

FWS-R4-ES-2014-0024

Reclassification of the West Indian Manatee from Endangered is Mandatory Based on a Review of the Arguments in Opposition

SUMMARY

FWS has received hundreds of nearly identical emails opposing downlisting. The purpose of this comment is to examine the claims in the opposition's email, which was written by the Save the Manatee Club.

The arguments put forth in the Club letter are puzzling, and do not merit much attention. However, recognizing that the Club has wielded its power very effectively over the years, we cannot let its comments stand unchallenged. We appreciate that many of those who have sent in copies of the letter are genuinely concerned about manatees. We want to assure them that reclassification of the manatee as *Recovered* will ensure that wild manatees will thrive in Florida waters for generations to come.

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 representatives of the state and federal management decision makers and

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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

Arguments of Opponents to Reclassification are in italics.

CFFW responses follow in plain text.

From 2010-2013, 2,441 manatees died in Florida waters, which is 48% of the highest minimum population ever recorded (5,077 in 2010).

It’s unusual to see opponents refer to synoptic surveys. Here are the counts from the years in question:

| Year | Dates | East Coast | West Coast | Total |
|-------------|-------------------|-------------------|-------------------|--------------|
| 2010 | January 12-15 | 2,780 | 2,297 | 5,077 |
| 2011 | January 20 and 24 | 2,432 | 2,402 | 4,834 |
| 2014 | January 24 and 27 | 2,315 | 2,509 | 4,824 |

Recognizing that 2011 and 2014 survey weather conditions were not as ideal as in 2010, the similarity in counts is surprising. Nearly as many manatees were counted in 2011 and 2014 as in 2010, despite the weather.

Two lessons can be brought home:

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1. The loss of 2441 manatees during this period had virtually no effect on the visible population.
2. There must be many more manatees than are being counted during the FWC surveys. This view is reinforced by the numbers counted during Florida Power & Light surveys, as a part of its permit reauthorization for its Canaveral power plant. FPL counted hundreds more manatees in Brevard County than did FWC, about 50% more.

Both lessons can be confirmed statistically. In 2012-13, Florida Power & Light conducted aerial surveys of Brevard County as a part of its permit obligations for the Cape Canaveral Energy Center (a rebuilt facility previously fueled by barges traveling the Barge Canal). FPL repeated the flights in 2013-14, and the findings have just been released (August, 2014). Sightings in 2013-14 increased by an average of over 400 manatees compared to 2012-13, despite Brevard being the epicenter of the die-off that opponents argue show a manatee population in decline. The table below shows a side-by-side comparison of the FPL counts

Could the FWC undercount documented in Brevard translate to similar undercounts statewide? This is highly likely. One of the recommendations from the FPL study is improve synoptic survey counting methods.

| FPL 2012-13 | # Counted | | FPL 2013-14 | # Counted |
|--------------------|------------------|--|--------------------|------------------|
| 17-Oct | 447 | | | |
| 2-Nov | 1632 | | | |
| 4-Nov | 1292 | | | |
| 13-Nov | 579 | | 17-Nov | 983 |
| 27-Nov | 662 | | | |
| 5-Dec | 226 | | 3-Dec | 1789 |
| 22-Dec | 605 | | 18-Dec | 1590 |
| 8-Jan | 454 | | | |
| 15-Jan | 560 | | 12-Jan | 1072 |
| 23-Jan | 729 | | | |
| 29-Jan | 929 | | | |
| 3-Feb | 1233 | | 2-Feb | 1320 |
| 12-Feb | 1209 | | 11-Feb | 1046 |
| | | | 18-Feb | 1966 |
| 4-Mar | 1232 | | 3-Mar | 1795 |
| 15-Mar | 1719 | | | |
| 21-Mar | 1372 | | 23-Mar | 968 |
| 26-Mar | 1492 | | | |
| AVERAGES | 963 | | | 1392 |

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2007 Review Assumptions Regarding Growth Rate of the Atlantic Coast Population and Primary Threats to the Species Are No Longer True:

Yes, they are.

Opponents to reclassification argue that the impending loss of artificial warm water, and the (incorrect reference to a) “red tide” in Brevard mean that population growth rates are no longer believable. This contention is false for two key reasons:

1. There are no plans to reduce artificial warm water. It is reasonable to assume that current levels of artificial warm water will continue. Meanwhile, access to natural sources of warm water is being improved.
2. While the deaths of many manatees (likely related to the massive seagrass die-off, and also to cold spells), is unfortunate, the reproductive rate predicted in the CBM has already replaced those losses. Without doubt, the growth rate in the Atlantic was reduced during this unusual mortality event (UME)”, but even during this UME period, the growth rate was still higher than the criteria for either reclassification or complete delisting.

Unhappily, the insistence by opponents on high levels of population growth could be detrimental to the health of the overall Indian River Lagoon. We contend it is time to focus on optimum sustainable population, not recovery. Reclassification is key to implementing such a strategy.

State and Federal Agencies Have Not Managed to Safeguard the Manatee's Habitat:

Opponents use very vivid language, but little fact. The truth is that humans have dramatically expanded manatee habitat since WWII. Vast networks of transportation channels, and, later, the dredging of thousands of miles of residential and commercial canals, have expanded manatee habitat beyond the Peace River on the west coast and Sebastian Inlet on the east, to cover the entire state. Manatees are found year-round in abundant numbers in locations they previously rarely visited, such as the Wakulla River, Upper St Johns, Suwanee, Kissimmee River and more.

Opponents mention Sea Level Rise (SLR) as a threat, apparently on the theory that higher water may reduce seagrass (forage). There is little information available how SLR might affect inland waters or estuaries; nor is there information on the potential benefits to manatees, including an increase in range and habitat as waters warm.

Opponents worry about spring flow, but they are fully aware that springs are a high restoration and preservation priority. Here is a list of springs in manatee habitat with currently funded projects:

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- King's Bay Area: \$3.8 million
- Suwanee River Springs: \$1.9 million
- Silver Springs: \$20.3 million
- Ichetucknee Springs: \$4.6 million

There is nothing in the opponents' arguments that poses an identifiable risk of extinction in even a small portion of the manatee's range, much less the significant portion of habitat required for listing as endangered or threatened.

Manatee Recovery Plan Criteria Has Not Been Met:

In fact, the three criteria have been met. This is a never-ending demand. More will never be enough. There is no reason to belabor this point.

Watercraft Mortality Will Likely Increase:

The threat from watercraft has been and is hugely overstated.

We've all seen the latest threats analysis (Runge, Langtimm, 2013), which estimates that the possibility of "quasi-extinction" can be reduced by about ½ of 1 percent if all watercraft deaths were eliminated. Watercraft should no longer be the focus of protection. Indeed, there is no real evidence that speed zones have been an effective form of protection, with effectiveness defined as a measurable reduction in vessel-caused mortality that has measurably reduced the risk of extinction. Just one small study (Laist & Shaw) is in the literature. This study had numerous short-comings: a small data set; a questionable premise that attempted to identify boat strikes within a very small geographic area; and no discussion of whether the speed zones produced a reduction in the risk of extinction. A much more comprehensive analysis of speed zones by CFFW and presented at the Stem to Stern Forum, showed that counties without zones surprisingly saw the most significant decline in watercraft collisions. Neither FWC nor FWS have examined these findings, which call into question the fundamental utility of speed zones as an effective protection strategy.

It Is Questionable Whether Florida State Regulations Alone Can Protect Manatees and Their Habitat:

Florida has always lived up to its obligations under law. When the opponents to downlisting sued the state, FWC staff urged the commissioners to fight. Instead, commissioners settled, and regret the decision to settle. While CFFW certainly has its own issues with the state's policies with regard to manatee regulation, there is no doubt that the state undertakes its responsibilities with zeal and commitment.

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Likely Effects If Manatees Are Downlisted From Endangered To Threatened:

Rhetoric of opponents, with proper classification, an incidental take authorization can be issued, using a calculation of potential biological removal that is based on a realistic status, preferably unlisted. If a science-based PBR is developed, it will be because science has finally won out over politics.

If all of the risks and threats to the manatees are taken into account, the only possible conclusion under the law is to maintain the West Indian manatee's status as endangered for both of its subspecies.

All of the non-trivial risks and threats to the future of the manatee stock are acceptable by any application of sound risk management principles. Further each of the quantifiable elements of risk have been taken into account and still there is zero risk of extinction from any source – natural or anthropogenic – according to the most recent US Geological Survey report.

Moreover, the only possible conclusion is that the given reason for listing manatees as endangered – human-caused threats – is no longer a threat of extinction.

As a marine mammal living in close proximity to humans, manatees will always be managed and protected. With this change in classification, management can move away from “recovery mode” — where growing the population is the key goal — toward management of a sustainable population.

**The time for reclassification
was *established* in 2007,
reconfirmed in 2012 / 2013
and
is *overdue* 7 years later in 2014.**