



## U. S. Fish and Wildlife Service

# Amendment to Barge Canal Federal Manatee Protection Area in Brevard County, Florida

### **Background**

Manatees are a federally protected species under both the Endangered Species Act and Marine Mammal Protection Act. Currently, boat-related mortality in manatees probably poses the greatest human-caused threat to the species. Historically, collisions with watercraft are responsible for about 25 percent of all manatee deaths and about 80 percent of all human-caused mortality in manatees. Nearly 47 percent of these boat-related deaths occur in just four of the 34 counties in which manatees are found. Successful recovery of the manatee is greatly dependent on controlling and reducing this source of injury and mortality.

On January 7, 2002, we published a final rule to the *Federal Register* identifying two refuges at Barge Canal and Sykes Creek in Brevard County, Florida where we believe Federal protection is warranted. We have proposed the establishment of 14 additional manatee protection areas based on the biological needs of the species, and plan to make a final decision on those areas by December 1, 2002.

### **Issue**

In response to our recent proposal to establish 16 additional manatee protection areas, we received comments indicating that certain existing watercraft uses of waters proposed for designation would be eliminated or severely restricted, and that the loss of these uses would result in substantial hardship to the affected parties. In regard to the two sites for which we have recently made final designations, we received a request for an exception to our regulations in the Barge Canal. After reviewing the party's request, we believe it may be possible to exceed speed zone restrictions within the Barge Canal in a manner that would not result in take of manatees. This would be the case if it could be proven that no manatees were present in the vicinity when the subject activity was to occur. Our existing regulations do not provide a mechanism for persons to determine whether or under what conditions activities in which they intend to engage may qualify for such an exception.

### **Status**

We have no desire to unnecessarily restrict or prohibit activities that will not result in incidental take of manatees. Therefore, we are proposing to amend our regulations to establish a process for approving specific requests for exceptions to our regulations for the Barge Canal manatee protection area. We are proposing to establish this process for only the Barge Canal at this time, because it is the only manatee protection area to date for which we have received a request for such an exception. Our intent is to establish this process for a limited area, so that we may assess the efficacy of the exception process in a controlled fashion, both in terms of ensuring effective manatee protection and in terms of our ability to effectively administer an exception process, before considering making it more widely available.

The proposed amendment, along with this factsheet and Frequently Asked Questions, is available on our web site at <http://northflorida.fws.gov> or may be requested by writing: USFWS, Attn: Brevard MPA Rule, 6620 Southpoint Dr. S, Suite 310, Jacksonville, FL 3216 or by faxing your request to 904-232-2404.

### **Questions?**

If you have specific questions or need special assistance, please contact our Jacksonville Field Office at 904-232-2580, ext. 109.

*Updated: April 11, 2002*