



United States Department of the Interior



FISH AND WILDLIFE SERVICE
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Subject: Guidance to Proceed with Marine Events Authorized by the U.S. Coast Guard;
Service Consultation Code: 04EF2000-2016-I-0405

The U.S. Fish and Wildlife Service (Service) received a request from the U.S. Coast Guard (USCG) on June 23, 2016, to reinitiate consultation on the Service's 2010 *Guidance to Proceed with Events Authorized by the Coast Guard* in order to incorporate additional species and Limited Access Areas¹ into the consultation. Based on information provided by the USCG, associated email messages, telephone conversations, site visits, and other sources of information, the Service and USGS determined that the listed species and designated critical habitats in Table 1 occur within the action area of the marine events covered by this guidance and have the potential to be affected by the events. The marine events covered in this guidance include: fireworks, boat regattas (including motorized boat races), boat parades, blessing of a fleet, fishing tournaments, sailboat races, and non-motorized boat activities (including, but not limited to, canoes, kayaks, skulls, etc.). The USCG has determined that marine events that meet this guidance may affect, but are not likely to adversely affect the species and critical habitats in Table 1. This letter is provided in accordance with section 7 of the Endangered Species Act of 1973, as amended (Act) (87 Stat. 884; 16 U.S.C 1531 *et seq.*).

This guidance is intended for use for events within counties that fall within the jurisdiction of the South Florida Ecological Services Office (SFESO) in Vero Beach: Broward, Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Indian River, Lee, Martin, Miami-Dade, Monroe, Okeechobee, Osceola, Palm Beach, Polk, Sarasota and St. Lucie. Events in other counties outside of this consultation area will need to consult with the Service's North Florida Ecological Services Office or the Panama City Ecological Services Office (office Service Areas can be found at: <https://www.fws.gov/verobeach/2011Pictures/servicearea.jpg>).

¹ Limited Access Areas are Safety and Security Zones, Regulated Navigation Areas, and Special Local Regulations authorized by U.S. Code and corresponding federal regulation. Limited Access Areas are implemented in order to ensure the safety and security of people and vessels on navigable waters. These areas are established to allow the USCG and designated representatives to control vessel movement, create slow-speed zones, and take other enforcement actions to protect human lives, property, and the marine environment.

Table 1. Threatened and endangered species and their critical habitats that occur within the consultation area for the *Guidance to Proceed with Marine Events Authorized by the U.S. Coast Guard*.

| Common Name | Scientific Name | Status | Critical Habitat |
|---------------------------|---|------------|-----------------------|
| American crocodile | <i>Crocodylus acutus</i> | Endangered | Designated |
| Beach jacquemontia | <i>Jacquemontia reclinata</i> | Endangered | N/A |
| Green sea turtle* | <i>Mycteria americana</i> | Threatened | N/A |
| Hawksbill sea turtle* | <i>Eretmochelys imbricata</i> | Endangered | N/A |
| Kemp's ridley sea turtle* | <i>Lepidochelys kernpii</i> | Endangered | N/A |
| Leatherback sea turtle* | <i>Dermochelys coriacea</i> | Endangered | N/A |
| Loggerhead sea turtle* | <i>Caretta caretta</i> | Threatened | Designated |
| Piping plover | <i>Charadrius melodus</i> | Threatened | N/A (None in Florida) |
| Red knot | <i>Charadrius melodus</i> | Threatened | N/A |
| Roseate tern | <i>Sterna dougallii dougallii</i> | Threatened | N/A |
| Southeastern beach mouse | <i>Peromyscus polionotus niveiventris</i> | Threatened | N/A |
| West Indian manatee | <i>Trichechus manatus</i> | Endangered | Designated |
| Wood stork | <i>Mycteria americana</i> | Threatened | N/A |

*Nesting sea turtles only. Free-swimming sea turtles are under the jurisdiction of the National Marine Fisheries Service.

The USCG reviews applications for marine events to determine whether they qualify for issuance of a USCG permit. For the purposes of this document, an **Event Sponsor** is the person or entity who applies to the USCG for a marine event permit. As part of the application package, an Event Sponsor is required to submit an Event Plan. An **Event Plan** is a document that provides details regarding the event activities and outlines all of the protection measures and best management practices that the Event Sponsor is committed to implementing during the event.

For the purpose of this guidance, there are generally two types of marine events: general marine events and high speed/high risk. Either type of event may also affect beach dwelling/coastline species (*i.e.*, nesting sea turtles, crocodiles, shorebirds, or beach mice); these events require additional protection measures and are considered to have beach/coastal effects. The USCG will inform the Event Sponsor, which type of event (general, high speed/high risk, and/or beach/coastal) is being proposed depending on the information provided by the Event Sponsor.

A **general marine event** is defined as an event with non-motorized vessels, motorized vessels traveling less than planing speed (or if displacement vessels, less than 15 miles per hour), fishing tournaments, boat parades, blessing of a fleet, fireworks, etc. Such events are not expected to cause adverse effects to species protected under the Act if the protection measures for general marine events (Enclosure 1A) are incorporated into the Event Plan. A general marine event does not include events with a large number of participants or spectator vessels. If the event is located in sensitive areas for protected or listed species (*e.g.*, critical habitat, warm water aggregation areas, or important manatee areas), it may be considered a high risk marine event.

A **high speed or high risk marine event** is defined as an event with motorized vessels traveling at planing speed (such as power boat, jetski, or water ski races and/or demonstrations) or an event located in a sensitive area (*e.g.*, critical habitat or important manatee areas). High speed is

defined as traveling at 15 miles per hour or higher for displacement motorized vessels (e.g., some motor/sail and military craft). The Service recommends the use of landlocked lakes and borrow pits as preferred locations for high speed or high risk events. To reduce the likelihood of adverse effects to species protected under the Act and their habitat, such events must incorporate the protection measures for high speed/high risk marine events (Enclosure 1B) as well as the general protection measures (Enclosure 1A) into the Event Plan.

An event is defined as having **beach/coastal effects** if any associated activities of the marine event involve the use of, or has an impact upon, the beach or coastal area where protected species occur (e.g., nesting sea turtles, shorebirds, beach mice, or crocodiles). Activities could include, but are not limited to, the building or placement of structures (e.g., staging, gazebos, tents, etc.), use of motorized vehicles on the beach, or large spectator groups on the beach. To reduce effects to protected and listed species and their habitats, events which have beach/coastal effects must implement the protection measures for beach/coastal effects (Enclosure 1C), in addition to all other appropriate protection measures (i.e., general or high speed/high risk) required for that event in their Event Plan.

The species and critical habitats found in Table 1 have the potential to occur within a marine event within the aforementioned counties in the SFESO jurisdiction. The Service has identified protection measures (Enclosure 1) that we deem necessary to protect these species and their habitats (including critical habitat) from adverse effects associated with the events covered by this letter [fireworks, boat regattas (including motorized boat races), boat parades, blessing of a fleet, fishing tournaments, sailboat races, and non-motorized boat activities (including, but not limited to, canoes, kayaks, skulls, etc.)]. In order to avoid and minimize adverse effects to protected species and their habitats, an Event Sponsor must include the appropriate protection measures from Enclosure 1 in their Event Plan with their marine event application to the USCG. Subsequently the USCG must include compliance with the protection measures and Event Plan as a condition of their permit. For marine events where the USCG determines that USCG permit issuance is not required, the Service requests that the following language be included the USCG *No Permit Letter* to the Event Sponsor:

You are reminded that, while no U.S. Coast Guard permit is required, you must still comply with all existing Federal, State, and local laws, and other requirements that may impact your ability to hold your event as proposed. You should take appropriate action to ensure compliance with all such requirements prior to holding your event. Marine events have a potential for unanticipated environmental consequences, and even temporary disruption to the natural environment or the disturbance of protected species may be a violation of the law. For additional guidance from the U.S. Fish and Wildlife Service and to ensure compliance with the Endangered Species Act of 1973, as amended (Act) (87 Stat. 884; 16 U.S.C 1531 et seq.), you are encouraged to contact the South Florida Ecological Services Office at 772-562-3909 or by email at verobeach@fws.gov.

For proposed marine events with an Event Plan including all applicable protection measures (general, high speed/high risk, beach/coastal), the Service concurs with the USCG's determination of may affect, but not likely to adversely affect for the species and critical habitat

in Table 1, and no further consultation with the Service is necessary. If the proposed event may affect any additional listed species not shown in Table 1, (e.g. Everglade snail kite; *Rostrhamus sociabilis plumbeus*) contact the Service for additional guidance. We request the USCG refer to this letter in lieu of sending a concurrence request to the Service for an individual response on each marine event. When applying the programmatic concurrence issued to the USCG under this *Guidance to Proceed with Marine Events Authorized by the U.S. Coast Guard* to a permit application, the USCG shall send an e-mail notification (or copy of a memorandum to the file) to the SFESO at verobeach@fws.gov, that includes: the event name, USCG permit number, date(s) of event, and Event Plan.

Free-swimming sea turtles are under the jurisdiction of the National Marine Fisheries Service (NMFS). To obtain concurrence with determinations regarding effects to free-swimming sea turtles, the Service recommends coordinating with the NMFS Miami Office at 305-595-8352.

The Service will periodically review its *Guidance to Proceed with Marine Events Authorized by the U.S. Coast Guard* and may revise or revoke this guidance if new information indicates the covered actions are having an adverse effect on a listed species or its habitat (including critical habitat). This *Guidance to Proceed with Marine Events Authorized by the U.S. Coast Guard* becomes effective on the date signed and shall remain valid until revised or revoked by the SFESO.

This letter fulfills requirements of section 7 of the Act and no further action is required providing the above mentioned recommendations are followed. If modifications are made to the proposed action, if additional information involving potential effects to listed species becomes available, or if a new species is listed, reinitiation of consultation may be necessary. In addition, no authorization for incidental take of manatees is needed under the Marine Mammal Protection Act (section 101(a) (5)(A)).

Thank you for your cooperation in the efforts to protect listed species and their habitat. If you have any questions, please contact Jeff Howe at 772-469-4283, or Shawn Christopherson at 772-469-4336.

Sincerely yours,



Roxanna Hinzman
Field Supervisor

South Florida Ecological Services Office

cc: electronic only

FWC, Tallahassee, Florida (FWC-CPS, Mary Duncan, Carol Knox, Ron Mezich)

NMFS, Miami, Florida (Virginia M. Fay, Jocelyn Karaszia, Audra Livergood, Teletha Mincey)
Service, Jacksonville, Florida (Ann Marie Lauritsen)

USCG, Miami, Florida (Benjamin Colbert)

USCG, Tampa, Florida (Tyrone Stafford)

Enclosure 1: Standard Protection Measures for Marine Events

All applicable measures below must be included in the Event Plan in order to receive concurrence as provided in the *Guidance to Proceed with Marine Events Authorized by the U.S. Coast Guard* (Service Consultation Code: 04EF2000-2016-I-0405).

Enclosure 1A: Protection Measures for General Marine Events.

These measures must be included in the Event Plan for all marine events.

Enclosure 1B: Protection Measures for High Speed/High Risk Marine Events.

For high speed or high risk marine events, these measures are required **in addition** to the Protection Measures for General Marine Events (1A). Event Sponsors must include and adhere to the Protection Measures for High Speed/High Risk Marine Events, as applicable, in their Event Plan for a High Speed or High Risk Event.

Enclosure 1C: Protection Measures for Marine Events with Beach/Coastal Effects.

These measures are required for marine events with activities occurring on beaches and/or coastline. For marine events with effects to beaches or coastline, these measures are required **in addition** to the Protection Measures for General Marine Events (1A) and the Protection Measures for High Speed/High Risk Marine Events (1B), if applicable.

NOTE: Generally, the sea turtle nesting season is from March 1 through October 31 in Brevard, Broward, Indian River, Martin, Miami-Dade, Palm Beach, and St. Lucie counties, and is from April 1 through October 31 in all other coastal counties in Florida.

1A: Protection Measures for General Marine Events

GME1) The Standard Manatee Construction Conditions for In-water Work (FWC 2011)² (http://www.myfwc.com/media/415448/Manatee_StdCondIn_waterWork.pdf) apply for all in-water activity. If protected or listed marine species (such as manatees or sea turtles) are present in the event area, the event must be delayed or stopped until the animals are clear of the area. Boat traffic will be halted or directed away from the location of any of these species. The event shall not resume until the animal has moved away from the area under its own volition. It is prohibited to herd, chase, or "escort" these animals from the area. If the observer loses sight of an animal observed in or near the event area, the event will not resume for at least 30 minutes following the last sighting, provided that the animal is not observed again.

GME2) Habitat Protection

The following conservation measures will be implemented for marine events that propose to have event or spectator vessels anchor by any means, or to place anchors for markers or any other objects on the submerged bottom.

- a) Any marine debris generated by the event will be removed from the water immediately.
- b) All participating vessels will adhere to designated speed zones.
- c) Event boundaries will be at least 500 feet away from sea turtle or bird nesting beaches, and at least 500 feet away from mangrove islands or similar vegetation where migratory bird nesting colonies are present. The Event Sponsor will ensure wakes from vessels do not overwash beach areas where marked turtle nests or migratory bird nests are present. For events including fireworks, the event boundary will be at least 1,500 feet away from mangrove islands or similar vegetation where migratory bird nesting colonies are present.
- d) The Event Sponsor will ensure there is no anchoring or spudding of barges or vessels, including spectator vessels, on seagrass, coral reefs, or hard bottom resources. When spectator vessels are anticipated, temporary anchoring areas should be established where seagrasses, coral reef, or hardbottom resources do not occur or will not be damaged by anchoring. These temporary anchor areas must be temporarily marked. The Event Sponsor will consult with the Florida Fish and Wildlife Conservation Commission (FWC) Marine and Estuarine Habitat Sub-section and the Florida Department of Environmental Protection (FDEP) Coral Reef Conservation Program for events and anchoring scenarios that will require coordination among on-the-water Law Enforcement entities³.

² Should the Standard Manatee Conditions be updated, the most current version shall apply.

³ All anchoring on a reef is prohibited under the Florida law Coral Reef Protection Act. Consult with the FWC Marine and Estuarine Habitat Sub-section and the FDEP Coral Reef Conservation Program if further assistance is necessary to identify suitable anchor locations.

- e) Temporary anchors for markers, or other objects associated with a marine event, will not be placed on seagrasses, coral reefs, or hardbottom resources. Temporary buoys or markers must be anchored or held in place by piles driven into the seabed, and the area of the seabed disturbed must be confirmed of being devoid of coral, coral reef, hardbottom, and seagrass habitat prior to placement. All temporary anchors will be hand placed and retrieved by divers who are knowledgeable about these sensitive habitats. Anchoring devices placed on the seafloor will be placed a minimum of 100 feet from submerged resources, so that if they are drug by a vessel or moved by wind or wave action, they will not cause damage to these marine resources. No structures will remain in the water overnight.
- f) Employ floating tow cables and maneuver all tugs and barges so that anchoring and towing cables and lines are not allowed to lay-on or sweep-over seagrasses, coral reefs, or hardbottom resources. Event vessels that are not anchoring should be held stationary over sandy bottom to avoid any potential for damage from slack cables or lines.
- g) Events occurring in inshore waters will not be conducted in shallow waters where event or spectator vessels may cause prop scarring of seagrass resources.
- h) If located in an Aquatic Preserve⁴, the Event Sponsor will comply with Section 253.04(3), Florida's seagrass protection law, stating that destruction of seagrass in Aquatic Preserves is a violation of the law and carries penalties. Vessels will anchor in sandy bottoms only. If a vessel runs aground, FWC law enforcement will be called immediately and the engine will be powered down. FWC law enforcement can be reach by phone at *FWC (*392). Vessel operator will not attempt to power off as this may cause additional impacts.
- i) The Event Sponsor will also comply with applicable laws and guidance protecting coastal habitats including, but not limited to, salt marsh, oyster reefs, and mangroves.

GME3) Education

Standard educational conservation measure

The Event Sponsor will hold a protected species and/or habitat resource awareness training meeting and require all event officials and participants to attend prior to the event. The purpose of the meeting will be to inform all parties of the potential presence of all relevant natural resources that may be in the location of the event, and to inform them of the civil and criminal penalties that could result from the harassment, injury, or death of these species.

⁴ As defined in Chapter 258 part II of the Florida Statute: “means an exceptional area of submerged lands and its associated waters set aside for being maintained essentially in its natural or existing condition.”

The Event Sponsor will distribute protected species educational packages to each event official and participant. Information will include, but is not limited to:

- *Boating and Angling Guides*
(<http://myfwc.com/research/publications/brochuresvideos/>)
- *Florida Manatees A Florida treasure Brochure format*
(<http://myfwc.com/media/152451/LivingWithManatees.pdf>), *Online format*
(http://www.myfwc.com/media/415226/Manatee_FLTreasure_bklt.pdf)
- *Florida sea turtles Share the beach*
(http://myfwc.com/media/418667/Seaturtle_ShareBeach_Visitors.pdf)
- *Shorebirds and Sea Birds: Share the Beach with Beach Nesting Birds*
(<http://www.shorebirdplan.org/wp-content/uploads/2014/01/ShorebirdManagementBeachNestingBirds.pdf>)

Materials distributed will include language such as “It is unlawful for any person, at any time, by any means or in any manner, intentionally or negligently, to annoy, molest, harass, or disturb any protected species” (such as manatee, sea turtle, smalltooth sawfish, etc.).

The applicable legal authorities should also be referenced, such as: the Endangered Species Act of 1973, 16 U.S.C. § 1531 *et seq.*, the Federal Migratory Bird Treaty Act of 1918 (16 U.S.C. 703 *et seq.*), the Federal Marine Mammal Protection Act of 1972, 16 U.S.C. § 1401 *et seq.*, the Florida Manatee Sanctuary Act of 1978 (codified, as amended, at § Section 379.2431 (2010)), and the Florida Coral Reef Protection Act Section 403.93345, F.S.

Additional educational measures when spectator vessels are expected as part of the event

If spectator vessels are expected, the Event Sponsor will conduct a public service announcement (PSA) campaign to notify and educate the public concerning the protected species and protected habitats expected at the location. These materials should include PSAs through advertising prior to and during the event on local radio stations, in local newspapers, and signs posted at all local boat ramps. Information will include, but is not limited to:

- a) Notification to not anchor on or above seagrass, hardbottom, or coral and that doing so may subject them to criminal and/or civil penalties. When available, anchoring should occur in designated areas established for the event.
- b) Notification that all vessels should maintain a lookout for sea turtles, manatees, dolphins or protected fish. Vessels should proceed at a safe speed, especially at night, in order to avoid striking any protected species.
- c) Notification that a Federal or State agency may impose a civil fine of \$25,000 and/or a criminal penalty of \$50,000 and/or up to 1 year in jail for violating

the Endangered Species Act or State statute by "taking" an endangered or threatened species or damaging seagrass and coral. This notification should include an explanation of what constitutes "taking". A "taking" is defined as harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, collecting, or attempting to engage in such conduct.

- d) Request that any collision with and/or injury to a sea turtle, manatee, dolphin or protected fish be reported immediately to the FWC's Wildlife Alert Hotline at 888-404-FWCC (3922), and to the National Marine Fisheries Service's Protected Resources Division at takereport.nmfs@noaa.gov and the South Florida Ecological Services Office at 772-562-3909.
- e) If the event is adjacent to beaches, spectators must be made aware of the possibility of nesting sea turtles and nesting migratory birds, and the penalties associated with disturbing nests, hatchlings, or adults while on the beach or in the water. Marked turtle nests and migratory bird nests must be avoided.
- f) If the event is inshore and is adjacent to mangrove islands or similar vegetation where active migratory bird nesting colonies are present, spectators must be made aware of the possibility of disturbing nests, hatchlings, or adults and told to avoid coming within 500 feet of this type of vegetation.
- g) If the event is located within or adjacent to a State Aquatic Preserve⁴, PSAs may be needed for advertising prior to and during the event. Information on Aquatic Preserves can be found at: <http://www.dep.state.fl.us/coastal/programs/aquatic.htm>. Please contact the FDEP Aquatic Preserve nearest the event for further assistance.
- h) If the event is located within or adjacent to coral reefs, the Event Sponsor will include coral reef awareness and avoidance messages in their advertising prior to and during the event. The Event Sponsor will include information about the Florida Coral Reef Protection Act that makes it illegal for a vessel to anchor on or damage a coral reef in their advertising prior to and during the event. Contact the FDEP Coral Reef Conservation Program at 305-795-2167 for further assistance in this matter.

1B: Protection Measures for High Speed/High Risk Marine Events

- HSHR1)** All races and practice runs shall take place no earlier than 2 hours after sunrise and finish no later than 2 hours before sunset. This is designed to allow for sufficient time to conduct required pre- and post-racing surveys. During turtle nesting season, all races and practice runs within 2.5 miles of the shoreline of a turtle nesting beach must wait a minimum of 4 hours after sunrise to begin vessel races. This is designed to provide time for hatchling sea turtles leaving the nesting beaches to pass through the nearshore area and disperse into open water. Modification of these times for an Event Plan must be reviewed and approved by Service and NMFS Protected Resource Division.
- HSHR2)** Under the guidance of the Service, the Event Sponsor will develop a Service-approved Protected Species Watch Program (see below) to be incorporated into the Event Plan.
- HSHR3)** All race officials, designated manatee observers, USCG officials and all other interested parties will attend a manatee monitoring coordination meeting held the day before the event.
- HSHR4)** All participants and official boats shall adhere to speed zones adjacent to the event site.
- HSHR5)** All participating vessels will travel to and from the race course under the direct supervision of race officials and at idle speeds or the slowest possible navigable speed until arriving at the course.
- HSHR6)** If any one of the aforementioned conditions is not met prior to or during the event, the event will be immediately terminated. The USCG will designate an official with the authority to terminate the event as required above.
- HSHR7)** Radio communications are required for all race boats.
- HSHR8)** At least three aviation radios will be provided and used by: 1) the lead aerial observer, 2) the ground supervisor, and 3) a race official.
- HSHR9)** Communications with the manatee observer team and race boats will be available at all times.
- HSHR10)** No race boat will be allowed to compete without fully functioning radio communications.
- HSHR11)** The movement and anchoring of spectator boats will be controlled during the event.
- HSHR12)** The practice event will be held to the same permit conditions as the 2-day race event

Protected Species Watch Program (required for High Speed/High Risk events)

A protected species watch program should include the following elements:

1. The Event Sponsor, all race officials, designated observers and all other interested or necessary parties will attend a protected species watch coordination meeting the day before the event.
2. The Event Sponsor will ensure a pre-event aerial survey for manatee locations within the County occurs before any racing is to take place. This pre-event aerial survey will occur no earlier than 2 days prior to the event
3. The Event Sponsor will ensure the event area is continuously monitored by approved protected species watch observers before and during the event and during practice runs to detect protected species, particularly marine mammals such as manatees and dolphins or sea turtles, which may approach or enter the event area. Monitoring will be conducted by an appropriate number of qualified observers from aircraft, and elevated boat and/or land-based locations.
4. Protected species watch observers will have prior protected species observation experience during high speed events. Observers must have previous, adequate observational experience (see Protected Species Observer Qualifications Guidelines, below). Manatee observers will conduct manatee monitoring in good faith and to the best of their abilities. Liability for a violation of the protective measures will be assumed by the Event Sponsor and the vessel operators involved in a collision with a manatee. The Service will selectively review the qualifications of the observers. If the Service determines that an observer has inadequate experience for an event, the replacement observer must be approved by the Service.
5. All observers will be given proper equipment that will allow them to stay in close communication with each other as well as the Event Sponsor and race officials to stop the event if a protected species is observed within the boundaries of the event or within 500 feet of the perimeter of the event site. Equipment shall include, but not be limited to, two-way or marine radio with backup batteries, cell phone, and flags (for warning and for stopping the event). If communication is interrupted during an event, the race will stop until adequate communication is re-established.
6. The Event Sponsor will ensure that a watch program will be conducted that includes continuous aerial monitoring conducted by helicopter, unless fixed wing aircraft is requested by the aerial observer and confirmed as appropriate by Service and NMFS Protected Resource Division. Aerial or waterborne spotters will not be assigned other duties that could detract from their ability to keep proper lookout. The area to be monitored will include the entire race course and all waters within 2 miles of the race course perimeter. Aerial monitoring will begin 1 hour prior to the event and any organized practice sessions and will continue throughout racing and continue for no less than 30 minutes post-racing activities in order ensure sufficient coverage of the event area and surrounding waters. Thorough surveys within and around the event area immediately prior to, during, and after each day's activities are to ensure that any protected species were not struck, injured, or killed as a result of the event. If a protected or listed species is injured or killed, the event will be halted immediately and not resume until notified by the Service that the event may continue.

7. The Event Sponsor shall ensure observers will be in close communication with Event Sponsor and race officials to stop the event if a protected species is observed within the boundaries of the event or within 500 feet of the perimeter of the event boundaries. Once notified of a protected species presence within or in close proximity of the race course (less than 500 feet), or upon the request of any observer, the Event Sponsor will notify the participants to stop immediately (not slow down and continue around the course). The event shall not resume until the animal has moved away from the area under its own volition. No attempt will be made to herd, chase or "escort" these animals from the area. If the observer loses sight of an animal observed in or near the event area, the event will not resume for at least 30 minutes following the last sighting, provided that the animal is not observed again.
8. If an animal is sighted outside 500 feet of the perimeter of the event boundaries, the observer will notify the lead aerial observer of the animal's location who will confirm the sighting and alert the Event Sponsor and race officials that the event may need to be halted. The Event Sponsor and/or race officials will warn the participants that extreme caution needs to be taken since there is an animal in the vicinity, and the event may be interrupted.
9. If an observer notifies the Event Sponsor that survey conditions are poor, or deteriorate and become poor so as not to allow for proper sighting of animals in the race course area (*i.e.*, numerous white caps and streaks created by high winds, lack of daylight), the Event Sponsor and race officials will immediately halt the event. If survey conditions improve to allow for proper sighting of animals, the event may resume.
10. The Event Sponsor will report any protected species injuries or deaths immediately to the FWC Wildlife Alert Hotline 888-404-FWCC (3922) and follow-up with an email within 24 hours to ImperiledSpecies@myfwc.com and to the NMFS Protected Resources Division at: takereport.nmfs@noaa.gov. The e-mail must be sent within 24 hours of the event and must include: (1) the type of species captured (*e.g.*, sea turtle or smalltooth sawfish); (2) date and time of capture; (3) the location and activity resulting in capture (*e.g.*, fishing tournament); (4) condition of the species caught (*i.e.*, alive, dead, sent to rehabilitation); (5) size of the individual, behavior, and identifying features (*i.e.*, presence of tags, scars, or distinguishing marks); and (6) any photos that may have been taken. Smalltooth sawfish captures should also be reported to the online encounter database at <http://www.flmnh.ufl.edu/fish/sharks/sawfish/form.html>.
11. Within 30 days after completion of the event, the primary observer shall submit a report to the USCG, NMFS, Service, and the FWC (ImperiledSpecies@myfwc.com). This report shall include information regarding the event (such as weather, whether the event was canceled, etc.), and should verify the names of the observers and their positions during the event as those approved before the race. This report should include the types, numbers and locations of protected species sighted, the circumstances in which the sighting occurred (which observer and position), and any problems encountered during the event, along with possible solutions.

Protected Species Observer Qualifications Guidelines

Risks to protected marine species during high speed marine events are significant, because there is a wide area that must be surveyed for animals, there are a number of fast moving participants who cannot stop immediately, and there are typically spectator vessels present.

A watch team approach is needed due to the wide area that needs to be covered to make sure no protected species are harmed. It is experience that makes a team effective, and extensive communication and coordination between team members is needed for a successful watch. The watch team also needs to work in concert with the Event Sponsor, and needs to communicate and coordinate well with the event team. A watch team includes a team coordinator, multiple observers at an elevated position on boats and/or land, an observer in a plane or helicopter, and preferably a pilot experienced in manatee surveys. Continuous aerial monitoring should be conducted by helicopter, unless a fixed wing aircraft is requested by the aerial observer and confirmed as appropriate by Service.

An aerial observer and observer team is crucial to the success of these types of watches, and individuals must have aerial survey experience spotting animals, particularly manatees and sea turtles. Observing from an aerial platform is different than observing from a boat or on the land. Not only do animals look different from the air, it takes practice to spot them. Aerial surveys for watch programs require a lot of circling of the aircraft, and not everyone is capable of performing effective surveys in such conditions. While typically the aerial observer is the first to spot animals, on occasion it has been observers in boats that have spotted an animal first. This emphasizes the need for a team that coordinates well together and is practiced at keeping track of an animal between observers in different positions. Designating a team coordinator (not the aerial observer) is necessary to coordinate the observers, make sure communication is good with the Event Sponsor, and for compiling the final watch report.

What does it mean to be a qualified observer?

There is no agency observer certification or training program. Observers are typically considered qualified when they have experience that is commensurate with the observation work to be performed. Training does not substitute for on the job experience. Individuals need practice spotting animals as well as opportunities to learn and implement watch protocols (discussed in the Sample Event Plans). For example, in order to be qualified to be an aerial observer for a high speed boat race, an individual needs to have previous experience observing for protected marine animals during a boat race. Experience, whether it is aerial survey or boat/land based, can be gained by acting as a secondary observer to a qualified aerial observer during a boat race (shadowing). The amount of shadowing experience should be a minimum of 60 hours during events similar to the one to be performed. Protected animal sightings should be included in this experience and discussed in submitted information for approval. Prior experience observing is required before acting as a primary observer.

What does it mean to be an approved observer?

The USCG permit and Event Plan requires that individuals have appropriate previous experience and qualifications to be approved for specific events. Individuals should submit their contact information, history of observer experience and/or shadow training during events, and any other relevant information to the USCG. A form is also available on the FWC site (<http://www.myfwc.com/wildlifehabitats/managed/manatee/watch-program/>); be sure to include as much detail as possible as mentioned above. The Service will opportunistically review selective observer resumes to verify their qualifications. If the Service determines that an observer has inadequate experience for an event, the event's replacement observer must be approved by the Service. The Service may disqualify a prospective observer if that person is not expected to adequately perform the duties required.

1C: Protection Measures for Marine Events with Beach/Coastal Effects

- BCE1)** All structures proposed to be constructed in sea turtle nesting habitat during nesting season and left out overnight shall have 3 feet of vertical clearance beneath them, at least 7 feet of horizontal clearance between the supports where they meet the beach, and shall be located as far landward as possible. Any structures or materials not meeting these criteria must be removed by sundown each day. All staging and storage of event equipment and materials shall be off the beach.
- BCE2)** The use of heavy equipment is prohibited, and the use of street vehicles to transport event equipment is prohibited except on beaches where public beach driving is allowed by local ordinance. A lightweight, ATV-type vehicle with 10-psi or less ground-to-tire pressure may be used for equipment transport if allowed by local ordinance. Use of vehicles shall be minimized, and restricted to event set-up and breakdown.
- BCE3)** In order to place structures on the beach, surveys for sea turtle nesting activity must be ongoing, and have been conducted daily for 65 days previous to the event date or since the beginning of sea turtle nesting season. It is the responsibility of the Event Sponsor to ensure that nesting surveys have been conducted in accordance with the following conditions:
- a) All nesting surveys shall be conducted by qualified persons who hold a valid sea turtle permit issued by the FWC pursuant to Florida Administrative Code Rule 68E-1. No materials or equipment may be set up on the beach until the Event Sponsor has coordinated with the sea turtle permit holder.
 - b) Nest surveys shall be conducted daily between sunrise and 9:00 a.m. during sea turtle nesting season. No activity shall occur in any location prior to completion of the necessary sea turtle nest survey and protection measures.
 - c) Nests deposited within the event area shall be marked and left in place unless natural factors threaten the success of the nest. Any nests left in the event area shall be clearly marked and the actual location of the clutch determined. A circle with a radius of ten (10) feet, centered at the clutch, shall be marked by stake and survey tape or string. No activities shall enter this circle and no adjacent activities shall be allowed which might directly or indirectly disturb the area within the staked circle. During sea turtle hatching season (generally May 1 to December 31), no structures or materials which could impede the progress of turtle hatchlings may remain seaward of a nest overnight.
- BCE4)** No lighting associated with the event is authorized after 9:00 p.m. during the sea turtle nesting season.
- BCE5)** No water from the structure or event area shall be allowed to run onto the beach where it could impact adjacent sea turtle nests.

- BCE6)** In the event an unmarked sea turtle nest is exposed, or a dead, injured, or sick sea turtle is discovered during the event, the sea turtle permit holder shall be notified immediately such that appropriate conservation measures can be taken. Within 24 hours of any such occurrence, a report of the incident shall be faxed to the FWC Imperiled Species Management at 850-921-6988.
- BCE7)** The Event Sponsor will ensure that there is no disturbance to the existing beach and dune topography and vegetation as a result of the event. No excavation of sand landward of the mean high water line is permitted and no removal of beach wrack. Any temporary minor disturbances in the sand (including ruts, depressions, holes, or mounds) shall be filled in and raked smooth with hand tools each evening.
- BCE8)** The Event Sponsor will ensure receptacles for trash and recyclable material are provided throughout the established event boundary. Any debris generated by the event will be removed from the area immediately following the event.

