

*Comment 43:* With reference to the Halifax River from the Seabreeze Bridge to Channel Marker "40," peer review comments stated that, based on the recovery of perinatal carcasses, this area may be an important nursery area. This may not be the best location for the high-speed watersports area.

*Response 43:* We concur with the reviewer's interpretation of the data. The final rule consists of a slow speed zone from 500 feet north to 500 feet south of the Seabreeze Bridge and reduces the speed in the Seabreeze watersports area to slow speed to be consistent with the existing speed zone in the area. Although our final rule for the area is scaled back from the proposed rule in that we do not overlay the entire existing zone with a Federal slow speed zone, we believe the final rule provides improved protection where it is most needed (i.e., at the pinch point created by the bridge and the high-speed watersports area). Additionally, we conclude that the existing designation of slow speed (channel included), is warranted through this section of the river because of the high volume of boat traffic in the Daytona Beach area.

*Comment 44:* With reference to the Halifax River from Channel Marker "40" to the Dunlawton 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. Manatees often rest, feed, mill, and socialize in waters less than 6 feet deep, not just within 300 feet of shore. The proposal eliminates a second high-speed watersports area. Although this area appears to be a travel corridor for manatees, and carcasses of manatees killed by watercraft have been recovered from the area, this high-speed area appears to be in a "less egregious" area than the high-speed area near the Seabreeze Bridge, based on the data.

*Response 44:* See the response to comment 39 regarding shoreline buffers, and the response to comment 41 regarding constricted areas near bridges.

*Comment 45:* With reference to the Halifax River north and south of the Dunlawton Bridge, peer review comments noted that, although manatees have been sighted in this area during aerial surveys and manatee carcasses attributed to watercraft collisions have been recovered from the area, the reviewer does not believe that those data justify the establishment of a year-round slow speed zone in this area for manatee protection. However, the proposed rule may be warranted based

on other issues, such as constrained waterways and/or boater safety.

*Response 45:* See response to comment 41.

*Comment 46:* With reference to the Halifax River from south of the Dunlawton Bridge to Ponce Inlet, 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. Manatees often rest, feed, mill, and socialize in waters less than 6 feet deep, not just within 300 feet of shore. The change from 30 mph to 25 mph intuitively improves manatee protection, but the reviewer knows of no empirical data to support it. The proposed rule will increase the uniformity of the regulations, which should improve boater comprehension of and compliance with the manatee protection zones.

*Response 46:* There is a wide variety of existing speed zones in this area that we believe to be unnecessarily complicated and confusing. Our proposed rule would have simplified the speed zones to a degree, by eliminating the 30 mph designation, and would have improved manatee protection somewhat in this area, but would not have improved the logistical situation enough to significantly reduce or eliminate boater confusion and increase compliance. We do not have the ability to substantially modify the existing zones in this area unilaterally because many of the State-designated speed zones are as restrictive as the proposed rule and we do not have the authority to impose regulations that are less restrictive than existing State rules. Simplifying these zones would necessarily need to be done by the FWCC. The FWCC stated in its comments that the agency is collecting additional data on manatee distribution in Volusia County for the purpose of reevaluating the existing speed zones. Because we do not want to hinder the State's efforts to improve the existing zones, we have decided not to designate this area at this time beyond reducing the maximum allowable speed, outside of existing slow speed zones, from 30 mph to 25 mph.

*Comment 47:* One peer reviewer was unclear as to why the Ponce Inlet has a proposed speed limit of 30 mph. This speed may be appropriate if it has been determined that 30 mph is necessary to navigate through the inlet, or it is a designated watersports area. Otherwise, it creates confusion for boaters to have too many types of speed zones.

*Response 47:* We believe the existing State-designated zone in the Ponce Inlet is adequate and have, therefore, decided not to implement Federal regulations in the Ponce Inlet at this time. Our proposed rule in this area simply mirrored the existing zone. The FWCC is currently collecting additional data regarding manatee distribution in this area, and we concluded that, in the absence of such information, we did not have a solid basis for action at this time. Additionally, Federal designation could possibly hinder State efforts to modify the speed zones in this area, should updated information warrant such action.

*Comment 48:* With reference to the Live Oak Point to Channel Marker "2," peer review comments noted that manatee sightings in this area are more frequent than in other nearby areas; therefore, the proposed rule is supported by the available data.

*Response 48:* We concur with the reviewer's interpretation of the data. However, the proposed rule would have simply resulted in the federalization of the existing State-designated zones. For this final rule, we believe that it is not necessary to overlay the existing zones that appear to be appropriately designed and signed. Therefore, we will not proceed with designating this area at this time.

*Comment 49:* With reference to the ICW from Redland Canal to the A1A Bridge, peer review comments noted that manatee sightings in the area just south of the Ponce Inlet are more frequent than in other nearby areas, and these sightings are probably why the area is currently designated as slow speed. The existing 30-mph stretch occurs in an area where manatee sightings have occurred. The data support the proposed designation of the area to slow speed.

*Response 49:* We agree.

*Comment 50:* Some commentors strongly suggested that the Service maintain at least a 25-mph channel at New Smyrna.

*Response 50:* We carefully considered this comment in light of the increased travel time that would result from our proposed designation. However, in light of the available information, we have concluded that slow speed designation in this area should include the channel in order to effectively improve manatee protection in this area.

*Comment 51:* One peer reviewer stated that the proposed rule in the Halifax and Tomoka Rivers will be easier to post than the existing configuration, which is beneficial because better signage translates to better compliance and better protection.