**Reclassification of the West Indian Manatee from *Endangered* to *Threatened* is Mandatory Based on a Vast HABITAT with Diverse Characteristics that Continues to Expand. *Bob Atkins, Citizens for Florida Waterways***

This comment addresses the vast expanse of the West Indian Manatee habitat as a key indicator that the species is not *Endangered*.

The decision to list or not list or the determination of the correct classification must be based on the best scientific assessment of the health of the species considering specific criteria defined in the Endangered Species Act. It must not be based on popular opinion, political pressure, or how various clubs or organizations and their membership have adopted a specific species as their focal cause.

Species classification as *Endangered* or *Threatened* is based on any one or combination of the following factors:

1) The present or threatened destruction, modification, or curtailment of its habitat or range;

2) Over utilization for commercial, recreational, scientific, or educational purposes;

3) Disease or predation;

4) The inadequacy of existing regulatory mechanisms; or

5) Other natural or manmade factors affecting its continued existence.

The vast extent of suitable habitat is inconsistent with the above criteria, and therefore, with respect to habitat, the above criteria are not applicable to the West Indian Manatee. The best available science developed by the USFWS supports *Delisting* based on the fact that the species has *Recovered*. Reclassification from *Endangered* to *Threatened*, although the best available science indicates total *Recovery*, is movement in the proper direction.

Many species listed in the ESA are unique to specific limited geographic locations, such as a particular river or forest, or they require specific combinations of environmental factors, which significantly limit the locations where they can exist. For these species, the preservation of the limited habitat itself becomes the most critical factor to the survival of the species. Contrary to those species, the West Indian Manatee has shown adaptability to almost any aquatic environment that it can swim into, as long as the water temperature remains 68F or above.

The critical habitat elements are temperature above 68F, available fresh water sources and submerged aquatic vegetation. Consequently, we find the manatee in all regions of the southeastern US coastal brackish estuary waters, several miles up inland fresh tannic water rivers, crystal clear springs and spring runs, in coastal bays and ports, and a few miles off the coast in the Atlantic and Gulf waters. Man has actually significantly *increased* the habitat over the last 40-75 years. We have seen large numbers of animals find refuge and residence in the manmade residential, navigational and flood control canals and waterways throughout the southeast. This habitat increases with the warmer temperatures of the summer months and diminishes with the cooler temperatures of winter as they affect the water temperatures above and below 68F. This annual climatic affect has traditionally created a traveling northern boundary of the habitat that induced a natural N-S migration of the many manatees.

The introduction of manmade warm water outflows at several power plants and other sources has provided winter-time refuge from the threat of natural seasonal colder water temperatures in regions that had not historically provided cold season manatee habitat. In addition to disrupting the natural migration habits of the manatee, these locations became known locations of cold weather congregations of manatees. These sites, along with several known fresh water sources were identified in 1991 as the primary locations to observe and perform the synoptic surveys (population counts) of the animals. These are the same sites that have been observed throughout the history of the surveys up to and including 2014.

The comparison of animal counts performed in the traditional synoptic survey locations (Power Plants, Berkeley Canal, and Sebastian River/C-54 Canal) in Brevard County now account for less than 50% of the animals actually residing in Brevard County as we can see by comparing of the January 24, 2014 synoptic count of 633 with the average count performed by FPL during the November 2013 to March 2014 time frame. During this period, 9 counts were performed that included 18 additional Brevard locations including open space estuary waters, tributary creeks and rivers, and several commercial and residential canals. These counts located an average count of 1392 animals and the range of the counts was from 968 to a high of 1966. So we see that not only have the animals found new locations to congregate, but also they have done so in significantly large numbers. This is clear evidence of an increasing habitat or the ability of a diverse set of conditions to provide desirable habitat for the manatee.

Since the habitat is so expansive and diverse and the range of the species is so great, there is absolutely no threat to the survival of the West Indian Manatee due to loss of overall habitat. Conversely, what we do observe is that local changes or impacts to preferred locations within the habitat result in the manatee moving on to other attractive locations nearby.

Although we expect that the human population of the coastal Southeast will continue to grow, this growth is limited by natural coastal geography and by significant existing regulatory measures at all levels of government from community to federal. These regulatory limitations will preserve a high percentage of pristine estuary, bays and rivers from shoreline development. The combination of extensive natural occurring habitat, the mobility and nomadic nature of the manatee, and the collective geographic and regulatory limitations to loss of habitat eliminate the present or threatened destruction, modification, or curtailment of the manatee habitat or range.