BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 65-2021

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, URGING THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE FISH AND WILDLIFE SERVICE TO RESTORE THE 'ENDANGERED' PROTECTION STATUS OF THE WEST INDIAN MANATEE UNDER THE ENDANGERED SPECIES ACT; FURTHER REQUESTING A RULE REVISION TO THE CRITICAL HABITAT FOR THE FLORIDA MANATEE TO INCLUDE THE SAINT LUCIE RIVER AND ESTUARY; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the West Indian Manatee has no known predators and is classified as a protected species by the Marine Mammal Protection Act (MMPA) of 1972, the Endangered Species Act (ESA) of 1973, and the Florida Manatee Sanctuary Act (FMSA) of 1978; and

WHEREAS, in March 2017, the U.S. Fish and Wildlife Service announced the downgrade of the West Indian Manatee protected status from 'endangered' to 'threatened,' which was marked by a major resurgence of manatee populations from a point of near extinction; and

WHEREAS, an ESA status of 'threatened' may not provide the full measure of legal protections for the West Indian Manatee that a listing of 'endangered' guarantees; and

WHEREAS, water quality conditions in critical habitats of manatees have deteriorated over a short period of time due primarily to extreme nutrient loading from agricultural and stormwater runoff, septage, and other point and non-point sources of pollution; and

WHEREAS, severe impacts stemming directly from a confluence of anthropogenically-linked variables including watercraft collisions, entanglement in nets and fishing gear, climate change, poor water quality, and harmful algal blooms have substantially limited recovery efforts of manatee populations; and

WHEREAS, the Florida Fish and Wildlife Conservation Commissions' 2021 Preliminary Manatee Mortality Report has evidenced a sudden and extreme rise in manatee deaths in Florida waters comprising more than 10 percent of the Florida population since the start of 2021, many deaths of which have occurred in the Martin County area and that are feared to be linked to emaciation and starvation from a lack of adequate food supply; and

WHEREAS, the Wildlife Advocacy Project, Save the Manatee Club, Center for Biological Diversity, and Defenders of Wildlife previously petitioned the U.S. Department of the Interior and the U.S. Fish and Wildlife Service to revise the rule relating to Critical Habitat for the Florida Manatee to include many areas not currently listed and which the FWS's own consultation documents have recognized the need to redress; and

WHEREAS, the Saint Lucie River and Estuary is a 7-mile long system that is linked directly to the Indian River Lagoon system, which is recognized as one of the most diverse estuarine environments in North America with more than 4,300 plants and animals, including the West Indian Manatee; and

WHEREAS, the St. Lucie River is recognized by local mariners and communities as a frequent habitat and gathering place for manatees throughout the year; and

WHEREAS, the National Marine Fisheries Service (NMFS) has recognized the many benefits of designating critical habitat for threatened or endangered species and have further illustrated how even the disposal of water adjacent to a critical habitat area may affect essential features of the actual designated habitat (water quality); and

WHEREAS, the radical loss of Johnson's seagrass, manatee grass, shoal grass, and other aquatic vegetation within the Indian River Lagoon and connected water bodies like the Saint Lucie Estuary, has inexorably impacted movement and behavior patterns of manatees by destroying their traditional, essential habitat features; and

WHEREAS, it is the sense of the City Commission of the City of Stuart that the West Indian Manatee must be, with all expediency, afforded maximum protections under federal and state laws in order to curb an urgent and rising threat to their endangered populations; and

WHEREAS, the City Commission of the City of Stuart believes that the Saint Lucie River and Estuarial System should be evaluated and designated by the U.S. Department of Interior and U.S. Fish and Wildlife Service as a critical habitat for the West Indian Manatee.

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, THAT:

SECTION 1: The foregoing precatory language is adopted as if set forth below.

SECTION 2: The City of Stuart, Florida and City Commission hereby approve and adopt this resolution urging the U.S. Department of the Interior and the U.S. Fish and Wildlife Service to:

1. Restore the West Indian Manatee 'endangered' status pursuant to the Endangered Species Act, 16 U.S.C. §§1531-1544, including all of the maximum protections available under federal and state law pursuant to the Administrative Procedure Act, 5 U.S.C. §553 (e).

2. Revise the rule concerning Critical Habitat for the Florida Manatee to include water bodies identified as critical habitats for their critically endangered populations including the Saint Lucie River and its Estuarial System.

SECTION 3: Instructing the City Clerk to transmit a copy of this Resolution to the U.S. Secretary of the Interior, Principal Deputy Director of the U.S. Fish and Wildlife Service, and to the local Congressional Delegation.

SECTION 4: This Resolution shall become effective upon its adoption.

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
EULA R. CLARKE, MAYOR				
MERRITT MATHESON, VICE MAYOR				
BECKY BRUNER, COMMISSIONER				
TROY MCDONALD, COMMISSIONER				
MICHAEL J. MEIER, COMMISSIONER				

ADOPTED this ___ day of _____, 2021.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
EULA R. CLARKE
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY