

TALKING POINTS FOR COMMUNICATING WITH FWC COMMISSIONERS

Please pick one or two of the following points to use in contacting the FWC Commissioners. Your email will have more impact if it is short and to the point.

These points emphasize the objectives of protecting manatees and seagrasses, avoiding references to inappropriate boating practices (although we know they exist!!). This is to encourage regulation of boat speeds in Clam Bay on the basis of environmental protection, rather than on the basis of boating safety which is outside the scope of the manatee protection rule.

Contact info for the FWC Commissions appears at the end. Use "Collier County Rule" in the subject line. We would like them to establish a slow speed zone in Outer Clam Bay under the manatee protection rule for Collier County. Currently, Vanderbilt Estates to the north is covered by the rule, and Moorings Bay to the south is being recommended by FWC staff to be included, but not Clam Bay.

1. Manatee usage of Clam Bay is similar to other areas covered by the manatee protection zone rule.

The presence of manatees in Clam Bay, particularly in the April-October season, has been documented by sources including Collier County's 1995 Manatee Management Plan and FWC's 2006-08 survey, as well as sightings by people who frequent Clam Bay and Clam Pass. FWC's 2006-08 survey found the density of manatees in the southern part of Clam Bay to be the highest in the North Region of Collier County which includes Wiggins Pass, Vanderbilt Lagoon, and Moorings Bay, three areas FWC staff is recommending as Manatee Protection Zones.

2. Regular maintenance dredging means manatees will continue to enter Clam Bay.

Clam Pass has been kept open, except for a few months in 2013, and dredged at regular intervals since the Clam Bay Restoration and Management Plan was implemented in 1998. Ten-year dredging permits with design depth of -4.5 to -5.5 feet NAVD provide safe passage for both manatees and boats in Clam Bay.

3. Boating risk has increased in recent years and is comparable to other areas that are already covered by the manatee protection rule or proposed to be covered.

The number of docks in the Seagate neighborhood bordering Outer Clam Bay has increased from 34 reported in 1995 to 69 today, per a count made by kayak in December 2016. This makes the dock density of Outer Clam Bay 1.0 docks per acre (69 single family docks with access to the 0.66 acres of Outer Clam Bay), very similar to Moorings Bay's dock density of 1.2 docks per acre (some 300 single family docks, per FWC's staff report, accessing 254 acres of waterway). The increased number of docks with access to Outer Clam Bay has increased the risk to manatees to a level comparable to Moorings Bay, once the size of the waterways are taken into account.

4. Prior protections have been eliminated.

- a) From 1996 to 2009 Clam Bay was an idle speed/no wake zone, per Collier County Ordinance 96-16, enacted to protect manatees after Clam Bay was included in the 1995 Collier County Manatee Protection Plan. Thus Collier County's commitment to protect manatees was made more than 20 years ago. A change in State law in 2009 made the speed restriction unenforceable.
- b) Boats have always been used in Clam Bay and will continue to be used. Since the 2009 change in State law made the prior speed restrictions unenforceable, there has been an upsurge in high-speed boat activity in Outer Clam Bay, the part of the system where seagrasses and manatees are found.

5. As a conservation area, Clam Bay merits more, not less, protection.

Clam Bay was designated a Natural Resource Protection Area by Collier County in 1995. Among its unique resources are manatees and seagrasses. Despite this status, FWC's proposed rule change for Collier County would leave Clam Bay as the only water body in the North Region of Collier County without protection for manatees, even though FWC's 2006-08 survey found manatee density in the southern part of Clam Bay to be the highest in the northern region of Collier County. Present patterns of high-speed boat activity in a conservation area with manatees and seagrasses are not consistent with conservation principles, nor with Florida's Manatee Management Plan that calls for preservation of manatee habitat.

6. Boating speed restrictions in Clam Bay are needed to protect seagrasses, manatees' prime food source.

- a) Collier County's 1995 Manatee Protection Plan reported that Clam Bay "contains some of the best seagrass beds in the northern part of Collier County" (p. 53). Regular environmental monitoring of Clam Bay over the subsequent 22 years continues to document the persistent presence of seagrasses in Outer Clam Bay and connecting waterways to the Gulf. This habitat merits protection. The Florida Manatee Sanctuary Act authorizes FWC to adopt rules that protect manatee habitat from destruction by boats and other human activity.
- b) The type of high speed boating activity that is occurring in Outer Clam Bay is particularly detrimental to sea grasses and wildlife because it consists of intense recreational usage in the confined area of Outer Clam Bay, rather than traversing to the Gulf. It is not a matter of ensuring safe passage, such as boating safety regulations provide, but rather protecting the natural resources. The intense boating activity creates turbidity that smothers seagrasses and blocks light. It is damaging to manatee habitat as well as presenting risk to the animals themselves.

7. Special local enforcement powers exist.

Per Collier County Ordinance 2013-19, the Pelican Bay Services Division (PBSD), a dependent Municipal Service Taxing & Benefit Unit, has responsibility for the maintenance of Clam Bay and for advising the County on dredging and maintaining Clam Pass. Per County Ordinance, PBSD also has the power of extraordinary law enforcement which could be used to help agencies enforce speed restrictions in Clam Bay.

8. There is overwhelming local support for including Clam Bay under the Manatee Protection Rule.

- a) In 2016 Collier County's Local Rules Review Committee, comprised of one boating advocate and one manatee advocate from each of the five districts in the County, voted 7-2 to recommend that Clam Bay be designated a Manatee Protection Zone with idle speed. This recommendation of these citizens who regularly use and know the waterways of Collier County should be followed.
- b) Per Collier County's website, the number of comments submitted by the public during the Local Rule Review Committee process that were in support of designating Clam Bay a manatee protection zone (MPZ) was 18, while the number opposed was one. Per the video of the public hearing in Collier County on January 31, 2017, the number of speakers who supported designating Clam Bay as a MPZ was 28 while the number opposed was two. Documents submitted to FWC about the Collier County rule do not appear to be available via FWC's website. However, the FWC staff report for the FWC meeting on April 19 and 20, states that 41 written comments have been received since January 10, a majority related to Clam Bay, and that "a few comments" opposed a MPZ in Clam Bay. Thus it appears that in all three cases, more than 90% of the documents/comments received were in support of Clam Bay being designated a MPZ. The FWC should not require unanimous support when broad support is clearly evident.

9. Risk considerations justify including Clam Bay in the manatee protection rule as a speed-restricted zone.

- a) Advocates for Clam Bay have proposed to FWC staff that only the highest risk area, namely the southern part of Clam Bay from Clam Pass to Outer Clam Bay, be designated a Manatee Protection Zone (MPZ) with slow speed. The Local Rule Review Committee had recommended that all of Clam Bay be designated a MPZ with idle speed. This compromise protects manatees and would still allow boats from the Seagate neighborhood on the southern border of Clam Bay to get to the Gulf of Mexico in about seven minutes.
- b) The manatee and boat data presented on page 6 of the FWC staff report for the meeting on April 19 and 20, 2017 do not take into consideration the size of the waterways. For example, Outer Clam Bay is about 66 acres and Moorings Bay is 254 acres. Per the 2006-08 FWC survey, manatee densities in Outer Clam Bay and Moorings Bay are .44 and .27, respectively, showing higher density in Outer Clam Bay than Moorings Bay, although only Moorings Bay is being recommended for regulation. Not only manatee density, but the number of manatee observations is higher for Clam Bay than for Vanderbilt Estates, a larger waterway that is already included as a manatee protection zone with speed restrictions. Clam Bay merits comparable protection as these other neighboring areas.

Florida Fish & Wildlife Conservation Commissioners

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Please take action by April 14 to protect Clam Bay from excessive boating speeds that harm wildlife!