

Lawsuit settlement requires new manatee assessments

By ERIC STAATS

Monday, June 2, 2008

Polar bears, sea otters and walruses in Alaska and California live a world away from Florida's manatees.

All of them, though, share the pages of a lawsuit settlement reached in May that requires the U.S. Fish and Wildlife Service to issue new stock assessments for each species.

The Center for Biological Diversity and the Turtle Island Restoration Network sued Interior Secretary Dirk Kempthorne and the U.S. Fish and Wildlife Service in U.S. District Court in northern California in 2007, alleging that the agency had violated the Marine Mammal Protection Act by failing to meet deadlines for new assessments.

In the case of manatees, a stock assessment has not been updated since 1995.

The environmental groups contend that the lack of new stock assessments means protection decisions are being made without the benefit of the best available science and latest information on population trends.

The lawsuit cites unusual strings of deaths of manatees in 2002, 2003, 2005, 2006 and 2007, a spike in manatee deaths from boat strikes in 2006 and the threat of increasing frequency and intensity of tropical storms from global warming.

"Our goal is to get the agencies to take these issues seriously and address them," Turtle Island Restoration Network executive director Todd Steiner said.

Despite the lack of a stock assessment, which the Marine Mammal Protection Act requires every three years, the Fish and Wildlife Service has not been ignoring manatee issues, spokesman Chuck Underwood said.

"I think you'd be hard-pressed to say it's (the manatee population) been mismanaged or undermanaged," Underwood said.

A 2001 settlement of another lawsuit by environmental groups required the Fish and Wildlife Service to amend the recovery plan for the manatee, designate new manatee protection areas and revise permitting requirements for new boat docks.

The new rules broke a logjam of boat dock permits in Southwest Florida that federal agencies had been holding up, citing inadequate manatee protection measures.

In 2007, a five-year review of the manatee's status under the Endangered Species Act recommended reclassifying the manatee from endangered to threatened, but the Fish and Wildlife Service has not started the formal downlisting process.

Instead, it is working first to answer lingering questions about the status of the manatee population in Southwest Florida as well as figure out ways to protect manatee habitat at threatened springs and determine how manatees will be affected when power plants that provide warm water refuges for the sea cows go offline, Underwood said.

Underwood said the five-year review was more comprehensive than a stock assessment, which he said will do little more than generate paperwork.

A stock assessment is unlikely to result in new manatee protections or new insights into the population that the five-year review hasn't already identified, Underwood said.

Steiner said it is "ridiculous" to say stock assessments are merely a paperwork exercise.

"I just don't buy it as an excuse," Steiner said.

A leader of the Marine Industries Association of Florida said scientists need time to get results from a genetic testing program and new population models.

“This stuff doesn’t happen overnight,” said John Sprague, the group’s president.

Sprague said a key question to be answered is whether the Southwest Florida population is increasing or declining.

“You flip a coin and they’re really not sure which way it’s going,” Sprague said.

Gaps in manatee science notwithstanding, Underwood said the Fish and Wildlife Service intends to meet the stock assessment deadline set out in the lawsuit settlement, which a federal judge approved May 20.

The settlement requires a proposed stock assessment to be sent to a science review panel by January 2009.

After the review, the stock assessment will be available for public comment by July 2009 and a final assessment is due by end of 2009.