



CITIZENS FOR FLORIDA'S WATERWAYS

Vol. 16 - Issue 1

January/February 2010

Citizens For Florida's Waterways promotes public access to and the responsible use of Florida waterways, coexistence among recreational and commercial boaters, marine industry, property owners and the marine environment. CFFW advocates education in the safe use of watercraft with consideration of our environment.

5067

by Daniel Dvorak

In case you hadn't heard, every documentary ever made about manatees is now hopelessly out-of-date. You know how they all go—somewhere in the first few paragraphs or first few minutes of narration is a statement that there are only 2,000 or 3,000 manatees left. Having never heard of a documentary claiming 4,000 manatees, I'm left thinking that manatees have leap-frogged the naysayers and procreated their way past 5,000!

Back in the 90's it felt a little strange to think that the manatee population was actually growing. Having just become involved with CFFW, I didn't want to seem like a whacko talking about manatees when the public was

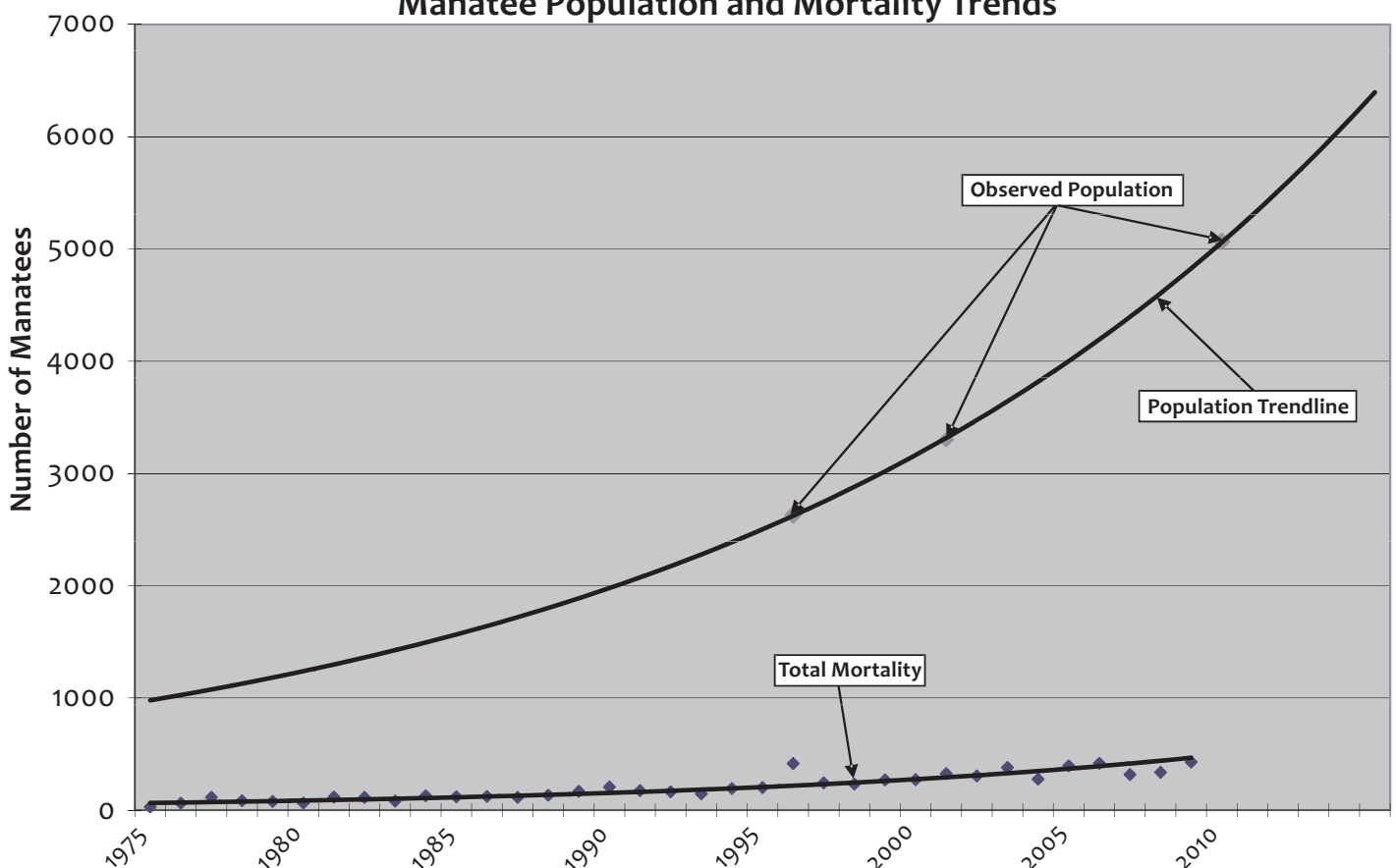
inundated with articles claiming manatees were headed for extinction and boaters were to blame. But Tom McGill's analysis of the numbers and the biological research clearly pointed to a growing population.

Here's what we know: About half of all manatees are female and about one third of those females are pregnant at any given time. Females become reproductive around age five and produce offspring every 2-5 years. The folks over at Club Manatee also like to point out that male manatees don't take part in the fun until they're 9 years old, but I think it's safe to say that if there's a willing female, there are plenty of willing males, even if they're older.

The graph Tom put together shows a curve fit through three of the highest manatee counts on record. Because manatee surveys depend heavily on weather conditions (you need a long cold spell followed by a calm, sunny day to ensure most of the manatees are at power plants and springs) they're somewhat hit or miss.

(continued, please turn to page 4)

Manatee Population and Mortality Trends



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2009 Merritt Island Christmas Boat Parade



Luck was on our side Saturday evening, the running of the 24th annual Merritt Island Christmas Boat Parade. The temperatures were cool but not cold, the wind had calmed down and the skies were clear. The colored lights from the boats reflected off of the slightly rippled water to form a picture perfect Christmas card scene. The Sykes Creek Causeway was lined with cars filled with people hoping to catch a glimpse of the decorated boats. Over fifty captains and their crews came out to join in the festivities and show off their decorated vessels. You could see the excitement in the faces of the spectators and participants alike.

Kim Gaier and her Marine-Max crew had a difficult time figuring out whose boat, decorated to the theme of "A Red Neck Christmas", was the best. Everyone did such a fabulous job decorating. This year's first place for the best decorated boat goes to Peter Thurston of Merritt Island, second place was Bret Martine of Merritt Island and third was Wendell Newson also from Merritt Island. The most uniquely decorated boat was Don Walls also from Merritt Island. Congratulations to all.

A special thanks goes out to our parade leaders: Sheriff's Deputy Gary Anderson, and Grand Marshall's Kenny & Linda Buback. I'd also like to thank **Marine Max, Merritt Island Executive Council, Citizens For Florida's Waterways & Catalina Isles/Skylark Homeowner's Association** for the prize money and gift certificates. I'd like to thank all the captains, crews and spectators who always make this one of the most enjoyable Christmas season traditional events. See you-all next year. Kim Johnson ♦

2009 Merritt Island Christmas Boat Parade Winner



Here's a picture of this year's winning boat, decorated by Pete Thurston. The "Christmas tree" is beer cans glued together to form the tree with white lights and a color wheel that used to be used on the old aluminum trees back in the 60's, with a bug zapper on top. Pete starts working on his boat as soon as CFFW published what the theme for the parade was going to be, usually sometime in October. He had everyone he knew collecting enough cans to make the tree. ♦

Government Manatee Regulations Creating Disaster

by Scott Ellis

State and Federal Environmental Regulators, in conjunction with their 'non-profit' brethren, have set the stage for a series of massive manatee die-offs in the coming years.

The Indian River is now expected to sustain year round manatee populations in excess of seasonal populations hosted before the building of the power plants in Port St. John decades ago. The warm water discharges have changed the migratory patterns of the manatees (thank you, Jim Waymer, for a very honest article) such that they never leave Brevard County. Rather than guests they're now residents.

With that year long residency comes appetites now fed all year rather than part of the year. Fundamentally the State and Federal regulators, in maintaining the artificial numbers and artificial season, have turned a migrating animal into a domesticated herd animal.

Now over the years this has been a shaky balance as long as the manatees are able to move around the lagoon looking for food. However, when you have cold snaps they migrate to the power plants and canals for warmth. Even so, they can only last so long before they need food, and if the water has yet to warm, they're hammered by the cold and may die.

Bizarrely, in a classic case of Death by Environmentalism, the Green Manatee Authorities forbid 'artificially' feeding the manatees. The herd is rounded up and left to die when they've eaten the food out of their limited warm water discharge pasture.

I find this to be no accident. Manatee and Sea Grass experts on state and federal payroll for years cannot figure out what they should be fed, or how many grazers the Indian River can support and for how many months each year? Nope, I do not buy it. If the environmentalists goal was to save the lives of manatees we'd already be feeding those corralled by the power plants.

Now they will say that feeding may ruin manatees' ability to forage on their own, but this is pure crocodile tears when there is no compunction about maintaining

warm water discharges without a power plant to deliberately keep the manatees from migrating south.

After a major die-off 20 years ago, a good friend (who is a marine biologist) told me the reason so many died in that cold snap was they were underweight and undernourished, mainly due to too many animals without enough food. Their body fat was low and thus their insulation from the cold, and in the twenty years hence we've compounded the problem with even more manatees in the river. The large numbers of juvenile can probably be traced to the fact the carrying capacity of the Indian River Lagoon for manatees has been greatly exceeded.

Such widespread weakening of the herd does not result just in single deaths here and there, but leads to massive die-offs when the sick and weakened herd is subjected to extreme stress, such as right now with this long cold snap. It is amazing so-called scientists watch the same phenomena in deer and elk populations yet deliberately behave as if manatees are immune to such a population collapse.

My belief is, like the DEP issuing permits to 'take', i.e., bury, gopher turtles, those whose paycheck depends on a shortage of manatees fully support 'thinning the herd' when it appears their numbers may ruin their Endangered Species listings, and with it millions of dollars in taxpayer subsidies for studies and monitoring.

SEA\\TOW of Port Canaveral

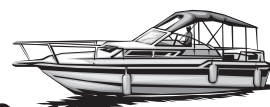
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Webster's Wrap-Up by Steven Webster

2010...Shortly before Christmas, Peggy Mathews (Peggy has been our governmental representative – lobbyist – for a few years now) and I ran into Nick Wiley, the new Executive Director of Florida Fish & Wildlife Conservation Commission.

This happened in a Publix on the edge of Tallahassee. Nick was in full camo gear, picking up a few deli items before heading out for a week of hunting. He said, "I'm following in Ken Haddad's footsteps. This is my first week as Executive Director, and I'm taking it off to go hunting."

This is important for a few reasons, name-dropping aside. For one, Nick is a good guy; nice, fun to hang with. He's smart, yet doesn't take it so seriously. And most important, he's a sportsman. He hunts, he boats, he fishes.

His predecessor, Ken Haddad, is like that, too. But, also like Ken, Nick Wiley will be bedeviled by rules, laws, and politicians who just plain block the path toward a reasonable coexistence between man and the marine environment.

Why? Because politicians don't see boaters as an important political group.

I know as a stone cold fact how angry Ken was over the manatee classification fiasco. I know how frustrated he has been over his own staff's failure to develop (with us) a speed zone effectiveness model.

Not that Ken was on Tom McGill's Christmas card list. Ken had deep reservations about Dr Gerstein's alarm, and was a skeptic about James Woods' forensic pathology method. But on balance, Ken moved FFWCC in the right direction and would have gone much farther if politics hadn't trumped science.

I admit I don't know where Nick stands on these issues. I do intend to find out!

(For what it's worth, Nick lives literally just around the corner from Peggy. Her dog Chunk frequently found his way to Nick's yard.)

But: so what? Can our good relationship with FFWCC – and FWS, the Federal Fish & Wildlife Service – make more of a difference in 2010 than it did in all these years past?

Honest answer: I dunno. Because of CFFW, there is a lot more good science out there than ever. CFFW is here for the long haul. It's an amazing organization. We have stopped the destruction of family recreational boating, but too much is still wrong!

If you're making New Year's Resolutions for 2010, add this one. Recruit a new CFFW member.

In 2011, I'd like my answer to the question: will our good relationship make a difference be: hell yes! ❖

All my best to you in 2010. Steven

Dates of Interest For The Membership

Brevard Marine Advisory Council

Meets every 3rd Thursday at the
Brevard County Government Center
Space Coast Room, Building C,
2725 Judge Fran Jamieson Way, Viera
(321) 633-2016

Brevard Comprehensive Maritime Management Master Plan (CM3P)

Meets every other Wednesday at 5pm
Brevard County Government Center,
Room 219, Building A
2725 Judge Fran Jamieson Way, Viera
(321) 633-2016

5067!

by Daniel Dvorak
(continued from page 1)

This year's weather was perfect for counting so we got a good number. If it's warmer next year, or still windy after the cold snap (hampering visibility), the spotters may only find 3,000 manatees, but you'll know that 2,000 didn't die, so it's not skewing the data to pick only the highest counts.

The graph shows exponential growth in the manatee population. Show this chart to your elected representatives. Tell them that manatees are doing fine and we're ready to start taking down some of those slow-speed zone signs.



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Sell CFFW!

Since 1994, Citizens For Florida's Waterways has been campaigning on behalf of boaters in Brevard County. We attend every hearing and workshop, send representatives to Tallahassee, meet with boating interests in other parts of Florida, and worked to organize Florida's first statewide boating coalition, Standing Watch. We've written letters and columns in the Florida Today and Boat US magazine, have been interviewed for dozens of articles in several newspapers, and have been interviewed on-camera by several television news stations.

When we introduce ourselves to someone new, they usually ask something along the line of "are you for boaters or manatees?" It's a reasonable question because of the way the issue is commonly framed in the press, but the answer is simple: Citizens For Florida's Waterways exists to promote a reasonable coexistence between man and the marine environment. We work to preserve the environment in a way that will allow us to enjoy it while assuring that our children and grandchildren will be able to enjoy it in the future.

Our board of directors includes members who spend many hours per week studying trends in manatee population, births, mortality and disease. That's why we weren't surprised when 3276 manatees were counted statewide in 2001, 40% more than the previous high count and six times the estimated population in 1972. In fact, we publicly predicted that record count months ahead of time and were asked by the Fish & Wildlife Conservation Commission how we could have known. We knew that the bitter cold that year would force most manatees to the warm water discharges, and the clear, calm weather would allow a good count. We studied the increases in natural manatee mortalities and other factors over the years and concluded a healthy population growth rate of over 5 percent. We also weren't surprised by the lower count in 2002, hampered by warmer weather, or the record counts on the east coast in 2003.

One of our associates studied the mystery of propeller wounds and derived a relationship between the spacing of those wounds and the sizes of boats that couldn't have caused them. He further refined his model to show which way the vessel was traveling with respect to the animal, and the approximate size of the propeller. Whale researchers in Europe and dugong researchers in Australia are now applying his findings to their own work.

In 2001, CFFW helped raise \$45,000 to fund a study of underwater boat noise by the world's foremost expert in manatee hearing, Dr. Edmund Gerstein. That study confirmed Dr. Gerstein's long-held belief that manatees

are unable to hear slow-moving boats until they are dangerously close, but can hear fast-moving boats while they are still at enough distance to let them avoid the boat. The use of Dr. Gerstein's patented sound-producing device may one day make pervasive slow speed zones a thing of the past.

Also in 2001, five members of CFFW filed an administrative challenge to stop the massive new slow speed zones passed by the Florida Fish & Wildlife Commission. Joined by attorneys from Standing Watch, the city of Cocoa Beach, the city of Titusville, and Sea Ray Boats, we showed how the Commission failed to follow their own rules when creating the new zones. Shortly after losing that challenge, CFFW raised \$25,000 and hired a prestigious Tallahassee law firm to appeal the decision. Ultimately, the appellate court decided not to get involved in this contentious issue and issued a per curiam decision upholding the state's actions.

We continue to grow our club and work toward reasonable regulation of our waterways. We invite you to join our club, or just attend one of our monthly meetings. Visit cffw.org for more information. ♦

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We Manatees in 2009? By “Stats” and Captain Tom McGill

It looks like the wildlife agencies, Federal (USFWS) and State (FWC), as usual, won't make the effort to properly analyze the 2009 manatee mortality data in a timely manner, so let's have "Stats" the manatee speak for them.

This past year was another interesting year for us manatees. It was the highest year for total manatee mortality of **429**, surpassing 2006, when 417 of us died. However, unlike 2006, which had 62 Red Tide deaths, this year there were only 10. The FWC doesn't seem to have the slightest idea of how to address Red Tide or how to protect us from it even though Bob Rigby has offered them a solution which he invented, tested and patented. Just like some other problem areas the FWC always think it knows best. Why do the FWC and FWS ignore good science?

This year we lost a record 114 of our dependent (perinatal) calves. The FWC doesn't seem to know why. I don't believe they are even studying the issue, and that's a shame. The only thing they seem to know is how to put up those dumb, ineffective Slow Speed Zone signs. That money could be better spent on research and understanding how to better protect us.

Let's look at several counties for this past year where many of us lived and some of us died.

Selected Counties and State Manatee Mortality Totals for 2009

County	Water craft	Gate/ Lock	Other Human	Dep. Calf	Cold Stress	Nat.	Und.	Total
Brevard	7	2	2	48	13	9	26	107
Collier	5	0	0	4	7	2	9	27
Ind. Rvr.	2	0	0	5	3	2	6	18
Lee	19	1	1	11	5	5	18	60
Sarasota	4	0	0	7	0	1	5	17
Volusia	4	0	1	12	6	0	8	31
All Counties	<u>97</u>	<u>5</u>	<u>7</u>	<u>114</u>	<u>56</u>	<u>37</u>	<u>113</u>	<u>429</u>

All data derived from FWC/FWRI database

Some interesting observations can be made from Above Table:

- ♦ Of 43 counties with recorded manatee deaths, these six account for 61% of total mortality in the state.
- ♦ These same six counties account for 42% of the mortalities attributed to collisions with watercraft.
- ♦ Brevard County had 42% of all the Dependent (Perinatal) Calf mortalities in the state, but only 25% of the total mortality. Why is perinatal so high and growing at an increasing rate? Could this be a sign of the manatee reaching its carrying capacity in Brevard and elsewhere, or is it because a significant percentage of manatees no

longer migrate but stay at the power plants?

- ♦ Watercraft-related mortality was 23% of the total, consistent with historical average. Tell me again, how those slow speed zones are helping to protect us manatees by reducing watercraft-related deaths.
- ♦ Brevard County and Lee County have the largest number of total mortalities, yet Brevard has 2.4 times the perinatal rate of Lee County. Interestingly, Volusia County had a perinatal mortality rate that is only 6% less than Brevard County.

Let's look at how the 2009 mortality status compares with the past 4 years:

Florida Manatee Mortality Annual Totals

Year	Water craft	Gate/ Lock	Other Hum	Dep Calf	Cold Stress	Nat.	Undet. Unrec	Total
2009	97	5	7	114	56	37	113	429
2008	90	3	6	101	27	34	76	337
2007	73	2	5	59	18	82	78	317
2006	92	3	6	70	22	81	143	417
2005	79	6	8	89	31	89	94	396

All data derived from FWC/FWRI database

Additional observations can be made:

- ♦ 2009 total manatee mortality exceeded last year by a significant amount (27%) which can be attributed to several things: increased manatee population, increased perinatal deaths, and increased cold stress mortalities due to colder water conditions.
- ♦ The increased mortality numbers shown in the above chart are indicative of a growing manatee population, but the disproportionate increasing perinatal mortality in 2008 and 2009 may be attenuating the overall growth rate.

There are three things that really bother us manatees: 1) the Red Tide continues to kill a lot of us even though Bob Rigby has patented and tested a solution which the agencies ignore; 2) too many of our babies die, and the agencies don't know why; 3) the agencies continue to ignore the scientific research of Dr. Edmund Gerstein, who also has tested and patented a solution which amazingly has worked 100% of the time in field tests by alerting us to get out of the path of oncoming vessels. His approach works!



STATS

Brevard County Comprehensive Maritime Management Master Plan Goal-specific Working Groups

For approximately three years the citizens of Brevard have been working to develop a comprehensive plan to balance the ecological, economic and recreational aspects of our waterways. After a great deal of effort by hundreds of interested parties, the CM3P outline was approved by the County Commissioners.

Next, working groups will meet approximately 8 times over 4 months to develop solutions toward each of the 13 goals in the plan. The first four goals to be addressed are listed below. If you're interested in participating in a Goal-Specific Working Group, please submit your name and background to the coordinator.

Goals

_____ **Manage Land Uses to Safeguard Waterway Environments & Ecosystems, Goal IC**

_____ **Preserve and Increase Waterfront Destination Opportunities Accessible by Land and by Water, Goal IIC**

_____ **Foster Awareness and Stewardship of Coastal Environments & Ecosystems, Goal ID**

Each goal will be evaluated to develop solutions that provide a balanced ecological, economic and recreational outcome. See the CM3P outline for the Goal specific topics to be addressed in these working groups.

Please describe your background interest and/or expertise as related to the CM3P goals to include ecological, economic or recreational components:

Name: _____

Email: _____

Phone number: _____

Mailing address: _____

For more information, contact Matt Culver by phone at 321-633-2016 or by email at matt.culver@brevardcounty.us.

To volunteer for a working group, return completed forms to Matt Culver:

- ☐ Email: matt.culver@brevardcounty.us
- ☐ Fax: 321-633-2029
- ☐ US mail: Matt Culver
2725 Judge Fran Jamieson Way, Suite 219, MS 81,
Viera, Florida 32940.

Go to http://www.brevardcounty.us/environmental_management/boating_waterways.cfm for details on goal topics, project information, updates from the current working group, and a link to the CM3P outline.

A Fresh Start... Local Notes of Interest by Peggy (Cairns)Wehrman

Did you know that the city of Satellite Beach offers free boat rides to a really cool island spot called Sampson's Island? It is a few minute boatride leaving from a spot located behind the Satellite Beach Fire Department at the corner of Cinnamon Court and South Patrick Drive. You can navigate this waterway trip any Sunday at 1pm that you wish!!! Participants will enjoy a serene ride up the Grand Canal, past Lansing Island to a dock on Sampson's Island. There is plenty of wildlife to enjoy (bring your binoculars) and native Florida brush. There is one outhouse so plan accordingly.

Another Note of Interest is the reminder of the phone call you need to make when you notice anything strange or suspicious on our local waterways, 1-877-249-2824. Program it into your cell phone as H2Oassist or anything that will be easy to recognize. Keeping our waterways safe and healthy begins with us! If you spend time in or near our local waterways (*dine frequently at waterfront establishments or are a boater/fisherperson*), please take this toll-free number with you and report anything that doesn't look quite right. Someone with the USCG Auxiliary will respond to your call. Thank you for doing your part and thank you USCG partners who make this possible!!! ♦

Boater's License Being Adopted...Quietly by Daniel Dvorak

Starting January 1 of this year, boaters born on or after Jan. 1, 1988, must pass a boating-safety course and have photo identification and a boating-safety education identification card to legally operate a boat 10 horsepower or more.

The new measure represents an end-run around opposition to licensing efforts by imposing the requirement to carry identification only on youth, who have neither the aptitude nor the wherewithal to raise significant opposition. And they've cloaked it behind the shield of "safety," as though sitting through a class has the power to suppress stupidity, bravado, or the testosterone-induced feeling of invincibility. But before long, everyone alive will have been born after 1988, and we the "past generation" will have allowed boat operator licensing to become law just by ignoring it.

Will requiring a safety class improve conditions on the water or help reduce the statistically insignificant number of deaths on Florida's waters? Consider one of the last recorded boating deaths of 2009, in which a 30-year old man drowned in a retention pond when his canoe flipped. Because a motor wasn't involved, the "victim" wasn't required to take a boating safety class or carry his state-issued identification. Nor was he required to wear a life-jacket, though it's a near-certainty that the safety lobby will use him as an example of why we should all wear PFDs whenever we're in a boat. ♦



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Does the Manatee Club Really Care About Manatees?

by Captain Tom McGill

In 1981, Governor Bob Graham appointed Jimmy Buffet chairman of Save the Manatee Trust/Committee (SMC). This committee was originally created by Graham **“because of the need to save the endangered manatee”** and because of restrictions which prevented Buffet and others from serving and having input on the federally-funded Manatee Technical Advisory Committee.

SMC (now independent of the Trust) takes in about \$1-1/2 million annually mostly from donations/dues and spends virtually all of that on salaries and overhead expenses to promote/lobby its propaganda which it calls, “education” (per form 990 federal tax returns) while spending a minuscule amount on research/scientific analyses on how to better protect the manatee species.

Based on the assumption that slowing vessels down will add protection for the manatee, SMC sued the federal and state wildlife agencies forcing them to create extensive slow speed zones in Florida inland waters. Today, after more than 22% of all Florida’s manatee inhabited waters in the 27 regulated counties have been restricted at slow or lower speed for years, the average percentage of watercraft-related deaths should have significantly reduced. However, that average has remained relatively constant which puts in question the effectiveness of such slow speed zones.

What all of this means is that slow speed zones in Florida’s normally murky waters are ineffective and do not add protection for the manatee. Such zones may put the manatee at a higher risk of collision with vessels. Still, SMC and the agencies decry the high watercraft-related mortality at the end of the year and blame inattentive boaters for such records.

The facts are simple: SMC has not only ignored the available data which points out the ineffectiveness of slow speed zones, but has demanded more zones be implemented while blaming speeding and/or inattentive boaters for the problem. The state published manatee mortality data over the past 30 years and the best available science indicate such zones do not add protection for the manatee.

Dr. Edmund Gerstein’s research(1) established the hearing capability (audiogram) of the manatee and is the platinum yardstick by which all manatee hearing must be assessed. Gerstein found that the manatee has great difficulty hearing below 400 Hz (about middle-C on a piano) but can detect sounds up to 46 KHz (about twice as high-pitched as a child can hear). Their optimum hearing is about 16 to 18 KHz. Also, he found that in the acoustic environment in Brevard County (2) waters a vessel at slow speed (4 MPH) could not be detected by a manatee until the primary noise source (propeller) was about 12 feet from the animal. Slow moving vessels emit

lower frequency and much lower amplitude (less noisy) noise than faster moving vessels. A boat on plane traveling at 24 MPH can be heard by the manatee 560 feet away which provides about 16 seconds for the manatee to react and avoid the vessel.

SMC has bad-mouthed Gerstein’s research without providing any scientific basis, only opinions. Likewise, SMC has ridiculed the manatee alerting acoustical device developed by Gerstein which has demonstrated in multiple field tests an outstanding performance in alerting manatees to move out of the path of an oncoming vessel, again without any scientific rationale on SMC’s part.

One can only conclude that SMC has little interest in protecting manatees but would rather maintain the manatee in its allegedly endangered status to protect SMC’s income and funding of its organization salaries and propaganda machinery. Therefore, it is reasonable to conclude: SMC is knowingly and intentionally killing manatees. ♦

Captain Tom McGill, 12/26/09 - capttom@cfl.rr.com

(1) Gertstein, E., Gerstein, L., Forsythe, S. and J. Blue (1999), **“The Underwater Audiogram of the West Indian Manatee”** (Trichechus Manatus),” Journal Acoustical Society of America Vol. 105, No. 6, pp.3575-3583. (2) Gerstein, E.R., **“Manatees, Bioacoustics and Boats”**, American Scientist, April 2002, Vol. 90. Also, test data collected in Brevard County, var. locations, Summer 2003; Gerstein, E.R., et al 1999, **“The Underwater Audiogram of the West Indian Manatee”**, Journal Acoustical Society of America, Vol. 105, No. 6, pp 3575-3583.

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