

CITIZENSFORFLORIDA'SWATERWAYS

• FLEA MARKET EDITION •

Volume 29 - Issue 2

Don't Feed the Manatees Romain, Turn Off the Hot Water

The roots of Citizens for Florida's Waterways (CFFW) trace back to the late 80s and the clamor among recreational boaters with respect to increasing regulation of the waterways. There were those in Tallahassee who were intent on unduly restricting reasonable uses of and access to public waterways of Florida. In those early days, there were misguided members of the legislative bodies and the governor's cabinet that felt a need to impose a state-wide 35mph daytime speed limit on all waters of Florida. I still have copies of the letters I sent to many of those folks in opposition to that end. Fortunately, that effort quickly and quietly died.

Some of the proponents of the effort to restrict boating were not ready to accept defeat and glommed onto and promoted the false narrative that the manatee faced extinction from recreational boating. Bolstered by a minority of waterfront residents who wanted to restrict use of the waterways they now "owned", this coalition set out to regulate boating in the name of saving the manatee.

By 1990 this ill-founded save the manatee effort had gained enough momentum to sue the USFWS and Florida FWC for under-protecting manatees from boats. Brevard County was a prime target for the manatee saviors and by 1994, the FWC had initiated the rule-making resulting in the massive amount of restricted open waterway and shoreline we have today.

Some of us knew that the entire premise of the effort was non-factual and formed CFFW that year in opposition to the proposed (over)regulation. CFFW vowed from day one to weed through the mostly emotional basis for manatee protection and promote and follow fact and data-based discovery and science with respect to manatee management. Even in those early days, we knew the warm water discharges from the power plants in Port St John were the wrong approach to saving the manatee, even if the manatee really did indeed need saving. We never accepted the extinction narrative, that it was caused by boats and that slow speeds were the only way to save the manatee.

We feel like we have been the minority voice of sanity with respect to manatee management for all these years. It has been a long and sometimes very frustrating battle to seek truth and many times felt completely futile. But every now and then something finds my in-box that has a significant impact on my day. The article attached to the end of this message brought a bittersweet reaction.

On the one hand, the authors publicly proclaimed what we have been stating for decades and backing up with data and analysis for the last 10 years. That there is a serious mis-management problem at the state and federal levels with respect to the manatee species. I know that years of our logical and fact base arguments helped alter their thinking. On the other hand, it may be too little and way too late to derail the out-of-control train wreck between species and habitat management that was created by the "manatee mafia" and continues to steamroll toward further disaster. When our former CFFW President Steven Webster read the article he immediately reached out and asked, "You wrote that, right?" He was referring to the fact that after years of going toe to toe with the authors, their commentary almost mirrored exactly what we had been trying to convince them of all these years!

Dont Feed The Manatees

(Continued from Page 1)

We believe the fault lies squarely on the manatee mafia, the Save the Manatee Club (\$MC), other associated NGOs and a handful of misguided individuals at FWC and USFWS, that have created and sustained a false "endangered" narrative. This narrative, perpetuated against all facts in opposition, about the overall health of the manatee species led to poor management and regulatory decisions that have been sustained long past their useful life. These false premises and the decisions they motivated have resulted in some of the most detrimental and devastating impacts not only to manatees but a disastrous decline in the overall health of the central Indian River Lagoon.

It may seem over-simplified, but in the words of one of the authors below when queried by his own upper management years ago about what is the problem with manatees his answer was spot on: "they've all been given names". Think about how that shifts the management focus from the species to the individual and how that impacts everything else.

No matter how hard these organizations try to blame everyone else, there is no escaping the truth. The man-made attraction of too many manatees to central Brevard created by the "illegal" warm water outflows in Port St John has significantly impacted the delicate balance of submerged aquatic vegetation and nutrient loading in the local IRL. Instead of absorbing nitrogen and phosphorous, the tons of consumed vegetation once digested and passed back into the system add to the dissolved nitrogen and phosphorous loading. This is a major contributor to the decline in water quality.

Once again, the \$MC and a couple of their misguided NGO friends have decided to take legal action against the USFWS. This time, for not preserving the "critical" manatee habitat. Ironically, it is all about the vegetation that the overpopulation of manatees has helped to destroy. This is absolutely counter to the real issue which

is the bludgeoning growth of the manatee herd and their over-population in this area.

The last time the NGOs sued USFWS was for under-protecting manatees from boats. As we all know, boats were not and have never been a threat to the survival of the manatee as a species. It was the very limited risk and the emotion tied to the deaths of named individual manatees that was at issue. Unfortunately, instead of rightfully defending the agencies against this previous frivolous suit, the suit was settled out of court. The direct result was the NGOs dictated the unnecessary and ineffective collection of no-entry, idle speed and slow speed zones that have been over-proliferated throughout coastal Florida.

Let's hope that the USFWS stands firm this time and prevails over this latest frivolous challenge and fixes the real problem, the local manatee overpopulation. The winter distribution of 25% (2,000) of the entire Florida herd of manatees (10,000) is concentrated within the 60-mile stretch, centered at Port St John, of the thousands of miles of state coastal waters. This is a serious man-made manatee management problem. Release the manatees from this deadly captivity and return them to natural migration and dispersion. Help restore the vegetation which is the fastest and only way for long-term preservation of the IRL water quality and critical manatee habitat.

SHUT OFF THE WARM WATER OUTFLOW

The following is the article referenced in the first paragraph above. It is reprinted word for word as it was published in Florida Today on Friday, January 21, 2022.

Feeding starving manatees is humane but it is far from a cure

Your Turn - Kipp Frohlich and David Hankla Guest Columnists

Dont Feed The Manatees

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As two longtime state and federal manatee conservation officials, now retired, we were surprised and disappointed to learn that state and federal authorities decided to feed manatees in Brevard County this winter.

Disappointed not so much in the decision itself but rather the circumstances that lead to the decision. We had spent decades overseeing state and federal manatee conservation programs in Florida; manatee speed zones, refuges, rescues, you name it. But we believe the decision to feed manatees this winter, while humane, sadly represents an overall failure in stewardship of the environment and management of this species.

The decline and collapses of sea grasses in Indian River Lagoon can be directly traced to decades of systemic neglect and mismanagement. Pollution and limited circulation led to nutrification, algal blooms, decreased water clarity, and ultimately the death of sea grasses ... the collapse of an ecosystem upon which all kinds of marine life, including manatees, depend.

We also perpetuated thermal pollution from power plants that discharge warm water into these systems. We required industry to make the outfalls available to manatees and reliably keep the water warm.

This attracted generations of manatees, and significant portions of the manatee population now winter in a part of Florida otherwise too cold for them to survive. The manatees literally know nothing else.

Was allowing/requiring manatee access to artificial hot water a good idea in the 1970s when we were focused on growing the herd? Maybe. Is it a good idea today? Absolutely not. The net effect (not just in Brevard County but throughout Florida) has been to facilitate the growth of the manatee herd to a population level that most experts believe is larger than in any time in recorded history; there are most certainly more manatees in Florida today than half a millennium

ago when the first Spanish explorers sailed our coasts.

State and federal biologists have long realized that we must find a way to wean manatees off artificial warm water sites, particularly in central and north Florida. To address this problem a task force consisting of agencies, power companies, academics, and conservation organizations was formed in 2005; yet even today, no acceptable solution has been agreed upon, much less implemented. Certainly not in time to have prevented manatees from starving last year or this winter.

Should we be feeding manatees now? It seems like the only humane thing to do given our culpability in creating this situation. But it is a flimsy Band-Aid, far from a cure. In nature, wildlife and fishery populations reflect the quality and quantity of their habitat. More manatees will starve unless we insist on better management of water quality and aquatic resources and find a way to manage and restore manatee populations in their natural range, in self-sustaining habitats, and at population levels reflective of what the habitat will support.

The manatee population is large enough to secure its future — if we have healthy bays, lagoons, and rivers for food; and springs and other natural warm water areas for them to survive the winter. •

*Kipp Frohlich and Dave Hankla had a combined 55 years leading manatee conservation efforts for the state of Florida and the U.S. Fish and Wildlife Service.

We continue to remind and pressure the FWC and the USFWS to pursue elimination or even reduction of the warm water outflows in Port St John to try to return the manatee to a natural migration. The thousands of manatees wintering and remaining in Brevard year-round is historically unprecedented and a known contributor to our diminishing seagrass acreage, as well as a lethal threat to any chance of replanting and regrowth. These are significant factors in the current and future state of IRL health.

CFFW was very instrumental in the successful effort to reclassify the manatee from Endangered to Threatened in the Spring of 2017. It was long overdue and although we provided the USFWS with an abundance of supporting data and documentation which supported the more correct classification as Recovered, we accepted the result as a small victory of science over emotion and politics. You can find our input to USFWS among many other interesting documents posted in the "library" section of our webpage.

Long before the current crisis in the Indian River Lagoon (IRL), CFFW was standing for resident's interests to preserve enjoyment of the IRL. Back then the crisis was a looming loss of access to and usage of Brevard County waterways because boating was wrongly accused of creating a crisis of potential extinction of the manatee. Years later, we know there was NEVER a manatee crisis.

Recreational boating was basically unrestricted prior to the mid 80s. The Space Shuttle Program was well underway and the influx of several thousand families with

above average income created a boom in recreational boating. Many families, young adults and teenagers enjoyed watersports in the wider areas of the waters in proximity of their homes in Cocoa Beach and central Merritt Island. The shorelines of the causeways and the spoil islands were weekend destinations for a family picnic or teaching the kids and enjoying watersports. Residents everywhere could idle to the end of their respective canals and proceed with caution on plane to their favorite destination. In those days, the Kiwanis Basin was the home of the Space Coast Ski Club and their ski jump was a prominent fixture.

Then came the save the manatee club (SMC) and an organized group of nongovernment organizations bent on "saving" the environment. Given the opportunity, these organizations would eliminate man (other than their own self-righteous members) from the environment. Controlling the growth of the human population is a core principle. The manatee became their tool to discourage use of the coastal waterways in any manner that did not meet their approval. First, they created a manatee extinction crisis that did not exist (1). Then, they knowingly and wrongly fingered recreational boating as the primary cause for the phony crisis (2). And then, without any scientific research or analysis declared slow speed of motorized watercraft to be the ONLY approach for manatee protection (3). The past 45 years of data collection, research and analyses have eliminated the factual basis for these three primary tenets of manatee crisis and protection in Florida.

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Recreational boaters were painted as the cause of impending manatee extinction and the club was determined to eliminate motorized recreational boating in most areas of Brevard. By the early 90s, local boating public had seen and heard enough to finally recognize that the State and Federal governments had colluded with the SMC and really could, and, were going to impose more restrictions on Brevard waterways than anyone could have imagined possible. (In fact, in those days, the executive director of the SMC was indeed ALSO the highest-level State employee with direct responsibility for manatee protection). Thousands of boating supporters protested individually. A small group of folks recognized that some unification of those voices was the best hope to combat the SMC. We formed Citizens for Florida's Waterways (CFFW) for just that reason.

The resulting manatee protection zones in Brevard County remain as the most onerous of all the Florida coastal counties. Over 80% of the abundance of shoreline, including almost all causeway shore is now regulated slow speed. In addition, these "shoreline" zones included the deep-water surrounding areas of the Cocoa Beach Country Club and extend as far as 2,500 feet to capture all of the popular recreational spoil islands in the Indian River. This eliminated all the desirable watersports areas. Access and navigation were also drastically impacted through restrictions of Sykes Creek, the Barge Canal in Merritt Island, and all the access channels to Cocoa Beach, including the 520, Houseboat Cut and the deep water recreational areas south of the golf course.

Since 1994, Citizens for Florida's Waterways has been campaigning on behalf of boaters in Brevard County and across the State. Our resolve and purpose remain 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 maintained a well-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, Florida Sportsman 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

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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 truly science-based 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 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 exceeded 6,000 for the last four years with a high count of 6620 last year - which is consistent with our growth predictions over 15 years ago. Recent analyses of the counting methodology and implementation

by the USFWS has resulted in the establishment of fact that actual population is at least 25% higher than the count – now in excess of 8,000 in Florida waters alone.

One of our associates studied the spacing 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

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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, the Indian River Lagoon Citizens Advisory Council and others.

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.

In 2014 we introduced methodology and results to determine the manatee carrying capacity of the Indian River Lagoon. While most of the effort to understand carrying capacity investigated the abundance and availability of warm water, we showed that locally in the IRL and in fact throughout peninsular and panhandle Florida, it is available forage (predominately seagrass) not warm water, that limits the environmental capacity to sustain a manatee population.

Over the years, we have worked with the Brevard County Commission to have a reevaluation of the over-restrictive protection zones imposed in 2002. In 2006 and again in 2016, the Brevard County Commissioners unanimously agreed and formally requested the FWC to work with the county to better understand the effectiveness of the zones with the potential to modify the boundaries. Both requests were almost completely ignored. During the 2016 Florida Legislative Session, 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 boating regulation zones 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 website at cffw.org or visit Citizens for Florida's Waterways on FaceBook for more information. ❖

Indian River Lagoon in Peril - Diminishing Seagrass

Seagrasses are the life-blood of the Indian River Lagoon (IRL). The usual suspect arguments for muck removal, runoff, septic tanks, sewer spillage are all valid pieces of the overall cause repairing these ailments is not the long-term cure. Seagrass recovery is the only sustainable fix. Every potential approach to IRL recovery should be measured by "How well does this help restore seagrass.

The impacts of an ever-increasing local area manatee population and the decreasing acreage of seagrass here in the IRL are in direct conflict with the efforts to restore the health of the IRL. This is especially critical during the winter season when manatee numbers surge and seagrass density and growth rates decline. Here in the IRL, the wintering manatee population grazing needs of the herd. The resulting impact of reaching that limit is a massive, long lasting loss of seagrass. Also, we are now experiencing a large loss of manatees due to undernourishment and starvation. But, worst of all, will be the death of the IRL ecosystem as we know it. Because, as the seagrass goes, so goes the IRL.

Around 1960, to support the growing power needs of Orlando and east central Florida, two power plants were constructed on the IRL in the area we know as Port St. John. In those days it was common practice to use natural waterways as a source of cooling water for the generating equipment and simply cycle the warm water back into the waterway. A quick look at the collection of power generation plants in Florida will illustrate this fact.

By 1974, the practice was recognized as having a negative impact on the natural ecosystem and the Federal Clean Water Act directed that all sources of Thermal Pollution be rectified. Through no fault of the manatee and with all blame squarely on the shoulders of humans who unnecessarily sought to "save the manatee", these sources of thermal pollution were declared as necessary "manatee sanctuaries" and required by rule of the USFWS to maintain warm outflow whenever the ambient water temperatures dipped to 68degF.

So, for nearly 60 years, we have trained the east coast herd of manatees to "migrate" to the man-made warm waters of Brevard. We are faced with a few options:

- 1) Turn off the warm outflow and hope most of the manatees find their way farther south for warmer water, knowing that many may not and face death from cold stress.
- 2) Turn off the warm water and figure out a way to coax them to relearn the natural migration farther south to safer warmer waters.

Keep doing what we are doing and watch the increasing manatee population and declining seagrass supply reach the critical (nearly 2,000 by recent actual count) has reached a level that can only be described as a localized over-population.

We are not alone in this phenomenon.

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Indian River Lagoon in Peril - Diminishing Seagrass

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A similar problem is occurring in King's Bay on the Crystal River. There is one major difference though. The source of attraction for manatees in King's Bay is the natural warm water (72degF) from the multitude of spring vents in the Bay area. Fortunately, so far, the clear waters in the Bay have been able to produce an ample supply of forage for the 500-800 manatees that are wintering there the last few years.

Our winter population here in the IRL is much larger than that of King's Bay and even though we have many more acres of waterway, we lack the clarity of the water and seagrass tends to only exist in depths under about 4 feet. The IRL does not naturally provide a consistent 68degF environment in the winter, which is required for the manatee to survive over time.

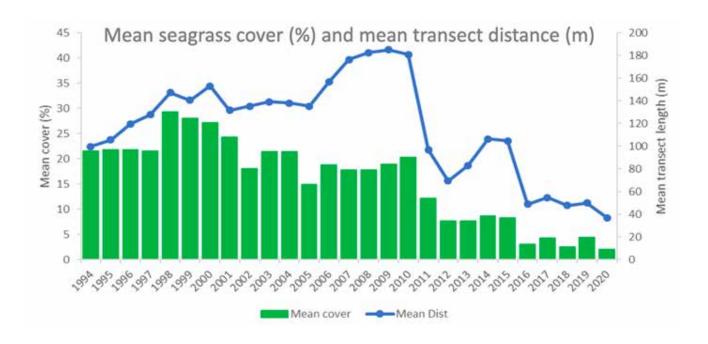
Ironically, it is a man-made source of warm water that was once believed to be crucial to

the survival of the manatee that is now playing a role in the overall declining health of the IRL ecosystem.

Here in Brevard, in the Central and northern regions of the IRL, we host over half the entire East Coast population during the winter months and this number is increasing. There is a limit to the ability of the available forage (seagrass) to sustain the

3) point and see the IRL and most living creatures in it face massive die off.

When one looks at the abundance of forage available to the south of the IRL in naturally warmer waters, you have to ask your self – "What are we accomplishing with the warm water discharges at Port St John?" ❖



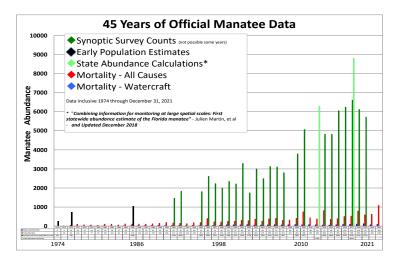
Manatee Population Nears 10,000

It's hard to believe that the misguided manatee extinction crisis occurred because some alarmists estimated there were only 1,200 manatees as recently as the late 1980s.

The 2nd iteration of the manatee population abundance estimate is 8,810. The estimate is calculated through computer modeling and statistical analysis and was released December of 2018. This will probably become known as the "2016 Abundance Estimate" because much of the analysis was based on data from prior years due to the amount of time and effort to complete the assessment. The highest actual statewide manatee count (synoptic survey) had been 6,620 from early February 2017

An overview of the abundance estimate process and findings was presented at the Fall 2018 Meeting of the Manatee Forum, held at FWC's Florida Wildlife Research Institute (FWRI) in St. Petersburg. The findings, which were highly anticipated by those of us arguing that the manatee no longer should be listed within the Endangered Species Act, had been in work for several months.

They were released to the public immediately following the discussion.



This is the 2nd such estimate. You may recall that the initial estimate, released in 2012, was 6,305. This number, along with an

extensive population prediction model, was the foundation of the USFWS decision to reclassify the manatee from 'endangered' to 'threatened' in March of 2018. Prior to the 2012 estimate, the highest statewide count had been 5,077 in January 2010.

For those of you statistically inclined, the 95% confidence interval for the 8,810 population estimate is from 7,520 to 10,280, but based on the usage of the previous 6,305 throughout the science, we fully expect to see the 8,810 widely referenced.

What does this mean?

First - Irrespective of the gnashing of teeth of those fearing the worst for the manatee due to high observations of red-tide and watercraft mortality, the population is not only surviving but actually increasing at a rate in excess of 5% annually. Many of us would use the terminology "explosive growth" to describe a population that is doubling every 10-15 years. We at CFFW have been pleading with the agencies to wake up to the fact that the manatee is more likely to become a nuisance than endangered. These estimates are consistent with that prediction.

Second – Removal of the manatee from the ESA is long overdue, accompanied with significant reduction of:

- millions of tax dollars spent
- thousands of Federal and State agency hours expended
- continual OVER-regulation of Florida's public waters for manatee protection

Third – The focus on manatee protection should be realigned from boating regulation to improving the quality of the environment the manatee requires for survival, water quality and seagrass, and assuring it's long-term sustainability. Managing the growing manatee population, as opposed to the current approach of promoting unlimited growth, will need to be a part of the preservation of the waterway ecosystem for all inhabitants and users, including man.

Citizens for Florida's Waterways

PRESENTS

CFFWs 25th Annual POWERBOAT POKER RUN

Saturday, July 30, 2022

Registration at Kelly Park East (Merritt Island)

9:30 to 10:30 am

As Always - Chip Stops at Participating Waterfront Businesses

Cash Prizes: 1st, 2nd & 3rd best hands

Cash prizes will be determined by the size of the pot

Prizes for Gentleman with the most Kings and Lady with the most Queens PLUS – Many Random Draw Prizes TOO

Always a Fun Day for the Whole Family!

\$25 Boat Registration – Includes one Poker Hand and one Event T-Shirt \$15 Additional Poker Hands and \$15 T-Shirts Available Separately

For More Information, Updates and Details

Visit our Website: cffw.org

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Please-Mark Your Calendar!

April 2-3: CFFW 25th Marine Flea Market at Harbor Town Marina

April 6: District 2 Dredging Committee Meeting

6:00 pm at Kiwanis Island, Merritt Island. Open to the public

April 21: Brevard Marine Advisory Council

6:00 pm Viera Government Center, Bldg. C, 3rd Floor. Open to the public.

May 2: Board of Directors Meeting

6:30 pm Lighthouse Christian Church on N. Banana River Dr.

Open to the public.

July 30: CFFW Annual Poker Run-Stay tuned to CFFW.org and our FB page for the latest!

Mandatory Equipment For Your Boat:

A CFFW Family Membership!

If you own a boat or live by the water, you can't afford not to join Citizens For Florida's Waterways!

□ \$50 Gold Family □ Donation (\$	\$500	Platinum Family	
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