



LISTED SPECIES INCIDENTAL TAKE PERMIT SUPPLEMENTAL APPLICATION

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Habitat and Species Conservation, Species Conservation Planning Section

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The burrowing owl was reclassified to a threatened species under rule (68A-27.003) on January 11, 2017. According to Rule 68A-27.001, incidental take is take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Activities that result in impacts to burrowing owls and their nest burrows may require an Incidental Take Permit. Rule 68A-27.007 describes that permits may be issued when there is a scientific or conservation benefit to the species and only upon showing by the applicant that the permitted activity will not have a negative impact on the survival potential of the species. This new criteria must be demonstrated on all burrowing owl nest removal (now known as listed species incidental take) applications issued by this office on or after January 11, 2017.

Page 5 of this document includes incidental take application guidance, including the factors used to evaluate the application. Where factors are referenced below, please see page 5 for more details. Please provide the following information to complete your online application:

(Please Print or Type)

Date:

Online Application #:

Contact Information

Verify that the following information is accurate or provided in the Online Application.

- Applicant [Landowner] contact information (Name, Affiliation, Physical address, Phone, Fax and Email address) (Please note the Applicant must be the property owner or manager (if public holding)(if applying on the behalf of your client-the Applicant)
- Agent [Consultant] contact information (Name, Affiliation, Physical address, Phone, Fax and Email address)
- Applicant signed Delegation Statement authorizing Consultant to Act as Agent on their behalf (submit as a separate document, if applicable.)
- Provide the Applicant qualification/experience for performing wildlife activities (if Applicant will execute the permit)

- ❑ Provide the Agent qualifications/experience for performing wildlife activities (if Agent will execute the permit).

Project Description:

- ❑ Total acreage of project site
- ❑ Narrative of the species impact and area of impact. Please describe the project’s methods in sufficient detail to evaluate the probable direct or indirect effect of the project on the species (Factors 2, 3, and 4). Your response should include the following, if applicable:
 - ❑ How many acres will be impacted, what are the types of activities (building a home, etc.), and what is the duration (temporary, permanent, three months, six months, etc.) of activities?

- ❑ Include site plan overlay of proposed development showing the location of animals or burrows within the footprint of the project (if not provided on original application).
- ❑ Explanation of activities that will result in incidental take of the species (e.g., what action is proposed to have what impact on the species) over how much acreage. (An example of a potential action and the impact it will have is grading of a lot may collapse a burrowing owl burrow). Provide the number of nests/burrows impacted and the number of owls observed at each burrow.

- Include digital photographs of each burrow (showing owls present if possible) to be impacted (if not provided in original application) by each type of activity.

Minimization/Mitigation to Achieve Conservation or Scientific Benefit

- The FWC may issue permits when there is a scientific or conservation benefit and only upon a showing by the applicant that the permitted activity will not have a negative impact on the survival potential of the species (Rule 68A-27.007 F.A.C.). Please describe how the project furthers the conservation or survival of the species and achieves conservation or scientific benefit.
 - In your response, please explain why “take” of the species (e.g., to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect as defined on page 5 below) could not reasonably be avoided (see Factor 5). The following are some ways to avoid take:
 - Avoid actions that could kill or injure burrowing owls or their eggs
 - Conducting activities greater than 10 feet from a burrowing owl burrow year-round
 - Conduct activities greater than 33 feet from a burrowing owl burrow during the nesting season
 - Staking and roping off the area around the burrow prior to activities

- What specific avoidance, minimization and/or mitigation options are proposed to meet the species permitting standard of conservation or scientific benefit (Factor 1, 4 and 5)?
 - Examples of avoidance measures are described above, and minimization may include incorporating some of the avoidance measures above or other actions such as reducing the number of burrows impacted or conducting the project outside of the breeding season, and
 - Conservation benefit requires that take is counterbalanced and some additional benefit is provided. Examples of mitigation include installing an artificial burrow system, restoring or maintaining burrowing owl habitat, or contributing to an organization that promotes burrowing owl conservation.

- ❑ Include draft/final documents that will constitute fulfillment of the proposed mitigation (e.g., habitat management plans, financial assurances for artificial burrow system or contribution, or conservation easements etc.)

- ❑ Does the presence of the species or its burrow pose a human safety hazard? Yes No

If yes, please explain in sufficient detail how the above proposed activities will alleviate the hazard.

- ❑ Are there any other relevant issues to discuss regarding the conservation and management of this species on the subject property? Yes No If yes, please explain.

Submit the complete supplemental application form and additional files (e.g. Delegation of Authority letter, maps, digital photographs etc.)] by uploading to the “Attachments” page of the Application in the [Online Permit System](#).

INCIDENTAL TAKE APPLICATION GUIDANCE

Please note the following rule criteria (full context available at [68A-27](#), F.A.C.) must be demonstrated in the application to qualify for a listed species incidental take permit:

State-designated Threatened Species (as designated in 68A-27.003) - No person shall take, possess, or sell any threatened species included in this subsection or parts thereof or their nests or eggs except as authorized by Commission rule or by permit from the Commission or when such conduct is authorized in a management plan as defined in this Chapter and approved by the Commission, or as authorized in Commission-approved guidelines.

Permit requirements per 68A-27.007, F.A.C.:

Incidental take: Incidental take: The Commission may issue permits authorizing incidental take of State-designated Threatened Species upon a conclusion that the following permitting standards have been met: the standards for species that have a permitting standard for incidental take in Rule 68A-27.003, F.A.C., take precedence; for all other State-designated Threatened Species, the permit may be issued when there is a scientific or conservation benefit and only upon a showing by the applicant that the permitted activity will not have a negative impact on the survival potential of the species. Factors which shall be considered in determining whether a permit may be granted are:

1. The objectives of a federal recovery plan or a state management plan for the species sought to be taken;
2. The foreseeable long range impact over time if take of the species is authorized;
3. The impacts to other fish and wildlife species if take is authorized;
4. The extent of injury, harm or loss of the species;
5. Whether the incidental take could reasonably be avoided, minimized or mitigated by the permit applicant;
6. Human safety; and,
7. Other factors relevant to the conservation and management of the species.

For Threatened Species **take** is defined as – to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in such conduct. The term “harm” in the definition of take means an act which actually kills or injures fish or wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. The term “harass” in the definition of take means an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding or sheltering.

Incidental take is defined as - any taking [as defined above] otherwise prohibited, if such taking is incidental to, and not the purpose of the carrying out of an otherwise lawful activity.

Additional Guidance

The [Imperiled Species Management Plan](#)  provides additional guidance for imperiled species permitting (pg. 24-29), policies (pg.34-38) and Florida Burrowing owl species action plan summary (pg. 51) that may assist you in providing sufficient information to demonstrate the current rule criteria for a complete application.