



In December 2007, the Commission directed staff to evaluate our imperiled species listing process in the context of our imperiled species management system. The existing process has generated public dissatisfaction and confusion. While the listing process is only one component of our imperiled species management system, it is the one we have spent much of our time and resources addressing instead of focusing attention on how we manage imperiled species. We would like to move to a more holistic approach to imperiled species management that considers all facets of how we should manage these species.

Initial guidance from the Commission for the evaluation included: continue to use management plans as a conservation planning, design and delivery tool; continue species protection linked to science; continue to use a balanced approach to imperiled species management through collaboration and partnerships; minimize or eliminate the debate over nomenclature; and define the listing process within the context of an imperiled species management system.

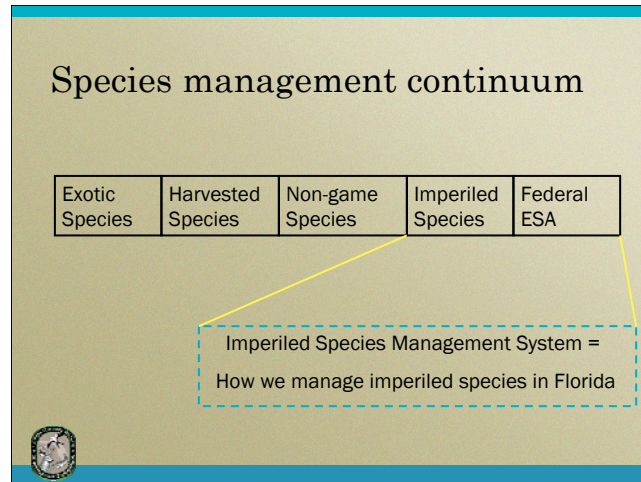
A leadership team was formed to tackle the issue. The team evaluated how we currently manage imperiled species, established our desired future condition for imperiled species, identified the components of our imperiled species management system, prepared a series of listing process options, and developed some of the other components of the imperiled species management system. This presentation is not a summary of the spectrum of work of the team but rather targets actions that need to be taken today.

## June 2008 Commission direction

- Commission directed staff to proceed with evaluation of a process that includes
  - Separation of state list from federal list (US Endangered Species Act; ESA)
  - A single category state list
  - Evaluation of science-based options for species to be added to the state list (Millsap et al, IUCN, ESA or a hybrid using any combination of science-based evaluation processes)
  - Should be simple and understandable
  - Include stakeholders in discussions and look for areas of agreement



In June 2008, we provided an overview of our thinking on the imperiled species management system and its components along with options for developing the listing process. At that time you provided us with additional guidance. We continued working on these items and in February held workshops with four stakeholder groups to discuss and further refine the concepts. Today we are seeking further direction on the list, listing process, and development of other imperiled species management system components.



In order to put the imperiled species management system in context the team developed the concept of a species management continuum that depicts how managing imperiled species fits within management of other species.

- On one extreme we have exotic species which we are trying to control and on the other end we have federally listed species that we are trying to conserve and reduce their risk of extinction.
- We are working to conserve, improve conditions for, and keep species from declining to the point that they are listed under the federal ESA.
- This conceptual model helped us to clarify that species should be managed in only one system and it also depicts relationships between and among the systems.
  - For instance game species are appropriately managed under the harvested species management system and should not be included in the imperiled species management system.
  - The incentive-based partnership approach of Florida’s Wildlife Legacy Initiative is represented in the non-game species management system in contrast to the highly regulated “federalized” species that are federally listed under the ESA.

## Concepts to consider

1. THE LIST
  - a. Federal and state designated species
  - b. Single category
2. Listing process for state designated species
3. Removal from the list (de-listing)
4. Species protections
5. Coordination for federal species
6. Management plans




This slide is an overview of the concepts we have developed to date and for which we are seeking direction from the Commission.

We believe that these recommendations will meet all guidance previously given by the Commission.

**1. THE LIST:**  
**Florida's proposed imperiled species list**

<b>Federally designated</b>	<b>State designated</b>
Florida species listed under the federal ESA: <ul style="list-style-type: none"> <li>• Federally Threatened</li> <li>• Federally Endangered</li> </ul>	Florida species at risk of extinction but not listed under the federal ESA <ul style="list-style-type: none"> <li>• Florida's state designated species (single category)</li> </ul>



Following are staff recommendations to reduce the confusion regarding the state and federal listing processes which we presented last June:

- Within the list, establish two designations for imperiled species in Florida. The first designation would contain those species which occur in Florida that are listed as threatened or endangered under the federal ESA. The second designation would be for Florida species that are at risk of extinction, but are not listed under the federal ESA.
- Any species that occurs in Florida and is federally listed under the ESA would be considered listed in Florida and would not be evaluated further for listing by the State of Florida. However, federally listed species would still receive management attention by the State.
- As Florida species are added to, removed from or shifted within the federal ESA (threatened and endangered), they would also be added to, removed from or shifted within Florida's list.
- A separate state designation would be developed to identify species at risk of extinction in Florida that are not federally listed under ESA. Examples of these species include the gopher tortoise and the Miami blue butterfly. There would be no overlap of species; to be on Florida's list they would either be federally designated or, if not federally designated, they would be designated by FWC.
- The Florida designated species would be a single category. We believe that a single state listing category will minimize the debate about what species are called and instead focus attention on management actions for the species. The single listing category may require more effort in terms of changing statutory and other regulatory language for other agencies to adopt the terminology for our imperiled list.

This process would eliminate the need to use state time and resources to categorize species that are federally listed and instead would allow resources to be directed towards management actions to conserve imperiled species.

## 2. Florida's listing process options –ESA method and FNAI

- The use of the ESA listing criteria for assessing the state component of the list is not recommended.
  - The criteria are not fully quantitative
  - Would result in increased conflicts when determining whether to list a species
  - Increase in public confusion between the state and federal listing systems
- The system for classifying species used by Florida Natural Areas Inventory (FNAI) is also not recommended due to its complexity.



At the meeting in June last year, we considered the federal listing process (called the five factors) under the federal ESA as a potential method to explore for state designation. Staff have further investigated the use of the federal listing process and now believes we should not consider using ESA for the reasons stated above. Additionally, staff looked at the process developed by NaturServe and used in Florida by the Florida Natural Areas Inventory (FNAI) and concluded it should not be used due to its complexity.

## 2. Florida's listing process options

### State Designation options

Millsap et al. 1990 method

FWC's current IUCN-based method

#### Hybrid:

Millsap as filter then FWC's current IUCN-based method determining whether or not to list



Staff discussed numerous options for listing processes specific for Florida, but narrowed the focus to three potential options. All three options would have species protections linked to science, management plans, and collaboration and partnerships with stakeholders.

**Millsap:** Species which receive a biological score established in Millsap et al. 1990 that exceeds a defined threshold would be listed. The publication entitled "Setting priorities for the conservation of fish and wildlife species in Florida" describes a species assessment system designed by FWC staff. It uses seven biological variables to assign a biological score ranging from 0-70, with a score of 70 being the most vulnerable to extinction. Florida species not listed under ESA would be designated imperiled after determination that the species biological score exceeded the listing threshold.

- Millsap uses a combination of data analysis and expert opinion to score species on relative vulnerability of extinction.
- Listing threshold biological score will need to be established
- Generally seen as a coarse evaluation since the ranges for measures to determine the biological score are broad

**IUCN:** Species not listed under ESA would be listed if they meet at least one of the five IUCN criteria for the Vulnerable category. FWC currently uses the IUCN process for listing species in three imperilment categories. This scenario would use the lowest category of imperilment under the IUCN process (vulnerable) to list a species and/or remove a species from Florida's imperiled species management system.

- Florida species that meet the IUCN criteria for the Vulnerable category would be listed
- Objective, quantifiable process
- Currently used by FWC and worldwide
- The threshold for determining whether or not a species should be listed has been defined

**Hybrid:** The hybrid option would combine aspects of the Millsap and IUCN processes for determining biological vulnerability or risk of extinction. This option would entail two phases: 1) initial screening using the Millsap process followed by 2) eligibility determination using the IUCN-based method. If the Millsap score exceeds a predetermined threshold, the species would move to further review using the IUCN-based method. If at least one of the IUCN criteria for Vulnerable is met, the species would be added to the imperiled species management system.

- Provides a mechanism for screening species before effort is made to evaluate whether or not to list
- Using two systems provides more strength to the analysis while eliminating unnecessary, time-consuming evaluations for listing when not warranted

### 3. Delisting species

- Federally designated species
  - Removed from Florida's Imperiled Species List when they are removed from the ESA list
- State designated species
  - The species management plan for the Florida component would include quantitative objectives and measures to determine when species can be de-listed
- A management plan must be completed for species removed from the list (both federal and state designated species)



#### 4. Protections

- State designated species on the Florida Imperiled Species List will be protected by rule with penalties for rule violations established in statute
- Specific rules and protections may be adjusted to meet species needs
- Federally designated species on the Florida Imperiled Species List will be protected by the ESA and also by state rules and statutes



Staff have discussed some concepts about species protections within the imperiled species management system. Additional questions relating to protections still need to be addressed by the team:

- what level of penalty (felony, misdemeanor) is most effective
- what permits would be issued
- how to address the issue of “incidental take”

## 5. Coordination for federal species

- Regulatory and permitting authority could be delegated between federal agencies and FWC for particular federally designated species to avoid duplicate or redundant regulation



Our intent is to streamline permitting for federally designated species by having only one agency issue permits for particular species. Economic/fiscal issues are going to necessitate federal and state coordination to stop duplicative permit efforts.

## 6. Management plans

- Management plans can be tailored to each listed species' conservation needs and to balance the available resources for conservation
  - may be complex and long-term
  - may be terse and focused
  - would normally include recommendations for rules and regulations that conserve the species
- Management plans will prioritize resources and activities
- May develop multi-species or habitat-based plans



## Stakeholder engagement

### 1. THE LIST-

- Supportive of adopting federal list and having a state designation
- Concern about priority setting with a single category list

### 2. Listing process -

- Understand reasoning for not using ESA
- Hybrid option offers hope



In February, the FWC team held workshops with stakeholder groups representing four focal areas: governmental interests; recreational interests; regulated interests; and environmental interests.

At the stakeholder workshops staff and participants reviewed and discussed the six concepts just covered. In general, stakeholders were supportive of the concepts we discussed.

Some stakeholders, particularly environmental interests, were concerned about species that don't qualify for listing but that are declining or at risk of becoming listed in the near future. They want to ensure these species receive conservation attention and that they are highlighted as important. They asked that we consider a list for species which don't qualify as listed species, but may in the future if they aren't given attention. Other stakeholders expressed concern that another list, while not intended to be regulatory by the FWC, may be used as a regulatory tool by other agencies. There is also concern that nothing is done for species that are not listed. Florida's Wildlife Legacy Initiative may help with this. The imperiled species team has been working with Legacy Initiative staff to better describe how species will be managed to prevent the need to transition species from the non-game management system to the imperiled species management system.

Participants in the stakeholder workshops were supportive of the idea of adopting all federally listed species on our list and having a separate process for listing additional species at risk of extinction in Florida. Information compiled from the stakeholder workshops highlighted that staff need to address a perception among stakeholders that changing a listed species classification on the list also changes management actions. We must better explain the relationship of management actions to listing and how the imperiled species management system works within other management systems. There was some concern about how we could prioritize our efforts if we did not have multiple categories of imperilment. Priorities will be set in the management plan and through our priority setting process in the imperiled species management system. Stakeholders felt that including both federally or state listed species on Florida's list may provide insight into how to prioritize management and research effort.

In general, stakeholders understood our reasoning to eliminate ESA as a listing process option, although some stakeholders believe that we do not need a fully quantitative system. Some prefer a system such as ESA that involves the use of more subjective evaluations to include expert opinion of biologists, others prefer a strictly quantitative approach.

All four stakeholder groups expressed the opinion that the "hybrid" option offered hope for working through our past logjams – the idea of exploring this concept seemed to resonate with everyone.

## Stakeholder engagement

3. Removal from list
  - Needs to be better developed
4. Species Protections
  - Needs to be better developed
5. Coordination for federal species
  - General acceptance
6. Management Plans
  - Consensus that management plans are important and intrigued by multi-species or habitat approach



Concepts 3 and 4 need to be better developed in order to receive feedback and input from stakeholders.

For coordination for federal species (concept 5) there was general acceptance in all four stakeholder workshops for developing a unified permitting process in instances where both state and federal permitting is required for a species.

In the stakeholder workshops there was general consensus that management plans are very important for listed species. Penalties may be included within management plans. Periodic review standards should be written into all plans (e.g., gopher tortoise and bald eagle every 5 years and peregrine falcon proposed every 10 years). In discussions with stakeholders we identified that there is not a clear understanding about how a simple management plan might work and we will need to provide more information in this area. Some of the stakeholders we met with were intrigued by the concept of creating habitat-based or multi-species management plans. We're well on our way to developing our first habitat-based species management plan with our Coastal Wildlife Conservation Initiative.

A common theme among the stakeholder groups is that outreach about the species and the listing process in particular, needs to be directed toward target audiences (i.e., not the general public, but rather affected interests such as the regulated community and NGOs).

## Requested Commission Approval

- Move forward with state and federal designation concept
- Create a single category for Florida designated imperiled species
- Develop the hybrid option as FWC's proposed listing process method
- Conduct workshops to develop other management system components including the de-listing process, management planning, and protections
- If all essential elements are in place, bring draft rule in September 2009



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