

**MINUTES  
OF THE COLLIER COUNTY  
LOCAL RULE REVIEW COMMITTEE**

May 13, 2016  
Naples, Florida

**LET IT BE REMEMBERED** that the Collier County Local Rule Review Committee (“LRRC”), having conducted business herein, met on this date at 9:00 AM in **REGULAR SESSION** at the Collier County Growth Management Department Building, in Conference Room #609-610, 2800 N. Horseshoe Drive, Naples, Florida, with the following Members present:

**Chairman:** James Kalvin

**Members:** David C. Boesche  
Joshua Maxwell  
Nancy J. Richie  
Jeremy Sterk

**Excused:** Nancy Anderson  
Marilyn Tempest, Vice

Chair

Michael Crofton

**Attending via Conference Call:** Cliff Holland (*voting member*)  
Susan Snyder (*voting member*)  
Scott Calleson, Florida Fish & Wildlife

(“FWC”)

***Non-Voting Members:***

Captain David Baer, City of Marco Island Police Department  
Roger Jacobson, Harbor Master, City of Naples.  
Gary McAlpin, Manager – Collier County Coastal Zone Management

**ALSO PRESENT:**

Debbie Wight, Collier County Capital Projects Planning

Chris D'Arco – Sr. Environmental Specialist – Coastal Zone  
Management

**CALL TO ORDER:**

**Chairman James Kalvin** called the meeting to order at 9:12 AM.

**He noted**, although not enough members were present to establish a quorum, the Committee could hear comments from the public. We can discuss some of the zones, but cannot take an official vote.

The role was called:

- **Cliff Holland** (voting member) confirmed his attendance via conference call.
- **Susan Snyder** (voting member) confirmed her attendance via conference call.
- **Scott Calleson**, Environmental Specialist, FWC, was also present via conference call.

**Gary McAlpin** explained six members must be (physically) present before a member's vote could be accepted via a conference call. He reminded the callers to identify themselves before speaking.

**Cliff Holland** asked how, if the next meeting has the same quorum issue, the Committee will address it to ensure all assignments are completed in time. "We should be thinking about a 'Plan B' just in case."

**Gary McAlpin** suggested Staff could query everyone to identify whether or not there will be a quorum at the next meeting and then decide how to move forward.

**I. APPROVAL OF MINUTES – APRIL 22 AND APRIL 29, 2016:**

Corrections:

- **04/29/2016:** Roger Reinke, Assistant City Manager, City of Naples, was incorrectly identified. The individual attending was **Roger Jacobson, Harbor Master, City of Naples**. Additional references to Roger Reinke in the minutes were corrected to reflect the correct individual, Roger Jacobson.
- **04/08/2016:** **Susan Snyder** expressed concern regarding updating minutes to reflect the additions, corrections and deletions she submitted. Chairman Kalvin stated he would follow-up with Staff after the meeting concluded. |

**Gary McAlpin** noted several individuals wanted to address the agenda. He asked if the Chairman would hear "Public Comments" next since this was an "information only, non-working" meeting.

**II. PUBLIC COMMENTS:**

**Marcia Cravans** – addressed three issues:

- (1) She expressed concern and requested removal from the current Agenda, as well as in the future, of any formal "recognition" of input from Seagate residents with Clam Bay.

She stated, “It appears to give an inappropriate favor to the comments of one entity over others. To be fair, you would have to do that for every group’s comments. Staff or Committee members really should not be taking action to provide comments from another entity to be read into the minutes of a meeting. I have never seen that occur in any other public meeting I have attended. At BCC (Board of County Commissioners) meetings, they do not allow someone else to speak for another person – whether that person is a committee or an individual unless that person has been approved by a group or organization to be their representative, and in that situation, they must be present to read the comments. To have Staff or a Committee member read something into the record for an individual or an organization that is not present is just inappropriate.”

**Chairman Kalvin** agreed and stated her comments should be included in the final agenda item, “How all Public Comment should be included in the Final Report.”

**Ms. Cravans** (Correct: “Cravens”) continued: “As long as that actual comment is included as back-up material for that agenda item.” She requested removal of the language, “from Seagate residents with Clam Bay.” She suggested it should be an Agenda item regarding how public comments are treated generally.

(2) Review and Approval of Minutes: She stated, “The April 29<sup>th</sup> meeting was to discuss and approve summaries of all the discussion and recommendations that had taken place at the Committee meetings to date. However, you were at a disadvantage because you did not have the minutes of the April 22<sup>nd</sup> meeting to review and refer to. And that may very well have been the reason why the summary of the Clam Bay agenda item for recommendation the LRRC approved for Clam Bay is incorrect. So, at the very least, that part of the 04/29 meeting minutes needs to be corrected. In fact, in your summation, it indicates that Option #2 was approved when, in fact, that was not what occurred on April 22<sup>nd</sup>. On April 22<sup>nd</sup>, and I quote – “Susan Snyder moved to approve the entire Clam Bay system as an “Idle Speed/No Wake” Manatee Protection area. Nancy Anderson offered a Second in support of the motion.” Discussion then ensued and after the discussion ended, the motion carried,

7 – “Yes”/1 – “No”/1 – Abstention. Josh Maxwell was opposed.” Were there 2 “No” votes and no abstention? (Note: An off-mic comment was made – could not distinguish) So that also needs to be corrected, but the majority vote approved for the motion that Susan Snyder made. It was not modified – it had no mention of any kind of options regardless of any introductory statements that were made.

**Josh Maxwell** stated with Option #2, the Committee was mirroring what FWC had done with their “Option #1 - leave as is” – “as is” would be no zone. Option #2 would create a zone. So we ...

**Marcia Cravans:** “I’m sorry, I would disagree.”

**Josh Maxwell:** “That’s what was discussed that day and I think the minutes are correct. It’s not going to be that way in the final ...”

**Gary McAlpin:** “We don’t usually have dialogue back and forth with speakers’ comments. I think ... we need to let Marcia continue with her comments.”

**Marcia Cravans** ((Correct: “Cravens”): “I would just reiterate that any summary needs to not include interpretation but to report specifically on what the motion was that was approved. And also, I mostly just monitor and advocate for manatee protection and manatee habitat for Clam Bay but I think the lack of not having the 04/22 meeting minutes during your 04/29 summation of your actions is problematic, and there may have been other errors that are not immediately obvious and I would request that those minutes – and I heard someone call in who was concerned that corrections to the April 8<sup>th</sup> minutes had still not been done. So it’s very important that your meeting minutes be accurate and when inaccuracies are pointed out, that correction needs to be done. Not excused, not explained, they need to be accurate according to the minutes of the actual meetings where the action was done.

(3) And my last comment is just general. I am not here to criticize this Committee. I very much appreciate everything that you are doing and everything that Staff is doing because it is an important issue to a lot of people. There are over 400 paddlers in the Paradise Coast Paddlers Club. They really have not been represented here. Most of them are working adults. I am trying to do some outreach to them and expect meet up with some of them tomorrow. By the way, there is a ‘paddle-in’ in Clam Bay tomorrow at Clam Pass Park, starting at 9:00 AM for anyone who is interested in joining. So with that, I’ll end my comments. Thank you.”

**Gary McAlpin** noted the next speaker, Bob Naegele, has two speaker slips for six minutes.

**Bob Naegele:** “Thanks, members of the Local Review Board. My name is Bob Naegele. I am presently the President of the Pelican Bay Property Owners’ Association. It’s a voluntary homeowners’ association with 1,500 members. I was also Chairman of the Pelican Bay Foundation that governed 6,400 homes so I am familiar with the issues through the years. When I read Dr. Buser’s letter, allegedly Dr. Buser’s letter, there is no letterhead on it – it’s from an association – just a typed intro at the top and no signature. It seems to me that when somebody is making as many allegations as he’s made on these three pages, that somebody would take the time to do it. Now he doesn’t live here – Dr. Buser lives in Ocala. So representing the Seagate Homeowners’ Association – he’s doing it seemingly from afar. If this letter is entered into the record, then I have another letter with about fifteen corrections in red of some of the allegations that he made and some of the incorrect assumptions that he offers. The other thing that I thought was inappropriate when one of the Staff members was asked to submit this – I believe it was Gary – was asked to submit by Dr. Buser to submit the letter on his behalf. I wouldn’t do that. In fact, I have a letter here that I’ll pass out – you’ve already received it from the Pelican Bay Property Owners’ Association. I took the time to write it, lay out the issues on our stationery, and then sign it myself and forward to you. Thank you very much. And I would like to know and maybe discuss – should ... will Buser’s letter be accepted today or will it be another letter that he signs and sends. When should I take my letter where I’ve taken his letter and answered the allegations that he made ... when should I submit that? Is that now or later?”

**Chairman Calvin:** “Your letter will be submitted with all of the information that’s been submitted to the County’s website. It will not be – Marcia is absolutely correct. It should not have been an agenda item. I hope that answers your question – it will be submitted to the County’s website along with the other public comment.”

**Gary McAlpin:** “Mr. Chair, just for clarification – County’s Staff has taken all correspondence that people have submitted and posted it on the website. We have been diligent in taking everything that we have and we leave it up to this Committee to sort out – but I think that – for clarity – we have not cheated one side versus the other. We have accepted everything and posted it on the website. Thank you.”

**Bob Naegele:** “Thank you very much. Then is there any necessity to distribute my letter from the Pelican Bay Property Owner’s Association, as President, to the present members here? You have it – great, good. And then the comments to offset Dr. Buser’s allegations here – when should I submit that? On the website?”

**Chairman Calvin:** I would submit it to the website, sir.

**Gary McAlpin** noted the next speaker, Linda Roth, would like to speak on three items, so that would be a total of nine minutes.

**Linda Roth** stated Marcia Cravans **(Correct: “Cravens”)** had addressed the same issues. She reiterated the minutes from April 22<sup>nd</sup> and April 29<sup>th</sup> are not consistent – I am just looking at the Clam Bar area. The votes are not consistent. On the 22<sup>nd</sup>, it said that “chose Option #2.” As I was reading it, I had no idea what “Option #2” was about – it was to install a speed zone in Clam Bay. That was ambiguous, too vague. I think it should reflect what the Committee voted on – the entire Clam Bay system – “Idle Speed/ No Wake” Manatee Protection area. That should be listed there in the minutes, and also in the votes. I am not clear on these, so can I just ask some questions? Will the minutes and the votes be included in the majority report or minority report?

**Josh Maxwell:** The minutes will be appended to the majority report. They won’t be in the meat of the report itself – they will be an appendix to it.

**Gary McAlpin** again cautioned about responding to public comments.

**Ms. Roth:** “I thought you said it was an information-sharing session today? So I would like to have some information provided.”

**Chairman Calvin:** “We need the opportunity to go through those before we can comment.”

**Ms. Roth:** “Will all the minutes, comments, documents, and supporting materials be presented to the FWC Staff or just your final report?”

*(off mic comment .... “formatting” ...)*

All right, thank you. I have time left so I would like to point out – I gave you the manatee sighting – recent manatee sighting. I did an analysis – Clam Bay Nature Preserve. A boat – a big boat with three people fishing was traveling at Idle Speed. This should not be happening in a nature preserve. (She referred to photographs.) This is where the boat is traveling – right over the seagrass bed. Here is another one – right over

the seagrass bed. This should not be happening – it is destroying the seagrass habitat for manatees. I just wanted to present that to you. Thank you very much.”

**Gary McAlpin** stated the next speaker, Ted Raia, would have three minutes to speak.

**Ted Raia:** Good morning. I believe the Seagate submission has many erroneous and false statements and I’m going to read one of the paragraphs:

“ ... the primary supporters of a manatee protection area for Clam Bay are the same individuals and entities that have repeatedly attempted to block historical safe navigation in the waterway. This is evidenced by the fact that the same persons blocked the placement of navigational markers that Seagate views as a critical component of the original Clam Bay Restoration and Management Plan. The requirement for Coast Guard approved aids to navigation was incorporated into the original management plan to protect resources, and to ensure the safety of boaters, swimmers, and fisherman.”

This is completely false. As a member of the Mangrove Action Group, an environmental organization founded twenty years ago to assist the County in monitoring the 570 acre mangrove estuary known as Clam Bay, I wish to clarify comments being submitted that have nothing to do with the manatees. The Seagate community started in the 1950s – not 1960s – although most of the private homes and all of the high rises were built after the Clean Water Act of 1972 was enacted. Since that time, their boating rights have been protected as they existed when Seagate was developed. When the County constructed a boardwalk across Outer Clam Bay, a draw bridge was installed to protect those rights even though it has not been opened in at least nineteen years. However, the 1972 Act prevented further destruction of the mangroves using the dredge and fill method. The Coast Guard never required red/green lateral aids to navigation. Its role is to approve signage – to see that the signage conforms to their standards. The Coast Guard doesn’t require signs. It’s their responsibility that – if you’re going to put a sign there – it has to meet their standards. The signs that were approved and required were canoe trail markers used to locate the channel so users do not travel outside of the channel in order to protect the natural vegetation. Lateral navigation signs do not require you to remain in the channel. You can travel outside channel, but safe passage outside the channel is not assured. But it doesn’t prevent you from going outside the channel. The U.S. Army Corps of Engineers also provided a written statement that the Corps did not require navigation signage. Because the natural flow of the estuary waters has been disrupted with development north and south of Clam Bay, it has become necessary to periodically dredge the Pass when the mangroves are threatened. The dredging is never for navigation which is not permitted. Coincidentally, the Pass has just been dredged and the workmen have sighted manatees while working. So they are there.

**He continued:** Now about boat safety, I want to call to your attention ... the previous navigation chart showed that Clam Pass was not navigable. In 2008 they had that important notice removed from the chart even though the pilot described it as being just a

short canal. It was not a safe boating thing to do – to have that warning removed. Thank you.

**Gary McAlpin** stated the next speaker, Shaun Chute, would have three minutes to speak.

**Shaun Chute:** I am here representing the Marco Island Charter Guides Association. We have twenty members on Marco. I'm here to talk about the permits – the Guide permits for manatee zones. I have been guiding there for 20 – 25 years now and have lived on Marco my whole life. We support the protection of the manatees, of course. It's beneficial to our businesses. And we do believe there needs to be laws and rules about certain areas and travel. The problem we have is with the permits. We just learned about this yesterday – about this meeting and about everything – that you're trying to do away with the Captains' Permits for running in the manatee zones. It affects about 31 guides on Marco and south of Marco. We just want to know why we are going to be affected. We haven't heard of any deaths caused by captains in this area. There is an increase in the population of manatees and, according to the FWC, it's been at an all-time high this year of over 6,000. Over the last ten years, it's increased twice. So – a one hundred percent increase. We just want to know why we are being focused on anywhere with this permit process.

**Captain Kalvin** thanked him for his comments and hoped his questions would be answered as the Committee went through the proposals and, to specifically answer the question, they were asked to consider it by Fish and Wildlife.

**Gary McAlpin** stated the next speaker, Carrie Geroy, would have three minutes to speak.

**Carrie Geroy:** Good morning, for the record my name is Carrie Geroy. I am a resident of Collier County and have been in the County for thirty-five years. I am here on behalf of the guides who run out of the Naples area and to follow-up with what Mr. Chute was saying. The issue that has been raised about discontinuing the permits for the manatee zones – they weren't aware of and they are not available ... my husband, Todd Geroy, is a guide and my son, Ben Geroy, is a guide. They would be here today but they are working. In fact, there is one party that is going out today that has taken up ten boats, so large groups of anglers are going out today. The issue with regard to the permitting – we are hoping you will reconsider your decision that goes in a final report to FWC to discontinue the Charter Captains' Guide Permits here in Collier County because it is crucial to their efficiency to running a trip. Most of them run half-day trips – two a day – and the bodies of water that are identified are quite expansive. And, certainly, if they had to run not on plane and in a "No Wake" Zone, it would really hinder their geographic region that they can fish and the productive trip for the guides. It would affect their clients – it would affect their livelihood, and certainly be detrimental to, not only the thirty guides that Mr. Chute discussed, but also at least twenty guides in Naples who run in the same water as the Marco guides. We appreciate your time and efforts for this committee and I know it's not an easy task, but certainly hope you will reconsider discontinuation of the Guide permits because it is critical to their business. Thank you.

**Gary McAlpin** stated the next speaker, Chuck Petrie, would have three minutes to speak.

**Chuck Petrie:** I am Chuck Petrie out of Marco Island. I work alongside Shaun Chute. I work for a different company but we are all, basically, in the same boat. Along the same lines, I was unable to attend the previous meeting to comment on all the permits. I wish you would look more into modifying or grandfathering the current owners of the permits for the thirty guides. I don't believe that thirty permit holders constitute any morbid threat to the manatees and any other recreational boater. I would hope that with our professional abilities, we should be able to recognize the manatees when they are in the area and avoid them, and also point out to other people and educate them on where they tend to frequent – hopefully, keep them aware of that and keep them from having collisions with the manatees as well. And the same thing – a lot of people come out and when they see a manatee in the water, they might be hard-core fishermen, but they like go over to check them out. So it's always good that we are there, too, to educate them on what is going on. That's basically it. Thank you.

**Susan Snyder:** I have a couple of comments that I would like to make in response to those speakers. For the gentleman who was talking about the manatee population being on the rise, he is correct for most of the State but is not correct in our County. Our manatee population has been maintaining balance and the numbers have not been showing increases in large numbers. They are up and down and all over the place, but the average is not very high at all. And also, I agree with Mrs. Roth and her comments about the votes on the Clam Bay issue. In checking out the minutes of the 22<sup>nd</sup> and the 29<sup>th</sup>, they do not agree. I also checked on the 22<sup>nd</sup> and there were only nine voting members and yet we have some votes that add up to ten. So I think there are a number of errors that need to be looked at. Thank you.

**Chairman Kalvin** asked the Committee members if they had any questions or comments.

**David Boesche:** “... tell the people what we know or what we don't. I don't know what's officially okay with no quorum.”

**Chairman Kalvin:** It is an official meeting even if we don't have a quorum and can't take a vote.

**Gary McAlpin:** You can share information but can't make any decisions. You can have discussion, I believe, on any of the items that have come up, but you can't vote on what to do on any of the items. There could be some information sharing back and forth, and discussion relative to that. I think, Mr. Chair, if you wanted to go through your report and the makeup of the report and how you see the culmination of the report – at least get different people's opinions – yours and the other members of the Committee – you certainly could. I would say that before you would finalize that, it would have to be brought back to the entire Committee. But you could start to share information.

**Chairman Kalvin:** The thing I would like to make clear to the folks and the public is that our being here is as an advisory committee only. We are going to give what comes



out of this Committee to Fish and Wildlife Staff. They may, or may not, take what we give them. They may do something totally different. They may do everything we ask them. We don't know. They then take that report and they submit it to the Commissioners at Florida Fish and Wildlife. There's a chance that what we submit may not represent what the final product is coming out of the Commissioners. We are, basically, local stakeholders giving local input into this rule-making process. So it's an advisory role. Please understand that.

**Roger Jacobson:** I have one question. I am a non-voting member. Let's say you did have a quorum today. Were you going to allow a vote to change your votes?

**Chairman Calvin:** We can bring up areas that we have already voted on and we can change votes, yes.

**Josh Maxwell:** I think it would take a motion. We did discuss at previous meetings that we would not go back and second-guess ourselves. As we move forward, we can kind of – yes, if somebody wanted to make a motion ... it would be a motion on the table, but at the last meeting – and three meetings ago – it was brought up about reviewing our previous votes, and the group's consensus was to not re-vote on it.

**Chairman Calvin:** Josh, if you would like to give a synopsis of what ...

**Josh Maxwell:** What I'd like to do is – I'll go through ... since the public speakers emphasized Clam Bay and the Guide program, I'll just review the notes that were taken from the last few meetings and what this ... it's half-complete so ... it's just my little chicken-scratched notes for so far.

For Clam Bay: Nancy [Anderson] reviewed the Citation from the Florida Sanctuary Act and she quoted the destruction caused by props, i.e., scars, etc. There as a lot of discussion regarding protecting the manatee habitat and also the manatees which have been sighted. The motion made by Susan Snyder was to make the entire Bay area shore-to-shore Minimum Wake and that's what is going to be written into the – it was “Idle Speed/ Minimum Wake.” **(Comment: This was corrected by Linda Roth and Susan Snyder as “Idle Speed/ No Wake... not “Minimum Wake in interruptions to Josh’s statement.”)** Everything will match with what is in the FWC letter when this goes out. Susan will make sure she has her red pen on the paper before it goes out. But, it is “Idle Speed” shore-to-shore. I'm not going to reference Option #2, so we will take care of that for you. And then the minority opinion was Chairman Calvin and me. Jeremy [Sterk] had abstained that day because his firm is working on Clam Bay right now. So that's Clam Bay. The majority opinion was to recommend it as a manatee protection zone. For the Guide zones: We had a lengthy discussion. There are 31 active Guide permits and, I think, 8 commercial net-setting permits. The consensus of the group was that you can't set your nets without the permit, so the group agreed to basically recommend the removal **(Add: “of the guides only.”)** We talked about “grandfathering” the existing permits or to try to limit the number of permits. The minority opinion was there are guides who are going to lose money based on that it will limit how many trips a day they can do because they will not be able to access the same areas as they fish now, so a lot of the points that were made today were also brought up last week by members of the group.

But – unfortunately for what you guys have discussed – the motion was counter to what you guys would like to see.

**Nancy Ritchie:** Since I wasn't here, could you explain a little bit more about why the majority of this committee leaned the other way. Based on?

**Josh Maxwell:** There was some discussion of the confusion caused to area boaters when they'd see a Guide boat driving by them – when they have to go slow. That was one thing discussed. We discussed the geographic areas that are limited to these permits – and it's not a free-for-all, go everywhere. But we reviewed the areas where these permits apply – we brought up that a lot of Guides are going across Johnson Bay and areas where they are trying to get across and get in a couple more spots for a day to complete a trip, rather than at "Idle Speed." I can't talk to why everybody in the group voted the way they did. I think a lot of it had to do with – they didn't want to have the public confused to where the public would then go on plane outside of the wake zone – or out of the channels. If anybody who voted it for it wants to correct me if I'm wrong, please do so.

*(Off-mic comments from the audience.)*

**Gary McAlpin:** I'm sorry – we are not allowed to ... you can fill out a Speaker slip if you would like. Josh, are you finished with your summary?

**Josh Maxwell:** I'm about half-way through the summary. I want to go through the format of what I am planning to draft for us to hopefully approve next Friday. I apologize – work has been absolutely crazy so, most of this was written over "manatee coffee" this morning.

**Scott Calleson:** I want to mention something quickly for the Guides who are in the room. As this process goes forward, FWC will reach out to all the current permit holders. There will be some additional dialogue going forward. I don't want anybody under the impression that even if you guys don't do anything more, that it's somehow a closed issue. We will have a good bit more communication directly with the current permit holders and other Guides. They will have some opportunities to deal with us directly as this goes forward as well.

**Gary McAlpin** suggested the Guides could write a letter – collectively or individually – and the letter(s) will be included in the appendix of the report. You would have a more direct line to have your comments incorporated if you draft a letter that we can include.

**Josh Maxwell:** With the report itself ... I looked at drafts that other people had done and figured we'd do our own Naples version – or Collier County version. There will be a short introduction of who is on the Committee but for the "meat" of it ... I really don't want to make this a one-hundred page document. We already have hundreds of pages of supplemental information. My goal is to truly present a summary of the group. For a lot of these, we agreed with one of the options that FWC asked us to consider. So I feel a little bit a background will suffice along with, "Yes, we agree with Option #1 or Option #2 or Option #3, or revised Option #2." A map will be included if the area has been revised. As for the minority – there will be a couple of sentences on those areas and then at the close of each minority report, I will reference the Appendix for further details. I

will compile the minority reports by myself which will then be a separate Appendix at the end. Following the report and the appendices of the minority opinions, my thought process is to – we have a lot of dialogue between the members – I thought we would have those as their own Appendix so that would be submitted to the FWC ... like, Susan Snyder's map that she did for Wiggins Pass that we discussed at last week's meeting – that's where it would fall into. At the tail end of that would be where I would put all the public comments that were submitted to us ... the letters. I'm sorry – I also forgot ... we will put all the minutes in ... they will follow the minority reports ... the minutes, then the public submittals, then the public comments at the end. If we want, we can go through the zones quickly. Again, I got through about 50% of them and I plan on working on the rest of them – hopefully this weekend – and having a finished version out to everybody by the middle of next week.

**Gary McAlpin:** A draft finished version.

**Josh Maxwell:** Yes, exactly. Gary, as far as next week, you said you will find out if we have a quorum. I think Nancy Anderson is still local. I think it's really important that maybe we get her here because I don't think anybody else is ...

**Gary McAlpin:** I will try to get everybody ... we will try to work it prior to the fact ... we'll know maybe on Wednesday or Thursday what the status will be and then we will make a note accordingly. We will do everything we can to get a quorum here.

**Roger Jacobson:** Josh, I show the meeting as next Thursday, too ... is that?

**David Boesche:** From 1:00 to 5:00 PM. **(Correct to 3:00 to 5:00)**

**Josh Maxwell:** In the time frame with the FWC, we have about an extra week of buffer before our sixty day window is up. My goal is that, hopefully, we can all come into agreement on it, get it signed by the Chairman, and submit it. Going through, I am going to follow the same format that FWC had as far as their numbering. In the draft, I went ahead and took a clip of the navigation charts of all areas so as we go through it, if anybody has any questions, we don't have to worry about hooking up the laptop and all that. It will be right there for your reference. The only maps I plan to include are any of the ones that we are recommending changing, for instance, the "dog leg" on the back side of Keewaydin – right before Johnson Bay. There will be an exhibit for the Marco River where we talked about going to "Slow Speed" instead of "Idle Speed." They will be the actually **(Change to "actual")** exhibits in the report. These, today, are references for today's notes. Do we want to go point-by-point and let anybody else make comments that I can add to my notes and expand or delete upon?

**Chairman Calvin:** Let's read in and get any input that we can right now.

**Josh Maxwell:** I'll go ahead and read it, and then open it up for discussion.

**Gary McAlpin** noted Mr. Maxwell's draft (of a draft) had been posted to the website.

**Josh Maxwell:** We will begin with N-1:

**•N1 – Little Hickory Bay Channel:**

- The majority of the LRRC members (8) agreed with Option #2 from FWC.  
*Change all or part of the narrow section (roughly between Markers 5 and 18) to a shore-to-shore "Slow Speed" zone.*

- The existing zone is comprised of a 30/20 zone with 30/SS zones both north and south of the area in discussion.
- The total length of the channel in this section is approximately 1.3 miles.

**Josh Maxwell noted**, for clarity, he will quote FWC’s exact language for the approved option.

- During the warm season (April through October), there are portions of this zone that are 3 to 7 times the mean of the manatee/boat overlap. This supports the need, due to the narrow nature of this channel in this area. There is not adequate room for manatees to safely avoid impacts while safely traveling with vessels on plane.

**Susan Snyder** noted the Committee changed Option #2. It removed the language, “*or part of,*” from the Option.

- Minority Report: One member did not feel there was a high enough boat overlap year-round to warrant a year-round shore-to-shore speed zone through the entire area. The opinion was that the main area of concern was from Marker 10 to Marker 18.

**Josh Maxwell:** There are probably only one or two minority reports that I will submit myself. A lot of my minority opinions are short and sweet.

• **N2 – Cocohatchee River:**

- The majority of the LRRC members (7) agreed with FWC’s Option #1.  
*Take no action and leave the existing zone in place.*
- Currently the area is mostly a 30/20 zone, with the western portion a “Slow Speed” zone.
- The area has very low manatee/boat spatial overlap. There are only a few residential neighborhoods upstream from the current speed zone and most of the traffic west of this zone travels in and out of the Pass and Intracoastal Waterway.
- There was no minority opinion for this area since two members abstained from voting for undisclosed reasons.

• **N3- Vanderbilt Lagoon:**

- The majority of the LRRC members agreed with FWC’s Option #1.  
*Take no action and leave the existing zone in place.*
- The existing manatee speed zone is “Slow Speed/Minimum Wake” and provides adequate protection for the manatee.
- A more restrictive speed zone is not warranted, and a more liberal one would not provide adequate protection.
- The waterway is almost completely built out and the likelihood of more vessels within the waterway is limited. **(Correction: This next statement**

is part of the minority report and was suggested on May 13th as the last sentence in the minority report: “Additionally, the channel is narrow and shallow.” After the 13th meeting, an additional phrase was added to the sentence for the final report: , “and used by numerous watercraft.”

- Minority opinion: One member of the group felt that a more restrictive speed zone, “Idle Speed,” should be put in place based on personal manatee sightings, stating there are more manatees in the area than represented by the (Add: FWC) data.
- (Clarification: This following statement is the second sentence of the minority opinion summary, “ On multiple occasions, breeding pairs have been spotted in the waterway and a more restrictive zone will allow better protection for them.” This was corrected after the May 13th meeting for the final report to say “breeding herds of five to 10 individuals” to replace “breeding pairs.”)

**•N4 – Doctors Pass/Moorings Bay:**

- The majority of the LRRC members (Add : “8”) agreed with FWC’s Option #2.  
*Add a “Slow Speed” zone.*
- This zone was requested by the City of Naples as the previous local Ordinance is no longer in place, leaving the area with no current speed zones.
- The group feels that the lack of manatee mortality in the area is due to the success of the previous local speed zones.
- There are only a few areas throughout the waterway that have high manatee spatial overlap.
- Manatees have been spotted throughout the area by group members.
- Minority opinion: One member felt there was not (Add: “enough”) data to support the manatee zone in this area, but the area should be under a speed zone to protect properties and boats within the Bay.

**Chairman Calvin** stated his Amended Minority Report was sent on May 5<sup>th</sup>.

**Cliff Holland:** I believe the Amended Minority Opinion is an improvement from the original version. However if all of us – and I know I particularly do believe – what we put in this Report, whether it is a Minority Opinion or otherwise, should be principled in both factual and transparent communication.

Comments: (1) When we state that there is no freshwater source in Moorings Bay – I believe that’s implied here – I’d like to make known there are 74 stormwater inputs in Moorings Bay. That’s certainly not a constant freshwater source, but when those storm inputs are draining fresh water – again, there is a freshwater input in 74 different locations around the Bay.

(2) The other issue concerns mortality relating to boat strikes. Josh has made the point that there is low mortality because there an “Idle Speed/No Wake” has been in place since

the early 90s. But it's only been since February 2016 that those restrictions were removed, so I believe you have compensated for that in the Report that you just reviewed. (3) The last point that I have – Jim, you talk about the vegetation in the Bay and I'm not sure – what is your evidence that supports your statement that there is essentially only vegetation in the Bay at the shoal area? And that there are no other grass beds that exist. What evidence do you have to enable you to make that statement?

**Chairman Calvin:** That would be anecdotal, Cliff, from my experience in that area, both above and below water. The water turbidity, water clarity – we have the report that you submitted and that's the only place that referenced the seagrass. I believe that somebody with letters after their name, correct me if I'm wrong, stated seagrass has to have sunlight and has to be close enough to the surface to grow. I don't believe that the water is clear enough in there for the enough of the year to allow seagrass to grow there.

**Gary McAlpin:** Mr. Chair, if I could. I have a problem with whole trying to censor or re-write minority opinions. Minority opinions are just that – they are the position of the opposition. And I think the position of the opposition ought to be taken verbatim and identified verbatim, and I don't think there should be any attempt or view to change the minority opinions by the majority. I mean – that's what it is. That's what FWC wants to see and I think we should leave it the way it is. I have a problem with challenging this. We have already voted on it once. The majority wins at this point in time – it's going forward. Why are we trying to change a minority opinion? That doesn't feel right to me.

**Cliff Holland:** “ .... and for future process, this is only the first minority opinion that was stated here. As I said in my email, Point Two was a very direct statement that there are no grasses in Moorings Bay. That was a very direct statement that was extremely inaccurate. Are you supportive of inaccuracy and lack of transparency in the Reports – in the minority opinions that we submit?

**Gary McAlpin:** I am not (Add: “in”) support of misinformation, but what I will say is that I don't think we should try to change a minority opinion. If you disagree with it, say you disagree with it.

**Gary McAlpin (continued):** Send an email (Omit “in”) that we can put into the file but the minority should be able to say what they want to say. Period.

**Cliff Holland:** I agree with that but then I want to make sure that someone can catch – and this doesn't just apply to Moorings Bay – if someone says that the minority opinion has myths in it versus facts – does that end up in the Report or does that just end up in a file that nobody sees?

**Josh Maxwell:** Whatever the minority submits – that's what is going to be in that Appendix for that area. If there is something that you feel strongly about – or anybody else on the Committee – feel free to submit it to Debbie and we can distribute it among the group and that will be in the Appendix for the documentation submitted within our group.

**Chairman Calvin:** I would like to ask a question of Scott. As a rule of thumb, are storm drains considered freshwater sources for manatee areas typically?

**Scott Calleson:** From a practical standpoint, yes, they are. Just as, typically, marina basins are because you have people cleaning their boats and you have hoses that are putting fresh water. In a general sense, I would say that they are a source of fresh water. Clearly they are not the same as a completely natural source, but they are a source.

**Chairman Kalvin:** Well, in the interest of factual presentation, I'll amend this Report again and I'll omit that – enough said.

**Josh Maxwell:** Maybe saying, as Scott suggested, no natural freshwater source because Moorings Bay does not have the same influences as Naples Bay or Faka Union does with the canals dumping into it or Henderson Creek.

**Cliff Holland:** That is a factual statement. Thank you.

**•C1 – Naples Bay North:**

- The group unanimously agreed with FWC's Option #1.  
*Take no action and leave the existing zone in place.*
- The area is very congested due to the number of marinas and the public boat ramp and, therefore, should remain an "Idle Speed" to continue to provide protection to the manatees.

**•C2 – Naples Bay South:**

- The group unanimously agreed with FWC's Option #1.  
*Take no action and leave the existing zone in place.*
- This area is the main channel for Naples' boaters to access the Gulf of Mexico and even with the high manatee/boat spatial overlap the current zone restricts high speed vessels to the channel for manatee protection.

**•C3 – Gordon Pass:**

- The LRRC unanimously agreed with FWC's Option #1.  
*Take no action and leave the existing zone in place.*
- The existing "Idle Speed" zone provides adequate protection for the manatees and area boaters are accustomed to going idle through this area for ingress and egress out of Gordon Pass.

**•C4 – Dollar Bay:**

- The majority of the Committee (8) agreed with FWC's Option #1.  
*Take no action and leave the existing zone in place.*
- There is an area in the middle of Dollar Bay that has a high manatee/boat spatial overlap but it is located in a wide bay with high-speed boats restricted to a narrow channel.
- Outside of the channel, there is adequate depth for manatees and boats are restricted to slow speed.
- The narrow portion of this zone has low manatee/boat spatial overlap and does not warrant a more restrictive speed zone.

- Minority Reports: Two members felt that, in the area of Dollar Bay, vessels should be restricted to “Slow Speed” to provide more protection to the manatees and help reduce turbidity caused by boat wakes. This area has sparse seagrass and if turbidity in the area was limited, it could help provide more food sources for manatees.

**•C5 – Halloway Island North:**

- The majority of the Committee (9) agreed with FWC’s Option #2.  
*Change the existing zone to a shore-to-shore “Slow Speed Zone” but modified it to apply only from Marker 47 to Marker 44.*
- This area has a high manatee/boat spatial overlap and is a congested area for boaters since they are restricted to one side of the channel due to an existing shoal.
- The additional “Slow Speed” zone will prevent manatee boat collisions and provide safer navigation for boaters in the restricted waterbody.
- Minority Report: One member agreed with the modification but felt that it should only be made if the existing “Slow Speed” zone to the north was reduced as there is not a high enough manatee/boat spatial overlap to warrant the existing zone.

**Chairman Kalvin** thought it was important to note the confluence of Rookery Bay Channel coming into waterway at that point was important to protect.

**•C6 – Halloway Island South:**

- The majority of the Committee (9) agreed with FWC’s Option #2.  
*Change part of the existing zone/unregulated area to a shore-to-shore “Slow Speed” Zone applicable to the channel from Marker 30A-31 to Marker 27A-28.*
- This “dog leg” area has a high manatee/boat spatial overlap and the boaters in the Intracoastal should proceed through this area in “Slow Speed” to reduce the chance of injuring a manatee.
- The southern portion of this area is choked by a large shoal that restricts both manatees and boats through the channel as the shoal is too shallow for boats or manatees to travel over it.
- Minority Report: One member agreed with the more restrictive speed zone but felt it should apply to the bottom portion of the “dog leg” from Marker 28-A to Marker 28 only. This is the area of the existing shoal and warrants additional manatee protection.
- The remainder of the proposed modification is a very well-marked channel and should not be included in the “Slow Speed” zone.

**•C7 – Little Marco Island:**

- The Committee unanimously agreed with FWC’s Option #1.



*Take no action and leave the existing zone in place.*

- The existing channel is well-defined and the eastern portion of the zone is a popular water-sports area.
- The southern portion of the zone has a high manatee/boat spatial overlap and is where both channels slow down to “Slow Speed.”
- There is a very low manatee/boat spatial overlap through the rest of the zone.

**•C8 – Hall Bay North:**

- The Committee unanimously agreed with FWC’s Option #2.  
*Change the narrow section to a shore-to-shore “Slow Speed” zone.*
- Currently, the area is marked “Slow Speed” and is followed by the majority of local boaters. Therefore there will be very little impact on the local boating community.
- This area is very restricted as the channel runs between two bays and warrants manatee protection.

**•C9 – Johnson Bay North:**

- The majority of the Committee (7) agreed with FWC’s Option #1.  
*Take no action and leave the existing zone in place.*
- Minorities were Marilyn Tempest, Nancy Anderson, and Susan Snyder.

**Josh Maxwell** stated he would follow his procedure: state the majority opinion, give a brief summary of the minority, and reference the minority appendix for the following:

**•C10 – Johnson Bay Central:**

- The majority of the LRRC (8) agreed with FWC’s Option #1.  
*Take no action and leave the existing zone in place.*
- The minorities were Nancy Anderson and Susan Snyder.

**•S1 – Marco River North:**

- The LRRC unanimously agreed with FWC’s Option #1.  
*Take no action and leave the existing zone in place.*

**•S2 – Marco Interior:**

- There will be a specific exhibit showing where the recommended change from Idle Speed to Slow Speed within the river is located.
- The LRRC unanimously agreed to create Option #3:  
*Change the Marco River to “Slow Speed/Minimum Wake” and leave the remainder of the area as “Idle Speed.”*
- Susan Snyder** noted a correction: Option #3 was to Change the Marco River “*in the channel*” to Slow Speed, **(Add: “and leave the remainder of the area Idle Speed in other areas.”)**

**Gary McAlpin** reminded the members that no decisions could be made today, the purpose was simply discussion.

**Josh Maxwell** stated his notes from the April 8<sup>th</sup> meeting reflected Option #3 as: “Approved to make the Marco River ‘Slow Speed/Minimum Wake’ and leave the remainder of the area as “Idle Speed.” He asked if anyone else could confirm Susan’s correction.

*(Off-mic comments.)*

**Josh Maxwell** continued from his notes:

**S3 – Barfield Bay:**

- The LRRC unanimously agreed with FWC’s Option #1.  
*Take no action and leave the existing zone in place.*

**S4 – Caxambas Bay:**

- Option #1 was unanimously approved. **(Add: “(8)”**  
*Take no action and leave the existing zone in place.*
- We reviewed the charts and discussed the marked channel that is through the S4 area.

**S5 – Goodland:**

- Option #1 was approved, 8 – “Yes”/1 – “No.” **(Add: “1 person abstained.”)**  
*Take no action and leave the existing zone in place.*
- We reviewed the charts and discussed the marked channel that is through the S4 area.
- Chairman Calvin abstained from voting.
- Minority: (Josh Maxwell) “Slow Speed” was more appropriate than “Idle Speed”

**“Additional Issue” –**

- Option #1 was unanimously approved
- Keep “Slow Speed/Minimum Wake” – either side of State Road 92

**T1 – Port of the Islands:**

- Option #2 was modified and unanimously approved.  
*“No entry to all boats” in the new waterway feature west of the canal.*
- FWC had restricted only power boats in its recommendation.

**T2 – Barron River:**

- A majority of the LRRC approved Option #1.  
*Take no action and leave the existing zones in place.*

- Minority Report: Jeremy Sterk and Josh Maxwell were the minorities. Opinion was “Slow Speed” was better.
- Josh Maxwell will submit the minority report.

• **Additional 30/20 Issues in 10,000 Islands:**

- The State would like the Committee’s input regarding whether the 30/20 Zones should remain in place or be removed.
- One opinion: Retain -- to keep the channels marked for larger vessels and not impact the boaters; there is currently no evidence to support changing to a more restrictive zone.
- Minority Report will include some of Nancy Anderson’s comments regarding the discussion of the fresh water influence after the restoration. **(Comment: Minority reports have been submitted by Nancy Anderson and Susan Snyder. Freshwater is only one of the issues. The carcass count in the last 15 years in the 10,000 islands is 31. That equates to 41% of all manatees that have been killed in that area in the last 41 years. There definitely is reason to consider a more restrictive zone.)**
- Josh Maxwell will submit the minority report. **(Question: Why is Josh submitting the minority report?)**

**Gary McAlpin:** Mr. Chair, I received a communication from Tom Iandimarino from Everglades National Park which is included in your package. I will read his comment:

“The manatee zone in Chokoloskee Bay that is part of Everglades National Park (ENP) that runs consecutive with the State zone is a SLOW SPEED zone. It is basically an extension of the zone that runs along the Causeway all the way to Chokoloskee Island.

For enforcement purposes, it would be best to have these two zones stay the same.

Everglades National Park also has a zone East of Chokoloskee Island toward the Turner River.

I sent a couple of e-mails to Scott Calleson with FWC to see about adding these zones to the State map. ”

**He stated:** **(Question: Who is he... Gary ?)** So whatever we do in this area, I think we should try to take their comments into account – they want us to use the same zones leading up to Everglades National Park as they have in the Everglades National Park. I think if we could do that, it would be fine.

**Josh Maxwell:** Is he [Tom Iandimarino] talking about the 10,000 Islands area or is he talking about the Barron River?

**Gary McAlpin:** I'm not sure.

**Scott Calleson:** I have spoken with Tom since he sent that email. What Tom is saying – he would like the existing Park Zones to be displayed on FWC's maps. He is not requesting that they be added to the State's Rule. He wants the existence of those zones to be somehow displayed and I told him that – somewhere down the line – we will produce some composite maps that show not only our zones but also other Manatee Protection Zones. That part of it, I think we can do. His biggest issue is the Park would like to maintain the existing "Slow Speed" area because it does directly adjoin the "Slow Speed" zones that the Park added. I don't see any issues with either of those."

**Gary McAlpin:** What I don't understand was if he is talking about the Additional 30/20 Zones in the 10,000 Islands or if he is talking about the Barron River.

**Soctt Calleson:** I think he is talking about the Baron River. The Park added those zones going down toward Chokoloskee -- they are now kind of adjacent to the existing State zones near Everglades City. Although, I don't think he specifically commented on the Barron River.

**Gary McAlpin:** So where would this go? Would this go under comments – where would we address this item in the zones that you proposed to us?

**Scott Calleson:** I don't know that there's anything you need to address. I think if the Committee wanted to make any comments about the Federal zones and whether or not they have any comments on those zones, you have the potential to incorporate them into the State Rule. Not that you have to, but you could weigh in on that.

**Josh Maxwell:** If memory serves me correctly, I think we discussed not really commenting on the Federal zones because FWC was not asking us to do so, but what I'm getting from the letter is he is just asking for FWC to do what Chris did – where we had the local overlaid on the State. I think he wants to see local, state, and federal all on one map.

**Gary McAlpin:** And he would like to see the state and federal match, to an extent, if possible where it leads into the Everglades National Park. That's the biggest issue that I think he has.

**Scott Calleson:** He definitely wasn't asking to change anything. His biggest issue is with the "Slow Speed" part of it. If the State's "Slow Speed" area were changed, it would create issues if it no longer aligned with the Federal zone.

**Josh Maxwell:** I think we will put that one under "Appendix D" and treat it as community input.

**Roger Jacobsen** asked who had abstained from voting on the Additional 30/20 Issues in the 10,000 Islands.

**Gary McAlpin** replied, "Nancy Anderson and Susan Snyder were the minority."

**Josh Maxwell:** Do we really have to get into more of the discussion that we had on it, or just summarize that the groups' opinion that we want them left in place so there is some level of manatee protection. There was some dialogue that went back and forth about if it became more restrictive or less restrictive. The consensus was not to eliminate that zone

but to keep it in place so there is some level of protection. If you want, I can get into detail on that a little bit more.

**Chairman Kalvin:** I think it's to reflect that a lot of the areas where the 30/20 zones exist, the manatees cannot get in there due to the shallow water. On the map, it looks as if we are leaving vast areas totally unprotected, but it's the draft of the water – the depth of the water – that is actually keeping the manatees out.

**Josh Maxwell** asked if the Committee had any comments concerning the 10,000 Islands. He stated Clam Bay had already been reviewed. But because FWC did not have an exhibit, one would be prepared that will display the entire Clam Bay for clarity. If needed, a GIS file will be made available to FWC.

**Susan Snyder** stated she had submitted a one-page letter listing things that had been presented to support the idea that ... **(Add: "Clam Bay should be designated an Idle Speed/ No Wake Manatee Protection Zone.")**

**Josh Maxwell** stated he had it in his email and it would be included in Appendix C for committee submissions. He stated he would look at it and maybe expand upon the majority opinion. **(Add: Susan requested that that not be done, it wasn't something that belonged in the Appendix, it was a draft of a majority report). Comment: Susan resubmitted the information this week as a draft for the final report, pending approval by the LRRC.**

**Susan Snyder** referenced the April 22<sup>nd</sup> meeting and noted only nine voting members were in attendance but the numbers added up to ten.

**Josh Maxwell** replied it may have been the day that Jeremy Sterk came in late – he will check his notes.

**Susan Snyder:** Marilyn was absent that day.

**Josh Maxwell:** Jeremy abstained from voting because his firm is working on Clam Bay. I had nine present and Cliff was on the phone – so it was ten.

**Susan Snyder:** Marilyn Tempest was not in attendance – she was excused.

**Josh Maxwell** stated he would correct his notes.

**David Boesche:** It seems like at Clam Bay, a bunch of signs were removed. We were going to ask "somebody" to put the signs back up. Was that the County or FWC?

**Josh Maxwell:** The majority opinion was to recommend to FWC to make that an "Idle Speed" zone or protection area. Basically, we are requesting that FWC put signs up that indicating it is an "Idle Speed" zone.

**Gary McAlpin:** It's not marked now.

**Josh Maxwell:** We are not asking them to mark the channel – we are just asking them to mark the entire area as "Idle Speed" – shore to shore.

It was noted additional public comment would be allowed at the end of the meeting.

**Josh Maxwell** summarized the **Additional Area at Wiggins Pass:**

- Susan Snyder presented an exhibit to show the contradiction in signage.
- Susan made a motion to ask FWC to make the entire area from Wiggins Pass to the inshore portion of the Pass, including the four-way intersection of the

Cocohatchee River designated as “Idle Speed/No Wake Manatee Protection Zone” on a year-round basis. Nancy Anderson offered a Second in support of the motion.

- Currently the area of intersection of the Cocohatchee, Wiggins, Water Turkey Bay, and Little Hickory Bay is a hot spot for boat traffic. The entire area is described as seven times the mean of the manatee density in the area. Therefore, the area should be “Idle Speed/Minimum Wake.”
- The motion passed and the vote was 7 – “Yes”/2 – “No.” One Committee member had been excused.

**Gary McAlpin** asked if FWC will be asked to add manatee zones at that intersection.

**Josh Maxwell** stated he thought it was all “Idle Speed” coming into it and the area was “Slow Speed” because there was a local zone going to the east. Basically, it was to make it consistent and also to correct some of the contradiction in signage. **(To clarify: going West to East and North to South, the speed is “Slow.” From East to West and South to North, it is “Idle Speed.”)**

**Susan Snyder:** It was also because of the shoals and boats being moored on both sides of the Pass at the neighboring beaches.

**Josh Maxwell** stated the language has to be kept as “inland” per Scott’s instructions.

**(Question: “inland?” .... our FWC document refers to “inshore” in the description of N2. I’m not sure what Josh was referring to in this sentence. Is there something missing between my comment above his, and his comment? I’m so sorry, but it was difficult to hear things on the conference line. The two statements don’t seem to transition very well.)**

**Nancy Ritchie** read that it stated, “. . . entire pass to the inland intersection.”

**John Maxwell** agreed there might be a little confusion due to “inland.” He stated he could remove the word, “inland,” because there was only one intersection.

**John (Correction: “Josh”)** Maxwell summarized the **Additional 30/20 Zones at**

**Wiggins Pass: (Comment: We were not talking about 30/20 zones at Wiggins Pass.)**

- LRRC will recommend to the FWC to keep the existing zones. Discussion centered around the importance of having marked channels in these areas for the larger vessels.
- Consensus: If the FWC protection zone was not there, “somebody” would be responsible for marking the channels. The channels provide manatee protection by indicating where the larger boats should travel.

**Susan Snyder** commented she only remembered Nancy Anderson and herself voting in the minority on the 30/20 issue in the 10,000 Islands.

**Josh Maxwell** stated he could not remember if the Committee had voted on the issue or not. He had written in his notes that there was a vote. It was repetitive of what was discussed for the 10,000 Islands. He stated he would change the title to, “10,000 Islands and Other 30/20 Zones.”

**Gary McAlpin** suggested that, to avoid any questions, a vote could be taken at the next Committee meeting.

**Josh Maxwell** noted the Commercial Fishing and Guide Permits had been discussed.

**Nancy Ritchie** asked if she could make a comment even though she had not been present when the vote was taken. She stated even though she didn't vote, she would be in the minority on the issue and asked if she could write a report. She stated she did not think the guide permits should be eliminated.

**John Maxwell** confirmed if Nancy submitted an opinion, it would be placed in Appendix C - Commission submissions.

**Gary McAlpin** noted Scott Calleson stated Captain's Permits were an open issue. He was not sure if the Committee should weigh-in on it because it is not a manatee permit issue.

**Nancy Ritchie:** We don't have the data to base decisions on – there are no facts about that. There is no data showing mortality that compares a commercial vessel versus a recreational vessel versus a guide vessel.

**Roger Jacobson:** As a non-voting member, I think I totally agree with Gary. You weren't asked to vote on a manatee zone – you were asked to vote on whether permits should be allowed or not allowed. I think that is outside your purview.

**Gary McAlpin** suggested tabling further discussion on the issue.

**Scott Calleson:** To Gary's point that it is an open issue – all of the issues are open issues. I told the guides who were there that the FWC will contact them directly and there would be additional discussion. That is true of all – it's all open because this is just the LRRC part of the process. We haven't gotten into our broader public input part. So, all of these issues are "open" issues. As far as the permits, we do want input from the LRRC if you want to give it to us because it's part of the Rule. It's not really any different from any other recommendation that you will give us. It's just a different aspect of the Rule.

**Gary McAlpin** suggested tabling further discussion until there was a quorum.

**Josh Maxwell** stated he would type his notes to be ready for future discussion. He stated he will consult "Robert's Rules" to ascertain the proper method to bring the previously voted upon issue before the Committee. He was not sure if the issue **(Omit: "back")** could be brought back only by a member who had voted in favor of it initially.

**Gary McAlpin:** Mr. Chair, Josh did a great job on his draft and the Committee is to be complimented. We went through all of this and, except for Clam Pass, there has been very little controversy. Great Job.

**RECESS: 10:55 AM**

**RECONVENED: 11:05 AM**

**Chairman Calvin** reconvened the meeting. He stated the possibility of "Plan B" was discussed during the recess.

**Gary McAlpin** stated Staff will contact the Committee members prior to the meeting to ascertain if six members will (physically) attend the next meeting. If not, Staff will contact the County Attorney's Office for guidance on moving forward. FWC's time line from FWC is to be considered and Scott Calleson will be contacted for direction. Josh Maxwell will prepare the next round of comments on the draft and the Committee can vote. The quorum is a procedural issue. The issue is whether or not the votes of members attending by means of a phone call can be accepted – if they could, the meeting would have had a quorum (Cliff and Susan). Mr. McAlpin stated he would have an answer at the beginning of the next meeting.

**Cliff Holland:** I don't know what the experience of the other Committee members is but just about every Board that I have been on – if you are calling on the phone and are actively engaged in the conversation, you are included as part of the quorum. I don't know if that is an option or not, but I wanted to make that clear.

**Gary McAlpin:** That is a County rule and we are following the County's rules. We will get it resolved – I don't anticipate this as being an issue.

**Chairman Calvin:** We also discussed the tardiness of the corrected minutes being posted on the website and we will get that taken care of this week.

**Gary McAlpin:** We do think part of the confusion -- the numbers and the votes and abstentions need to be correct but we do take summary minutes as opposed to actual verbatim comments. We will work with the minute-taker to have all of those for you and we will put them up on the website – the revised copies – prior to the next meeting.

**Mr. McAlpin** asked Susan Snyder to forward her comments and corrections. She stated she thought the Committee was required to vote on the minutes before they could be posted on the website. He stated the minutes could be posted as “preliminary” or “draft” minutes.

**Josh Maxwell** stated the Appendices to be part of the final Report:

- Minority reports (Appendix A)
- Meeting minutes (Appendix B)
- LRRC documentation (Appendix C)
- Community submittals (Appendix D)

**David Boesche** confirmed the next meeting is Thursday, April 19<sup>th</sup>, from 3:00 to 5:00 PM.

**Cliff Holland** and **Susan Snyder** will attend via conference call.

**Scott Calleson:** For the areas where the Committee has recommended a zone change, including a map showing the boundaries would be a good idea.

**Public Comment:**

- Marcia Cravens



- noted the corrected versions of minutes still need to be posted, as well as documents submitted from Committee members;
- asked if the documents have been amended, that they are labeled as “draft” or “corrected.”

**Gary McAlpin** stated if a document that addresses the same issue is dated, usually the superseding date is the final version. Also whatever is submitted is posted by Staff without editing or changing.

**Cliff Holland** asked Scott Calleson if he could summarize the time line and different steps in the process as it applies to the Final Report. “After we submit it, what happens from there?” He asked if a brief overview could be provided to the Committee.

**Scott Calleson:** The process is outlined in the documents contained in the notebook; in the second tab. He stated the FWC will develop a written Staff response and return it to the County for distribution to the Committee. The Report and Staff response will be presented to the FWC Commission. Then there will be period for public comment (up to 3 months). Last step is to return to the Commission for final action (2017).

- September 2016 meeting will be held in St. Augustine
- November 2016 meeting will be held in St. Petersburg

Mr. Holland thanked Mr. Calleson for the assistance he had given to the Committee. His efforts were appreciated.

**Chairman Kalvin adjourned the non-working, information only meeting.**

**NEXT MEETING: Thursday, May 19, 2016 from 3:00 PM to 5:00 PM**

Conference Room #609/610 – Growth Management Department Building  
2800 N. Horseshoe Drive, Naples, Florida

*There being no further business for the good of the County, the meeting was adjourned by the order of the Chair at 1:00 P.M.*

**LOCAL RULE REVIEW COMMITTEE**

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**JAMES KALVIN, CHAIRMAN**

The Minutes were approved by the Committee Chair/Vice Chair on \_\_\_\_\_, 2016,

“*as submitted*”  ***OR*** “*as amended*” .