

## Summary of State Manatee Downlisting Issue:

- Florida has its own Endangered and Threatened Species Act (FESA). This is totally separate from the federal Endangered Species Act (ESA). The FESA classifies imperiled species as endangered, threatened, or species of special concern.
- Manatees are currently listed as endangered under both the state and the federal acts.
- In 1999, the state adopted new rule language under the FESA regarding how to classify Florida's imperiled species. The new rule language was based on the World Conservation Union's (IUCN) criteria for listing species on a global scale.
- At that time, manatees were still under the jurisdiction of the Florida Department of Environmental Protection (DEP), although shortly after, the Florida Fish & Wildlife Conservation Commission (FWCC) was created and inherited manatee management from the DEP.
- Unfortunately, the FWCC adopted IUCN's definitions for the 3 categories of imperilment but not the terms (names) of the definitions. Consequently, IUCN's "endangered" now becomes FWCC's "threatened." (Using the state's definition of "endangered," a species would have to be projected to lose 80% of its population within three generations!) **This misalignment of terms and definitions is why manatees are being recommended for downlisting.**
- In August, 2001, the Coastal Conservation Association petitioned the FWCC to review the biological status of manatees under the new FESA listing/delisting rule criteria.
- The FESA's new rule criteria for listed imperiled species is so stringent that, using these criteria, manatees will be downlisted by the FWCC, regardless of their true biological status in the wild.
- In 2003, because of mounting opposition from numerous groups, the FWCC reconvened a Listing Process Stakeholders Panel to review the controversial rule criteria. In order to make **substantive** changes to the rule criteria, the FWCC insisted that the Panel reach full consensus. The panel included representatives from user groups and, consequently, no full consensus could be reached on what changes should be made to make these criteria more adaptive to individual species' very different life histories. (Some agreement was reached on other changes that make the state's rule criteria more similar to the IUCN criteria, but the major flaw was not corrected and the Florida categories of imperilment remain mismatched with the IUCN categories.)
- After the Panel failed to reach consensus, FWCC staff then recommended that the FWCC go forward to adopt the proposed rule criteria amendments. Under the proposed amendments, **only** the mismatched World Conservation Union's (IUCN) listing/delisting criteria can be used to determine species' listing classifications (endangered, threatened, species of special concern).

- Many imperiled species besides the manatee could be downlisted or even delisted using FWCC's flawed criteria, including: Florida panthers, all sea turtle species, black bears, and right whales. FWCC's staff – in a quick review - looked at some state-listed species and found that:
  - The Florida panther may not qualify as endangered.
  - The Florida black bear could be delisted altogether.
  - The red cockaded woodpecker has already been downlisted, even though the majority of RCW experts recommended against downlisting, and even though they are still listed as endangered on the federal level.
  - According to the federal Marine Mammal Commission, even the Northern right whale (population about 350 animals) would likely move down a category from endangered to threatened.
- On April 14, 2005, the FWCC adopted the rule criteria amendments. Manatees will be downlisted at least one category to threatened status or even lower using their rule criteria. It is important to note that the original rule criteria are flawed and the proposed amendments to the rule criteria do not make the very necessary and substantive changes.
- On June 7, 2006, the FWCC voted to proceed with the manatee's reclassification to threatened status, using the new rule criteria. The Commission directed their staff to put together a Manatee Management Plan, the adoption of which would be the final step in the manatee's downlisting.
- On June 13, 2007, the second draft of the management plan was presented to the Commission.
- On September 12, 2007, the IUCN - World Conservation Union (IUCN) officially declared the Florida manatee endangered using exactly the same criteria state officials are attempting to use to justify downgrading the manatee's status from Endangered to Threatened. After a scientific status review at the international level, the Florida manatee was declared Endangered on the Red List, which is recognized as the most reliable evaluation of the world's species. The manatee's status evaluation was conducted and also reviewed by some of the world's most qualified sirenian scientists who based their recommendation for listing as Endangered on the most recent scientific data.
- **We want the FWCC to go back to the drawing board and adopt a rule that:**
  - Adequately addresses the needs of individual species' based on the unique life histories of each species. (The federal ESA listing/delisting process uses this approach.)
  - Bases the biological status of any species on species-specific benchmarks, including:
    - Comprehensive habitat protection
    - Significant reductions in human-related mortality
    - Stable or increasing survival rates for all age classes
    - Stable or increasing reproductive rates