

# Florida's Threatened Species Rules



Wood storks



Gopher tortoise



American Crocodile



## Chapter 68A-27 F.A.C.

Presented by Mike Yaun, Deputy General Counsel

# Layout of the new Ch 68A-27

- **Introductory material**
- Prohibition of intentional killing of endangered species
- **Listing process**
- Candidate species list
- **Consolidated list**
- Species of Special Concern list
- Reward program
- **Permits and authorizations**



# Significant Revision #1

## Introductory Material

- 68A-27.0001 – Purpose and Intent
  - The statement of purpose has been added to clarify the intent of the rules for endangered and threatened species.
- 68A-27.001 - Definitions
  - Listed species definitions removed from FWC's general definitions chapter and added to Endangered and Threatened species rules



# Highlights of the Introductory Rules

- Recreational purpose and intent language
- Exclusion of statutory species
- Take definition similar to federal definition
- Management plan definition



# Significant Revision #2

## Listing Procedures

68A-27.0012 – Procedures for Listing and Removing Species from the List

- Federally-designated listing process

or

- State-designated listing process



# Federally-designated listing process



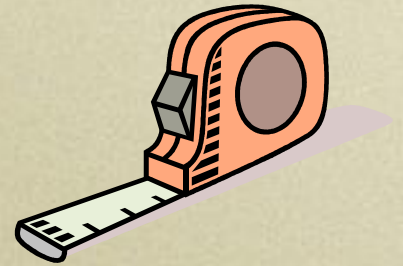
## Adoption of Federal action for Florida native species

- a. If listed pursuant to the Federal ESA,
- b. If native to Florida as defined in 68A-27.001,
- c. Then FWC will list through a notice of intent to adopt a Federal standard



# State-designated listing process

1. Exclusions
2. Request must meet requirements
  1. Content
  2. Timing
3. 2-step evaluation process
  1. Millsap Wildlife Monographs screening
  2. IUCN listing



# State-designated listing process (determining when listing is warranted)

## 1. Initial screening

### a. Millsap et al. 1990

#### – Threshold biological score

- 27 and above goes to listing process
- below 19 isn't evaluated for listing as imperiled
- staff evaluates those between 19-27

### b. OR species meets a listing criterion

- If species meets a or b above, it moves to listing process



# State-designated listing process

(determining when listing is warranted)

## 2. Listing process

- a. Population decline of 30-50% and other factors
- b. Range  $< 7,722$  miles<sup>2</sup>, or occupancy 772 miles<sup>2</sup> and fragmented or declining
- c.  $< 10,000$  mature individuals and fragmented, declining, or a single population
- d. Population  $< 1,000$  mature individuals, or occupies  $< 8$  miles<sup>2</sup>, or occurs at fewer than 5 locations
- e. Probability of extinction  $\geq 10\%$  within 100 years



# State-designated listing process (determining when listing is warranted)

## 2. Listing process (cont.)

- Species meets one criterion to qualify
- Biological review group conducts review
- Staff write biological status report
- Status report peer reviewed by a minimum of three experts
- Commission determines listing warranted or not
  - If listing or removal from list, direct staff to develop management plan



# State-designated listing process

(determining when listing is warranted)

## Management plan development:

- Management plans required for all species prior to listing or removal
  - Can be multi-species
  - Management plans would prioritize resources and activities
- Moratorium on listing requests for two years to develop management plans and evaluate existing state listed species



# Significant Revision #3

## Consolidated List

- 68A-27.003 – Florida Endangered and Threatened Species
  - List of federally-designated Endangered and Threatened Species
  - List of state-designated Threatened Species
- 68A-27.005 – Species of Special Concern
  - Won't be repealed until species evaluated



Harlequin darter



# Florida's Endangered and Threatened Species

## Federally designated

Florida species listed under the federal ESA:

- Federally Threatened
- Federally Endangered



Florida panther



RCW

## State designated

Florida species at risk but not federally listed

- Florida's state designated species (single category)



Gopher tortoise



Florida black bear



# Significant Revision #4

## Permits and Authorizations

- 68A-27.007 – Permits and authorizations
  - Eliminates need for both state permit and federal permit for federally listed species
  - Permitting standards will be species-specific
  - Authorizes some activity without the need for a permit



# Permits

- Only one permit is required for federally listed species
- Applies permitting standards from previous Chapter version until a standard is created for each species



# Authorizations

- Land management that benefits wildlife
- Clarified that agriculture best management practices (BMPs) may be followed and that permission will be sought from Legislature to create wildlife BMPs for agriculture
- Aligned wildlands fire suppression language with statute



# Stakeholder engagement

- Extensive stakeholder engagement on drafts of the rule
- Since the December 2009 meeting:
  - Held stakeholder technical assistance meetings in January and February
  - Met with stakeholders in July to explain staff's recommendation for the final rules.

