

Reclassifying the West Indian manatee From Endangered to Threatened Frequently Asked Questions

General Questions

Q: What did the U.S. Fish and Wildlife Service (Service) consider in deciding to reclassify the West Indian manatee from endangered to threatened?

A: Service biologists conducted an extensive review of the best scientific and commercial information available, analyses of threats and demographics, as well as information received during the public comment process. After looking at all of this information, the Service determined the West Indian manatee now meets the definition of a threatened species under the [Endangered Species Act](#) (ESA), and no longer fits the definition of endangered. (As defined by the ESA, an endangered species is currently in danger of extinction throughout all or a significant portion of its range, while a threatened species is one that is likely to become an endangered species in the foreseeable future.) Therefore, the Service is reclassifying the manatee as threatened.

The reclassification of the manatee is due to the efforts of the state of Florida, the Commonwealth of Puerto Rico, other states and many Caribbean countries with manatee populations, citizens, and numerous public and private organizations.

Q: What prompted the Service to take this action?

A: Collaborative conservation efforts to increase manatee populations have been ongoing for more than 30 years. These measures by the Service, the Florida Fish and Wildlife Conservation Commission, the Commonwealth of Puerto Rico, other state and federal agencies, and industries resulted in the establishment of more than 50 manatee protection areas. These areas have played a key role in reversing the species' decline. Florida counties also made significant progress in developing and implementing manatee protection plans and siting boat facilities to reduce boating impacts on manatees. Numerous countries have also taken steps to conserve manatees.

In 2012, the Pacific Legal Foundation (PLF) and Save Crystal River, Inc. petitioned the Service, seeking to reclassify the West Indian manatee based in part on the Service's 2007 West Indian manatee Five-Year Status Review. Consistent with requirements of the ESA, the Service responded to the petition, finding that it presented substantial information indicating that a reclassification may be warranted. We subsequently conducted a status review and in January 2016 published our combined 12-month finding and proposal to reclassify the West Indian manatee including its two subspecies: the Florida manatee and the Antillean manatee.

Today's decision to reclassify the West Indian manatee to threatened concludes the current status review and petition process.



Q: What is the primary difference between an endangered and threatened species?

A: An endangered species is any species in danger of extinction throughout all or a significant portion of its range. A threatened species is any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

In other words, the primary statutory difference between a threatened and endangered species is the *timing* of when a species may be in danger of extinction, either presently (endangered) or within the foreseeable future (threatened).

Q: How do you define foreseeable future?

A: For our analysis and decision, we assessed the foreseeability of threats and the effect of those threats on the species. However, we extended this period out only so far as we can rely on the data to formulate reliable predictions about the status of the species.

In the case of the West Indian manatee, we concluded that the foreseeable future is that period within which we can predict whether or not the species is likely to become an endangered species as a result of the effects of the identified threats. Based on the principal threat factors as described in our decision, we determined that the foreseeable future for the West Indian manatee is 50 years.

Q: What substantive changes are in the final reclassification rule?

A: We made the following modifications from the proposed rule:

- We updated the Population Size and Population Trends section to include a “Minimum Population Size” column in Table 1, changed the column heading “Population Estimate” to “Non-statistical Population Estimate,” and provided additional information on the Castelblanco-Martínez et al. (2012) publication.
- We revised the Recovery Actions section to include information from a Manatee Core Biological Model (CBM) update, to include updates for the timeframes for establishing spring minimum flows.
- We expanded the introduction of the Summary of Factors Affecting the Species section to include information to clarify further the definitions of endangered and threatened.
- We included updated information on threats and mortality under the Summary of Factors Affecting the Species section.
- We reviewed and incorporated, as appropriate, information from Coulson et al. 2001; Gómez et al. 2012; Galves et al. 2015; and a presentation on Manatee Core Biological Model updates in this rule. These references were contributed by commenters or became available in September 2016.
- We added a “Cumulative Effects” subsection to our Summary of Factors Affecting the Species section.

Q: Why did you review the status of the West Indian manatee both in the United States and in foreign countries?

A: Because the West Indian manatee is listed under the ESA throughout its range, the Service reviewed its status wherever it occurs. The manatee's range includes the southeastern U.S., Puerto Rico, Mexico, Central America, South America, and in the Greater and Lesser Antilles ([see range map](#)).

Q: Why List Foreign Species?

A: The ESA requires the Service to list species as endangered or threatened regardless of which country the species lives in. Benefits of listing to foreign species include prohibitions on certain activities including import, export, take, commercial activity, interstate commerce, and foreign commerce. By regulating activities, the United States ensures that people under the jurisdiction of the United States do not contribute to the further decline of listed species. Although the ESA's prohibitions regarding listed species apply only to people subject to the jurisdiction of the U.S., the ESA can generate conservation benefits such as increased awareness of listed species, research efforts to address conservation needs, or funding for in-situ conservation of the species in its range countries. The ESA also provides for limited financial assistance to develop and manage programs to conserve listed species in foreign countries, encourages conservation programs for such species, and allows for assistance for programs, such as personnel and training.

Q: The Marine Mammal Commission (MMC) recommended evaluating the two subspecies individually. Why did you not split the West Indian manatee listing into the two subspecies for your decision?

A: There is some data indicating agreement that a taxonomic division would be useful in managing the species. However, because the petition we received to reclassify the West Indian manatee was only for the listed entity, our proposed rule and the analysis of status and threats addressed the entire listed entity throughout its range. The petitioners did not ask for an evaluation of splitting listed entity into two separate subspecies. The Service intends to consider this option and analysis in the future as workload allows.

Q: What is the population of the West Indian manatee?

A: Overall population estimates suggest that there may be about 13,000 individuals throughout the range of the West Indian manatee. The most recent abundance estimate identifies a Florida manatee population of 6,350 manatees. Puerto Rico has an average population of 532 manatees. This data reflects the estimates across the range (see Table 1 in the rule) of the species.

Q: What are the threats to the West Indian manatee?

A: Threats to West Indian manatees throughout their range include habitat fragmentation and loss, poaching, entanglement in fishing gear, and collisions with watercraft. In the United States, collisions and the loss of warm water habitat are the greatest threats to manatees. Natural factors

affecting the West Indian manatee include the effects of climate change, such as the increased frequency and scale of tropical storms and hurricanes, and in Florida, algal blooms and cold weather.

Human impacts represent some of the principal threats to the West Indian manatee, as identified in the rule. As such, conservation actions, such as springs restorations, manatee protection areas, and outreach to resource user groups, aim to mitigate or reduce those human activities that are detrimental to the species.

Q: Did you consider the cumulative effects of the threats on the West Indian manatee?

A: Yes. In our assessment, we reviewed manatee population models (Castelblanco-Martínez et al. 2012; Runge et al., 2007; and others) that assessed the effects of these threats both individually and cumulatively. We did not find significant information indicating that the cumulative effect of threats on the species warrants maintaining the West Indian manatee as endangered. Rather, we find that the potential cumulative effect of threats on the West Indian manatee contributes to the species' threatened status. In other words, the species is not presently in danger of extinction due to any single or cumulative threats. See the Cumulative Effects section of the rule for more details.

Q: Does the reclassification provide the Service with greater flexibility in its review of federal actions?

A: While the ESA does provide for greater flexibility in identifying activities that are necessary and advisable for the protection of species listed as threatened, more restrictive provisions found in the Marine Mammal Protection Act (MMPA) only provide for such flexibility in limited circumstances. Any authorization under the ESA allowing for the incidental take of manatees during otherwise lawful activities would also require authorization under the MMPA. The Service does not intend to pursue such action at this time.

Q: What does reclassification mean to other federal agencies?

A: The reclassification makes no change in how federal agencies consult with the Service on actions that may impact the manatee. For example, the Service routinely consults with the U.S. Army Corps of Engineers (Corps). Any Corps activity conducted, funded and/or permitted that might affect the manatee as a federally listed species would continue to require an ESA effects determination and possible consultation with the Service, regardless of whether it is listed as threatened or endangered. The same would hold true for marine events in manatee habitat for which the U.S. Coast Guard routinely consults with us and will continue to do so regardless of the listing status.

Q: Will this reclassification change how the manatee is managed?

A: Although the manatee is no longer currently in danger of extinction and its reclassification represents a conservation success, there remain threats to the species. Substantial conservation work must continue well into the future to reduce, eliminate or minimize these threats, such as the loss of winter warm water habitat and boat strikes. Although the manatee is being reclassified to threatened, all existing federal protections



will remain unchanged under the ESA, as well as the MMPA. Additional conservation measures may be taken in the future if information indicates that they are needed to address threats.

Conservation efforts, such as establishing and maintaining manatee protection areas and siting boat facilities to reduce boater impacts on manatees, have played a key role in improving the status of the manatee and will need to continue to help advance recovery and to preclude the manatee becoming endangered again.

Q: Were tribes in the Southeast contacted for consultation and comment on the reclassification?

A: Yes. We requested comments from tribes found within the Florida manatee's range and received responses from the Miccosukee Tribe of Indians of Florida and the Seminole Tribe of Florida. See the Summary of Comments and State, Federal, Tribal, International, and Peer Reviewer Comments sections for more details.

Q: Was the public given an opportunity to comment on this decision?

A: Yes. An open comment period was made available for 90-days, from January 7, 2016 through April 7, 2016. We published general notices seeking comments and announcing a hearing in 19 newspapers throughout the Southeast. The Service held an informational open house and formal public hearing in Orlando, Florida, on February 20, 2016. The Service contacted appropriate U.S. federal and state agencies, range country conservation agencies, scientific experts and organizations throughout its range countries, tribes, and other interested parties directly and invited them to comment on the proposal. We also solicited peer reviews from 10 knowledgeable individuals with scientific and conservation expertise that included familiarity with the two subspecies of the West Indian manatee and their habitat, biological needs, and threats. We received responses from four of the peer reviewers. See the Summary of Comments section of the final rule for additional details.

In all, we received 3,799 public comments, including petitions signed by 75,276 individuals. The petitions did not include substantive comments, but rather included statements to the effect that those signing them did not support the Service's proposed reclassification of the West Indian manatee. We identified 59 substantive comments; you may review our responses in the final rule.

Q: Where can I find the comments and information submitted by the public?

A: Go to the Federal eRulemaking Portal: <http://www.regulations.gov/>. In the Keyword box, enter Docket Number FWS-R4-ES-2015-0178, which is the docket number for this action.

Q: Did public comments influence the proposal to reclassify the West Indian manatee?

A: Although peer reviewers and the public largely disagreed with our proposed rule, we did



not receive substantive information that changed our analysis of the status of the species. While the status of the species has improved to the point that it can be reclassified from endangered to threatened, some threats to the manatee still remain, and the protections of the ESA are still warranted. Further implementation of recovery actions is needed to bring the West Indian manatee to full recovery by reducing or removing threats to the point where this species no longer warrants protection under the ESA. See Public Comments, Summary of Factors Affecting the Species, and Cumulative Effects of Threats sections of the reclassification rule for more detailed discussion.

Florida Manatee subspecies related Q/As

Q: Manatees continue to die and are injured by watercraft. There are continuing concerns about the loss of warm water habitat for manatees in the Southeastern U.S. Did the Service consider these in its review?

A: Yes. In the Southeastern United States, the most significant threats to manatees are watercraft-related deaths and the likely loss of warm water habitat. However, a recent effort between the U.S. Geological Survey and the Florida Fish and Wildlife Conservation Commission's Fish and Wildlife Research Institute conducted threats analysis by the U.S. Geological Survey concluded there is less than a 2.5 percent chance Florida's manatee population will fall below 4,000 over the next 100 years assuming current conditions remain constant. See Public Comments, Summary of Factors Affecting the Species, and Cumulative Effects of Threats sections of the reclassification rule for more detailed discussion.

Q: Did the Service consider the Florida manatee die-off events, loss of sea grasses in Indian River Lagoon, and the massive algae blooms in reaching their decision to reclassification?

A: Yes, the Service considered these events in its review. There is an ongoing study modeling the effect of these die-offs on the manatee, including the two die-off events in the Indian River and Brevard County areas, as well as red tide events.

Q: The Service is considering management changes at Crystal River National Wildlife Refuge's Three Sisters Springs. How does that fit with this reclassification decision?

A: The Service's efforts to better manage and prevent manatee harassment from occurring at the Refuge's Three Sisters Springs are consistent with this final rule to reclassify the manatee. We note in our rule that continuing efforts are needed to minimize and eliminate threats to the manatee at this location, an important winter habitat for the species. A change in the status of the West Indian manatee does not mean that protections are removed or that we and our cooperators will no longer work to protect this species. We are required to protect all federally listed species from take, which includes harassment and harm. Our efforts to protect manatees in the entire Kings Bay area will not change. We recognize that we may need, at times, to strengthen protection for the species. These efforts are consistent and called for in the protections provided by the ESA and MMPA.

Q: Protecting and restoring Florida’s springs are vital for a variety of reasons, including manatee conservation and recovery. Was this factor given adequate consideration in your decision?

A: Yes. For the southeastern United States, we identified the loss of winter, warm-water habitat as one of the two remaining principal threats for the West Indian manatee. Springs restoration and protection are key to addressing this threat. We look forward to the progress we can achieve with the Florida Fish and Wildlife Conservation Commission, water management districts, local city and county governments, tribal communities, and other conservation partners to ensure that we preserve sustainable spring flows and good water quality at key warm water sites that manatees depend on in Florida. We are excited about the restoration efforts and planning that is underway to make more springs accessible to manatees and protect habitat for the long term. This is an effort that will benefit many wildlife species; humans and local economies that depend on these resources.

Antillean Manatee Subspecies Q/As

Q: Did you seek comments and information for countries and experts outside the United States regarding the Antillean manatee subspecies?

A: Yes. To encourage participation by international partners, we advised species experts and governmental representatives in other countries within the species’ range about the Service’s status review and requested that they send information about Antillean manatees. The Service did this through e-mails sent to species experts identified in United Nations Environment Programme’s (UNEP) Regional Management Plan for the West Indian manatee. We also advised attendees at the December 8 – 13, 2014, Cartagena Convention that the Service was evaluating the status of the West Indian manatee and was requesting additional information to assist in its review. Also, during the Seventh International Sirenian Symposium in December 2015, the Service announced that the 12-month finding would be published in January 2016 and encouraged participants to review the finding and submit comments. The symposium included a significant number of international manatee experts, researchers, and managers, including those with expertise in West Indian manatees. We received very few responses from sources regarding manatees outside the United States.

Q: Why did the Service consider reclassifying the West Indian manatee when the majority of the Antillean manatee population trends are declining or unknown?

A: A species can be declining and not necessarily be endangered. The Service identified the range of possible population sizes, the conjectural trends and known threats for the Antillean manatee population. We also considered others factors such as resilience, genetic diversity and population models, among others.

The Castelblanco et al. (2012) population model represents the best science and provides sound estimates of the Antillean manatee numbers. Based on that information we concluded that there is small chance that the West Indian manatee population across its entire range would go extinct



within the next 50 years. We also recognize that existing or new potential threats, if not addressed, will likely lead the species toward being endangered in the foreseeable future. This is consistent with the ESA's definition of a threatened species.

Q: Will reclassification to threatened affect conservation efforts outside the United States, such as failing to promote the protection and conservation efforts of the Antillean manatee population?

A: We do not believe that the change in protected status under the ESA from endangered to threatened will have an appreciable effect on manatees in foreign countries. This rule formally recognizes that the West Indian manatee is more appropriately listed as threatened throughout all or a significant portion of its range.

This reclassification does not significantly change the protection afforded this species under the ESA. The regulatory protections provided pursuant to section 9 and section 7 of the ESA remain in place. Furthermore, this regulation does not affect the protections the West Indian manatee is afforded under the MMPA and the Convention on International Trade in Endangered Species of Wild Fauna and Flora. We applaud foreign governments like Belize, which has protected the manatee for over 30 years and is increasing conservation programs for it. We encourage all efforts by any government agency to remove or reduce threats to the West Indian manatee, and the Service is committed to working together towards achieving these goals. The Service will continue to monitor the status of the species, and continue to work in partnership with other range countries when and where possible.