

## **Imperiled Species Management Plan: Species Conservation Measures and Permitting Guidelines**



December 12, 2019

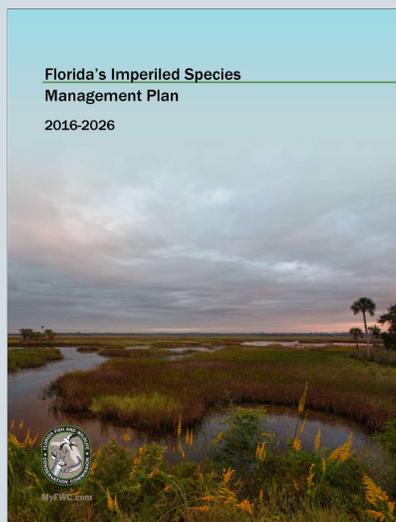


Florida Fish and Wildlife Conservation Commission

Presenter: Melissa Tucker, Deputy Director, Division of Habitat and Species Conservation

## Background

- Imperiled Species Management Plan
  - Approved November 2016
- Addresses 59 species
  - 38 State Threatened
  - 21 Recently removed from the list



Florida's Imperiled Species Management Plan was approved by Commissioners in November 2016. The ISMP is a comprehensive plan addressing conservation of state-listed and recently delisted species. The plan is completing its third year of implementation, and we have made significant progress towards meeting objectives and improving our agency's approach to conserving imperiled species. The plan includes both state-listed and recently de-listed species and is supported by species-specific action plans, regulatory policies, integrated implementation strategies, and Species Conservation Measures and Permitting Guidelines (Guidelines).

*Photo: ISMP Cover*

# Species Conservation Measures and Permitting Guidelines



- Developed for all species included in the ISMP (59)
  - State-Threatened and non-listed species
- Incorporated into species rules by reference
- Biological background
- Voluntary conservation measures and permit options
- Avoidance, minimization, and mitigation options for state-Threatened species



The Species Conservation Measures and Permitting Guidelines are a significant component of the ISMP. Guidelines clarify protections and improve the permitting process for the state's imperiled species. All 59 species included in the ISMP will have guidelines developed, which includes listed and non-listed species. Rule 68A-27.0012, F.A.C. describes that prior to removing a species from the state-Threatened list, a management plan (including needed protections) must be approved. The Guidelines for non-listed species complete this process, started when the ISMP was approved in 2016.

Once approved by the Commission, Guidelines are incorporated into rule by reference.

Guidelines include several key components:

- Biological background is necessary to understand a species' essential behaviors and assess which activities may result in take.
- They also include voluntary measures designed to benefit the species.
- Different permit types available and explanation of when each is applicable.
- Finally, avoidance, minimization, and mitigation options are included in Guidelines for state-Threatened species.

Species Conservation Measures and Permitting Guidelines will be completed for all remaining species, phased to overlap with research findings and ongoing conservation programs. Guidelines will be presented to the Commission through

the end of 2020.

## Species Overview

### State-Threatened

- Sanibel Island Rice Rat
- Short-tailed Snake
- Bluenose Shiner

### No longer listed

- Lake Eustis Pupfish
- Pine Barrens Treefrog
- Delisted Wading Birds:  
Snowy Egret, White Ibis



This group of Guidelines includes:

### 3 state-listed species

Sanibel Island rice rat  
Short-tailed snake  
Bluenose shiner

### 4 species removed from the list

Lake Eustis pupfish  
Pine Barrens treefrog  
Snowy egret  
White ibis

*Photos, clockwise from top: white ibis, Pine Barrens treefrog, short-tailed snake.*

## Sanibel Island Rice Rat



- Conservation recommendations
  - Maintain and restore natural hydrology
- Current regulations provide protection
  - Environmental Resource Permitting conditions



Sanibel Island Rice Rat is state-Threatened, and limited to Sanibel Island (Lee County). Habitats include fresh and saltwater marshes, swamps, hammocks and mangroves. Individuals are known from 5 locations on the island. The majority of habitat for this species is on public lands including Ding Darling NWR, City Conservation Areas, and lands managed by the Sanibel-Captiva Conservation Foundation. Threats include habitat loss, predation, and competition with black rats.

Floating bucket camera traps are a viable survey method, and no permit is needed for this survey methodology. Guidelines focus on maintaining and restoring natural hydrology and habitat quality.

In many cases, avoidance and minimization measures included in DEP's environmental resource permitting (ERP) conditions may satisfy the applicants' responsibilities under 68A-27, F.A.C. and no additional FWC permit for incidental take would be necessary. In some cases, additional avoidance, minimization or mitigation measures may be necessary. However, it is expected that when mitigation sites include suitable wetlands within the species range, an applicants responsibilities would be satisfied through the ERP.

*Photo: Sanibel Island rice rat*

## Short-tailed Snake

- Conservation recommendations
  - Avoid compacting soil
  - Maintain well-drained upland habitats, such as sandhill
- Focus on acquiring information for this species



The short-tailed snake is state-Threatened, with a range limited to ridges in central Florida and the Gulf Coast. Primary threats are habitat loss and fragmentation within the uplands this species is already restricted to.

The short-tailed snake is fossorial and difficult to detect, even in occupied habitat. It falls under the cryptic species policy within the ISMP; this policy identifies the need to collect more information about cryptic species as scientific benefit within the regulatory process. For the short-tailed snake, acquiring more information about distribution and habitat use is a critical need; this type of information may constitute a scientific benefit.

*Photo: short-tailed snake*

## Bluenose Shiner

- Conservation recommendations
  - Improve or maintain water quality
- Protections from other regulations
  - Environmental Resource Permitting conditions
  - Florida Forestry and Agricultural Wildlife Best Management Practices
  - Outstanding Florida Waters designation in some places



Photo by Howard L. Jelks, U.S. Geological Survey



The bluenose shiner is state-Threatened, with two disjunct population groups - one in the western Florida panhandle and another in the St. Johns River basin. The shiner occupies rivers and streams already designated as Outstanding Florida Waters, and is included in Florida Forestry and Agricultural BMPs.

Guidelines focus on habitat management through maintaining or improving water quality for the species. The bluenose shiner also occurs outside of Florida, and possession is allowed in some other states; however possession of state-listed species in Florida is prohibited, even if they are obtained out of state.

*Photo: bluenose shiner, Howard L. Jelks, USGS*

## Lake Eustis Pupfish

- Conservation recommendations
  - Improve or maintain water quality
  - Maintain sandy, gently sloping shorelines in lakes occupied by the pupfish
- Guidance on how to get a scientific collecting permit



The Lake Eustis pupfish was removed from the Florida Endangered and Threatened Species List in 2017, following status changes approved along with the ISMP in 2016.

It is endemic to eight lakes in the Ocklawaha River drainage and the incredibly limited range of the species was part of the reason it was initially listed. However, historical records indicate the species did not occur outside of the range, and it remains locally abundant.

Recommended conservation practices focus on maintaining water quality and providing adequate buffers between riparian habitat and pollution sources. For this species, actions that benefit overall quality of the lake systems in which it occurs will continue to benefit the species.

*Photo: Lake Eustis pupfish*

## Pine Barrens Treefrog



- Conservation recommendations
  - Maintain prescribed fire regime in uplands surrounding acidic bogs and seepage slopes
- Guidance on how to get a scientific collecting permit



The pine barrens treefrog was removed from the state Threatened and Endangered Species list after a biological status review found the species to be more widespread in the state than when originally listed as a Species of Special Concern. The treefrog occurs in the northwest panhandle in acidic seepage bogs. The primary threats are habitat loss through fire exclusion and altered hydrology.

Voluntary conservation measures for this species focus on maintaining appropriate fire regime, including conducting growing season burns, and managing vegetation to promote natural hydrology. Guidelines also recommend maintaining the species as a focus in management plans for Eglin Air Force Base and Blackwater River State Forest, where a significant portion of habitat occurs. This is important to securing the population and may prevent need for future listing.

Actions that benefit the Florida bog frog, a state-Threatened species with overlap in range, are also expected to benefit the Pine Barrens treefrog.

*Photo: Pine barrens treefrog in a pitcher plant*

## Delisted Wading Birds

- White ibis and snowy egret occur statewide
- Often found nesting in colonies with state-Threatened species



The snowy egret and white ibis were both removed from the state Threatened and Endangered Species list in 2017. These species are part of a remarkable conservation success story; populations increased following severe declines resulting from impacts of DDT and plume hunting. These two species are addressed in one set of Guidelines due to similarity in biology.

Both species occur statewide and breed in mixed species colonies, often with state-Threatened wading birds. Guidelines focus on preventing disturbance during nesting, maintaining suitable nesting sites, and improving water quality.

*Photos, left to right: white ibis, snowy egret*

## Delisted Wading Birds

- Conservation recommendations
  - 100 meter buffer around colonies to prevent disturbance
  - Conduct activities outside of the breeding season, which occurs from March to August
- Destruction of inactive nests is authorized without a permit
- Take of active nests, adults, eggs, or young is not authorized



Survey methodology for delisted wading birds defers to the Guidelines for state-Threatened wading birds since mixed-species colonies are prevalent and it's important to determine if state-listed species are present.

Conservation recommendations include a 100 meter buffer around colonies for activities that may disturb wading birds. On-site destruction of **inactive** nests (defined as those without eggs or flightless young) is authorized without a permit, provided it does not cause harm or harassment to state-Threatened wading birds, or take of delisted wading birds.

During the breeding season (March – August) it's highly likely that active nests are present along with inactive nests, and take is likely to occur if activities are conducted near the colony. As previously mentioned, these species frequently nest in mixed colonies containing state-listed species. Therefore, the Guidelines discourage activity near a colony during the breeding season as it becomes difficult to avoid flushing birds, leading to take of eggs and young.

*Photo: colony of white ibis*

## Draft Rules



Photo by Todd D. Crail



- Revisions to three rules to
  - Incorporate Guidelines by reference
  - Increase consistency among other rules for non-listed species
  - Restate existing protections for non-listed species

Incorporating the Guidelines provides regulatory certainty for the authorizations for take included in some Guidelines. Three rules will be revised to incorporate the Guidelines by reference, improve consistency among other non-listed species rules, clean up and clarify existing rule language, and adjust the formatting for easier reading.

Revisions to the rules include:

- 68A-27.003                      Incorporate Guidelines by reference for the Sanibel Island rice rat, bluenose shiner, and short-tailed snake; reformat to a list instead of paragraph
- 68A-26.002                      Clarify that Guidelines can authorize take for non-listed amphibians, and incorporate Guidelines by reference for the Pine Barrens treefrog
- 68A-16.003                      Include non-listed birds, eggs, and nests (previously only inactive nests included); clarify that Guidelines can authorize take; and incorporate Guidelines by reference for the snowy egret and white ibis

*Photo: bluenose shiner, by Todd D. Crail*

## Stakeholder Engagement



- 30-day public comment period
- 3 public webinars
- Incorporated public comment into draft guidelines



Stakeholder feedback is an important part of Guidelines development. Engagement includes both targeted review by key species experts, as well as public and stakeholder review. We work to incorporate input and improve the Guidelines through the feedback provided.

Opportunities for engagement are provided during development of each set of Guidelines. For this group, stakeholder engagement included:

- 30-day public comment period from August 23rd – September 23rd
- 3 public webinars advertised online and in the F.A.R.
- 46 comments were received
- 10 individuals provided comments

Stakeholder groups that provided comment include: utility providers, conservation non-profit organizations, local governments, other state agencies, legal firms, and the public.

*Photo: snowy egret*

## Staff Recommendation

### Approval of six Species Conservation Measures and Permitting Guidelines

Snowy egret and white ibis

Lake Eustis pupfish

Bluenose shiner

Pine Barrens treefrog

Short-tailed snake

Sanibel Island rice rat

### Approval to publish notices of proposed rules to incorporate Guidelines and adopt without further hearing, unless requested

68A-27.003, F.A.C.

68A-26.002, F.A.C.

68A-16.003, F.A.C.



Staff recommends the Commission approve the six Species Conservation Measures and Permitting Guidelines for seven species, as presented. The Guidelines will become effective immediately following approval.

Additionally, staff recommends the Commission approve publishing notices for three proposed rules; if a hearing is not requested within 21 days of the notice, the rules would be adopted without further hearing.



Photo by Tom Dunkerton

- end -



Photo of a snowy egret in flight by Tom Dunkerton.

## Guidelines Development

- 32 complete
- 27 remaining



Estimated timeframe to complete remaining Species Guidelines		December 2019	July 2020	December 2020
7 species 6 Guidelines	Lake Eustis Pupfish	*		
	Bluenose Shiner	*		
	Sanibel Island Rice Rat	*		
	Delisted Wading Birds (2 species)	*		
	Pine Barrens Treefrog	*		
	Short-tailed Snake	*		
11 species 6 Guidelines	Mangrove Rivulus		*	
	Delisted Keys Reptiles (3 species)		*	
	Suwannee Cooter		*	
	Beach-Nesting Birds (4 species)		*	
	Florida Mouse		*	
	Gopher Frog		*	
9 species 6 Guidelines	Southeastern American Kestrel			*
	Limpkin			*
	Brown Pelican			*
	Saltmarsh Songbirds (4 species)			*
	Key Silverside			*
	Florida Tree Snail			*

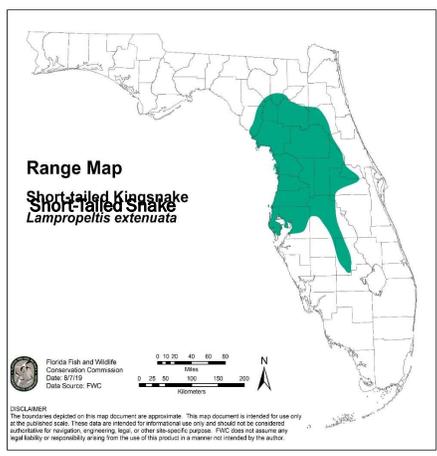
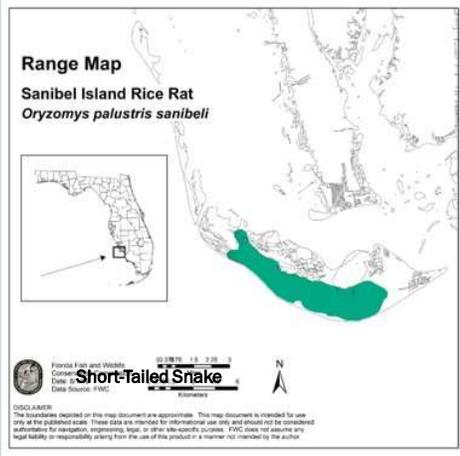
Progress towards completing Guidelines Development:

FWC staff began drafting Guidelines during the development of Florida's Imperiled Species Management Plan, and the first set was completed in 2016.

To date, we've completed Guidelines for 32 species, and have 27 species remaining.

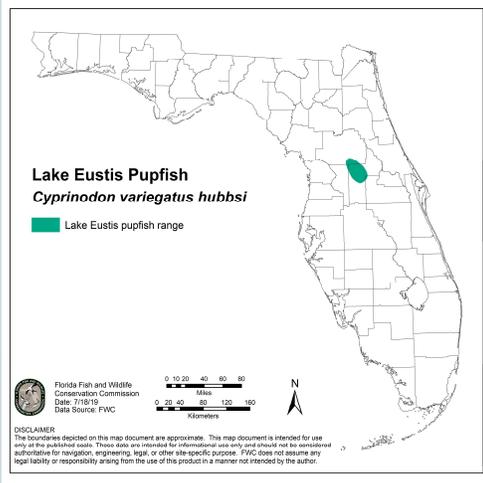
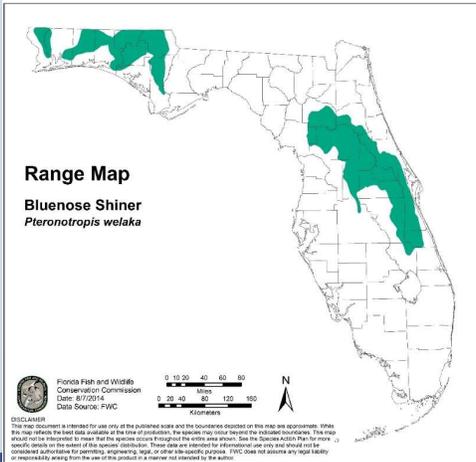
We anticipate completing these by the end of 2020, following the schedule outlined here.

# Species Maps



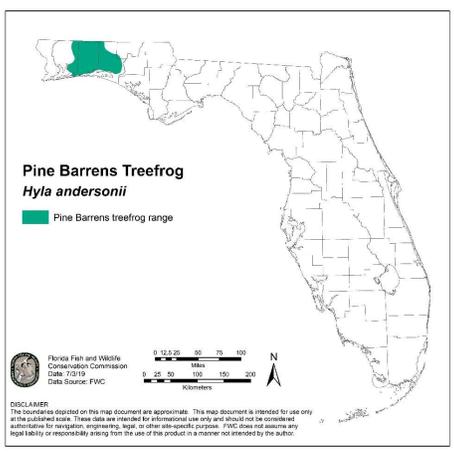
Range maps for the Sanibel Island rice rat and the short-tailed snake

# Species Maps



Range maps for the bluenose shiner and the Lake Eustis pupfish.

# Species Maps



Range maps for the Pine Barrens treefrog and the white ibis.