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February 13, 2009

Assistant Regional Administrator  
Protected Resources Division, NMFS  
Southeast Regional Office  
263 13th Avenue South  
St. Petersburg, FL 33701

Transmitted by Facsimile 727-824-5309

Re: Smalltooth Sawfish Designation of Critical Habitat  
(RIN) 0648-AV74

Dear Assistant Regional Administrator :

This letter is submitted on behalf of the Sanibel Captiva Conservation Foundation, (SCCF), to provide additional comments on and support for the designation of critical habitat for the Smalltooth Sawfish in the Caloosahatchee estuary, Charlotte Harbor and Ten Thousand Islands. These comments supplement our previous written and oral comments following the January 14, 2009 public hearing in Cape Coral, Florida.

The smalltooth sawfish, once common in the Caloosahatchee is now federally endangered having experienced a 90% reduction in their historic US range and a 95% reduction in their population numbers. Despite these statistics documenting their losses, very little is known about the natural history and life cycle of these fish. The data that is available is disproportionately representative of juveniles with even less known about adult populations, their reproduction, feeding and critical habitat needs. The designation of critical habitat must include funding research to better understand both the juvenile and adult life cycle, habitat needs and behaviors.

To ensure their survival and reestablishment of healthy populations and distribution, the recovery plan must designate appropriate critical habitat and address water quality issues in the Caloosahatchee and Charlotte Harbor. The smalltooth sawfish is known to have very high site fidelity underscoring the need to focus on and improve the conditions in the river and Harbor.

These conditions include the quality of fresh water, quantity of freshwater and the timing of freshwater deliver to the estuary. The Caloosahatchee river is the western extent of the Okeechobee Water Way (OWW), a federal ship channel constructed with three sets of lock and dam structures on the Caloosahatchee to provide flood control from excess fresh water resulting from the connection of the Caloosahatchee to Lake Okeechobee. The construction and operation of these structures has significantly altered and affected the salinity range and freshwater flows in the river, two aspects that are suspected to alter behavior and habitat use patterns of sawfish.

The volume, timing, delivery and quality of freshwater delivery to the estuary have been compounded by the construction of the WP Franklin Lock and Dam in 1962-1965. The location of this western most structure cut off approximately 12 miles of the historic tidal range that extended east to Fort Denaud. In addition, the operation schedule for Lake Okeechobee releases has contributed to more flashiness in the estuary as the salinities have ranged from a low of 0 psu at the Franklin Lock to a high of 23 psu resulting in a complete die off of submerged aquatic vegetation and bivalves in the upper reaches of the estuary.

Freshwater containing high nutrient loads from agricultural runoff contributes to algal blooms, which affect aquatic vegetation, fish, other marine life and the our economy of our region. Freshwater delivered into the estuary in an unnatural timing is a form of pollution and threat to the smalltooth sawfish. Reduced salinity as a result of freshwater releases has led to the loss of seagrass, which has resulted in the loss of marine life dependant on seagrass and prey species which the smalltooth sawfish are dependent on.

To ensure an effective plan for the recovery of the smalltooth sawfish in the Caloosahatchee we recommend the recovery plan establish optimum water quality and habitat targets to include mixing zone requirements for water quality, quantity and timing of freshwater releases.

In an effort to quantify the affects of the discharges and inform policy decisions, SCCF has funded and deployed a series of autonomous continual water quality sensors, called RECON, from Moore Haven at the lake to the Gulf of Mexico and two coastal passes, Blind Pass and Redfish Pass. The data and custom graphs for a variety of water quality parameters are available to the public on our website: [://recon.sccf.org](http://recon.sccf.org).

Designation of Critical Habitat must include both the recent historic distribution as well as currently used habitat including the waters of Charlotte Harbor and the Caloosahatchee. The critical habitat under consideration is characterized by red mangroves, shallow euryhaline habitats with water depths of 3 ft (0.9 m). Human activity that will trigger consultation under this plan includes changes in water depth associated with dredging or

filling, the removal of red mangroves, and modification of euryhaline waters by a change in the salinity regime to a non-euryhaline conditions.

Based on these considerations and the presentation at the public meeting we suggest that the designation and process incorporate the following recommendations.

To eliminate confusion and clarify the areas subject to the habitat conditions we would recommend that the maps be refined to reflect only those areas that meet the specified criteria with red mangrove, depths of three feet or less and euryhaline conditions. This would eliminate the deepwater Caloosahatchee channels as well as fresh water canals in Cape Coral to site a few examples.

The City of Cape Coral is a community of over 400 miles of excavated canals that connect to the Caloosahatchee. Many of the canals are entirely seawalled and subject to maintenance dredging under a General Permit delegated by the Army Corps of Engineers to the City of Cape Coral. We would recommend that the maintenance dredging in canals with and without mangrove be specifically addressed in the designation due to their use by juvenile sawfish and function as navigational channels.

Finally, to further support the restoration and designation of critical habitat we request a formal consultation to assess the effects of freshwater distribution on the federally endangered smalltooth sawfish in the Caloosahatchee.

SCCF is a non-profit conservation organization dedicated to the preservation of natural resources and wildlife habitat on and around Sanibel and Captiva Islands. We appreciate the opportunity to comment on this important fishery and look forward to the opportunity to work together.

Sincerely,

A handwritten signature in black ink that reads "Rae Ann Wessel". The signature is written in a cursive style with a large, looping initial "R".

Rae Ann Wessel  
Natural Resource Policy Director