

Nonnative Species Draft Rules



Draft Rules
December 13, 2018



Florida Fish and Wildlife Conservation Commission

Version 2

Division: Habitat and Species Conservation

Author: Kristen Penney Sommers, Andrea Sizemore, Sarah Funck

Contact Phone Number: (850) 488-3831

Report date: December 13, 2018

Photos:

Dwarf mongoose (Wikimedia Commons)

Burmese python (FWC)

Murray cod (Wikimedia Commons)

Addressing Gaps in Nonnative Species Rules

- Key term definitions
- High-risk “Injurious” wildlife
- Import permit application and evaluation requirements



The nonnative species rule Chapter 68-5, Florida Administrative Code (F.A.C.), regulates use, possession and importation of nonnative species, identifies harmful invasive species as Conditional or Prohibited, and establishes exotic pet amnesty among other topics. Throughout the last year, staff worked with stakeholders on addressing gaps in these regulations. At the September Commission Meeting, staff discussed some of the challenges identified in the nonnative species rule chapter and proposed ways to improve the rule language to protect Florida from potential or realized adverse impacts of nonnative species.

Per direction from the Commission, staff solicited feedback from the public on rule concepts to address these gaps.

Photo: Freshwater stingray (Wikimedia Commons). This species is listed as Conditional in Florida. This group of species can only be possessed for commercial use, public exhibition, or research.

Stakeholder Engagement and Public Comment

- Hosted 5 public workshops
- Received comments via email and through an online survey tool



Staff collected public comment on these draft rule concepts at workshops and online. In October, five public workshops were held throughout central and south Florida. Opportunities to provide comment were announced via the Florida Administrative Register, a news release and by emailing interested parties that signed up to receive information from FWC's Captive Wildlife Office. FWC's website also directed interested parties to an email address and online survey link as an alternative way to provide comment.

Over 30 people attended in-person workshops and over 250 people completed surveys and submitted comments. We incorporated recommendations provided as appropriate and will continue to consider public comments as we focus on future improvements to our rules.

Photo: Members of the public engaging with staff at a rule development workshop, October 2018 (FWC).

Draft Definitions

- Closed tank system
- Commercial import or export business
- Educational exhibit
- Escape proof
- Export
- Import
- Personal possession
- Public aquaria, public exhibitor, and public zoological park
- Research



Staff drafted definitions for the terms listed here. These terms are currently used in the nonnative species rules, but lack clear definitions. The majority of feedback received supported the general definition concepts that were provided. Recommendations to improve clarity and intent of these terms were incorporated into the drafts provided to you for consideration.

Photo: Fish on display at a public facility (Wikimedia Commons)

Proposed Prohibited Species

- Mammals: meerkats/mongoose, raccoon dog, dhole, brushtail possum, flying foxes
- Birds: red-whiskered bul-bul, dioch, Java sparrow, pink starling
- Reptiles: Brown tree snake, yellow anaconda, Beni anaconda, DeSchauensee's anaconda



These species are listed by the U.S. Fish and Wildlife Service (USFWS) as “Injurious”, meaning they can not be imported into the U.S. without a federal permit. However, they are not on the State of Florida’s Prohibited List and therefore can be imported into Florida from other states or possessed as pets. Staff utilized recent risk assessments or conducted new risk screenings and determined these species present a high level of risk to the state.

A majority of the feedback received by members of the public supported adding these high-risk species to the Prohibited species list. To address any persons currently in possession of these species for personal use, grandfathering language was drafted in Rule 68-5.007, F.A.C. for your review. This grandfathering language will allow people with these species in current personal possession to keep the animal for the life of the individual animal with a no-cost permit. No additional animals could be acquired with this type of permit.

Photo: Red-whiskered bul-bul (FWC).

Executive Order 18-46

- Signed October 2, 2018
- Limits import of species currently proposed for Prohibited listing
 - Permit required
 - Applicants must meet possession requirements for Prohibited species



In the interim, Executive Order (EO) 18-46 was implemented to help address this gap. This EO temporarily limits the importation of high-risk “Injurious” species. EO 18-46 was signed on October 2nd and will be effective until replaced by rule. This EO limits the importation of the aforementioned species, which are currently being considered for Prohibited species listing:

- Mammals: mongoose/meerkats, dhole, flying fox, brushtail possum, raccoon dog
- Birds: red-whiskered bul-bul, red-billed quelea/dioch, Java sparrow, pink/rosy starling
- Reptiles: yellow anaconda, Beni anaconda, DeSchauensee’s anaconda, brown tree snake

Photo: Dhole/Indian wild dog (Wikimedia Commons)

Importation of Nonnative Species

- Public support for conceptual language
- Additional time needed to work with stakeholders
 - Import permit currently needed for any nonnative species
 - Need to engage with additional stakeholder groups



Public feedback supported the import permit criteria conceptual language. However, staff identified additional key stakeholder groups with whom we need to engage before moving forward with draft rule language addressing importation of nonnative species.

Currently, rule language requires that any person importing any nonnative species obtain an import permit from the State of Florida. This language includes anyone moving into Florida with any nonnative pet, like a gecko or sugar glider. It also includes a variety of fish and invertebrates. Changes to this language could impact a broad range of stakeholders including tropical fish dealers and marine life dealers. Staff need additional time to ensure that proposed changes have been discussed with these key stakeholder groups and are drafted effectively. Staff will bring draft language to a future meeting.

Photo: Asian water monitor, a nonnative animal that has been introduced to Florida. This animal was photographed on a game camera in Key Largo and has not been captured yet (FWC).

Other Comments

- Consider assessing other species in trade
- Iguana management and regulation
- Increase education and outreach activities
- Future stakeholder engagement



Public comments also identified other constituent concerns, such as assessing other species in trade, addressing iguana regulation and management, conducting future risk analysis and involving a stakeholder working group in that analysis, and increasing education and outreach activities instead of regulation.

Photos: Argentine black-and-white tegus are spreading in south and central Florida and are documented as having an impact on native fish and wildlife (FWC).

Green iguanas are problematic for many constituents in south Florida (FWC).

Blue-ringed octopus and other potentially high-risk species could be the subject of future stakeholder engagement (Elias Levy).

Staff Recommendations

- Approve Draft Rule 68-5.002, F.A.C., that provides definitions of key terms
- Approve Draft Rule 68-5.006, F.A.C., that adds high-risk “Injurious” species to the Prohibited species list
- Approve Draft Rule 68-5.007, F.A.C., that provides grandfathering language

Staff would seek approval of final improved language at a subsequent Commission meeting after considering public comment



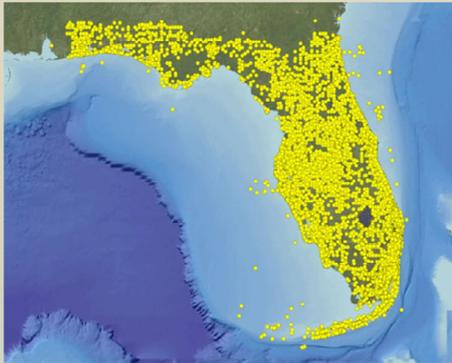
Today, staff recommend approval of the proposed rule language for Chapter 68-5, F.A.C., as presented. If approved, draft rules will be advertised that will allow for further public comment on draft rule language. Final rule language will be presented at a subsequent Commission meeting.

Staff also recommend approval to continue to work with stakeholders on import permit and importation criteria rule concepts and provide draft language at a subsequent Commission meeting.

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

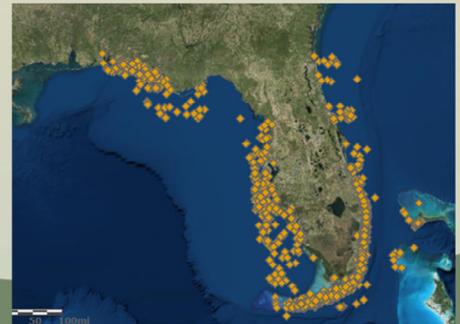


Nonnative Fish and Wildlife in Florida



FWC 1924 - Present

- Over 500 nonnative fish and wildlife species have been observed in Florida
- At least 150 species are reproducing
- Nearly 60,000 observations of nonnative wildlife (not lionfish)
- Over 500,000 lionfish removed from around Florida

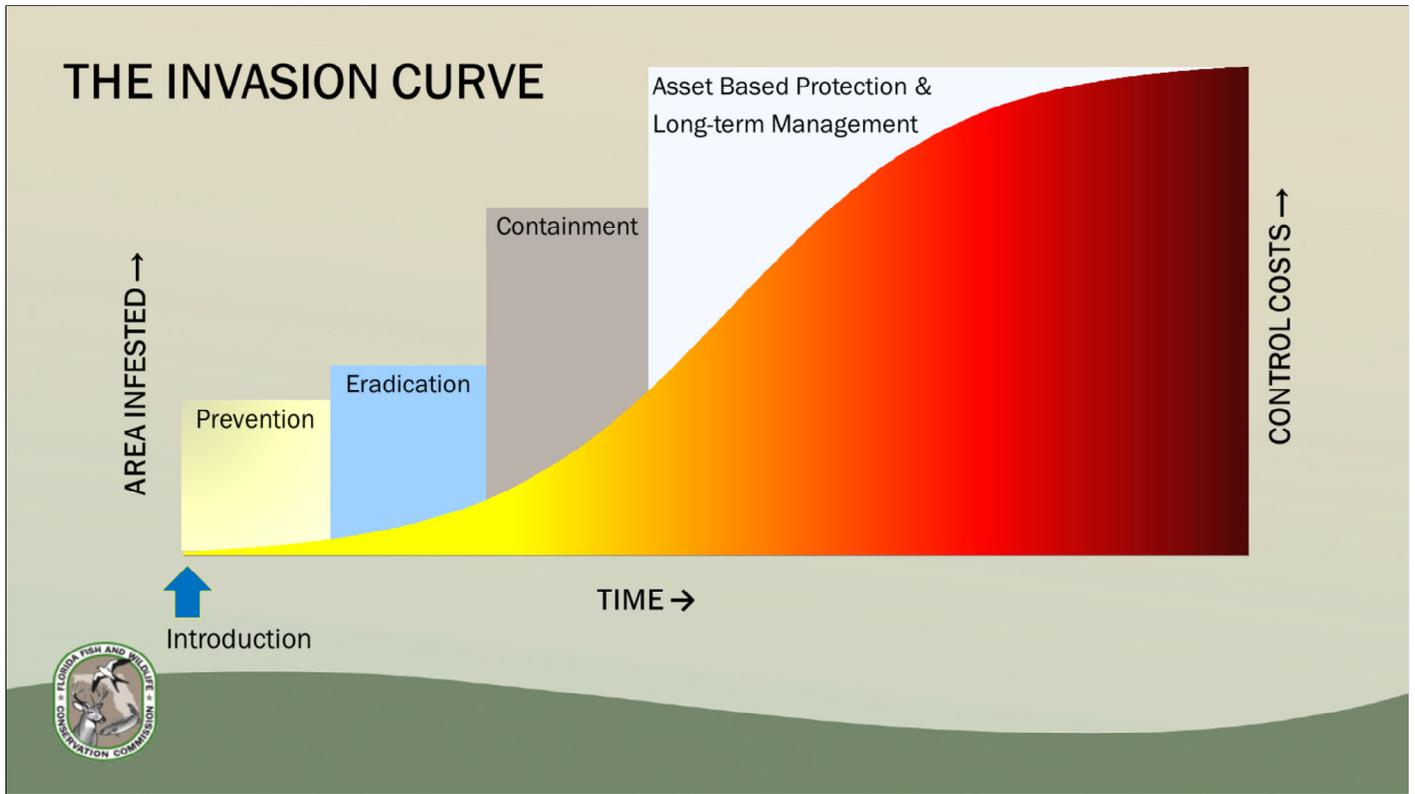


Lionfish reports in the USGS
Nonindigenous Aquatic Species
Database 1985-Present



Almost 60,000 observations of nonnative wildlife have been recorded in our state. This represents over 500 different nonnative species. Of these we estimate that more than 150 have reproducing populations. Despite it being illegal to release any animal not native to Florida, it is believed that the vast majority of these species entered the wild as a result of either being released or escaped from captivity.

The marine environment also represents its own challenges. Over 500,000 lionfish have been removed from coastal Florida waters, as documented by FWC staff since the beginning of the FWC Lionfish Program in 2014 through 2018.



The slide illustrates what has been referred to as the invasion curve. As more area becomes infested, the less likely the species will be eradicated and costs of management go up. Preventing the release and establishment of nonnative wildlife is clearly the key. Regulation is considered to be one of the most effective prevention tools available.

Graphic adapted from Department of Environment and Primary Industries, Victoria, Australia

Impacts of Invasive Fish and Wildlife

- Ecological Impacts
 - Direct predation
 - Competition with native species
 - Habitat alteration
 - Disease
- Human health and safety
- Economic impacts



Not all nonnative species are considered invasive or potentially invasive. Invasive species are those known to cause or are likely to cause ecological or economic impact or are a threat to human health and safety. FWC is challenged with determining what species that may enter Florida may become problematic.

Photos:

Top left: Black and white tegu raiding an alligator nest in Miami-Dade County (University of Florida)

Right: Bird remains found in Burmese python, including piled bill grebe, blue heron and roseate spoonbill., (University of Florida)

Bottom left: Burmese python that had consumed adult white-tail deer (Everglades National Park/National Park Service public domain)