



CITIZENS FOR FLORIDA'S WATERWAYS

Volume 23 - Issue 2

April 2016

Citizens For Florida's Waterways promotes the need for responsible use of Florida's waterways. Our primary objective is to encourage coexistence among recreational and commercial boaters, the marine industry, property owners and the environment. Citizens For Florida's Waterways advocates education in the safe and considerate use of watercraft with respect for our marine environment and conservation.

CFFW History & Introduction

Since 1994, Citizens For Florida's Waterways has been campaigning on behalf of boaters in Brevard County. Our resolve and purpose remains steadfast. We are relentless in our pursuit of scientific data and facts with respect to understanding and implementing the most effective protections for manatees without imposing unnecessary or ineffective restrictions on boating.

To that end, we have cultivated an informed leadership that motivated the formation of the Manatee Forum in 2004. The Forum now meets semi-annually, is now hosted by the Florida Fish and Wildlife Conservation Commission (FWC), supported by the US Fish and Wildlife Service (USFWS) and attended by the various stakeholders in manatee management and protection. The meetings of the Forum provide the best interchange of the latest science and an open discussion of the issues.

In addition, CFFW attempts to attend every hearing and workshop, sends representatives to Tallahassee, meets 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 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. The growth rate has remained steady and the recent consecutive record counts have reached 6,250 - which is consistent with our growth predictions over 15 years ago. Recent analyses of the counting methodology and implementation by USFWS has resulted in the establishment of fact that actual population is at least 25% higher than the count – now nearing 8,000 in Florida waters alone.

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Please Mark Your Calendars!



- » **April 2 & 3, 2016 19th ANNUAL CFFW MARINE FLEA MARKET** - 8am - 4pm - Saturday and Sunday at Harbortown Marina. Free Admission and Parking.
- » **April 6, 2016 District 2 Dredging Committee Meeting**- 6:00 pm - Karen Rood Bldg. (near the boat ramp) at Kiwanis Island, Merritt Island.
- » **April 26, 2016 Brevard Marine Advisory Council**- 6:00 pm - 2725 Judge Fran Jamieson Way Building C, 2nd Floor, Florida Rm., Viera, FL 32940
- » **May 2, 2016 CFFW Board of Directors Meeting** - 6:30 pm - Karen Rood Bldg (near the boat ramp) at Kiwanis Island, Merritt Island Open to the public.
- » **May 15, 2016 Super Boat Races at Cocoa Beach** - More info to come. First race starts at 12:00 pm.
- » **June 6, 2016 CFFW Board of Directors Meeting** - 6:30 pm - Karen Rood Bldg (near the boat ramp) at Kiwanis Island, Merritt Island Open to the public.
- » **June 27, 2016 CFFW Board of Directors Meeting** - 6:30 pm - Karen Rood Bldg (near the boat ramp) at Kiwanis Island, Merritt Island Open to the public.
- » **July 9, 2016 21st ANNUAL CFFW POKER RUN** - Registration is between 9:30 am to 10:30 am. at Kelly Park East Boat Ramp. Stops and participating businesses to be announced later.





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Boating AND Manatees

If anyone were to ask you about Merritt Island life, you would be hard pressed to give an answer that did not include one or both of these topics. Yet, many of you see them at odds with each other. There is a history behind this belief, but it is no longer valid.

When I introduce Citizen's for Florida's Waterways (CFFW) to someone new, they eventually 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: CFFW was formed in 1994 because we do not see this as an either/or question or answer.

CFFW 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 and assure that our children and grandchildren will be able to enjoy it in the future. We pledged ourselves to pursue data and facts and promote good science, not opinions and politics, with respect to manatee management and to accept and follow the real science, wherever it leads.

So, why about the either/or question? Its roots go back to the 70s and 80s. One must recall and understand the generally accepted OPINIONS that shaped the thinking of the time. Even today, if you ask the proverbial "man on the street" to name three facts about manatees, he would probably name at least two of these three OPINIONS, which are:

The Basic Assumptions of Manatee Management.

ONE - The manatee is endangered, moreover in immediate threat of extinction.

TWO - Watercraft mortality is the greatest threat to the manatee survival.

THREE - Slow speed is the best - if not the only - method we have to save the manatee from extinction.

In fact, we had a minimal amount of data upon which to base any of these opinions. Population estimates prior to 1991 were at best - a SWAG (Scientific Wild-A.. Guess). Today, it is a difficult task to recover abundance estimates made prior to '91 and impossible to reconstruct the data they were based on. At the time, we combined these minimal SWAG assessments with actual mortality counts. With so few estimated to be alive and so many dying, the masses concluded that we were on a one-way path to extinction - Assumption ONE.

We must do ANYTHING we can to stop this eventuality. More and more manatees were dying each

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**Ask A Friend
To Join CFFW**

*When Does Your
Membership Expire?*
(See Back Cover)

CFFW History & Introduction

(Continued from Page 1)

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 Florida Governor's Boating Advisory Council, Brevard Marine Advisory Council, the Manatee Protection Plan- Ad Hoc Committee, 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 and Federal agencies to ensure that the boater and waterfront property owner are represented and given a voice. 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.

Over the last 12 months, we have worked with the Brevard County Commission in their unanimous resolution that FWC work with the County to re-evaluate the effectiveness and necessity of some of the zones imposed on Brevard County in 2002. We introduced language in the Florida Manatee Sanctuary Act to require the establishment of measurable criteria to be used in evaluating the effectiveness of individual zones and boating regulations for manatee protection. We worked with USFWS to undertake the action to upgrade the status of the manatee from endangered to the more realistic classification of threatened. We have supported the citizens of Pinellas County and Crystal River and their representation, Pacific Legal Foundation (PLF), as they pursued more reasonable regulations in their local areas.

We continue to grow our club and work toward reasonable regulation of our waterways. We invite you to join our club, attend one of our meetings or just enjoy one of our fun day-trip boating outings.

Visit our new and improved website at cffw.org or visit Citizens for Florida's Waterways on FaceBook for more information. ❖

Boating AND Manatees

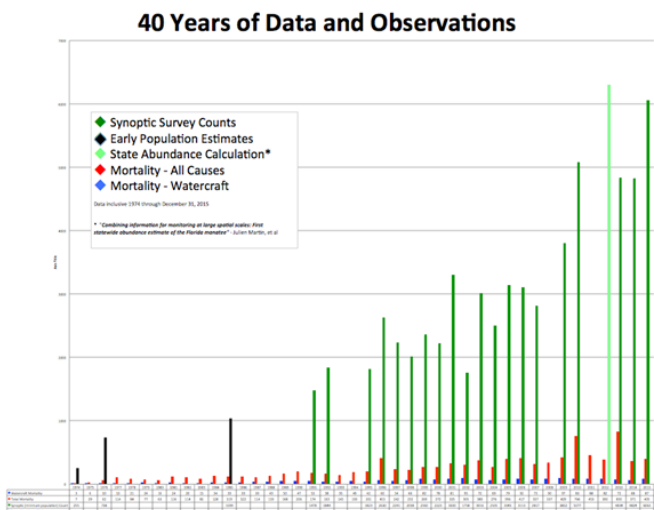
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year and about 20-25% of those were due to “barge/boat” collisions – which lead us to Assumption TWO. The observation that the manatee was slow moving, also not completely factual, brought us directly to Assumption THREE.

As has been the case now for over 40 years, increases in manatee mortality are more reflective of an increasing manatee abundance than any other single factor. But in times of minimal factual abundance data, our SIMPLEST best hope to save the manatee was to protect them from boats. For the last 35 years, that has been the central approach to manatee management.

Once again, the obvious solution was based on opinion - restricting operations of boats by making them go slower is obviously the path to success. In 1979, Florida passed the Manatee Sanctuary Act. It was by and large all about regulating boats. But the original content was very specific to approximately 20 locations, including the area around the power plant(s) in Brevard, where we knew we had large concentrations of manatees on an almost continuous basis.

But over the last four decades, and even during the last few months, more and more regulation has been imposed on large areas of Florida waterways, which hardly exhibit any manatee abundance during any time of the year. All of this ever increasing and continuing regulation still finds its basis on those same three assumptions.



Even if you believed that boating mortality was the worst threat to manatee survival in the 70s or even into the 90s, a simple look at the DATA accumulated over the last 40 years, should completely eliminate any such thought.

The data firmly establishes:

Assumption ONE – FALSE – Look at the Green bars. Remember, these are minimums.

Assumption TWO – FALSE – Compare the Blue Bars to the Green (or the Red)

Assumptions THREE – THE JURY IS STILL OUT

After all these years and all these regulations, we still don't know how to determine the relative zone effectiveness, or even if any particular zone has eliminated a single manatee mortality

CFFW does not seek to eliminate all boating regulations. We simply believe it's long overdue to step back and look at where we are. Ask the hard questions about what is an effective protection and management strategy, based on our improved understanding of the real situation. But, not just ask the questions - seek answers and use them to develop more effective and comprehensive manatee protection and management plans in balance with the current data, analysis and knowledge.

Maybe, it's time to take the focus off recreational boating and put our resources to work on more important holistic questions off managing an ever-increasing population, under no threat of extinction, which is doubling every 12-15 years. What will be the impact of the manatee population in the next 20-30 years? ❖

Manatee Protection Should Be Effective

On January 12 of this year, the Brevard County Commission passed a SECOND unanimous Resolution (No. 20016-003) requesting the State FWC evaluate the effectiveness of the manatee protection zones implemented in Brevard County in 2002. A similar Resolution had been passed 10 years earlier on January 31, 2006 (No. 06-025). The FWC has yet to respond to EITHER of these Resolutions. This leaves one to contemplate: To whom does the FWC respond, if not to the highest level of County Government elected by the citizens of the county?

During the public comment period at the Commission Meeting where the resolution was passed and in the public opinion letters to the editor that followed, the emotional rhetoric in opposition to a simple evaluation of zone effectiveness would have left the causal observer dumbfounded - as if the intent was to ask permission to openly kill and maim manatees.

Have you ever noticed that those who like to point the finger at boaters for asking relevant questions about manatee protection zones use phrases like “tear around” or “irresponsible”. They believe ANY slow speed zone is a good zone. They cite the ONLY study that feebly attempts with great bias to establish effectiveness, written by the same two individuals responsible for defining the zones (Calleson, Frolich). These zones exist solely on the assumption - slow speed is effective. Effectiveness was assumed a priori – never evaluated, assessed or measured.

Thousands of waterfront residents in Central Merritt Island (as well as Cocoa Beach and other areas around Brevard and the State) have the legitimate expectation, maybe even the right to reasonable waterway access that they purchased years ago. They don’t get waiver permits to reasonably pass through miles of slow zones. But, for the last 14 years, the unreasonable length of time to traverse through the zones to unrestricted waterways has all but eliminated the trips. There was no pre-validation that these zones would be effective. Is it unreasonable to investigate if they have been?

There is an underlying misguided attitude toward boating. Are there effective zones? Are there zones that accomplished nothing? Absolutely! Let’s take another look and do the best job we can to protect manatees and respect legitimate access to the waterways.

Just a cursory look at the data accumulated over the last 40 years suggests that we might not have got the zone definition right. Let’s take a closer look and see if we can improve what we’ve done – and maybe provided some relief to our boating residents as well. First of all, of the approximately 60,000 of Brevard’s 165,000 acres of waterways – or about 35% have been regulated as SLOW, IDLE



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Manatee Protection Should Be Effective

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or NO Motorboat ENTRY. Additionally, about 80% of the shoreline has had a minimum 500ft and up to 1,500ft SLOW speed buffers regulated. These vast shoreline buffers all but eliminate the premium watersports throughout the County. From a boating perspective, this is a high price. But what have we gained?

333 Brevard manatee deaths have been attributed to boat/barge collisions during 1974-2015. Yes that's a little less than 8/yr. But what is more interesting is the comparison of the mortality rates before and after the zones were implemented.

Prior to the 2003 zones the average was 6.7 /year

Since the 2003 zones the average has been 9.6 /year since.

Why has watercraft mortality increased since we put them in? Does seeking a better understanding of zone effectiveness threaten manatees OR is it that it threatens the blind acceptance of the opinion that slow speed zones are required to protect manatees. ❖



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



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Newsletter Delivery Mode

E-Newsletters Now Available

CFFW is offering all members the option to receive all future newsletters by email instead of a hard copy by mail. The Board of Directors have reviewed the expense logs for the past few years to determine where we could save money and this is the biggest expense we have.

If you wish to save your club money on printing and postage, please reply to info@cffw.org and we will add you to the email list for your newsletters! You will receive an email stating your E-Newsletter is ready for viewing. If at any time you wish to receive the hardcopy again, just send us a note at the same email and you will again receive the hardcopy.

You can view the same exact version online at CFFW.org and click on "newsletters" tab and the issue you would like to view. ❖

Citizens For Florida's Waterways Presents



Our 21st ANNUAL



POWERBOAT POKER RUN

Saturday, July 9, 2016

**Registration - Kelly Park East Boat Ramp
(Merritt Island) 9:30 to 10:30 am**

**Participating Businesses and Poker Stops
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