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Managing fish and wildlife resources for their long-term well-being and the benefit of people.

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MyFWC.com

December 2, 2010

Ms. Arielle Poulos  
Department of Environmental Protection  
South District  
P.O. Box 2549  
Ft. Myers, Florida 33902-2549

RECEIVED  
DEC 20 2010  
PELICAN BAY SERVICES DIVISION

Subject: Wildlife Impact Review, Clam Bay Maintenance permit renewal,  
File No. 11-0128463-005, Clam Bay, Collier County

Dear Ms. Poulos:

The Florida Fish and Wildlife Conservation Commission has reviewed this application, and provides the following comments. A copy of this letter will be sent to the U.S. Army Corps of Engineers, Jacksonville District, in compliance with the Fish and Wildlife Coordination Act.

The applicant requests to continue maintenance activities in the Clam Bay Preserve system as previously authorized by DEP permit number 11-0128463-001. The proposed work includes cleaning interior channels and maintaining channel design depths, maintaining flushing channels, periodically trimming mangroves to maintain canoe trails, berms, boardwalks, pedestrian access, and stormwater areas, as previously described in the Clam Bay Restoration and Management Plan (CBRMP). The spoil removed from the canoe trail and drainage channels are proposed to be manually shoveled and dispersed among the mangroves. All cut branches and trimming debris will be removed. No mechanical dredging will be used in the maintenance of the canoe trail or drainage channels. No spoil material is proposed to be placed on the beaches. No wading bird colonies are located within the proposed trimming areas.

The Florida Manatee (*Trichechus manatus latirostris*) use of this area is documented by aerial survey and mortality data. An average of one manatee per aerial survey flight has been observed within a five-mile radius of the project location. Between January 1974 and February 2010, fourteen (14) manatees have died within a five-mile radius of the project location, none of which were from watercraft-related causes.

Collier County was one of the counties specified in Florida Statute as required to develop a Manatee Protection Plan (MPP), and it received local, state and federal approval for its plan in 1995. The project, as proposed, appears to be consistent with the recommendations provided in the MPP.

It is our recommendation that the Standard Manatee and Marine Turtle Construction Conditions for In-water work (rev. 2009, attached), if they are made conditions of the permit, will satisfy the requirements of 373.414(1)(a) 2, and 379.2431(2) Florida Statutes. These conditions are considered necessary in order for this project to not significantly affect the conservation of wildlife. Please notify this office of the results of this wildlife

impact review by copy of the Intent to Issue or Deny, and the final agency action. Please do not hesitate to contact me at (850) 922-4330 or [Chris.Boland@MyFWC.com](mailto:Chris.Boland@MyFWC.com) if you have any questions.

Sincerely,



Christopher Boland, Environmental Specialist  
Imperiled Species Management Section

/odb

[http://portal.fwc.state.fl.us/DOI/Divisions/HSC/Imperiled Species Management S/ImperiledSpecies/manatees/Clam Bay Maintenance\\_2536/FWC Correspondence/20101202\\_ClamBayMaintenance\\_FC.docx](http://portal.fwc.state.fl.us/DOI/Divisions/HSC/Imperiled%20Species%20Management%20S/ImperiledSpecies/manatees/Clam%20Bay%20Maintenance_2536/FWC%20Correspondence/20101202_ClamBayMaintenance_FC.docx)

- cc: Mr. Stuart Santos, USACE, Jacksonville  
Ms. Delta Harris, USFWS, Vero Beach  
Pelican Bay Services Division  
Mr. Jeff Rogers, Turrell, Hall & Associates, Inc.  
Mr. Stephen Lenberger, Collier County Environmental Services  
Ms. Pamela Keyes, Collier County Coastal Zone Management  
Mr. Jeff Tabar, PBS&J  
Mr. Eric Seckinger, FWC – ISM, Marine Turtle Management



## STANDARD MANATEE and MARINE TURTLE CONDITIONS FOR IN-WATER WORK 2009

The permittee shall comply with the following conditions intended to protect manatees and marine turtles from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of marine turtles, manatees and manatee speed zones, and the need to avoid collisions with or injury to marine turtles and manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing marine turtles or manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which marine turtles or manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid marine turtle or manatee entanglement or entrapment. Barriers must not impede marine turtle or manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of marine turtles or manatees. All in-water operations, including vessels, must be shutdown if a marine turtle(s) or manatee(s) comes within 50 feet of the operation. Activities will not resume until the marine turtle(s) or manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the marine turtle(s) or manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a marine turtle or manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida.
- f. Temporary signs concerning marine turtles and manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used (see MyFWC.com). One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut-down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities.

# CAUTION: MANATEE HABITAT

All project vessels

**IDLE SPEED / NO WAKE**

When a manatee is within 50 feet of work  
all in-water activities must

**SHUT DOWN**

Report any collision with or injury to a manatee:

**Wildlife Alert:**

**1-888-404-FWCC(3922)**

cell \*FWC or #FWC

