

**NATURAL RESOURCES DEPARTMENT
MEMORANDUM**

DATE: May 21, 2020
TO: City Council
VIA: Judie Zimomra, City Manager
FROM: Holly Milbrandt, Deputy Natural Resources Director
SUBJECT: Status of Slow Speed Buoys from Woodring Point to Point Ybel

Over the course of the past year, Lee County has been working with municipal representatives to review the posting and enforcement of local vessel speed restrictions and to identify local vessel restrictions that are inconsistent with state requirements. Local vessel speed regulations are statutorily limited by the state of Florida ([Chapter 327 F.S.](#) and [Chapter 68D-23 F.A.C.](#)). Presently there is not a Sanibel ordinance that complies with those Florida statutes allowing for a slow speed buffer for the bay side of Sanibel from Woodring Point east to Point Ybel. Consequently, when the existing buoys reached the end of their life, they were not replaced (by Lee County). The existing buoys from Woodring Point to Blind Pass as well as those around the causeway and boat ramp will continue to be maintained since those correspond to existing state rules and local allowances. Specifically, there are provisions that allow for slow speed designations in the vicinity of bridges and public launch facilities; the area from Woodring Point to Blind Pass is a state manatee protection zone, which, by definition, includes a slow speed designation.

Although the area in question has been posted for many years, many of these zones were posted decades ago when there were fewer people and boaters and FWC did little to enforce. However, to ensure maximum boater safety and enforceability, FWC's current position is that all zones and accompanying navigation markers are required to be consistent with state law (specifically 327.46, FS). In order to establish a slow or idle speed zone, specific limited criteria (determined by the State) must be met and a permit from FWC is required to place/install markers or buoys in State waters.

Consistent with citizen input, City staff including Police Chief Dalton, Community Services Director Williams, and Natural Resources Director Evans, finds that it would be desirable to maintain a slow speed zone along this section of Sanibel's shoreline. Upon further consultation with FWC, Lee County, and SCCF over the last several weeks, the documented use of the area by manatees would likely be justification for the lawful establishment of a local manatee protection zone and the associated slow speed designation.

While the designation of manatee protection zones is often a multi-year state-driven process, there is an FWC process to allow for local regulation if there is data that manatees inhabit these

areas on a regular basis. In other words, the City of Sanibel could adopt an ordinance, based on scientific data, to establish a local manatee protection zone that would encompass the subject area. The ordinance would need FWC approval but could likely be completed in a much shorter timeframe. Although this area was not included in the last revision to the state manatee protection zones (2005), SCCF has done a preliminary review of existing, more recent manatee data and we think this will provide sufficient documentation of the frequent and regular use of this area by manatees.

Following a conference call with City NR staff, FWC and SCCF on Wednesday, May 20, 2020, staff recommends that the City, in consultation with FWC, prepare an ordinance to designate the area in question as a local manatee protection zone.

The projected timeline would be as follows:

	2020								2021	
	M	J	J	A	S	O	N	D	J	F
NR Staff Prepares Draft Ordinance	X	X								
City Council First Reading			X							
City Council Second Reading & Adoption				X						
FWC Ordinance Approval				X	X	X				
FWC Uniform Marker Permitting							X	X	X	
Marker Installation										X

Based on preliminary discussion with Steve Boutelle, Marine Operations Manager for Lee County Natural Resources Division, the County would be able to purchase, install, and maintain the markers once permitted by FWC.