

### Subpart J—Manatee Protection Areas

SOURCE: 44 FR 60964, Oct. 22, 1979, unless otherwise noted.

#### § 17.100 Purpose.

This subpart provides a means for establishing manatee protection areas without waters under the jurisdiction of the United States, including coastal waters adjacent to and inland waters within the several States, within which certain waterborne activities will be restricted or prohibited for the purpose of preventing the taking of manatees.

#### § 17.101 Scope.

This subpart applies to the West Indian manatee (*Trichechus manatus*), also known as the Florida manatee and as the sea cow. The provisions of this subpart are in addition to, and not in lieu of, other regulations contained in this chapter I which may require a permit or prescribe additional restrictions on the importation, exportation, transportation, or taking of wildlife, and the regulations contained in title 33, CFR, which regulate the use of navigable waters.

#### § 17.102 Definitions.

In addition to definitions contained in the Acts, part 10 of this subchapter, and § 17.3 of this part, and unless the context otherwise requires, in this subpart:

*Acts* means the Endangered Species Act of 1973, as amended (87 Stat. 884, 16 U.S.C. 1531–1543) and the Marine Mammal Protection Act of 1972, as amended (86 Stat. 1027, 16 U.S.C. 1361–1407);

*Authorized officer* means any commissioned, warrant, or petty officer of the U.S. Coast Guard, or any officer or agent designated by the Director of the U.S. Fish and Wildlife Service, the Secretary of the Interior, the Secretary of Commerce, or the Secretary of the Treasury, or any officer designated by the head of a Federal or State agency which has entered into an agreement with the Secretary of the Interior, Secretary of Commerce, Secretary of the Treasury, or Secretary of Transportation to enforce the Acts, or any Coast Guard personnel accompanying

and acting under the direction of a person included above in this definition;

*Idle speed* is defined as the minimum speed needed to maintain steerage (direction) of the vessel;

*Manatee protection area* means a manatee refuge or a manatee sanctuary;

*Manatee refuge* means an area in which the Director has determined that certain waterborne activity would result in the taking of one or more manatees, or that certain waterborne activity must be restricted to prevent the taking of one or more manatees, including but not limited to a taking by harassment;

*Manatee sanctuary* means an area in which the Director has determined that any waterborne activity would result in a taking of one or more manatees, including but not limited to a taking by harassment;

*Planing* means riding on or near the water's surface as a result of the hydrodynamic forces on a water vehicle's hull, sponsons, foils, or other surfaces. A water vehicle is considered on plane when it is being operated at or above the speed necessary to keep the vessel planing;

*Slow speed* is defined as the speed at which a water vehicle proceeds when it is fully off plane and completely settled in the water. Due to the different speeds at which water vehicles of different sizes and configurations may travel while in compliance with this definition, no specific speed is assigned to slow speed. A water vehicle is *not* proceeding at slow speed if it is: on a plane; in the process of coming up on or coming off of plane; or creating an excessive wake. A water vehicle *is* proceeding at slow speed if it is fully off plane and completely settled in the water, not creating an excessive wake;

*Slow speed (channel exempt)* means that the slow-speed designation does not apply to those waters within the maintained, marked channel;

*Slow speed (channel included)* means that the slow-speed designation applies both within and outside the designated channel;

*Wake* means all changes in the vertical height of the water's surface caused by the passage of a water vehicle, including a vessel's bow wave,