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NEWS RELEASE



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Potential Manatee Harassment by Unmanned Aircrafts and Helicopters

Three Sisters Springs is part of the Crystal River National Wildlife Refuge. It is an urban preserve harboring the Federally Endangered West Indian manatee. Unmanned aircrafts and helicopters flying over manatee sanctuaries, Three Sisters Springs or any manatee resting area has the potential to disturb resting manatees, violating the Endangered Species Act and the Marine Mammal Protection Act.

The Fish and Wildlife Service interprets the definition of “aircraft” in 50 C.F.R. § 10.12 to include any device that is used for flight in the air without the possibility of direct human intervention from within or on the device. All associated operational elements, including cameras, sensors, communication links, and all of the components that are required for the system operator to control the device are considered part of the device. The term “aircraft” includes all types of devices that meet this definition, including, but not limited to, model aircraft, quadcopters, drones, powered gliders, and other unmanned aircraft systems.

Recreational uses, including “nature observation and photography” are permitted on refuge lands, but only if they have been found to be compatible with the purposes of a particular refuge. Flights of unmanned aircrafts are not compatible on Crystal River National Wildlife Refuge due to the potential for disturbance of endangered manatees. 50 C.F.R. § 27.34 prohibits “[t]he unauthorized operation of aircraft, including sail planes, and hang gliders, at altitudes resulting in harassment of wildlife, or the unauthorized landing or take-off on a national wildlife refuge, except in an emergency, is prohibited.

Helicopters can also disturb resting manatees, thus violation of the Endangered Species Act and Marine Mammal Protection Act. The FAA’s mission is to “promote safe flight of civil aircraft,”¹ and it has statutory authority to “prescribe minimum safety standards.”² The FAA promulgated 14 C.F.R. § 91.13(a) pursuant to this authority.³ On the other hand, as previously explained, FWS has a duty to manage wildlife refuges “for the primary purpose of developing a national program of wildlife and ecological conservation and rehabilitation,”⁴ and it promulgated 50 C.F.R. § 27.34 pursuant to this authority. Helicopters must remain a minimum of 500 feet above ground level over lands and waters of Crystal River NWR.

The U.S. Fish and Wildlife Service is the principal federal agency responsible for conserving, protecting, and enhancing fish and wildlife and their habitats for the continuing benefit of the American people. Visit the Service online at <http://www.fws.gov> or <http://www.fws.gov/southeast>

¹ 49 U.S.C. § 44701(a)

² *Id.* § 44701(b).

³ *Shupert v. Cont'l Airlines, Inc.*, 2004 U.S. Dist. LEXIS 6214, 8 (S.D.N.Y. Apr. 12, 2004).

⁴ 50 C.F.R. § 25.11(b).