

MEMORANDUM



To: Florida Fish and Wildlife Conservation Commissioners
From: Kipp Frohlich, Director, Habitat and Species Conservation
Date: December 12, 2019
Subject: Draft Rule - Imperiled Species Management Plan Guidelines

Purpose:

Obtain approval for Species Conservation Measures and Permitting Guidelines (Guidelines) for seven species and for three draft rule revisions that incorporate the Guidelines by reference into Florida Administrative Code (F.A.C.) rules.

Why: Provide conservation and permitting clarity for state listed species.

Top Points:

- 1) This group of Guidelines includes three state-Threatened species (bluenose shiner, Sanibel Island rice rat, and short-tailed snake) and four species no longer listed (Lake Eustis pupfish, Pine Barrens treefrog, snowy egret, and white ibis).
- 2) Rule revisions to 68A-27.003, F.A.C., incorporate the Guidelines by reference.
- 3) Rule revisions to 68A-26.002, F.A.C., and 68A-16.003, F.A.C., incorporate the Guidelines by reference, clarify current prohibitions, and add that Guidelines can provide authorizations for take.
- 4) With completion of this set of Guidelines, 39 of 59 species have Guidelines.

Affected Parties:

Potentially affected parties include land owners, environmental consultants, mining industries, utilities, universities, conservation organizations, local municipalities, county governments, and state governmental entities.

Summary:

In 2016, staff was directed by the Commission to develop Guidelines for all species included in Florida's Imperiled Species Management Plan. Guidelines summarize species biology and habitat needs, identify what constitutes take through habitat modification for state-Threatened species, and provide guidance on survey methodology and voluntary conservation practices. Guidelines outline activities not expected to cause take, methods for avoiding take and in some cases authorize take for certain activities, such as emergency actions for human safety. Guidelines also provide options for achieving conservation benefit through minimization and mitigation in circumstances where take cannot be avoided for state Threatened species. Stakeholder concerns included the desire for all Guidelines to authorize routine maintenance by utility providers in right-of-way areas and the request that Guidelines for non-listed species clarify that only intentional take is prohibited. Staff have engaged with many of the stakeholders through the public comment process. Staff anticipate effects to be minimal due to the limited range of most of these species or their delisted status.

Staff Recommendation:

- 1) Approval of the Species Conservation Measures and Permitting Guidelines for seven species, and
- 2) Approval to publish proposed draft rules and file for adoption without further hearing, unless requested.

Staff Contact and/or Presenter:

Melissa Tucker, Deputy Director, Habitat and Species Conservation