



June 3, 2009

## Florida Fish and Wildlife Conservation Commission

Commissioners  
**Rodney Barreto**  
Chair  
Miami

**Kathy Barco**  
Vice-Chair  
Jacksonville

**Ronald M. Bergeron**  
Fort Lauderdale

**Richard A. Corbett**  
Tampa

**Dwight Stephenson**  
Delray Beach

**Kenneth W. Wright**  
Winter Park

**Brian S. Yablonski**  
Tallahassee

Executive Staff  
**Kenneth D. Haddad**  
Executive Director

**Nick Wiley**  
Assistant Executive Director

**Karen Ventimiglia**  
Deputy Chief of Staff

Division of  
Law Enforcement  
**Colonel Julie Jones**  
Director

(850) 488-6251  
(850) 921-6453 FAX

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

620 South Meridian Street  
Tallahassee, Florida  
32399-1600  
Voice: (850) 488-4676

Hearing/speech impaired:  
(800) 955-8771 (T)  
(800) 955-8770 (V)

MyFWC.com

### Interested Parties:

This letter is intended to provide interested parties an update on recent citizen inquiries and concerns relating to the Florida Fish and Wildlife Conservation Commission's (FWC) manatee protection zones within the North and Northwest Forks of the Loxahatchee River. As you may know, last summer FWC corrected a number of uniform waterway markers on the Loxahatchee River that were inconsistent with the rule language in the Florida Administrative Code. Our on-water evaluation of the North and Northwest Forks of the Loxahatchee River within both Palm Beach and Martin Counties has determined that the current uniform waterway markers now legally depict the Florida Administrative Rules for these areas. These corrected markers have caused the public to comment to FWC and local governmental entities, Florida Inland Navigation District (FIND) and Jupiter Inlet Navigation District (JID). FWC has received public comments both in appreciation of the corrected waterway markers and in opposition of them. Many boaters have requested that they be able to travel faster than slow speed in areas on the Loxahatchee that are now, as consistent with the rule, marked slow speed. Through consultations with FWC marine law enforcement officials, FIND and JID we have come up with the following remedies that are consistent with the Florida Administrative Code, public safety, and are responsive to public comment. If approved and permitted by the United States Coast Guard, marking certain channel systems within the Loxahatchee would aid in navigation and allow some of the channels to have lessened restrictions. The following summarizes future actions related to the Loxahatchee River which we believe will enhance vessel operator compliance and law enforcement efforts:

#### North Fork of the Loxahatchee River - Palm Beach County (Tequesta Bridge to county line):

JID staff will recommend to their board that they apply for a permit to mark a navigation channel within the North Fork of the Loxahatchee River in Palm Beach County extending from the Tequesta Bridge north to a location approximately at the county line. Based on joint water evaluations between FWC and JID, it is agreed that a navigational channel may be safely marked in this area due to its width and lack of blind corners. FWC will assist JID in the permitting process. We anticipate this project to be completed sometime this summer.

If a channel is permitted and installed consistent with the anticipated JID recommendation, FWC will replace the south-facing sign currently located at the Tequesta Bridge which reads "Slow Speed Minimum Wake Entire North Fork" with a sign that reads "Marked Channel Exempt Slow Speed Minimum Wake out of Marked Channel."

#### North Fork of the Loxahatchee River - Martin County (north of county line):

Based on our on-water evaluations, configuration of the waterway, and shoaling, this segment of the waterway, from the county line north, is not suitable for a marked navigation channel. Therefore, from the county line upriver the waterway will remain posted as "Slow Speed Minimum Wake."

**Northwest Fork of the Loxahatchee River - Palm Beach County (Navigation Aid #16 to county line):**

JID staff will recommend to their board that they request a permit amendment to allow for the installation of several navigation channel markers (pilings or buoys) between Red Channel Marker #16 and a selected location south of the county line (and south of the banyan tree). These markers will allow for safe normal operation in the wider portion of the Northwest Fork south of the banyan tree. The waterway around the banyan tree will remain regulated at "Slow Speed Minimum Wake" due to the blind corner and its location within the year-round 300' "Slow Speed Minimum Wake" buffer zone. FWC will assist JID in the permitting process. If the permit amendment proceeds and a channel is marked, FWC will relocate the double piling marker installation near the banyan tree to align with the new proposed northern navigation aid advising boaters of the channel-exempt regulation. We anticipate this project to be completed sometime this summer.

**Northwest Fork of the Loxahatchee River - Martin County (Island Way Bridge south to county line):**

FWC on-water evaluations show that the waterway south of the Island Way Bridge to the vicinity of the banyan tree is not conducive to a marked navigation channel. This area is narrow and contains numerous blind corners. Due to changes in water depths and shoaling the presence of a high-speed navigation channel would present a boating safety concern, especially for users unfamiliar with the waterway. This segment of the river is not a safe waterway in which to install navigation channels, therefore it will remain as currently marked: "Slow Speed Minimum Wake."

**Northwest Fork of the Loxahatchee River - Martin County (Island Way Bridge north to Jonathan Dickinson State Park Boundary):**

FWC will consult with other state and federal entities that have regulatory jurisdiction over current uniform waterway markers and aids to navigation within this area. Additionally, FWC will conduct a full evaluation on the potential to safely post a navigation channel in this segment of the river. Any determination to post channel markers, including types and locations, will be coordinated between all regulatory parties. Additionally, FWC will notify interested members of the public pending a final decision. We anticipate this project to be completed during the fall of 2009.

In closing, FWC believes that the actions outlined above will provide the fastest relief to users of the waterway while complying with current law. In the event that the administrative rules are modified other changes within the Loxahatchee could occur, however, rule modifications must undergo extensive public comment and data collection and can take several years to complete.

In December 2007, FWC approved a Manatee Management Plan (MMP) to guide the agency's actions over the coming years. One of the actions present in the plan is to review existing manatee protection rules. (See <http://myfwc.com/manatee> to review the MMP.) Based on the criteria for review in the MMP, the Martin County rule is not on the short-term list of counties to be reviewed (largely because of the need for updated data), but it will be reviewed in the future. We will notify everyone on our mailing list anytime changes to this rule are considered.

FWC is sympathetic to the concerns of the public and the recreational users of these waterways. Please know that FWC will work with JID and any other entity that chooses to pursue the process of marking navigation channels in the Loxahatchee River. In addition, we will keep the public advised of the process through our web site (<http://myfwc.com/boating>).

Please call Dawn Griffin of my staff at 850-488-5600 if you have any questions or need further assistance.

Sincerely,



Major Paul Ouellette  
Division of Law Enforcement  
Boating and Waterways Section

PO/dg

Attachments: Rules 68C-22.002, 68C-22.009, and 68C-22.024 FAC