

BRADENTON AREA RIVER REGATTA
PLAN FOR ENVIRONMENTAL PROTECTION

Specific Event Details

Event Plan Prepared by: Grimes, Goebel, Grimes, Hawkins, Gladfelter & Galvano, P.L. – 1023 Manatee Ave. W. Bradenton, FL 34205.

Name of Event: Bradenton Area River Regatta

Location: Manatee River- west of the Green Bridge, and between the Green Bridge and CSX train trestle; 27° 30' 02.36" N, 82° 34' 11.15" W

Date(s) of Event: February 4, 2017.

Name and Contact Information of Sponsor(s):

Point of Contact:

Jim McLellan

City of Bradenton Utilities and Public Works Director

Names and Contact Information of Observers:

Aerial/Lead:

Becky Sinnreich

Boat and/or Land Based:

Sandy B.

Emily F.

Preston F.

Terry M.

Gene S.

Raven F.

Athena F.

Nusha M.

Erin C.

Summary of Event

The City of Bradenton is requesting the issuance of a Marine Event Permit from the U.S. Coast Guard, pursuant to Federal Register Title 33 – Navigation and Navigable Waters, Chapter 1 – U.S. Coast Guard and Department of Homeland Security, Subchapter G – Marine Regattas and Parades, Part 100.15, for the Bradenton Area River Regatta. The Regatta is a one day event featuring Formula 2 Class boat races, Hydrocross (personal watercraft) races and other water and non-water event activities including but not limited to jet ski and water ski exhibitions, music, fireworks and other entertainment. The Formula 2 powerboat race will be a single day, February 4, 2017 and have three (3) races totaling approximately 60-90 minutes long. The Formula 2 Class boats are approximately 15' long tunnel hull boats with outboard engines that can travel at

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speeds upwards of 100+ mph. There will be twelve (12) Formula 2 race boats during the three races. There will be fourteen (14) to twenty (20) 1000 cc jet skis running two (2) different Hydrocross race courses both east and west of the Green Bridge. Hydrocross races will occur simultaneously on both sides of the Green Bridge. Jet skis will also be performing an exhibition immediately west of the Green Bridge and south of the Regatta Point Marina outside of the posted manatee slow speed zone. A water ski exhibition using an inboard water ski boat will perform an exhibition in front of the Day Dock outside of the posted manatee slow speed zone. As shown on our exhibit attached to the Watch Plan, the exhibition area is outside of the manatee slow speed zone and will be exempt from the County's slow speed zone (although they may be able to shift it slightly west to be outside of the County's posted slow speed zone).

The Formula 2 Class race course is an approximately one-half mile course located outside of the posted Manatee Slow Speed zones for this section of the Manatee River. No race or other water activities associated with the River Regatta that require speeds beyond the posted slow speeds will be located within the State's posted Manatee Slow Speed Zones for this section of the Manatee River.

Formula 2 class and Hydrocross participants will utilize the temporary floating start/finish line docks for their "wet pit." The City of Palmetto Regatta Point boat ramp will be used to launch all race vessels and Regatta Point upland areas will be trailer/storage staging areas. Two sets of two fireworks barges will be temporarily anchored immediately north of the Formula 2 race course.

Attachments w/in the Appendix

- Nautical Location Map
- Composite Map of all event sites and relevant landmarks associated with the Bradenton River Regatta.
- Aerial Map of the F-2 Class race course, Manatee Slow Speed Zones, race course access route, potential protected species observation locations, latitude/longitude coordinates, boat ramp locations, spectator vessel anchoring locations and locations of the two (2) fireworks barges.
- Aerial Map of the locations for Hydrocross race course, jet ski and water skiing exhibition area, Manatee Slow Speed Zones, race course access route, boat ramp locations, spectator vessel anchoring locations and locations of the two (2) fireworks barges.
- Proposed Environmental Guide.

Spectators

This Event will draw spectators. The Event Sponsor estimates that there will be 250 spectator vessels during the Formula 2 Class and Hydrocross races on February 4, 2017. Depending on weather conditions, there could be significantly less spectator vessels than anticipated. Spectator boat locations include River areas west of the Green Bridge, east of the train trestle, and a location at the extreme north end of the River area between the Green Bridge and train trestle. Spectator boats will be allowed to anchor in the Manatee River at these proposed locations. Boats will be pushed back west of Channel Marker No. 21 during the

fireworks show following the completion of the Formula 2 Class races on February 4, 2017. All spectator boats will be cleared from anchored areas post all races and prior to the start of the fireworks show. There are no submerged resources (hardbottom, coral reef or seagrass) in the locations proposed for anchoring spectator vessels during the event.

Specific Conservation Measures

The Event Sponsor will assure that potential adverse impacts to protected species as a result of this event will be avoided and minimized by following the conservation measures outlined in this plan. Protected marine species and habitats include, but are not limited to: sea turtles, marine mammals (such as manatees, dolphins, whales), protected fish (such as the smalltooth sawfish), hardbottom, coral reef, seagrass, etc. This plan includes three parts: 1) Education, 2) Habitat Protection and 3) Protected Species Watch Program. Avoidance and minimization will be accomplished by adhering to the conservation measures in this document.

I. Education

1. The event sponsor will hold a protected species awareness training meeting prior to the event and require all event officials and participants to attend. The purpose of the training will be to inform all parties of the potential presence of manatee and sea turtles along with other protected species that may be in the location of the event, and to inform them of the civil and criminal penalties that could result from the harassment, injury, or death of these species. The event sponsor will distribute protected species educational packages to each event official and participant.
2. The educational packages will include information about the following requirements: The Endangered Species Act of 1973, Federal Marine Mammal Protection Act of 1972, 16 U.S.C. § 1401 et seq., 16 U.S.C. § 1531 et seq., the Florida Manatee Sanctuary Act of 1978 (codified, as amended, at § 379.2431, Fla. Stat. (2010)), the Florida Coral Reef Protection Act § 403.93345, Fla. Stat., and the Federal Migratory Bird Treaty Act of 1918 (16 U.S.C. 703 et seq.). The educational materials will make it clear that: “It is unlawful for any person, at any time, by any means or in any manner, intentionally or negligently, to annoy, molest, harass, or disturb any protected species (such as manatee, dolphin, sea turtle, smalltooth sawfish, etc.).”
3. The event sponsor will conduct a public service announcement (PSA) campaign to notify and educate the public concerning protected species and their critical habitats, and habitats essential to all fish and wildlife. The PSA will include the following information:
 - a) Spectator vessels shall not anchor on or above seagrass, hardbottom, or coral and doing so may subject them to criminal and/or civil penalties.
 - b) All vessels should maintain a lookout for endangered species, especially sea turtles and manatees, as well as the Bottlenose Dolphin which is afforded protection under the Marine Mammal Protection Act. Vessels should proceed at a safe speed, especially at night, in order to avoid striking any marine mammal or sea turtle.

- c) A federal or state agency may impose a civil fine of \$25,000 and/or a criminal penalty of \$50,000 and/or up to 1 year in jail for violating the Endangered Species Act or state statute by "taking" an endangered or threatened species or damaging sea grass and coral.
- d) A "take" is defined as harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, collecting, or attempting to engage in such conduct.
- e) Request that any collision with and/or injury to a sea turtle, Bottlenose Dolphin or whale within Sarasota or Manatee county waters be reported immediately to **Mote's Stranding Investigations Program, a 24-hour response service, at 941-988-0212.** Any collision with and/or injury to a manatee be reported immediately to the FWC Wildlife Alert hotline at 888-404-FWCC (3922), #FWC, *FWC on your cellular phone or use VHF Channel 16 on your marine radio and by phone, letter and electronic copy to the National Marine Fisheries Service's Protected Resources Division at takereport.nmfs@noaa.gov.

NOTE: The event is not taking place inshore and is not adjacent to mangrove islands or similar vegetation where active migratory bird nesting colonies are present.

II. Habitat Protection

1. The event sponsor will ensure there is no anchoring or spudding of event or spectator vessels on seagrass, coral reefs, or hard bottom resources.
2. The event sponsor will ensure there are no temporary anchors for markers, or other objects associated with a marine event, placed on seagrass, coral reefs, or hard bottom resources.
3. Event and safety vessels will use floating cables and be maneuvered and positioned so that anchoring and towing cables and lines are not permitted to lay-on or sweep-over seagrasses, coral reefs, or hard bottom resources. Vessels that are not anchoring should be held stationary over sandy bottom to avoid any potential habitat damage from slack cables or lines.
4. All temporary anchors will be hand placed and retrieved by divers familiar with these habitats. Anchoring devices placed on the seafloor should be placed a minimum of 100 feet from submerged resources, so that if they are drug by a vessel or moved by wind or wave action, they will not cause damage to these marine resources.
5. Temporary buoys or markers must be anchored or held in place by piles driven into the seabed, and the area of the seabed disturbed must be confirmed of being devoid of coral, coral reef, hard bottom, and seagrass habitat prior to placement.
6. Event Sponsor will comply with Section 253.04(3), Florida's seagrass protection law,

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stating that destruction of seagrass in aquatic preserves is a violation of the law and carries penalties. Vessels will anchor in sandy bottoms only. If a vessel runs aground, FWC law enforcement (*FWC) will be called immediately and the engine will be powered down. Vessel operator will not attempt to power off as this may cause additional impacts. Event Sponsor will also comply with applicable laws and guidance protecting coastal habitats including but not limited to salt marsh, oyster reefs, and mangroves.

NOTE: There are no seagrasses, coral reefs or hardbottom resources within race course including areas west of the Green Bridge south of Regatta Point, and between the Green Bridge and the train trestle. In addition, there are no seagrass resources, coral reefs or hard bottom resources within the illustrated locations where spectator vessels may anchor during the races. All event buoys will be anchored down by cement blocks that will lay on the river bottom. The buoys will be set up and removed on race day. Event buoys may also be removed the first available day depending on weather conditions.

Any groundings will be immediately investigated to determine if the grounding has disturbed any resource. During the event training session, a distribution of all names and contacts of law enforcement agencies will be provided to all attendees.

As noted in other sections of this Plan, all racing vessels will operate on the water under slow/idle speeds unless they are on the designated race courses. Race vessels as well as spectator vessels observed violating speed zones at any time during the race will be warned, fined or be subject to other enforcement actions by law enforcement patrolling waters on the day of the event. The USCG will be responsible for opening and closing the existing main Manatee River navigation channel through the race courses. The main navigation channel will remain a slow speed zone when opened in between races on the day of the event.

7. Any marine debris generated by the event will be removed from the water immediately.
8. All participating vessels will adhere to designated speed zones.

NOTE: All designated speed zones for public safety and manatee safety will be strictly enforced by local, state and federal law enforcement. The U.S. Coast Guard through the issuance of the Regatta Marine Event Permit will close the Manatee River navigation channel between the Green Bridge and train trestle for the three Formula 2 Class races and Hydrocross races to allow the race boats to race within the Manatee River.

9. Event boundaries will be at least 500 feet away from sea turtle or bird nesting beaches, and at least 500 feet away from mangrove islands or similar vegetation where migratory bird nesting colonies are present. Event sponsor will ensure wakes from vessels do not overwash beach areas where marked turtle nests or migratory bird nests are present.

NOTE: There are no sea turtle or bird nesting beaches within this section of the Manatee River. There are also no mangrove islands or vegetation where migratory nesting

colonies are present within this portion of the Manatee River.

III. Protected Species Watch Program

1. The three (3) Formula 2 Class boat races and Hydrocross races slated for February 4, 2017 will occur between 10:30 am and 4:15 pm. All race boats and Hydrocross personal watercraft will be off the water by 4:30 pm unless delays occur from weather, logistical, animal/human safety interruptions or other factors in which case all race vessels will be off the water by 5:00pm.
2. The lead observer will conduct a protected species watch coordination meeting a day before the event for all race officials, designated observers, participants, law enforcement, and interested parties. The coordination meeting date may be moved if necessary to ensure all participants are present for the meeting. Any deviation to the coordination meeting and protected species watch coordination meeting date will be discussed with the U.S. Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission prior to the change.
3. All participating vessels will travel to and from the race course under the direct supervision of race officials and at idle speeds or the slowest possible navigable speed until arriving at the course.

NOTE: The Formula 2 Class race boats, Hydrocross personal watercraft, and all other event vessels (excluding some law enforcement vessels) will launch from the Palmetto Public Boat Ramp (Regatta Point) immediately west of the Green Bridge along the northern bank of the Manatee River. The Formula 2 Class race boats will then operate at a slow/idle speed over to the race course passing under the Green Bridge to the starting line. Once the Formula 2 Class boats complete each of the three races, they will return at idle speed back to the Palmetto boat ramp to be removed from the water in between races. The Bradenton Police Department will be the lead law enforcement agency, with the support of local, state and federal law enforcement, including the U.S. Coast Guard, and will directly supervise participants travel to and from the race course.

4. Event sponsor will ensure the event area is continuously monitored by approved protected species watch observers before and during the event and during practice runs to detect protected species, particularly manatees or sea turtles, which may approach or enter the event area. Monitoring will be conducted by at least five (5) qualified observers from aircraft, boat and/or elevated land based locations. Each observer will be equipped with a two-way radio dedicated exclusively to protected species monitoring.

NOTE: There will be secondary observers stationed at locations around the event premises to be determined by the lead observer. These secondary observers will be stationed on bridges, docks, and /or boats depending on course conditions and will be stationed in a manner which will insure that the observers have the best possible vantage point to watch for protected species at any given time. At the moment, the plan is to have at least four observers on the Green Bridge and two in the helicopter. At the same time,

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environmental observers will also utilize boats to cover the outer perimeters. As such we will be able to safely monitor two simultaneous races.

5. Protected species watch observers will have prior protected species observation experience during high speed events. This previous experience has been confirmed as adequate prior to submittal of this event plan by coordinating with the USFWS for approval. An approved observers list will be provided no later than the week of the event. All observers have previous adequate observational experience as recommended in agency guidelines. The USFWS may disqualify a prospective observer if that person is not expected to adequately perform the duties required. If observer substitutions are proposed, they will be submitted for USFWS approval prior to the event.

NOTE: We have submitted a list of nine (9) environmental observers to USFWS who have substantial observational experience. This list is subject to change as more observers agree to work the event.

6. The event sponsor will conduct a watch program that includes aerial monitoring conducted by helicopter. Aerial monitoring will be conducted in a hired helicopter. Aerial monitoring will begin at 9:20 am (allowing for a continuous 40 minute pre-race survey, followed by a ten (10) minute break, and then an additional 20 minute survey before high speed activity begins at 10:30 a.m.). Monitoring will be continual during any race activity and will continue for thirty (30) minutes following the conclusion of all racing activities. The helicopter will take periodic breaks of ten (10) minutes at a minimum for rest and refueling. These breaks will be scheduled for the top of each hour but could be pushed back depending on the racing schedule. Under such circumstances, the hour will reset upon the initiation of a helicopter break period. During helicopter break periods, no water activity will be conducted. Monitoring will include the entire race course and all waters within 1 mile of the race course perimeter in order to identify protected species that may be at risk if they are moving or begin to move toward the event. The lead observer will verify the sighting of any protected species and, if necessary, will immediately contact Race Control to stop the race until the protected species is at least 500 feet beyond the limits of the race boundary and in the opinion of the lead observer is out of any jeopardy. Aerial or waterborne spotters will not be assigned other duties that could detract from their ability to keep proper lookout.
7. The event sponsor shall ensure observers will be in close communication with the event sponsor and race officials to stop the event if necessary. The Event will be halted immediately if a manatee or sea turtle is observed within the boundaries of the event or upon the request of any observer. If a protected species is sighted within 500 feet of the perimeter of the event boundaries, the observer will notify the event sponsor to alert them that the event may need to be halted. The event sponsor will warn the participants that extreme caution needs to be taken since there is an animal in the vicinity, and the event may be interrupted. Boat traffic will be halted or directed away from the location of any of these protected species. If the event is stopped, the event shall not resume until the protected species has moved away from the area under its own volition. No attempt will be made to herd, chase or "escort" a protected species from the area. If the observer loses

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sight of a manatee, sea turtle or Bottlenose Dolphin observed in or near the event area, the event will not resume for at least thirty (30) minutes following the last sighting, provided that the protected species is not observed again.

8. Once notified of the presence of a manatee or sea turtle within or in close proximity of the race course, the event sponsor will notify the participants to stop immediately. The same will be true for Bottlenose Dolphins if it is determined that they are not avoiding unsafe conditions of their own volition.
9. All observers will be given proper equipment that will allow them to stay in close communication with each other as well as the Event Sponsor and race officials. If communication is interrupted during an event, the race will stop until communication is adequate.

NOTE: All watch observers will be issued necessary safety equipment along with a primary and secondary means to communicate. The primary method will be by two-way radios on a dedicated private channel. A secondary and emergency back-up communication plan will use a cellular phone and conference line. A series of signals and communication protocols will be established in practice before the event.

10. For Hydrocross races the lead environmental observer will have a direct radio to report a stoppage in the race to the race control/lead marshal who will have the authority to ordering a red flag to be raised during the race events. This will speed up any stoppages on the Hydrocross course if needed.
11. If an observer notifies the event sponsor that survey conditions are poor, or deteriorate and become poor so as not to allow for proper sighting of animals in the race course area (i.e., numerous white caps and streaks created by high winds, lack of daylight), the event sponsor and race officials will halt the event. If survey conditions improve to allow for proper sighting of protected species, the event may resume.

NOTE: The criteria for minimum conditions will be established before the event and distributed to event officials and participants at the training and planning session. If conditions fall below minimums then the event sponsor will be notified to halt the race until conditions improve.

12. Any and all practice runs will be treated exactly like actual races in that they will operate during the hours allotted for racing and only when the marine observers are on site and have given race control an all clear.
13. Event sponsor will thoroughly survey the event area immediately after the day's activity to ensure that any protected species that may have been inadvertently struck, injured, or killed can be cared for or disposed of by properly by permitted individuals. The event sponsor will report any protected species injuries or deaths immediately to the FWC Wildlife Alert Hotline 888-404-FWCC (3922) and follow-up with an email within 24 hours to ImperiledSpecies@myfwc.com and to the National Marine Fisheries Service's

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Protected Resources Division at: takereport.nmfs@noaa.gov. The e-mail must be sent within 24 hours of the event and must include (1) the type of species captured (i.e., sea turtle or smalltooth sawfish); (2) date and time of capture; (3) the location and activity resulting in capture (i.e., fishing tournament); (4) condition of the species caught (i.e., alive, dead, sent to rehabilitation); (5) size of the individual, behavior, and identifying features (i.e., presence of tags, scars, or distinguishing marks); (6) and any photos that may have been taken. Smalltooth sawfish captures should also be reported to the online encounter database at <http://www.flmnh.ufl.edu/fish/sharks/sawfish/form.html>.

14. The immediate area of the race and three (3) nautical miles above and below the race area along the Manatee River will be surveyed by helicopter for thirty (30) minutes following the last race, weather conditions permitting. Secondary observers will remain on site for thirty (30) minutes following the last race as well. Any protected species sighted which appear to be injured, behaving abnormally or dead will be immediately reported to FWC.
15. Observers will conduct monitoring in good faith and to the best of their abilities. Liability for a violation of these protective measures is assumed by the race organizers or the vessel operators involved in a collision with a protected species.
16. Within 30 days after completion of the event, the primary observer shall submit a report to the USCG, NMFS, USFWS and the FWC. This report shall include information regarding the event (such as weather, whether the event was canceled, etc.), and should verify the names of the observers and their positions during the event as those approved before the race. This report should include the types, numbers and locations of protected species sighted, the circumstances in which the sighting occurred (which observer and position), and any problems encountered during the event, along with possible solutions.