"Three Sisters Springs: Aquatic Habitat & Wildlife Viewing Improvements"

August 5, 2015

Questions and Answers

1. **How are Special Use permits currently issued? How much does it cost? Who awards them? On what basis? Have they ever been denied? Or restored? If so, why or why not?**

   Year-round Special Use Permits (SUPs) for commercial tour operators within Crystal River NWR waters (specifically Kings Springs and Three Sisters Springs only) are issued to a limited number of grandfathered-in businesses that met the capping deadline of December 31, 2009. Since that deadline, no additional commercial tour operator SUPs have been issued, except for outfitter permits (kayaks, paddleboards and canoes tours) which were capped in 2014 at a maximum of 10 annual permits. Permits for commercial tour operators cost $200 for a one boat operation, with each additional boat use costing $100 per boat (maximum of 6 boats equaling $700 total).

   These commercial operator SUPs are solely awarded by our Refuge Complex office in Crystal River since 1989. Permits have been denied to over 20 applicants since January 1, 2010 following the application deadline of December 31, 2009. The number one reason why permits have been denied since January 1, 2010 is because the explosive increase in number of commercial guides and visitors was causing unprecedented impacts in sensitive manatee resting areas, specifically at Three Sisters Springs, which became part of Crystal River NWR six months after the cap of Dec 31, 2009. Permits are restored (re-issued) each year to all current SUP permit holders.

2. **How will this change with the new policy? How much will they now cost? Who can apply? Who will decide who gets them? Why are you doing this in this manner?**

   The new proposed permit policy under the 2015 EA "Three Sisters Springs: Aquatic Habitat & Wildlife Viewing Improvements" applies only to commercial use of Three Sisters Springs, <u>not to all Crystal River NWR</u> waters. The currently awarded Special Use Permits would continue to be issued for commercial use of other Refuge Waters (e.g. Kings Spring waters – year-round, and Warden Key waters – outside of manatee season) at its current cap. Those commercial SUPs related to Crystal River NWR waters outside of Three Sisters Springs will continue to be awarded at their existing fee cost.

   New permits for commercial operations in Three Sisters Springs will be limitedly awarded to no more than 5 total permit applicants, including an increased annual SUP fee (see EA). Anyone can apply, but the 5 to-be-awarded businesses (no more than five) will be selected based on a criteria evaluation specific to the Three Sisters Springs commercial use detailed in the EA. A USFWS selection committee will be established to select the 5 top candidates. Only a limited number of SUP holders can sustainably guide the maximum number of swimmers allowed in the springs at one time proposed under this EA. The 5 permit holders would determine the price for each guided swimmer/per X amount of time snorkeling in Three Sisters Springs, just as they have traditionally determined that on their own since having been awarded FWS commercial special use permits for the rest of Crystal River NWR waters since 1989.

3. **How many SUPs do we have in place annually, now?**

Currently, there are 34 SUPs issued to in-water tour operators each year. A total of 30 have established regular tour operations using Crystal River NWR waters commercially. The other
4 have been holding a commercial FWS SUP (paid annually since 2009), but haven't initiated any commercial activity in Refuge waters.

Of these 30 currently active commercial SUP holders, 26 are local and operate regular commercial guided tours (at least 1/month) in Crystal River NWR waters. In addition to the 34 SUP issued each year, there is an additional 10 commercial special use permits issued to outfitters that focus only on non-motorized vessel tours or/and rentals for use in waters that include Crystal River NWR waters.

4. How do the permit fees we propose in C compare to what we are charging now and how long have the fees been in place at current levels?

Fees have been at the current level since November 14, 2012. Again, that amount currently consists of the following fee structure: $200 for 1st vessel and $100 for each additional vessel with a maximum of 6 vessels = $700 maximum total. Prior to November 2012, SUP holders paid $150 for the 1st vessel and $50 for each additional vessel with a maximum of 6 vessels = $400 maximum total.

The currently proposed fee for Three Sisters Springs commercial SUP is higher than the existing one. The administrative fee is proposed to be a one-time charge at the time the permit is issued and that charge would range from $970 to $1,200 (this cost would depend upon the number of permits issued. This would be an annual renewable permit with an option to renew the permit for an additional two years.

5. Why is C our "Proposed/Preferred" Alternative?

The management measures proposed in Alternative C would address and limit the potential to compromise the behavior of resting and nursing manatees in Three Sisters Springs. Guided in-water access would also increase visitor safety. Limited numbers and close supervision of recreationalists by FWS-certified guides would also reduce the risk of crowding the manatees while they rest and nurse their young in the Springs and would address visitor behaviors that could compromise ESA and MMPA provisions.

Touching of manatees encourages inappropriate interactions with a wild animal and can habituate manatees to human interaction. Permitting the touching of manatees could comprise the provisions of the MMPA.

6. How will this improve viewing experience?

Management measures that would provide for a limited number of professionally guided swimmers in the Springs would improve the wildlife viewing experience compared to an uncontrolled scenario. By calmly guiding swimmers from one manatee viewing area to the next in groups of 5, visitors would be able to witness the natural components of the springs including manatees without being obstructed by crowding and other swimmers in front of them. A limited number of swimmers also provides for a quiet/peaceful experience without disturbing the resting wildlife adjacent to the sensitive lobes of Three Sisters Springs. This system would also improve the wildlife viewing experience for visitors on the surrounding boardwalk who, as our surveys reveal, would rather see manatees in isolated areas without

swimmers around them. Given these management measures, visitors on the boardwalk would have improved opportunities for wildlife photograph and for viewing manatees without swimmers near manatees at all times.

7. **There is nothing in your proposed 'guide certification course' (Appendix IV) about manatee harassment. Besides being a highly qualified and well informed guide, how does this training protect manatees from being harassed?**

   Guides would provide comprehensive visitor safety, expectations of conduct, and manatee awareness orientation for all clients prior to entering the water. The safety orientation would comply with industry-wide standards for water safety; and manatee awareness and expectations of conduct orientations would comply with both guide training and USFWS rules and regulations including 'Manatee Manners'. It would be the responsibility of the SUP-holder to ensure their clients can snorkel calmly and efficiently without disturbing manatees or other wildlife. Guides and their clients would only enter and exit the water at approved, marked/signed location(s). Communications between guides and clients would mainly consist of hand signals with verbal communication kept at a minimal volume allowing for focus on both snorkelers'/swimmers' safety and manatee awareness. Guides would also ensure that: all snorkeling activity would be kept on the surface with no diving below the surface; no contact with or pursing of manatees or other wildlife is initiated; and that any interactions with manatees would comply with 'Manatee Manners'. Guides would provide guidance such as "keep hands at your side, crossed in front of you, or behind your back; stay at least 6 feet from all manatees unless the manatee initiates approach and interaction (including all resting manatees; manatees rising to the surface to breathe, feeding/nursing manatees, and all cow/calf pairs)."

   A rotating system of 4 guided swimmers per certified tour-guide would allow for controlled, respectful observations of resting manatees while minimizing the potential for any disturbance. These certified guides would be responsible for keeping their customers at the prescribed distance from manatees. Should a manatee choose to approach a group, the guides would be trained to ensure that no customer <u>initiates</u> any contact with the manatee, regardless of the breaching proximity of the manatee to their customers.

8. **For the commercial permit, does the refuge have the authority to accept fees? Under what authority? Where does the money go? Who administers the fund and the lottery?**

   The refuge has been operating under a commercial SUP fee program for several years where we not only collect fees, but also keep 80% of those fees.

   Since April 1, 2013, the Crystal River NWR has been authorized to administratively direct these fees based on the Federal Lands Recreation Enhancement Act (REA), and Fish and Wildlife Service Recreation Fee Policy.

   All funds associated with this fee collection program are spent on visitor services needs pertaining to materials associated with visitor interpretation (e.g. literature for distribution, manatee manners videos, panels, signs), the volunteer program and visitor facilities.

   These permits have never been issued by lottery. The funds are administered by Refuge's Visitor Services Specialist and Assistant Managers.

9. **Why can't snorkelers use fins? How did you determine that using fins was bad for manatees? What scientific evidence is this based on? Won't this actually result more**

of a chance that manatees will be kicked without having fins to slow down a swimmers feet?

The distance that guided swimmers would cover during their guided experience would total less than 50 yards overall, given the two closed lobes within the Springs basin area of only 0.92 acres. Swimmers would be required to barely use their hands and feet while moving extremely slowly, floating almost motionless on the water surface; conversely, fins speed swimmers' movements beyond the proposed guidelines for in-water conduct (proposed for inclusion in new and improved SUP special conditions). Swimmers would be required to assume a "dead-man" pose while floating on the water surface. Swimmers would also be kept at a distance such that contact between swimmers' feet and manatees' head/body/tail would be essentially eliminated. If a manatee approaches a swimmer's foot/feet, swimmers would be asked by their guides to float motionless until the manatee moves away. Additionally, fin action can cause increased turbidity and thus decreased visibility in the Springs – a negative factor for wildlife viewing. Additionally, the splashing sounds created by fins is known to disturb resting manatees. Use of fins has been highly discouraged by the majority of current SUP holders at their own discretion due to the above explained reasons. If swimmers were required to wear a flotation vest, they would not need to wear fins for stability.

10. Why do vests, wet suits, masks, and snorkels have to be black? Where is the science on this?

There is a plethora of remarkable colors available in the world of wet suits, masks and snorkels including bright neon colors that are scientifically known to either attract or repel (scare) manatees according to several studies conducted at MOTE Marine Lab. Additional color-behavior manatee studies have been conducted by other scientists in the wild and in captivity All these studies suggest that in order to keep manatee behavior activity neutral when entering their habitat, it is best to avoid vivid colors. For example, bright light green and yellow attract manatees likely due to its resemblance to the natural colors of lush vegetation. We are actually changing the color of our SUP in-water vests for photographers because manatees have constantly approached these vested photographers to chew on the fabric. Red and orange colors seem to repel or scare manatees under certain circumstances.

Additionally, by keeping colors as neutral as possible, visitors on the boardwalk may also have a more pleasant experience when viewing manatees without the presence of bright colors that alter the natural viewscape of the Springs filled with liquid blue light that makes our Refuge an aesthetic draw for visitors.