

# ISMP Rules – An Update



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Division of Habitat and Species Conservation  
Florida Fish and Wildlife Conservation Commission

Version 1

The Imperiled Species Management Plan (ISMP) is scheduled for final approval in November 2016. A number of rules being revised in support of the ISMP also are scheduled for final approval in November 2016. We have made changes to the proposed language associated with two of those rules not yet advertised, and are seeking Commission approval to advertise the rules with revised language.

*Clockwise from top left: Sherman's fox squirrel (remain SSC) and white-crowned pigeon (recommend Threatened).*

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## ISMP Rules

- Commission first saw proposed rule revision language for all ISMP-related rules in November 2015
- Notice of Proposed Rules were published for all except 68A-16.003 and 68A-27.003 because we knew the proposed language for those two rules was likely being revised.



The Commission first saw proposed rule revision language for nine rules in November 2015. Notice of Proposed Rules (NPR) for seven of these rules were developed and published in the Florida Administrative Register to advertise these rules. NPRs for rules 68A-16.003 and 68A-27.003 were not immediately developed because we knew revisions to the proposed language were very likely.

*Photo: Gopher frog, FWC*

## Rule 68A-16.003

### Non-listed Migratory Bird Nests

- Stay consistent with the Migratory Bird Treaty Act, incorporated into FWC rules
- After further review, staff proposes different language to:
  - clarify intent of the rule is to address both active and inactive nests
  - ensure the rule is not in conflict with other FWC rules related to migratory birds.



Rule 68A-16.003 is a proposed new rule needed to stay consistent with the Migratory Bird Treaty Act (MBTA), which is incorporated into FWC rules, and eliminate the need for a State permit to remove inactive nests of birds protected by the MBTA. After discussions with our avian and legal experts, staff is proposing some different language from that originally approved by the Commission to clarify the intent of the rule is to address both active and inactive nests, and to ensure the rule stays consistently with the MBTA as it has been incorporated into FWC rules.

*Photo: Red-headed woodpecker, FWC (Andy Wraithmill)*

## Rule 68A-27.003

### Florida Endangered and Threatened Species List

- In addition to approving the original language for NPR publication in November 2015, the Commission approved revised language in February 2016
- After further review, staff proposes:
  - clarification that Commission-approved guidelines may indicate activities that do not need a permit
  - minor changes to some species names



Rule 68A-27.003 is the rule that contains the Florida Endangered and Threatened Species list. In addition to approving the original revised language in November, the Commission also approved a revised language in February 2016 correcting an unintended omission of two species from the list. Staff is now proposing language changes to what the Commission has approved to clarify that Commission-approved guidelines may be used to indicate activities that do not need a permit and other minor changes to species names.

*Photo: Black skimmers, FWC (Andy Wraithmill)*

## Staff Recommendation

- Approve publishing NPRs for rules 68A-16.003 and 68A-27.003 as revised.



Staff recommends the Commission approve publishing NPRs for rules 68A-16.003 and 68A-27.003 as revised.

*Photo: Florida pine snake, FWC*

The following slides are considered backup material  
and are not anticipated to be part of the actual  
presentation

