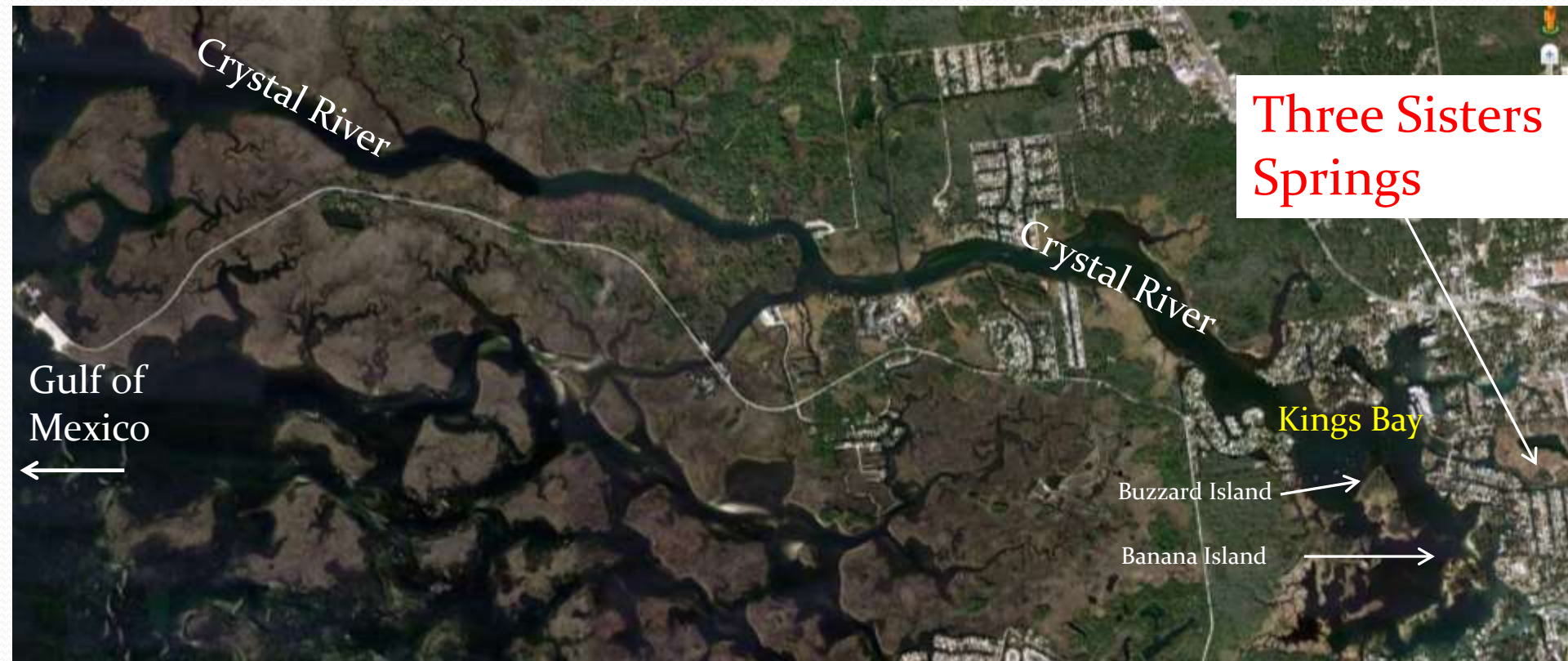
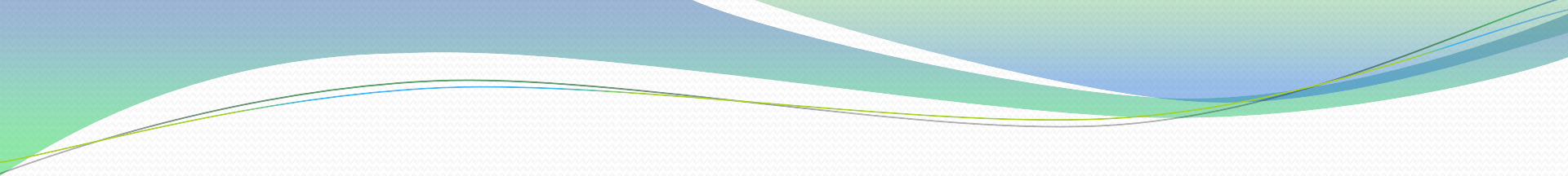
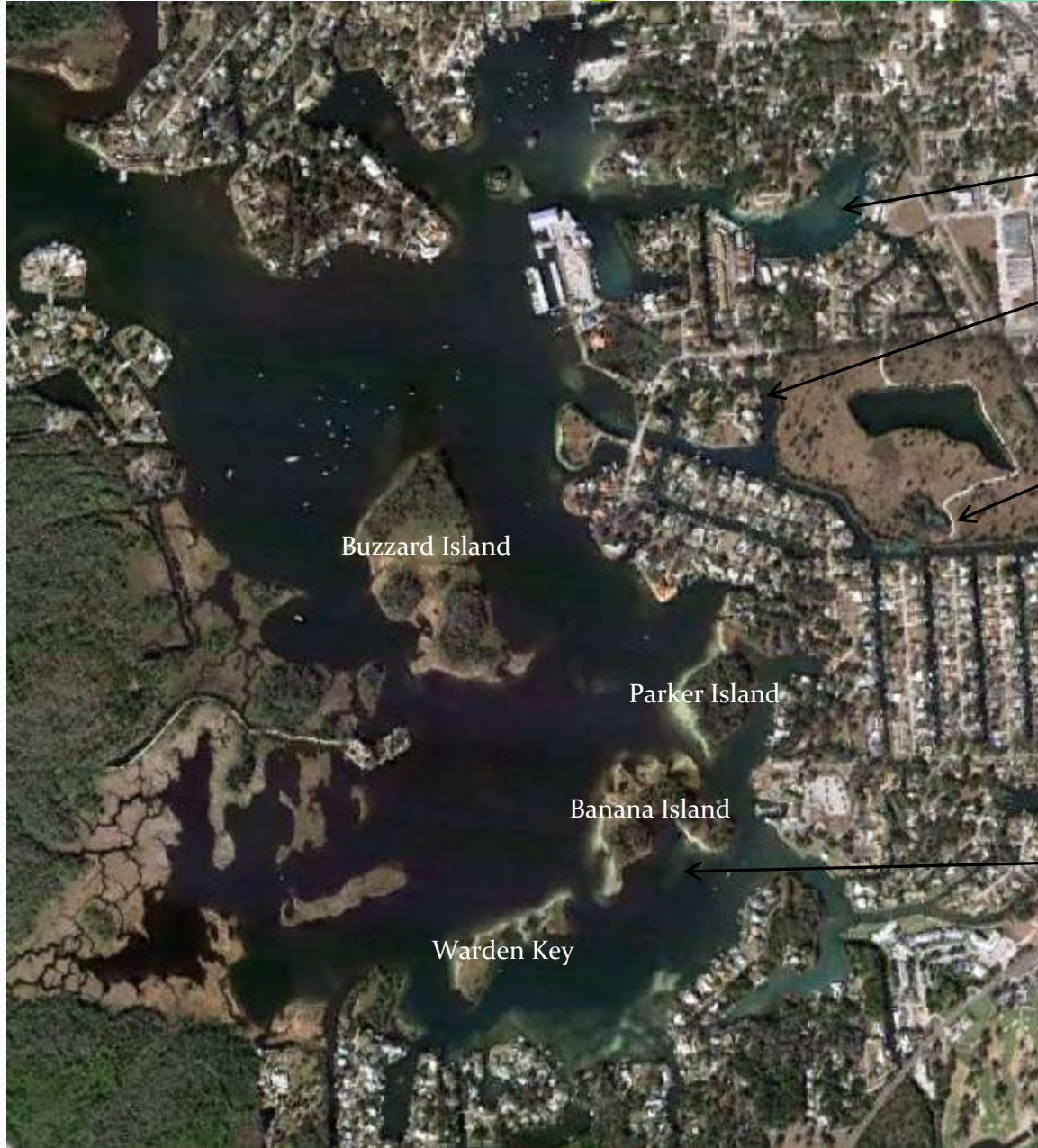


Kings Bay and  
Crystal River

Florida

**Patrick Rose, CPM, Aquatic Biologist  
Executive Director  
Save the Manatee Club**





Hunter's Spring

Magnolia Springs

Three Sisters Spring

King Spring

Buzzard Island

Parker Island

Banana Island

Warden Key

# Kings Bay As Proposed

bridge

Parker Island

bridge

Banana Island

High-rise  
Hotel

Buzzard Island

In the late 1977 Central Development Company sought to develop Parker and Banana Islands by connecting the islands to each other and to the mainland. In addition to a housing project, the two bridges were proposed to provide access to Banana Island for the construction of a high-rise hotel and underwater viewing attraction in Kings Spring.

Central Development Company owned the islands and the surrounding submerged lands. It was anticipated that should these proposed developments gain approval, that the development of Buzzard Island would not be far behind.

# The Board of Trustees Denial of the Bridge and Power-line Application was the catalyst for the purchase and creation of the Crystal River Manatee Wildlife Refuge.

=====

CORRECTED AGENCY FINAL ORDER

=====

THE STATE OF FLORIDA  
DEPARTMENT OF NATURAL RESOURCES  
TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

STANLEY HARTSON, et al.,  
Petitioners,

vs.

CASE NO. 77-960

DEPARTMENT OF NATURAL RESOURCES,  
et al.,

Respondents.

\_\_\_\_\_ /

During the 1977 administrative hearing, I testified as a manatee expert regarding the potential adverse consequences of the bridge and power line proposal on manatees and manatee habitat.

4(b) King's Bay is an area of critical habitat for the manatee, and it is possible that further development will lessen the chances of offering manatee a safe and quiet habitat.

(c) Five to six seaplanes a year use the air space between Parker and Banana Islands, which use would be prohibited by the power poles and lines.

(d) The sovereignty submerged lands, public waters, and air space of King's Bay in the vicinity of the proposed bridge and power poles and lines are relatively pristine and in a natural state with few man-made facilities constructed therein. The proposed bridge and power poles and lines constitute an unnatural visual intrusion on these public resources inconsistent with their present natural state.

THEREFORE, it is ordered that the application for an easement to use sovereignty submerged lands for the bridge and the application for consent to install the power poles and lines are hereby denied.

Denial of consent to install the power poles and lines is made without prejudice to the applicant resubmitting a revised application for a subaqueous utility easement.

DONE AND ORDERED, at the meeting of the Board of Trustees of the Internal Improvement Trust Fund in open session at Tallahassee, Florida, on the 2nd of May, 1978.

---

Reubin O'D. Askew, Governor

# Establishment of sanctuaries and speed zones

- May 1978 - Florida Legislature enacts the Manatee Sanctuary Act
- May 1978 - Board of Trustees denies bridges and power lines for Islands (sets stage for discussions to purchase islands and eventual refuge)
- October 22, 1979- FWS adopts regulatory process to establish manatee protection areas
- November 12, 1980- Manatee sanctuaries established at Banana Island, Sunset Shores, and Magnolia Springs
- August 17, 1983- FWS Crystal River National Wildlife Refuge established
- 1992- FWC manatee protection speed zones adopted in Kings Bay
- May 12, 1994- Manatee sanctuaries established at Buzzard Island, Tarpon Springs, and Warden Key
- October 16, 1998- Manatee sanctuaries established just outside Three Sisters Spring

# City of Crystal River

## Waterfront Advisory Board-

## Manatee Protection Subcommittee

- 5 meetings between July 12 and August 7, 2007
- Final report recommendations included:
  - Designate all of Kings Bay as manatee refuge and idle speed
  - Expand manatee sanctuaries to year-round
  - Utilize MMC no touch and minimum distance to prevent harassment
  - Increase boater education through additional signage, boater safety courses, and public media
  - Increase law enforcement



# Crystal River City Council

## August 27, 2007

- Key quotes from minutes:
  - Vice Mayor Farley would like to pass a resolution listing point by point what is in the report. This would be a stronger message to them.
  - Vice Mayor Farley does accept the report. He stated it is very well documented. **He would like to do the maximum of whatever we can do legally do. There are dangers not only to the manatee, but to the people as well.**
  - Motion to pass and send a resolution to accompany this report to FWS for their review, as they address their 5-year plan, along with a Resolution requesting they go over point by point of recommendations and respond to us, what they will and will not be able to do.
  - Vice Mayor Farley amended his motion to slow speed year round. Councilmember Kostelnick agreed to his second.

# Crystal River City Council

## August 27, 2007, cont.

- August 27, 2007- Council passes Resolution No.07-R-37
  - Forwards Board's final report to FWS for response
  - Forwards Board's final report to FWC for consideration of a year round slow speed zone in Kings Bay
- Resolution and Board's final report sent to FWS, FWC, Senators Nelson and Fasano

RESOLUTION NO. 07-R-37

A RESOLUTION OF THE CITY OF CRYSTAL RIVER, FLORIDA, RECEIVING THE FINAL REPORT OF THE MANATEE PROTECTION SUBCOMMITTEE OF THE WATERFRONTS ADVISORY BOARD AND TRANSMITTING THE REPORT TO THE UNITED STATES DEPARTMENT OF FISH AND WILDLIFE

WHEREAS, The City of Crystal River is recognized as one of the favorite sites that the Florida Manatee congregate, and,

WHEREAS, Progress has been made in restoring the Florida Manatee but this progress is threatened by boat collisions; and,

WHEREAS, It is believed that boat collisions with the Florida Manatee may be reduced by imposing a year round slow speed zone in the water of Kings Bay, and

WHEREAS, The City of Crystal River wishes that the Floridian Manatee survive the environmental challenges facing their species.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CRYSTAL RIVER, FLORIDA THAT:

SECTION 1: The City Council of the City of Crystal River formally transmits the findings of its Waterfront's Advisory Board to the United States Department of Fish and Wildlife and requests a response to this report.

SECTION 2: The City of Crystal River also transmits this report the Florida Department of Fish and Wildlife for consideration of a year round slow speed zone in King's Bay.

SECTION 3: This Resolution shall take effect immediately upon passage.

DONE, THIS 27<sup>th</sup> day of Aug., 2007

CITY OF CRYSTAL RIVER


ATTEST:

*Carol A. Harrington*  
Carol A. Harrington, City Clerk

*Ronald E. Kirchoff, Jr.*  
Ronald E. Kirchoff, Jr., Mayor

Approved as Attorney:

*Anthony J. Petrone*  
Anthony J. Petrone, City Attorney



# Comprehensive Conservation Plan

- January 2, 2008- FWS releases notice about preparing and accepting public comments for CCP
- February 8, 2008- FWS public scoping meeting for CCP
  - Total comment supporting manatee protection  $\approx$ 1350  
(includes eliminating watersports zone)
    - Total number stated from US/international  $\approx$  650
    - Total number stated from Florida  $\approx$  270
    - Total number stated from Citrus  $\approx$  39
    - Total number stated from Crystal River  $\approx$  13



## City of Crystal River

123 North West Highway 19 // Crystal River, Florida 34428-3999 // Telephone (352) 795-4216 // Fax (352) 795-6351

RECEIVED

FEB 29 2008

February 29, 2008

Mr. Ivan Vicente  
U.S. Fish & Wildlife  
1502 SE Kings Bay Drive  
Crystal River, FL 34429

Dear Mr. Vicente:

The attached report from the City's Waterfront Advisory Committee, along with the related letter of support from the City Council, has previously been submitted for consideration by your agency as you develop the Comprehensive Conservation Plan for the Refuge. Council has asked that we provide another set of the material to ensure that it is available for reference as your plan development process moves forward.

Sincerely,

Andy Houston  
City Manager

Enclosure

- Letter sent by Andy Houston (Crystal River City Manager) to Crystal River NWR
- Sent second copy of Board's final report to ensure consideration for the CCP



# City of Crystal River

123 North West Highway 19 // Crystal River, Florida 34428-3999 // Telephone (352) 795-4216 // Fax (352) 795-6351

RECEIVED

MAR 04 2008

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Sincerely,

A handwritten signature in black ink, appearing to read "Andy Houston".

Andy Houston  
City Manager

Enclosure

# Quotes from Florida Fish and Wildlife Conservation Commission Meeting June 17, 2009- Crystal River, FL

Col. Julie Jones....(speaking about problems with people interacting with manatees) One instance was in Volusia County, we've also had some complaints in Brevard County. We've been very successful in using education and targeting law enforcement, we're writing tickets to eliminate those problems. Where we have not been very successful is in the Crystal River, Kings Bay area.

**Commissioner Yablonski:** "I'm intrigued with the no touch idea for some of the very reasons you stated. I know it was common practice at one point, in Yellowstone National Park to feed bears and that was very common and someone woke up at some point and said what a dumb idea that was and they don't feed bears. And to my knowledge, park visitation has not dropped because you don't feed bears. People can enjoy the bears from afar by watching it and keeping a safe distance, and I'm not sure I understand having to touch wildlife to appreciate it. You can appreciate the wildlife (lots of clapping) from a distance so I think we should look at this. **Some of the ideas about the floating and swimming but no touching, I think all of those should be on the table.** I also think from an enforcement standpoint, if you do allow touch, the boundary between touch and harassment can change just like that, so the enforcement has got to be so difficult. If you didn't allow touch, then you would not get to the point to allow harassment."

**Commissioner Wright:** “I tend to agree with Commissioner Yablonski, that while there’s a distinction that might be hard to be made between whether a manatee is approaching... and touching or vice versa, it’s a harder distinction whether or not you’re just touching the animal or pushing or shoving or whatever or not, **so that it would be a better off to figure out a way to avoid the touch. I’ve got to tell you.....**it may be good to look at those sanctuary areas to where you don’t have to make the distinction about whether someone is touching or harassing, And if we’ve got a lot of them in there in the summer, for the same reasons that people are out in the winter, they may need to be out in the summer, **and just have a place where they can be, you know, safe.” (Clapping)**

**Commissioner Bergeron:** “Well, I think that, you know law enforcement is extremely important based upon some of the films we’ve seen earlier.....”

**Commissioner Barco:** “Why don’t we ever get anything that’s easy? Could we all have Easy buttons put up here please? **We have heard a lot of compelling comments today and somewhere there has to be this no touch kind of rule** and I don’t know how to put it, unless it’s the wording can be active or intentional interaction with the animal.



**Florida Fish and Wildlife Conservation Commission**

Commissioners  
Rodney Barreto  
Chair  
Miami

Kathy Barco  
Vice-Chair  
Jacksonville

Ronald M. Bergeron  
Fort Lauderdale

Richard A. Corbett  
Tampa

Dwight Stephenson  
Delray Beach

Kenneth W. Wright  
Winter Park

Brian S. Yablonski  
Tallahassee

Executive Staff  
Kenneth D. Haddad  
Executive Director

Nick Wiley  
Assistant Executive Director

Karen Ventimiglia  
Deputy Chief of Staff

Office of the  
Executive Director  
Kenneth D. Haddad  
Executive Director

(850) 487-3796  
(850) 921-5786 FAX

*Managing fish and wildlife resources for their long-term well-being and the benefit of people.*

620 South Meridian Street  
Tallahassee, Florida

July 10, 2009

Mr. Sam D. Hamilton, Regional Director  
U.S. Fish and Wildlife Service  
1875 Century Boulevard  
Atlanta, GA 30345

Re: Crystal River Sanctuaries

Dear Mr. Hamilton,

The Florida Fish and Wildlife Conservation Commission (FWC) has been working with U.S. Fish and Wildlife Service (USFWS) staff at the Crystal River National Wildlife Refuge and Ecological Services Field Office in Jacksonville, to address heightened concerns for the level of human/manatee interactions in Crystal River. For almost a year, the agencies have discussed various approaches for the issue, met with local stakeholders and held a listening session open to the public in Crystal River to come up with a list of proposed actions. During our June Commission meeting in Crystal River, FWC staff presented an update to Commissioners regarding what we have done so far and what future actions we propose. The list of actions are as follows:

- Education & Outreach – FWC will begin working in conjunction with USFWS and local government to review and revise education and public outreach materials to ensure there is a consistent message with regard to human/manatee interactions.
- Law Enforcement – Enhance enforcement with targeted efforts and increased use of technology, such as webcams, to monitor more remote locations as we have done over the past year in the Three Sisters Springs area.
- Expand Federal Sanctuaries – Coordinate with USFWS to review the current federal sanctuaries to consider increasing the size of some sanctuaries, and for others, increase the length of time the sanctuaries are in effect.

Our Commissioners voted in support of the staff recommendations, and we are working on the first two items already. We believe that due to the increased use of Crystal River and Kings Bay by people and manatees, modifying the sanctuaries to provide more protected habitat for manatees will reduce the level of negative interactions. In our listening session with the public, we heard a good deal of consensus for this approach. We are writing to ask for your support in expediting a review of these sanctuaries, as this action will need to be led by your staff.

We appreciate your consideration of our request. We look forward to continuing our cooperative approach to addressing manatee issues. Please do not hesitate to contact me if you want to discuss this issue further.

Sincerely,

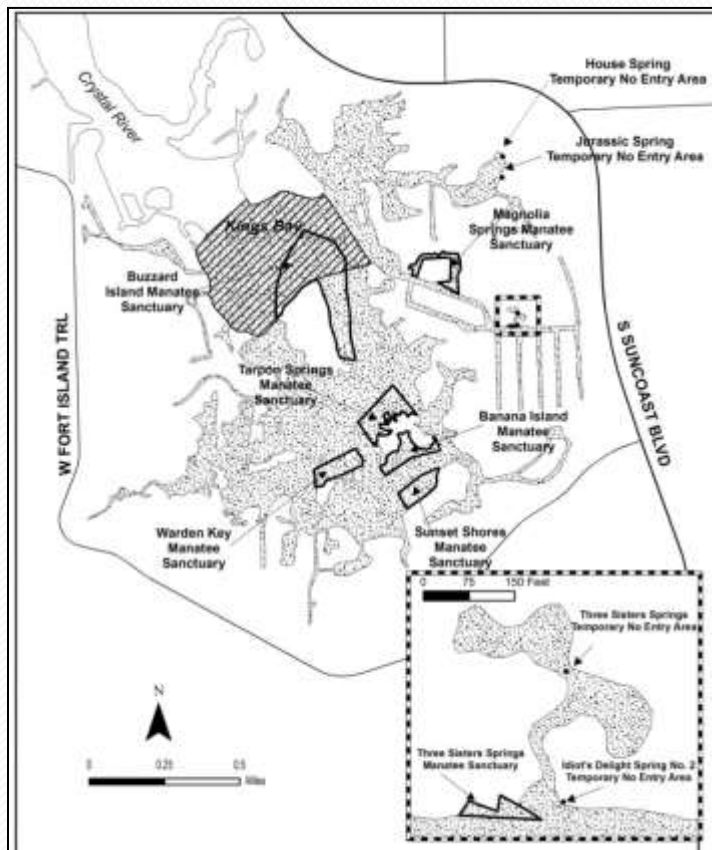
Kenneth D. Haddad  
Executive Director

kdh/ek





# Final Kings Bay Rule

- March 16, 2012- final rule published in federal register



- Aspects of rule

- Year-round slow speed in entire Bay, except in designated area north of Buzzard Island, where 25 mph from June 1- August 15
- Anchorage prohibited in 25 mph area from June 1- August 15
- Waterborne activities prohibited at Three Sisters from sunset to sunrise

-  Kings Bay Manatee Refuge
-  25 mph (Sunrise to Sunset) as Marked, June 1 - August 15 (exclusive of shoreline slow speed buffers)

This photo was taken within the boundaries of the past and present summer high speed zones. It has been the practice of tour operators to take their swimmers to where manatees are present. Here you can see at least 6 swimmers in the direct vicinity of high speed boats . What you don't see are all the manatees that are underwater and the reason the swimmer are in the water.

Ironically, the Fish and Wildlife Service has made it illegal for the tour boats to anchor in the watersports zone, presumably to reduce the number of swimmers that would be among the high speed boats. Common sense tells us that if people are in danger in the zone, then manatees under the water and out of view remain at great risk.



*Tourist ^ more tourist snorkeling ^ and more ^*

*MANATEES BELOW.....*

Every boater and manatee that enters or leaves Kings Bay must pass through the high speed zone.

Photo by Stacy Dunn

# Continued Opposition

- March 28, 2012- SCR files Petition for Rulemaking to FWC
  - Amend Cooperative Agreement between FWS and FWC
  - Remove Kings Bay text from Florida Administrative Code
- April 23, 2012- City of Crystal River passes Resolution No.12-R-13 requesting amendment of Cooperative Agreement between FWS and FWC
- April 24, 2012- Citrus County Board of County Commissioners passes Resolution No.2012-073 requesting amendment of Cooperative Agreement between FWS and FWC
- April 26, 2012- FWC denies SCR petition
- May 2, 2012- SCR files second Petition for Rulemaking to FWC
- May 3, 2012- FWC Commission denies SCR first petition

# Implications of Amending Cooperative Agreement and State Rules

- Allow for take of manatees incidental to activities of fishers, boaters, and water skiers (not permissible under the combined protections afforded under the Endangered Species Act and Marine Mammal Protection Act)
- Eliminate all state manatee speed zones in Kings Bay (contradicts their Comprehensive Plan and Manatee Protection Plan)
- Remove state official's power to enforce federal rules in federal manatee refuges
- Fish and Wildlife Conservation Commission denied all three petitions on May 30, 2012

# Statement by the former City Manager of Crystal River:

During a small meeting that I requested with representatives of the local governments and the Service to find common ground the City Manager chose to refuse to participate constructively to find a mutual way forward and instead stated:

If the City of Crystal River would have known that the US Fish and Wildlife Service was going to adopt these new federal manatee rules, we would not have participated in sponsoring the acquisition of Three Sisters Springs.

Note: This is the same City Manager who signed the cover letters reminding the Service not to forget to include their request in the new Refuge Planning Rules various request for Federal rulemaking in their Comprehensive planning process.

Three Sisters Springs showing lush *Vallisneria americana* circa 1969 Photo by Patrick Rose



# Three Sisters circa 2015



# Excerpt of Save the Manatee's Comments to the draft EA for 3 Sisters and Kings Bay

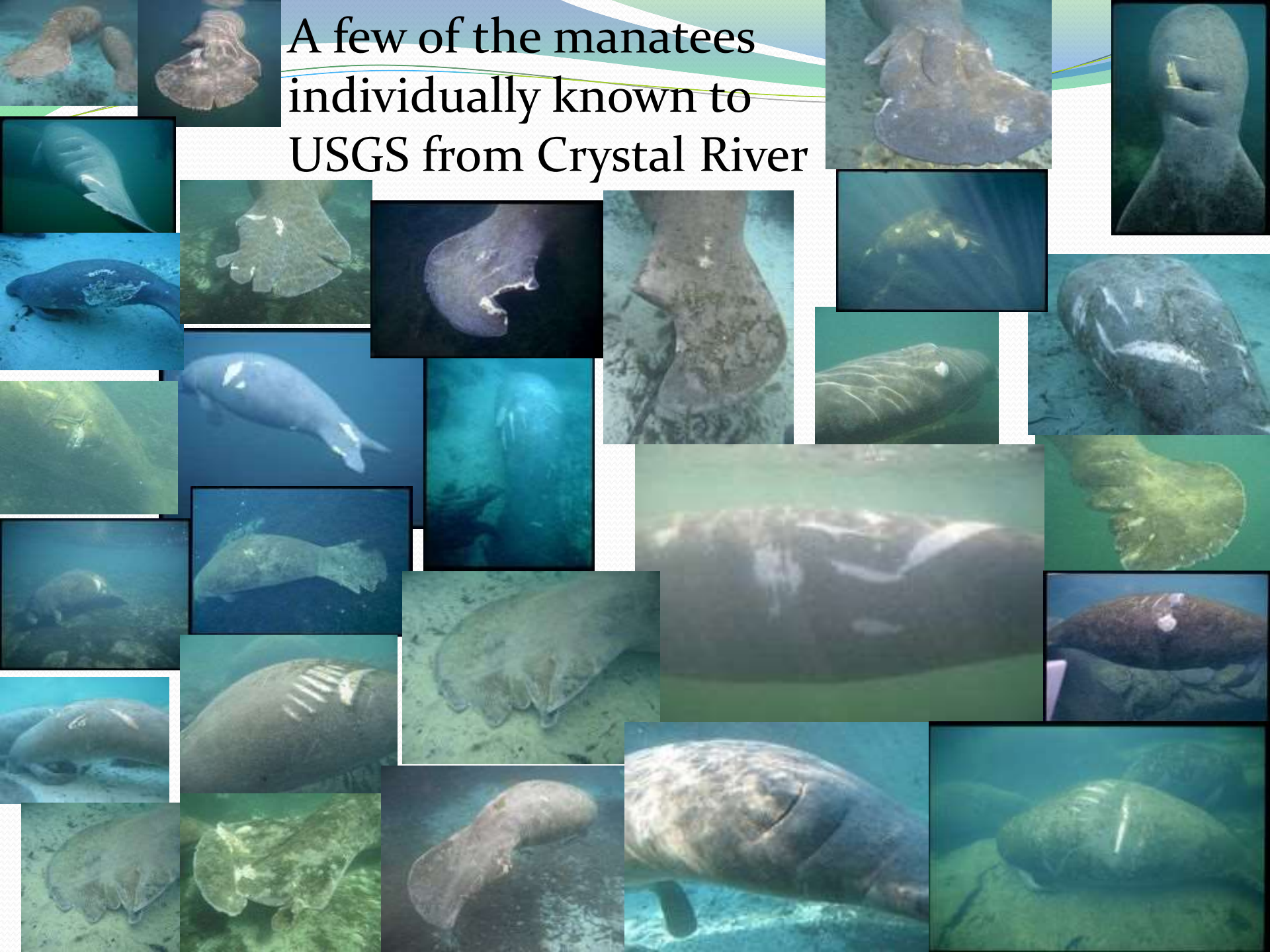
- In conclusion, the Service is long past due to comprehensively address manatee harassment
- issues at Three Sisters Springs, as well as the other areas under the Service's jurisdiction. If the
- Service believes it is currently constrained by its Management Plan for the property, it must work to
- amend that Plan so it comports with the Management Agreement, the other elements of the
- Management Plan and restrictive covenants, and federal laws. With the increasing numbers of
- visitors coming to Crystal River and Three Sisters, the Service's law enforcement resources will be
- further strained. Prosecution of harassment cases is time consuming and sometimes challenging.
- The Service could essentially eliminate harassment of manatees at Three Sisters by implementing a
- winter sanctuary. The simple act of separating people from manatees solves this management
- problem while comporting with the law. To do otherwise leaves the Service at severe risk of
- being found to be aiding and abetting large scale illegal take of an endangered marine
- mammal they are charged to protect, especially when so many reasonable, prudent and
- economically viable alternatives exist.
- We have mailed you a hard drive containing video footage of manatee/human interactions at
- Three Sisters from the winter of 2010-2011; a video compilation of manatee harassment at Three
- Sisters in recent years; multiple correspondences from the Marine Mammal Commission containing
- management recommendations; letters from other agencies acknowledging the need to address
- harassment problems; documentation from the Service itself, addressing this same need; and prior
- formal written communication from Save the Manatee Club on this issue, including comments and
- signatures sent as part of a coalition effort in August 2014 that resulted in over 194,000 citizens
- expressing their support for a full winter sanctuary at Three Sisters and for the adoption of a no-touch
- rule for manatees everywhere within U.S. jurisdiction.



Summary Recommendations based upon more than 500 manatees having selected Three Sisters on a single day and documentation of thousands of incidents of harassment/disturbance:

- Officially adopt Three Sisters as a formal winter Sanctuary between November 15 and March 31.
- Adopt a no-touch rule for manatees throughout their range within U.S. jurisdiction.
- Support land based visitation at the Three Sisters property, including viewing of manatees from the boardwalk at Three Sisters Springs.
- Development sustainable practices and requirements for all waterway users wishing to view manatees from on, or in the water, that don't disturb manatees.

A few of the manatees  
individually known to  
USGS from Crystal River



# Kings Bay Watercraft-related Manatee Mortalities

## 2002- May 4, 2012



# New high speed zone



Photo credit: Katie Tripp, SMC