

The map displays the Kings Bay Manatee Refuge area, bounded by the W Fort Island TRL to the west and the S Pinckney Blvd to the east. Key features include:
 

- Sanctuaries:** Buzzard Island Manatee Sanctuary, Kings Bay Manatee Sanctuary, Topog Springs Manatee Sanctuary, Warden Key Manatee Sanctuary, Sunset Shores Manatee Sanctuary, Banana Island Manatee Sanctuary, and Three Sisters Springs Manatee Sanctuary.
- Temporary No-Entry Areas:** House Spring, Aransas Spring, and Three Sisters Springs.
- Other Landmarks:** Crystal River, Kings Bay, and various smaller islands and springs.
- Scale and Orientation:** A north arrow and a scale bar (0 to 0.5 miles) are provided.
- Legend:** A shaded area represents the Kings Bay Manatee Refuge.

# Proposed Rule Establishing A Kings Bay Manatee Refuge

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Kings Bay Manatee Refuge Proposed Rule – Public Hearing  
 07/07/2011, Crystal River, FL

Good evening. Thank you all for coming out for this Public Hearing regarding the proposed rule to establish a manatee refuge in Kings Bay.

My name is Stefanie Barrett and I am the Chief of Recovery and Listing for the U.S. Fish and Wildlife Service’s Jacksonville, FL Ecological Services Field Office.

Before we begin taking your comments, I will present an overview of the proposed rule. My objectives are to describe:

- what the proposed rule includes, and
- how the proposed rule differs from the emergency rule.

# Federal Authority

- Authority:
  - Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and
  - Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361-1407
  - 50 CFR part 17, subpart J
- May establish a protection area when substantial evidence shows such area is necessary to prevent the taking of one or more manatees

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The Federal authority to establish protection areas for manatees is provided by the Endangered Species Act and the Marine Mammal Protection Act and is codified in the Code of Federal Regulations at 50 CFR part 17, subpart J.

The Service has the discretion to establish a manatee protection area whenever there is substantial evidence showing such establishment is necessary to prevent the taking of one or more manatees.

## "Take"

- ESA - harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or to attempt ... any such conduct
- MMPA - harass, hunt, capture, collect, or kill, or attempt ... any such conduct; including without limitation ...: the collection of dead animals or parts thereof; the restraint or detention ...; tagging ...; or the negligent or intentional operation of an aircraft or vessel, or ... any other negligent or intentional act which results in the disturbing or molesting of a marine mammal.

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"Taking" is prohibited by both the ESA and MMPA. However, there are some differences in how the two laws define what is considered "take."

Under the ESA, "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or to attempt to engage in any such conduct. "Harm" is further defined by regulation to mean an act which actually kills or injures wildlife. "Harass" is defined by regulation to mean any intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns, which include, but are not limited to, breeding, feeding, or sheltering.

Under the MMPA, "take" means to harass, hunt, capture, or kill, or attempt any such conduct against a marine mammal. Take is further defined by regulation to include, without limitation, any of the following:

- The collection of dead animals or parts thereof;
- the restraint or detention of a marine mammal, no matter how temporary;
- tagging a marine mammal; or
- the negligent or intentional operation of an aircraft or vessel, or the doing of any other negligent or intentional act which results in the disturbing or molesting of a marine mammal.

"Harassment" is defined to include any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal; or (ii) has the potential to disturb a marine mammal by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.

## Manatee Refuge vs. Sanctuary

- Manatee Refuge - an area in which ... **certain** waterborne activities would result in the taking of one or more manatees, or that **certain** waterborne activities must be restricted to prevent the taking of one or more manatees, including but not limited to taking by harassment.
- Manatee Sanctuary - an area in which ... **any** waterborne activity would result in the taking of one or more manatees, including but not limited to a taking by harassment.

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The proposed rule refers to manatee “refuges” and “sanctuaries” which have specific legal meaning, defined in the regulations at subpart J.

A “manatee refuge” is an area in which the Director of the Service has determined that certain waterborne activities would result in the taking of one or more manatees, or that certain waterborne activities must be restricted to prevent the taking of one or more manatees, including but not limited to taking by harassment.

A “manatee sanctuary” is an area in which the Director has determined that any waterborne activity would result in the taking of one or more manatees, including but not limited to a taking by harassment.

## What does the proposed rule include?



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The proposed rule builds upon the emergency rule that was in place from November 9, 2010 through March 15, 2011.

The proposed rule covers the same geographical area as defined by the emergency rule, but includes additional measures. These additional measures will be indicated in blue text in the next series of slides.

## Prohibited Activities

1. Chasing or pursuing a manatee (s).
2. Disturbing or touching a resting or feeding manatee.
3. Diving from the surface onto resting or feeding manatee(s).
4. Cornering or surrounding or attempting to corner or surround a manatee(s).
5. Riding, holding, grabbing, or pinching or attempting to ride, hold, grab, or pinch a manatee(s).

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As with the emergency rule, the proposed rule identifies a number of prohibited activities.

The following activities would be prohibited while in the water, in boats, or on-shore within the proposed refuge at any time of the year:

1. Chasing or pursuing a manatee (s).
2. Disturbing or touching a resting or feeding manatee.
3. Diving from the surface onto resting or feeding manatee(s).
4. Cornering or surrounding or attempting to corner or surround a manatee(s).
5. Riding, holding, grabbing, or pinching or attempting to ride, hold, grab, or pinch a manatee(s).

## Prohibited Activities (con't)

6. Poking, prodding, or stabbing or attempting to poke, prod, or stab a manatee(s) with anything, including your hands and feet.
7. Standing on or attempting to stand on a manatee(s).
8. Separating a mother and calf or attempting to separate a mother and calf.
9. Separating a manatee(s) from a group or attempting to separate a manatee(s) from a group.

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6. Poking, prodding, or stabbing or attempting to poke, prod, or stab a manatee(s) with anything, including hands and feet.
7. Standing on or attempting to stand on a manatee(s).
8. Separating a mother and calf or attempting to separate a mother and calf.
9. Separating a manatee(s) from a group or attempting to separate a manatee(s) from a group.

## Prohibited Activities (con't)

10. Giving a manatee(s) anything to eat or drink or attempting to give a manatee(s) anything to eat or drink.
11. Actively initiating contact with a belted and/or tagged manatee(s) and associated gear, including any belts, harnesses, tracking devices, or antennae.
12. Interfering with rescue and research activities.
13. Using mooring and float lines that can entangle manatees.

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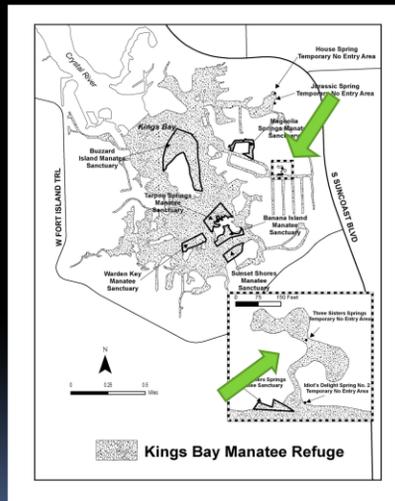


10. Giving a manatee(s) anything to eat or drink or attempting to give a manatee(s) anything to eat or drink
11. Actively initiating contact with a belted and/or tagged manatee(s) and associated gear,
12. Interfering with rescue and research activities.
13. Using mooring and float lines that can entangle manatees.

Numbers 12 and 13 were not included in the emergency rule.

## Three Sister's Springs Prohibitions (Nov. 15 – March 31)

- Scuba diving.
- Fishing, including with hook and line, cast net, or spear.
- No one may enter Three Sisters Springs between the hours of 6:00 pm and 7:00 am.



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As with the emergency rule, the proposed rule prohibits scuba diving and fishing, including hook and line, cast net or spear, within Three Sisters Springs from November 15- March 31.

Additionally, the proposed rule prohibits entry into Three Sisters Springs between 6:00 pm and 7:00 am.

## Maintains the 7 existing seasonal manatee sanctuaries



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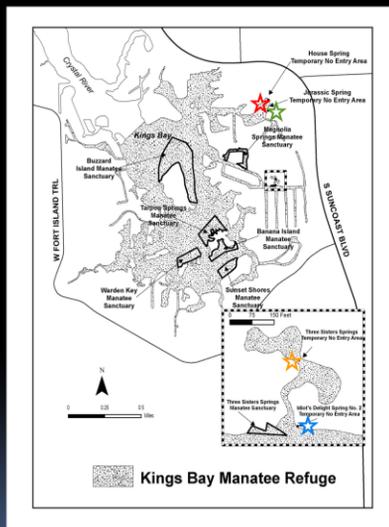


The proposed rule does not change the boundaries of the 7 existing seasonal manatee sanctuaries, indicated in blue on this map, in which all waterborne activities are prohibited between November 15 – March 31.

Instead, the proposed rule allows for temporary expansion of these sanctuaries in space and time.



## Additional temporary 'no-entry' areas



- House★ & Jurassic★ = not to exceed 100' from spring vent
- Idiot's Delight #2★ = not to exceed 25' from spring vent (not to block channel or access to Three Sisters).
- Three Sisters★

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The proposed rule allows for the temporary creation of no-entry areas at House, Jurassic and Idiot's Delight #2 springs. These springs were not included in the emergency rule.

The additional area of Three Sisters Springs was included in the emergency rule and in this proposed rule through the ability to expand the existing sanctuary boundary by up to 400 feet.

House and Jurassic no-entry areas would not exceed 100 feet from the spring vent. Idiot's Delight no-entry area would not exceed 25 feet from the spring vent and would be configured so as not to block the channel or access to Three Sisters Springs.

## Temporary 'no-entry' areas prior to or after the manatee season

- When there is a cold front and manatees are present
- Not longer than 14 days before or after manatee season (Nov. 1 – Mar. 31)
- May occur at existing sanctuaries as well as Three Sisters, House, Jurassic, and Idiots Delight #2 springs

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In addition to the temporary expansion of space around existing sanctuaries and at the additional springs identified, no-entry areas may be temporarily expanded in time.

If there is a cold front prior to November 15 or after March 31 and manatees are present, the no-entry area may be put in place for no longer than 14 days.

This measure was not included in the emergency rule.

# Speed Restrictions

The proposed rule restricts boat speeds in Kings Bay refuge to slow speed throughout the year, except in those areas where more restrictive measures are in place.

Current State speed zones:



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The proposed rule restricts boat speeds within the boundaries of the Kings Bay manatee refuge to slow speed throughout the year, except in those areas where more restrictive measures are in place. This measure was not included in the emergency rule.

This map shows the current State-designated speed zones overlaying the proposed manatee refuge boundary. The area in darker green around and north of Buzzard Island would become “slow speed” year-round.

The lighter green triangular area south of Buzzard Island would remain “idle speed” between Sept. 1 and April 30, but would become “slow speed” between May 1 and Aug. 31.

Areas currently designated as “idle speed” will remain as they are.

## Exceptions

- Adjoining property owners, their guests and designees may engage in watercraft access and property maintenance in manatee sanctuary and no-entry areas
- A sticker must be obtained from the Crystal River NWR office

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As with the emergency rule, adjoining property owners, their guests and designees may engage in watercraft access and property maintenance in manatee sanctuary and no-entry areas.

Authorized individuals will be identified by a sticker or letter of authorization that must be obtained from the Service through the Crystal River National Wildlife Refuge office.

## Public Comments Solicited

- Reasons why this area should or should not be designated as a manatee refuge, including information that supports the need for any changes to the proposed manatee refuge.
- Current or planned activities in the subject area and their possible effects on manatees.

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To ensure that any final action resulting from this proposed rule will be as accurate and effective as possible, we are requesting information from the public, government agencies, the scientific community, and any other interested parties.

We welcome all relevant, substantive comments on the proposed rule, and in particular are seeking comments or information concerning the following:

- Reasons why this area should or should not be designated as a manatee refuge, including information that supports the need for any changes to the proposed manatee refuge.
- Current or planned activities in the subject area and their possible effects on manatees.

## Public Comments Solicited

- Any foreseeable economic or other impacts resulting from the proposed designation.
- Any substantive information on real or potential effects of the proposed manatee refuge on manatees.
- Any actions that could be considered in lieu of or in conjunction with, the proposed designation that would provide equivalent protection to the manatee.

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- Any foreseeable economic or other impacts resulting from the proposed designation.
- Any substantive information on real or potential effects of the proposed manatee refuge on manatees.
- Any actions that could be considered in lieu of or in conjunction with, the proposed designation that would provide equivalent protection to the manatee against the threat of take.



## For More Information

To view more information about the proposed rule, including the Federal Register notice, frequently asked questions, and how to submit written comments, please visit:

<http://www.fws.gov/northflorida/>

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For more information about the proposed rule, including the Federal Register notice and draft environmental assessment, please visit the website shown on the screen. This information is also available here as handouts.

Please see the Federal Register notice for information regarding the options for submitting written comments. The public comment period closes August 22, 2011.

Once again, we thank you for coming out tonight and appreciate your participation in the rule-making process.