



CITIZENS FOR FLORIDA'S WATERWAYS

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March/April 2011

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.

Today at the Forum *by Bob Atkins*

Friday, February 18, 2011, speed zone effectiveness was the major issue at the Manatee Forum, held in Tallahassee, with a video link to St Pete. The topic is a direct result of CFFW's efforts — and boaters, CFFW is the ONLY boating organization representing YOU before the authorities.

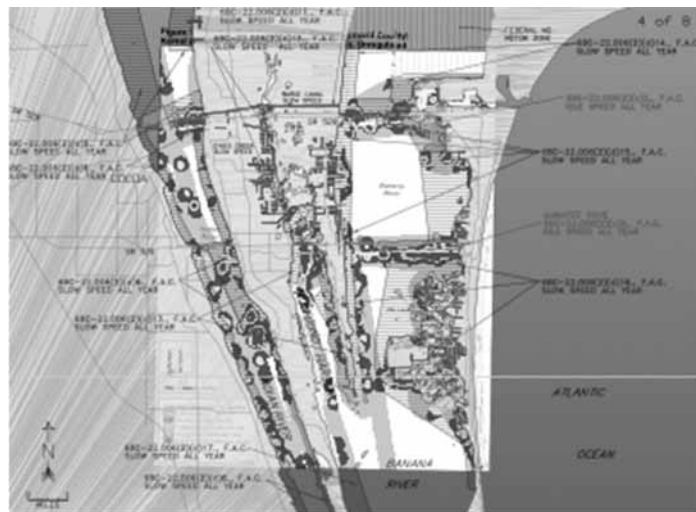
I presented CFFW's position on the issue via a 30-minute Powerpoint. At the end of it, Dawn Jennings of the US Fish & Wildlife Service expressed appreciation, and even led a round of applause. The reaction from FWC staff — the state Fish & Wildlife Conservation Commission — was more muted. No surprise, we contend that speed zone effectiveness — and the use of speed zones as the foundation of manatee protection — has never been proven, and never measured. My opening slide said, "Only an idiot would say speed zones never work. Only an idiot would say speed zones always work." Perhaps surprisingly no one truly disagreed with our position. Indeed, Kipp Frohlich of FWC's imperiled species unit said when they are presented with manatee — boat issues, their only response is to add another speed zone.

Our contention is that the lack of specific standards for implementing speed zones is why the authorities have failed to develop a system to measure effectiveness. Until we get serious about this fundamental problem and develop science-based measurements to justify proposing (or retaining) speed zones, and to evaluate their effectiveness over time, all we will see are more zones and more cost. Our further contention is that the most obvious standard to set for speed zones is that they won't be allowed in waters deeper than 4 feet — water deep enough for manatees to dive below the small recreational boats that catch all the heat for manatee-boat mortality (and don't deserve it, but that's another story).

In our Brevard petition, we proposed restoring higher speeds to marked channels, and reopening closed water sports areas. In effect, eliminate speed zones in deeper waters. Then monitor the effect of the change over time. The existing data and most current science indicate that eliminating zones from deeper

water should have no effect on mortality and may in fact help, as boaters would absolutely make use of higher speed channels and water sports areas. And, it would be safer for boaters, too. BUT — despite working with FWC for five years on our proposal to use Brevard County to evaluate changes in zones, FWC still doesn't have a schedule to review rules in place in Brevard. Worse, FWC promised the Brevard County Commission that it would review the Brevard MPP (manatee protection plan) five years after it was approved (a polite way of saying it was stuffed down the County Commission's throats with threats of denied permits if they balked). That was in 2002. It still hasn't been reviewed, or scheduled! CFFW even presented a County Commission resolution, unanimously approved, and even reviewed by the manatee club before the vote, urging FWC to act on our petition. Still nothing. Clearly, the squeaky wheel is not getting enough grease.

At one point, Frohlich sort of wagged a finger at me for claiming water sports areas were closed. He said hundreds of boats, park and 'picnic' at Ski Island on a typical weekend. That's still recreation, he opined, and said we "need to stick to facts" and not over-inflate claims. My partner Peggy Mathews nailed him. "Kipp, you closed 100% of the water-skiing areas in Brevard. You want statistics: that's a fact and you know it."



(continued, please turn to page 8)

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From Your President/Secretary by Kelly Haugh

First DinnerMeeting of 2011 - Our January meeting was pretty well attended given the fact that our newsletter was a little late getting in the mail.

Our Guest Speaker was Aaron Kelly from the US Army Corps of Engineers. He is the project manager and Contracting Officers Representative and spoke to us about the progress of the installation of the Manatee Detection System at Port Canaveral.

Did you know that in 1965 when the Port Canaveral Locks opened there were 81 towboats, 113 barges, 1470 boats with 5992 passengers aboard for total Lockages. Today there are hundreds of towboats & barges, commercial fishing vessels and tour boats that lock through, with an approximate 1200 lockage's per month.

Aaron was a great speaker and he had a lot of really interesting things to talk about. If you didn't make it to the meeting this time, maybe at the next one you can catch up with some of your fellow CFFW members.

We resumed some of our old ways for our dinner meeting at The Olive Garden and held a 50/50 drawing. Frank Jones won the draw and went home with an extra \$26.00! We also gave away 2 door prizes and the winners were Dave Nelson winning a Snuggie, and Peggy Wehrman winning a travel insulated cup.

Thanks to all that came out on a Wednesday evening and most of all Thank you to Aaron Kelly for coming all the way down from his Jacksonville office to speak with us. As a "Thank-You" to Aaron, we gave him a copy of Tom McGill's book, "Conspiracy of Ignorance". If you don't have a copy, let one of the Directors know and we will get a copy to you. This is one of the most enlightening books on the manatee issues, and written by one of CFFW's members!

Flea Market Help - Citizens For Florida's Waterways is holding the 14th Annual Marine Flea Market on April 2 and 3, 2011 at Harbor Town Marina on Merritt Island. This is our annual fundraiser and we are hoping your company can help us by donating goods and/or services for this event. We will be conducting a raffle give-away for our 2 day event and would like to have a variety of items to include in the various raffle baskets. If you have items or services to donate please contact Kelly Haugh, CFFW President/Secretary at 321-449-0827.

2011 Southeast Florida Regional Boating and Waterways Workshop - The 2011 Southeast Florida Regional Boating and Waterways Workshop will be held on March 14 & 15, 2011 in West Palm Beach, Florida. The Regional Workshop will examine innovative strategies to balance economic vitality with ecologically sound management practices along southeast Florida's waterways. The workshop is intended for managers, planners, policymakers, lawyers, and industry people from state, local and regional levels (both private and public sectors).

http://miamidade.ifas.ufl.edu/environment/sea_grant_BoatingandWaterwaysWorkshop.shtml

CFFW Membership Picnic - It's time to start planning our annual Membership Picnic, and we need some help! If you are interested in cooking, set-up/clean-up or organizing games, please call Kelly Haugh at 321-449-0827.

This year's gathering will be at Kelly Park's Lagoon Pavilion on June 26th from 10-3.

CFFW will provide Hamburgers, Hotdogs all the fixin's and Soda and Water. Please bring a dish to share! Hope to see you there! ♦



Introduction and History of 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 work 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.

Many of our members and Board of Directors have served on various committees over the years, including the Brevard Marine Advisory Council, the Brevard Dredging Committee, The CM3P or Comprehensive Maritime Management Master Plan, the Manatee Forum, and so on.

CFFW is also urging the state to listen to sound science and follow where that science leads. We have worked many years cultivating a relationship with the various state agencies to ensure that the boater and waterfront property owner are represented and given a voice at the state level. CFFW has had a lobbyist in Tallahassee for several years working to represent our interests and advise us on any legislative issues that we should be aware of.

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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Now You Can't Fish Either!

by Daniel Dvorak

The Feds are closing down fishing on the East Coast of the US. They have already shut down fishing for Grouper, Red Snapper and Sea Bass. Their new targets are Dolphin (the fish, not Flipper), Cobia, Wahoo and Amber Jack. That will effectively end any offshore fishing in the South East Atlantic.

We've said for years that environmentalists don't go for the whole pie at once—they're patient enough to take little bits at a time. And each time they go after something, the opposition is small, unorganized and mostly alone in their struggle.

When the inshore boaters were under attack with manatee zones, the sailboaters and offshore fishermen said it was someone else's fight. Now marinas to dock the sailboats have turned into condos, and the extremists are trying to ban fishing. It's not "someone else's fight" anymore.

- If you cherish the freedoms we used to have, it's time to get involved.
- If you enjoy fishing, it's time to get involved.
- If you like having marinas to dock your boat, it's time to get involved.
- If you understand the notion that everything used to be allowed until it was outlawed, it's time to get involved.

How do you get involved?

Step 1: Join CFFW – We have the experience and knowledge to put that \$25 to good use fighting the extremists, and we'll keep you informed with newsletters, our website, and email alerts.

Step 2: Get knowledge. If you're a fisherman, check out relevant websites like <http://safmc.deep-blue-sea.org/>

Step 3: Be vocal! Write your elected representatives to tell them what they should be doing on your behalf. This is America—they're elected to represent YOU! ♦

With E15...Boaters, Anglers Will Need Extra Vigilance When Filling Up at the Pump



With the EPA's recent decision to allow the use of gasoline with up to 15% ethanol (E15) in 2001 and newer model cars and trucks, trailer-boaters will need to remain extra vigilant when filling up their truck and trailered boat at the local gas station. That's because while E15 could be fine for the tow vehicle, it's not good – nor authorized by the EPA – for use with boats.

A strong solvent, ethanol has been known to degrade marine fuel systems, damage engines, add safety concerns, and lead to expensive repair bills. ♦



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BoatUS Smart Phone App Will Get You Home... When Your Boat Won't

When your boat breaks down on the water or runs out of gas, calling for an on-the-water tow is simple. The hard part, sometimes, is being able to tell the BoatUS towing fleet precisely where to find you, which can delay a safe tow home. Now, BoatUS offers a smart



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phone "App" that helps you call for a tow in a hurry and also adds helpful location and tracking features just for boaters, sailors and anglers. And you don't have to be a BoatUS or BoatUS Angler member to download the free App.

The new BoatUS App can greatly improve towboat response times due to the accuracy of the GPS latitude and longitude technology built into these high tech phones. The moment you hit

the App's 'Call Now for a Tow' button, it automatically provides us with critical information before our crew even answers the phone. We think the App really adds a new layer of comfort and peace of mind.

Available for iPhones and Android phones, the App is available by going to www.BoatUS.com/app. Once uploaded to your smart phone and information is entered, the App is ready to go and gives boaters three choices: Call Now for a Tow, Share Your Location, and BoatUS Directory.

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Dump a Boat in the Lagoon, Go to Jail!

by Peggy Wehrman and Daniel Dvorak

Sometimes it takes enforcement a long time to make it happen, but it's good when it happens!

In early February the Florida Fish & Wildlife Conservation Commission was successful in sending to jail a man who repeatedly put the environment and other boaters in jeopardy with his junk boat.

Jeremy Ross, 31 of Virginia was sent to jail for 39 days after a nine-month investigation into the ownership of a wrecked and grounded vessel in the Banana River, east of Snug Harbor, in Brevard County.

FWC Officer Jeff Luce recognized the vessel from back in 2008 when Ross was charged with having an abandoned, derelict vessel. At that time the charges were dropped, but Ross returned to his ways of causing a maritime nuisance with his junk boat, and this time the charges were prosecuted.

"Abandoned and derelict vessels can pose safety and navigational hazards as well as become eyesores in Florida's beautiful waterways," said Capt. Richard Moore of the FWC's Boating and Waterways Section.

Owners are responsible for removing derelict vessels at their own expense, or they risk criminal charges, potential loss of vehicle and vessel registration privileges, and being fined for both court costs and the cost of removing the vessel.

We're happy for this officer's tenaciousness in getting this guy (hopefully) off of Florida's waterways! Maybe he'll go back to Virginia! ♦

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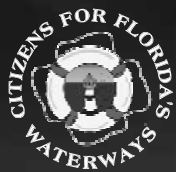
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Today at the Forum by Bob Atkins (continued from page 1)

Several of the slides I presented showed all those zones in Central Brevard, and compared them to a “coincidence analysis” FWC has begun to use. Coincidence means waters where manatees and boats “coincide”. The coincidence analysis, which was developed as a result of CFFW’s lobbying, only considers two dimensions – surface area, but not water depth. Unfortunately, in black and white the slide included here won’t mean much, but even this still-crude tool shows that a lot of Brevard regulations happen where manatees are not – and for that matter, vice versa.

How can speed zones that only “sorta” speak to where manatees and boats are found be effective? And what, exactly – or even “sorta” – is the goal of all those speed zones, whether effective or not? Is it to eliminate manatee mortality from boats? Reduce it? Keep it from increasing? What? No answer. No kidding, no answer. Previously, I had received a promise from FWC to convene a workshop at the Fish & Wildlife Research Institute to do with speed zone effectiveness what we did with forensic pathology – convincing FWC to make use of Jim Wood’s groundbreaking method that uses propeller marks to assess the size of striking vessel. Even here, FWC argued with my factual statement that FWC now uses the method. Scott Calleson averred that FWC developed its own propeller mark assessment method, which is different from Wood’s. Talk about missing the point! These are the very people who in 2002 flatly said no method would work!

At the Forum, they seemed to be waffling on their promise. At this point, we – CFFW – are supposed to give FWC a workshop program concept; they will then try to gather the right people to attend. Of course, all sorts of people with agendas beyond science will want to be included. My position – one I hope the Board and YOU will share – is we aren’t doing anything at a workshop that doesn’t stick to the science issues at stake: what can we do to clean up the mess we’re in with speed zones; what can we do to establish meaningful, measurable standards for zone implementation and measurement, and how do we justify the cost of it all?

One aspect we didn’t stress at the Forum was the incredible cost of speed zones – without any known gain. The truth is, I was armed for bear and had the stats to spell it out. Speed zones have been one of the worst

investments in “protection” ever. No kidding. Ever. It just struck me that we have a governor who wants to run government like a business, but we have a manatee protection program that’s being run like a liberal arts college, with no real agenda and no real results, but a “tuition” bill that keeps going up.

Other News

On related news, the US FWS is moving ahead with its plan to downlist manatees to “threatened”. They have their work plan in place to do this and say it will take two years. Because the state changed its imperiled species list, once the Feds do this, the state is supposed to follow along. Expect the “usual suspects” to throw a toolbox worth of monkey wrenches into this process. FWS also will have a bunch of new survival data and other stats over the next few months. While there are some old-hand CFFW folks who disdain this research, I am generally impressed with it. My expectation is we’ll finally see the fast-rising number of perinatal (baby) deaths surfacing as an indicator there are too many manatees for habitat to support in many areas. The ‘usual suspects’ will spin such a finding to mean we must return even more water to manatee-only sanctuaries, to replace “habitat destroyed by human activity”. Warm water will be the top priority for FWS. I spoke at length with FPL’s representative at the Forum about the amazingly blind-eyed decision to heat the water at the old FPL plant site in Brevard during construction of the new plant. Unlike past discussions, where Bob Atkins and I were assured this decision was the result of long hours of inquiry by people a lot smarter than us, the FPL rep said it was an emergency situation where they had no time to consider other options. Business or liberal arts? You decide.

Speaking of YOU decide...I often rant about boaters who think they’re on some kind of scholarship to CFFW. Every now and then I run across some boater who acts like \$25 is gonna kill ‘em, but for the most part, I don’t think it’s the dues. I know a lot of people don’t like to join groups because they figure they’ll be hit up for volunteer time, more donations, etc. True enough, but CFFW is pretty relaxed about all that. Participate when you want, and hopefully have fun! We just plain need more boater members to get the job done! Urge your neighbors and relatives to join. See you at the Flea Market. ♦



2011 FLEA MARKET APRIL 2nd and 3rd



CFFW Sebastian/Hiram's 2011 Annual Boat Trip



Please join us this year in our annual Sebastian/Hiram's boat trip Friday, August 12th, thru Sunday - August 14th. Stay tuned to the website for more information as it becomes available.

Please call 772-388-8588 with your reservation and mention Group Code CFFW. There are 201 rooms in our block. There are 5 pool-side rooms available with one upgrade room in the pool-side row, the Jacuzzi room. This is the only room 1st floor pool-side that will incur the upgrade \$139 rate.

Contracted room rates are \$99 plus tax, Standard and Pool view Rooms. Upgrades available: \$139.00 plus tax for River-front and Marina Rooms. Tax rate is 11%.

Complimentary Hot Continental Breakfast served from 6:00 to 10:00am daily.

Room block release: Must have reservations by 07/12/11, when the block will release. A reservation made after room block release 07/09/10, will be subject to availability and the group rate may not apply.

Cancellation policy: For individual reservations within a group, there is a 48 hour cancellation policy. After this date will result in a cancellation fee equivalent to one room night charged to the name on the individual reservation. A credit card or deposit will be needed at time of check-in for each room for incidentals.

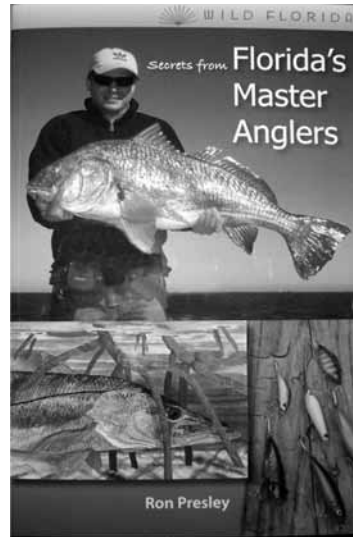
Check-in time is 4 p.m. We cannot guarantee rooms will be ready by 4 p.m. If you require an early check-in, the room must be reserved for the night before. Check-out time is 11:00 a.m.

For Dockage reservations please call the Dock master, Michael at 772-589-4345, extension 4 with your Length, Beam and Draw. The rates are \$2 per foot with a 25% group discount. Please mention you are coming in with CFFW. They have 7 open slips for boats 21 ft and smaller, and 11 open slips for boats 22-50 ft. Please make your reservation as soon as possible because they have such limited dockage available. If you are staying on-board, there is a \$10 power hook-up fee. ♦

S.E.O.P.A. Recognizes CFFW Member at Excellence in Craft Awards

The Southeastern Outdoor Press Association (SEOPA) is a nonprofit organization serving professional outdoor writers in fourteen southeastern states. Each year at their annual conference they conduct an Excellence in Craft Awards competition.

This year's first place winner in the Outdoor Book category was ***Secrets from Florida's Master Anglers***, written by Capt. Ron Presley. The competition considers books from all areas of outdoor activities and this year a fishing book came out on top. Capt. Ron received the award at the SEOPA conference in Huntsville, Alabama in October, 2010.



The book is a collection of privileged interviews from 20 professional fishing guides in Florida. The book covers about every aspect of fishing. Subjects like selecting equipment, artificial baits, fighting fish and conservation. Many more topics are covered in an effort to make the a better angler and a steward of the resource.

Ron Presley said of the award, "There is no honor as significant as one that comes from your peers. I am very proud of the book and humbled by this award."

The book is available from the Snook Foundation's website where the purchase will support a worthy fishing cause. It is also available on Amazon.com and local bookstores. ♦

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Stan Williams
Westland Marina/Titusville

Business Recognition Diamond Level

MarineMax of Cocoa

This business supports
Citizens For Florida's Waterways
by donating a CFFW membership with
each boat purchased from their store.

Canaveral Lock Closure Update



Canaveral Lock will be closed for de-watering to install a new Manatee Protection system beginning December 27, 2010, thru February 24, 2011, at which time they will be opened for a NASA

Launch and then **close again on March 15, 2011 remaining closed until April 23, 2011.** The new system being installed will replace an unreliable system that is required by State law.

Additional information may be obtained by accessing the Jacksonville District Website at <http://www.saj.usace.army.mil> and choosing the Operations Division tab and then selecting the Notice to Navigation in the pull down menu.

You may also call the U.S. Army Corps of Engineers (Aaron Kelly) at 904-232-2103 for the latest information regarding the lock closure. ♦

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



To Inform—To Educate—To Motivate

Meets on 2nd Tuesdays at 7pm
Lighthouse Christian Church
1250 N. Banana River Drive, Merritt Island

“Catch A Memory” Radio Show

The radio show will again be an hour long on WMEL 1300-AM, Saturday mornings at 8:00AM – 9:00AM. The program will be covering the fishing action on Florida's East Coast. Anglers can tune in to hear Jim and his co-hosts provide you the latest fishing and new product information.

Television Show

Capt. Jim has joined a host of other top professional guides across the State of Florida on a new television show called the “Chevy Florida Insider Fishing Report”. The TV show is on the SunSports on Thursday evenings from 5:00PM to 6:30PM. Reporting expert, Capt. Jim will bring you an up-to-date fishing report from our offshore and inshore local waters.

Capt. Jim also provides daily reports Sunday through Wednesday on the TV shows web-site: www.floridainsiderfishingreport.com

If you would like to contact Capt. Jim, his phone number is 321-636-3728 and his web-site is www.finelinefishingcharters.com. ♦



CFFW members are entitled to a full Membership in BoatUS or BoatUS for only \$15 - that's 50% off the regular \$30 annual dues!



BoatUS and BoatUS ANGLER Member benefits include Member Rewards at West Marine stores, discounts at marinas nationwide on fuel, repairs, and overnight slips, on-the-water Towing Services, highly-respected Marine Insurance, a subscription to *BoatUS Magazine* or *BoatUS ANGLER*.



CFFW Dinner Meeting

Wednesday, March 23rd
Merritt Island Olive Garden (SR 520)
Happy Hour/Socializing 6-6:30 pm
Dinner 6:30 - 7:15 pm
Meeting Begins 7:15 pm

Smart Boating/Smart Skin will be the topic of our Guest Speaker Jennifer Rivera. She will discuss how to properly protect the skin, types of skin cancer and how to perform a self skin examination.

Then... CFFW Director Bob Atkins will also give us a brief update on the Manatee Forum that he has been attending with FWC and USFWS. Bob will explain the progress we have made over the past few years.

Reservations are necessary and can be made by calling Kelly Haugh at 321-449-0827 before March 20th.

General Meetings

May 28th
July 27th
September 28th
October 26th

Board Meetings

| | |
|------------|----------------|
| May 2nd | August 29th |
| June 6th | September 28th |
| June 27th | October 3rd |
| July 27th | October 31st |
| August 1st | December 5th |

Please call Kelly Haugh at 321-449-0827 for more information.

**IT'S TIME FOR CFFW's TOP ANNUAL EVENTS
PLEASE TURN TO CENTERFOLD FOR DETAILS**



Citizens For Florida's Waterways
Post Office Box 541712
Merritt Island, FL 32954-1712



*When Does Your
Membership Expire?*

Here's a Hint

If you're not a member...please join.
Your membership dues provide the financial support
needed to save family boating from the
million-dollar enviro-businesses.

Please join online at cffw.org
or by mailing the enclosed membership form.