

A LETTER FROM THE GOVERNOR OF FLORIDA

May 29, 2001

Mr. Sam Hamilton
Southeast Regional Director
U.S. Fish and Wildlife Service
Room 200
1875 Century Boulevard
Atlanta, GA 30345

Dear Mr. Hamilton:

On March 16th, the U.S. Fish and Wildlife Service issued draft guidelines for watercraft access projects in Florida. The goal of these guidelines, as stated therein, "is to provide guidance in determining appropriate conservation measures for eliminating any adverse effects on the manatees due to the development of watercraft access projects which include marina developments, slips, docks, ramps, launches, dry storage facilities, moorings, and other similar structures." These guidelines are to remain in place until an Incidental Take permit, under the Marine Mammal Protection Act, is issued. The primary basis for the guidelines is to design access facilities to minimize take from boats.

The premise throughout the guidelines is that speed zones, and the signage and enforcement thereof, are the primary methods of protection for manatees. In order to provide for increased law enforcement and signage, some dock owners will be charged a fee and marina owners could hire individual law enforcement officers for patrol. I, as the Governor of the State of Florida, wish to advise you of several concerns I have with this approach and recommend a more comprehensive solution to your agency's mandate to provide additional protection for manatees. I believe the actions Florida has taken since April of 2000, and actions that we will be implementing in the next two years, have done and will do more to improve manatee protection than the patchwork approach of the guidelines.

In April 2000, the Florida Fish and Wildlife Conservation Commission established a targeted effort to increase enforcement in manatee speed zones throughout the state, which included a comprehensive law enforcement approach as well as a public information campaign. This effort, which we hope to continue on an annual

Mr. Sam Hamilton
May 29, 2001
Page 2

basis, succeeded in reversing a three-year trend of increasing manatee deaths due to watercraft.

On July 25, 2000, the Cabinet and I voted not to approve new or expanded marinas unless a county had an approved Manatee Protection Plan or was actively developing one. That policy continues today. The policy has been successful in encouraging counties to adopt Manatee Protection Plans that includes a boater education element.

On April 19, 2001, the Florida Fish and Wildlife Conservation Commission entered into a settlement agreement with the plaintiffs; Save the Manatee Club, et. Al. That settlement agreement requires the state to establish sixteen safe havens and to review law enforcement efforts and speed zones in eighteen counties throughout the state. Changes will be recommended where mortality data indicates that there is a problem.

Lastly, the 2001 Florida Legislature approved 25 additional law enforcement positions in the 2001/1002 general appropriations bill. These 25 officers will be deployed in coastal counties, primarily in areas where

manatees are at a high risk of death due to human related causes. These new FTE are in addition to 23 desk-assigned officers who were redeployed to water-borne patrol. Finally, in the coming year the Florida Fish and Wildlife Conservation Commission will have the opportunity to review 34 positions that will become vacant due to retirement. A few of those positions may be appropriate for redeployment to coastal and river patrol.

The manatee conservation measures implemented through these actions will more directly reduce impacts to manatees than the proposed interim guidelines and refuges and sanctuaries proposed for implementation on the federal level. The proposed guidelines are implemented on a case-by-case basis without a realistic comprehensive strategy for truly protecting manatees. I respectfully request that the said guidelines be withdrawn from consideration and that the U.S. Fish and Wildlife Service allow the State of Florida to implement our pending settlement agreement as opposed to additional or expanded federal manatee refuges or sanctuaries.

Sincerely,

Jeb Bush

JB/cca