

Southeastern American Kestrel *Draft* Species Conservation Measures and Permitting Guidelines



FWC public webinars, August-September 2020

Purpose of this webinar: To provide an overview of and answers questions on the Species Guidelines currently in development, with the main focus of the webinar being our draft Southeastern American kestrel guidelines

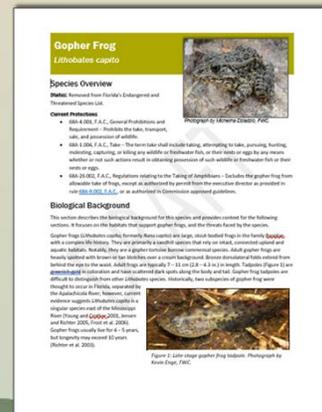
Species Conservation Measures and Permitting Guidelines

Will be developed for:

- Every species included Florida's Imperiled Species Management Plan (ISMP)
- State-Threatened and non-listed species (59 Total)

Include:

- Biological background
- Voluntary conservation measures
- Permit options
- Avoidance, minimization, and mitigation options



I'll begin with a brief review of the background on our species conservation measures and permitting guidelines for anyone who is not familiar with our Guidelines or who just needs a refresher:

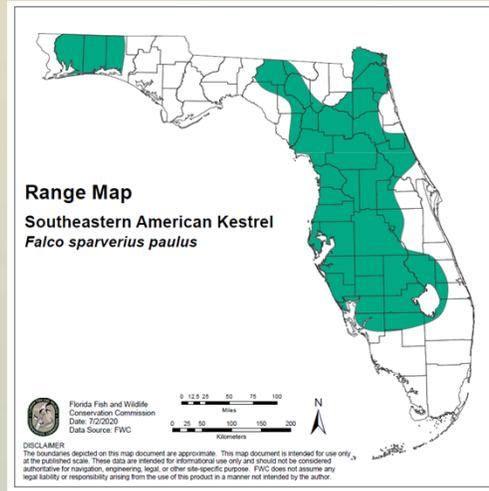
- Species GLs are identified in Florida's Imperiled Species Management Plan as a means through which to clarify protections and improve the permitting process for the state's imperiled species.
- All 59 species included in the ISMP will have GLs developed (includes listed and non-listed species).

Guidelines include several key components:

- Biological background is necessary to understand a species' essential behaviors and assess which activities may result in take.
- Voluntary measures designed to benefit the species are included as opportunities for stakeholders and partners to undertake conservation actions.
- GLs outline the different permit types available and when each is applicable.
- Finally, avoidance, minimization, and mitigation options are included in GLs for State-Threatened species.

Background

- State Threatened
- Subspecies of American kestrel
- Non-migratory
- Open habitat with low vegetation
- Obligate secondary cavity nester



FWC photo by Jack Rodgers

Biological Background

- The migratory subspecies American kestrel is difficult to distinguish from the southeastern American kestrel visually, but the migratory population leaves Florida from April – August. During this time you can reliably identify kestrels seen as southeastern AMKE. Southeastern American kestrels are non-migratory and remain on their territories year-round. We'll refer to the state-threatened species as just kestrel for this presentation.
- Kestrels require open and low vegetation to visually hunt from perches, so they need to be able to see their foraging habitat. Their main food source in Florida is invertebrates and anoles (occasionally small mammals). They historically occupied well burned sandhill and old growth pine but have shifted to open grassland as that habitat disappeared. The isolated area of kestrels in the panhandle consists of well managed sandhill on well-managed land – Eglin Airforce Base, Blackwater River WMA. Kestrels cannot excavate a cavity, so they depend on other species, such as woodpeckers, to create cavities for them. They do not bring nesting material into cavities, and they reuse them for nesting and sheltering outside of the breeding season.

Threats

- Habitat loss
- A pair of kestrels requires large areas of suitable foraging habitat (124 acres) to feed and raise young
- Landscape connectivity is important, young do not disperse far
- Lack of cavities for nesting
- Vehicle collisions, rodenticides and pesticides



Threats Facing SE AMKE:

- The main threat to this subspecies is loss of habitat
- Although these birds are small, they require a large area of suitable foraging habitat to successfully feed and raise their young, thus they are vulnerable to habitat loss, fragmentation, and degradation
 - Young do not disperse far (mean 6 miles), which makes landscape connectivity important. You can see how the subpopulation in the panhandle is isolated.
 - Cavity limited and reuse cavities for breeding and sheltering
- SE AMKE are also vulnerable to vehicle collisions and mortality from rodenticides and pesticides. Rodenticides affect them when they consumed poisoned small mammals and feel the effects of the poisoning, where as pesticides wipe out a large prey base.

Protections for state Threatened species

- 68A-27.003(a), F.A.C. No person shall **take**, possess, or sell any of the endangered or threatened species included in this subsection, or parts thereof or their nests or eggs except as allowed by specific federal or state permit or authorization.



Protections for the kestrel are defined in rule as a state Threatened species

What is “take?”

- 68A-27.001: “Take – to [harass](#), [harm](#), pursue, hunt, shoot, wound, kill, trap, capture, or collect...”



FWC Photo



What does it mean to “harm?”

- 68A-27.001: “The term ‘harm’...means **an act which actually kills or injures fish or wildlife.** Such act **may include significant habitat modification** or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.”
- Example: Removing a snag that has an active kestrel nest cavity



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What does it mean to “harass?”

- 68A-27.001: “The term ‘harass’...means an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding or sheltering.”
- Example: Construction activity takes place near an active nest, which disrupts the adult’s regular feeding of young inside the cavity.

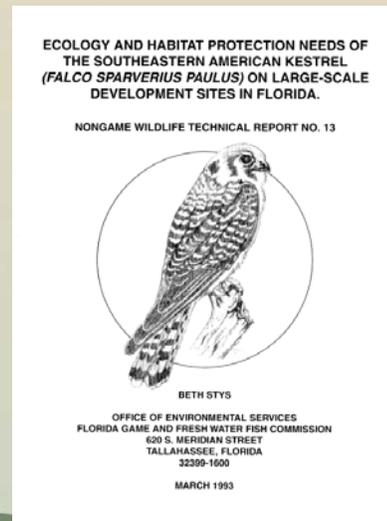


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Guidelines and 1993 Technical Report

- 1993 Technical Report No. 13 provided recommendations
- Guidelines are incorporated into rule
 - Regulatory assurance
- 2020 draft Guidelines and 1993 Technical Report align:
 - Buffer distance around active nest (500 feet)
 - Minimum foraging acreage (124 acres)



Guidelines are incorporated into rule

Regulatory assurance

Specifically defines take, significant habitat modification, and outlines minimization measures and permitting options

1993 Technical Report was not incorporated into rule, although consultants and developers have used it to evaluate take.

Recommended Conservation Practices

- Guidelines include recommended conservation practices
- No permit needed for these practices
- For example:
 - Nest box installment and monitoring
 - Habitat management:
 - Prescribed fire, prescribed grazing, mechanical treatment, mowing
 - Retaining natural perches or installing perches



The Guidelines go into detail for recommended conservation practices, providing information on nest box plans and requirements, monitoring, and habitat management to benefit kestrels.

Man-made structure policy

- For actions proposed where state-listed species have recently been using a man-made structure for essential behaviors, **removal or modification of the structure is authorized without a permit** (under certain conditions)



FWC Photo by Jonny Baker



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Certain conditions for the man-made structure policy:

The nest is inactive (no flightless young or eggs, outside of the breeding season) AND
An approved wildlife/HMP is in place for the area in which the activity will occur OR
at least 14 days prior notification to the FWC's Wildlife Diversity Conservation
Regional Biologist

Man-made structure policy has been in place since 2016 when the ISMP was approved. Man-made structures include utility poles, nest boxes, buildings, and any structure put up by humans, even if the cavity was excavated naturally by a woodpecker.

Activities cause take if they result in...

- Injury or death of adults, eggs, young
- Activity within 500-foot (150-meter) buffer around an active nest
- Removal of cavities that have supported past breeding (inactive nest cavities)
- Significant habitat modification
- Capturing, handling, collecting, etc.



Avoid these activities to avoid needing a permit.

Capturing, handling, collecting refers to activities that are connected to scientific collecting, not incidental take.

Significant habitat modification defined on slide 19

Kestrel Guidelines: Draft Survey Recommendations

- Survey Season: April – August
- Breeding Season: March 1 – July 15
- For areas with suitable habitat in the range of southeastern American kestrels, surveys are always recommended within the survey season, April – August. If this is not possible, **surveys should be completed outside of the survey season** and consider any kestrel recorded to be a southeastern American kestrel.



FWC photo by Jack Rodgers

The survey season is determined by the time when the migratory American Kestrel is out of Florida, but it does not line up with the southeastern's breeding season. To allow projects that cannot survey within the narrow survey window, surveys can take place outside of the survey window and any kestrel on-site will be considered southeastern American kestrel.

Kestrels stay on their territory year-round. Surveys are good until the start of the **next breeding season** (March 1st). So surveys done in April are good for almost a year, while surveys done in December are good for a few months.

Habitat Use Centroid

- Based on GPS points of kestrel sightings over a minimum of three surveys
- Take average of latitudes and average of longitudes



S1 – S4 are sightings recorded during all surveys, LPK002 is the nest site. All are averaged together to determine the Habitat Use Centroid, which approximates the center of the kestrel territory. These sightings are recorded locations of kestrels hovering over a spot while hunting, perched, or cavities they are going in and out of. Flyovers do not count as a point but should be noted in surveys.