

**PUBLIC EMPLOYEES for ENVIRONMENTAL RESPONSIBILITY  
(PEER)**

**COMMENTS ON THE DRAFT TWO MANATEE MANAGEMENT PLAN  
AS RELEASED BY THE FLORIDA FISH AND WILDLIFE CONSERVATION  
COMMISSION, APRIL 12, 2007**

June 14, 2007

PEER would like to take this opportunity to offer the following comments regarding the draft manatee management plan.

The Florida Fish and Wildlife Conservation Commission is proposing to reclassify the manatee as a threatened species per the state's listing rule. Part of the requirement to do so requires the adoption of a species management plan to guide further recovery efforts.

PEER continues to object to the reclassification of the manatee. It is counter-intuitive to reclassify to a lower classification a species whose overall population numbers are small and, given current modeling efforts, is in all probability in decline.

Although it is projecting a decline in manatee population over the next 60 years, the state plan lays out no concrete steps to combat what it admits are growing threats, including more propeller deaths, worsening habitat, red tides and harmful algal blooms.

The potency of these threats appears to be reflected by a record 416 manatee deaths in 2006, following a near-record 396 deaths in 2005. Nonetheless, the Commission's recovery plan consists of a series of promises to enhance current efforts, without any assurance of success due to –

- Lack of any dedicated funding to pay for all of the new biological monitoring, enforcement patrols, improved signage and other pledged actions;
- An admitted significant shortage in law enforcement staff. The report cites a review by the International Association of Chiefs of Police which found that FWC needed nearly 300 more officers just to meet minimum requirements and may need to double its force to perform its wildlife protection role adequately; and
- A non-enforcement posture that relies on small infraction fines (maximum of \$80) to deter powerboat speeding violations in posted manatee zones.

While it is argued that this reclassification will not result in a decrease in actual protection efforts, the recovery plan proposes streamlining permit processes to speed issuance of more development permits within manatee habitat. Moreover, while it forecasts continued growth in boat traffic through coastal waters, the plan refuses to endorse any more stringent enforcement mechanisms, such as criminal penalties for repeat or egregious violations.

Finally, reclassification will undoubtedly result in diminished efforts and protection of this native Floridian. Reclassification will make it more difficult to enact additional protection measures while simultaneously facilitation reduction of current protection measures. Reclassification will result in less staff effort and funding directed at recovery efforts.

## **SPECIFIC COMMENTS**

### **EXECUTIVE SUMMARY**

PAGE iii – While this version of the plan has edited the intent and goal of reclassification of the West Indian manatee in Florida as a threatened species, it is still clear that drastic declines will be accepted while maintaining this status. Based on the criteria, manatee populations would have to crash to levels as low as 600 animals before the species would be considered endangered. The reclassification will diminish funding and resources for this species, leading to a very predictable decline toward extinction.

PAGE v – The plan states that additional commitments in terms of funding will be needed to accomplish the goals of this proposed plan. Down-listing the status of the manatee to a threatened species will virtually assure the opposite to occur.

PAGE 5, LINE 136 and the summaries of all the regions – PEER is concerned that the optimistic outlook for manatee population stability is based on dated data. The population growth rates and subsequent calculations are based on figures that are six to seven years old.

PAGE 8, LINE 235 – The plan should include the percentage of adult mortality resulting from watercraft collisions. This figure is in the neighborhood of 50%.

PAGE 13, LINE 419 – PEER trusts that the reference to the “Flaws of Florida” is a typo.

PAGE 13, LINE 448 – The State of Florida has no permitting authority for the possession of manatees. This authority has been reserved by and exclusive to the U.S. Fish & Wildlife Service.

PAGE 14, LINE 453 – Proof of offender knowledge is a threshold is contained in the Florida Manatee Sanctuary Act. The federal Marine Mammal Protection Act (MMPA) has no such threshold. As such, state law and regulations are less restrictive than federal law.

PAGE 14, LINE 456 – Watercraft manatee zone speeding violations need to be criminal offenses with correspondingly higher fines than is currently available under civil proceedings.

PAGE 16, LINE 547 – Under this proposed plan, all measurable biological goals are by definition being met, thus making any additional protective measures virtually impossible to implement regardless of actual conditions.

PAGE 19, LINE 679 – PEER is concerned about reliance on dated data to arrive at this optimistic conclusion.

PAGE 21, LINE 755 – There is no scientific basis cited for the conclusion that there are at least 2181 adult manatees in the population.

PAGES 28 – 30 – The warm water carrying capacities for these regions is overly optimistic, particularly when considering the very tenuous nature of warm water habitats, both natural and artificial. Statements regarding the reliance of manatees to artificial warm water sources (Line 1663) and the strong likelihood of cold stress mortality in extreme southern Florida (Line 1676 and Lines 1703-04) reinforce this concern.

PAGE 31, LINE 1035 – The threshold of intentionally and negligently are less restrictive than the federal MMPA statute.

PAGE 33, LINE 1090 – PEER strongly disagrees with the elimination of exemption permits only in counties with both federal and state manatee speed zones. These exemption permits should be eliminated throughout the state.

PAGE 36, LINE 1157 – The Interim II Guidance is flawed. PEER strongly urges the state to adopt strategies as indicated by state statutes.

PAGE 37, LINES 1193-97 – PEER disagrees with the issuance of these permits as a high potential for unauthorized incidental take.

PAGE 44, LINES 1420-56 – The Interim II Guidance is flawed and violates the taking provisions of the ESA and MMPA.

PAGES 47-52 – MANATEE PROTECTION PLANS – There is currently no active effort to ensure that the county MPPs are actually implemented. Until such time that evaluations are completed to ensure compliance with MPPs, these should not be used as the basis for permitting decisions. There are numerous cases where federal, state and local development permits have been issued for projects that conflict with MPPs, with no consequence for the developer or the planned project.

PAGE 62 – AQUATIC PLANT MANAGEMENT – The impact of herbicides and other control measures also need to be addressed in terms of both manatee habitat as well as impacts to the animals themselves.

PAGE 69, LINE 2030 – The statement that only state officers can enforce all three categories of zones is misleading. There are virtually no locally adopted speed zones for manatee protection. Federal officers can and do enforce state zones.

PAGE 70, LINE 2057 – The number of patrol hours is questionable, in light of the multiple responsibilities of state officers. There needs to be a better measurement of effort vs. result to reflect the true emphasis the state is placing on manatee protection.

PAGE 70, LINE 2069 – This entire staffing section does not reflect the realities. FWC is experiencing major problems with officer retention at this time and is having trouble just replacing current vacancies. The potential for an increased officer force will not be realized in the foreseeable future, if ever, based on current fiscal commitments.

PAGE 71, LINES 2097-8 – It is essential that the fine structures for state and federal violations be comparable. At their present levels, state fines have minimal deterrence value and need to be elevated.

PAGE 71, LINE 2110 – PEER questions the extent to which signage actually conforms to recommended standards. Moreover, the plan contains no provision for ensuring signage conformance.

PAGE 73, LINE 2186 – PEER is concerned that competitive bidding is not taking place on the Atlantic side of Florida.

PAGE 86, LINES 2535-6 – This legislation reduced the amount of funding available for manatee management activities. The facilities for rehabilitating manatees realize a monetary gain while the animals are inside their facilities. These facilities should be responsible for the cost of housing these animals. State dollars should be used for management activities on a landscape basis.

PAGE 145 – COMMUNICATING RISK TO THE PUBLIC – A number of the organizations listed on Page 66 as members of the Manatee Forum are and continue to be responsible for misinformation designed to minimize public appreciation for the threats facing manatees. Including these organizations in a group like the Forum appears to legitimize their efforts. PEER recommends that FWC make very clear that any intentional efforts to misinform the public will result in the exclusion from the Forum of those organizations responsible.

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