

changes. In the Tomoka River we are including only a seasonal slow speed zone in the area currently designated as 40 km per hour (25 mph) immediately downstream of the I-95 bridge. This will protect manatees during their highest use period. We believe the existing slow and idle speed zones in the river to be adequate and the year-round zones are possibly more restrictive than necessary given the seasonality of manatee use.

We are maintaining the current 91-meter (300-foot) slow speed buffer zones in much of the river and are adopting a 40-km-per-hour (25-mph) speed limit between the buffers. This will provide sufficient protection in areas known to be used by manatees and will improve compliance by making the zones easier to understand. It will also avoid creating any additional safety risks to boaters as a result of our action. We had proposed a 305-meter (1,000-foot) buffer in many of these areas. In some cases, these buffers could have compressed high-speed use into very small areas as much of the river is very close to 610 meters (2,000 feet) wide. The practical effect of our proposed rule 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 created unregulated "pockets" that would have been difficult or impossible to regulate, and would have been of no practical use to boaters. While our stated intent in proposing a 1,000-foot shoreline buffer was, in part, to make the regulations in this area more understandable and enforceable, the proposed rule would have actually had the opposite effect by creating the unregulated "pockets" discussed above, thereby, potentially compromising manatee protection instead of enhancing it. Additionally, the FWCC noted that manatee use data for this portion of Volusia County are limited and dated. We agree and further note that the limited available data do not support the need for a "slow-speed outside the channel" designation. We have, therefore, concluded that establishment of a 1,000-foot shoreline buffer is not prudent.

Subsequent to the publication of the proposed rule, we also examined possible alternatives for expanding the shoreline buffers to some other distance from shoreline. As stated previously, wider buffers are generally more protective; so expansion of the existing 300-foot buffer to some greater distance would arguably improve manatee protection. As indicated above, the widest possible buffer for the Halifax River would have been 1,000 feet (as proposed), or slow speed outside the

channel for all practical purposes, which was determined to be unwarranted. Additionally, the quality of the available data is such that we cannot conclude that substantial evidence supports expansion of the shoreline buffer to some distance other than the currently designated 300 feet. In other words, we conclude that the selection of some other width for the shoreline buffer would be arbitrary. We support the FWCC's ongoing efforts to collect additional data regarding manatee distribution and habitat use in this area, in order to provide for better informed decisionmaking.

In other portions of the Halifax River and adjacent waterbodies north and south of Ponce Inlet, we are placing a 40-km-per-hour (25-mph) cap on speeds not more restrictively regulated. We had proposed slow speed outside of marked channels in many of these areas.

The key features of this final designation in the Halifax and Tomoka Rivers are the elimination or modification of watersports areas and slowing boat speeds around the bridges' areas, which may function as pinch points where manatees and boats are forced into close proximity. We believe these are the areas that are most problematic for manatees within the original proposal and are the measures necessary to avoid take of manatees.

Areas Designated as Manatee Refuges

Caloosahatchee River—San Carlos Bay Manatee Refuge

We are establishing a manatee refuge in portions of the Caloosahatchee River and San Carlos Bay in Lee County (in the Southwest Region) for the purpose of regulating vessel speeds, from the Seaboard Coastline Railroad trestle, downstream to Channel Marker "93," and from Channel Marker "99" to the Sanibel Causeway. Except as provided in 50 CFR 17.105, watercraft will be required to proceed as follows:

a. From the Seaboard Coastline Railroad trestle at Beautiful Island, downstream to a Channel Marker "25," a distance of approximately 1.6 km (1 mile), slow speed in the marked navigation channel from November 15 to March 31, and not more than 40 kilometers (km) per hour (25 miles per hour (mph)) in the channel from April 1 to November 14;

b. from a point 152 meters (500 feet) east of the Edison Bridge downstream to a point 152 meters (500 feet) west of the Caloosahatchee Bridge, approximately 1.1 km (0.7 miles) in length, slow speed year-round, shoreline-to-shoreline including the marked navigation channel;

c. from a point 152 meters (500 feet) west of the Caloosahatchee Bridge downstream to a point 152 meters (500 feet) northeast of the Cape Coral Bridge, a distance of approximately 10.9 km (6.8 miles), year-round, slow speed shoreline buffers extending out to a distance of approximately 402 meters (1,320 feet), as marked. Vessel speeds between these buffers (including the marked navigation channel) are limited to not more than 40 km per hour (25 mph) throughout the year, with the exception of seaplanes;

d. from a point 152 meters (500 feet) northeast of the Cape Coral Bridge downstream to a point 152 meters (500 feet) southwest of the Cape Coral Bridge, a distance of approximately 0.3 km (0.2 mile), slow speed outside the marked navigation channel and a speed limit of not more than 40 km per hour (25mph) in the channel, year-round;

e. from a point 152 meters (500 feet) southwest of the Cape Coral Bridge to Channel Marker "72," a distance of approximately 1.9 km (or 1.2 miles), year-round, slow speed shoreline buffers extending out to a minimum distance of approximately 402 meters (1,320 feet), as marked. Vessel speeds between these buffers (including the marked navigation channel) are limited to not more than 40 km per hour (25 mph) throughout the year;

f. from Channel Marker "72" to Channel Marker "76" (in the vicinity of Redfish Point), for a distance of approximately 1.8 kilometers (1.1 miles) in length, slow speed year-round shoreline-to-shoreline, including the marked navigation channel;

g. from Channel Marker "76" to Channel Marker "93," a distance of approximately 5.2 kilometers (3.2 miles), in length, year-round, slow speed shoreline buffers extending out to a minimum distance of approximately 402 meters (1,320 feet), as marked. Vessel speeds between these buffers (including the marked navigation channel) are limited to not more than 40 km per hour (25 mph) throughout the year; and

h. In San Carlos Bay, from Channel Marker "99" to the Sanibel Causeway, slow speed year-round within the following limits—a northern boundary described by the southern edge of the marked navigation channel, a line approximately 2.9 kilometers (1.8 miles) in length; a southern boundary described by the Sanibel Causeway (approximately 1.9 kilometers (1.2 miles) in length); a western boundary described by a line that connects the western end of the easternmost Sanibel Causeway island and extending northwest to Channel Marker "7"