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March 15, 2010

The Honorable Ken Keechl, Mayor
Broward County Commission
Broward County Governmental Center
115 S. Andrews Avenue
Fort Lauderdale, FL 33301

Dear Mayor Keechl:

As you may be aware, the Florida Fish and Wildlife Conservation Commission (FWC) approved a Manatee Management Plan (MMP) in December 2007 to provide a state framework for conserving and managing manatees in Florida. The MMP is complementary to the federal Florida Manatee Recovery Plan, with both plans describing actions that will ensure the manatee's long-term survival. One of the many tasks called for in the MMP is to review existing manatee protection zones based on the most current data to determine if modifications are warranted. The rule for Broward County is the next one identified for review in the MMP. The purpose of this letter is to let you know what has already been accomplished and what is planned for the future in regard to this rule review.

The manatee protection rule for Broward County (68C-22.010, Fla. Admin. Code) was adopted in 1993 and since that time no comprehensive review has been done. New data are now available, due in large part to County efforts to fund and collect manatee distribution data. Recent boating data are also now available. FWC staff has reviewed the new data and other available information and we have conducted a preliminary review of the existing zones. In addition, we have spoken with Broward County staff and also coordinated with FWC Law Enforcement personnel regarding our analysis of the data. Based on our initial review we believe some changes to the Broward County rule may be warranted.

Florida Statute § 379.2431(2)(f) prescribes the steps required for the FWC to adopt or amend manatee protection boat speed rules. While we have informally discussed this process with County staff, this letter serves as official notification that we are considering modifications to the manatee protection rule for Broward County. Pursuant to the statute, Broward County has 60 days after receipt of this letter to form a Local Rule Review Committee (LRRC) to review the FWC proposal and provide comments and recommendations. Once the LRRC has been formed, we will provide a preliminary rule proposal to the LRRC and the LRRC will then have an additional 60 days to review the proposal and submit its report (i.e., a response to our proposal). (I have enclosed a copy of the statute for your convenience.)

We are still developing the preliminary rule proposal but we expect it to be ready for submittal to the LRRC by the time the committee has been designated. It is difficult to predict with certainty how much time may be needed to complete the process; however, based on our work with other counties, we are hopeful we could complete the LRRC process by the end of this July. If after the LRRC process it still appears rule changes are warranted, we would then present a draft rule to our Commissioners at either the September or November 2010 FWC Commission meeting. Final consideration of potential rule changes would occur at a subsequent FWC Commission meeting, likely in

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early 2011. Of course, this is a cooperative endeavor and we will work with your staff and the LRRC to provide assistance in understanding our data analysis and the basis of our proposal. We will also work with the County in regards to the scheduling and timing of rule considerations. It should also be noted that there is no predetermined outcome. Working with the LRRC may lead us to develop draft rule modifications for our Commissioners to consider, but alternatively upon further analysis and review of local input, we may conclude no rule changes are warranted.

Please let us know as soon as the LRRC has been selected and also if there is a specific person or persons with whom we should work at a staff-to-staff level as this process moves forward. Mr. Scott Calleson on my staff will be taking the lead for the FWC. If you have any questions about this letter, the rule making process, or if we can assist you in any way, please contact me or Mr. Calleson at 850-922-4330. We look forward to working with you and Broward County.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Kipp Frohlich". The signature is written in a cursive style with a large initial "R" and a long, sweeping underline.

R. Kipp Frohlich, Section Leader
Imperiled Species Management Section

Enclosure