

**USFWS Briefing
Kings Bay Manatee Refuge
Final Decision
March 15, 2012**

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U. S. Fish and Wildlife Service (USFWS) Briefing, Kings Bay Manatee Refuge, Final Decision, March 15, 2012

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Why are we here? [Why propose and finalize this action?]

Kings Bay has the largest natural concentration of West Indian manatees. There are some larger concentrations around some of the power plant outfalls. In the cold events of 2010 and 2011, there was little impact on the manatees wintering at the springs in Citrus County or those animals at Blue Springs in the St Johns. This was not true for manatees wintering at power plants (or even in the Everglades) where hundreds died. These concentrations of manatees around the natural springs are anchor points for manatee recovery.

There have been several conspicuous user conflicts in Kings Bay in the last few years relative to manatees being struck by boats and swimmers harassing manatees. In addition to the conservation values of resolving these conflicts, it is also important to the community of Crystal River. The opportunity to view manatees in this manner is unparalleled but if we can't avoid impacts to manatees, then that opportunity is jeopardized. There is presently no authorization under federal law for death, injury, or even harassment of manatees.

2011 Kings Bay Manatee Refuge Elements of the Original Proposal

- **Restricted boat operations at slow speeds year-round – unless more restrictive measure in place**
- **13 specifically prohibited activities at all times;**
 - Including use of manatee-safe fishing lines, float lines, and mooring lines at all times
- **Maintained the 7 existing manatee sanctuaries during manatee season (November 15 – March 31)**
- **Allowed temporary ‘no-entry’ areas adjacent to existing sanctuaries and several additional springs during the manatee season**
- **Allowed temporary ‘no-entry’ areas prior to or after the manatee season during unusual cold events**
- **No night access to Three Sisters Springs during manatee season**
- **Provided limited exceptions for access by waterfront property owners**

2011 Kings Bay Manatee Refuge Proposed Rule

Here, we provide a snapshot of the elements of the original proposal.

Key Public Concerns

- Kings Bay is currently dangerous in the summer
- Compressing high speed recreation into the river channel would be worse
- Adverse economic impacts
- Needed more protection for manatees than proposed



Key Public Concerns [expressed during the final rule making process]

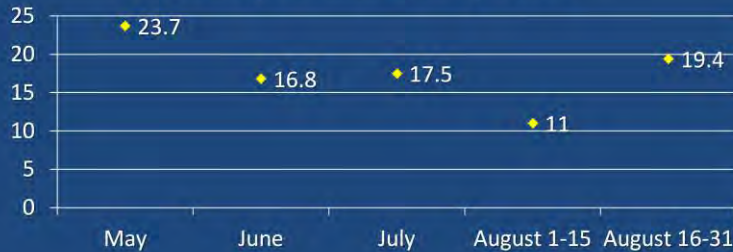
There were two areas of public concerns related to safety. One is that Kings Bay as-is is dangerous. The other is that compressing high speed recreation into the river would be problematic. The Service consulted with federal and state waterway safety experts and reviewed boating accident statistics. We found **both** concerns to be valid.

Conversely, we were not able to verify that there would be any measurable economic effects associated with the rule, positive or negative. Some of the public concern regarding adverse effects seemed to be based on a presumption that we would require slow speed to the Gulf of Mexico, which was not part of the rule or any discussions surrounding the rule. Also, the subsequent changes in the final rule further minimize the possibility of adverse economic effects. The final rule reduces high speed recreation for six weeks, but enhances other types of recreation in the more confined areas of Kings Bay.

Finally, there were some that felt that the proposed rule did not go far enough to protect manatees and recommended protection of additional springs, not only in Kings Bay but beyond. They also recommended a blanket no touch rule and minimum approach distances around manatees.

Resolving the Safety Issue

Average Manatee Use by Month



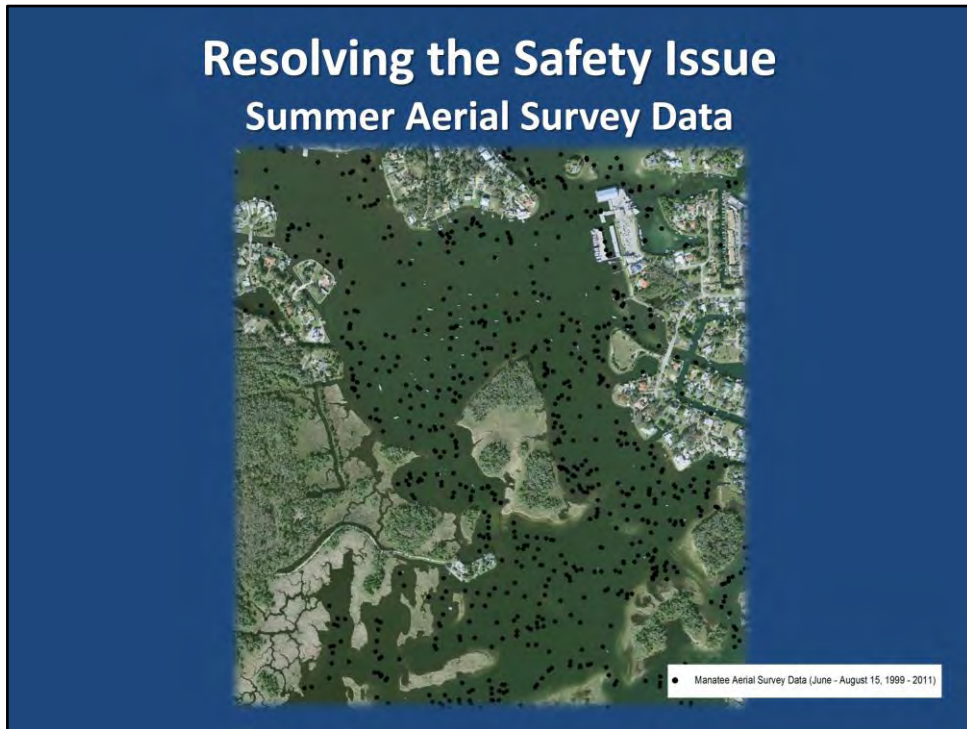
The Service examined seasonal manatee use data (i.e., numbers of manatees seen and when they were seen) in the watersports zone on a monthly basis from May through August for a period of 13 years (1999 – 2011); 69 surveys in all (Crystal River NWR unpublished data).

Coincidentally, the period of least manatee use also matches the period when the least experienced boaters would be most likely to be on the water, the public school summer vacation period.

Resolving the Safety Issue [manatee summer use]

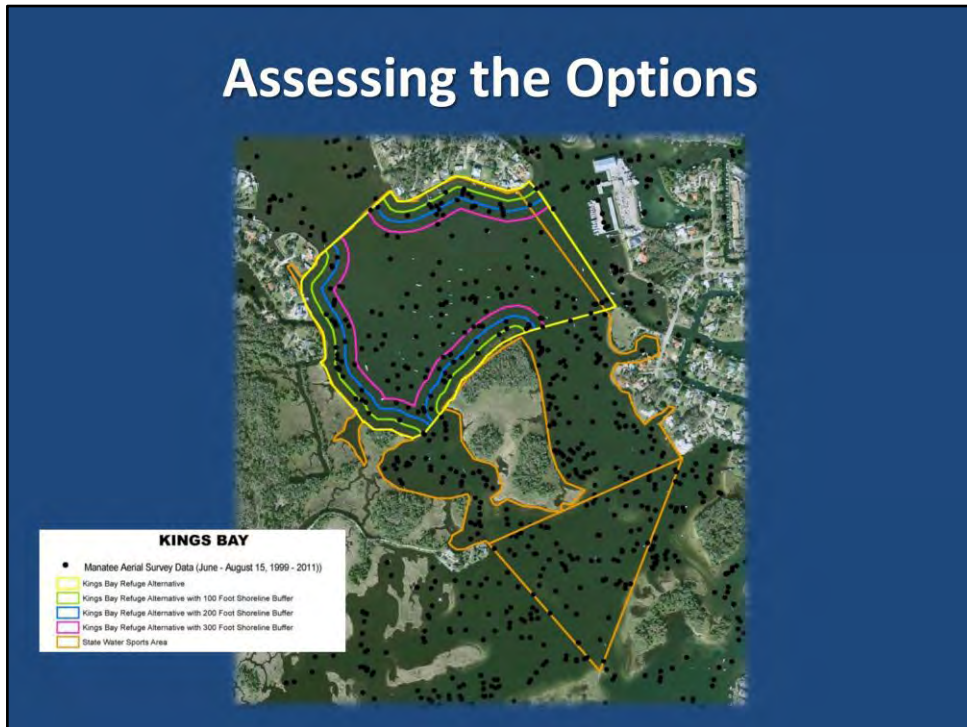
To resolve the safety issue, the Service assessed 13 years of manatee data to determine when and where manatees are found in Kings Bay during the period of May thru August when the watersports zone is in effect. We found that May had the most manatee use and that early August had the least. Manatees start moving back into Kings Bay in mid-August. In terms of distribution, we saw that the area of least use is between Buzzard Island and the mouth of Crystal River. We also noted that manatees seem to be found around the moored boats in that area.

This slide shows average manatee use in the bay by month.



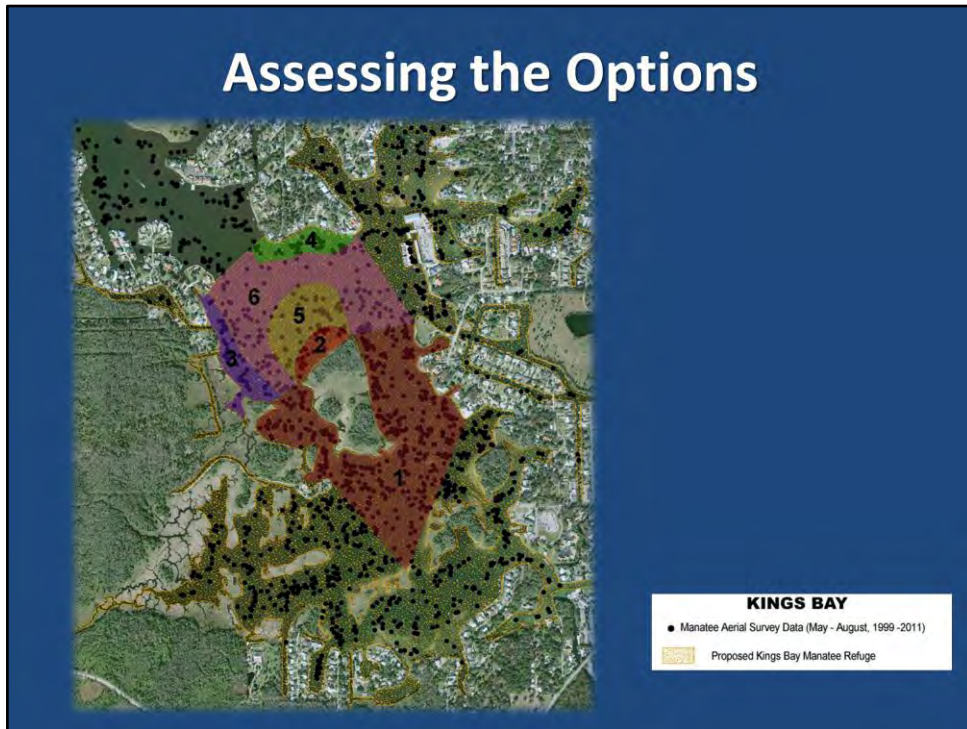
Resolving the Safety Issue [summer aerial survey data]

This graphic depicts the 13-years of aggregate data showing locations where manatees have been observed. The dots may represent a single manatee or a group of manatees as observed during the aerial surveys flown from May thru August when the watersports zone is in effect.



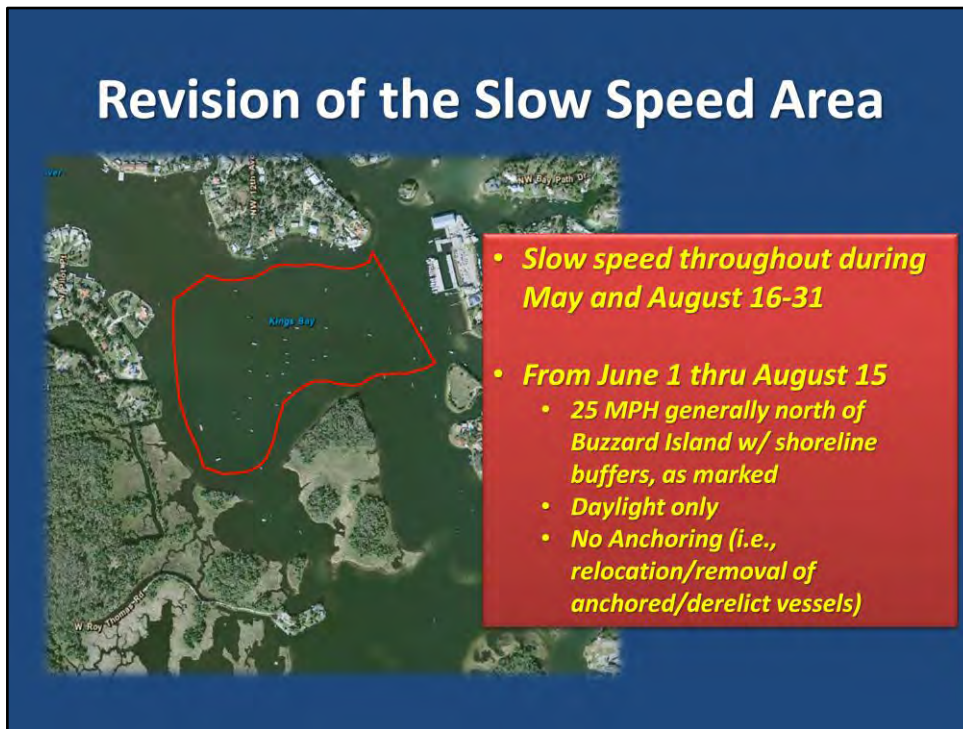
Assessing the Options [configurations assessed]

Here, the multi-colored bands illustrate one of the analyses we carried out in making our final decision and show distances from shore in 100 foot increments out to 300 feet, as well as the boundaries of the original summer watersports zone.



Assessing the Options [Estimated extent of manatee use]

This graphic illustrates another one of the analyses we carried out in making our final decision. Here, the numbered/multi-colored zones were areas where we estimated the extent of manatee use.



Revision of the Slow Speed Area [from that which was originally proposed]

With this information in hand, we found that if we limited high speed to a portion of Kings Bay north of Buzzard Island, eliminated anchorage in that area during the high speed period, reduced the time such recreation could occur, and reduced the speed limit, we could achieve most of the manatee protection benefits of the proposed rule (perhaps 85% or more) and at the same time prevent unsafe crowding of high speed recreation into Crystal River during public school summer vacation and peak periods of summer tourism.

The area delineated by the red line on this graphic is **NOT** the actual boundary of the 25 mph area (that will ultimately be determined by biologists and waterway safety experts working together), but is an approximation for illustrative purposes. We expect the 25 mph area will cover about 70 acres and connect with the 25 mph channel in the river. The tighter confines of Kings Bay will be slow speed year round and reduce conflicts such as those shown in the photo in Slide 4.

Other Changes

- **Eliminated manatee-safe line provision**
- **Revised Three Sisters closure hours (now sunset to sunrise)**



Other changes made

We also made other minor changes in the final rule.

We withdrew the manatee-safe line provision. That provision was very confusing to the public and was unenforceable without being able to describe, by rule, what a manatee-safe line is.

Instead of fixed hours, we also revised the nighttime closure of Three Sisters Springs during manatee season to be sunset to sunrise. The objective is to prevent unintentional harassment of manatees (i.e., users unable to see and thus avoid manatees in the dark) and to be able to see to enforce that provision. Fixed hours would have needlessly closed the spring during daylight or conversely, allowed use in the dark.

Recommendations NOT Adopted

- Adding more sanctuaries inside & outside of Kings Bay
- No-touch rule
- Approach distance rule
- Closing the “Keyhole” at King Spring



Recommendations NOT Adopted [in the final rule]

The Service did not add any additional manatee protection beyond that initially proposed. We believe the final rule will minimize harm and harassment to the extent necessary to meet the recovery needs of the species in Kings Bay.

The Service considers a blanket no-touch rule and an approach distance rule (e.g., 10 feet, or alternatively, a body length) to be unenforceable as a swimmer is not in complete control of these parameters; and those activities, in and of themselves, do not necessarily harm manatees. However, both are good educational recommendations. We also note that several forms of contact with manatees and in-water behaviors around manatees are prohibited by the rule.

The Service believes recreation can continue at Kings Spring without harming manatees.

Myths Debunked

Things Folks Said We Said But We Didn't



- **No closure of Kings Bay to fishing**
- **No slow speed all the way to the Gulf of Mexico**
- **No restricted access to private property**
- **No sticker required for use of Kings Bay outside of sanctuaries**

Myths Debunked: things folks said we said, but we didn't

There were a number of myths raised during and after the public comment period which were not reflected in our original proposed action; nor in our final decision.

Nowhere in the rule did we propose closing all of Kings Bay to fishing.

As noted earlier, there was never a proposal to require slow speed to the Gulf of Mexico, nor were there any such discussions surrounding the rule.

There was no proposal to restrict access to private property.

There was no requirement for a sticker for use of Kings Bay outside of the seasonal sanctuaries.

Final Rule Summary

- **Maintains the 7 existing manatee sanctuaries**
- **Temporary 'no-entry' areas adjacent to existing sanctuaries and specified additional springs during the manatee season**
- **Temporary 'no-entry' areas prior to or after the manatee season during unusual cold events**
- **Regulates watercraft speeds throughout the manatee refuge at all times**
 - **Provision for high-speed (25-mph, daylight) operations from June 1 through August 15 in designated area**

Final rule summary [part 1 of 2]

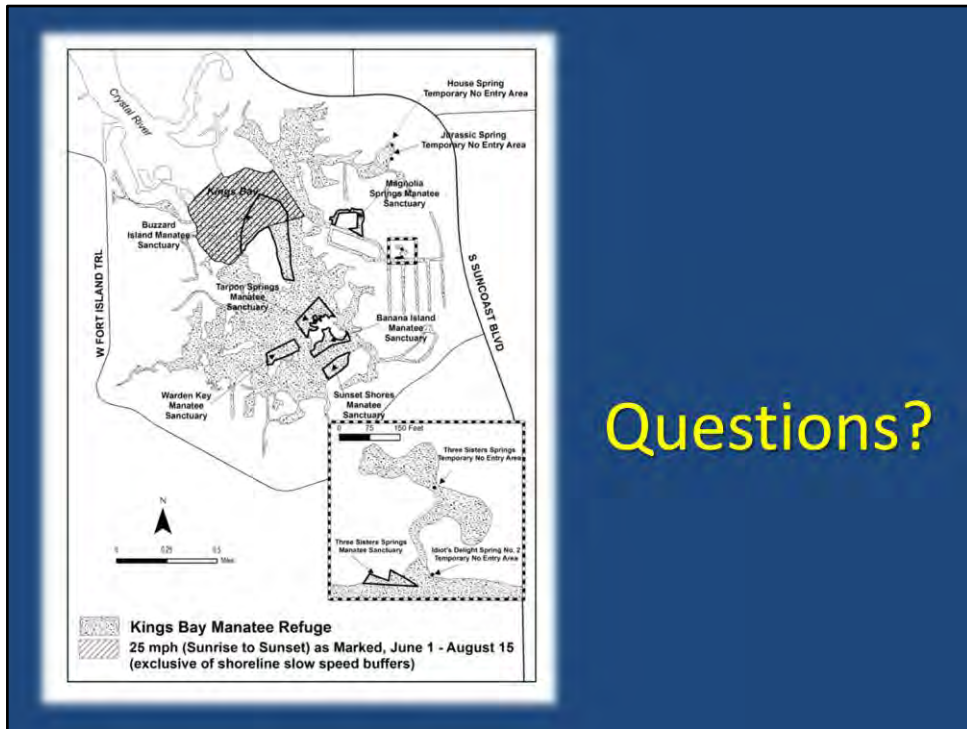
This slide and the next provide a summary of our final decision.

Final Rule Summary – cont'd

- **Prohibiting anchorage (other than emergency anchorage) of watercraft in the high-speed (25 mph) area from June 1 through August 15**
- **12 specifically prohibited activities at all times**
 - Chasing or pursuing a manatee(s).
 - Disturbing or touching a resting or feeding manatee(s).
 - Diving from the surface onto a resting or feeding manatee(s).
 - Cornering or surrounding (or attempting to) corner or surround a manatee(s).
 - Riding, holding, grabbing, or pinching (or attempting to) a manatee(s).
 - Poking, prodding, or stabbing a manatee (or attempting to) with anything, including your hands and feet.
 - Standing on or attempting to stand on a manatee(s).
 - Separating a mother and calf or attempting to separate a mother and calf.
 - Separating a manatee(s) from a group (or attempting to).
 - Giving a manatee(s) anything to eat or drink (or attempting).
 - Actively initiating contact with a belted and/or tagged manatee(s) and associated gear, including any belts, harnesses, tracking devices, or antennae.
 - Interfering with rescue and research activities.
- **Exceptions for adjoining property owners and their designees**

Final rule summary [part 2 of 2]

This slide and the previous one provide a summary of our final decision.



Questions? [end of presentation]

Public comments are addressed in the final rule. In addition to the final rule, a list of questions and answers is also available on our website at <http://www.fws.gov/northflorida>.