



IN REPLY REFER TO:

March 7, 2006

Kirby Green
Executive Director
St Johns River Water Management District
7775 Baymeadows Way, Suite 201
Jacksonville, Florida 32256

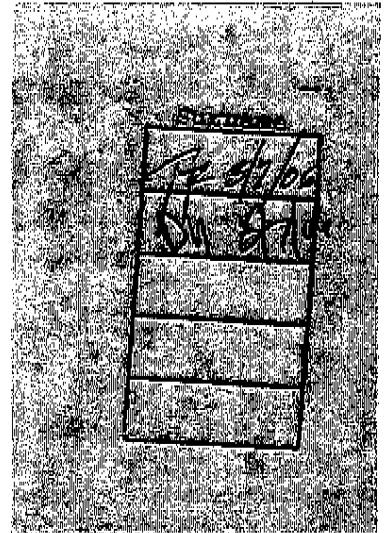
Dear Kirby:

Reference is made to upcoming decisions by the St Johns River Water Management District regarding minimum flows in Blue Spring in Volusia, County and related discussions on this issue during the "Manatee Forum" of February 2006.

The Fish and Wildlife Service has authority to protect and conserve manatees under two Federal laws, the Endangered Species Act of 1973 and the Marine Mammal Protection Act of 1972. We offer comments on this issue as technical assistance in order to help decision makers avoid any future compliance issues with either the ESA or MMPA. The Service most recently provided written comments on this issue to the District by letter of June 4, 2003 (attached). We elected not to provide additional comments in response to the November 2005 proposal by the District because our recommendations had not changed. However, based on our discussions at the Manatee Forum, there appears to be some confusion regarding our position and we are providing this letter as clarification.

The Service has discussed this issue with District staff on several occasions. We have been given detailed presentations on the District's modeling efforts and District staff has been most gracious in responding to our questions. At this time we have no additional questions about the modeling. We believe, based on the information at hand, that the proposed flow levels would likely support the projected manatee population levels. It is also our belief that present levels of flow in Blue Spring will eventually be needed to support a growing subpopulation of manatees. I believe we are in agreement with the District on these points.

However, the linchpin of the District proposal is the ability to restore spring flows over a period of years. Recognizing that we are not experts in this field, we are at best skeptical as to whether this can be accomplished. We are fearful of a conflict, not unlike those in the Pacific Northwest, which will pit people and economic interests who have become accustomed to certain levels of water availability against the habitat needs of rare and protected species. From a legal standpoint, should these flows not be restored and one or more manatees die of cold stress as a result, those authorizing the withdrawal of water/reduced flows might be liable for unauthorized take of manatees.



But more importantly from a conservation perspective, it may also greatly affect the recovery of the species. Natural habitats such as Blue Spring are necessary to achieve a self-sustaining population of manatees. Blue Spring, used by at least 190 manatees, is the core of the current wintering habitat in this portion of the manatee's range. And as you may know, the Service is presently conducting a 5 year status review of the manatee pursuant to section 4(c)(2) of the ESA. A portion of this review will include an assessment of the adequacy of existing regulations (section 4(a)(1)(D)) to protect these important habitats. Clearly, the certainty of future flows at Blue Spring will be one of the factors in our assessment.

We would therefore urge great caution in any decision that would reduce availability of manatee habitat in Blue Spring. If there is any doubt about the feasibility or practicality of restoring flows in the future, then it may be most wise to avoid reducing the flows to begin with.

I hope this information is useful. If there are any questions regarding our position on this issue please don't hesitate to contact me at 904/232-2580, extension 108.

Sincerely,



David L. Hankla
Field Supervisor

cc: Colleen Castille, Secretary, FDEP
Ken Haddad, Executive Director, FFWCC
Sam Hamilton, Regional Director, USFWS