

FWS-R4-ES-2014-0024

**Reclassification of the West Indian Manatee from *Endangered* is Mandatory Based on a Vast HABITAT with Diverse Characteristics that Continues to Expand**

SUMMARY

This comment addresses the vast expanse of the West Indian Manatee habitat as a key indicator that the species is not *Endangered*. Manatee habitat and species range have greatly expanded. Historically, manatees were limited to warm water habitat south of Sebastian Inlet on the East Coast and Charlotte Harbor on the West Coast. Construction of thousands of miles of canals and channels, and warm water and fresh water outfalls, have increased habitat and range across the entire state, and into neighboring states as well. Further, efforts by resource managers to provide access by manatees to previously inaccessible habitat (spring runs), is also expanding range and habitat. Manatee population has significantly grown as a result of this expansion of habitat and range, increasing the species' resilience and survivability.

INTRODUCTION

This comment is one of several prepared by Citizens For Florida's Waterways (CFFW) in support of reclassification of the West Indian Manatee. Each comment is written in a standalone manner and provides strong science based support of the reclassification. Most of the supporting science comes directly from the work performed and presented by the Florida Fish and Wildlife Conservation Commission (FWC) and the United States Fish and Wildlife Service (USFWS).

Both individually, but more conclusively in collection, these comments provide a strong case for reclassification of the manatee as *Recovered*. Make no mistake. We believe delisting is the only reasonable conclusion that can be drawn from the best available data. In addition, failure to do so presents unacceptable risk to the very local habitats and ecosystems that the manatee shares with thousands of other species, many of which truly deserve listing and protections afforded by the ESA.

CFFW is the oldest and largest Florida based advocacy organization for recreational boaters. CFFW's founding is rooted in opposition to arbitrary and questionable implementation of speed zones with significant impact to large areas where recreational boating activities had been a popular activity for families for several decades. Over the three decades of our existence, CFFW has represented educated, informed and sound science based counter-point for much of the unfounded and unscientific rhetoric of anti-boating organizations like the Save the Manatee Club.

CFFW is a charter member and consistent participant of the Manatee Forum. As such, we have been privileged to learn manatee science from the foremost experts with the latest available and best manatee science. We have listened to

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representatives of the state and federal management decision makers and numerous experts from outside government. It has always been our pledge to follow where the best science leads.

Each comment deals with a specific topic:

- **Habitat**
  - ***Manatee habitat has expanded significantly because of human activity.***
- Abundance & Survivability
  - Manatee abundance is large and growing; abundance is under-reported.
- Carrying Capacity and Optimum Sustainable Population
  - Manatees are at or near Optimum Sustainable Population
- Risk Management
  - Management policies based on the legal requirements of “endangered” or “threatened” status contradict proven Risk Management methods
- Potential Biological Removal/Authorized Take
  - Delisting the manatee would allow issuance of a take authorization that matches best science and data
- Rebuttal of the form letter opposing reclassification
  - Calls to retain endangered status are debunked

### COMMENT

The decision to list or not list or the determination of the correct classification must be based on the best scientific assessment of the health of the species considering specific criteria defined in the Endangered Species Act. It must not be based on popular opinion, political pressure, or how various clubs or organizations and their membership have adopted a specific species as their focal cause.

Species classification as *Endangered* or *Threatened* is based on any one or combination of the following factors:

- 1) The present or threatened destruction, modification, or curtailment of its habitat or range;
- 2) Over utilization for commercial, recreational, scientific, or educational purposes;
- 3) Disease or predation;
- 4) The inadequacy of existing regulatory mechanisms; or
- 5) Other natural or manmade factors affecting its continued existence.

The vast extent of suitable habitat is inconsistent with the above criteria, and therefore, with respect to habitat, the above criteria are not applicable to the West Indian Manatee. The best available science developed by the USFWS supports *Delisting* based on the fact that the species has *Recovered*. Reclassification from *Endangered* to *Threatened*, although the best available science indicates total *Recovery*, is movement in the proper direction.

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Many species listed in the ESA are unique to specific limited geographic locations, such as a particular river or forest, or they require specific combinations of environmental factors, which significantly limit the locations where they can exist. For these species, the preservation of the limited habitat itself becomes the most critical factor to the survival of the species. Contrary to those species, the West Indian Manatee has shown adaptability to almost any aquatic environment that it can swim into, as long as the water temperature remains 68F or above.

The critical habitat elements are temperature above 68F, available fresh water sources and submerged aquatic vegetation. Consequently, we find the manatee in all regions of the southeastern US coastal brackish estuary waters, several miles up inland fresh tannic water rivers, crystal clear springs and spring runs, in coastal bays and ports, and a few miles off the coast in the Atlantic and Gulf waters. Man has actually significantly *increased* the habitat over the last 40-75 years. We have seen large numbers of animals find refuge and residence in the manmade residential, navigational and flood control canals and waterways throughout the southeast. This habitat increases with the warmer temperatures of the summer months and diminishes with the cooler temperatures of winter as they affect the water temperatures above and below 68F. This annual climatic affect has traditionally created a traveling northern boundary of the habitat that induced a natural N-S migration of many manatees.

The introduction of manmade warm water outflows at several power plants and other sources has provided winter-time refuge from the threat of natural seasonal colder water temperatures in regions that had not historically provided cold season manatee habitat. These sites, along with several known fresh water sources, were identified as the primary locations to observe and perform synoptic surveys (population counts) of the animals. These are the same sites that have been observed throughout the history of the surveys up to and including 2014.

The comparison of animal counts performed in the traditional synoptic survey locations (Power Plants, Berkeley Canal, and Sebastian River/C-54 Canal) in Brevard County now account for less than 50% of the animals actually residing in Brevard County as we can see by comparing the January 24, 2014 synoptic count of 633 with the average count performed by FPL during the November 2013 to March 2014 time frame. During this period, 9 counts were performed that included 18 additional Brevard locations including open space estuary waters, tributary creeks and rivers, and several commercial and residential canals. These counts located an average of 1392 animals and the range of the counts was from 968 to a high of 1966. So we see that not only have the animals found new locations to congregate, but also they have done so in significantly larger numbers. This is clear evidence of an increasing habitat or the ability of a diverse set of conditions to provide desirable habitat for the manatee.

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Since the habitat is so expansive and diverse and the range of the species is so great, there is absolutely no threat to the survival of the West Indian Manatee due to loss of overall habitat, or a significant portion (a key listing criteria). Conversely, what we do observe is that local changes or impacts to preferred locations within the habitat result in the manatee moving on to other attractive locations nearby.

Although we expect that the human population of the coastal Southeast will continue to grow, this growth is limited by natural coastal geography and by significant existing regulatory measures at all levels of government from community to federal. These regulatory limitations will preserve a high percentage of pristine estuary, bays and rivers from shoreline development. The combination of extensive natural occurring habitat, the mobility and nomadic nature of the manatee, and the collective geographic and regulatory limitations to loss of habitat eliminate the present or threatened destruction, modification, or curtailment of the manatee habitat or range.