

peer reviewer believed that this transition zone (requiring boaters to change speeds as they enter and leave this area) is not beneficial from a boating perspective. A common complaint among boaters is that there are too many changes in speed zones and that it is difficult for boaters to keep track of which zone they are in. Although the river narrows slightly at Redfish Point, this reviewer believed there is not sufficient evidence to suggest that boat traffic is significantly more concentrated in this area. The reviewer stated that, unless compelling evidence shows that there is an increased risk to manatees in this area, the shore-to-shore slow speed zone is not necessary, and suggested modifying the zone to be consistent with zones immediately upstream and downstream. The FWCC noted that a variety of data suggest that manatees may be at risk in the Redfish Point area of the river. We also received many comments from the boating public regarding the increased time needed to traverse the 1.9-mile slow speed zone we proposed to establish at Redfish Point. Many commentators recommended allowing for high-speed travel in the marked channel.

*Response 28:* We concur with the reviewers' interpretation of the available data regarding manatee movement patterns in the area of Redfish Point. Additionally, as the river narrows to approximately 1-half mile at Redfish Point, we believe that manatees are at higher risk of watercraft collision in this area. Because available evidence indicates that manatees cross the river regularly at this point, we do not believe it is appropriate to maintain a high-speed channel in this area. However, we did conduct a more detailed review of the available data and concluded that sufficient manatee protection could be achieved in this area by reconfiguring and shortening the slow speed zone, as reflected in the final rule. Our analysis of aerial and telemetry data indicates that manatee use is greatest between Channel Markers "72" and "76." We have also attempted to address the concern associated with the frequent changes in designations along the river by maintaining a 25-mph corridor under the Cape Coral Bridge and through the channel between Channel Marker "99" and the Sanibel Causeway. These changes should make it easier for boaters to follow the designations as they navigate the river.

*Comment 29:* With reference to the portion of the Caloosahatchee River from Channel Marker "82" to Channel Marker "93," comments received were essentially the same as those addressed

in comment 25 due to the similarity of the proposed designations.

*Response 29:* See the response to comment 25.

*Comment 30:* With reference to the portion of the Caloosahatchee River from Channel Marker "99" to the Sanibel Causeway, one peer reviewer noted that aerial survey data indicate that manatees use both the deep and shallow water of this area and telemetry data show "manatee places and corridors," particularly along the eastern boundary of this area. While allowing 25 mph in the deeper waters would provide relief for boaters, manatee use of the area justifies inclusion of the area in the proposed rule. Another peer reviewer noted that this area experiences an extremely high volume of boat traffic at times, in fact, so congested that travel speeds can be self-limiting. The majority of the vessel traffic remains in or near the marked channel between Channel Marker "99" and the Sanibel Causeway. It may be acceptable, therefore, to retain a speed of 25 mph in the channel and slow speed outside of the channel in this area. This area should be a priority for enforcement and compliance initiatives. The FWCC believes that regulation of the channel from marker "99" to the Sanibel Causeway would increase risks to manatees because of potential changes in boat traffic patterns. The data suggest that additional manatee protection zones should be considered around Fisherman's Key and Big Island. Several commentators noted that the configuration of the proposed rule (slow speed including the channel) would encourage boaters traveling between Sanibel Causeway and the Caloosahatchee River to travel up the unregulated channel on the western side of San Carlos Bay and through the Intracoastal Waterway (ICW) east-west "Miserable Mile" channel. This would place more high-speed boat traffic in an area of San Carlos Bay that is heavily used by manatees. Many commentators expressed concern regarding our proposed regulation of the navigation channel at slow speed, due to the resulting increase in travel time.

*Response 30:* We acknowledge that the proposal for this area may have done more harm than good for manatees utilizing the shallow seagrass flats of San Carlos Bay because the high volume of traffic would likely be diverted to the "Miserable Mile" channel where the manatees occur in the adjacent shallow seagrass flats. The diversion of a high volume of watercraft traffic into an already-congested channel may have also created a human safety issue. We have therefore modified this protection

area to exclude the channel and an adjacent buffer from the regulation. The configuration of the final rule provides protection of the grass beds near the various keys in San Carlos Bay, without disrupting established boating travel patterns.

*Comment 31:* With reference to the portion of the St. Johns River from Reddie Point to the Main Street Bridge, one peer reviewer noted that, based on aerial survey data, manatee use of the area supports the proposed rule. The reviewer believes that the existing shoreline buffers are likely not adequate. The FWCC and the City of Jacksonville stated that available data indicate that the existing shoreline buffers are adequate in this area. The FWCC also stated that the existing buffer zones would be easier to mark than the proposed designations.

*Response 31:* We have reevaluated this area and believe that, based on the available data, our proposed rule for this portion of the St. Johns River is appropriate, with one exception. We have determined that the downstream boundary of this protection area should be moved upstream (south) to Channel Marker "73" instead of Reddie Point. We believe this revision is necessary given the configuration of the river relative to the marked navigation channel. Downstream of Channel Marker "73" the river widens and curves. At this point the navigation channel hugs the western shoreline. Such configuration is not intuitive and most boaters will tend to continue on a straighter path up the middle of the river, particularly if traveling upstream from Reddie Point. We agree with the FWCC that a clear and effective sign plan in this portion of the river would be difficult, at best, due to the channel configuration as well as water depth, minimal existing signs, and the current watercraft traffic in the areas (*i.e.*, large ships, barges, and tug boats in addition to recreational watercraft). We note the signage for the existing speed zones in this area is inadequate to inform boaters of the location of the existing zones. Overall, we believe that speed zones that follow the marked navigation channel in this area will be easier for boaters to understand, with the exception of the above noted area downstream of Channel Marker "73," where we intend to work with the FWCC regarding signage of the existing zones.

*Comment 32:* With reference to the portion of the St. Johns River from the Main Street Bridge to the Fuller Warren Bridge, one peer reviewer noted that, based on aerial survey data, manatee use of this area is not notably higher than