



## 12-Month Warranted Finding and Proposal to Reclassify the West Indian manatee (*Trichechus manatus*) From Endangered to Threatened

### **Q1: Why is the U.S. Fish and Wildlife Service (Service) proposing to reclassify the West Indian manatee from endangered to threatened?**

**A1:** Given its review of the best scientific and commercial information available and analyses of threats and demographics, the Service believes the West Indian manatee no longer fits The [Endangered Species Act](#) (ESA) definition of endangered and should be reclassified as threatened.

Castelblanco-Martínez *et al.*'s Population Viability Analysis model for the Antillean manatee describes a metapopulation with positive growth and Runge *et al.*'s Core Biological Model predicts that it is unlikely (less than 2.5 percent chance) the southeastern U.S. population will fall below 4,000 total individuals over the next 100 years, assuming current threats remain constant. The Antillean manatee analysis, published in 2012 on Endangered Species Research, can be found at: <http://www.int-res.com/articles/esr2012/18/n018p129.pdf>. The Florida manatee analysis, published in 2015 by USGS, can be found at: <http://pubs.usgs.gov/of/2015/1083/>. It takes into account things such as red tide and cold weather events.

Thanks to the collaborative effort with the State of Florida, the Commonwealth of Puerto Rico, citizens, and a number of public and private organizations, the Service believes the data show the manatee is moving toward recovery and away from the threat of extinction. Thus, the species' status better fits the ESA's definition of a threatened species.

### **Q2: What prompted the Service to take this action?**

**A2:** 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 and published its 90-day finding in July 2014, concluding that the petition presented substantial information to indicate that the action may be warranted. We subsequently conducted a status review and have published our combined 12-month finding and proposal to reclassify the West Indian manatee including its two sub-species: Florida manatee and Antillean manatee.

### **Q3: What is the population status of the West Indian manatee?**

**A3:** When aerial surveys began in 1991, there were an estimated 1,267 manatees in Florida. Since then, populations on East and West Coasts continue to grow. Today, there are more than 6,300 manatees in Florida. That's a minimum, estimated number the Service and the state use to measure progress and it marks a 500 percent increase over the past 25 years. Puerto Rico sees an average of 532 manatees, and population estimates indicate that there are at least 13,000 manatees within the range of this species. Available information reflects the broad distribution of the species and suggests a relatively medium to large range-wide population estimate.

### **Q4: The Service recommended in its 2007 five-year review that the West Indian manatee should be reclassified. Why has it taken the Service so long to do this?**

**A4:** The 2007 five-year review recommended that the West Indian manatee be reclassified.

The ESA provides for a required review of the best scientific and commercially available data to determine whether or not a species' status on the federal list of threatened and endangered species should be changed. While an ESA requirement, the review itself is an internal staff assessment and recommendation. However, the ESA defers to the agency as to whether or not it will act upon the staff's recommendation and when. Budgets, available staff, and higher priorities inform conservation managers' decisions. The information at the time led our manatee experts to conclude the species status better fit the ESA definition of threatened and as such made several recovery recommendation to address existing threats, and noted the reclassification was also appropriate.

In its 2007 review, the Service recommended addressing several priority recovery actions to aid in moving towards reclassification. Since 2007, the Service and its partners have made progress on those actions. For example, additional protections for wintering manatees are being considered at Crystal River National Wildlife Refuge for its Three Sisters Springs unit. The Service continues to work with partners to restore natural warm water springs. Work with Florida's power industry to address warm water habitat needs is ongoing. Finally, the Service and its partners conducted additional research on the Antillean manatee population.

The Service began work on a proposal to reclassify the West Indian Manatee in 2011. The effort was suspended in 2013 due to budget sequestration, limited resources, and the need for some additional research to assess the impacts of high-mortality red tide events in Florida at that time.

**Q5: Where can I find the 2007 five-year review for the West Indian manatee?**

**A5:** The review and associated information are available on our Florida Manatee web page under Reference Material at <http://www.fws.gov/northflorida/Manatee/manatees.htm>. The five-year review can also be found on our national website at <http://www.fws.gov/endangered/species/us-species.html> by clicking on "Mammals" and searching for "Manatee."

**Q6: What impact would a reclassification, if finalized, have on the public?**

**A6:** If reclassification were to occur, it would mean first and foremost that we (federal, state and partnering organizations, private citizens, public and private landowners, universities, etc.) successfully moved this species away from the immediate threat of extinction. Existing federal protections would not change under the ESA, manatee conservation efforts would continue, and additional measures could be taken if information indicates that actions are needed to address threats.

**Q7: What would a reclassification, if finalized, mean to other federal agencies?**

**A7:** There would be no change in how federal agencies would consult with the Service on actions that may impact the manatee. For example, the Service consults regularly with the U.S. Army Corps of Engineers (Corps). Any Corps action 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 a species' classification status on the Federal List of Threatened and Endangered Species. The same would hold true for marine events in manatee habitat for which the U.S. Coast Guard routinely consults with us and would continue to do so regardless of the listing status.

**Q8: Would a reclassification provide the Service with greater flexibility in its review of federal actions?**

**A8:** It is correct that the ESA provides greater flexibility when it comes to authorizing incidental take for threatened species. However, this is not the case for manatees and other marine mammals because of legal requirements under the [Marine Mammal Protection Act](#) (MMPA.) While the ESA provides the authorization to issue incidental take permits for otherwise lawful activities that could take a federally listed species, the MMPA does it in very limited circumstances. The MMPA does provide the option for a special rulemaking, though the Service does not intend to pursue such action at this time.

**Q9: The Service is considering management changes at Crystal River National Wildlife Refuge's Three Sisters Springs. How does that fit with this proposal?**

**Q9:** It's part of a balanced approach the Service is committed to pursuing that recognizes progress a broad partnership is making to benefit the manatee's status. The balanced approach recognizes that even as it proposes to update the giant sea cow's status under the ESA with this proposal, it may at times need to strengthen protection for the species. For example, the Service is pursuing steps to establish greater protection for the species at Three Sisters Springs, which is part of the agency's Crystal River National Wildlife Refuge north of Tampa, Florida.

**Q10: What's the next step?**

**A10:** The Service is providing a 90-day comment period. Following the comment period, the Service will review the comments, any additional data or information received, and then make its final status determination.

**Q11: What information is the Service looking for from the public?**

**A11:** To ensure that its final decision reflects the best available information, the Service is soliciting comments from the public, other concerned governmental agencies, Native American Tribes, the scientific community, industry, or any other interested party. Submissions merely stating support for or opposition to the action under consideration without providing supporting information will be noted, but will not be considered in making the determination. The ESA says

determinations about whether any species is threatened or endangered must be made “solely on the basis of the best scientific and commercial data available.”

**Q12: Specifically, what information is the Service seeking from the public?**

**A12:** The Service specifically is seeking information regarding:

- 1) Species biology, including but not limited to distribution, abundance, population trends, demographics, and genetics;
- 2) The factors that are the basis for making delisting and downlisting determinations for a species under section 4(a) of the ESA (16 U.S.C. 1531 et seq.);
- 3) Habitat conditions, including but not limited to, amount, distribution, and suitability;
- 4) Whether or not climate change is a threat to the species, what regional climate change models are available, and whether they are reliable and credible to use as step-down models for assessing the effect of climate change on the species and its habitat;
- 5) Past and ongoing conservation measures that have been implemented for the species, its habitat, or both;
- 6) Threat status and trends within the geographical range currently occupied by the species; and,
- 7) Any other new information, data, or corrections, including but not limited to, taxonomic or nomenclatural changes, and improved analytical methods.

Submissions should include sufficient information that will allow us to verify any scientific or commercial information or data you provide.

**Q13: How do I submit information?**

**A13:** You may submit information by one of the following methods:

- (1) Electronically: 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. Then, in the Search panel on the left side of the screen under the Document Type heading, click on the Proposed Rules link to locate this document. You may submit a comment by clicking on “Send a Comment or Submission.”
- (2) U.S. mail or hand-delivery: Public Comments Processing, Attn: Docket No. FWS-R4-ES-2015-0178, U.S. Fish and Wildlife Headquarters, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041-3803
- (3) Attend the public hearing scheduled below during the open comment period:

Location: Orlando, FL

Date: Saturday, February 20, 2016

Venue: Buena Vista Palace Convention Center, 1900 Buena Vista Drive, The Great Hall, Orlando, Florida, 32830

Informational Open House: 1:30 p.m. to 2:30 p.m.

Formal Public Hearing: 3 p.m. to 6 p.m.

Those needing reasonable accommodations to participate in the public hearings should contact Chuck Underwood of the North Florida Ecological Services Office at 904-731-3332 or via e-mail to [chuck\\_underwood@fws.gov](mailto:chuck_underwood@fws.gov) at least one week prior to the desired meeting date.

All comments and information submitted during the open comment period, regardless of which submission method is selected, will be reviewed and considered by Service staff prior to making a final decision. Additionally, comments submitted electronically don’t also need to be mailed. Comments submitted by mail need not be sent electronically as well. Oral comments given at public hearings will be captured by a court reporter as part of the official hearing transcript and need not be submitted by other methods. All comments and transcripts will be posted to <http://www.regulations.gov> and be available for review.

The Service will post all information received, including comments and hearing transcripts, on [http://www.regulations.gov/](http://www.regulations.gov). This generally means that the Service will post any personal information that is provided (see the Request for Information section of the *Federal Register* notice for more details).

In order to allow sufficient time for biologists to review and consider submitted information and conduct the review, submissions **must be received on or before April 7, 2016**.

**NOTE:** an inadvertent error occurred in the Federal Register's original notice published on January 8, 2016 reflecting the comment period closing April 8, 2015: that is not correct. The date shown above is the correct closing date. The FR published a correction in its Wednesday, January 13, 2016, edition, [available at this link](#).

**Q14: Why did you review the status of the West Indian manatee inside the United States and in foreign countries?**

**A14:** Because the listing is for the species throughout its range, the Service reviewed its status wherever the species is found. The species is found in the southeastern U.S., Puerto Rico, Mexico, Central America, South America, and in the Greater and Lesser Antilles.

**Q15: What are the threats to the West Indian manatee?**

**A15:** Manmade threats to West Indian manatees throughout their range include poaching, entanglement in fishing gear, and collisions with watercraft. In the United States, collisions and habitat fragmentation and loss are thought to be the greatest threats to manatees. Natural factors affecting the West Indian manatee include climate change, tropical storms and hurricanes, low genetic diversity, and in Florida, harmful algal blooms and cold weather. The Service believes threats are being addressed, and that regulatory mechanisms are adequate to conserve this species.

**Q16: 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?**

**A16:** Yes. In the southeastern United States, the most significant threats to manatees are watercraft-related deaths and the anticipated loss of warm water habitat. As noted above, a recent threats analysis 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.

**Q17: Did the Service consider the Florida manatee die off events in reaching their decision to propose reclassification?**

**A17:** Yes, the Service considered these events in its review. Two die off events in the Indian River and Brevard County areas with unknown causes as well as red tide events are included in an on-going study modeling the effect of these die off events on the manatee. The Service worked closely with species experts and utilized the best available science in reaching this decision.