

Minority report for N3: Vanderbilt Lagoon

SPEED RECOMMENDATION: REPLACE SLOW SPEED/ MINIMUM WAKE SHORE-TO-SHORE ZONE WITH IDLE SPEED/ NO WAKE SHORE-TO-SHORE ZONE.

Rationale: Current data supports the need for increased manatee protection from Vanderbilt Lagoon to Wiggins Pass. Given the frequent manatee sightings in the area, the presence of seagrasses, the number of motorized watercraft using the area, and the narrow width and shallow depth of much of the channel, this area is a critical manatee habitat, needing additional protection in order to 1) prevent manatee/ boat collisions and 2) provide a “safe area where manatees can rest, feed, reproduce, give birth or nurse undisturbed by human activity.” (1)

Supporting Data:

1) Evidence of Manatee Use:

FWC Aerial survey data collected in 2006-2008 lists only four manatees in the warm season and no manatees in the cold season. (2) FWC qualifies its findings with: “These surveys are inexact because of changing weather conditions, water clarity, manatee behavior, and other factors. As a result, scientists are reluctant to base their evaluations of the manatee population on these surveys.” (3) Also note, this data is 8-10 years old.

More recent data, documented by eyewitness reports, proves manatees are using N3 for mating, nursing, and feeding. Manatees are often observed near the “finger canals” in Vanderbilt Lagoon. Since March, 2008, no fewer than 17 individuals, have been sighted at Baker-Carroll Point, at the north end of N3, just south of Water Turkey Bay. Eleven were observed in Warm Season (April-October) and 16 in Cold Season (November - March). Seasonal overlap occurred with a 2012 mating herd.

Sightings include: **2008:** March 28, pair of manatees swimming near Delnor-Wiggins State Boat ramp. **(EXHIBIT A.) 2012:** March 26 - April 2, a mating herd of at least 10 individuals, south of Water Turkey Bay; reported to Chris Boland (Imperiled Species Division of FWC) on March 27, 2012. **(EXHIBITS B - D) 2015:** April 6, a mother nursing her calf in lagoon near the Delnor-Wiggins State boat ramp. FWC Law Enforcement and Collier County Marine Sheriff came to look for what was reported by a Baker-Carroll Point resident as a large dead manatee being pushed by a small manatee. November, manatee swimming near seawall. December, manatee swimming near seawall. **2016:** April 1, manatee swimming at Baker-Carroll Point Marina entrance.

“Existence of features within the area that are essential to the survival of, or are known to attract manatees, such as seagrasses...” is an item that the Commission utilizes in determining restrictions. (4) Prop wash removes seabed sediments and dislodges seagrasses, therefore, at “idle speed,” there is less habitat destruction than at “slow speed”. The “destruction of essential manatee habitat” is an item that the Commission utilizes in determining restrictions. (5)

2) Evidence of Boat Use:

Numerous motorized watercraft use N3, and many are traveling at fast speed.

(EXHIBITS E & F) Launching points include Delnor-Wiggins State Park Boat Ramp, single family docks that line “finger canals” of Vanderbilt Lagoon, multiple condominium and hotel docks along the western shore of Vanderbilt Lagoon, Baker-Carroll Point Marina, and South Bay Marina (which rents boats).

3) Channel Characteristics:

A factor the Commission utilizes in determining speed restrictions is the “Characteristics of the waterway.” (6) Much of the channel between Vanderbilt Lagoon and Wiggins Pass is very narrow and shallow. The width is ~ 50 feet. A posted sign states that at low tide, the depth is maintained at 3 feet. When tides are low, most water outside the channel is too shallow to be used by either motorized watercraft or manatees.

(EXHIBITS G & H) Because motorized watercraft and manatees must use the same narrow, shallow channel at these times, it is inevitable that manatees are cut by props and receive blunt-force injuries from collisions. “The faster a boat goes, the more force is applied to a ‘strike.’” (7) Idle speed from the Vanderbilt Lagoon north to Wiggins Pass would reduce the strike force.

4) Analysis of FWC Aerial Boat Survey and Mortality Data:

The 2006-2007 FWC “Fast” Boat Density and Manatee-Boat Overlap for all months was only .06.(8) This low number can be attributed to the fact that only four manatees were documented in the 2006-2008 survey. (2) As stated earlier, that manatee count is unsupported by recent observations. In N-3, Table 5 shows there were two perinatal carcasses found and no boat-related mortalities reported. (9) However, absence of boat-related mortality data does not mean manatees have not been struck. With the present density of boats and manatees using the same narrow, shallow channel, it is probable that manatees have received physical damage from collisions, including propeller scars and blunt force injuries. Chronic injuries can linger for days, weeks, or longer before the manatee finally succumbs from internal bleeding or infection. (7) In such cases, the corpse may be found far from where it was struck.

- 1) “Florida Fish and Wildlife Conservation Commission... Materials for Collier County LRRRC, March 25, 2016,” Section 2, page 5, 68C-22.001 Scope and Purpose, (1).
- 2) “Florida Fish and Wildlife Conservation Commission... Materials for Collier County LRRRC, March 25, 2016,” Section 3, Table 1, p. 19
- 3) “U.S. Fish & Wildlife Service North Florida Ecological Services Office....Population Status” <http://www.fws.gov/northflorida/Manatee/manatee-gen-facts.htm>>
- 4) “Florida Fish and Wildlife Conservation Commission... Materials for Collier County LRRRC, March 25, 2016,”(Section 2, page 5, 68C-22.001 Scope and Purpose item (2) (a) 2 e
- 5) “Florida Fish and Wildlife Conservation Commission... Materials for Collier County LRRRC, March 25, 2016,” Section 2, page 5, 68C-22.001 Scope and Purpose (2) (a) 1. c
- 6) “Florida Fish and Wildlife Conservation Commission... Materials for Collier County LRRRC, March 25, 2016,” Section 2, page 5, 68C-22.001 Scope and Purpose, (2) (a) 2. f
- 7) “Information for Boaters and PWC Operators...Causes of Manatee Deaths in Florida” “<<http://myfwc.com/education/wildlife/manatee/for-boaters/>>
- 8) “Florida Fish and Wildlife Conservation Commission... Materials for Collier County LRRRC, March 25, 2016,” Section 3, Table 4, p. 23.
- 9) “Florida Fish and Wildlife Conservation Commission... Materials for Collier County LRRRC, March 25, 2016,” Section 3, Table 5, p. 24

EXHIBIT A: March 28, 2008: A pair of manatees was sighted near Delnor-Wiggins State Boat Ramp.

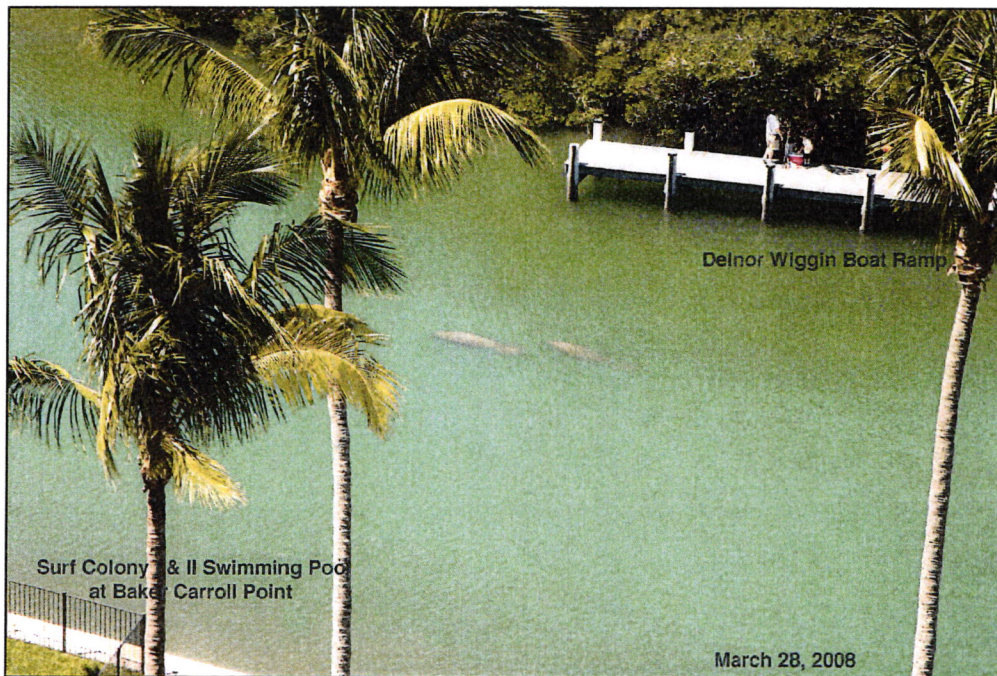


EXHIBIT B: March 26, 2012: Four manatees were swimming between Vanderbilt Surf Colony III Condo and Delnor-Wiggins State Boat Ramp.



EXHIBIT C: April 2, 2012: A mating herd was photographed near Baypoint Condo, Baker-Carroll Point .



EXHIBIT D: This map shows some of the many manatee sightings between March 26 & April 3, 2012. The width of the waterway between the Dunes Condominiums and Baker-Carroll Point is 226 feet. Note the location and width of the narrow Vanderbilt Channel.

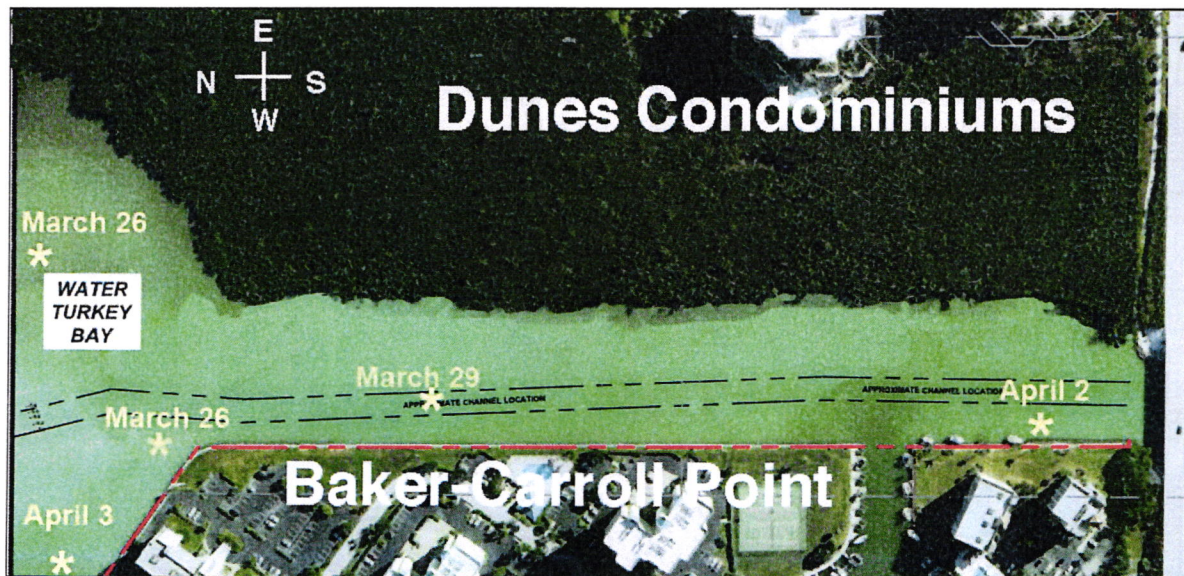


EXHIBIT E: These February 11, 2012 PWCs are quite typical of weekend users of N3. These were launched from Delnor-Wiggins State Boat Ramp, where there are no posted speed signs or manatee signs.



EXHIBIT F: Typically on weekends in season, there is a lot of boat traffic. This particular day (April 7, 2012) was also when the mating herd was nearby. Note the location of Channel Marker 13, the far right green marker.



EXHIBIT G: Early morning, low tide, looking NE into Water Turkey Bay. Note location of Channel Marker 13 and the sandbar to the right of the marker.



EXHIBIT H: A manatee (part of the mating herd on April 7, 2012) is looking at Channel Marker 13. At low tide, this manatee would be on a sandbar, as noted in EXHIBIT G. EXHIBITS F and H are photographs taken within minutes of one another, proving how close the water vehicles are to the mating herd.



© Taken from Roof of Vanderbilt Surf Colony/ Channel Marker 13/ Water Turkey Bay
4/7/12 by Susan Leach Snyder