

Pinellas County LRRC Meeting Minutes

Pinellas County Offices- Clearwater

June 4, 2014: 1-4:30 PM

Members in Attendance: Bill Allbright, Elizabeth Fleming, Serra Herndon, Dave Kandz, Mark LaPrade, Terri Skapik, Doug Speeler, Dave Travis, Katie Tripp

Staff in Attendance: Dave Walker and Carol Grynewicz (Pinellas County), Scott Calleson and Mike Sommers (FWC)

The meeting was called to order at 1:06 PM

1. Approval of 5/28 meeting minutes
 - a. Motion to approve by Doug Speeler, seconded by Bill Allbright, all in favor
2. Committee member questions, requests for information
 - a. The LRRC received a spreadsheet of boat registration by year from FWC for a number of Florida Counties, including Pinellas, as requested by Dave Travis at the last meeting
 - i. Dave Travis commented that from 2008 to 2013 Pinellas had 9,662 fewer registered boats. There have been economic changes in the marketplace and other regulations such as those on fishing also impact boaters.
 - ii. Mark LaPrade stated he recently read an article in Trade Only that identified a \$38 billion boating industry in boats and motors only and he estimated 734,000 people were employed by this sector of the industry, not including owners of other boating-related businesses. He believes we need to take into consideration how deeply we reach into the marketplace.
 - iii. Katie Tripp commented that what the boat registration statistics don't tell us is how many of those boats are still sitting in people's yards in Pinellas County, and will get re-registered and end up back on the water as the economy continues to improve
 - iv. Mark LaPrade expressed agreement with Katie's comment and said the manatee population is also growing and stated his opinion that we need to look at all that is happening on the water
 - b. Doug Speeler asked what was driving this process and expressed his belief that it was being driven by previous lawsuits by Save the Manatee Club
 - i. Katie Tripp stated that was not true at all, and that Scott Calleson had already told us why this process was being undertaken
 - ii. Scott reiterated that the investigation of manatee protection speed zones for Western Pinellas County doesn't have anything to do with lawsuits but is being driven by the fact that this side of Pinellas has never been addressed for zones. There is a lot of human use, a lot of manatee use, and an increase in manatee deaths and injuries from boats has resulted in permitting issues with USFWS so FWC put this in their 2007 Manatee Management Plan as an area to review.

- c. Mark LaPrade stated that the St. Pete Times recently reported that between 2003 and 2012 the County has had 784 pedestrian deaths but no one is restricting what happens on U.S. 19 and other roadways
- d. Mark LaPrade received information that Whitcomb Bayou is a watersports area and reiterated his support for high speed activity being allowed there
- e. Doug Speeler mentioned the moratorium that started in 2007 and that he makes his living building docks.
- f. Terri stated that we are supposed to be voting at this point. We have been discussing these zones since April 22nd and have to produce a report in a couple of weeks. We are here because recommendations have been made by FWC. If there was a terrestrial mammal pedestrian act, then there would be cars off the road. There is an ESA and MMPA on record and we have to review this information in light of those laws although she does not saying she agrees with the laws. If zones aren't added, FWS won't issue permits, so we are stuck in a catch 22. We need to move through this process.
- g. Doug Speeler expressed that he wants to be sure the record reflects everything.
- h. Terri stated that the minutes have already reflected everything and the report will as well.
- i. Scott Calleson stated that it may be important for everyone to keep in mind where this committee fits in the overall process. FWC will provide a response to the LRRC report. If the committee does not come to a unanimous vote on a zone, there will be 1 or more minority position stated along with the majority position and FWC will review all majority and minority positions. FWC could disagree with all LRRC positions on a particular zone and suggest something else and explain their reasoning. No view is lost and the formal public process has not even started yet.
- j. Mark LaPrade wants to get beyond this moratorium because people's businesses are affected. FWC put the proposal together and the agency will consider its own opinion. He does not believe the process started from a neutral position.
- k. Scott Calleson stated that the LRRC could recommend to FWC that it do nothing in Western Pinellas.
 - i. Mark LaPrade stated that he understood that.
- l. Scott Calleson stated that if FWC thought nothing was needed in Western Pinellas, they would not have asked the County to form an LRRC
 - i. Mark LaPrade stated that he has no heartburn with doing something, he just doesn't want to overreach.
- m. Elizabeth Fleming asked Scott Calleson to clarify that FWC's recommendations were based on areas where boats and manatees overlap
 - i. Scott Calleson replied that different people place more importance/value on different factors. What FWC doesn't do is draw zones around carcass recovery locations, but uses carcasses as an indication that collisions are occurring. FWC tries to figure out where the risks are based on where they are seeing manatees and what they are doing- migrating, moving. FWC flew surveys to know where manatees are and where boats are being operated and whether those boats

tend to be moving fast vs. slow. FWC uses spatial overlap to see if that helps their evaluation. They also consider where seagrasses are located. Their recommendations are refined after hearing from the LRRC and the info is taken to a larger audience after being vetted through this smaller group of local residents.

- n. Doug Speeler stated that he didn't believe a member of the boating industry on the LRRC should have had to ask for boat registration information; that it should have been automatically provided. He also commented that boat use is almost insignificant during the week. If someone is going to put in a traffic light or more enforcement that is usually dictated by human fatality. This is why he kept asking if there had been a lot of manatee fatalities in this area. He doesn't think we are having many fatalities and asked whether we are having so many fatalities that the flag goes up and we are alarmed.
 - i. Scott Calleson stated that boat registration data are readily available to the public.
- o. Dave Travis mentioned that he has not been able to make changes at his marina since 2007 and has gotten attorneys involved; that he has been held up by the USFWS Biological Opinion.
- p. Scott Calleson mentioned that speed zones are one of the primary means by which risks to manatees are mitigated. Once boats are on the water, if there are no zones, the risk of contacting manatees is high. It is a balancing act.
- q. Dave Travis expressed that boating is less in Pinellas today than several years ago.
- r. Scott Calleson stated that it would be shortsighted to assume that a drop in boating in the last few years during severe economic decline would not turn around
- s. Dave Travis stated that he has lost people to the cost of fuel and hasn't been able to raise his rent since 2007. He would hate to put to many more hurdles.
- t. Scott Calleson stated that FWC is going to chew on all the info provided by this committee. The drop in vessel registration in recent years is known and noted. It is not insignificant, but it's not the entire picture. Flagler County put in zones but scaled back and now projects that had been dormant have come back. Economics are cyclical but not permanent. Even if Pinellas boat registration was down permanently, 46,000 boats is still a lot. Scott did quick number crunching based on the zones the committee has worked on so far. Pinellas to the Pasco County line has 46 miles of ICW and about 8 are currently under some form of boating safety regulation. If FWC moved forward with everything as is on our maps, it would add 3 miles of slow speed to the existing 8 miles for a total of 11 miles within the 46 miles of ICW in the County, from N4 to S9. This would add 19 minutes to travel time. Claims that hours would be added are not true based on the amount proposed for regulation. It takes 8.5 minutes to go 1 mile at slow speed, averaging 7 mph. 19 minutes may still be considered significant by some, but claims that the proposal would add hours are not true. Whatever comes out of FWC will result in increased travel time of 19 minutes or less.
- u. Mark LaPrade asked where zone S1 comes from- boat kills?
 - i. Scott responded no.

- v. Mark LaPrade asked whether a committee would reconvene on this issue if manatees were no longer endangered
 - i. Terri Skapik stated that the MMPA doesn't allow take and it would require either an act of Congress for manatees to no longer be classified as a marine mammal to do that. It is a matter of US law.
 - ii. Scott Calleson commented that even if there was no ESA protection, there is still the MMPA and the Manatee Sanctuary Act, which protects manatees independent of their listing status.
 - iii. Bill Allbright stated that the info Mark LaPrade has for Whitcomb Bayou is better than what he gave last week.
 - 1. Katie Tripp stated that this had already been captured in the minutes.
 - iv. Bill Allbright stated that people are not coming down from up north because of changes to anchoring and mooring. Other forces are contributing to the downturn in boating.
3. Policy on Public Attendance
- a. Terri Skapik asked if anyone wished to make a motion to allow public comment before our discussion. Doug Speeler made a motion, Serra Herndon seconded. Public comment was heard.
 - b. Norm Schulz had a memo passed out to the LRRC. He stated his belief that what this committee decides should have a major influence on FWC's decision. FWC and the LRRC have looked at each area by itself and FWC computed 19 minutes to go through the added zones, but didn't take into consideration the existing speed limits/zones. Regardless of why a zone was created, it still protects manatees. We are not talking about specific small areas but large areas. If we accepted all the rest of the zones, would restrict more than 75% of navigable waters, not just ICW, from Pasadena to Belleair. Look at N4 in its relationship from Pasadena all the way up. The zones we already voted on didn't impede boating all that much but those still in front of us are tough. A solution would be to reject any more increases in ICW restrictions. In S1, put limits outside the ICW but not inside the ICW. Even if all restrictions are outside the ICW, we would have created a huge protected area but not impeded the ICW. For S9, make the zone outside the ICW only and still accomplish a great deal without impeding boating traffic. S13 would restrict an important channel that comes from the ICW to Port Brittany. There are lots of boats here but also lots of manatees. The island there is protected, so is Frenchman's Creek. If there was no speeding outside the marked channel, it would add to what was protected without impeding boating. S15 is the largest uninterrupted acreage being reviewed by the committee. It is a shallow area with lots of flats fishing. Tarpon Key is protected. There is an area within S15 called the pit, which is 7-9 feet deep. It would be easy to put a manatee protection areas south of the deep water. S16, Bunces Pass is a tough pass. It is very narrow and there is a very strong current. If there is a west wind with any significant sea and incoming tide, it becomes a breaking inlet. From a boating safety point of view, this zone shouldn't be

done. There is some risk to manatees if it is not regulated, but you don't want to put boating safety at risk. This would be one of the worst decisions of all for boating safety.

- i. Scott Calleson commented that FWC LE reviews all zones with regard to boating safety and the agency takes boating safety issues seriously. If officers thought there was a boating safety issue with any zone FWC proposed, they would take it off the table. FWC LE wasn't concerned with S16 but Scott will circle back. There is also a safety exception, if conditions warrant- if a boater is responding to an emergency where life, limb, or property is in danger, he doesn't have to comply with posted zones. Human safety always comes above manatee safety.
- ii. Doug Speeler asked where/how the surveys were flown.
 1. Scott Calleson said that there was an entire flight path flown each time.
 2. Doug asked whether manatees could be counted twice.
 - a. Scott said the same manatee could be counted on different days.
 3. Doug asked about manatees that are more stationary vs. on the move
 - a. Scott said that even manatees at the power plant will only stay in a day or so, then go out to feed. Also, manatees don't stick to the same herd- they are continually with different individuals.
- iii. Emily Velialla was also present from the public. She is an Environmental Science Technology student at St. Pete College and she stated this issue is very important to her but she had no comments for the record.

4. Discussion/Vote on Remaining Zones

a. N4

- i. Bill Allbright asked if we should assume we will have an enforcement problem due to the boating safety rules that were recently repealed
 1. Elizabeth Fleming responded that putting in FWC zones would increase FWC enforcement in the area.
 2. Katie Tripp stated that those zones were "removed" because they were never posted and not enforceable.
 3. Dave Walker restated the history of what was done
 4. Bill Allbright acknowledged that this issue did not apply to us
 5. Dave Travis mentioned a letter from FWC Captain Roger Young about additional LE presence in Pinellas and the fact that FWC runs 3 boats out of his marina and FWC has had a boat at Bay Pines Marina since 2007. There is also a Sheriff's boat that patrols back there.
- ii. Bill Allbright suggested we could either do nothing in N4 or exempt the known watersports areas there and the ICW
- iii. Terri Skapik proposed removal of the ICW regulations and the 2 watersports areas. Mark LaPrade, Dave Travis, and Doug Speeler agreed.
- iv. Elizabeth Fleming noted the acute manatee watercraft deaths in the area of the watersports zone.

- v. Scott Calleson said this was a zone where FWC was considering either slow or 25 mph in the ICW. FWC thought about regulating the ICW here because it is a travel corridor for manatees and there is seagrass on the east side.
- vi. With regard to existing watersports areas, Scott will talk to the City Manager again. And as FWC goes through the public meeting process, if other watersports areas come to light, they will be considered.
- vii. Terri Skapik made a motion to accept N4 but exclude the ICW and the 2 areas determined to be watersports areas by the LRRC. Bill Allbright seconded the motion. 7 were in favor, 2 were opposed.
 - 1. Elizabeth Fleming stated opposition because she would like to see at least part of the ICW regulated here, particularly in the northernmost part where the data show manatees aggregating and acute watercraft deaths nearby. She believes this area needs more protection.
 - 2. Katie Tripp stated that she would be able to accept leaving at least part of the ICW unregulated in N4 if S1 carried as proposed by FWC.
- viii. N4 revision that was subject of final vote:



- b. S1
 - i. On preliminary vote, the group was in consensus to accept as proposed. Mark LaPrade later changed his vote at that meeting.
 - ii. Mark LaPrade inquired whether the ICW was to scale on our maps.
 - 1. Scott Calleson replied that the blue lines are a line of uniform width
 - 2. Doug Speeler said the ICW is 100 feet wide on average
 - 3. Katie Tripp inquired about depths outside of the channel here
 - a. Mark LaPrade responded that he did not know

- iii. Mark LaPrade suggested to keep manatee protection as proposed outside the ICW and make the ICW 25 mph in this area. Dave Travis seconded. 7 were in favor, 2 opposed.
 - 1. Elizabeth Fleming stated her opposition based on the data presented in the maps.
 - 2. Katie Tripp expressed opposition based on the narrowness of the waterway and the increased risk to manatees that creates if boats are moving on plane.

c. S2

- i. Originally discussed 5/8, unanimous support as revised, but got pulled from consent agenda at 5/28 meeting
- ii. Bill Allbright made a motion to accept the zone as shown revised in the minutes. Terri Skapik seconded. All were in favor.



d. S7

- i. Pulled from consent agenda on 5/28 because of posting concerns for the LRRC's proposed revision raised by FWC
- ii. The committee discussed various scenarios
- iii. Katie made a motion to bring the southern line west to the easternmost shoreline of the "fingers" and extend a straight diagonal line up to the northernmost tip we had previously drawn. Serra Herndon seconded. All were in favor.



e. S9

- i. *Katie asked Scott Calleson why FWC had thought it appropriate to regulate the ICW here. Scott responded that this is where the waterway starts to narrow. Manatees are traveling through and feeding on the seagrass on the south side of the ICW and moving across the ICW to Gulfport*
- ii. *Katie Tripp made a motion to accept S9 as proposed by FWC but exempting the ICW and placing a manatee zone over the existing safety zone on the northernmost extent of S9. Mark LaPrade seconded. All were in favor.*

f. S11

- i. *Dave Travis made a motion to accept as proposed but exclude the deep water area. Mark LaPrade seconded. All were in favor.*



g. S13

- i. At the preliminary vote the group members present were in consensus to modify the proposed zone at the north and south ends and regulate year round.
- ii. Katie Tripp asked Scott Calleson why FWC thought it was important to include the channel in the proposed slow speed zone. Scott Calleson stated the year-round manatee use out of Frenchman's Creek and the channel bisects manatee access between Frenchman's and the abundant seagrass around Indian Key.
- iii. Elizabeth Fleming asked if there was a speed limit in the channel.
 1. Scott Calleson and Mark LaPrade both stated that the speed is not posted.
- iv. Katie asked whether the area the committee had previously suggested exempting from regulation on the south end would be re-added if the channel was left unregulated. There was no objection.
- v. A rough estimate by County staff showed the marked channel at 335 feet wide
- vi. Katie asked whether the channel would be unregulated all year. Members of the committee expressed that is what they would want.
- vii. A 100 foot corridor would still be kept along Bayway Isles as the group had previously supported.
- viii. Mark LaPrade made a motion to accept S13 as proposed for year-round protection except the marked channel and 100 feet off the docks on the south side of Bayway isles. Terri seconded and 8 committee members were in favor.
 1. Katie objected due to familiarity with this section of waterway and risks to manatees. She supported the zone as proposed by FWC.
 2. Members of the committee felt the speed limit in the channel was self-regulating and did not wish to assign a speed limit

h. S15

- i. Dave Travis opposes all of S15. Local fishermen and guides use the area. He noted Tarpon Key to the east is a no internal combustion motor zone.
- ii. Katie Tripp made a motion to accept S15 except for the channel we already excluded at an earlier meeting and a corridor for the pit. Serra Herndon seconded.
- iii. Discussion then continued. Member of the public Norm Schulz said that there are Danger Shallow Water signs north of the pit.
- iv. Katie retracted her motion.
- v. Mark LaPrade made a motion to accept S15 as shown for a warm season zone except the Pit and the area north, and the channel off Sands Point.
 1. Norm Schulz stated that this area is more heavily fished in winter than summer.
 2. Katie seconded Mark's motion and 8 voted in favor.
 3. Dave Travis opposed because he felt the zone was too excessive/restrictive



i. S16

i. Doug Speeler made a motion to reject S16. Terri Skapik seconded. 6 members supported the motion to reject, 3 supported FWC's proposal.

1. Serra Herndon understands the boating safety concern but she is in that area often and sees the problem for manatees.
2. Dave Kandz agrees with Serra. He kayaks there and sees manatees.
3. Elizabeth Fleming said that since there is a provision to allow boaters to motor through if in the interest of safety, she would like to accept the FWC proposal

5. Other Business

- a. The meeting on 6/11 is cancelled.
- b. The 6/16 meeting has been rescheduled to 6/18 from 1-3 and will only be held if requested by members after review of the draft report.
- c. Katie agreed to have the draft report to the County for distribution to the LRRRC by noon on Monday 6/9. The LRRRC is to return feedback to the County, to forward to Katie, by close of business 6/13. Katie will incorporate any revisions and have a final report back to the County by close of business on Monday 6/16. If any committee member wishes to call a meeting for 6/18, he/she must do so by noon on 6/17.
- d. Terri Skapik made a motion to disband the LRRRC after our report is submitted to FWC and to hold no further meetings after today unless there are issues with the report. Doug Speeler seconded. All were in favor.
- e. Serra Herndon asked Scott Calleson when this might be taken to the FWC Commission.

- i. Scott replied that September would be the earliest, with agenda items being drafted by early August. The Commission meeting will be the first time the Commissioners see the LRRC's work and FWC's response. FWC would ask the Commissioners for permission to publish a notice of proposed rulemaking and seek public comment. A local public meeting in Pinellas would happen after that.
 - ii. Doug Speeler asked for the Commissioners' names and hometowns.
 - 1. Scott Calleson explained how to find that information on the FWC's website.
 - iii. Dave Kandz asked whether any Commissioners would be coming off before this was voted on.
 - 1. Scott Calleson said no.
- 6. Doug Speeler made a motion to adjourn at 4:26 and it was seconded by Terri Skapik. All were in favor.