



August 29, 2016

Kipp Frohlich
Deputy Director
Division of Habitat and Species Conservation
Florida Fish and Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, FL 32399-1600

Subject: Proposed Critical Wildlife Areas

Kipp – Based on my attendance of the public workshop on Sanibel, my review of the proposed CWA's in our area, and our conversations, I have the following comments.

It is clearly in the best interest of our recreational boating community to have a variety of fish and wildlife in and around our waterways. For many boaters it defines their purpose for on the water recreation, which can include fishing, sightseeing, and nature observations. It is important that we preserve and protect nesting bird colonies as a natural resource.

Our concern is the basis for the closure of areas open and available to our boating, and more specifically, our fishing public. As with most governmental designations, once established, they are unlikely to be rescinded. In addition, there tends to be momentum gained with land restrictions that seem to foster additional closures. We see this at the national level with Wilderness designations by both executive order and congressional action, and not always in locations that warrant the exclusion of the general public.

To secure the support of the marine industries the FWC will have to provide some additional information on the following items:

- What are the nesting numbers for the selected islands? What makes these islands so unique and different from other islands in Pine Island Sound that they should warrant closure?
- The criteria for defining a “disturbance” needs to be better explained. While there is literature that describes how human disturbance affects the nesting habits of avian species, it would be better to provide specific examples and frequency of occurrence to warrant the closure of the area.
- Is there a middle ground between open access and complete closure? Can we develop some limitations that start with limiting access versus closing off access? For example no-motor zones or trolling motor zone designations around the islands?

If we are going to be restricting access to the islands, I would suggest posting the areas with buoys versus fixed pilings and signage. Buoys pose less of a hazard to navigation than fixed posts.

We will continue to monitor the actions of the FWC relative to establishing the CWA's. We anticipate receiving more detailed analysis of the need for the closures.

Regards,



Hans Wilson, President

Copy: John Good



Critical Wildlife Area Proposals - Update

Florida Fish and Wildlife Conservation Commission
Division of Habitat and Species Conservation

This presentation will provide an update on the proposals being considered to fulfill the direction received at the April Commission meeting.

CWAs are specific sites designated by the Florida Fish and Wildlife Conservation Commission (FWC) to protect places where wildlife congregates to breed, nest, roost, and feed. The areas are designated through an establishment order to minimize disturbance from human activities.

FWC photo by Carol Rizkalla.

All aerial photos in the presentation are public domain.

Author: Carol Rizkalla

Report date: September 9th, 2016

Synopsis: CWA Conservation Initiative

April 2016

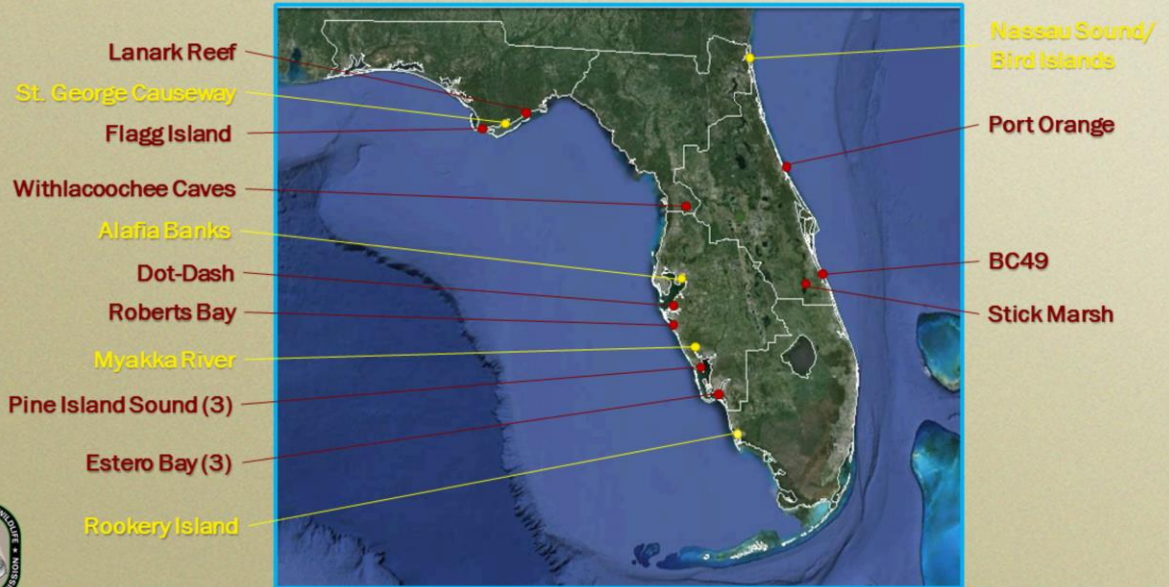
- Commission directed staff to investigate potential new CWAs

June 2016

- Staff presented 14 potential new areas and changes to 5 existing CWAs
- Commission directed staff to refine those proposals, seek public input, and return in September



Proposed New Sites and Changes



We have identified 5 existing CWAs which require re-establishment (a change in boundary or closure dates) shown in yellow and 10 new areas which would benefit from the protection of a CWA designation. Some of the new areas include multiple islands or caves. The following slides provide a summary of boundaries and concerns.

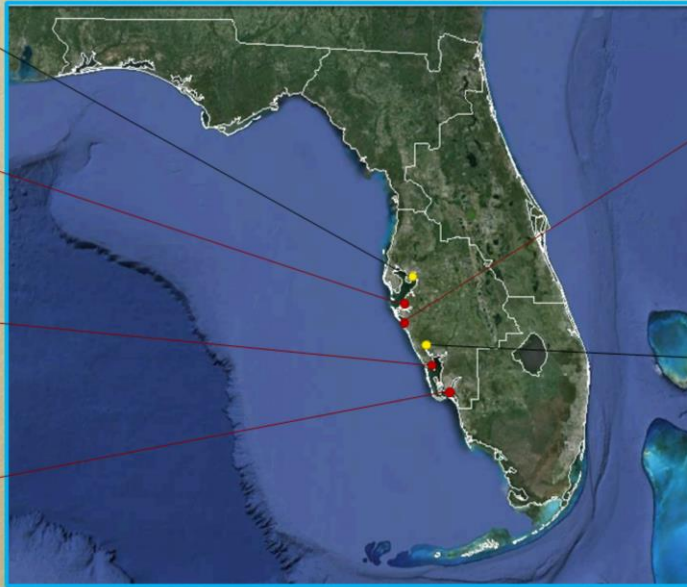
Southwest Region Sites

Alafia Banks

Dot-Dash-Dit

Pine Island
Sound (3)

Estero Bay
(3)



Roberts
Bay

Myakka
River



Alafia Banks CWA Re-establishment

Hillsborough County



- Addition of Sunken Island
- Posted buffer (red) with in-water posting
 - 100 feet from island; greater in cove
- Year-round closure



Re-establishment

Ownership: Mosaic Fertilizer, LLC and Port Tampa Bay

Birds: pelicans, cormorants, great egrets, great blue herons, snowy egrets, little blue herons, tricolor herons, reddish egrets, black crowned night heron, green heron, roseate spoonbill, American oystercatcher

Acreeage: 47.5 water, 60 upland

Changes based on public input : None proposed

Dot-Dash-Dit

Manatee County



- Posted buffer (red) with in-water posting
 - 25 to 100 feet
 - Remain outside of navigation channel
- Year-round closure



NEW establishment

Ownership: Division of State Lands (unmanaged)

Birds: wood stork, roseate spoonbill, tricolored heron, black-crowned night heron, great blue heron, anhinga

Acreeage: 3.7 water, 1.6 upland

Changes based on public input: Reduce buffer on Southwest and South sides of Dot and Dash islands to approximately 25 feet to keep clear of navigation channel.

Roberts Bay

Sarasota County



- Posted buffer on breakwater on west and north
- 50 feet on north island
- 100 feet for remainder of site
- Year-round closure



NEW establishment

Ownership: Division of State Lands (unmanaged)

Birds: pelicans, cormorants, great egrets, great blue herons, snowy egrets, little blue herons, tricolored herons, reddish egrets, black crowned night heron, green heron, roseate spoonbill, American oystercatcher

Acreeage: 1.55 water, 2.9upland

Changes based on public input : Update boundaries based on input from West Coast Inland Navigation District, move boundary on west to breakwater, buffer reduced to 50 feet on north end and east side of north island.

Myakka River CWA Re-establishment

Sarasota County



- Buffer of 50 feet on east side
- Buffer of 75 feet on west, north and south sides of island.



Re-establishment

Ownership: FDEP, Wild and Scenic River program

Birds: wood stork, great egret, great blue heron, anhinga, snowy egret

Acreeage: .75 water, .42 upland

Changes based on public input: Increased buffer to 75 on west, north and south sides.

Lee County

Three areas in Pine Island Sound

Three areas in Estero Bay



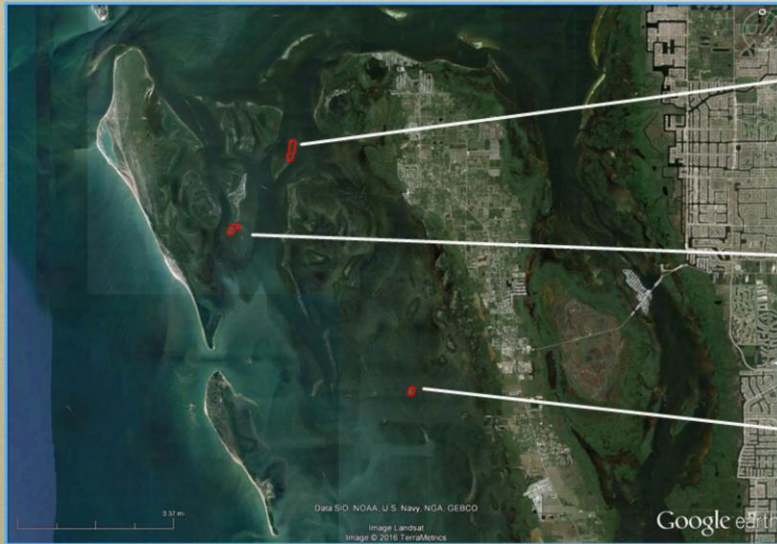
There are six areas in Lee County that are being considered, Three sites in Pine Island Sound, and three sites (that include 5 separate islands) in Estero Bay.

Pine Island Sound is approximately 54,000 acres and has about 51 mangrove islands, many of them with nesting. Only the three most important nesting and roosting areas are under consideration. Ding Darling National Wildlife Refuge owns Hemp Key, while DEP Pine Island Sound Aquatic Preserve owns and manages Broken Islands and Useppa Island Oyster Bar. Birds that use these sites include pelicans, cormorants, reddish egret, little blue heron, tricolored heron, snowy egret, great blue heron, great egret, yellow-crowned night heron, black-crowned night heron.

Estero Bay is approximately 11,000 acres with 100 islands throughout the bay, many with birds nesting. The three most important areas for nesting and roosting are under consideration. Matanzas Pass Island is just outside of the Estero Bay Aquatic Preserve (EBAP), but it is monitored by EBAP staff. Big Carlos Pass contains many small islands, but only 2 of these (M-52 and M-52/50) are under consideration. These islands are state lands managed by EBAP. The final area is Coconut Point, which as 2 islands – east and west – that are under consideration.

Acreage - total for all sites in Lee County: 48 acres water, 29 acres uplands
(proposed closure is about .07% of the total water area).

Pine Island Sound: 3 sites



Broken Islands

Useppa Oyster Bar

Hemp Key



New establishment

Ownership: Ding Darling NWR (Hemp Key), FDEP – Pine Island Sound Aquatic Preserve (Broken Islands and Useppa Island Oyster Bar)

Birds: pelicans, cormorants, reddish egret, little blue heron, tricolored heron, snowy egret, great blue heron, great egret, yellow-crowned night heron, black-crowned night heron

Acreage - total for all sites: 41acre water, 25 acres uplands (.0007% of available water)

Pine Island Sound – Broken Islands

Lee County



- 150 foot buffer around island
- Seasonal closure
 - March 1 - September 30



Changes based on public input: Still under discussion; will meet with stakeholders.

Acreage: 12.94 acres uplands, 22.14 acres water

Pine Island Sound – Useppa Oyster Bar

Lee County



- 150 foot buffer around island
- 50 foot buffer on north side
- Seasonal closure
 - March 1 -
 - September 30



Changes based on public input: Still under discussion, will continue to meet with stakeholders.

Acreage: 7.24 uplands; 11.92 water

Pine Island Sound – Hemp Key Lee County



- 150 foot buffer around island
- Year-round closure



Changes based on public input: Still under discussion, will continue to meet with stakeholders.

Acreage: 4.87 uplands; 7.11 water

Estero Bay includes 3 sites:



NEW Establishment

Ownership: Army Corp of Engineers (spoil easement on Matanzas Pass Island), FDEP (Division of State Lands; Estero Bay Preserve State Park – M-52 and M50/52; Estero Bay Aquatic Preserve – Coconut Point East)

Birds: pelicans, cormorants, reddish egret, little blue heron, tricolored heron, snowy egret, great blue heron, great egret, yellow-crowned night heron, black-crowned night heron, green heron, anhinga

Acreege - total for all sites: 6.5 acres water, 3.64 acres uplands (.005% of water)

- 25 Islands occur in Estero Bay
- Proposed CWA covers 4 of these: Matanzas Pass Island, M52 and M50/52 at Big Carlos Pass, and Coconut Point East

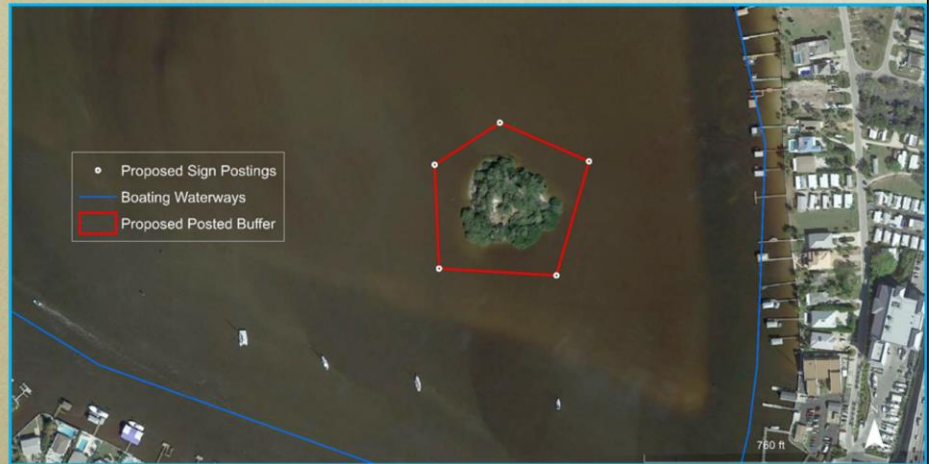
Changes based on public input: no changes have been made yet, but discussion and meetings with stakeholders, as well as site visits will continue before a proposal is finalized.

Matanzas Pass Island

Lee County



- 100 foot buffer around island
- Year-round closure



Changes based on public input: Still under discussion, will continue to meet with stakeholders, including Marine Industries and marina owners to better understand concerns with this site.

Acreage: 1.5 upland; 2.5 water

Estero Bay – Big Carlos Pass

Lee County



- 100 foot buffer around M52 and M50/52
- Year-round closure



Changes based on public input: Based on public input the establishment area was significantly decreased to only include M52 and M50/52.

Acreage: less than 1 acre upland (.92); 2.8 water

Estero Bay – Coconut Point East

Lee County



- 100 foot buffer around 1 island
- Year-round closure
- Other island posted if
>20 imperiled species' nests for at least 2 years and disturbance documented

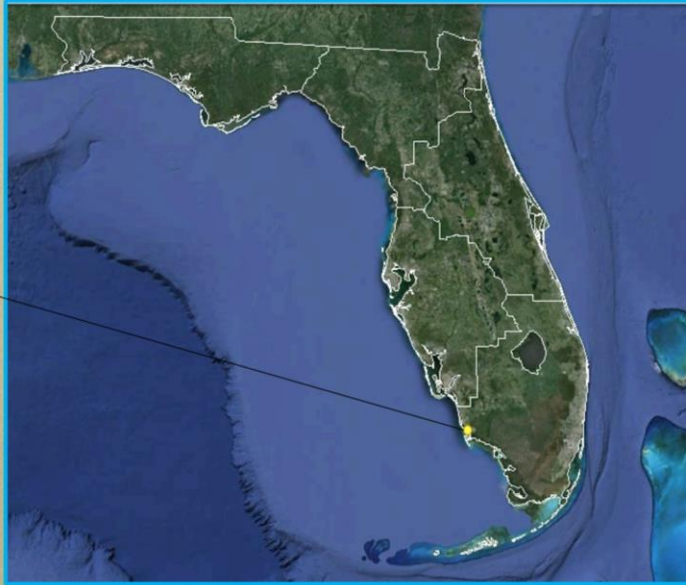


Changes based on public input: Based on public input, staff propose to include parameters of when the second, more westerly island could be posted in the future.

Acreage: 1.21 upland; 1.2 water

South Region Sites

Rookery
Island



Rookery Island is currently a CWA being considered for re-establishment, and is the only site in Collier county included in the proposals.

Rookery Island CWA Re-establishment

Collier County



- Boundary encompassing the bay (yellow)
- Posted buffer of Island 1 (red) from 100 to 200 feet
- Move or add posting to additional island with specific criteria
 - No more than 2 islands posted at any one time
- Year-round closure



Re-establishment

Ownership: managed by Rookery Bay National Estuarine Research Reserve; owned by Audubon

Birds: pelicans, cormorants, great egret, snowy egret, little blue heron, tricolored heron, reddish egret, white ibis, glossy ibis

Acreeage: 5.3 acres water; .19 acres uplands

Criteria for posting 2nd island:

- Imperiled species nests are documented for two consecutive seasons on an island
- Twenty or more imperiled species nests are documented on the island and
- Human disturbance is documented during the two years imperiled species are documented utilizing the island

Next Step

Present update to Commission on September 9, 2016

World Golf Village Renaissance Resort
500 South Legacy Trail
St. Augustine, Florida 32092

Agenda: <http://myfwc.com/about/commission/commission-meetings/2016/september/08/agenda/>

Final Consideration of CWA at November Commission meeting.
November 16-17, St. Petersburg, FL



68A-19.005 General Regulations

(1) The general regulations for critical wildlife areas shall be as follows:

- (a) Areas in which regulations are to be enforced shall be posted as a "Critical Wildlife Area" to provide due notice as to the identity and status of the area.
- (b) The take of fish and wildlife is prohibited within any area posted as a critical wildlife area, except as authorized in the order establishing the critical wildlife area.
- (c) Public access, including vehicles, vessels and dogs, is prohibited within areas posted as "Closed to Public Access."
- (d) Dogs are prohibited within areas posted as "Dogs Prohibited."
- (e) The Executive Director may issue permits authorizing access for scientific or conservation purposes to a critical wildlife area where public access is prohibited. Persons so authorized must possess a copy of the authorization when engaged in such activities.

(2) Regulations for any specific critical wildlife area that differ from the general regulations set forth in this rule shall be established by the order establishing the critical wildlife area.



68A-14.001 Establishment Orders

Whenever the Commission establishes an area to be a wildlife management area; a wildlife and environmental area; a wildlife refuge; a bird sanctuary; a restricted hunting area; a critical wildlife area; a fish management area; or a miscellaneous area, it shall do so by an establishment order.

(1) The establishment order shall recite, at least, the following:

(a) The legal description of the area to be established.

(b) Any terms and conditions under which the area is established.

(2) An establishment order or subsequent executive order may create special regulations for an area established pursuant to this section, notwithstanding regulations for the wildlife management area, wildlife and environmental area, fish management area, public small game hunting area or miscellaneous area within which it occurs. Such regulations shall be noticed by posting on the area and by electronic media.

(3) The establishment orders shall be kept by the Commission in its headquarters office and lists of all orders establishing an area as a wildlife management area; a wildlife and environmental area; a wildlife refuge; a bird sanctuary; a restricted hunting area; a critical wildlife area; a fish management area; a Commission managed shooting range or a miscellaneous area shall be kept by the Commission in its headquarters office and shall be available to the public for inspection.

(4) Small Game.....

(5) No critical wildlife area shall be established without the prior concurrence in such designation by the owner of the property wherein the area will be situated.

(6) A critical wildlife area may be established by order of the Executive Director, with prior concurrence of the Chairman of the Commission, when there is an imperative need that an important aggregation of fish or wildlife be protected as quickly as possible. Critical wildlife areas shall be established in this manner for a specified period of time that shall not exceed 180 days unless extended by approval of the Commission at a regularly scheduled public meeting.

