



MARINE MAMMAL COMMISSION

30 December 2014

Andrew Gude, Refuge Manager
U.S. Fish and Wildlife Service
Crystal River National Wildlife Refuge
1502 Southeast Kings Bay Drive
Crystal River, Florida 34429

Dear Mr. Gude:

The Marine Mammal Commission (the Commission), in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the draft environmental assessment (EA) on manatee wildlife viewing for the Crystal River National Wildlife Refuge based on the goals, policies, and requirements of the Marine Mammal Protection Act (the MMPA). In response to increased manatee viewing in Three Sisters Springs, the Fish and Wildlife Service (FWS) proposes to implement interim measures under the National Wildlife Refuge Administration Act for the 2014–2015 manatee season as stipulated under the Preferred Alternative (Alternative 2) of the EA to enhance protection of manatees in the Springs area.

Three Sisters Springs, in the Kings Bay/Crystal River spring complex, is one of the most important natural warm-water refuges for manatees in Florida. The Commission notes that the current use of the spring by swimmers (including snorkelers and divers) and boaters (i.e., kayakers and canoers) results in harassment of manatees, which constitutes unauthorized taking prohibited by the MMPA. The Commission has emphasized in previous correspondence¹ that there are no effective mechanisms in place to manage the large number of people seeking to swim with or boat near manatees in Crystal River, particularly in Three Sisters Springs. The current management regime invites violations of the MMPA and runs counter to the best interests of Florida manatees. FWS needs to take steps to address these sources of disturbance before the peak winter manatee season occurs.

The Preferred Alternative would create two new manatee sanctuaries within the Springs into which access by swimmers and boaters would be prohibited. In addition, in-water public visitation and access by non-motorized vessels² would be restricted in other areas of the refuge during the manatee season (15 November–31 March). Additional protective measures are being considered under the Preferred Alternative, including partial closure of the Springs during the coldest winter months and full closure during extreme cold-weather events.

The Commission believes the proposed interim measures would be helpful but that they will only partially address the problem of displacing manatees and only partially eliminate the persistent

¹ See its 3 November 2014 letter (http://www.mmc.gov/letters/pdf/2014/FWS_petition_CrystalRiver_110314.pdf).

² Both the No Action Alternative and the Preferred Alternative would retain the prohibition on access by motorized watercraft.

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disturbance by swimmers and boaters seeking to approach and view manatees in the Springs. Information necessary to identify the types and levels of human presence in the Springs that will not displace manatees or disrupt their normal behavioral patterns is not available. Accordingly, FWS needs to adopt a precautionary approach that provides sufficient protection to ensure that harassment of manatees is avoided. Therefore, the Commission recommends that, at a minimum, the proposed interim measures be expanded to allow for immediate short-term closures of Three Sisters Springs during periods of high manatee use (e.g., more than 50 animals present) or if there is evidence that manatees are being displaced from the Springs by human activities. In addition to the proposed closures of the Springs during extreme cold-weather events, the Commission recommends that FWS establish limits on the number of swimmers and boats allowed in the Springs at any one time to protect resting or nursing manatees from disturbance. Finally, the Commission recommends that FWS develop and implement a monitoring program to (1) collect information on the use of the Springs by humans, particularly swimmers and boaters, and on manatee responses to human presence and different activities and (2) document instances of harassment of manatees.

We trust these comments are useful. Kindly contact me if you or your staff has questions.

Sincerely,



Rebecca J. Lent, Ph.D.
Executive Director

Cc: Michael J. Bean, Department of the Interior
Donna S. Wieting, National Marine Fisheries Service