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Starving manatees struggle

to stay alive, need help

BY BLANCHE HARDY, PG

If you open the Florida Fish and Wildlife Conservation Commission's (FWC) 2021 Preliminary Manatee Mortality Report Table, you will find 32 pages of neatly typed tables containing the final records of 1,101 dead manatee, on average just slightly less than double the recorded manatee deaths in the past six years. At last count, early in 2019, roughly 5,700 manatees were remaining in Florida.



While boating strikes typically accounted for 20 percent of the previously recorded manatee deaths, not last year. In 2021, only about 10 percent of the 1,101 manatee deaths were boating related. Florida manatees are now at greater risk of starving to death in some areas. The gentle 1,000 pound “sea cows” are indigenous. They are as much a part of the Florida’s persona as sunshine. The devastation of their population in 2021 was so profound, it qualified as an Unusual Mortality Event under the Marine Mammal Protection Act.

“This represents roughly double the average number of deaths in years prior, and it is the most deaths ever recorded in a year,” said Patrick M. Rose, a CPM, aquatic biologist, and the executive director of the Save the Manatee Club. “More than half of those deaths occurred in the northern Indian River Lagoon due to starvation and malnutrition caused by seagrass die-offs attributable to nutrient pollution and associated harmful algal outbreaks. Tragically, we face another bleak winter as many of the manatees are starting the winter grossly malnourished with very little seagrass remaining anywhere near the warmwater outfall from the Cape Canaveral power plant.”

Having exhausted attempts to have the necessary actions taken to protect the manatee, the Center for Biological Diversity, Defenders of Wildlife, and the Save the Manatee Club filed a 60-day Notice of Violations of the Endangered Species Act with the U.S. Environmental Protection

Agency (EPA) on Dec. 20, 2021. The notice charges EPA with Failing to Reinitiate Consultation Concerning the Unusual Mortality Event for Manatees in the Indian River Lagoon.

The advocates want EPA to initiate section 7 consultation with FWS in light of the now significant information undermining EPA's and FWS's conclusions that the Clean Water Act estuary-specific numeric nutrient criteria for the Indian River Lagoon are not likely to adversely affect any federally listed species or their critical habitats, including the manatee and its habitat.

Defenders of Wildlife's Jake Bleich said, "An unprecedented die-off of more than 10% of the current Florida manatee population occurred last year, largely because nutrient pollution in the Indian River Lagoon killed off seagrass. This caused hundreds of manatees to starve to death. The U.S. Environmental Protection Agency must ensure that the lagoon's water quality standards are sufficiently protective of threatened and endangered species like the manatee, and it has failed to do so."

The advocates also filed a 60-day Notice of Intent to sue the Department of Interior, including U.S. Fish and Wildlife Service (FWS) in August 2021, over violations of the Endangered Species Act and Administrative Procedure Act. In this case, the advocates are seeking action to address the failure to provide the habitat needed for preservation of the Florida manatee as required in FWS's response to a 2008 petition.

The advocates have been here before, they are all signatories of the 2008 petition. The initial petition requested revision of manatee critical habitat as defined at the time. FWS found the requested revision was warranted in 2010, but delayed implementation due to funding constraints. FWS then downgraded the manatee from endangered to threatened in 2017. The current notice states FWS has not revised manatee critical habitat or implemented the related rulemaking revisions found warranted in 2010.

The notices are the legal salvo that starts the federal government's clock to proactively respond with corrective measures prior to the filing of the formal lawsuits, "necessary to provide these imperiled marine mammals life-saving protections, to enhance their recovery, and to reduce the risk of their extinction."

Elizabeth Forsyth, Senior Attorney, Biodiversity Defense, Earthjustice, said, "If EPA does not act within 60 days, we will initiate a lawsuit. Together, the Clean Water Act and the Endangered Species Act are supposed to prevent this type of tragedy from happening. We want EPA to step in and ensure that the water quality standards are adequate to prevent this from happening in the future."

"Under the Clean Water Act, the EPA is required to approve of Florida's water quality standards that impact areas such as the Indian River Lagoon" Jake Bleich of Defenders of Wildlife said.

"Before it may do so, to comply with the Endangered Species Act, the agency must first consult with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to ensure that

the proposed standards are sufficiently protective of species listed under the Endangered Species Act. Although the EPA engaged in this consultation process several years ago, the act legally requires the EPA to reinitiate consultation on the impacts of Florida's water quality standards on listed species, including the manatee, when new information, such as last year's die-off, comes to light.

Jaclyn Lopez of the Center for Biological Diversity said, "EPA, but not FDEP, must consult under the Endangered Species Act to ensure actions it authorizes do not jeopardize listed species or adversely modify their critical habitat."

Florida legislators are acting. U.S. Representatives Buchanan and Soto introduced a bipartisan bill to upgrade the manatee to the endangered classification in December 2021.

Florida Power & Light Company subsequently announced allocation of more than \$700,000 through their charitable arm NextEra Energy Foundation to support manatee rescue and rehabilitation and to restore manatee habitat. FPL's facility is a manatee gathering spot for its warm water discharges in winter. The grants are part of the company's comprehensive response to the 2021 Florida manatee Unusual Mortality Event.

As noted, these procedures are slow and time consuming. The Defenders of Wildlife provided the following actions individual Floridians can take to save the manatee.

- Support efforts to secure, conserve and restore manatee habitat -- contact elected officials and request they support meaningful funding for Florida Forever land and water conservation funding programs.
- Demand regional, state and federal efforts to reduce nutrient pollution flowing into manatee habitat. Contact elected officials and demand they reduce water pollution that is killing manatees and other wildlife.
- Endorse efforts to reduce manatees deaths from boat collisions through designation and enforcement of manatee protection zones and information efforts about protecting manatees while on the water. Here are ways boaters and others can help manatees: Check out <https://defenders.org/sites/default/files/2020-06/Manatee%20Safety%20Card.pdf>.
- Advocate for and contribute to official, scientifically-sanctioned federal and state funding programs to help rescue, rehabilitate and feed manatees, such as through the Fish and Wildlife Foundation of Florida <https://wildlifeflorida.org/marine-mammal-fund-2/>).
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