

Table summarizing draft endangered and threatened species rules and changes being proposed. October 9, 2009

Rule	Summary title	Action	Summary of changes or intent of rules.
68A-1.004	Definitions	Revise	Definitions are being relocated to 68A-27.001. Florida Endangered and Threatened Species is defined.
68A-27.0001	Statement of Purpose	New	The statement of purpose has been added. The first sub-section makes clear what the intent of the rules for endangered and threatened species is. The second subsection explains the FWC will use the annual work planning process to identify activities relating to imperiled species it will work on in the next fiscal year.
68A-27.001	Definitions	New	A new definitions section will be added specific to the endangered and threatened species rules to clarify meaning and intent. The definition of State-designated Threatened Species is equivalent to the current rule definition of species of special concern (and equivalent to IUCN "Vulnerable"). Definitions of the terms "take," "harm," "harass," "incidental take," "management plan," "native," "candidate species," "isolated population," and "data deficient" are included in the definitions section.
68A-27.0011	Killing Endangered Species.	Minor revisions	There is no substantive change to this section, which prohibits intentional killing of a federally-designated endangered species.
68A-27.0012	Procedures for Listing, Delisting and Reclassifying Endangered, Threatened and Species of Special Concern.	Substantial Revision	This section will be revised to use the terms "Florida Endangered and Threatened Species," "Federally-listed Endangered and Threatened Species," and "State-designated Threatened Species." It will be comprised of two designations, federal and state. The federal designation will automatically apply to species in Florida that are listed under the federal Endangered Species Act as endangered or threatened. If a species is not listed federally, is native to Florida, and is not managed for harvest, it may be considered for state designation. To qualify, an individual must include an analysis to submit a biological score according to the method of Millsap et al. 1990. Staff will review the evaluation request. If the biological score is 27 or greater, the evaluation request will be sent to a biological review group to analyze. Species scoring less than 19 may not be further reviewed. If a requestor demonstrates a species meets one of the listing criteria, the species will be further evaluated regardless of Millsap score. The biological status group will make a finding as to whether or not the data indicate a species qualifies for state designation as imperiled using the state's listing criteria which are IUCN-based. Staff will create a report and make a listing recommendation to the Commission. Federally designated species status will change according to changes made under the Federal Endangered Species Act. State designated species will be removed from the list when they no longer meet the listing criteria. Management plans will be required before species are removed from the list.
68A-27.002	Provision for Harassment of Endangered, Threatened and Species Of Special	Repeal	This rule is redundant to 68A-9.010, airport safety rule which is as follows: (4) Take of nuisance wildlife on airport property. (a) Wildlife listed in Chapter 68A-27, F.A.C., that pose an imminent jeopardy to aircraft safety and human life, may be harassed by persistent, non-injurious disturbance without

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	Concern on Airport Property		physical capture or direct handling to disperse wildlife by airport operators or their agents on airport property in order to prevent collisions between aircraft and wildlife.
68A-27.0021	Designation of Candidate Species; Prohibitions; Permits.	Minor revisions	Under the new system, species will still be designated Candidate Species during the time between when the Commission has determined that the species warrants listing and the management plan is created and approved. Once the management plan is approved, the species will be listed as State-designated Threatened and removed from the Candidate list. The term “direct take” is modified and amended to “intentionally take” for consistency with other rules.
68A-27.003	Designation of Endangered Species; Prohibitions; Permits.	Substantial Revision	This section will be renamed to be “Florida Endangered and Threatened Species.” It contains Florida’s list of Federally-designated Endangered and Threatened species and the State-designated Threatened species that would be in effect if procedures proposed under 68A-27.0012 are passed. Several additional federally listed species will be added to the list.
68A-27.004	Designation of Threatened Species; Prohibitions; Permits.	Repeal	No longer needed since all state designated species will be in a single category.
68A-27.005	Designation of Species of Special Concern; Prohibitions; Permits.	Revise	The listing of species as Species of Special Concern will be maintained temporarily until management plans are developed for them and they have been evaluated to determine if they qualify as a State-designated Threatened species. The current protections in FWC rule and whatever protections exist in current law for these species (e.g. Local Government Comprehensive Plans) are maintained. Once the listing process has been conducted, the species will either be listed as a Threatened species or they will be removed from the Special Concern list. Species evaluated and found to have data insufficient to make a listing decision will not be removed. This rule will be repealed once all species have been removed. Current Species of Special Concern that are harvested and protected under a management program will be removed from the list.
68A-27.006	Reward Program.	Minor Revisions	The reward program will remain and is now administered under the Wildlife Alert program.
68A-27.007	Permits	New	Describes what the requirements are for permitting and how FWC will coordinate with the USFWS and NMFS in issuing permits. Federally-designated species will be permitted solely by the USFWS or NMFS unless permitting has been authorized to FWC. This is meant to streamline the permitting process and remove redundancy and duplication of effort by the agencies. Standards for permitting incidental and intentional take are described in this draft rule. Permitting standards for marine species will remain in 68B.