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“Swim-with” Conference Call

February 22, 2007

Participants: [REDACTED] (FWS Atlanta) [REDACTED] (FWC – Tallahassee)
[REDACTED] (FWS Jacksonville) [REDACTED] (FWC – Tallahassee)
[REDACTED] (FWS Crystal River NWR) [REDACTED] (FWC – Crystal River)
[REDACTED] (FWS Jacksonville) [REDACTED] (FWC – Crystal River)
[REDACTED] (FWS Vero Beach) Others(?)
[REDACTED] (FWS Groveland)

PURPOSE: The purpose of this call was to discuss Federal and State efforts to address “swim-with” issues, especially in light of recent e-mails drawing attention to blog videos of people purportedly harassing manatees while engaging in “swim-with” activities. Next steps and actions were discussed and identified.

NEXT STEPS: Identified next steps include the following:

- 1) Prepare a press release
- 2) Convene a stakeholder meeting in Crystal River
- 3) Plan a joint agency meeting to take place during the evening at the upcoming Manatee Forum Meeting (scheduled for April 19 and 20 in Tallahassee)

DISCUSSION:

[REDACTED] (Crystal River NWR)

[REDACTED] said that swim-with concerns have always been an issue in Crystal River and it’s an issue that the refuge deals with constantly. More recently (and prior to the recent flurry of e-mails, etc.), the refuge has been working to improve communications with the local community (including businesses) through frequent meetings and dialogue. Media attention has always been a part of the issue, one that Jim and his staff deal with on an almost daily basis.

[REDACTED] said that there are more and more visitors each year and that, with more visitors, there are more interactions. The refuge’s ability to deal with the increasing visitor load is confounded by a loss of refuge LE positions at the refuge. Crystal River NWR currently has one full time refuge law enforcement officer and an assistant refuge manager located in the Tampa Bay area who is able to commit 25% of his time to law enforcement. FWS LE occasionally comes over to help out and support from the local FWC LE has been a big help. In addition to LE, the refuge relies upon volunteers who sit out on the water and try to educate swimmers about proper swim-with etiquette. When they observe inappropriate behavior, they notify the refuge, which responds on an “as available” basis.

The dive shop operators don’t appear to be a large part of the problem. They are trying to do the right thing. Jim believed that most of the problems came from individuals who did not go

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through the dive shops, that mostly people from out of town using rented boats that didn't know any better were the problem.

There has been more media attention lately. The two local papers have really been picking up on the issue, given lots of material to work with. People are making an effort to document what's going on with video, are posting the videos on publicly accessible websites, and are more willing than ever to contact the media. Some of the more vocal people are former frustrated, Service volunteers.

[REDACTED] (FWS - LE)

[REDACTED] has recently been tasked with addressing swim-with concerns. [REDACTED] been gathering information and making contacts with the refuge, state and local personnel. [REDACTED] be meeting with FWC LE in the next day or two in the Crystal River NWR.

[REDACTED] (FWC-LE)

[REDACTED] talked about the recent videos that have come up. [REDACTED] said that it was difficult to know over what period of time the videos had been taped and it wasn't clear if the videos were indicative of greater, recent, levels of harassment. It was his opinion that the recent attention brought to the swim-with issue via the videos was directed towards prohibiting swim-with activities. There are currently no laws prohibiting swim-with: the activity is not illegal. In terms of what FWC has done and could do, FWC has written tickets to people who have entered the manatee sanctuaries. To pursue prosecution based on public reports is very difficult - the officers must typically be present and observe first hand in order to write a citation. FWC has been stepping up harassment enforcement activities for some time and recent activities are consistent with this increased enforcement activity.

[REDACTED] (FWC-LE)

[REDACTED] said that what's currently taking place is not new, that he and other FWC officers have been addressing swim-with concerns for a very long time. Specifically, in the winter, when there are lots of manatees and lots of visitors, FWC steps up their enforcement activities. At these times, FWC tries to focus their uniformed presence in the protected areas. Over the past [REDACTED] years, there have not been many cases made. It's difficult to make a case when manatees approach swimmers and clearly want to have their bellies rubbed. To [REDACTED] knowledge, there has never been a death associated with this activity.

FWC has been working with the refuge's law enforcement officer; to improve communication capabilities between FWC and the refuge, FWC has provided the refuge with a radio. Recently, FWC has stepped up to a greater extent some of its harassment activities, including working more closely with the refuge LE officer. They've had limited success with this, even with the refuge officer working in the water and other officers investigating in plain clothes. (By way of background, there are eight FWC officers stationed in the Crystal River area; two have an especial focus on manatee enforcement activities.)

With regard to the videos, it appeared [REDACTED] that the footage included animals that were seeking out people. The interactions that he observed in the videos were generally not something that [REDACTED] would feel comfortable prosecuting. Most of FWC's cases involving swimmers are made of when swimmers are found in the closed areas. [REDACTED] also pointed out that [REDACTED] believed that the videos were taken for the "shock value" – if people genuinely wanted to stop what they were seeing, they should call FWC's 1 800 number for reporting wildlife violations.

WHAT SHOULD BE DONE?

[REDACTED] suggested that a joint agency white paper should be prepared, identifying the agency's policy on swim-with activities.

[REDACTED] said that, per [REDACTED] e-mail [REDACTED] FWC needed to prepare some kind of a response to [REDACTED] promised [REDACTED] that FWC would look into what was going on and that, if things were as bad as described, the concern would be addressed. [REDACTED] did not know if [REDACTED] had promised [REDACTED] a response or not.) [REDACTED] suggested that a press release describing what was happening might be an appropriate means of getting back to [REDACTED] and other forum members.

In general, conference call participants agreed that this would be a good approach. [REDACTED] felt that a measured approach would be appropriate and that a press release should include something to the effect that the agencies are taking the issue seriously, that it's something that they've been keeping tabs on all along, etc. [REDACTED] agreed that a press release would be a good idea and said that the public needs to know that we are taking this seriously.

[REDACTED] said that it would be important for the release to point out that the State and Feds are consistent in their response to this concern, that the threshold for prosecuting a harassment case is the same for both agencies. The release should also point out that harassment is not a significant concern (no deaths or adverse effects have been observed) in view of other more serious concerns such as boating activities. The public should also be mindful of the fact that when officers respond to harassment complaints, their focus is taken away from these other more serious concerns (for example, focusing on swim-with areas vs. areas where manatees are struck by boats). The message should also be that FWC takes these complaints seriously, that they are continuing to investigate all substantial complaints. [REDACTED] also mentioned that FWC was working more closely with the refuge volunteers. This has had a positive impact on the volunteers, helping to curb their frustrations, and FWC LE officers are also better able to keep an eye on things by working more closely with them.)

[REDACTED] said that requests for more law enforcement may lead to requests for more sanctuaries; as such, we need to be very careful about how that issue is addressed, especially in light of local concerns.

[REDACTED] suggested that a stakeholder meeting with Citrus County businesses, the FWS RO, Crystal River NWR, FWS-ES, FWS-LE, FWC-LE and FWC Tallahassee would be appropriate. [REDACTED] said that Crystal River NWR already has plans for a post manatee season meeting with the dive shop owners and volunteers. [REDACTED] thought that this might be a good venue

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for the stakeholder meeting. [REDACTED] thought that a meeting could be scheduled some time during the third week of March.

OTHER

[REDACTED] said that, if this issue isn't properly addressed, others less knowledgeable than the locals may attempt to address the issue with less than positive results. In particular, efforts are currently being made to amend the MMPA to include swim-with prohibitions. It will be important to be able to demonstrate that such a prohibition is neither necessary nor appropriate, given the importance of swim-with activities to conservation efforts and the local community.

[REDACTED] mentioned that the Service's Assistant Regional Director has asked for a joint agency meeting to discuss the issue at the upcoming Manatee Forum Meeting, to be held in Tallahassee on April 19 and 20. (We need to identify a date, time, place, agenda, etc.)

[REDACTED] also described an ongoing Service initiative that's addressing all manatee harassment activities. The Service's Florida Manatee Recovery Team currently has a Harassment Subcommittee that's identifying places where harassment has historically been known to occur, identifying the types of harassment that have occurred, and identifying what steps, if any, have taken place to address these instances of harassment. Swim-with issues will be included in this effort. The review of these activities will result in a recommendation (guidance) to the Service on what should be done to address these activities. Tentative plans to meet in Crystal River before the end of the manatee season will be put on hold until after the agencies have met to discuss the issue.

[REDACTED] said that Crystal River NWR is entering into a "Comprehensive Conservation Plan" planning initiative. Some time in late summer or early fall, the refuge will hold public meetings to identify refuge-related conservation concerns. [REDACTED] feels that this will be an opportunity for the public to express their concerns related to swim-with activities.

TASKS:

- 1) [REDACTED] drafted a press release and circulated the draft to the group. The group, including the refuge, need to review and comment on the draft. Any press release must be coordinated with FWC and FWS public affairs offices.
- 2) Plan the Crystal River stakeholder meeting.
- 3) Plan the Manatee Forum agency meeting.