

in other areas of the river. The sighting data do not appear to justify the establishment of a year-round slow speed zone in this portion of the river for manatee protection. However, the proposed rule may be warranted based on other issues, such as constrained waterways and/or boater safety. The FWCC and others provided similar comments regarding this portion of the St. Johns River.

*Response 32:* This area of the river is used as a travel corridor, and because manatees are regularly sighted upstream and downstream of this area, it is reasonable to conclude that they regularly traverse this area.

Additionally, in this area the river narrows and curves and the presence of many bridges in the downtown Jacksonville area creates a funneling effect for both watercraft traffic and manatees. This combination of factors warrants implementation of additional manatee protection measures in this area.

*Comment 33:* With reference to the portion of the St. Johns River upstream of the Fuller Warren Bridge including Doctors Lake, one peer reviewer noted that aerial survey data indicate that manatees routinely use these areas. Extending the shoreline buffers, as proposed, provides additional protection to manatees that often spend much of their time within these shoreline areas for many activities, such as resting, feeding, and caring for young. Additionally, several carcasses of manatees killed by watercraft have been recovered in this portion of the river. The available data justify the inclusion of this area in the proposed rule. The City of Jacksonville, Clay County, and others stated that the existing regulations were adequate in this area and that Federal designation was not warranted. The FWCC recommends that if we were to do anything in this area we should adopt a Federal zone the same as the existing State zones, or alternatively consider adoption of a fixed 700-foot buffer in this area. The FWCC further stated that the greatest contribution we could make to improving manatee protection in this area would be through improved signage and enforcement.

*Response 33:* We concur with the peer reviewer's interpretation of the data that manatees generally utilize the shoreline areas. Upon further review of the data and the public comments, our final rule is modified slightly from the proposed rule in that the shoreline slow speed buffer will be a minimum of 700 feet from the shoreline, but not more than 1,000 feet in the St. Johns River, as marked, and a minimum of 700 feet

from the shoreline, but not more than 900 feet in Doctors Lake, as marked. The intent is to mark the zones as close to the 700-foot minimum as possible, but given the non-linear configuration of the shoreline in both the river and the lake, the maximum distance allows flexibility to design an effective, understandable, and enforceable sign plan. The Federal designation of this portion of the river and Doctors Lake will enable us to devote Federal funds to appropriately marking this area.

*Comment 34:* Peer review comments stated that the proposed rule in the St. Johns River will be easier to post than the existing configuration, which is beneficial because better signage translates to better compliance and better protection.

*Response 34:* We concur with the reviewer and believe that the final rule, which is modified slightly from the proposed rule, will allow us to effectively post the new Federal manatee protection areas in the lower St. Johns River. We note that the existing signage in this portion of the river is inadequate.

*Comment 35:* Peer review comments cautioned us not to assume that manatee deaths in the St. Johns River occurred at the location where the carcasses were recovered, as implied in the proposed rule (68 FR 16608). Often it is not known where the death occurred, rather it is known where the carcass was recovered.

*Response 35:* We agree. The language in the final rule has been changed to avoid giving this impression, which was not intended.

*Comment 36:* One commentator assumed that, since Duval County was designated as an "Area of Inadequate Protection" under the Service's final interim strategy for section 7 consultation, the waters of the County would be one of the highest priorities for refuge status.

*Response 36:* In response to the commentator, we wish to clarify that the reach of the St. Johns River within Duval County considered to be an "Area of Inadequate Protection" (AIP) was not designated as such due to inappropriate design of the existing zones, but rather because we believe the signage of the existing zones to be inadequate. In some areas of the Duval/Clay/St. Johns County portion of the St. Johns River, inadequate signage also resulted in a reduced ability to enforce the zones. We did not consider this area to be as high a priority as actions taken in previous rulemakings. Our final designation will enable us to correct the signage deficiency.

*Comment 37:* One commentator stated that the submerged aquatic vegetation in the main stem of the St. Johns River extends approximately 900 feet from the shoreline and states further that this distance is variable. The commentator believed that the proposed shoreline buffer will improve manatee protection by expanding it and creating consistency. The commentator claimed this expansion "from 300 to 1,000 feet will only increase boater travel time by 1.6 minutes."

*Response 37:* We believe that our final designation, which designates a slow speed shoreline buffer extending a minimum of 213 meters (700 feet) and a maximum of 305 meters (1,000 feet), encompasses the area most used by manatees and will have limited adverse effects on boater use of the St. Johns River.

*Comment 38:* With reference to the Halifax Creek from the Flagler/Volusia County line to Channel Marker "9," peer review comments stated that manatees use this area as a travel corridor and have little room to navigate around boat traffic within or outside of the channel in this narrow, constrained northern stretch of the river. These factors support the proposed rule.

*Response 38:* We agree.

*Comment 39:* With reference to the Halifax River from Channel Marker "9" to the Granada Bridge, peer review comments stated that the proposed rule improves the existing zones without substantial changes. Extension of the shoreline buffers should increase protection of manatees without interfering with watercraft traffic.

*Response 39:* Manatees exhibit a general tendency to utilize the nearshore waters preferentially throughout their range. As such, establishment of slow speed shoreline buffers is often an effective strategy for minimizing collisions between manatees and watercraft. However, any given manatee may deviate from this pattern at any time and wander farther from shore than "normal." Therefore, wider buffers would always be considered to be most protective of manatees if no other factors were considered.

With respect to the Halifax river, subsequent to publishing the proposed rule, we conducted a more detailed analysis of this area and determined that the river is approximately 2,000 feet wide over most of its length. The practical effect of our proposed rule (a 1,000-foot shoreline buffer) would have been to make the river slow speed outside the ICW channel. In areas where the river is somewhat wider than 2,000 feet, the proposed rule would have