

Policies

A policy is a formally approved, definitive statement of a principle or course of action to guide agency decision-making or the manners of proceeding regarding its management of fish and wildlife resources for their long-term well-being and the benefit of people. The following Florida Fish and Wildlife Conservation Commission policy was created to support implementation of, and is available in full context in [Florida's Imperiled Species Management Plan](#). It was approved by the Commission in November, 2016.

State-listed species and man-made structures

Issue

Listed species have been documented using man-made structures for essential behavioral patterns (feeding, breeding, and sheltering). Clear policy is needed to protect state-listed species when proposed activities may alter or remove such structures.

Policy guidelines

Actions that do not require take permits

Removal or modification of man-made structures that are clearly not occupied by state-listed species do not require Florida Fish and Wildlife Conservation Commission (FWC) permits; however, the removal or modification of structures recently or previously occupied must be conducted in a manner consistent with this policy. For the purposes of this policy, man-made structures include structures created by people, which may or may not be intended for use by wildlife. Structures include (but are not limited to) buildings, bridges, utility poles, signs, equipment, heavy machinery, pipes, loading docks, and bat and bird houses.

For actions proposed where state-listed species have recently been using a man-made structure for essential behaviors, removal or modification of the structure is authorized without a permit, provided that

- an approved Wildlife/Habitat Management Plan is in place for the area in which the activity will occur, or
- at least 14 days prior notification is provided to the FWC's Species Conservation Planning Biologist in the region where the activity will occur; no eggs or dependent young are present, or the nesting cycle (or rearing of young) has been completed; and the activity is conducted in such a way so as to avoid direct physical injury of individual animals.

Persons complying with these conditions are legally covered should incidental take of state-listed species using the structure occur as a result of its removal or modification. Persons not complying with these conditions, such as those that do not contact FWC and provide 14 days' notice or do not conduct the activity in a way that avoids direct physical injury, are not authorized to cause incidental take.

This policy does not replace requirements relating to bats occupying man-made structures; persons must also comply with Rule 68A-9.010, F.A.C. Persons complying with that rule and this policy are legally covered should incidental take of nonlisted bats occur as a result of removal or modification of the structure. The Florida bonneted bat, a federally Endangered species, is not covered by Rule 68A-9.010, F.A.C., and a federal permit may be needed whenever it is encountered in man-made structures slated for removal or modification.



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This policy does not apply to the bald eagle (*Haliaeetus leucocephalus*), which is protected by the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act, and Rule 68A-16.002, F.A.C. Removal of any bald eagle nest requires a permit from both the USFWS and FWC. Additionally, FWC's Osprey Nest Removal Guidelines will be updated to reflect consistency with this policy.

Actions that require incidental take permits

When listed species occupy man-made structures for nesting or breeding, the goal is to avoid and minimize disturbance that constitutes take including harm or harassment. Therefore, this policy does not authorize removal or modification of man-made structures when listed species are actively engaged in nesting or breeding. An incidental take permit during this time will be issued without any mitigation when the activity must occur to ensure human health and/or safety. Such incidental take permits will include appropriate conditions for minimizing the take and avoiding direct, physical injury of the animals. In exceptional cases where it is not possible to leave nests in place, movement of nests, eggs, or young by persons with appropriate training and experience in the safe handling of the species or similar species would be required. For example, a permit issued for air conditioner repairs on a roof with nesting least terns could include protective measures such as posted working areas and specific working times and duration.

Mitigation

Removal or alteration of any man-made structures that have served as listed species habitat for nesting or breeding that results in an incidental take will not be required to provide a conservation or scientific benefit when conducted consistent with this policy. In cases where the man-made structure was required as part of a mitigation plan for permits issued for impacts to state-listed species (e.g., nesting structures), the original permitting agency should be contacted to discuss replacement mitigation sites.



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