



MARINE MAMMAL COMMISSION

13 December 2022

Ms. Michelle Pasawicz, Manatee Management Program Lead
Imperiled Species Management Section
Florida Fish and Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, Florida 32399-1600

Dear Ms. Pasawicz:

The Marine Mammal Commission (the Commission), in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the Florida Fish and Wildlife Conservation Commission's (FWC) 7 December 2022 notice (48 FL Admin. Reg. 4902) regarding the proposed rule to establish a seasonal manatee protection zone at the Florida Power & Light (FPL) Cape Canaveral Energy Center (CCEC) Interim Warm-water Refuge (IWWR) in Brevard County.

In late December 2021, a 90-day No Entry Zone was established at the CCEC IWWR under the Florida Statutes' emergency rule authority. CCEC IWWR served as the Temporary Field Response Station (TFRS) for the joint Unified Command unusual mortality event (UME) response throughout the winter. The temporary No Entry Zone provided protections to manatees and the public during UME response activities, including during the supplemental feeding pilot program. Since most manatees dispersed to spring and summer habitats by late March 2022, the No Entry Zone was removed. FWC and U.S. Fish and Wildlife Service (FWS) expect to continue UME response activities at TFRS this winter (2022–2023). Thus, another temporary 90-day No Entry Zone emergency rule is currently in effect until a permanent final rule becomes effective.

In support of future sustained manatee use of and UME response activities in the IWWR, FWC has proposed to establish a permanent Seasonal No Entry Zone. Access to the FPL-CCEC intake canal¹ and IWWR would be restricted from 15 November through 31 March of each year. The proposed rule is intended to restrict human and vessel entry to and use of the FPL-CCEC intake canal and IWWR, thereby reducing disturbance to manatees using those areas during the winter season. The Seasonal No Entry Zone also would protect manatees from potential vessel collisions and harassment during response activities for the current UME. The Commission believes it is prudent for FWC to create a permanent Seasonal No Entry Zone in the FPL-CCEC intake canal and IWWR for minimizing impacts to manatees and recommends that the agency issue the final rule, as proposed.

¹ Currently, the FPL-CCEC intake canal area is regulated as a Seasonal Idle Speed Zone.

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The proposed rule is consistent with the purposes and policies of section 379.2431(2) of the Florida Statutes. Please contact me if you have questions regarding the Commission's recommendation.

Sincerely,

A handwritten signature in blue ink that reads "Peter O. Thomas". The signature is written in a cursive style with a large initial "P" and "T".

Peter O. Thomas, Ph.D.,
Executive Director

cc: Terri Calleson, FWS Florida Ecological Services Office