

Background Report
Draft Rule 68A-25.032, F.A.C.
Agenda Item 4.A.
May 14, 2020

Regulations Governing the Establishment of Alligator Management Programs

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to increase sustainable access to the alligator egg resource on permitted properties, provide greater flexibility to program participants, and strengthen accountability measures intended to further protect the alligator resource. The effect will be to allow the collection of more alligator eggs on a permitted property predicated on the property meeting certain requirements, allowing more qualified people to conduct nest surveys and agents to complete required reporting forms, and require notification to FWC when the possession of collected eggs changes.

SUMMARY: The proposed rule amendment would increase sustainable access to the alligator egg resource on permitted properties, provide greater flexibility to program participants, and strengthen accountability measures intended to further protect the alligator resource.

THE FULL TEXT OF THE PROPOSED RULE IS AS FOLLOWS:

68A-25.032 Regulations Governing the Establishment of Alligator Management Programs.

Alligator management programs designed for the taking of alligator eggs and hatchlings and the trapping of non-hatchling alligators may only be established on private lands and on public lands, other than sovereign submerged lands, for which a governmental entity can demonstrate an ownership interest or a leasehold interest and approval of the owner (referred to as “public lands” in this section) under the following conditions:

(1) Alligator Management Program – Application and review procedures.

(a) and (b) No change.

(c) Alligator habitat inventories contained in Alligator Management Program Applications shall be verified by an individual who is designated as an associate wildlife biologist or a certified wildlife biologist under The Wildlife Society’s Program for Certification of Professional Wildlife Biologists, The Wildlife Society, 5410 Grosvenor Lane, Bethesda, MD 20814; or who is designated as an associate ecologist, ecologist, or senior ecologist under the Ecological Society of America’s Certification Program, ESA Center for Environmental Studies, Arizona State University, Tempe, AZ 85287-3211; or who is designated as an associate fisheries scientist or a certified fisheries scientist under the American Fisheries Society’s Professional Certification Program, American Fisheries Society, 5410 Grosvenor Lane, Suite 110, Bethesda, MD 20814-2199; or who is a full Member of the Society of American Foresters, 5400 Grosvenor Lane, Bethesda, MD 20814. Non-hatchling and alligator, hatchling alligator and nest surveys contained in said applications shall be verified by an individual who is designated as a certified wildlife biologist by The Wildlife Society’s Program for Certification of Professional Wildlife Biologists. Alligator nest surveys contained in said applications shall be conducted by an individual who is designated as a certified wildlife biologist by The Wildlife Society’s Program for Certification of Professional Wildlife Biologists or a Commission-approved observer. Any survey verified or conducted by an individual who has been convicted of any Commission rule, statute, or permit violation within the last three years at the time of application shall be rejected by the Commission. A person seeking Commission-approved observer status shall be denied if he or she has been convicted of any Commission rule, statute, or permit violation within the last three years. As used in this paragraph, the term conviction shall mean any judicial disposition other than acquittal or dismissal. Persons seeking Commission-approved observer status shall submit:

1. Documentation demonstrating 5 years of experience observing at least 125 alligator nests each year, and

2. Two letters of reference from adults having personal knowledge of the observers stated nest survey experience. No more than one reference may be a relative of the observer.

(d) Applicants may incorporate by reference in their annual application the habitat inventories and non-hatchling alligator surveys referenced in paragraph (1)(c), above, that were previously submitted by the applicant and that remain on file with the Commission provided that habitat conditions have not changed on the property. New applicants for previously permitted properties ~~shall must~~ submit newly verified habitat inventories and non-hatchling alligator surveys as specified in paragraph (1)(c), above.

(e) No change.

(f) Applicants may identify one designee for taking non-hatchling alligators, one designee for taking alligator eggs, and one designee for taking alligator hatchlings. Public lands applicants ~~shall must~~ select designees by a competitive bidding or

random selection process. Requests to change a designee shall be in writing.

(g) and (h) No change.

(2) Procedures governing the issuance of harvest permits and the taking of non-hatchling alligators.

(a) through (e) No change.

(f) Any alligators captured shall be released or killed before the permittee, or authorized persons referenced in paragraph (2)(e), above, leaves the property described in the Alligator Management Program Application (FWC form 1000PW). An identifying alligator CITES tag issued by the Commission shall be locked through the skin of the alligator within six (6) inches of the tip of the tail immediately upon killing or, if the alligator is killed from or in a boat, no later than immediately upon return to shore and before leaving the property. If there is a permitted alligator processing facility on the property, alligators ~~shall must~~ be tagged immediately upon capture except that alligators captured from a boat ~~shall must~~ be tagged no later than immediately upon return to shore and before leaving the property. The identifying alligator CITES tag shall remain attached to the alligator hide until the hide is tanned, taxidermy mounted, or exported from the state. CITES tags may not be altered to compromise the locking mechanism in any way and shall be used only one time. The possession of any alligator hide not tagged as prescribed herein is prohibited, and such hide shall be subject to seizure and forfeiture to the Commission under the provisions of Section 379.338, F.S.

(g) An alligator harvest report form (FWC form 1001AT, effective May 28, 2000, is incorporated to the rule by reference and may be obtained from the Commission's Tallahassee and regional offices), provided by the Commission, ~~shall must~~ be completed by the permittee within 24 hours of taking each alligator and prior to the transfer of the carcass to another person. The permittee shall submit a legible copy of each completed alligator harvest report form to the Commission for receipt by January 15 of the following year.

(h) No change.

(3) Procedures governing the issuance of collection permits and the taking of alligator eggs and hatchlings.

(a) No change.

(b) Designees who wish to harvest alligator eggs shall submit an alligator nest survey to the Commission by August 1 of each year, and designees who wish to harvest alligator hatchlings shall submit to the Commission an alligator hatchling pod survey ~~inventory~~ by November 1 of each year, as specified in the Alligator Management Program Application (FWC form 1000PW).

(c) With respect to alligator nest and hatchling pod surveys submitted pursuant to ~~this subsection paragraph (3)(b)~~:

1. Only one alligator nest and hatchling pod survey may be submitted each year.

2. A harvest quota may be requested without submitting a current alligator nest or hatchling pod survey in the year immediately following two consecutive years of alligator nest or hatchling pod surveys, and in alternate years thereafter, provided the surveyed areas and survey methodologies are comparable between surveys.

(d) Commission biologists shall assess the status of the alligator population based on available habitat and survey information provided by the applicant's designee and recommend to the executive director or his designee the number of alligator eggs and/or hatchlings to be collected. Collection quotas for alligator nests will be set at either 50% of the observed nests or all observed nests. If the nest collection quota is requested pursuant to subparagraph (3)(c)2., the quota will be set in year three at 50 percent of the average number of nests observed during the surveys conducted during years 1 and 2. For requests pursuant to subparagraph (3)(c)2., made in years subsequent to year 3, the quota will be set at 50 percent of the average of the nests observed during the surveys conducted in the previous year and two years prior. For example, the quota in year 5 shall be 50 percent of the average number of nests observed during the surveys conducted in years 2 and 4; the quota in year 7 shall be 50 percent of the average number of nests observed during the surveys conducted in years 4 and 6; the quota in year 9 shall be 50 percent of the average number of nests observed during the surveys conducted in years 6 and 8, and so on. Requests for a permit for a collection quota of all observed nests will be subject to the following:

1. Participating properties will be excluded from alligator hatchling collections.

2. Nest survey data shall be submitted each year to maintain eligibility.

3. Only properties having a history of having at least three nest surveys, including the current year, out of the five previous years with each survey documenting more than 10 nests observed shall be eligible.

4. Only properties having nest surveys conducted by an individual as specified in paragraph (1)(c) shall be eligible. The most recent three years of qualifying nest surveys will establish a baseline average number of alligator nests by which a property will be reviewed for eligibility. If the total number of nests observed during the nest survey for a given collection year is greater than 20% below the baseline average, the nest collection quota for the following year shall be 50%.

5. The nest survey route and nest collection data shall be submitted to the Commission within 15 days following the expiration of the egg collection permit as specified in the egg collection permit to maintain eligibility.

(e) Upon approval of quotas by the executive director or his designee, the Commission shall issue the applicant's designee a harvest permit and alligator hatchling tags or an Alligator Egg Fee Assessment Record (FWC Form 1007AF) following

receipt of hatchling tag or egg permit fees. Alligator hatchling tags provided under this subsection shall be fixed, pursuant to Section 379.3752, F.S., at a cost of \$5 each and alligator egg fee permits provided under this subsection shall be fixed, pursuant to Section 379.3751, F.S., at a cost of \$2 each. Alligator Egg Fee Assessment Records issued pursuant to this paragraph are not transferable and shall be used only on properties for which the applicant's designee has been issued an alligator nest collection permit pursuant to this rule.

(f) In addition to the procedures detailed in paragraphs (3)(b) through (d), above, following receipt by the Commission of a written request for an alligator egg collection permit (supervised) and issuance of such permit, eggs may be collected as directed in the harvest permit from nests observed during an on-site survey by an individual meeting the requirements for conducting verifying nest surveys in paragraph (1)(c), of this rule, provided the permittee has submitted a fee of \$2 per egg to be collected and has been issued one or more Alligator Egg Fee Assessment Records by the Commission that document the number of eggs for which payment was received. Such collections shall only be conducted under the direct supervision of said individual according to the provisions of the collection permit. The permittee shall must submit to the Commission a map or GPS coordinates of the locations of all alligator nests observed during the on-site survey within 15 days following the expiration date of the egg collection permit. The nest location map or GPS coordinates must have been provided to the permittee be verified by an individual meeting the requirements for verifying nest surveys in paragraph (1)(c), of this rule.

(g) Alligator eggs and/or hatchlings may be taken only at the times and under the conditions set forth in the collection permit. Hatchlings shall be tagged immediately upon capture with an alligator hatchling tag provided by the Commission, except that hatchlings captured from a boat shall be tagged no later than immediately upon return to shore and before leaving the property. An Alligator Egg Fee Assessment Record (FWC form 1007AF, effective April 1, 1996, which is incorporated herein by reference and may be obtained from the Commission) shall must be completed and signed by the permittee or any agent identified on the permittee's permit to document all retained eggs on the day of collection and prior to transporting the eggs from the property or to a licensed farm facility. A copy of such Alligator Egg Fee Assessment Record shall must remain with the eggs until the eggs are transferred to an alligator farm permitted as eligible to receive eggs and hatchlings from the wild, as specified in Rule 68A-25.004, F.A.C. licensed farm facility.

(h) Individuals, other than the egg collection permittee or agents identified on the permittee's permit, shall immediately notify the permittee upon taking possession of alligator eggs collected and retained under this rule until those eggs are transferred to another person or received into the inventory of an alligator farm permitted to receive eggs from the wild, as specified in Rule 68A-25.004, F.A.C. A permittee shall immediately notify the Commission when any individual other than the permittee or an agent identified on the permittee's permit takes possession of alligator eggs collected and retained under this rule. Alligator farmers receiving alligator eggs taken under this rule shall immediately notify the Commission of the number of eggs received into their alligator farm inventory.

(i)(h) Any person possessing a valid alligator farming or farming agent's license pursuant to Section 379.3751, F.S., may take alligator eggs or hatchlings as provided in the harvest permit provided they are authorized to do so by the designee. Authorized licensees taking alligator hatchlings or eggs independently of the designee shall be in possession of a copy of the harvest permit.

(j)(f) Persons issued permits shall maintain complete records of eggs or hatchlings taken, and shall complete and return within 15 days an alligator transfer document (FWC form 1003AF, effective April 10, 1994) provided by the Commission for eggs or hatchlings transferred to alligator farm facilities permitted under Rule 68A-25.004, F.A.C.

(k)(f) Alligator eggs or hatchlings taken under this rule shall must be transferred within 15 days of taking to farms permitted as eligible to receive eggs and hatchlings from the wild as specified in Rule 68A-25.004, F.A.C.

(l) Alligator Egg Fee Assessment Records shall be returned by the permittee to the Commission no later than 15 days after the expiration date of the harvest permit. It shall be a violation of this rule for any person to possess any Alligator Egg Fee Assessment Record(s) issued pursuant to this rule 15 days after the expiration date of the harvest permit. Permits may be denied, pursuant to Rule 68-1.010, F.A.C. to applicants who have previously failed to return unused Alligator Egg Fee Assessment Records and complete forms as specified herein.

(4) and (5) No change.

(6) All permits and authorizations and applications for permits and authorizations herein are subject to the provisions of Rule 68-1.010, F.A.C.

PROPOSED EFFECTIVE DATE: As soon as possible.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3751, 379.3752 FS. History—New 5-5-88, Amended 2-14-89, 4-11-90, 4-4-91, 4-15-92, 10-22-92, 4-29-93, 4-10-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.032, Amended 5-28-00, 10-10-00, 5-13-02, 3-30-06, 3-19-08, 7-20-09, 3-24-13, 10-9-13, 4-2-14, 8-19-14, 12-23-14, 2-1-16,_____.