

“Evidence indicates that the Northwest and Upper St. Johns River subpopulations have steadily increased over the last 25 years. This population growth is consistent with the lower number of human-related deaths, high estimates of adult survival, and good manatee habitat in these regions. Unfortunately, this good news is tempered by the fact that the manatees in these two regions probably account for less than 20% of the state’s manatee population.” (FWS, 2001).

Manatees are relatively long-lived, with estimates of maximum life expectancy being about 60 years. Females enter their reproductive cycle at 3-4 years of age, and the mean age when they first give birth is five years. The gestation period is approximately 11-14 months, and a calf remains dependent on its mother for approximately 1-2 years.

Prior to the mid 1970’s, there was comparatively little documentation and/or research that was focused on manatees, but there is no question that *Trichechus manatus latirostris* is a naturally occurring member of Florida’s biota. Little is known about the pre-1970’s population of this native species in Florida, but the fossil and historic records indicate that manatees and their ancient ancestors have been present in Florida for 45 million years (Domning, et al. 1982).

B. Present Status of Legal Protection

The federal government and State of Florida each have criteria through which they determine the extent to which an individual species of plant or animal merits protection under their respective endangered species laws and rules. An individual species that is numerous in Florida but rare in other areas of the country may be given protection only under federal laws. Another species that may be abundant in other areas of the U.S. but is rarely found in Florida may be protected only by state laws. Occasionally the federal and state designations of an individual species are identical.

1. Federal Protection

As described in the Florida Manatee Recovery Plan (FWS, 2001):

“The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et. seq.) (ESA) establishes policies and procedures for identifying, listing and protecting species of wildlife that are endangered or threatened with extinction. The ESA defines an “endangered species” as “any species that is in danger of extinction throughout all or a significant portion of its range.” A “threatened species” is defined as “any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.”

The West Indian Manatee, *Trichechus manatus*, was listed as endangered throughout its range for both the Florida and Antillean subspecies (*T. manatus latirostris* and *T. manatus manatus*) in 1967 and received federal protection with the passage of the ESA in 1973.

West Indian manatees also are protected under the Marine Mammal Protection Act (MMPA) of 1972 as amended (16 U.S.C. 1461 et. seq.). The MMPA establishes, as national policy, maintenance of the health and stability of marine ecosystems, and whenever consistent with this primary objective, obtaining and maintaining optimal sustainable populations of marine mammals. It also

establishes a moratorium on the taking of marine mammals, which includes harassing, hunting, capturing, killing, or attempting to harass, hunt, capture, or kill any marine mammal.”

Violations of these federal regulations can result in fines and/or up to one year in prison.

2. State Protection

Protection of manatees in Florida goes back over 100 years, when, in 1893, a Florida law was established to protect manatees. That protection was increased in 1978, when the “Florida Manatee Sanctuary Act” was adopted. This Act designated the entire state of Florida as a “refuge and sanctuary for manatees” and allowed for enforcement of boat speed regulations in designated areas. Manatees are protected pursuant to the Florida Wildlife Code (Chapter 68) Florida Administrative Code (FAC), and violations of this state law are also punishable by fines and/or imprisonment.

The state agency responsible for listing species and overseeing their protection in Florida is the Florida Fish and Wildlife Conservation Commission (FWC). In recent years, FWC has: 1) re-defined the criteria under which a species is listed as ‘endangered’, ‘threatened’, or ‘species of special concern’; and 2) begun the process of re-evaluating the status of manatees and several other species. Based on these changes, it is possible that FWC may re-classify or ‘down-list’ the manatee from endangered to threatened. Whether or not such a re-classification accurately reflects the recovery of the species or is merely a bureaucratic shuffle is widely in dispute. The reality is, however, that in the near future, such a down-listing will have comparatively little effect on the process through which potential impacts on manatees are reviewed. Species classified as threatened receive virtually the same protection as species whose designation is endangered, and regardless of the classification at the state level, manatees continue to be listed as endangered by the federal government.

C. St. Johns County

1. General Location

St. Johns County is located on Florida’s northeast coast (Figure 2). It includes approximately 608 square miles of land and open water (Source: St. Johns County). It is bounded on the north by Duval County, on the south by Flagler County, on the east by the Atlantic Ocean and on the west by the St. Johns River, which is the common boundary for portions of Clay and Putnam Counties. Approximately 42 miles of the Atlantic Intracoastal Waterway (AICW) are present along the eastern portion of St. Johns County. Long, narrow, low-elevation, naturally occurring barrier islands separate the Atlantic Ocean from tidal waterways that extend to the north and the south.

Within St. Johns County, there are two inlets that provide access for manatees (and boaters) between the inshore coastal waters and the Atlantic Ocean. St. Augustine Inlet, which is just east of the City of St. Augustine, connects the Tolomato River (to the north) and the Matanzas River (to the south) to the Atlantic Ocean. The Tolomato River, which includes the AICW channel is a comparatively narrow combination of natural and dredged areas that extend approximately 24 miles from St. Augustine Inlet northward to the St. Johns/Duval County line and beyond. The Matanzas River, which also includes the AICW channel, extends southward approximately 18 miles from St. Augustine Inlet to the St. Johns/Flagler County line and beyond.