



United States Department of the Interior

FISH AND WILDLIFE SERVICE

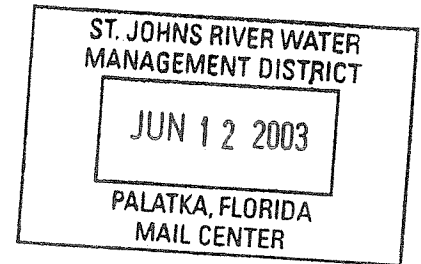
6620 Southpoint Drive South

Suite 310

Jacksonville, Florida 32216-0958

IN REPLY REFER TO:
FWS/R4/ES-JAFL

June 4, 2003



Kirby Green, Director
St. Johns River Water Management District
4049 Reid Street
Palatka, Florida 32177

Re: Proposed Blue Spring Minimum Flow and Level (MFL)

Dear Director Green:

The U.S. Fish and Wildlife Service (Service) has reviewed your proposal to establish an MFL for Blue Spring. Per your request, we have also reviewed the model and inherent assumptions.

The Upper St. Johns River sub population of manatees is the only segment of the Florida manatee population that appears to be achieving species recovery goals. Its ability to do so hinges entirely upon a secure and adequate source of warm water during the winter. As such, Blue Spring is critical to the recovery and continued existence of this segment of the population, as well as to the overall recovery of the species. What happens at this site will affect not only these animals: how we manage this spring will also have significant impacts on the management of other critical warm water sites. Given this, the Service is concerned that:

- The St. Johns River Water Management District's (District) proposal to reduce and subsequently restore flows fails to guarantee that flows will be restored. It would be prudent to pro-actively identify alternative water sources and make them available to water users before implementing this measure. In the event that flows are not restored, manatees could be taken as a result of this measure.
- The Florida manatees' current reliance on power plants as a source of warm water during the winter is tenuous at best. In the event that these artificial sites disappear, manatees will be forced to rely upon natural sources of warm water. As such, the effect of diminished flows at this site will likely diminish its availability to manatees that currently rely upon artificial sites.

As you may know, there are prohibitions against the taking of manatees. While Federal law provides an avenue whereby takings may be authorized (the Marine Mammal Protection Act's Special Rule

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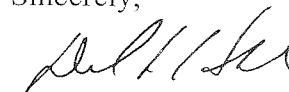
process), the process is fraught with difficulty and, given our recent experience, difficult to achieve. To avoid any takings, it would be far simpler to adopt the existing flow as the MFL for Blue Spring.

Per the model and assumptions, we believe that the assumptions are reasonable. Their use in the model helps to capture various pragmatic scenarios that bound both extremes and likely outcomes. We further believe that the model's identified likely outcomes are a fair representation of the available data and model. In general, we are impressed with the District's model.

It is clear that the District has made every effort to ensure that the effect of the proposed MFL will have a minimal effect on the manatees of Blue Spring. While the model and projected outcomes suggest that the proposed MFL will not affect the continued growth of this sub population, it fails to include guarantees that District management efforts will be able to restore flows and accommodate the potential influx of manatees displaced from other warm water sites. As such, we cannot concur with the District's recommendation.

Please don't hesitate to contact me (904 232-2580 extension 108) if you have any questions with regard to the Service's position. And thank you for the opportunity to comment on this important initiative.

Sincerely,



David L. Hankla
Field Supervisor

cc: Director Ken Haddad, Florida Fish and Wildlife Conservation Commission
Kipp Frohlich, Florida Fish and Wildlife Conservation Commission, Office of Endangered Species
Secretary David Struhs, Florida Department of Environmental Protection
Dana Bryan, Florida Department of Environmental Protection, Division of Recreation and Parks
Regional Director Sam Hamilton, US Fish and Wildlife Service
Dave Flemming, US Fish and Wildlife Service