintenance organizations', 3 boating clubs and several members of the Marine Advisory Committee (MAC). To date, no adverse comments have been received. Some changes have been made to this proposal because of public input. Many have expressed concern that this plan should be adopted 'in its entirety, not piecemeal. We believe this plan will benefit manatees, boaters and waterfront property owners of Charlotte County, and would be acceptable to all parties.

BACKGROUND DATA

- A manatee zone is normally an area where watercraft speed is restricted.
- A manatee refuge is an area in which watercraft activities are regulated, such as "no motor" zones.
- A manatee sanctuary is an area in which all human activity of any kind is prohibited.
- When threatened, manatees will normally dive for protection. They can do this very quickly (Pitchford/State of FL). That is why all manatee prop scars appear on the dorsal (back) side of these animals and none are on the ventral (front/lower) side.
- Currently, almost all dredging permits are issued only to the historic depth of the channel and no deeper. As an example: if the historic **depth of a canal or** river channel is only 5 feet, the permit will be limited to a 5 foot depth for dredging. An eight-foot depth is recommended for manatee clearance.
- Seagrasses and other vegetation **will** not normally grow below 4 feet deep 'in the Peace or Myakka rivers due to a lack of sunlight penetration.
- FDEP/FWC counted a minimum 3276 manatees in Florida in January 2001.

- The *MANATEE TRUST FUND* took 'in over \$4.7 million dollars last year, at least \$2.2 million of which was from the sale of manatee license plates.
- Manatees have been *in Florida since before Columbus. Although some animals were moved 'in an attempt to control vegetation, they are native to the state.
- Florida manatees (West Indian Manatees/ *Trichechus manatus*) are not the last manatees 'in the world. This species exists throughout the Caribbean and Gulf of Mexico. Other sub species of manatees are found in Central and South America, Africa, and the Far East.
- Aerial studies have shown a tendency for manatees to utilize the shallow perimeters of large bodies of water. (Frohlich, et al., in prep Hartman: Irvine & Campbell; Nabor & Price)
- Observations by field personnel *involved 'in marine mammal rehabilitation indicate that, in general, distressed manatees appear to seek out calmer waters, and that the high proportion of deaths in the Peace and Myakka Rivers of these animals may be attributed to their having sought these tranquil environs as a safe haven after being injured.(Weigle & Haddad). This would explain why, while the Peace River represents only 9.5% of manatee sightings, it accounted for 45.4% of manatee mortalities in the area.
- **While it is true that manatee deaths are on the rise, the other side of that equation** is that the manatee population is also on tile rise. Over the past 27 years, the minimum manatee **population count has** grown an average of 5.5% per year.
- The number of watercraft related manatee deaths reported each year has consistently averaged less than 25% of the total manatee fatalities.
- Policy6.5:(9J-5.012(3)(b)l,p.49-50), StateComp.Plan 187.201(9)(b) 4,6,7,F.S. Local government shall include provisions 'in the Land Development Regulations which require that new marinas conform to the following criteria: 1) Manna construction *in highly productive habitats such as wetlands, seagrass meadows, and oyster reefs (or where irretrievable loss of coastal resources could occur) shall be avoided if at all pøssible. Where marina construction in such areas is unavoidable, use of the manna by the general public for the public good shall be such as to offset the loss or disturbance of the productive and sensitive areas. 2) Wet slip marinas shall be discouraged *in Class I waters or Class 11 conditionally approved shell fishing waters. ...

- Over the 27 year period 1974-2001 the number of manatee deaths caused by watercraft has remained constant, at an average of 3.5% of the total manatee population each year.

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Recommendation #1) Establish a standard dredge depth of 8 feet below MLLW for all channels in the county, or as deep as possible without endangering the seawalls. This would include, but is not limited to, all canals, the Peace River below the county line at Heron's Cove, the Myakka River below marker # 16 (county line), **and ensure that all communities have an 8 foot deep access channel from their docks/canals to the main channel of the Peace or Myakka Rivers or the harbor as appropriate** (ie: an 8' deep channel through Jim Long Lake from the Peace River Shores community to the 8 foot deep channel of Hunters Creek to the 8 foot deep channel of the Peace River). The width of these channels should allow two boats to pass safely, and should be properly marked and be either reflective or lighted for safety (see US Coast Guard Standards). This will allow enough room for manatees to dive when endangered. A 3 foot diameter manatee requires more depth than is currently provided to avoid prop scars and blunt trauma, injuries. Fast moving boats generally do not exceed 3.5 feet in draft. Deeper draft vessels are mostly sailboats and trawler types that do not exceed 10 knots. In many cases the channels would only require spot dredging to maintain an 8 foot depth and in some cases where the width of the waterway is less than 50 feet, a depth of 7 or 6 feet may be all that can be attained without endangering seawalls. This recommendation will also Minimize seagrass bed scoring, thus preserving habitat for the manatees.

Recommendation #2) Education. Have local boating courses teach manatee protection and include handouts. Issue manatee protection information handouts with boat and fishing licenses. Post displays at boat ramps, marinas, bridge channels,etc., warning of manatees in the area, showing speed zones and a photo of manatee "tracks" on the water. Make these education materials available to county schools, boat clubs, fishing clubs, canal maintenance associations and property owner organizations. (Note: the State or Brevard County has made a CD for this purpose.)

Recommendation #3) Purchase undeveloped and adjacent to the rivers and harbor, to be kept as wild areas. This will provide natural quiet zones for manatees and fish, as well as filter runoff surface water.

Recommendation #4) Establish a NO WAKE/IDLE SPEED ZONE extending 150' out from the shores of the Peace and Myakka Rivers (high water mark) to protect seagrass and manatees EXCEPT WHERE THE CHANNEL OF THE RIVERS INFRINGES UPON THIS ZONE (Example: infringement exists west of the second marker "4" under the south FPL power lines at Deep Creek on the Peace River; the water 10 feet from shore is 18' deep). **These manatee no wake zones should be established below Marker #16 (county line) on the Myakka River, below the county line at Heron's Cove on the Peace River and include Shell Creek above the Seminole Gulf Railway trestle, Hunters Creek, Whidden Bay(Bay Harbor), Alligator Bay (the Beach Complex), the fishing hole just east of the 1-75 bridge north of Bird Key, the anchorages just east of the US-41 bridge on the north shore of the Peace and, with the concurrence of the City of Punta Gorda, the**

areas off Gilchrist Park, the marinas at Lashley park, the hotel docks in Punta Gorda, and Fisherman's Village, plus all canals. (Note: the city of Punta Gorda already has an approved manatee protection plan that establishes a no wake zone from the shore out to a 6 foot depth.) Signage would be required at least every 500 yards on each shore and at critical points such as the entrances to Hunters Creek. Thought was given to establishing these zones for only part of each year, but since they serve the dual purpose of protecting the shoreline, docks, boats and property, it was suggested that these restrictions remain in effect all year. This also simplifies understanding and enforcement. Note: There are no manatees 'inside the lock at South Gulf Cove.

Recommendation #5) Increase law enforcement for these and other marine regulations within the county. There are presently only 6 Florida FWC Officers operating within Charlotte County on marine patrol. Allowing for weekly days off and vacations, this leaves only two officers on duty at any one time, and that is without any staffing on the midnight shift. These boating channels will have to be marked and patrolled for debris and crab traps that are illegally in the channels and are hazards to navigation. The patrol force will have to be at least tripled for adequate enforcement.

FINANCING THE PROPOSALS: The Manatee trust fund took *in over \$4.7 million in the year 2000, and is currently estimated to total about \$14.5 million. These funds should be used to pay for the above required dredging, land purchases, signage, signage maintenance and enforcement. The boaters are already contributing to this cause and we do not recommend increasing their burden for this purpose. Manatees are everyone's responsibility, not just boaters.