

DRAFT RULE
Imperiled Species Management Plan Guidelines – 68A-16.003, F.A.C.
Update No. 1 – February 14, 2019
Consent Item 4
February 20, 2019

Summary of Change: Based on input from the public, the phrase “incorporated by reference on EFFECTIVE DATE” will be added to the rule language to add make it clear when the guidelines become incorporated into rule by reference. The effective date will be inserted into the final rule.

FISH AND WILDLIFE CONSERVATION COMMISSION

DIVISION: Freshwater Fish and Wildlife

RULE NO.:68A-16.003

RULE TITLE: Rules Relating to Birds

NOTICE OF PROPOSED RULE

PURPOSE AND EFFECT: The FWC Commission approved the status change to remove the Osprey (Monroe county population) from the Species of Special Concern list (68A-27.005, F.A.C.) in September 2018. Those status changes took effect December 23, 2018. The Commission also approved Species Conservation Measures and Permitting Guidelines to clarify activities that did not require a permit for the Osprey. To authorize activities that are exempt from permitting and to clarify which guidelines are Commission approved, staff have proposed adding language and hyperlinks to make this document accessible to the public electronically. The purpose of this rule is to authorize activities in the Commission approved guidelines and provide clear access to those guidelines. The effect of this rule is to incorporate the Osprey guidelines into rule by reference and hyperlink to the documents within the Florida Administrative Register.

THE FULL TEXT OF THE PROPOSED RULE IS AS FOLLOWS:

68A-16.003 Non-listed Migratory Bird Nests

For birds identified by the United States Departments of Interior or Commerce in 50 C.F.R. §10.13, List of Migratory Birds (effective 09/2016, which is hereby incorporated by reference at <https://www.flrules.org/Gateway/reference.asp?No=Ref-07922>), and not listed in Chapter 68A-27 or Rule 68A-16.002, F.A.C.

- (1) The possession, sale, purchase, barter, transport, import, export, or collection of an inactive or active nest (meaning a nest containing eggs or flightless young) or parts thereof are prohibited by the Commission without appropriate Federal authorization or as authorized in Commission-approved guidelines (incorporated by reference on EFFECTIVE DATE, Osprey - *to be assigned**).
- (2) Notwithstanding the prohibitions in subsection (1), onsite destruction of an inactive nest (meaning a nest that does not contain eggs or flightless young) or parts thereof is permitted by the Commission but may require Federal authorization.

NOTE: Staff is requesting Commission approval to advertise the proposed amendment and file for adoption as soon as possible. If the rule amendment is approved for both advertisement and final adoption, Commission staff will file the rule for adoption as allowed by s. 120.54(3) Florida Statutes, without further public hearing.

*The PDF of these guidelines can be found at <https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/>. The final hyperlink to the Commission approved guidelines will be inserted into the final rule.